THE HUMANITARIAN STATE: BUREAUCRACY AND SOCIAL POLICY IN COLOMBIA

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ABSTRACT OF THE DISSERTATION

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The thesis explores the relationship between international human rights law and the

formation of public and private bureaucratic systems in Colombia. Through an

ethnographic study of the methods, tools, and mechanisms involved in the

implementation of public policy related to victim and land reparation, the dissertation

accounts for the statatalization of human rights as well as how these gradually become

a part of public social policy. Through the study of diverse institutional and non-

institutional settings at different levels within Colombian state bureaucracy, the

research demonstrates how civil servants, functionaries, experts and policy clients

produce and reproduce specific notions of statehood. More specifically, the research

reveals how these civil servants, functionaries, experts and policy clients produce and

reproduce in their everyday practices, socio-spatial and epistemological hierarchies

such as the "nation-territory" divide. Through a description of how the historical

formation of Colombian institutions and systems of bureaucracy are fixed in specific time and spatial configurations (framed within the construction of local administrative and political notions), and how they are produced and reproduced by civil servants, experts and users of the policy, the study explains how global narratives related to humanitarian aid, philanthropy, and development remain trapped in the reproduction of local bureaucratic values, practices, and socio-spatial representations.

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I want to give a special mention to Valentina Herazo, who gave me my first assignment at *La Unidad*, and led me to wonder what an institutional ethnography

Table of Contents

Lists of Maps

Lists of Photos

Photo	Page

Lists of figures

List of abbreviations

ACR	Colombian Agency for Reintegration /Agencia Colombiana de Reintegración
Acción Social	Agency for Social Action and International Cooperation
ACCI	Colombian Agency for International Cooperation
ACNUR	United Nations High Commissioner for Refugees
ANSPE	National Agency for Overcoming Extreme Poverty /Agencia Nacional para la Superación de la Pobreza Extrema
ATCC	Asociación de Campesinos del Carare
AUC	Autodefensas Unidas de Colombia
CERAC	Conflict Analysis Resource Center / Centro de Recursos para el Análisis de Conflictos
CNRR	National Commission for Reconciliation and Rapraration/ Comisión Nacional de Reconciliación y Reparación
CRSD	Collective Reparation Sub-Direction / Subdirección de Reparación Colectiva
CRR	Collective Reparation Routes / Rutas de Reparación colectivas
CODHES	Consultation Office for Human Rights and Displacement/Consultoría para los Derechos Humanos y el Desplazamiento
CSR	Collective Subject of Reparation/Sujeto Colectivo de Reparación
DAV	Dirección de Acuerdos por la Verdad
DNP	National Planning Department / Departamento Nacional de Planeación
DDR	Disarmament, Demobilization and Reintegration
DPS	Department for Social Prosperity / Departamento de Prosperidad Social
ELN	National Liberation Army / Ejército de Liberación Nacional
ERS	Emotional Recover Strategy/Estrategia de Recuperación Emocional

FARC	Fuerzas Armadas Revolucionarias de Colombia
FIP	Ideas for Peace Foundation / Fundación Ideas para la Paz
FUD	Single Declaration Form/Formato Único de Declaración
GMH	Group of Historic Memory / Grupo de Memoria Histórica
HRW	Human Rights Watch
ICBF	Colombian Institute for Familiar Welfare / Instituto Colombiano de Bienestar Familiar
IDP	Internally Displace People
IDMC	Internal Displacement Monitoring Centre
IOM	International Organization for Migration / Organización Internacional de las Migraciones
ICTJ	International Center for Transitional justice
IRV	Index of Risk of Victimization
PJL	Peace and Justice Law
M-19	Movimiento 19 de Abril
MAPP – OEA	Peace Support Mission of the Organization of American States / Misión de Paz al Proceso de Paz en Colombia de la Organización de los Estados Americanos
MNV	National Panel of Victims/Mesa Nacional de Víctimas
NCHM	National Center for Historical Memory / Centro Nacional de Memoria Histórica
NGO	Non-governmental organization
NSD	National Security Doctrine / Doctrina de Seguridad Nacional
OAS	Organization of American States / Organización de los Estados Americanos
NTSD	Nation-Territory Sub-Direction / Sub-dirección de Reparación Colectiva
PAARI	Plan of Assistance, Aid and Integral Reparation/ Plan de Asistencia, Atención y Reparación Integral

PAPSIVI	Plan of Psychosocial Assistance for Victims/ Plan de Asistencia psicosocial a víctimas
PAT	Territorial Development Plans / Planes de Desarollo Terriotiral
PIRC	Integral Collective Reparation Plans / Planes Integrales de Reparación Colectiva
PNR	National Rehabilitation Plan / Plan Nacional de Rehabilitación
REDEPAZ	National Network of Initiatives for Peace and Against War / Red Nacional de Iniciativas por la paz y Contra la Guerra
RCARV	Regional Centers of Attention and Reparation of Victims
RNI	Information National Network /Red Nacional de Información
RSS	Social Solidarity Network / Red de Solidaridad Social
RUPD	Single Record of Displaced Population / Registro Único de Población Desplazada
RUV	Single Record of Victims /Registro Único de Víctimas
SCMS	Satisfaction Actions Sub-committee / Sub-comité de Medidas de Satisfacción
SMG	Satisfaction Measures Group /Grupo de Medidas de Satisfacción
SNAIPD	National System of Integral Attention for the Displaced Population / Sistema Integral para la Atención de la Población Desplazada
SIPOD	Information System of Displaced Population/Sistema de Información de Población Desplazada
SNARIV	National System of Victim Support and Reparations / Sistema Nacional de Atención y Reparación a las Víctimas
UARIV	Unit of Assistance and Integral Reparation for Victims/ Unidad para la Atención y Reparación Integral a las Víctimas
TCAU	Territorial Consolidation Administrative Unit / Unidad Andministrativa de Consolidación Territorial
UAO	Displaced Population Care and Orientation Unit / Unidad de Atención y Orientación a Desplazados
UN	United Nations
UNDP	United Nations Development Program

UNHCR   United Nations High Commissioner for Refugees

USAID   United States Agency for International Development

UACT   Territorial Consolidation Administrative Unit / Unidad
                 Administrativa para la Consolidación Territorial

VLRA   Victims Law and Land Restitution Act / Ley de Víctimas y
                 Restitución de Tierras

TCTJ   Transitional Justice Territorial Committees / Comités Territoriales de
                 Justicia Transicional

Introduction

Humanitarian Bureaucracy in Colombia

On June 10th, 2011, in a symbolic act, the UN Secretary General Ban Ki-moon witnessed the official ratification of the Victims' and Land Restitution Act (VLRA) in the Colombian congress. [1] The event took place outside the Casa de Nariño (Colombian Presidential Residence) in a widely publicized event where, for the first time, the Colombian government acknowledged victimhood among civil society caused by multiple armed actors since 1985. Only a year before the government's discourse was about stigmatizing victims' organizations, human rights advocacies, and different NGOs. This dramatic shift in the government's agenda can certainly be explained by the change of administration, but it also speaks about broader processes of continual institutional change and the ongoing transformation of the governmental interpretation and administration of the Colombian conflict. This new approach did not change state policy on military, territorial, or economic consolidation and the extractive development model. It did, however, deepen the legal and political acknowledgments of conflict related victims and the political interlocution of FARC guerrillas, changing local and global narratives of terrorism (which were also reframed on a global scale through Obama's administration).

The increasing dissemination of human rights and transitional justice discourses, practices and institutions in Colombia, particularly since the

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[1] The Victims' Law aims at achieving truth, justice, and integral reparations for political violence victims, and non-repetition guarantees. The Law deals broadly with the rights of all victims, including those who have been disappeared, murdered, or have suffered other serious violations of human rights, as well as specifically with the rights of those who have been displaced. All victims are granted rights to damages, restitution of prior living conditions, a range of social services, and special protection in legal proceedings. Those who have been displaced are entitled to return to their land or, in certain

acknowledgment of internally displaced people (IDP) in 1997, has influenced state institutional design and social policy with permanent constitutional ruling on the "humanitarian crisis". The creation in 2005 of special tribunals for the prosecution of armed ex-combatants, the National Commission for Reconciliation (CNRR),[2] the High Counselor for Reintegration in 2008, the Colombian Agency for Reintegration (CAR)[3] and the enactment of the Victims and the Land Restitution Act (VLRA) in 2011, the creation of the Special Unit for Victims Care and Reparation (*La Unidad*), the Territorial Consolidation Administrative Unit (TCAU) the next year, along with several social initiatives, respond to a continued social process of peace building and institutional design amidst the war[4]. This process now includes the fourth and final peace negotiation process between Colombia and the FARC rebels (guerrillas) in Havana (Cuba) with support from the Swedish government and with Chilean and Venezuelan governments acting as guarantors. However, this process is not episodic nor does it respond to particular conjunctures, as it is traditionally observed. Rather it has been a continued process of "peace building" at least since the early 1980s.[5]

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[2] In 2005 paramilitary groups initiate a demobilization process —These paramilitary groups were born in the mid-1980s for the protection of illegal businesses and later used by landlords and regional political elites as private armies for their protection against guerrilla groups (Romero 2003; Ronderos 2014). The process started in July 2003 and ended with the partial demobilization of the paramilitary forces in 2005. During the same year, Law 975, or the so-called Justice and Peace Law was enacted, incorporating transitional justice mechanisms and emphasizing the disarmament, demobilization, and reintegration (DDR) of combatants. The Colombian Constitutional Court (S-370/2006) introduced the scope of truth, justice, and redress into Law 975, framing this statute within a transitional justice approach. Under this law, the Comisión Nacional de Reparación y Reconciliación (CNRR) (Reconciliation and Redress National Commission) was also created. The Historical Memory Group, a commission designed to investigate paramilitary violence, was part of this institution.

[3] Process with other guerrilla groups lead to the creation of the Reintegration Presidential Program (Programa Presidencial para la Reintegración) in 1991 (Decree 2884 1991), then it changes into the High Presidential Council for Reintegration –PCR (Alta Consejería para la Reintegración) in 2008 and finally CAR in 1991.

[4] Since 2011 *La Unidad* and the UACT are responsible for the coordination, attention, care, land restitution and reparation policy for victims of the internal armed conflict dating back to 1985 and the general implementation of the VLRA.

[5] Colombian violence is largely associated internationally with the war on drugs and drug trafficking related violence, yet there is not a good understanding that Colombian violence is rooted in fifty years of political conflict based on the historical struggle of peasant movements claiming rights to land property.

By the same token, international actors such as the United States, the European Union, the United Nations, the Organization of American States, the Inter-American Court of Human Rights, the International Organization for Migration and others are also central actors in bringing concepts and authoritative knowledge to places such as Colombia, and play a key role in the process of state-making and the dissemination of moral and economical representations of Colombian peace and conflict. They are at the local level representing the global community and at the national level boosting institutional capacity building (or *fortalecimiento institucional* –institutional strengthening), displacing former on-the-ground interventions, direct aid and intervention in social organizations. This "state fixing" model of interventionism underpins the wider scope of Colombian state humanitarianism, which starts by defining and monopolizing the very concept of humanity through legal conceptions of victimhood and by creating policy subjects and objects of governance (Fergusson 1994, Mattei 2010).

Through the ethnographic study of the methods, tools, routes and mechanisms used to implement the public policy of victims reparation and land restitution, this dissertation inquires about the institutionalization of human rights and transitional justice in Colombia and how based legal frameworks such as these have gradually taken the center stage as the contents for social and development policies. When investigating these dimensions in different scenarios and scales, the dissertation accounts for the social and spatial representations that shape the notions of statehood in officials, experts, and members of society who interact with these institutions, but also how human rights and transitional justice enable the mobilization of different

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As the guerrillas grew, the emergence of drug trafficking (early eighties) resulted in the creation of paramilitary groups supported by landlords, businessman, and local and national political elites.

social projects through those state institutions and social organizations in contemporary Colombia. Thus, through the study of the bureaucratization of humanitarianism in Colombia, I describe the social process through which de-politicized universal moral values such as care, attention, justice and reparation are made objects of knowledge and expertise so that they can be delivered technically in the name of humanity (Feldman and Ticktin 2010, Fergusson 1990). Taking on Didier Fassin's humanitarian reason critique and Elizabeth Povinelli's explorations on late liberal moral economies, I analyze how institutional forms of power, prestige, language, and legitimacy are practiced, spoken, and represented amidst the interface of the expansion of neoliberal forms of policy making and humanitarianism in Colombia.

However, the historical formation of Colombian institutions and bureaucracies are embedded in local conceptions of time and space framed in the constitution of politico-administrative governmental notions and practices. In this sense, global narratives of compassion become enmeshed with bureaucratic values, practices, and representations. Thus, in order to study the role of law in the production of social practices and institutions, this dissertation focuses its attention on the unexpected ways in which humanitarian attention and developmental policies in Colombia end up producing, reproducing and reinforcing Colombian state time and space historical formations.

In this way, the study of the emergence of humanitarian aid in Colombia seeks to disclose the "morphology" of humanitarian governance, which can be an invaluable approach in understanding the dynamics of local, national, and international orders in the broader process of Colombian state-making (Blom and Stepputat 2001:30). This analysis contributes to the examination of the way in which global and transnational

institutions (national and international NGOs, bilateral funding agencies, cooperation agencies, special legal jurisdictions) become a field of politics given that they become locally a terrain of desire of political and counter-hegemonic forces. They build social, political, and economic relationships that constitute what I am going to call, rephrasing James Ferguson (1994): the *humanitarian apparatus.* The implementation of contemporary social policy in Colombia redirected academic attention to the form in which traditional institutional arrangements accommodate transnational discourses of economic growth and development as well as human rights, transitional justice and humanity. These elements are central aspects in the study of the production of the present, the conditions of possibility for the global future, as well as for the study of local notions of care, justice and reparation (redress) that are normally taken for granted.

Humanitarianism and Development in Colombia

In order to explore how human rights and transitional justice operate in the formation of social policies and notions of statehood, a few words must be said about both humanitarianism and development. Humanitarianism has become the way in which countries and international agencies cast political and territorial interventions and attempts to frame a universal rationale of what humanity is all about (Fassin 2012, Feldman and Ticktin 2010). For this reason, studying the concrete forms in which humanitarianism is exerted recasts particular interest in contexts such as Colombia where humanitarian intervention is far from exceptional and has become largely ubiquitous and institutionalized.

The leading role that humanitarian intervention plays in Colombia became most evident with the creation of territorial "rehabilitation programs" since the early 1980s.[6] Through these, along with the ongoing peace conversations held with different guerrilla groups and its military strategy, the Colombian government has developed different social policies for ending its armed conflict. Humanitarianism, however, must be viewed alongside development. The expert and political acknowledgment in the mid-1980s that the Colombian conflict was rooted in poverty and inequality (Sanchez et al 1998) resulted in the emergence of developmental interventions that led to the regional "rehabilitation programs" mentioned above. The deteriorating conditions of Colombia's conflict -associated with the emergence of drug trafficking during the same decade- revealed the increasing internationalization of the Colombian crisis and won particular international attention, especially from international agents related to the human rights and developmental agenda. The systematic approach to achieve peace through either military means or peace talks has shaped Colombia's state formation in structured but not determinate ways (Fergusson 1990, Arias and Goldstein 2010).

When looking at humanitarianism and development, it is important to note that recent literature on humanitarian aid and humanitarianism has stressed that "disasters and conflicts are now embedded in the same global logic of intervention, which rests on two fundamental elements: the temporality of emergency, which is used to justify a state of exception, and the conflation of the political and moral registers manifested in the realization of operations which are at once military and

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[6] During the first peace talks with FARC guerrillas (1982) was created the Plan Nacional de Rehabilitación (National Rehabilitation Plan – PNR) as a central institutional arrangement for "attacking" the causes of violence. Later this program would be transformed into a program for social and economic development in local areas affected by violence and poverty. This program became the Red de Solidaridad Social (Social Solidarity Network – RSS) in 1994; later on 2002, the Presidential Agency for Social Action and International Cooperation (known as Acción Social); and finally in 2011 an independent agency called Social Prosperity Department (SPD).

humanitarian" (Fassin and Pandolfi 2010:10). However, the Colombian ongoing

political conflict and institutional stability contrast with traditional accounts of

humanitarian catastrophism. The increasing dissemination of developmental,

humanitarian, and transitional justice discourses and practices in Colombia have come

to be largely appropriated by Colombian political culture through the copious creation

of policy, national agencies, and national programs of justice, truth and victims'

reparation, reintegration, and humanitarian assistance amidst the armed conflict.

After fifty years of internal war, an impressive humanitarian crisis has come to

be largely ubiquitous in Colombian institutions and in the public discourse. This

humanitarian crisis is taken for granted and used by several actors strategically in

order to mobilize their specific or collective agendas (Stoller and Gutiérrez 2001).

However, the humanitarian concept is not a neutral one and contains its own

historicity. As Fassin (2012) has said, the humanitarian "should be taken in an

extended meaning, as connoting both dimensions encompassed by the concept of

humanity: on the one hand the generality of human beings who share a similar

condition (mankind), and on the other an affective movement drawing humans toward

their fellows (humaneness) (Fassin 2012:2).[7] Here, the concept of humanity operates as

an empty signifier –a category that claims universal relevance to encompass all human

beings, but which in fact is historically and politically situated as to have no meaning

beyond its particular interactions (Feldman and Ticktin 2010:2)[8]. Theses historical and

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[7] As the author state the concept of humanity can be located within the roots of central concepts of Christianity and other ancient traditions evoking notions of compassion, solidarity, care, empathy, philanthropy, and altruism. Feldman and Ticktin (2010) have argued that the problem with humanity is neither that it is exclusionary nor that it is incompletely realized, but rather that it has successfully become a means of organizing the global community (Feldman and Ticktin 2010:15).

[8] Feldman and Ticktin (2010) explore the configuration of "humanity" in three different arenas: Humanitarianism and human rights, biological technologies and humans and humans and nature. These arenas complement but also contradict each other.

political articulations configure Fassin's (2012) attempt to produce a critique of compassion by exposing the contradictions and silences of the moral sentiments of our time.[9] By "moral sentiments" he means the emotions that direct our attention to the suffering of others and make us want to remedy them (Fassin 2012:1). Precisely, humanitarianism elicits the fantasy of a global moral community that may still be viable and the expectation that solidarity may have redeeming powers (Fassin 2012: xii). Here, humanitarianism is no longer a form of global and universal consensus on how to relate to the immigrant, the poor, and the forced displaced person, but a form of power relation conducted in order to manage, regulate, and support the existence of human beings.[10] This type of government exceeds the intervention of the state, local administrations, international bodies, and political institutions in general (Fassin 2012:2). It also implies a remarkable paradox constituting the central puzzle of Fassin's critique:

> On the one hand, the moral sentiments are focused mainly on the poorest, most unfortunate, most vulnerable individuals: the politics of compassion is a politics of inequality. On the other hand, the condition of possibility of moral sentiments is generally the recognition of others as fellows: the politics of compassion is a politics of solidarity. This tension between inequality and solidarity, between a relation of domination and a relation of assistance, is constitutive of all humanitarian government (…) But it also explains the shame felt by the poor, the beneficiaries of aid, all those who receive these gifts that call for no counter gift, and accounts for the resentment and even hostility sometimes expressed by the disadvantaged and the dominated toward those who think of themselves as their benefactors (Fassin 2012:4).

This paradox leads us to carefully explore the universalized forms in which "other people's lives" are portrayed and made visible, looking at the micro and macrophysics of power asymmetries and the increasing demands of critical

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[9] The authors also denote the existence of anti-humanist (Abandon humanity – the radical Alterity Althusser) and post-humanist (contingency and relatedness – Donna Haraway) projects as contemporary epistemic alternatives.

[10] Indeed, as Fassin argues, "it is a form of governing that concerns the victims of poverty, homelessness, unemployment, and exile as well as of disasters, famines, epidemics, and wars –in short, every situation characterized by precariousness" (Fassin 2012:2).

epistemologies to overcome such blurred zones, misrepresentations, and contradictions embedded in the global and trans-local humanitarian practices. In this realm, humanitarian reasoning fosters universalized conceptions of development, progress, and wealth that frame the social conditions of imagination in which law, technical knowledge, and morality play a role in producing forms of exclusion, privilege, and marginalization (Ticktin 2006). This paradox is also quite useful in order to shed light upon the naturalization of humanitarian practice and its moral and political principles (Kennedy 2014, Riles 2006).

The vulnerable as the central concern of development and humanitarianism is made visible through universalized forms of ethical, moral, and legal reasoning that make impressive efforts to singularize and delineate the subjects and spaces of intervention.[11] Paradoxically, this effort towards making legible such subjects and spaces blur the structural asymmetries of power relations. In this way, international agreements and resolutions or local policies invest great efforts in visualizing the specificities of victimhood and different forms of vulnerability, but fail to acknowledge their systemic production. When looking at Colombia's developmental agenda, the conflation between development and humanitarianism is recognizable. In the early eighties, the concept of "rehabilitation" played a central role in the emergence of new forms of intervention in conflict-related-zones. These conceptual arrangements were framed through the emergence of a local expert knowledge on Colombian violence, based on four different specialized commissions created to study its causes (1958, 1986, 1994, 2013). Particularly, the 1986 commission diagnosed the causes of violence in

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[11] Development allowed the North to gather 'facts' in order to define and improve the situation of the poor people of the South, and the third world became a category of poor people of the South, a category of intervention, a place to be managed and reformed (Escobar 1997).

Colombia in terms of the dramatic social inequality and endemic poverty.[12] Since then, these commissions have framed expert knowledge on violence and impacted the field of security policy during the nineties (Villeveces 2004), but have hardly influenced public policy in the way that the global narrative of development and later of humanitarianism have, as I explore in the second chapter.

While the increasing dissemination of human rights and transitional justice discourses, practices and institutions in Colombia is related to the Constitutional Court's acknowledgment of the internal displacement of three million people in 1997 and the subsequent humanitarian crisis, the humanitarian state in Colombia has its origins elsewhere. The humanitarian state began with the creation of small governmental institutions as an effort to end the war by bringing development policies to Colombian territories situated at least in 1982 and probably earlier. These institutions were very small when compared to the institutional arrangement of the contemporary humanitarian state in Colombia, which -despite being larger- has not had a major impact on social and economical development and peace building. Seeing development through the frame of humanitarianism helps us understand its genealogy

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[12] In Colombia, the studies on violence has been intense particularly since 1987 when scholars from different disciplines integrated the group of violentólogos (violentologists) –as they are known today (Camacho 1991, 1997; Gutierrez 2001, 2006; Leal 1998; Leon-Gómez 1996; Sanchez 1994, 2000; Vazquez 1994). These scholars (historians, lawyers, economists and anthropologists) stated that the causes of Colombian violence were related to material conditions where poverty, as a central problem, reproduced endemic social inequality. At the same time, this generation of scholars asserted that Colombian violence was not just related to the armed conflict, but also to varied forms of violence (political violence, organized crime, domestic violence, ethnic violence) articulated to structural problems. As a result of a special report commissioned by the Virgilio Barco administration (1986-1990) to assess the failure of peace talks with FARC guerrilla (1982-84) and the spectacular increase of violence in that decade, violentologists emerged as experts on violence and security related topics. Although Barco applied very few recommendations of the report, their ideas influenced a whole generation of analysts and politicians, as well as the 1991 Constitutional reform. In particular, because many of the violentologists were linked to the Institute of Political Studies and International Relations (IEPRI) at the Universidad Nacional de Colombia (Colombia National University), which became the first think tank for research through contemporary social sciences' methods and frames, and policy making studies addressing the country's violence. Marxism, economy and political science influenced the beginning of this Institute, yet the critique of violence became their hallmark.

and how it relates to a wider expression of a global governmentality (Gupta and Sharma 2006). In this sense, human rights discourse and transitional justice apparatuses have shaped the ways in which the victims are imagined and represented by media, popular culture, and the political process in contemporary Colombia as those abstract, distant, disenfranchise people across the almost empty country mountains and savannas. However, within the recent Colombian institutionalization of human rights, the concept of "integral reparation" has emerged as key narrative for humanitarian development and social and institutional representations of peace building.[13]

The Trans-Local Humanitarian State

Now, it is not possible to address the Colombian humanitarian apparatus without taking into account contemporary forms of state governance. Today the concept of public policy represents a central feature of state language, ideology, and power. Public policy is the language of the public servant and is the way in which states and governments make social, cultural, and economic interventions. Policies determine the most explicit manifestation of state instruments, knowledges, and practices of social regulation and organization, yet their success is always in question.

Throughout this study, I draw attention to the low intensity effects of Colombian social policy, and to the ways in which policy works as a provider of social meaning, foundation of institutional practices, and cornerstone of legitimate power.

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[13] "Integral reparation" is legally defined as the interplay of: Restitution (land, housing, actives), rehabilitation (physical, psychological), compensation (monetary compensation), satisfaction (symbolic reparation, public acknowledgment, memorials, truth commissions) and non-repetition guaranties (personal security, social and civil rights reestablishment). When an institution executes an action in order to address one or various of these dimensions, it is called "reparation actions". VLRA 2011 and UN General Assembly, Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, available at: http://www.refworld.org/docid/4721cb942.html [accessed 15 May 2015]

Pioneering anthropological analysis on policy has drawn attention to the importance of studying polices as major instruments through which governments, companies, non-governmental organizations (NGOs), public agencies, and international agencies classify and regulate spaces and subjects they seek to govern (Shore and Wright 2011:2). These authors argue that policy is a fundamental organizational principle in contemporary societies which, like "family", "nation", "class", or "citizenship", provides a way of conceptualizing and symbolizing social relations and how people live their lives and structure their realities (Shore and Wright 2011:2). In a more radical view David Graeber states:

> The notion of "policy" presumes a state or governing apparatus which imposes its will on others. "Policy" is the negation of politics; policy is by definition something concocted by some form of elite, which presumes it knows better than others how their affairs are to be conducted. By participating in policy debates the very best one can achieve is to limit the damage, since the very premise is inimical to the idea of people managing their own affairs.

Contemporary anthropological studies of the state have also provided a rich and fruitful corpus of empirical research, critique, and theorization about the blurred lines between state, society, and economy, denoting the ideological effects of this distinction (Mitchell 2006) calling to differentiate the state idea from the state system (Abrams 1988). Other studies have focused their attention on the state capacity to make subjects and objects legible in order to be governed through state processes of inclusion and exclusion (Scott 1998, Trouillot 2003). These studies have also highlighted how the nation-state has become a dominant form of organizing space in the contemporary world, discussing state strategies of political and capitalist spatialization (Alonso 2002, Lefebvre 1990, Ong 1999). Specifically, the studies on state frontiers have produced influential ethnographic approaches to the material and abstract configuration of this peculiar form of space representation (Das and Poole

2003, Serje 2012). Anthropological literature has also engaged with what has been called the *transitional* reconfiguration of the state in the context of neoliberal globalization (Alonso 2006, Greenhouse 2005, 2010, Grimson 2011, Gupta and Sharma 2006, Mitchell 2006; Trouillot 2003, Ong 1999), calling attention to the contemporary reconfiguration of institutional arrangements, political process and bureaucratic fields (Blanco 2006, Blom and Stepputat 2001, Shore and Wright 2011, Molly 1991, Peirano 2002, Wanderley 2009).

Some of these studies have rejected the idea of studying the state within the traditional and more evident manifestations of power such as the law, governments and public policy (Trouillot 2003:91). Rather, they have decentered the study of the state, relocating traditional top-down approaches in law, political theory, and economics to the localized configuration of social movements and ethnic groups, producing the state through varied forms of social struggling, normalization, contradiction, and resistance (Das and Poole 2003, Gupta and Ferguson 1992, Hansen and Stepputat 2001). However, the idea of the state as the central locus of power and authority (Agamben 1998, Smith 2005, Weber 1964), collective meaning (Bourdieu 1994, Durkheim 1995, Weber 1964), and hegemony (Althuser 1972; Aretxaga 2003, Corrigan and Sayer 1985, Gramsci 1972, Hansen and Stepputat 2001) remains at the heart of theories of state. In that sense, to neglect the study of governmental forms of state configuration seems odd and contradictory.[14]

When studying the state, it is central, as Gupta and Sharma (2006) argue, to at least recognize the connections between political economy, social structure, institutional design, everyday practice, and representation, as well as its location

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[14] The same Trouillot (2003) affirms: "claims of the declining relevance of the state along globalitarist lines are at best premature, if only because they presume such continuum" (2003:85)

within a transnational frame. By the same token, Trouillot (2003) has affirmed that the state is not a localized simple form but an infra, supra, trans-national pole of communication and transaction which leads to specialized effects and forms of identification. Thus, trans-local, social, political, and economic relations also frame the nature of the state's representations and its (national and international) manifestation.

The ethnographic approach to humanitarianism as institutionally designed to shape specific public policies and institutional reforms is a rich scenario to analyze the different ways in which this trans-local state is transformed, producing not just representational effects and the creation of changing governmental narratives, but also unveiling the mechanics of state formation through international law, policy and bureaucracy (Blom and Stepputat 2001, Gupta 2001, Shore 2010). This definition of the trans-local state allowed me to analyze policy and bureaucracy as connected with global economic forces and broader cultural and political processes.[15]

Approaching Humanitarian Bureaucracy

As Ferguson (1990) noted a long time ago, the implementation and execution of these global schemes of power do have effects, and it is important for scholarly work to have a say in it. Much of Gupta (2014) and Fergusson's (1990) work acknowledges how the work of development and social programs fail to achieve official objectives and turn a blind eye to local structural problems and established asymmetric power

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[15] Fast and energetic late liberalist transformation of international legal and economic regimes, characterized by the outspreading of economic regionalization and shifting processes of regulation and deregulation, create differentiated and juxtaposed forms of economic flows of laws, goods and people and sovereignties (Ong 1999), while enhancing different and renewed forms of economic accumulation and dispossession and, at the same time, ethical and political demands in late liberal markets, publics and states (Povinelli 2011:13). These expansive forms of rapid global regulation and deregulation adapt to a universalized sense of fear, threat and danger, enacting local, national and transnational forms of stigmatization. This unorganized process obscures the system of global relations through which wealth and poverty is produced.

relations. In his book on bureaucracy and corruption in India, Gupta, while engaging the work of Foucault and Agamben (2014), argues that extreme poverty should be theorized as a direct result of the killing made possible by state policies and practices rather than as an inevitable situation in which the poor are merely "allowed to die" or "exposed to death" (2014:7). Like Farmer (2005), Gupta believes structural violence is about "the nature and distribution of extreme suffering" (Sen in Farmer 2005: xiii) and the vehicle of this distribution is epitomized and produced by the very prosaic social work of bureaucracy (Arendt 1964).[16] Similarly, Ferguson (1994) argues that the "development apparatus" in Lesotho is not a machine for eliminating poverty that is incidentally involved with state bureaucracy; rather, it is a machine for reinforcing and expanding the exercise of bureaucratic state power, which incidentally takes poverty "as its point of entry and justification." (1994:180). Within humanitarian bureaucracy this analysis draws particular attention to late liberal and capitalist forms of compassion (or how we regard the other – a central quarrel in anthropology) that enhance emergent and renovated moral economies and cultural and humanitarian values (Povinelli 2011).

Thus, the study of bureaucracy as social practice is central to observe taken-for-granted social systems and beliefs. The studies of state bureaucracy recast spatial attention in countries such as Colombia or regions such as Latin America where anthropological studies on bureaucracies are quite rare. Recent interest in the study of the state in Colombia (Bolivar 2006, Ramirez 2011, Serje 2011)[17] and long attempts in the study of the nation-state in Latin America (Coronil 1997, Briones 2002, Cadena

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[16] As Gupta (2006) asks, structural violence is enhanced by everyday practices of bureaucracy […] thus ethnography is needed in order to understand how care coexist with violence.

[17] Some socio-legal studies have advance ethnographic approaches to Colombian bureaucratic fields (Rodriguez and Portes 2012, Buchely 2015)

2007, Lomnitz 2001) has certainly added to the understanding of the historical

formation of Latin American nation-state and state formation processes in so-called

frontier zones, limits and peripheries (Alonso 1994, Serje 2011, Grimson 2003). Some

of these studies show the interplay between identity politics (*mestizaje*, identity, re-

etnization, resistance) and the configuration of the nation-state in Latin America

(Alonso 1994, Briones 2002, 2004, Cadena 2007, Chaves 2005, Lomnitz 2001, Nelson

1999, Postrero 2007, Ramos 2007, Wade 1997, Radcliffe et al. 2000). Articulated with

this preoccupation, anthropologists have studied the interplay of broader political

processes and ideas about citizenship and democracy (Caldeira 2001, Holston 2008,

Postrero 2007; Ramirez 2001, Ramos 2007), yet scant attention has been paid to the

configuration of institutional arrangements and bureaucratic fields (Blanco 2006,

Molly 1991, Lagos and Calla 2007, Peirano 2002, Wanderley 2009).

Contrary to the popularized Weberian ideal type[18], anthropology has largely

documented how bureaucracies are irrational, chaotic, arbitrary, symbolic, subjective

and fortuitous (Gupta and Sharma 2006, Gupta 2012, Mosse 2011, Nugent 2004,

Herzfeld 1992) stating how the production of indifference is at the center of the

mechanism (Gupta 2012). Even if bureaucracies succeed in categorizing, excluding and

including subjects and objects (Herzfeld 1997) of intervention, and in producing

documents, archives, certificates and records, these practices are largely undetermined

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[18] As Buchely (2014) has argued, although Weber never attempted to produce a comprehensive theory of rational bureaucratic action as contemporary commentators attribute to him, the theory of the state as bureaucratic organization is well spread in canonic legal and sociological teachings (Buchely 2014). As she states, the Weberian ideas of public administration have become a habit of thought, which has managed to apply its essential characteristics as atemporal abstractions (2014:25). The Weberian idea of a public administration in which the public administration is unified, meritocratic, expert, rational and apolitical, which promotes institutional stability and economic development is very popular among legal and socio-legal scholars, particularly in the field of administrative law (Buchely 2014:14).

and incidental.[19] In the same way, along with Weber (1964), some anthropologists have pointed out how the state bureaucracy transforms persons into automatons as soon as they enter into the field of bureaucratic apparatuses, through the rejection of common humanity and the denial of identity (Herzfeld 1997). However, against Herzfeld´s "social production of indifference" (1993) and Kleighman, Das and Lock´s (1997) "bureaucratic response to social violence intensify suffering", Gupta has claimed, "bureaucratic action repeatedly and systematically produces arbitrary outcomes in provision of care. He also states "while indifference does indeed play an important role in this story, the indifference to arbitrary outcomes is central" (Gupta 2012:6).

Also, Weber's early acknowledgment that the "development of the modern state is identical indeed with that of modern officialdom and bureaucratic organizations just as the development of modern capitalism is identical with the increasing bureaucratization of economic enterprise" (Weber 1958: 3) is central when situating bureaucracy solely in the realm of the public sphere. As Weber argues, the principle of fixed and official jurisdictional areas, which are generally ordered by rules, -that is, by laws or administrative regulations-, structures the model of "bureaucratic authority" in modern bureaucracies.[20] But, when in the domain of private economy, they constitute the bureaucratic "management" (Weber 1964: 196). This acknowledgment is vital in approaching the *humanitarian apparatus* as the bureaucratic analysis of it implies the

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[19] Gupta (2012) states in his study about the state and bureaucracy in India: "I have replaced the notion that bureaucracies represent the rationalization of power in a disciplinary society with a very different picture –one in which the entire process is shot through with contingency and barely controlled chaos" (Gupta 2012:7).

[20] 1.Their regular activities, required for the purpose of a bureaucratically governed structure, are distributed in a fixed way as official duties 2. The authority to give the commands required for the discharge of these duties is distributed in a stable way and is strictly delimited by rules concerning the coercive means, physical, sacerdotal, or otherwise which may be placed at the disposal of officials' 3. Methodical provision is made for the regular and continuous fulfillment of these duties and for the execution of the corresponding rights; only persons who have generally regulated qualifications to serve are employed (Weber 1964:196)

analytical articulation of various bureaucratic fields, structures, and scales –particularly

of their articulations, juxtapositions and contradictions within so-called public and

private spheres. Thus, I understand the Colombian humanitarian bureaucracy as the

interplay of multiples and juxtaposed "public" and "private" bureaucracies.[21]

According to Weber, the optimum conditions for success and maintenance of a

strict mechanization of the bureaucratic apparatus are provided by a secured monetary

salary connected with the opportunity of a career that is not dependent upon mere

accident and arbitrariness (Weber 1964: 208). It is primarily the capitalist market

economy, he states, which demands that the official business of the administration be

discharged precisely, unambiguously, continuously, and with as much speed as

possible. Normally, the very large, modern capitalist enterprises are themselves

unequalled models of strict bureaucratic organization. Business management

throughout rests on increasing precision, steadiness, and, above all, the speed of

operations (Weber 1964: 215). As I will explore, these economic and bureaucratic

articulations enhance emergent and renovated moral economies transforming cultural

and humanitarian values (Povinelli 2011).

In the case of the Colombia humanitarian bureaucracy, I trace the manifestation

of how traditional forms of power, prestige, language, and legitimacy are practiced,

spoken, and represented amidst the interface of economic formations and different

representations of humanitarianism in the thick of the armed conflict. I begin by

identifying that what matters for the humanitarian bureaucracy is not to frame an

articulated narrative about victimization (which, clearly has political implications) nor

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[21] Fassin (2012) attempts to close the gap between humanitarian morals (the principle on which actions are based or justified) and humanitarian politics (the implementation of these actions) (Fassin 2012: 8). I attempt to contribute to this task by studying the interplay between international humanitarian legal principles, policy making and bureaucratic formations in Colombia.

to address victims' demands and needs, but to solve problems associated with policy implementation. This is true for most public servants, officials, functionaries and experts who are detached from the everyday life of different policy clients' populations. As is well understood, detachment is a fundamental aspect of bureaucratic power and legitimization. Yet, by describing this process of alienation and estrangement as part of the very function of state production, I describe the moral, political, and economic values, which are at stake in this specific sociocultural order.[22]

Different from Gupta (2014), Gupta and Sharma (2006) and Buchely's (2015) street bureaucrat approach, this ethnography centers its attention on the "professional bureaucrat" of the humanitarian apparatus.[23] I draw attention to the forms in which "technical knowledge", which entails a narrative centered on victims and persons' rights, is produced in order to fit it into Colombian institutional representation. In particular, I center my attention in those representations related to Colombian administrative and territorial organization. When implementing universalized notions of rights, care and redress (humanitarianism), complex sets of institutional arrangements and representations of the nation-territory divide materialize ideas in bureaucratic practices that produce and reproduce state (time and space) power and

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[22] As Timothy Mitchel (2006) has argued that "the external is drawn internally within the network of institutional mechanisms through which certain social and political order is maintained" (2006: 175)

[23] Important studies on bureaucracy are centered on the street level bureaucrat (Buchely 2015, Gupta 2014, Gupta and Sharma 2006, Lipsky 1983, Wanderley 2009) illuminating the different forms in which the state is porous and blurred and how social services are delivered by private agents in the context of neoliberal governmentality. Here, however the *professional bureaucrats* do have sporadic relations with policy clients. While these sporadic relations are important in the process bureaucratic production and legitimation, these relations do not constitute the center of their interpersonal relations. The interpersonal relations on daily basis are inserted on bureaucratic practices and relations. Here the term professional bureaucrat works in both senses: the professional title people need to secure those jobs within the humanitarian bureaucracy and how these bureaucrats, with time, become professionals in being bureaucrats. This is also important as elicits a distinction between professional humanitarian interventions from those of the social assistance (the work of public teachers or police) characterized for delivering services but also having functions of control and surveillance (Lipski 1983, Gutpa and Sharma 2006)

legitimacy. While carrying out these practices, temporal and spatial formation are created, fixed, and reinstated every day. Curiously, in governmentality studies, while there are lots of approximations to subject's objectivation and subjective formations, the study of the production and regulation of the space is often dismissed or overlooked (Foucault 2006, Gupta and Ferguson 2001, Harvey 2006, Lefebvre 2009, Mitchell 2006). Thus, the dissertation explores the process of humanitarian bureaucratic production in Colombia and its relation to functionaries and experts' representation of the nation-state territory in the context of late-liberalist global, political and economic values. While the analysis of policy helps me to situate local governmental practices in the context of wider political economic relations, the study of the phenomenology of bureaucracy helps to understand the everyday social practices of state space production centered on seemingly related transnational relations.

Ethnographic Approach to Colombian Humanitarianism

Regarding its methodology, the dissertation is built upon different "points of entry" into the humanitarian apparatus in Colombia. The first point of entry is constituted by my observation and participation in the local manifestations and interventions of international agencies, NGOs, and international court rulings. The second entry point consists of my observation and participation in institutional and inter-institutional settings such as meetings (between public servants, public servants and experts, public servants and cooperation agencies and NGOs experts, operators and representatives), workshops, and public servants daily interactions with policy users through which human rights and transitional justice are institutionalized. Finally, the third point of entry consists of my observations and participation in the

social and political work of local NGOs, social movements and grassroots organizations, which have struggled for the promotion of peace mechanisms and human rights advocacy in the last thirty years. These actors and organizational levels do not operate separately. They build social, political, and economic relationships that constitute what I have called the *humanitarian apparatus.* This perspective acknowledges the plethora of rights discourses and practices (and legal projects such as multiculturalism or transitional justice) that circulate across society producing meaning, appropriation, practices and vernacularizations, with law serving as the horizon of meaning and their articulation with human rights and transitional justice frameworks.

I explore the different "points of entry" to this humanitarian apparatus through the situatedness and positionalities I experienced and accounted during eighteen months of fieldwork, as well as the different expectations people built around my project and profession. Positionalities derive from the different identities I assumed during fieldwork and the identities I was placed in by functionaries, experts and policy users. While I was approaching the humanitarian apparatus, I was not just seen as a researcher but also as someone who could participate in helping out on the "construction of another Colombia" "wearing a t-shirt for the country" as functionaries used to say. While I do have a genuine interest in the politics of humanitarianism, many times I was asked to "do something", to "help out" and to assume a roles within humanitarian apparatus as a functionary, expert and collaborator. Thus, this dissertation accounts for the different postionalities and sistuatendness I assumed during those 18 months of fieldwork.

Consequently, from June 2013 to March 2015 (18 months), as a researcher I interviewed public servants, civil society and victims' representatives, experts, and scholars and observed several events where the humanitarian apparatus was in place and in practice.[24] I participated in seminars, forums, workshops, and research groups. Additionally, while working as a public servant during seven months, I observed and experienced the institutional structures, power relations, functionaries' everyday practices and discourses, as well as indifference, compassion, authority, and care manifestations. As a collaborator with the National Network of Initiatives for Peace and Against War –REDEPAZ I participated in exciting social processes of collective reparation, peace building, constituency, and "transformative memory". However, these are minor experiences within major processes of the structural accommodation of national and international relations. They were events in the making that had no clear beginning and no end. They were possibilities, or social potentialities. For this reason, I am analyzing these situations as social projects, as not places yet (Benjamin 1985, Bloch 1986, Miyazaki 2006, Povinelli 2011); *quasi events* that saturate potential worlds and their social projects; as events that never quite achieve the status of having occurred or having taken place, although they reveal the ethical and political dimensions of suffering and enduring (Povinelli 2011:13). They also reveal social spaces in which hope, creativity, and imagination are engendered (Benjamin 1985,

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[24] I had a previous experience working on human rights and transitional justice issues. From 2008 to 2010, I collected and analyzed media documentation, congressional database debates, laws and statues produced from 2005 to 2010 related to the enactment of the Peace and Justice Law. I interviewed public servants, experts, social leaders, and victims' advocacy groups' representatives. I investigate the unintended consequences of the Law on the production and mobilization of memory as political and legal tools by victims of state violence and state actors. This project was financed by Javeriana University. The results of this project can be found on: Vera, Juan Pablo (2016). "Transitional Justice, Memory and the Production of Legal Subjectivities in Contemporary Colombia" In: Sense of Justice in Latin America. Karen Ann Faulk and Sandra Brunnegger (ed), Stanford: California, Stanford University Press. Also (Vera 2015b) "Memorias emergentes: las consecuencias inesperadas de la Ley de Justicia y Paz en Colombia (2005-2011)" Estudios Socio-Jurídicos 17(2) 13:44

Bloch 1986, Williams 1977, Miyazaki 2006). From this perspective, I am interested in the moral and political economy of humanitarian interactions. Ethnographically, I examine these *not-places-yet* (Miyazaki 2006) as processes by looking at what actually happens, the phenomenology of these specific mobile contexts (Ferguson 1990). In this sense, engaging through different positionalities and situatedness as a researcher, public servant, and collaborator, the dissertation explores social projects carried out by people, groups, communities and institutions with the purpose of moving towards the construction of peace in Colombia; *"the construction of another Colombia"*.

As I began to carry out my fieldwork and advanced in my study of the humanitarian apparatus, I became aware that civil servants, functionaries, NGO agents, experts and professionals, and policy clients tended to identify and express similar reasons to explain the state and policy *failure*. These were not insignificant obstacles, but structural problems associated with the very conceptions, assumptions and experiences within the state bureaucracies' time and space configurations. For instance, time through the already late annual goals and the imperative non-planned daily activities, the timely access of information, the formation of inter-institutional relations, budgetary temporalities, allocations and funding; and space through the archetypal configuration of office-like boundaries far away from the actual places and people which are subject to intervention. The most self-evident space representation circulating among public servants, civil servants, and non-governmental agents in Colombia was the concept of *"nación-territorio"* (nation-territory) spoken and practiced in everyday bureaucratic spheres, which constitutes a central discussion in my ethnographic research. As a native from Bogota and an anthropologist, *"el territorio"* (the territory) or *la region* (the region) is that place of *encounter* and difference where

estrangement is produced and experienced. Identity was also framed within this territorial divide, shaped by its relation with the center (or in Colombian policy language, the nation). For public policy makers and policy implementers, closing the gap between the *nación* (up) and the *territorio* (down) is the biggest challenge. These temporal and spatial formations became central problems in the dissertation, as they represent actual structural ruptures at the core of an ideally functioning institutional design, in which government and non-state actors fail to deliver promises and practices of care, protection, and rights to the people. The representational division between the notion of the ideal state and the actual functioning apparatus generates actions, reactions, contradictions and attempts, by the different actors to "fix the state" or in their words to "articulate the state institutions", "to generate institutional capacity", "to strengthen state institutions". I found an enormous institutional and collective effort to achieve an imagined *institutional articulation*, however, it was never achieved.

When entering the bureaucratic humanitarianism, the established forms of thinking associated with time and space also affected me. And these representations directly affected my own fieldwork and my own assumptions about it. As a researcher and later as a bureaucrat, I started to realize that fieldtrips were a condition for the development of the humanitarian bureaucracy. In a certain way, my relation with the *local* was transformed under these conditions and articulated through the practices of humanitarian engagement. As I was carrying out fieldwork within these institutions and organizations, I was also travelling intensely to several locations. I registered 24 fieldtrips either to interview "local public servants", "civil society organizations" or "social organization representatives" as a researcher.

During those months I found that public servants and operators had three main existing demands related with at least three major issues they face in policy implementation[25]: 1. The demand for institutional articulation from the national to the local level 2. The demand for technical guidelines produced at a national level for use at the local level, in order to implement the policy effectively (this demand was also evident horizontally in other institutions and centers of power), 3. A demand for guidelines regarding the implementation of the *enfoque diferencial* (differential approach).[26] These elements became decisive for the development of analytical tools for the study of the humanitarian bureaucracy. I started following the metaphors and practices of nation-territory dilemmas, the demands of the "technical line", and the

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[25] On January 27, 2015, I had the opportunity to confirm this situation on a general level, as I participated in the *Unidad* public servants' national encounter. National level public servants formed 10 focus groups addressing previously identified challenges in the implementation of the law. In the two encounters I had the opportunity to participate in, I observed various "problems" regarding contractual issues, nation-territory articulation, differential approach, and satisfaction measures etc.

[26] The *enfoque diferencial* or *differential approach* as I will translate the concept here is a peculiar development in Colombian social policy at it is derived from the Colombian constitutional multicultural recognition in 1991 and later from the development of the Colombian Constitutional Court jurisprudence. The first steps towards a conceptual elaboration of the differential approach, beyond the multicultural perspective, was in the Constitutional Court rulings on the Internally Displaced Population –IDP (Law 387/1997), and later in the follow up rulings on IDP Colombian state obligations. With time, these rulings have been incorporated into the whole corpus of Colombian social policy design, implementation and evaluation. However, such implementation has represented a major technical challenge for social policy implementers and evaluators, as it implies the development of specific procedures, protocols and institutional practices that imply the demand for expert knowledge, infrastructure, different bureaucratic practices, and budgetary allocation. In the framework of the 2011 social policy, the *differential approach* entails "the acknowledgment that there are populations with particular characteristics because of their age, gender, sexual orientation and disability status. Also, the recognition of this approach assumes that the state will prioritize and provide guarantees and special protection measures for groups at higher risk of rights violations, such as women, youth, children, the elderly, persons with disabilities, peasants, social leaders, union members, human rights defenders and victims of forced displacement". Sistema Nacional de Atención y Reparación Integral a las Víctimas – SNARIV "*Todos somos sistema*" Gobierno de Colombia (s.f). Durán (2015) is right when stating that neither the *differential approach* nor the *diversity approach* are used in the Anglo-Saxon anthropological academia or in the language of policy makers in other countries. He recounts when an American colleague told him that in the US they speak of *tailor made policies*, i.e. public policies made "to measure" to the beneficiary. Even more, she called his attention because he was using the translation "diversity mainstreaming". This might be a problem, he recalled, as if we all are different then we should all be prioritized. Here I use the literal translation of Differential Approach, as it's closer to the local meaning of social policy with specific attention to aspects of race, ethnic affiliation, gender, age, etc. This discussion, however, is central for developing a critique of social policies in the age of neoliberalism, as prioritizing by the differential approach perspective is detrimental to the universal approach of rights fulfillment.

inclusion of a multicultural inheritance to the public policy: the *differential approach.*

These *problematiques* would also give some insight about the policy structural failure

and might well express the dilemmas of contemporary public policy implementation in

Colombia. By following the metaphors of **"technical line"** and **"nation-territory"**

within humanitarian bureaucracy I was able to render visible the chaos, randomness,

and arbitrariness of the humanitarian attempt to care for people's lives and faith and

also the fixation of temporal and spatial relations through bureaucratic practices.[27]

Following Anelise Riles I conceive those concepts as a techno-scientific metaphors

(Riles 2005: 1001) to explain the way in which scholars, schools, and traditions -

without awareness of its esoteric doctrinal origin- take legal knowledge for granted. It

is, in a way, an attempt to reverse the transformation of metaphor on to an object

(Riles 2005: 1009) or what Riles calls the process, literalization, where quite often, if

not always, this expert knowledge –being biological, sociological or economic- is

translated into legal terms in order to enforce such knowledge. Pierre Bourdieu (2009)

also describes this process on a wider scale—heterodoxy vis-à-vis doxa—as "the

capacity of the heretical speech [for the law] to objectify unformulated experiences, to

make them public—a step on the road to officialization and legitimation—and, when

the occasion arises, to manifest and reinforce their concordance" (2009:171). Thus,

these metaphors while very successful at producing structures of sentiments and belief,

also maintain structural forms of violence and indifference. In this sense, through the

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[27] Serje (2011) believes that "metaphors are not just exclusively a poetic resource, which exist in the field of literature, but consciously and unconsciously, frame the forms of everyday life (Serje 2011:63). By the same token, Gupta and Ferguson (2011) ask: "Through what images, metaphors, and representational practices does the state come to be understood as a concrete, overarching, spatially encompassing reality? Through specific sets of metaphors and practices, states represent themselves as reified entities with particular spatial properties" (Gupta and Ferguson 2002:981). Boaventura de Sousa Santos also explores this phenomenon in his famous article about a postmodern conception of law (Santos 1991). Quoting Perleman he states that rhetoric has taught us that the continuous repetition of a metaphor over a long period of time transforms the metaphoric description into a literal description (Santos 1991:20).

dissertation I disclose the techno-scientific metaphors humanitarian bureaucracy enacts as a tool of government in which public servants are also embedded.

Finally, is necessary to reflect upon the conditions of possibility (in contemporary Colombia) that I was able to move within various different institutional fields as a researcher, as a public servant, as an academic, as a partner, and as an expert. I did not claim or identify with any of them, but I placed myself in those many positionalities. The creation of these new institutions has not just increased the amount of bureaucrats in the state apparatus, but it has also incorporated an emergent form of public servant. The actual demands and knowledge for the implementation of this public policy has required imagination, creativity, and experimentation. If I was seen as useful in these different settings, I did not have any idea what my contribution to such a specific and complex problematic would be. However, what this reflects overall is the variations in the political economy of humanitarianism through the spectacular increase in resources from the Colombian government (as Colombia was in a "growing" economic cycle thanks to international oil prices and commodities from 2010 until 2015), cooperation agencies' intervention, development programs, non-governmental organizations, and defense and security programs, all of which can account for the Colombian social policy re-configuration.[28] It was surprising for me to see the number of social science professionals working in public services and non-governmental institutions dedicated to aid, care of victims, IDP, poverty, education, development, and peace building etc. Anthropologists, lawyers, political scientists, sociologists, historians, psychologists, and philosophers were the main core of

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[28] What seems an imminent peace agreement between the Colombian government and FARC guerrillas has transformed the humanitarian field dramatically. This dissertation accounts for such processes.

professionals within these institutions, different from the street bureaucrats with financial and administrative degrees.

Thus, ethnographically I take into account the reflexive turn in which anthropologists is aware of his or her own position amongst the people they are working with and the power relation these positions enact. However, this reflexivity is not trustable at all (Bourdieu and Wacquant 1992, Marcus 1998, Marcus and Fisher 1986), and demands the historicization of the social condition of possibility and the moral economies it unfolds (Bourdieu 1998, Foucault 2003, Fassin 2004) in order to produce a situated knowledge (Bourdieu 1998). On the other hand, situatedness means acknowledging something else that demands a less fixed notion of social reality as structured, functional, or organized/disorganized, but better conceived as a space of shifting boundaries and permanent mobility (Latour 2005, Abu-Lughod 1991). It also accounts for an unstable notion of the material, spatial, and temporal determinations of social reality (Deluze and Guatari 2003, Mitchell 2002, Latour 2005),[29] understanding situatedness as a permanent critique of scale and positionality (Gupta and Fergusson 2001, Ortner 2006, Tsing 2011). This situatedness also attempts to appraise a linear conception of causality by emphasizing the interplay of individual, social, material, and unexpected agencies (Mitchell 2002).

Dissertation Plan

This dissertation is divided in four sections. Each of the first three sections is divided in two chapters and one final chapter constitutes the last section. While I will

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[29] http://wikis.la.utexas.edu/theory/page/situatedness

mention in further detail what each chapter covers, let us start off by saying that the first section of the dissertation introduces the reader to the field of humanitarianism in Colombia from the perspective of my own journey and the history of the humanitarian institutionalization in Colombia. The second section analyzes the way in which humanitarian expert knowledge is produced by experts and public servants, circulates through institutional dispositives, and is appropriated by public servants and policy users. The section demonstrates how expert knowledge consists of random and un-followed process of institutional change and policy experimentation. The third section analyzes everyday bureaucratic discourses and practices, which produce and reproduce spatial hierarchies. I describe how these discourses and practices contradict the very purpose of social and humanitarian policies by widening the gap such policies aim to close. In the last section I reflect on how transitional justice is embedded in the production of hegemonic forms of state production and representation and how it would be possible to develop a counterhegemonic agenda by developing a critique of transitional justice jurisdictions and temporalities.

Now, the first chapter reflects on how I came about entering the humanitarian apparatus, the turning points of the fieldwork and the positions and positionalities I assumed and was acknowledged for. The chapter describes my approach and journey through humanitarian bureaucracy in Colombia and the methodological challenges I faced as researcher. I also discuss the ethical and methodological dilemmas encountered when approaching institutional and non-institutional realms, although it is hard to draw the differences between such distinctions.

In the second chapter, I explore the emergence of humanitarian institutional bureaucracies in Colombia through the enactment of programs, commissions,

institutions, and policies, which function as a local cluster of global techniques and ideologies. I describe the genealogical relation between armed conflict, humanitarian aid, development, and social policy in Colombia since 1982. The main argument of this chapter is that through this institutional history it is possible to grasp the emergence and consolidation of the humanitarian state in Colombia as it attempts to grant citizenship through the acknowledgment of victimhood, rather than from a perspective of citizens as universal holders of rights.

In the second section, the third chapters present a deep description of the Collective Reparation Sub-Direction (CRSD) *Unidad Subdirección de Reparación Colectiva* and an analytical instrument for the study of humanitarian bureaucracy. I focus on describing the institutional structures, the power relations, functionaries' everyday work and the humanitarian bureaucratic practices they have enacted in Colombia in the contexts of neoliberal policy projects consolidation.

The fourth chapter explores ethnographically the phenomenology of humanitarian expert knowledge production, circulation and contradictions. I look at the collective and individual practices institutionally produced in order to fix policy problems. Specifically, this chapter describes the complex processes of institutional experimentation, creativity and reengineering, entangled with historical institutional arrangement and stagnation. I describe the bureaucratic arrangements (such as social-like laboratories) and ideologies (such as integral reparation) put in place in an effort to offer a de-politicized representation of the policy. Yet emergent forms of government upon functionaries and policy clients start to emerge.[30]

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[30] It is difficult to find a descriptive term that defines the subjects of the reparation policy in Colombia different from the concept of victims. As legally and morally produced (Agamben 1998, Fassin 2012, Sontag 2006, Orozco 2005) the concept succeeds at encompassing different experiences of suffering. In Colombia, the policy is directed to none other than to someone that is considered to have suffered socio-

Now in the third section, chapter five explores the concept of "nación-territorio" (nation-territory) divide as a device of governmental space-making through bureaucratic devices and ideologies. The concept of nation-territory is used in everyday talk by public servants, experts and non-governmental agents to express the need to close the gap between the nation (those national institutions in Bogota which are seen as existing above the rest of the country) and the territory (territorial institutions that do not reside in Bogota and which are seen as being below the capital). The concept "nación-territorio" is also used to signal the lack of inter-institutional coordination among national wide institutions and territorial ones. In this chapter, my analysis describes how functionaries are both the producers and major carriers of this "nation-territory divide" ideology.

In chapter six, I describe the dimension of emergent transitional jurisdictions constituted by ephemeral and superficial humanitarian intervention. By exploring ethnographically a victims hearing in the Justice and Peace Tribunals and the delivery of reparations to a community in San Francisco, Antioquia, I aim to explore the mobile manifestation of transitional jurisdictions, which enhance emergent moral and capitalistic arrangements.

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political violence. It entails a specific conception of the other that shapes the moral dimension of local humanitarianism. This is the concept of the policy and is the way functionaries refer to such people. Functionaries also articulate the concept of "reparation subjects" when talking about them. Throughout my ethnography, I tried not to make reference to "reparation subjects" as such as it reproduces specific forms of power relations embedded in the moral economy of humanitarianism. I found more useful for analytical purposes to talk about "policy user" than victims as it also reproduces the synoptical perspective of the state (Gupta and Sharma 2001) where the concept of victims is a discrete entity yet at the same time quite blurred inside. The concept of "policy users" helped me to observe the bureaucratic practice as such without reproducing the ideological dimension of victimhood in Colombia. Although the concept of victimhood (victims of socio-political violence) in Colombia has ideological connotations and helps to recognize the political roots of Colombian violence, it also has managed to domesticate different expressions of victimhood across society by universalizing the political violence experience in Colombia. Thus, the concept of "policy user" has allowed me to, on the one hand, problematize the concept of victim as is used in everyday talk and, on the other, to be more precise descriptively and analytically.

Finally, in the fourth and last section, chapter seven presents a critical argument in response to the implicit temporality of the model of transitional justice and humanitarianism in Colombia, for which I use democracy as a methodological and analytical tool. By decentralizing the place of political violence memory from the spaces of war and pain, it becomes possible to interpret those facts that will highlight the democratizing nature of local struggles for rights exerted by persons, groups, organizations, and some state institutions. By means of this exercise, I re-conceptualize ideas of the past, present, and future within transitional justice trying to find a way out of institutional bureaucratic formations in the administration of life affairs.

Chapter 1

Confronting Humanitarianism

<div align="right">

"Let the field decide for you"
Lévi-Straus to Descola when leaving for fieldwork (Descola 2005)

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The following chapter describes my approach and journey through humanitarian bureaucracy in Colombia and the methodological challenges I faced as researcher. It reflects on how I came about entering the humanitarian apparatus, the turning points in the fieldwork and the positions and positionalities I assumed and I was acknowledged for. I also discuss the ethical and methodological dilemmas present in approaching institutional realms. Throughout the chapter, I reflect upon what conditions of possibility enabled me to move between different social realms and scales as a researcher, as a public servant, as an academic, an as a collaborator. I map out my research on the business of peace building, social design, and experimentation in contemporary Colombian humanitarian state through my trajectory within different fields of engagement. The positions I intuitively and strategically assume in order to introduce myself into this social realm happen in the midst of a flourishing institutionalization and during times of economic growth.[31]

The trajectories I pursued allowed me to explore long-standing questions within my scholarly work, particularly those related to the legal production of social reality in its spatial and temporal manifestation, the role of international law and expert knowledge in localized practices and discourses, and the legal assumptions,

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[31] Since 2008 most third world countries' economies have been in steady growth mostly because of the high demand for raw materials in the midst of a "global economic crisis". The same is true for the national and transnational corporate sector with prominent disseminations in Colombia.

beliefs and ideologies portrayed and performed by international agents, local

bureaucrats, NGOs and representatives of social movements and organization. I tried

to make sense of these social and collective arrangements in the production of mobile

and portable moral and political economies (Foucault 2003, Fassin 2004). I carefully

describe how I went about a journey through the humanitarian apparatus, how and

why I decided to inhabit academic, bureaucratic, and collaborative positions.

Making sense of humanitarianism in Colombia

When I returned to Bogota in July 2013, I approach the field through friends,

former students and acquaintances working in governmental institutions. I began

having informal conversations with them in order to gain a sense of what was going on

in Colombia with the new administration and the new policy on victims redress and

land restitution.[32] Important events were taking place at the time in Colombia. In

February 2012, Juan Manuel Santos' administration (2010-2018) informed the county

that the government had been carrying out secret conversations in order to agree on

the key points for a possible negotiated peace process with FARC guerrilla. The

conversation was successful, so they announced in Oslo, Norway the official and public

phase of the peace negotiation process in 2011. The Colombian Government and Farc

guerrillas designated Cuba and Norway as guarantor states of the peace process and

Venezuela and Chile as facilitator countries. A year before that, the Colombian

government with the support of congress passed the Victims and Land Restitution Act

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[32] The right to conflict victims redress (in Spanish reparación – reparation) entails the attempt to restore life to how it was before, but it is common knowledge that nothing can be restored to what it was before the acts of violence. There has also been a discussion in Colombia around the fact that a restoration approach is not enough, as it was the former situation, which made people vulnerable to victimization in the first place. Thus, this might imply that a retributive perspective rather than a restorative one (Uprimny et al. 2006) is necessary.

(VLRA), acknowledging for the first time the rights of victims of political violence and by doing this recognizing the existence of internal armed conflict. From 2002 until 2010 the Colombian armed conflict was regarded as a terrorist threat by the Colombian government, changing the frame and narrative of the understanding of the Colombian conflict (to a perspective of sociopolitical conflict).

When I proposed my project in 2013, I envisioned doing fieldwork with researchers and public servants from the *Centro de Memoria Histórica* (Historical Memory Center) created by mandate of the Justice and Peace Law in 2005 (or Law 975).[33] However, with the last government (2010-2018), the enactment of the VLRA in 2011, and the creation of other institutional arrangements, there were at least five emerging institutions addressing the social policy related to the armed conflict: The *Departamento de Prosperidad Social* (Department for Social Prosperity –DPS)[34] encompassing four major institutions: *Unidad para la Atención y Reparación Integral a las Víctimas* (Unit for Victims Assistance and Integral Redress –UARIV, from now on *La Unidad*)[35]; *Agencia Nacional para la Superación de la Pobreza Extrema* (National Agency

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[33] Álvaro Uribe (2002'2010) initiated a negotiation process with paramilitary groups, an army born in the heart of the drug trafficking period in the mid1980s for the protection of illegal businesses and later used by landlords and regional political elites as private armies for their protection against guerrilla groups (Romero 2003; Ronderos 2014). Negotiations started in July 2003 and ended with the partial demobilization of the paramilitary forces in 2005. During the same year, Law 975, or the so-called Justice and Peace Law was enacted, incorporating transitional justice mechanisms and emphasizing the disarmament, demobilization, and reintegration (DDR) of combatants. The Colombian Constitutional Court (S-370/2006) introduced the scope of truth, justice, and redress into Law 975, framing this statute within a transitional justice approach. Under this law, the Comisión Nacional de Reparación y Reconciliación (CNRR) (Reconciliation and Redress National Commission was also created). The GMH was part of this institution (Vera 2016: 23).

[34] These institutions have national jurisdiction and some of them are comparable to a ministry or bureau. Traditionally, social policies change from one administration to another and these offices are the center of diverse political interests and clienteles. Therefore, social policy entails a direct connection between the executive branch administration and local politics. Specifically, the purpose of the DPS is to design, coordinate, and implement policies for social inclusion and reconciliation through programs that contribute to the creation of conditions for reconciliation, to create social conditions that ensure non-repetition of the conflict, and to contribute to overcoming poverty effectively, and to offer services to the populations in the territories in an efficient way.

[35] *La Unidad* main task is to coordinate the National System of Victim Support and Reparations –SNARIV (Sistema Nacional de Atención y Reparación a las Víctimas), which encompasses more than 53

for Overcoming Extreme Poverty –ANSPE)[36]; *Centro Nacional de Memoria Histórica* (National Center of Historical Memory – NCHM)[37]; the *Unidad Administrativa para la Consolidación Territorial* (Territorial Consolidation Administrative Unit –UACT);[38] and finally, the *Unidad de Restitución de Tierras* (Land Restitution Unit –URT) within the Ministry of Agriculture.[39]

I was not sure how to approach this new bureaucracy ethnographically. In this scenario, the scope of my project seemed quite unwieldy. I needed a way to address the subject, but I was not sure how. I was impressed by how my friends and acquaintances working at these institutions were quite knowledgeable on laws, acts, decrees and jurisprudence regarding the organization and the actions taken by these institutions. They had a deep understanding of the bureaucratic machinery and the local realities in different regional settings. It was common to hear how disenchanted they were with

governmental institutions. This implies the inter-institutional coordination of assistance, attention and integral reparation measures for individual and collective (ethnic, social, political, unions) groups. Its task also entails "coordinating victim services at national and territorial levels" among the various governmental agencies enforced by the VLRA. For instance, in order to get psychological support, victims would have to access to these services through the existing health care institution. By the same token, in order to access rehabilitation measures such as education, victims would go through the national system of education or what is called institutional services. The work of *La Unidad* is to prioritize victims, meaning jump the cue of policy traditional clients. Additionally, *La Unidad* is responsible for managing the resources for restitution, including the Victims Fund. Finally, *La Unidad* is directly responsible for the systematization of victims' registration (more than 8 million), the delivery of humanitarian care measures, administrative compensation, and collective reparation.

[36] ANSPE is the entity responsible for the "social promotion" of the poorest and most vulnerable population in Colombia. In order to achieve this objective, the agency articulates family and community support, the provision of services by public institutions, as well as private social investment and social innovation initiatives, which attempt to transform the quality of life of families and communities in a situation of extreme poverty.

[37] The Center aim is to collect and recover all documentary material, oral testimony and any other material related to the violations dealt with in article 147 of the Victims and Land Restitution Law. The information collected will be made available to interested parties, researchers and citizens in general, through museum pedagogical activities and any other activity central in providing and enriching knowledge of the political and social history of Colombia.

[38] The UACT promotes the institutional presence of the state, the private sector and international cooperation for the "consolidation" and reconstruction of territories. It also promotes the reestablishment of citizen reliance on the state in areas targeted by the National Policy for Territorial Consolidation and Reconstruction, the National Policy on Eradication Illicit Crops Handbook and the Alternative Development for Territorial Consolidation.

[39] The URT's main objective is to serve as the administrative organ of the National Government for the restitution of lands of the dispossessed people.

these new institutions and how things were being handled. They were incisive and keen critics of the standing bureaucracy, about the waste of resources, the hardships of social relations and the badly managed relations of power and authority. In interviews and conversations, they said that most of the time they found these institutions to be incoherent, ineffective and insensitive. For others, these institutions entailed an open contradiction between the bureaucrat's agenda and the real needs of people in *los territorios* (the territories).

As some of them said, Land Restitution Unit (URT) *funcionarios* (functionaries or public servants) were doing impressive technical work, but *los Jueces de Restitución de Tierras* (Land Restitution Judges) were taking a very long time to reach decisions. They were failing to address important or emblematic cases and not taking into account the integral reparation perspective as a whole. Even more complicated, these judges, trained and educated in the classic conception of private property within Colombian civil law tradition, were not considering transitional justice mechanisms at all. These judges were not taking into account the research work by the TCAU, reporting systemic and recurrent land dispossession in regions where land restitution programs were taking place. They were simply ruling based on traditional conceptions of civil law, failing to acknowledge the social, material and cultural conditions of property in rural areas in Colombia. These are areas where peasants have historically been landless as they have no property rights and have been dispossessed. Others criticized *La Unidad* as being the most *amateur* of the institutions. An acquaintance working there told me stories about *La Unidad. La Unidad* was responsible for the coordination, attention, care, and reparation policy for victims of the internal armed

conflict dating back to 1985.[40] One of these stories was about how public servants from the national level visited the town of *Libertad* to execute a "reparation action" (*medida de reparación*),[41] while *la Libertad* inhabitants were celebrating the *Festival del Rio. La Unidad* public servants interacted with local politicians not knowing they were related to former paramilitary groups, causing a negative impact on the process of reparation; "they even gave them *La Unidad* t-shirts in the people's presence". By doing this, *La Unidad* was revictimizing the population and failing to win trust among the local community. They would also recall situations where collective reparation processes would be suspended or left on standby given the lack of institutional coordination and actual coherence from *La Unidad.* They had many stories about how *La Unidad* was doing work along with communities without knowing about their local realities and historical contexts.

At the beginning of my fieldwork, I asked most of the people I had contact with if I could accompany them outside of Bogota to the specific regions when traveling on official business, and they kindly agreed (but in the end it was never possible). I told them to invite me to events, or meetings I could participate in (but this never happened either). I wrote many emails hoping some would answer. Some did, some never replied. I was unsure why it was so problematic. However, while living in Bogota it's not hard

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[40] Today there are more than eight million victims registered in the National Victims' Register report http://rni.unidadvictimas.gov.co/RUV 16/01/17

[41] "Medida de reparación" is called to those actions responding for the establishment or reestablishment of victims' rights in terms of the Colombian reparation policy and the UN principles on victims' reparation claims rights. Integral reparation consists of five dimensions: Restitution (land, housing, actives), rehabilitation (physical, psychological), compensation (monetary compensation), satisfaction (symbolic reparation, public acknowledgment, memorials, truth commissions) and non-repetition guaranties (personal security, social and civil rights reestablishment). When an institution executes and action in order to address one or various of these dimensions is called "reparation measure" UN General Assembly, Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, available at: http://www.refworld.org/docid/4721cb942.html [accessed 15 May 2015]

to access certain networks, seminars and talks about human rights and transitional justice matters, so I started by attending these events. In the end you realize that in the realm of humanitarian aid, where hundreds and hundreds of people work (and, of course, it is very difficult to know everybody), some people start to become more visible than others. So, I began to participate in different seminars and conferences while figuring out how I would approach this humanitarian bureaucracy.

Early, on June 26, 2013, I went to the meeting on Human Rights Archives Historical Memory and Conflict hosted by the United Nations Development Program (UNDP), looking for a place to start my ethnographic work.[42] At that event consultants from the NCHM were presenting their guidelines on how to build the national archives holding the human rights cases recognized by the Victims and Land Restitution Act (VLRA). The consultants were presenting Colombian legislation on public archives, their inquiries in regional contexts about the situation of local archives and their perspectives on the creation of human rights archives. Here, an energetic public servant from the *Archivo General de la Nación* (General National Archives – AGN) pointed out that he considered the consultants' work to be absolutely unnecessary, as it was the responsibility of the AGN. In response, one of the consultants stressed that the Colombian General Law *on* Archives 594/2000 was insufficient to address the peculiarities of a Human Rights archive. As she said, Laws 975/2005 (Justice and Peace Law) and 1448/2011 (VRLR Law) filled the gaps of the General Archive Law, specifying functions and responsible institutions. The AGN public servant continued to be quite skeptical, emphasizing that the AGN already had human rights specialists doing the consultants' work. I realized these situations were

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[42] PNUD – Encuentro sobre Archivo de Derechos Humanos, Memoria Histórica y Conflicto. Participating institutions: Procuraduría Delegada para los Derechos Humanos, Defensoría del Pueblo, Archivo General de la Nación, Consejo Superior de la Judicatura.

common within Colombian governmental institutions: "failure to strengthen policies by weakening others' actions through criticism or legal opinions" as later some public servants would recall. Also, as identified by public servants and social organizations, an emerging problem consisted of the "systematic government disconnections".

During these first months, I also participated in the seminar on Art, Law and Human Rights coordinated by Externado University Law Professor Yolanda Sierra. This seminar consisted of one session on a monthly basis in 2013, in order to discuss the role of law and art in the redress process. Professor Sierra wanted to inquire into the Inter-American Court of Human Rights (IACRH) rulings on reparation measures, particularly those manifesting symbolic dimensions. For Sierra, the way that Inter-American judges have ruled on symbolic measures through memorials or artistic commissions has not taken into account the social, political and cultural context of victimized communities. Different Colombian public servants and academics identified the same situation in the context of rulings issued by the *jueces de justicia y paz* (Justice and Peace judges) who ignored the social, cultural and material conditions in which people experience and conceive grief, memory and mourning. In general, these legally produced symbolic actions have mostly produced frustration and despair, as well as a sense of injustice and contestation from victims and communities. At the seminars sponsored by Externado University, the work of *La Unidad* was also critiqued, especially the implementation of the redress policy, underlining the importance of the symbolic dimension in order to fully implement integral redress. The seminar's goal

was to write a letter ("the letter from Bogota") to the IACRH, systematizing findings and preparing some recommendations.[43]

I continued to attend this seminar throughout the years 2013, and 2014, quite interested in the discussion, but with no "ethnographic interests" or approach. Quite to the contrary, I was impressed with the dissemination of human rights, transitional justice and humanitarianism as areas of practice, law, discourse and governance (Feldmand and Ticktin 2010). I wanted to walk into this vast terrain of human rights usages and ends (Gutiérrez and Stoller 2001). As I quickly started to note, human rights seemed to surround me. In early September of 2013, after talking about my project and establishing contact as mentioned with friends, acquaintances, academics, public servants and people working in NGOs and cooperation agencies, I was asked by a fellow colleague to participate in a project aimed at designing policy guidelines on business and human rights at the *Fundación Ideas para la Paz* (Ideas for Peace Foundation –FIP).[44] I was neither expecting nor looking for work in NGOs, foundations or cooperation agencies. My goal was to carry out ethnographic research on experts and bureaucrats and their appropriation of human rights and transitional justice narratives and practices. Even if this seemed clear in my head, it was not clear

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[43] The incorporation of "symbolic actions" was introduced by the UN principles and guidelines on victim's rights for remedy and reparation and according to IACRH jurisprudence. In that sense, the VLRA law introduces such UN principles opening the debate on the role of law, human rights and symbolic reparation within the integral reparation framework. (UN General Assembly, Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, available at: http://www.refworld.org/docid/4721cb942.html [accessed 15 May 2015])

[44] Fundación Ideas para la Paz (FIP) was founded in 1999 by a group of Colombian businessmen. FIP defines itself as a think tank with a mission to produce knowledge, propose initiatives, develop practices and support processes to contribute to the construction of stable and lasting peace in Colombia. Along these lines, FIP aims to understand the unrest existing in the country, by mobilizing citizens, government officials and the business sector around the common goal of building a peaceful society. "FIP firmly believes that the Colombian conflict will inevitably conclude with a peace negotiation or a series of negotiations that call for adequate technical assistance. Hence, it draws attention to the importance of preparing the country for post-conflict settings" http://www.ideaspaz.org/foundation/about?lang=en 08/25/2015

how to approach the fieldwork in such a context. I imagined I would probably do fieldwork at the NCHM or ideally at the State Prosecutor's Office in what, at the time, was the new *Unidad de Análisis y Contexto* (Unit for Context Analysis).[45]

Nevertheless, my job at FIP would be, in this new language I was acquiring, to interview members of the Civil Society Organization (or OSC) and social organization representatives on key issues in business and human rights. Basically, I had to write a report in order to include their recommendations in the local guidelines and recommendations FIP was developing with the Attorney General's Office, Vice-President's Office on Human Rights and the support of the United Kingdom Development Program. I never imagined I could be considered for this kind of work, but it seemed a good opportunity to get to know these people and the organization. For some reason I felt I wanted to pursue this work I had never done before, but I also had many doubts. If I accepted working on this project, would I compromise my own research and my legitimacy? Would I lose track of my research and start rambling around subjects and objects without focus? What could I gain or risk in doing so?

I was absorbed with the idea of learning about something I knew very little of. In some way, I had a hunch that this topic, business and human rights, was going to be different from anything I had done before. I decided that I did not want to abandon my project, but I wanted to try a more random and unexpected approach, probably another entrance to human rights, humanitarianism and transitional justice. FIP is a well-known *think tank* created in 1999 by the private sector in order to monitor Colombian

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[45] This Unit had the purpose of investigating systematic and massive violations of human rights as well as dangerous criminal structures under the frame of international law. From a "realistic" and "pragmatic" point of view this special Unit would overcome the incapacity of the present Colombian criminal system to deliver justice and prosecute all criminal acts committed over more than 30 years of conflict. This Unit would help understand the macrostructures of victimization contributing to justice and truth under the transitional justice paradigm.

conflict, support peace-building initiatives and produce recommendations on security, conflict and policy making, so it seemed to be part of a wider system of relations. However, at the time I still doubted whether that decision was leading me on the right path.

What I was not sure about was if FIP would be the best place for me to start. At the time I was rather more interested in learning about public offices like DPS, *La Unidad* and TCAU. But FIP certainly transformed my position in the field. Shortly after I accepted, I learned I had to have meetings with the project partners (Delegate Attorney General's Office, Vice-President's Office on Human Rights, United Kingdom Development Program) and the consultants for this project on enhancing Government proficiency to implement the UN Guiding Principles on Business and Human Rights in Colombia.[46] During these first months of fieldwork, however, I was worried that I was involved in two completely different matters: human right related to armed conflict and business and human rights. At the beginning I was unaware that my position would become central to the scope of the fieldwork, not having realized the relational and structural connection within the humanitarian bureaucracy. This stand, however, would be critical to appreciating the links, intersections, inter-connections, shifting relations, identities and politics within the humanitarian apparatus in Colombia.

At FIP I started contacting CSO representatives, social organizations, ethnic community representatives, experts, academics and unions for interviews on related issues. I was investigating their perceptions about the role of business accountability in

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[46] "UN General Assembly, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework", which was developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. The Special Representative Guiding Principles to his final report to the Human Rights Council (A/HRC/17/31), which also includes an introduction to the Guiding Principles. and an overview of the process that led to their development. The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011

human rights, if they knew and would share positive or negative experiences or cases, and what their recommendations would be for the implementation of the UN Guiding Principles in Colombia. At the time I started working on FIP's project, I asked for an appointment with *La Unidad* General Deputy Director Paula Gaviria, hoping to have a sense of the possibility of doing research in that institutional setting. The reply was fast and unexpected. One week later I had a meeting with her to whom I explained that I wanted to carry out a project on institutional appropriation of human rights and transitional justice practices and ideas, through the ethnographic examination of public servants' interactions, actions and understandings in Colombia. Gaviria was very interested in the project and offered to help me contact public servants at *La Unidad*. In compensation, I was asked to share part of my conclusions or project results. I agreed immediately and we said we would keep in touch. Gaviria designated one of her assistants to help me connect with *La Unidad*. This initial help was very useful in order to get to know the Collective Reparation Deputy Directors and some public servants from *La Unidad* National Cases and Peace and Justice groups.[47] A few weeks later I was interviewing people who would be key to my understanding of *La Unidad* and my fieldwork. I was quite interested in what this process of collective reparation and National Cases would be and offered any help I could give them if they considered it appropriate. Evidently, I took Paula Gaviria's request very seriously in order to begin interviews at *La Unidad*. It was Valentina from National Cases who asked me for the

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[47] The VLRA acknowledges the "integral reparation" of unions, political parties, social organizations and NGOs victimized during the conflict. The National Cases group coordinates the reparation of seven of these organizations: Asociación de Usuarios Campesinos (ANUC), Instituto Popular de Capacitación (IPC), trade unionists, journalists, deputies, Patriotic Union and REDEPAZ. These national cases represent a broad scope of social initiatives affected by armed conflict. Because of the nature of these organizations and their role in building citizenship, as well as their struggle for the protection of social and political rights, the cases represent the recognition of the importance of their role in the social, political and democratic life of the country. On the other hand, the Justice and Peace group coordinates the VLRA with the decisions taken by Peace and Justice tribunals.

first time to put together some information about the *Asociación Nacional de Usuarios Campesinos* (National Peasant Association - ANUC). I thought this was also a good way to get closer to the work at *La Unidad.*

During these first six months I was thrilled by the fieldwork experience and the way things seemed to appear interrelated. I was really excited with FIP's work, interviewing key spokespersons of social groups and organizations in Bogota and Medellin. I was also guiding a group that supported me in the process of information systematization. I was travelling quite often to Medellin, the most important city for Colombian businesses and corporations. As FIP's projects were in partnership with the Colombia Attorney General's Office, I had the opportunity to meet the Human Rights Attorney General Delegate in one of the project's follow-up meetings. In one of these meetings, I told him about my project in the pursuit of a PhD in anthropology. He was fascinated with the idea of institutional ethnography (as he was a alumni from the Javeriana School of Law, History and Philosophy) and he told me that he was the Attorney General Office's representative on the Technical Subcommittee on Satisfaction Actions (TSSA). He told me that the TSSA would be a great scenario to look at the work of state institutions in the implementation of social policy. Here, I heard for the first time the names of key public servants from *La Unidad* and the NCHM. Coincidence or not, being part of TSSA became a central part of my research when I decided to keep working, but this time in *La Unidad* four months later. The TSSA is an inter-institutional working group for the Executive Committee of the National System of Attention and Reparation for Victims (SNARIV), responsible for

the design and implementation of the measures of satisfaction referred to in the symbolic and satisfaction measures (established in Article 139 of Law 1448, 2011).[48]

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I have not properly introduced my friend and informant Mariana. She became my primary initial guide into the gigantic emergent bureaucratic *humanitarian apparatus*, and she is partly responsible for what became my fascination with the study of *La Unidad* as an apparently (already) failing institution and other public institutions such as the Social Prosperity Department (DPS) and *Agencia Colombiana para la Reintegración* (ACR) (Colombian Agency for Reintegration). I say apparently because at the time I really did not know what this meant in the context of my project.

Mariana exposed me for the first time to the complex networks of knowledge, relations and the never-ending government sources, subjects and objects. She actually told me I would have to learn a new "language" in order to get somewhere in my project. I remember how overwhelmed I felt by the amount of procedures, laws, protocols, conventions, resolutions, contracts, persons, public servants, approaches and policies she referred to when speaking. The following are the concepts that caught my attention during this conversation:

> *Differential approach, individual and collective redress, collective and individual routes, participation protocol, National System of Victims Redress and Attention (SNARIV), previous consultation with communities and participation mechanisms. There were more…"* (Field Notes Jun 26, 2013).

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[48] This subcommittee is composed of the following entities and representatives (in accordance with Article 241 of Decree 4800 of 2011): Two victims representatives elected by the National Victims Board, Ministry of Justice and Law, Ministry of Finance, Department for Social Prosperity, National Planning Department, National Center of Historical Memory, Unit for Attention and Reparation for Victims, Ministry of National Defense, Ministry of National Education, Ministry of Culture, General Archive of the Nation, Attorney General's Office, Ombudsman and the Institute National Legal Medicine and Forensic Sciences. The Technical Secretary for the Subcommittee on satisfaction measures is in charge of the Center for Historical Memory, and the Operational Coordination Unit for Attention and Reparation for Victims. This operational coordination would be part of the *Unidad* and central to my activities.

During the previous month I had started to participate in FIP's project and thanks to Mariana I began meeting informally with functionaries from *La Unidad.* Many times she would draw the organizational chart of the institution, or the key public servants and informants on a napkin, as would many other public servants when I talked to them. During this time I kept wondering why civil servants, academics and friends talked so poorly of the professional, "technical" capacities and skills of *La Unidad's* public servants. Why did people believe that the National Center for Historical Memory (NCHM) and Territorial Consolidation Administrative Unit (TCAU) were more professional (and *technical, using* their own words) than *La Unidad*? How was this judgment produced between scholars and civil servants? Why was this idea so consensual? Was it gossip? A rumor? Should I choose to accept or share this evaluation? And then, should I select one or various institutions in order to study bureaucratic humanitarianism?

Soon after I began meeting and interviewing people from governmental and non-governmental institutions, I received a call from Mariana informing me that there was a job available at the *Unidad* in the National Cases group (in the Collective Reparation sub-direction) and some people were interested in reviewing my resume. I told Mariana that what I wanted was to conduct research, not to obtain a work position. She insisted that the only way to become acquainted with the *Unidad* was to work there and gain a sense of the day-to-day work. Mariana insisted and so I submitted my resume. I went through the interview and selection process and to my surprise I was offered a job at National Cases. It was a very difficult time for me because I was quite intrigued with what I was doing at FIP and I did not want to jeopardize my research by taking on such a demanding position. I took a couple of days to consider it and in

the end I declined. I told the National Cases coordinator that my priority was my research and I felt uncertain of the consequences for my project if I were to accept the job. The group coordinator seemed very disappointed and insisted. She told me that this was "*una oportunidad para ponerse la camiseta por el país*" (an opportunity to wear the team shirt for our country), meaning that it was an opportunity to serve my country. This was not a valid reason for me at that time and so I stood by my decision. However, this event proved to be decisive months later when I actually accepted another job offer at *La Unidad*, at the Collective Reparation Sub-direction. I deeply regretted not having accepted the first opportunity because I felt I was missing out on the creation of a whole new institutional arrangement. Months later, on January 2014, when I joined *La Unidad* I was convinced that entering into the bureaucratic apparatus of reparation policy would be the best way to account for the material and ideological dimensions of humanitarianism in Colombia. Paradoxically, this straightforward ethnographic approach implied an innovative way to account for the state formation in Colombia by analyzing concrete local practices of a global discourse within an institutional realm.

I visited *La Unidad*, the NCHM and the TCAU several times before I decided to conduct part of my research from state institutions.[49] I interviewed the CSRD Deputy, and she put me in contact with Melissa Quintana, *Casos Nacionales* coordinator, who

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[49] Philip Abrams (1988) has noted the difficulties in studying the state from this point of view: "Any attempt to examine politically institutionalized power at close quarters is, in short, liable to bring to light the fact that an integral element of such power is the quite straightforward ability to withhold information, deny observation and dictate the terms of knowledge". However, continues Abrams, "when the state papers are opened and the definitive scholarly work is done it only serves to affirm or add detail to the interpretations read from the surface of events by sharp-eyed and theoretically informed observers thirty years earlier […] the real official secret however" he states "is the secret of the non-existence of the state" (Abrams 1988: 72,77)

briefed me on the *Unidad's* "political line"[50] and Valentina Herazo, who introduced me to the fascinating challenges of National Cases. I also interviewed a public servant from Peace and Justice alongside Mariana on two occasions. I participated in some public events at the *Unidad.* When I initiated this phase of the research (working at *La Unidad Subdirección de Reparación Colectiva* –Collective Reparation Sub-direction CRSD) I did not know exactly what my activities would consist of. The only thing I had clear was that this place was an ethnographic space in which I would probably experience the difficulties, the challenges and emotions of this unpopular activity, as working at *La Unidas* was not as prestigious as working at the URT or NCHM. I want to be clear that I have always worked within the academia and had never previously applied for a job in the humanitarian or social policy arena. I did not how to make myself useful. Yet, my profile seemed to match with the professional demands of the humanitarian bureaucracy. Lawyers, political scientists, psychologists, social workers, historians, philosophers, social communicators, artists, and anthropologists gathered together at the Collective Reparation Sub-Direction (CRSD) as public servants in the task of producing the new institutionality. As many of the public servants I spoke with told me, *La Unidad* was lacking qualified personnel. While talking to them on a daily basis, it became evident that for many of these public servants, there was a need for what they called "technical knowledge" or maybe, as I will explore later, authorized voices. They were "creating something new and they needed to break the mold" as a

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[50] *Political line* refers to the expressions that a coordinator and deputy director might occasionally use when referring to their position on a subject, such as "to wear the t-shirt for peace" or "to wear the t-shirt for the victims" or "to wear the t-shirt for the country". The "political line" of "low-level public servants" was quite different. What was emphasized in public servants' interactions with victims in regional settings (for the street level public servant) was the state´s historical debt; A debt, which the law was attempting to account for. "The state has failed to protect its citizens, and on some occasions, even victimized them". In many senses, they were actually producing an act of acknowledgment on behalf of the state. This can also be explained as the social manifestation of empowered former social activists, now turned public servants, believing and promoting the law for the so-called "victims".

functionary told me during those days. For me, later, this assertion was refuted every single day at the expense of the bureaucratic processes, which usually absorbed a good portion of potential action, creativity and imagination. Therefore, the relation between bureaucracy and creativity became a central puzzle of this dissertation.

At the second job interview for *La Unidad* (Collective Reparation Sub-direction - CRSD), I was asked for my knowledge on IDP, DDR, transitional justice, human rights and victims' jurisprudence and legislation and about my experience in the production of reports. I was told I would have to contribute to the building of guidelines and protocols in satisfaction actions and non-repetition guarantees.[51] I would be working at SDRC. I told them that I was eager to help and to learn, but that they should be clear that I was conducting research on the institutions implementing the VLRA implementation and that I would be there for a short period of time. They told me that they would take that into consideration during their decision. They expected to make a decision by Friday. However, they were mostly concerned about the money, and if the job would satisfy my economic expectations. I told them that, on the contrary, it would be an amazing opportunity to learn from them and that the salary was not a concern. This was a threshold in my ethnographic research, as I took a hard and radical methodological decision choosing this place in order to develop part of my fieldwork.

This issue requires further explanation. For me it was not easy to deal with the privilege I was facing in accepting a job for the sake of my research. As I was working at FIP and receiving a Javeriana University stipend, I was able to conduct my

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[51] Unlike restitution, compensation, rehabilitation and satisfaction measures, non-repetition guaranties are aimed at preventing the repetition of the violation of victims' rights, as well as eliminating and overcoming the structural causes of the massive violation of human rights of victims and international humanitarian law. The non-repetition guarantees comprise two dimensions: a preventive and a restorative.

fieldwork with no financial concerns. For me, working at *La Unidad* involved a central methodological issue that clearly also transformed my position within the humanitarian bureaucracy apparatus. The public servants' concerns with my willingness to accept the job were understandable as I was, as they stated "overqualified" for the position. Of course, this was, and still is a false assumption, as a PhD candidacy was not a guarantee for dealing with the demands of the position. But they would be right in assuming that a PhD candidate would not be willing to accept $2.9000.000 Colombian pesos (about $900 US Dollars at the time) per month in Colombia. When deciding to take this methodological option, I was aware of the possible conflict of interest in accepting a job at the ethnographic site of research. As defined by some authors (Rodwin 1993), there is a conflict of interest when anthropologists´ "interests or commitments compromise their judgments, compromise their research reports, or compromise their communications to research subjects, participants, patients, and/or clients" (NHRPAC 2001). Following Rodwin (1993), there are two types of conflict of interest: firstly, conflicts between the professional's personal or financial interests and the interests of a subject/participant, patient or client; and secondly, conflicts that involve competing loyalties, between two or more subjects, patients or clients. Alternatively, the conflict may be between a subject/participant, client or patient and a third party to whom the professional owes contractual duties, for example, sponsors of research, insurance companies, employers, etc. In my particular case, there was no conflict of interest in financial terms because Javariana was providing me with a partial income in support of my research and I was able to save money while I was working at FIP. I decided to work at *La Unidad* by my own initiative, pursuing an analytical perspective. It is also worth noting that the

research was not specifically about *La Unidad*, but about the bureaucratic transnational humanitarian apparatus. I was never held accountable for my research while I was working at *La Unidad*.[52]

Most functionaries working at *La Unidad* work under a temporary contract (not a labor contract). People hired under a temporary contract, like me, were brought in to develop particular activities related to the administration or operation of a public institution, when existing staff cannot cover these functions or there is no personnel able to develop a particular expert activity. Yet in the framework of neoliberal bureaucracy, most public servants hold this kind of contract. Such contracts do not generate an employment relationship or social benefits and are supposedly upheld for only the strictly necessary time. In this realm, a person contracted, who is called a public servant anyway, has the "purpose of supporting and assisting entity operations, achieving its goals, and developing activities that have a clear causal link or correlation with the tasks assigned to the entity" (Law 80 1993). As I will explain later, the fact that the majority of public servants are not official state employees has analytical implications in the way victims aid works in Colombia and late-liberalist manifestations of state and care configuration. However, I must acknowledge that I was lucky enough to be offered a job at *La Unidad* in order to conduct part of my field research.

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[52] There are also some established criteria and procedures under the United States jurisdiction to be followed if any certain research condition affects the conflict of interest paradigm, but this does not affect this project (U.S. Department of Health and Human Services' [DHHS] 2011 final ruling that amended the Public Health Service (PHS) regulations on conflicts of interest - Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought [42 C.F.R. Part 50, Subpart F] and Responsible Prospective Contractors [45 C.F.R. Part 94]) https://www.citiprogram.org/members/index.cfm?pageID=665&ce=1. Yet it is important to bear in mind, as Dominic Boyer (2005) tells us: "that our own contemporary engagement with 'knowledge' is also always entangled with economies of expertise (both external and internal to universities) that refract our professional identities, activities, and productivity" (2005:145)

I will consider later under what conditions of possibility I was able to transition between various different institutional fields as a researcher, as a public servant, as an academic, as a partner and expert. I did not claim or identify with any of them, but I placed myself in those many *positionalities*. The creation of these new institutions has not just increased the amount of bureaucrats in the governmental and non-governmental apparatus, but it has also incorporated an emergent form of expert and public servant. The actual demands and knowledge for the implementation of this social policy has required imagination, creativeness and experimentation. If I was seen as useful in these different settings, I did not have any idea what my contribution to such a specific and complex problematic would be. But, what this reflects overall is the variations in the political economy of humanitarianism through the spectacular increase in resources from the Colombian government (as Colombia was in a growing economic cycle thanks to international oil prices and commodities from 2008 to 2015)[53], cooperation agencies' intervention, development programs, non-governmental organizations and defense and security programs, allocated to the Colombian social policy re-configuration.[54] It was surprising for me to see the number of social science professionals working in public services and non-governmental institutions dedicated to the aid and care of victims, IDP, poverty, education, development, and peace building etc. Anthropologists, lawyers, political scientists, sociologists, historians, psychologists and philosophers were the main core of professionals within these

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[53] From 2008 most of the world's emergent economies were in steady growth for seven years, mostly because of the high demand for raw materials in the midst of a "global economic crisis". The same was true for the national and transnational corporate sector, for agroindustry, mining and for the energy sector with prominent dissemination in Colombia. In 2015, "third world economies" began to struggle again as developed countries economies began to overcome the "world economic crisis".

[54] What seems to be an imminent peace agreement between the Colombian government and FARC guerrillas has transformed the humanitarian field dramatically. This dissertation accounts for such processes.

institutions, different from the street bureaucrats with financial and administrative degrees. Many of these public servants regarded *La Unidad* as a failed institution shortly after it came into existence and certainly nobody wanted to work at *La Unidad* as it was not considered prestigious at all, unlike the NCHM or the TCAU. This attitude reflects not just technical arguments, but also cultural beliefs associated with the victims' historical social stigmatization, and professional values. In the end I wanted to understand the bases of these "technical" and moral judgments.

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I will always remember Valentina (National Cases Functionary) approaching me the very first week I started working there, asking if I could help to write a draft on transformative memory in order to outline this discussion for the *Red Nacional de Iniciativas Ciudadanas por la Paz y Contra la Guerra* (National Network of Civil Initiatives for Peace and against War, from now on – REDEPAZ) representatives. I took on this task immediately as part of the "technical support" for the Satisfaction and non-repetition Guaranties Group. This work with REDEPAZ became a collaborative relationship seven months after I ended my fieldwork phase at *La Unidad* and has continued until today. As a partner and collaborator for REDEPAZ, I had the privilege of supporting them in the conceptualization of the *transformative memory* concept included in the REDEPAZ reparation process.[55] They wanted to build a concept of memory useful for facing "the organizational challenges of the present and the future" (Luis Sandoval 2014, Personal Communication). They were not interested in the development of the NCHM traditional "historical memory report",[56] but were looking

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[55] As I will explain later, REDEPAZ is one of the 7 national cases of collective reparation for social organizations carried out by *La Unidad* in the frame of VLRA (Chapter 7).

[56] Historical memory reports are the documents created by the NCHM combining victims' testimonies with academic's accounts of the regional economic and political dynamics that explain the local causes of

for a transformative notion of memory for collective victims of armed conflict. The collaboration with REDEPAZ would not have been possible without having previously worked at *La Unidad.*

Here, I won't use the concept of activist. At some point I did consider myself a collaborator, although I will discuss this issue further below. As a scholar and researcher I was an active cooperator and participant in the REDEPAZ process of collective reparation, but I did not hold the same level of commitment as the organization's members did, when it came to creating a peace process and Alternative Dispute Resolution. REDEPAZ as a peace building organization raised the question about the future, emphasizing what is lacking in the transitional justice imaginary. REDEPAZ is central to understanding the interrelation between the Colombian reparation policy and its interaction with social movements and organizations. REDEPAZ was essential in the previous mobilization of victims' rights and peace building (before the VLRA enactment), having framed and advice policy makers in the production of a model of collective reparation. Later REDEPAZ itself became a subject of collective reparation and an experimental actor in the production of a model for the redress of social, political, and union organizations.[57] During this period of time

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violence. The NCHM has produced more than 20 reports, called emblematic cases and the main report called *"Colombia Basta Ya!"*: published in 2013.

[57] Following Decree 4800 Article 222, Collective Reparations stand for: the set of measures applicable to collective subjects (groups, communities and social organizations) that are entitled to reparation after undergoing one of the victimized events defined in Article 151 of Law 1448 of 2011. These measures include measures of restitution, compensation, rehabilitation, satisfaction and guarantee of non-repetition, in political, material and symbolic components. Collective reparations will be directed to the recognition and dignity of the subjects of collective redress, psychosocial recovery, citizen inclusion as subjects of law, rebuilding the social fabric; rebuilding the confidence of society in the State in the areas and territories affected by armed conflict; and recovery and / or strengthening institutions of the rule of law to achieve national reconciliation and peaceful coexistence. The General Assembly United Nations defines victim as "any person who has suffered injury personally or collectively, including physical or mental injury, emotional suffering, economic loss or impairment of their fundamental rights, through acts or omissions that constitute a gross violation of international human rights standards or serious violation of international humanitarian law". In this sense, the term is necessarily linked to the violation of human rights or crimes or improper conduct (Basic Principles and Guidelines on the Right to a

(August 2014 to March 2015), I also worked closely with members of the so-called *Congreso de los Pueblos* (People's Congress), a social organization that gathers different peasant, indigenous, Afro-Colombian organizations unions, and workers exploring their forms of organization and peace-building perspectives. The last chapter of this dissertation is dedicated to exploring the social process of peace and democracy building "from below" and its tensions and connection with the humanitarian bureaucracy.

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This trajectory maps out my research on the business of peace building, social design and experimentation in the contemporary Colombian humanitarian state through my interaction within different fields of engagement. For this reason, it seems impossible for me to avoid reflecting on my *situatedness*. As I built my argumentation through the different roles I played as a subject embedded in the very social relation I studied, I could not alienate myself from their constitutive power relations.[58] I was always clear about my intentions and I would repeatedly remind people I was doing research on the implementation of the VLRA. Perhaps sometimes I appeared to be unsympathetic, but I wanted to set people straight about my research project. It is also

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Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law "General Assembly resolution 60/147 of 16 December 2005"). Although the United Nations General Assembly recognizes two dimensions, individual and collective, in its definition of victim, there is no conceptual clarity or regulatory development on the collective reparation notion. However, collective reparations programs arise from the need to intervene and compensate the damages to groups of people, considering the collective impact of involvement. According to the above, collective redress shall be understood as "the compensation due to collective subject victims, i.e. groups of people who are assumed not only as individuals, but also share a project of common identity and who have suffered damages of a collective nature as a result of gross violations of their human rights, individual or collective "(Diaz 2007: 273)

[58] As Philippe Descola has pointed out: "the ethnographers' workshop is their own self and the relations that they have managed to establish between this self and some members of a society. Therefore, the data that they gather cannot be fully dissociated from the situations in which they find themselves immersed —often by chance, from the role they are led to play —sometimes unknowingly —in local politics, and from their dependency upon various persons who become their main providers of information" (Descola 2005: 68)

true that this was a kind of innocuous situation in the context of a massive institutional realm where requirements, reunions, reports, and briefs cannot wait (although they do wait), making people easily forget such an issue. This became clear to me when I realized I was never addressed as a researcher, or questioned about my project during the seven months I worked as a functionary at *La Unidad*.[59] Just friends and close colleges I met at *La Unidad* were and still interested about the project.

I never interviewed a *Unidad* functionary while I was working there. After I ended the fieldwork phase at *La Unidad* I began carrying out interviews with many of the public servants I had the privilege of meeting there, particularly those in the Collective Reparation Sub-direction (CRSD). During the following six months of fieldwork, I travelled on my own to different regions as a researcher, reaching out to public servants, and social organization representatives. However, during the 18 months I carried out fieldwork I never stopped interviewing members of social organizations, ethnic groups and communities, NGOs, international cooperation agencies, victims' representatives, and other public servants "at both the national and territorial levels". I never stopped carrying out fieldwork. During these 18 months I completed 82 semi-structured interviews (Annex 1), and participated in more than 32 institutional and inter-institutional meetings with governmental, non-governmental and social organization representatives.

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[59] There are tensions and contradictions in joining an institutional realm in order to conduct ethnographic research. It is interpreted in many ways and it clearly reveals pros as well as cons. I took the free choice to work at FIP and *La Unidad* with the knowledge of senior managers and most recurrent institutional public servants with whom with time I developed camaraderie and friendship.

Beginning Fieldwork 6/24/2013

Beginning job in FIP 9/2/2013

Beginning job in Unit for Victims 1/7/2014

End job in FIP 2/28/2014

End job in Unit for Victims 9/5/2014

End Fieldwork 3/20/2015

| 2013 | jun. | aug. | oct. | dec. | 2014 | ap. | jun. | aug. | oct. | dec. | 2015 | 2015 |
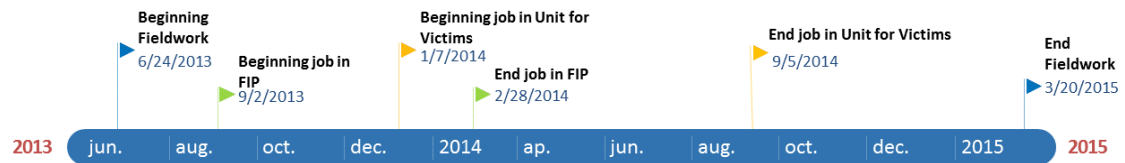
Fieldwork timeline (Figure 1)

With my engagement into these institutional realms, my view and perspective of the fieldwork began to transform. Fieldwork varies according to the scale at which it is carried out, as it encompasses experience, meaning, frictions and relations, as well as trajectories, spaces and delimitations (Gupta and Fergusson 2001, Marcus 1995). It is a privilege to do fieldwork. It is a privilege to decide freely to participate in the social milieu and contemplate the very forms of our social relations. This process requires long and short displacements in local, trans-local and international locations structured through displacements within the social field of the humanitarian apparatus in Colombia and its representations. I began to realize that when thinking ethnographically (aware or unaware), the anthropologist is always thinking on or through scales: the local, the setting, the location, and also the region, the nation, the interconnections and the global (Gupta and Ferguson 2001). From our beginnings in anthropology, we know that we can see the global in the local and vice versa (Marcus 2005). We also know that a classical anthropologist will be in one place for a long time (translating the other, being the other or interpreting the other) and that today anthropologists circulate around different sites tracing trajectories, connections and narratives in complex sets of political, moral and economic relations. Yet, scale is not just an ethnographic way of thinking; it's also a powerful social invention. Scales are at the very center of power practices and representations (Valverde 2009). When entering

bureaucratic humanitarianism, the established forms of thinking associated with time and space also affected me. And these representations directly affected my own fieldwork and my own assumptions about it. As a researcher and later as a bureaucrat, I started to realize that fieldtrips were a condition for the development of the humanitarian bureaucracy. In a certain way, my relation with the *local* was transformed under these conditions and articulated through the practices of humanitarian engagement. As I was carrying out fieldwork within these institutions and organizations, I was also travelling intensely to several locations. I registered 14 fieldtrips either to interview "local public servants", "civil society organizations" or "social organization representatives" as a researcher and collaborator and 5 as a functionary. Although I will not account in the dissertation for the 7 times I did travel to interview "civil society" representatives at Medellin and surrounding municipalities, these trips were essential for me in order to start approaching the temporal and special dimensions of the humanitarian field in Colombia.

As a public servant at *La Unidad* I had the opportunity to travel, to explore the policy anchorage (Map 1), twice to San Francisco, Antioquia, Atanquez, and Cesar, as well as once to Cúcuta, North Santander (Northeastern Venezuelan border), and San José de Uré, Córdoba. In San Francisco, I joined the implementation of a measure of rehabilitation installed by public servants at the Antioquia Territorial Direction. At Atanquez, I supported a tutoring session in Satisfaction Measures and the design of a plan for the strengthening of indigenous community, as a pre-consultative measure for the Kankuamo community. In Cúcuta, I joined a Peace and Justice public servant in an Incident of Damages Identification at the Peace and Justice Tribunals, and in San José de Uré I participated in satisfaction measures workshop.

When I end doing the fieldwork phase at *La Unidad* I came back three times to Valledupar (and Cesar region) and one time to Cali, Valle del Cauca, in order to interview functionaries from NCHM, DPS, MAPP-OEA, CAR, *La Undiad* and others institutions, as well as members of the Departmental and Municipal victims boards, social organization and ethic groups representatives. During such time (from august 2014 to march 2015) I also to travel to Arauca, Florencia, and Obejas (Montes de Maria Region) where I also interview public servants, victims' organization and cooperation agency representatives about their activist work and redress policy representations.
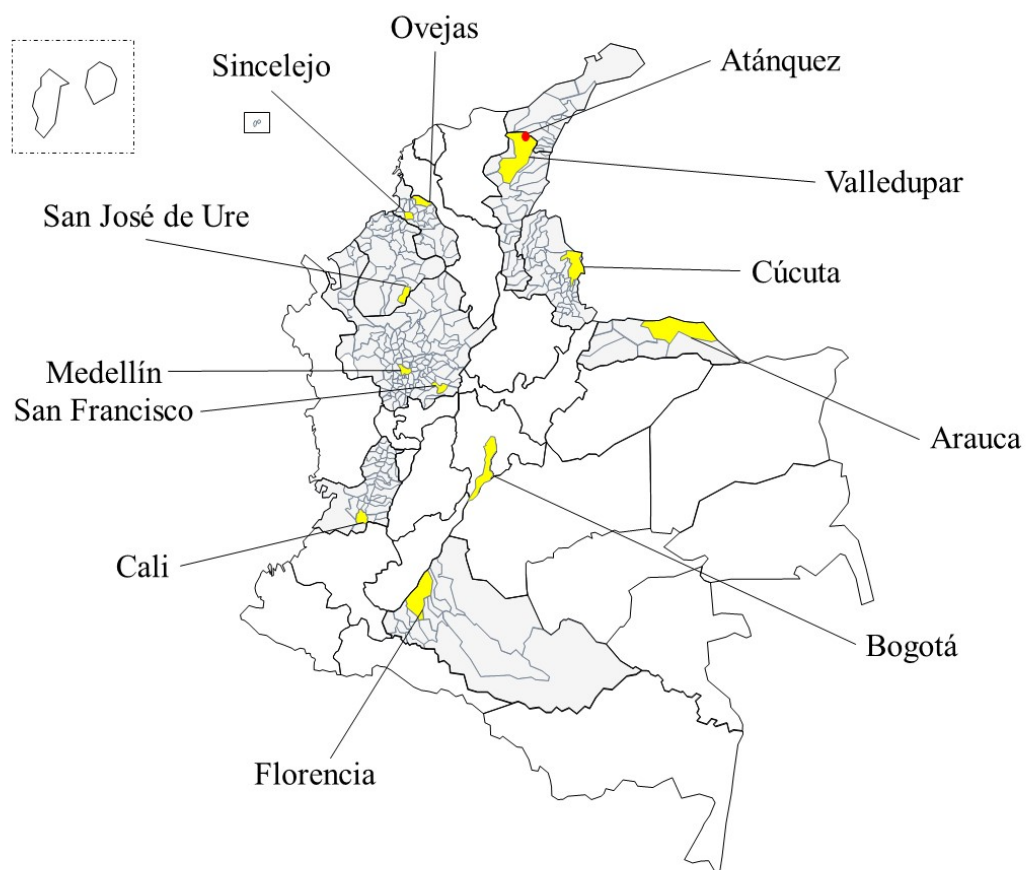
Fieldwork Locations (Map 1)

Thus, as I was experiencing the dimensions of *movement* and *displacement* within the humanitarian bureaucracy and its forms of time and space configurations, I was able to trace the historical configuration of the nation-territory divide and its contemporary manifestations in everyday life, law, policy and power. I found complex sets of relations, social fields and conditions of possibility for at least three realms of humanitarian discourse and practices. First, the most familiar field of human rights related to armed conflict and peace building, mobilized by social organizations, NGOs, and cooperation agencies; second, the variety of human rights notions and practices mobilized by state agents and public institutions; third, the emerging dissemination of business and human rights, and human rights and environment. These fields are not clear-cut areas of practice, governance and knowledge, but complex interchangeable dimensions within which multidimensional forms of producing techniques, discourses, and practices appear and prompt emerging forms of developmental and humanitarian politics.

In this realm, I positioned myself in the context of local public servants, functionaries, contractors and professionals, prompting humanitarian and human rights narratives and practices to explore the emergence of a humanitarian bureaucracy deeply inserted in a "transnational governmentality" (Gupta and Fergusson 2002), and in which NGOs, corporations, and international agencies are crucial to the government of institutions, states and localities (Feldman and Ticktin 2010), but also inserted in complex sets of institutional arrangements and traditions embodied in local forms authority, knowledge production and policy representations. Through the research I explore how humanitarianism and human rights have shifted

from international and national law and guidelines to actual bureaucracies, not just

through the analysis of the conspicuous work of state and NGOs and cooperation

agencies, but also through to the actual everyday work of functionaries, experts and

policy clients. They have come to institutionalize humanitarianism, human rights and

transitional justice discourses and practices.

Conclusion

The intention of this first chapter was to clarify the politics of the fieldwork

engagement within the conditions of possibility of humanitarian interventionism and

the demands and challenges implied in strengthening the humanitarian credo in

Colombia. The positions I intuitively and strategically assumed in order to introduce

myself into this social realm happened in the midst of a flourishing institutionalization

and during times of economic growth. The trajectories I pursued allowed me to

explore long-standing questions within my scholarly work, particularly those related

to the legal production of social reality in its spatial and temporal manifestation, the

role of international law and expert knowledge in localized practices and discourses,

and the legal assumptions, beliefs and ideologies portrayed and performed by

international agents, local bureaucrats, NGOs and representatives of social

movements. This process of institutionalization has been made historically possible

through the active work of transnational agents and practitioners. "Development" has

been a central feature in a long process of cultural encounter, hierarchy and

domination (Escobar 2007, Ferguson 1994, Murray 2007). However, humanitarianism

seems to engender an emergent ideological reconfiguration of development itself, and

the framing of governmentalized international and transnational practices and beliefs.

I describe the ethical, methodological and political dilemmas I faced while doing research in institutional settings. Within Colombian anthropology, there is a tendency to undervalue institutional ethnographies, as they are not considered to be engaged with people´s needs and demands. Rather, some anthropologists believe that these kinds of engaging reflect anthropologist´s comfort and privilege. However, my experience was entirely different. Carrying out research on institutional settings demands credibility and responsibility. We are also accountable for our actions in institutional realms as we are in any community or social organization. It is well-known anthropologists behavior when leaving fieldwork, however my ethnographic account is going to be on the spot for some time before functionaries and scholars. There are also the moral commitments and contradictions inherent when you become the subject of the study (the expert, the functionary). It is not easy to bare such a responsibility, to relate to power relations and to explain why you decided to study "the expert" and "not the victim". However, I am convinced that as long as anthropologists continue to criticize power relations from the sidelines, they will not be able to understand, to dispute and to combat those structures of thinking that produce and reproduce world dominating narratives such as economic development, democracy and human rights.

Chapter 2

The Emergence of the Humanitarian State in Colombia: Armed Conflict, Development and Social Policy since 1982

In this chapter, I aim to describe the genealogical relation between armed conflict, humanitarian aid and social policy in Colombia since 1982. This sometimes indistinguishable relation is also associated with the wider concept of development which provides the ideological framework in which social policy and humanitarian aid are practiced and understood by state and non-state agents in Colombia and abroad. They tend to share values and an interpretation of the Colombian armed conflict and its intervention. The main argument is that Colombian state social policy frames its interventions in late-liberalist humanitarian values, both within a framework of military principles and, without contradiction, the politics of compassion. In this context, the Colombian government attempts to grant citizenship through the acknowledgment of citizen victimhood, rather than a perspective of citizens' as universal holders of rights.

The development of contemporary social policy in Colombia is traceable through the long-standing process of peace negotiations with armed guerrillas and paramilitary groups.[60] We can perhaps trace the emergence of a new form of approaching peace dilemmas in Colombia to 1982, when under the administration of

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[60] It is worth remembering that the Colombian government just end the fifth attempt to reach an agreement with FARC guerrillas in Havana, Cuba, with Sweden as facilitator and guarantor. Santos' administration has developed a wide agenda for peace building, sanctioning the VLRA in 2011 and creating new bureaus for Colombia's transition to peace. Before that, as we explore further in this chapter, there were at least three attempts the reach a peace agreement -1982, 1990, 1992, 1998 with FARC and other guerrillas and one agreement for demobilization with paramilitary forces in 2005.

Belisario Betancourt (1982-1984) the first peace negotiation process took place with

FARC – EP (Revolutionary Colombian Armed Forces –People's Army).[61] The

Betancourt peace policy acknowledged the structural and historical causes of violence

in Colombia, changing the former governmental approach to the conflict.[62]

Betancourt´s administration signed a truce with the FARC, which lasted from 1984 to

1990, and one of 10 months with M-19 guerrilla group.[63] During this time, FARC

guerrillas established a political movement called Unión Patriótica (UP), which

[61] The FARC emerged as a guerrilla movement in 1964, six years after the end of the period known as *La Violencia* (a 10-year long undeclared civil war between Liberals and Conservatives) and ended as a stronghold of the liberal self-defense forces, while the conservative party was in power. The FARC called themselves a Marxist-Leninist left-wing group that defended peasants' rights and land tenancy. To bring peace, in 1958 the political parties (liberal and conservative) agreed to interchange power for 20 years. For this reason, the FARC settled in the small village of Marquetalia with about 16,000 men. For more than 20 years the FARC, along with other guerrilla groups that began to operate (ELN, M19, Quintin Lame) dominated extensive parts of Colombian territory. However, during the rise of drug trafficking in the early 80s, drug traffickers and paramilitaries began to dispute guerrilla´s territories and strategic areas of influence. During the 1990s, paramilitary forces began to defend the interests of large landowners and national and multinational corporations. In 1998, the Colombian government initiated a profound process of modernization of the Armed Forces through the so-called Plan Colombia, supported by the United States. During this decade, and the first decade of the new century, paramilitary forces undermined the social bases of the guerrillas through forced displacement, massacres and terror, while the armed forces won the strategic struggle. Similarly, the guerrillas intensified their methods and began kidnapping, along with drug trafficking, as their main sources of funding. In 2005, the political elites close to the paramilitary groups agreed to demobilize these forces through the Justice and Peace Law. In 2011, the Santos government (2010-2011), after weakening militarily guerrilla forces, began a process that just ended in an agreement, but without the support of the Colombian population, who voted against it in a referendum. However, FARC held the commitment to abandon the war so the agreement was approved via congress with the support of a Constitutional Court ruling. Opposition leaders said that the agreement was a violation of the Colombian Constitution. However, in the agreement, signed in 2016 with the guerrillas and approved by congress, FARC succeeded in strengthening the mechanisms of territorial government in their areas of influence, achieved the establishment of a truth commission, a court of justice for all those involved in the conflict (guerrilla members, Armed Forces and other responsible), political participation at the Colombian Congress as a political force, protection and security for the demobilized forces and mechanisms for reintegration into society.

[62] Jaramillo (2013) has shown the existence of rehabilitation programs established by the expert commission (Guzman et al 2005) in order to intervene in "former" zones affected by *La Violencia* with the establishment of the National Front. Jaramillo's study explores the effects of "la comisión investigadora" appointed in 1958 to "create a report on the state of the violence and recommend practical solutions" (Jaramillo 2011:43). At that time, they created a National Rehabilitation Office, which did not have much of an effect while the violence continued. These interventions however are part of what I want to study as an unfinished frame, a latent state of "social projects" in late liberalism (Povinelli 2011).

[63] Various guerrilla groups participated In this process: Fuerzas Armadas Revolucionarias de Colombia (FARC), el Ejército Popular de Liberación (EPL), Movimiento 19 de Abril (M-19), Ejército de Liberación Nacional (ELN) y la Autodefensa Obrera (ADO). - See more at: http://contrapunto.co/index.php?module=nota&i=38-el-proceso-de-paz-fracasado-de-belisario#sthash.DYphQT5f.dpuf

participated in the elections of 1986 and elected 14 senators and more than 30

representatives to public offices, as well as mayors and council members across the

country.[64] In 1982 the Betancourt administration signed the Amnesty Law, which

acknowledged the FARC's political status and described the rehabilitation measures

for former combatants and areas where armed conflict had hit the hardest. These

actions were to be implemented by *the Plan Nacional de Rehabilitación* – PNR (National

Rehabilitation Plan). This plan constituted the basis of the next twenty years peace

building and development policies.

Initially, the PNR was conceived in order to "contribute to the consolidation of

areas affected by violence with the peace that all Colombians aspire to and need as a

nation in order to move along the path of progress and welfare".[65] This mission

emphasized state attention in specific areas "affected by violence" and traditionally

outside the scope of state reach; socially and economically disenfranchised. In 1985 the

United Nations Development Program (UNDP) began to support this plan.[66]

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[64] UP was political party born after Betancourt-FARC peace negotiation process. During this decade more than three thousand UP militants were assassinated and disappeared by state, paramilitary and guerrilla forces. This episode is acknowledged as a political ethnocide, which finally brought the end of the peace negotiation in 1990.

[65] Presidencia de la República, Plan Nacional de Rehabilitación(Plan social para la Paz), Bogota, Julio 1985. p. 38.

[66] International Cooperation began to have a presence in Colombia in 1945 after the end of the WWII, but it was officially consolidated in the Colombian government in 1968 when the DNP created the Special Projects and Foreign Credit Unit (for a further explanation of what the DNP is, please read footnote 68). In 1954 with the arrival of the United Nations Information Centre (UNIC) the United Nation was officially established in Colombia. Since then other UN offices have arrived: The Pan American Health Organization (PAHO); and the World Health Organization (WHO) in December of 1954; The World Bank in 1962; The United Nations Economic Commission for Latin America and the Caribbean (ECLAC) in 1963; the World Food Program (WFP) in 1969; The United Nations Development Program (UNDP) and The United Nations Population Fund (UNFPA) in 1974; The United Nations Organization for Food and Agriculture (FAO) in 1977; Program of the United Nations International Drug Control Program (UNDCP, now ODCCP) in 1985; and the United Nations Industrial Development Organization in 1991. In the last 20 years other UN offices have also arrived: The United Nations High Commissioner for Human Rights (OHCHR); The United Nations High Commissioner for Refugees (UNHCR); the International Labour Organization (ILO); the Joint Program of the United Nations HIV / AIDS (UNAIDS) and project support for regional development (UNCRD). Today there are 25 agencies in Colombia. (Agencia Presidencial para la Cooperación Internacional y la

However, the lack of political support and intensified armed actions against military units, the guerrilla, and the civilian population made the truce unsustainable. From 1984 to 1990, about 3000 Unión Patriótica (UP) militants (and two UP presidential candidates) were assassinated. The truce was broken in 1990 after the Colombian Armed Forces "Casa Verde" (FARC headquarters) was bombarded. The agreements never envisioned the subversive groups disarmament. While the guerrillas continued kidnapping, extorting and expanding during these years, the emergent influx of drug trafficking resources supported landlords who helped build the paramilitary project in regional settings. Through this "irregular" war the Colombian conflict began to mutate drastically.

Betancourt's peace process cannot be explained without taking into account the National Security Doctrine (NSD), adopted by Cesar Turbay's administration (1978-1982).[67] In terms of the genealogy of a Latin American security policy, as it is well known, the NSD was part of the United States foreign policy in the context of the cold war, ensuring the "internal order" by persecuting "internal enemies". This policy, aimed at combatting individuals, organizations and social movements suspected of supporting communist and leftist ideologies, became a central mechanism for massive and systematic human rights violations by local armed forces in the Southern Cone, Central America, Colombia, Peru, Bolivia and Brazil. In this context the war against guerrilla groups continues by all means until today, though in different ways, as the War on Terror makes clear, as well as the consolidation of peace through peace

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Acción Social - Acción Social. "*Cuarenta años de la institucionalidad de la cooperación internacional en Colombia*". Bogotá. 2008. Documento, pp. 75-77)

[67] I start the genealogy with Belisario Betancourt´s administration, as I am interested in the institutional instruments created for peace building rather than war alone. However, I mention Cesar Turbay as it helps me to explain the context in which the peace talk started with Belisario Betancourt´s administration in 1982.

dialogues and war (Corrandi et al. 1992). However, the failure of Betancourt peace

process left invaluable lessons to be learned related to the consequences of

"abandonment" of territories by the state, therefore promoting the creation of new

local development programs and social and economic integration policies.

While relaunching a strong military approach for peace making (Bejarano

1990)[68] the next administration (Virgilio Barco 1986-1990) continued the PNR with a

new focus centered on the development of "local communities" affected by poverty,

"lack of state presence" and violence. Its aim was to "assist people, regions and

activities that have hitherto remained affected by poverty and are disconnected from

the country's economic and social progress".[69] Barco's administration created the

Reconciliation, Normalization and Rehabilitation Council, and developed a more

pragmatic approach to guerrilla groups centered on combatants' demobilization and

reintegration process. He had major success in 1989 with the M-19 guerrilla peace

negotiation. Under the Barco administration, the PNR was attached through the

Popular Integration Secretary, to the *Departamento Nacional de Planeación* (National

Planning Department –DNP)[70] moving towards the "concept of regional development,

participation mechanisms and development of self-management". This policy was

aimed at "reconciling the local communities with the state" rather than making the

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[68] A policy of "a strong pulse and outstretched hand" (*pulso firme y mano tendida*) was fostered by Barco government

[69] Virgilio Barco, Plan Nacional de Rehabilitación; una estrategia de desarrollo social y regional para la Reconciliación, Presidencia de la República, Bogotá, 1988.

[70] The National Planning Department - DNP is an Administrative Department that belongs to the executive branch of power and responds directly to the Presidency of the Republic. The administrative departments are technical entities responsible for directing, coordinating services and providing the Government with the appropriate information for decision-making. They have the same category as a ministry, but have no legislative initiative. DNP is known for being a highly technical office that promotes the implementation of a strategic vision of the country in the fields of social, economic and environmental development, through design, orientation and evaluation of public policies, the management and allocation of investment and the public implementation of these plans, programs and projects from the government, related to the Colombian Development Plan. https://www.dnp.gov.co/DNP/Paginas/acerca-de-la-entidad.aspx#googtrans/gl/en (6-9-15)

guerrilla peace talks the main center of their attention.[71] By coopting the agenda of

social reform, Bejarano (1990) argues, the government was seeking to recover its

legitimacy and gain the support of the population. Paradoxically, this emphasis on

addressing the structural causes of violence favored development of technocratic

perspectives, rather than political and economic transformations (Bejarano 1990).

While the criteria in order to define the areas of intervention, such as poverty, social

disintegration and underdevelopment, emerged as central concepts under Barco's

administration, the social policy continued to focus on localized regions and

communities. This program intensified the perspective of territorial focalization in

specific country areas, municipalities and regions. However, the social programs taken

as a whole constitute only a marginal plan applied to correct imbalances, but not the

radical rectification of the directions of the Colombian development model (Bejarano

1990). [72]

Barco's administration would place the PNR at the center of social policy

(moving from 177 municipalities in 1986, to 297 in 1988), and transform the PNR into

the key program of Barco's peace strategy. [73] One of the nuances of this policy was the

creation of participation mechanisms, such as the *Consejos Municipales y Regionales de

Rehabilitación* (Municipal and Regional Rehabilitation Councils). These forms of

participatory mechanisms continue working today in distinctive ways, without much

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[71] Virgilio Barco, Plan Nacional de Rehabilitación; una estrategia de desarrollo social y regional para la Reconciliación, Presidencia de la República, Bogotá, 1988

[72] Bejarano (1990) also importantly notes: "Although successful in its conception, the PNR suffered from serious limitations that should be noted. First, relating to resources for the Plan, there was no clear decision by the government to get the resources through higher tax requirements for the wealthiest sectors. The tax reform approved at the beginning of the administration proved these limitations existed. The resources were obtained, rather, thanks to an internal redistribution of government expenditures. At that time about four percent of annual GDP was spent on the so-called social sector: the National Rehabilitation Plan and the Plan to Combat Absolute poverty. This 4% meant undoubtedly an appreciable amount. But the government was trying to relieve the needs of 40% of the Colombian population dammed by years of official neglect" (Bejarano 1990:np)

[73] Contraloría General de la República, Informe financiero, junio de 1988, p. 11.

success in achieving participation and opening-up democracy, as I will explain later. In this realm also, many of the budgetary allocations went to physical infrastructure rather than institutional strengthening of health programs, education, housing, or justice (Bejarano 1990). The failure of these bureaucratic programs to carve a way out of conflict finally lead the government to re-open the political negotiation processes with the guerrillas as part of a new government peace strategy from 1988 onwards (Bejarano 1990). This new approach ended with the M-19 guerrilla demobilization process and its political incorporation into Colombian political life, having a central role in the proclamation of the 1991 Constitution.[74]

Barco also commissioned a special report to assess the failure of the peace talks with the FARC (1982-84), and the increase of bloody violence in that decade. The researchers of this report were called "*Violentologists*", who emerged as experts on violence and security related topics.[75] Although Barco applied very few recommendations from the 1987 report, these expert´s ideas influenced a whole generation of analysts and politicians, as well as the 1991 constitutional reform. Many of the *violentologists* were linked to the Institute of Political Studies and International Relations (IEPRI) at the *Universidad Nacional de Colombia* (National University of Colombia), which became the first think tank to use contemporary social science methods and theories, and policy making studies to address the country's violence.

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[74] Although the M-19 main figure and later presidential candidate Carlos Pizarro was assassinated soon after his demobilization, the M-19 completed its demobilization and reincorporation process, later establishing important political positions and social acknowledgment.

[75] The violentologists was a name introduced by the journalist Laura Bautista after an interview with the members of the *Comisión de Estudios sobre la Violencia en Colombia* (Colombian Violence Research Commission) in 1987, about the results of the investigation. The research team was coordinated by the historian Gonzalo Sanchez and included the sociologists Alvaro Camacho, Alvaro Guzman, Carlos Eduardo Jaramillo, the political scientist Eduardo Pizarro, the former general Alberto Andrade and the anthropologists Dario Fajardo and Jaime Arocha. The report "Colombia: Violence and Democracy" was presented in 1987 without any binding power. Yet since then the report has had a remarkable effect on the way violence is conceived and intervened through public policy, probably until the adoption of the "Plan Colombia" (Ramirez 2011).

Marxism, economics and political science influenced the beginning of this Institute, yet the critique of violence became largely domesticated by the state (Villaveces 2006). This generation of scholars asserted that Colombian violence was not just related to the armed conflict, but also to varied forms of violence (political violence, organized crime, domestic violence, gender violence, ethnic violence etc.), and was grounded in structural problems. These scholars would have a central role again (as experts) in 2005 as part of the *Comisión Nacional de Reparación y Reconciliación* – CNRR (National Commission for Reconciliation), created by the Justice and Peace Act.

In 1989 Jaime Arocha (1989) criticized PNR functionaries for their lack of a regional and ethnic perspective on Colombian local development. He questioned whether the concept of progress from European institutions could bring a solution to the Colombian population´s problems. He elaborated a long and complex list of examples of how indigenous and afro-Colombian populations had interacted for centuries with each other securing food and wellbeing in their local and regional environments. He described how PNR functionaries were unable to understand the specific racial and ethnic realities in question, and denounced a historical racism (he called it invisibilization) played out in Colombian everyday manifestations of violence. For Arocha, PNR functionaries did not even acknowledge the existence of Afro-Colombian communities (Arocha 1989). Arocha also criticized how these functionaries believed that *campesinization* (which means transitioning from indigenous traditions to peasant practices in terms of individual or family land tenancy and productivity) was the best way to develop local communities. He described how state functionaries insisted on calling Colombian territories wastelands, obscuring the historic presence of indigenous and Afro-Colombian populations in those vast areas. These different

attempts to explain Colombian "endemic violence", and achieve peace through different institutional strategies, constitute a central aspect in understanding contemporary manifestations of state formation in Colombia. Interestingly, while Colombian governments have made complex attempts to produce scientific knowledge on political violence and to build a developmentalist conception of peace building, Colombian state forces have been intensely embedded in Colombian warfare as part of the same governmental agenda. This is not necessarily contradictory but part of the scope of the humanitarianist construction of the state in Colombia (Fassin and Pandolfi 2010).[76]

Along with the end of the Cold War, Colombia underwent drastic economic and political changes. The institutional crisis caused by the expansion of drug trafficking and paramilitary groups, the deployment of large scale violence (spectacular violence) such as that of the Palace of Justice siege at Bogotá´s main political center by M-19 guerrilla, and the UP genocide by state and paramilitary actors, led to the enactment of a new constitution based on the "social rule of law". With the enactment of the 1991 Constitution, however, the next administration (Cesar Gaviria 1990-1994) and traditional political establishments adopted major neoliberal policies, such as massive public sector privatization, social services deregulation, and the opening of the Colombian market to transnational competition (Lamprea 2015).

These apparently contradictory reforms, as well as the acknowledgment of multicultural rights in the Constitution of 1991, drastically transformed the state's production of the "national territories" (Serge 2011, Bocarejo 2009). The so-called

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[76] As the authors have state: "Thus, humanitarian actors often justify military action precisely in the name the humanitarian reason they embodied. Furthermore, both military and the humanitarian actors share the temporality of emergency, both reject the sovereignty of the states in the name of a higher moral order, and both are thus similarly engaged with extralegality and extraterritoriality, justified in their view, by the legitimacy of their actions and the mobility of their sovereignty" (Fassin and Pandolfi 2010:15). This frame is also reproduced by internal state politics.

multicultural turn (fostered by the dissemination of New Constitutionalism in Latin America and other world regions (Comaroff and Comaroff 2004, 2006, Kennedy 1974, 2003, Merry 1992, Rodriguez and Santos 2006) after the fall of the Berlin Wall, and the adoption of the ILO Convention 169 on basic rights of indigenous and tribal people transformed state representations of indigenous and Afro-Colombian communities and their place in the configuration of the nation.[77] This material and ideological shift would be influenced by cooperation agencies and development programs working to build a new agenda for ethnic minority rights, natural resource protection and human rights.[78] However, the consolidation of the neoliberal project throughout Latin America also opened up new spaces for the dissemination of massive corporate investments in agroindustry, mining and the energy sector, producing major transformations in rural land tenancy shaped by local, national and transnational economic interests.

Under Gaviria's administration, the PNR would not have the same relevance within overall social policy. As it is stated in an article published in 1993 by El Tiempo, the most influential newspaper in Colombia: "With less force than that of previous governments PNR is today the only sign for marginalized people that the state exists".[79] Although the 1991 Constitution widely incorporated the PNR's intervention lines, Gaviria was unable to promote the institutional strengthening needed to implement PNR actions (Livingstone 2004). During his administration,

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[77] For instance, for the first time in history, Colombian indigenous and afro-Colombian communities were granted collective property rights, and political and jurisdictional autonomy.

[78] During the eighties and nineties, the UN cooperation agencies also worked with the Colombian government on issues of empowerment in civil society, local development and peace building, reflecting the 1991 Constitution principles. In 1991 the UNDP appears as a "permanent stage for dialogue and consensus building among government sectors, political institutions, business, media, women's organizations, human rights and the social construction of peace". Agencia Presidencial para la Cooperación Internacional y la Acción Social - Acción Social. "*Cuarenta años de la institucionalidad de la cooperación internacional en Colombia*". Bogotá, 2008. Documento, pp. 77

[79] "*En qué anda el PNR?*" By Marcela Mercado, El Tiempo, October 17 1993.

different discussions on how to address the increasing manifestations of everyday

urban violence (given the decrease in the prominence of guerrilla violence) took place,

and there were also reflections on how to promote better forms of state-society

relations (Gómez 2001). For example, projects and initiatives on alternative dispute

resolutions (ADR) were strengthened. Reports about these programs point out that

they failed to accomplish their goals, as the Ministry of Justice and ADR could not

work in a coordinated manner and because of the lack of "institutional commitment"

(Gómez 2001). However, as described by some commentators, after a major process of

decentralization and institutional reform, following the constitutional reform, the PNR

was transformed into a more "technical institution", with the incorporation of NGO

professionals' who were former critics of governmental policies (Gómez 2001). In those

years, the UN regarded the PNR as a worldwide developmental and human rights

model.[80] Gaviria achieved the demobilization of other guerrilla organizations, such as

Partido Revolucionario de los Trabajadores (Revolutionary Workers' Party –PRT),

indigenous guerrilla *Quintin Lame* and the majority of the *Ejército Popular de Liberación*

(People's Liberation Army –EPL). These peace processes were followed by the

assassination of hundreds of demobilized guerrillas by stated and para-state groups;

nevertheless, the guerrillas continued to comply with the agreements made. Gaviria

also attempted to establish a dialogue with FARC guerrillas in 1992, first in Caracas,

Venezuela and then in Tlaxcala, Mexico. However, they could not even agree on the

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[80]As it is stated in a newspaper article in 1990: "A document released yesterday by the United Nations Development Program (UNDP) states that the work of education and peace pedagogy fostered by the Colombian Council for of Human Rights and the National Rehabilitation Plan (PNR) is a project that should be applied in other countries. The representatives of the UNDP in Colombia assessed their participation in these two programs, which are part of the 72 projects carried out in the country, with 450 national experts and seven international consultants working with a budget of 45 million dollars (concluding the success of this programs.""*PNR y Defensa de Derechos humanos, programas ejemplos para el mundo*" By: Nullavalue, El Tiempo, October 25 1990

negotiation conditions. But, the process with other guerrilla groups led to the creation

of the *Programa Presidencial para la Reintegración* (Reintegration Presidential Program)

in 1991 (Decree 2884 1991), for ex-combatants' reintegration into society. This last

point is a key event in order to understand Colombia´s continuous peace building

experimentation, as today governmental agencies such as the *Agencia Colombiana de*

Reintegración – ACR (Colombian Agency for Reintegration) are part of a complex set of

permanent institutions and procedures that serve to reincorporate active combatants

through processes of political negotiation (collective demobilization) or individual and

voluntary demobilization.[81]

The following administration (Ernesto Samper 1994-1998) transformed most of

the operation of social policy by creating the *Red de Solidaridad Social* (Social Solidarity

Network – RSS), under the PNR institutional arrangement. The RSS had the "specific

purpose of addressing the Colombians who, as a consequence of lying beyond the

effects of actions of government agencies (and were affected by structural factors) were

separated from the processes of social mobility and excluded from the benefits of

economic growth and state policies; as those who for reasons of social violence or

emergency, remained in a situation of evident vulnerability" (Presidencia de la

República 1994: 3). As the aim of the RSS is to give assistance to vulnerable

populations, the problem Barco's territorial focalizing approach was that it was not

relevant for the following administration. The RSS was not a new institution, but a

new form of management, which had to interconnect institutions from national,

departmental and municipal levels and which were responsible for the implementation

of social policy (Jaramillo 2005). The RSS's conceptual framework was based on the

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[81] Interestingly, in Colombia there are institutions with more than 25 years of experience on these sorts of processes, which is a different scenario from other countries with peace process experiences in Africa or Central America.

UNDP strategy for social and human development (Makaremi 2010). During this

period the concept of co-responsibility emerged as a new frame of reference for social

management of the state's policy implementation and for regarding actors' obligations

(Jaramillo 2005). The neoliberal public administration project began to emerge more

clearly from this period on.[82] In this context, the RSS called on "public and

administrative authorities, non-governmental organizations, guilds, associations, and

social actors living in the municipalities to participate in policy implementation"

(Presidencia de la República 1994: 4).

The RSS program assessments mentioned the network was unsuccessful in

addressing their main goals, as they failed due to inadequate budget allocation,

unnecessary bureaucracy, an assistance-based model, lack of inter-institutional

articulation and because of political regional elites' autonomy in budgetary decision-

making (Jaramillo 2005). Samper resumed the peace agenda with the creation of the

National Conciliation Commission; however, no progress was made with this endeavor.

The FARC guerrilla requested, as part of the peace talks, the state demilitarization of

several rural municipalities, but Samper declined. Under Samper's administration a

major legal and governmental shift took place through the enactment of Law 387/97,

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[82] The theories of the New Management Administration (NMA) are explained as "low intensity" programs from the state apparatus (Buchely regards this as *lo público* –the public sphere) in the delivery of social provisions as Buchely recalls "the NMA heirs of the neoliberal agenda critique the stagnant and inefficient Weberian model, and promote schemes of administration centered, not on the process of decision making, but on results. This means that the logic of the public administration is not going to concentrate on the control of legality of subalterns, but on its discretional decision making" (Buchely 2015:57): A transition from bureaucracies to management (Prats 2005 also Noonan and Simon 2007) (in Buchely 2015:57). The neoliberal agenda was adopted asymmetrically in different Latin American contexts. As Buchely (2015) argues, while the provision of civil and political rights remains true to a robust Weberian scheme, the work of economic, social and cultural rights have been commandeered by the logics of the market (Haggard and Kaufman 2008). As a result, more social services were moved from the center of the public sphere under the scheme of a welfare state to the logics of the market. In this way, people that perform social services were distant from the state with high levels of discretion and lower scheme controls (Buchely 2015:58). In her work, Buchely explores the street bureaucracies articulated through a model of governance (*gobernanza*), comparing the precarious relation of the "communitarian mothers" (local women residents in poor neighborhoods who give services of childcare to other poor woman) to the "hard state nucleus" (Buchely 2015:59).

acknowledging the existence of internally displaced people (IDP), and defining state prevention and attention measures. This law would be central to the internationalization of the Colombian conflict, as it positions the IDP as a central actor in the humanitarian crisis in the eyes of the state and the international community, opening spaces for new forms of humanitarian interventionism and governmentality.[83] However, the law did not establish any principle to avoid displacement, nor did it ascertain the state's responsibility in imposing protective mechanisms (Summers 2012:223). This same year the United Nations High Commissioner for Refugees (UNHCR) started working with the IDP´s attention programs and assistance.

Under Andres Pastrana's administration (1998-2002), the RSS would continue most of Samper's programs for the elderly population, the United Nations World Food Program (WFP), credit for the indigenous population and persons with disabilities, income enhancement, housing programs and community training, providing more institutional instruments. In 1999, Pastrana created the National System of Integral Attention for the Displaced Population (SNAIPD) under RSS coordination and the *Unidad Técnica Conjunta* (Joint Technical Unit –UTC), and coordinated by the RSS and UNHCR. The UTC advised on the development of pilot projects directed towards the IDP. The UTC also had to support the work and coordination of the IDP departmental and municipal committees. In the ethnographic account I describe the contemporary instances of participation created by contemporary social policy and in general the "territorial" manifestations of the social policy.

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[83] This law was framed by the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), and the Humanitarian Charter and Minimum Standard in Disaster Response, ICRC. These international norms (soft law) frame the displaced people as subjects with rights: to humanitarian assistance, and non-discrimination; the right to special needs and conditions support; the right to special protection, as well as physical and mental support; the right to adequate standards of living; the right to know what has happened to his or her loved ones; and the right to gender equality, education, and to return to their homes or places of habitual residence, and resettlement when necessary.

Pastrana was elected to start a new phase in the negotiation process with FARC guerrillas. For three years, Pastrana and the FARC held conversations in a demilitarized zone in a southern region of Colombia. Although the conversations advanced significantly, drawing some international attention, the continuation of violence destabilized conversations. During these years, the FARC strengthened its military apparatus and its territorial reach through kidnapping and extortion, while state and paramilitary forces increased their actions in local communities across the country, also carrying out outrageous crimes against the civilian population. Along with peace talks with FARC, Pastrana's administration signed a military and diplomatic deal worth US$7.5 billion with the United States (Transnational Institute 2001) called "Plan Colombia", aimed at combatting Colombian drug cartels and guerrilla groups (Ramirez 2011). Originally, Pastrana defined the Plan as "a set of alternative development projects that will channel the shared efforts of multilateral organizations and foreign governments towards Colombian society".[84] Yet, the plan was implemented later based on the idea that there is a direct relationship between drug trafficking and guerrilla groups. It entailed a different approach: "as a means to ensure order and stability, to protect the State and the civil population from the threats coming from subversive groups and criminal organizations and breaking the links between the criminal organizations and the industry that supports them".[85] Finally, in 2002, after the hijacking by FARC guerrillas of a plane with a Colombian senator on board, the peace process was indefinitely suspended by the Pastrana administration. At the same time, as some commentators have argued, Pastrana maintained the overall

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[84] Pastrana, Andrés; Camilo Gómez (2005). La Palabra bajo Fuego. Bogotá: Editorial Planeta Colombiana S.A. pp. 48–51.

[85] Gobierno de Colombia, Contraloría General de la República, Plan Colombia, Primer Informe de Evaluación (Bogotá, Contraloría General de la República, agosto de 2001).

spirit of the Colombian Development model (*Plan de Desarrollo de Colombia*) established

by former presidents (Velez 2009).[86] In the late 1990s and early 2000s, the Congress

passed a series of laws that legalized expropriation without mandatory compensation,

thereby enabling some of the paramilitary dispossession practices (Summer 2012:224).

Plan Colombia would have long standing consequences for the Colombia humanitarian

and developmental scope, as the Plan included not just military support and

intervention, but also financing for the transformation of the RSS.[87]

The radicalization of public opinion against FARC guerrillas after Pastrana's

failed peace talks brought Alvaro Uribe's administration (2002-2010) into power, with

a heavy-handed approach towards the full implementation of Plan Colombia. After

intensification of the Colombian conflict between 1998 and 2003, Uribe's

administration started dialogues with paramilitary groups. In 2005, Law 975 or the so-

called Justice and Peace Act was enacted, incorporating transitional justice

mechanisms, and emphasizing combatants disarmament, demobilization, and

reintegration (DDR). In 2003, with the signing of the Agreement of Santa Fe de

Ralito, between the Colombian Government and the paramilitary forces Autodefensas

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[86] The National Development Plan is the document that serves as the basis and provides strategic guidelines for public policies formulated by the President of the Republic through his government representatives. Its development, socialization, evaluation and monitoring is a direct responsibility of the DNP. The DNP is the formal legal instrument, which plots the objectives of the Government, and allows the subsequent evaluation of their management. (https://www.dnp.gov.co/Plan-Nacional-de-Desarrollo/Paginas/Que-es-el-Plan-Nacional-de-Desarrollo.aspx#googtrans/gl/en) 12-06-15 See also footnote 14.This plan defines the state's "strategic investment" for economic and social development.

[87] In 2000, the United States Congress approved Plan Colombia. Following Winifred Tate (2016), the Plan Colombia was believed to be a plan which would solve everything: eliminate drug trafficking, defeat the guerrillas, and support peace and build democracy. 80% of the funding from the plan was given to the the military. At the time, however, it was well known that the Colombian army had strong ties to paramilitary groups, which were involved in human rights violation and drug trafficking. For Tate, this process constitutes a special place for the study of United Sates policy formation (Tate 2016: 3). Although her study is centered on the formulation of public policy in the US, she does fieldwork in southern Putumayo attempting to build a picture of the effects of such policy were it was strongly implemented. Plan Colombia is considered to be a success in US foreign policy (Tate 2016), and is regarded as a key instrument in the reaching of a peace-negotiation with FARC guerrillas in Colombia.

Unidas de Colombia – AUC (United Self-defense Forces of Colombia), a gradual

process of demobilization started, in which the government undertook activities

required to "reintegrate" demobilized people into civilian life. The Act declared

perpetrators responsible for providing reparation and offered reduced penalties in

exchange for their truth, justice and reparation. A couple of years before, the Decree

200 of 2003 had created the Program for the Reincorporation into Civil Life, under the

Ministry of the Interior and Justice. Then in 2006, Uribe's government created the

Alta Consejería para la Reintegración (High Presidential Council for Reintegration –

ACR), through Decree 3043 of 2006. The ACR was to regionalize attention, implement

strategies of responsibility involving other actors in society, coordinate community

development interventions and work with other public agencies in the

institutionalization of the reintegration policy.

During the first term of Uribe's administration, the RSS was transformed into

the Presidential Agency for Social Action and International Cooperation (known as

Acción Social), with the purpose of directing domestic and international resources to

run all social programs that served vulnerable populations affected by poverty, drug

trafficking and violence. "*Acción Social*", as it was known, integrated the Social

Solidarity Network (RSS) and the Colombian Agency for International Cooperation

(ACCI).[88] The new agency would also encompass programs at the Social Solidarity

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[88] ACCI genealogy can be traced to Technical Cooperation in the National Planning Department – DNP aimed at coordinating international cooperation at the national level, jointly with the Ministry of Foreign Affairs back in the 70s. In 1993, the Colombian Agency for International Cooperation – ACCI, became attached also to the DNP. In 1999, the Agency was attached to the Ministry of Foreign Affairs. In 2003, under the National Development Plan "Towards a Communitarian State", which for the first time made explicit reference to the topic of international cooperation, the Government decided to ascribe the agency to the Administrative Department of the Presidency of the Republic – DAPR. In 2005, during Uribe's second term, the administration created the Presidential Agency for Social Action and International Cooperation (Acción Social), with the goal of addressing development plans and to manage new sources of cooperation. In 2011, Santos´ administration, making use of the extraordinary powers received from Congress, created the Presidential Agency of International Cooperation of Colombia,

Network (RSS), and Care for Victims of Violence, giving comprehensive support to the

Displaced Population and food security network, amongst others. As such, it was

equally responsible for coordinating the National System of Comprehensive Care for

the population (SNAIPD). It also coordinated and promoted national and international

cooperation, and technical and non-reimbursable financial support. *Acción Social* would

also run the social component of Plan Colombia, with programs such as Families in

Action, *Guardabosques* Family Program, and Productive Projects, and with the financial

support of USAID, UNDP and other international agencies. [89] As the Acción Social

documents state:

> "Although there is financial cooperation and other types of important cooperation,
> technical cooperation is the basis of relations between Acción Social and UNDP, as it is
> the aid provided through the transfer of techniques, technologies, knowledge, skills or
> experiences that are part of the technical assistance of countries or multilateral
> organizations, in order to support the socio-economic development of countries which
> are less developed in specific areas"[90]

However, reports (CINEP 2010) about Uribe's social policy have argued that this

policy intensified assistance-based approaches, thereby co-opting social mobilization.[91]

"The government was more concerned about distributing subsidies from presidential

programs, such as Families in Action, than seeking mechanisms to implement real

APC-Colombia, again as an entity attached to the Administrative Department of the Presidency of the Republic. https://www.apccolombia.gov.co/index.php?idcategoria=113 12-06-15

[89] The Colombian government organized in London, UK (2003), and later in Cartagena Col (2015), the Colombia Cooperation and Coordination Meeting, with the aim of organizing and focusing development and humanitarian aid. In those meetings, along with Cooperation Agencies, six thematic lines of work were defined: Forests (2) Reinstatement to civility (3) productive and alternative development (4) Rule of law and human rights strengthening (5) Regional Programs of peace and development (6) Forced displacement and humanitarian assistance (Arango 2008: 21). According to Arango (2008), these meetings were supported by the participation of 363 governmental instances, with more than 290 social organizations and NGOs, and more than 1000 social platforms (2008: 21). These processes of participation attempted to support the development and strengthening of social and political organizations, legitimizing by the same token cooperation agencies intervention and decision-making.

[90] Agencia Presidencial para la Acción Social y la Cooperación Internacional, Acción Social. Cooperación Internacional en Colombia. s.f.

[91] The Center for Research and Popular Education/Peace Program (CINEP/PPP) is a non-profit foundation that promotes social change under the orientation of the Society of Jesus in Colombia. http://www.cinep2015.org/Old/2014_V1/ 12-06-15

policies on education, health and employment" (CINEP 2010:13). Uribe's military

governmental approach earned him the reputation of having returned security to

Colombia and of having pushed the FARC guerrillas out of vast strategic zones of

Colombian territory, winning over the majority of public opinion. However, Uribe's

heavy-handed approach also increased human rights violations. While some

transitional justice mechanisms were implemented such as that of the demobilization

and reintegration of paramilitary groups, the state's security policy increased

unjustified violence against Colombian civilians, e.g. the internationally recognized

case where civilians were killed in order to count them as casualties of war, which

became known as the "*Falsos Positivos*" case.[92]

Also, with the enactment of the Justice and Peace Law in 2005, was created the

National Commission for Reparation and Reconciliation (CNRR) and the *Grupo de*

Memoria Histórica (Historic Memory Group –GMH) received the mandate to produce a

report on Colombia's internal conflict. From 2008 to 2013, GMH conducted various

research projects that supported the report published, called *Basta Ya!* Although the

role of the CNRR was mostly created in order to support the paramilitary

demobilization process, efforts of the Group went beyond this role, as the group

examined emblematic cases, identifying victimization patterns and exploring a multi-

causal conflict thesis. It is important to note that this Group reenacted the work of the

Colombian "violentologists", social scientists and experts appointed by the Barco

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[92] WOLA reports point out: "Many of the military's victims during the 2002-2008 period were what have come to be known as "false positives." Soldiers stand accused of abducting civilians—or even paying criminal groups to abduct them—then killing them and presenting their bodies as those of members of armed-groups killed in combat. During this period, military personnel were receiving both moral and material rewards for high body counts. While the UN and human rights groups publicly issued a warning about the rise in "false positives" as early as 2004, the practice did not halt until September 2008. During this time, more than a dozen men went missing from a poor Bogotá suburb, were lured with the promise of employment, taken hundreds of miles away, killed, and presented as dead combatants". http://www.wola.org/commentary/the_human_rights_landscape_in_colombia#18 17-06-15

administration (1986-1990) in 1987. For example, Gonzalo Sanchez coordinated the

Group in 2008, and was then in 2011 appointed Director of the National Center for

Historical Memory –NCHM (created according to the Victims and Land Restitution

Act (VLRA) enactment). The CNRR had unexpected consequences for the production

of social and institutional scenarios for the discussion and clarification of the violent

past and victims' historical memory (Vera 2015). However, the Peace and Justice Act is

considered to be highly ineffective in terms of justice and redress. As one commentator

states:

> Most victims did not fulfill the requirement of formally reporting the crimes committed
> against them because of logistical barriers and fear of paramilitary retaliation. This
> severely limited the number of beneficiaries, and relatively few victims came forward—
> by 2008, only 235,000 individuals had reported crimes to claim reparations.
> Additionally, the legal processes proved excessively time-consuming and complex, and
> the institutional mechanisms weak. By 2008, only 24 victims had received damage
> payments. While demobilization of paramilitary groups achieved partial success, several
> new paramilitary structures emerged in their place. It is estimated that about 10,000
> men have joined the new groups, 5,000 of whom are demobilized members of the former
> organizations. Needless to say, the conflict and its effects did not dissipate (Summers
> 2012: 224)

Despite the constant denunciation of human rights violations by domestic and

international human rights groups, Colombian public opinion permanently supported

Uribe's mandate to the point that Juan Manuel Santos, Uribe's former Defense

Minister was elected president (2010 - 2018) when the executive branch failed to

reform the Constitution in an effort to reelect Alvaro Uribe for a third term. In the

meantime, the Colombian Constitutional Court mandated the acknowledgement of

victims' rights to justice, truth and reparations.[93] In 2004, the Court declared the

current situation of Internal Displace Population (IDP) to be an unconstitutional state

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[93] C.C. Sentence C-575 /2006

of affairs and ordered the government to adopt land restitution programs.[94] Later, in

2009, the Court issued a second ruling asking the government to implement a

comprehensive land reform policy, emphasizing that the unconstitutional state of

affairs persisted (Summer 2012).

The victims' law project was promoted in two different instances: first, in 2008

under Alvaro Uribe's administration (2002-2010) and later in 2011 under Juan Manuel

Santos' administration (2010-2018). On both occasions it was promoted by the

Fundación Social and other NGOs, such as the ICTJ, Codhes, DeJusticia, Redepaz,

Arcoíris with the support of Viva la Ciudadanía, and with not so visible support from

the UN agencies, IOM and OAS. Uribe's administration did not support the law

project, arguing that the lack of funds and the risks of acknowledging an "internal

armed conflict" in the eyes of the international community, would jeopardize the "war

on terror" approach to security in Colombia, as it allowed political acknowledgment of

the FARC guerillas, now branded as terrorist group. In 2010, during the upcoming

election, this group of organizations managed to make all presidential candidates

except Juan Manuel Santos commitment to enact the victims' law. Paradoxically, in a

political move that still generates confusion, after Santos won the elections one of the

first announcements he made was that he would pursue the Victims' and Land

Restitution Act in congress. On this occasion, he would contact the *Fundación Social*

director, Paula Gaviria, now *La Unidad* General Deputy Director, in order to promote

the law within the platform of the Liberal Party. [95] The law was passed on January and

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[94] C.C. Sentence T-025/2004 auto 008/2009

[95] *Fundación Social* is an organization from the business sector which works on two major strategies: Local Integral Development, which aims to involve vulnerable populations in the territory by integrating local development processes; and peace building and promotion of Human Rights, which aims to influence public policy on these issues and to promote the training and participation of the people in building peace and the exercise of democracy. The foundation has law professionals, political

signed in June 2011. Despite the fact Santos (2010-2018) was Uribe´s successor, he would take a totally different approach to the armed conflict and would promote the emergence of renewed social and humanitarian policies. This position would be so different from Uribe's "democratic security policy" that Uribe became the leader of Santos' government opposition.

As pointed out in the introductory vignette, on June 10th, 2011, a major social policy transformation took place. In a symbolic act, the UN Secretary General Ban Ki-moon witnessed the official ratification of the Victims' and Land Restitution Act (VLRA) in the Colombian congress. [96] The event took place outside the Casa de Nariño (Colombian Presidential Residence) in a widely publicized event, where for first time the Colombian government acknowledged victimhood among civil society caused by multiple armed actors since 1985. It was an uncanny event, a sort of collective rearrangement of something obvious, but difficult to understand, and it was a dream for most of the human rights activists I spoke with, clearly *unimaginable* at the time. Of course, this was not a sign of ingenuity, as they knew it did not necessarily mean there

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scientists as well as economists from important academic institutions, some who switched over to build and be part of La UnidadLa Unidad. *Fundación Social* was founded in 1911 by the Jesuit priest Father José María Campoamor. *Fundación Social* describes itself as a civil entity, nonprofit, with collective utility and of a foundational character. *Fundación Social's* mission is "to contribute to overcoming the structural causes of poverty, and to build a more just, supportive, productive and peaceful society." Since the the Savings Bank of the Circle of Workers and Caja Social Bank came into existence, the Social Foundation has evolved with the environment and different businesses in the private sector in Colombia, in particular those relating to finance, real estate and insurance. Around these, he has structured the development of the organization. Fundación Social's businesses include amongst others the Caja Social Bank, Colmena Insurance and investments, and Deco Constructions.
http://www.fundacion-social.com.co/empresas.html last seen: 10/08/15
[96] The Victims' Law aims to facilitate truth, justice, and integral reparations for victims, and guarantee non-repetition. The Law deals both broadly with the rights of all victims, including those who have been disappeared, murdered, or have suffered other serious violations of human rights, as well as specifically with the rights of those who have been displaced. All victims are granted rights to damages, restitution of prior living conditions, a range of social services, and special protection in legal proceedings. Those who have been displaced are entitled to return to their land or, in certain circumstances, to an equivalent plot of land or monetary compensation. The Law also includes symbolic reparation measures, such as the creation of a national day of memory and a collection of oral testimonies to preserve historical memory (Summers 2012: 226 also VLLR Law 1448 2011, Arts. 1, 8, 28, 105, 132, 133, 141, 142, 145)

would be any drastic transformation, but to change the way things are named was not a bad start. What is so special about this fact is not just the government´s endorsement of the demands from the victims of armed conflict and the obliteration of the former transitional justice process, which had fully acquiesced to the demands of the perpetrators, it is also the unexpected turn of events. Only a year before the government´s discourse was about stigmatizing victims' organizations, human rights advocacies and different NGOs. This dramatic shift in the government´s agenda can certainly be explained by the change of administration, but it also speaks to broader processes of continual institutional change and the ongoing transformation of governmental interpretation and administration of the Colombian conflict. This new approach did not change state policy on military, territorial, or economic consolidation and the extractive development model, but it deepened the legal and political acknowledgments of conflict related victims and the political interlocution of FARC guerrillas, changing local and global narratives of terrorism (which were also reframed on a global scale after Obama's administration).

The Consolidation of the Humanitarian State

As we observed, *Fundación Social*, cooperation agencies and NGOs were key agents in the production and reproduction of existing knowledge on victims' reparation and later in the promotion of the victims' law at the parliamentary level. In this realm, we can observe the transformation of traditional social organization claims and mobilization, and the emergence of political influence of NGOs in public policy

formulation, not free of objection.[97] A vast humanitarian and transitional bureaucratic machine was produced with the enactment of the VLRA in 2011, and the creation of other institutional arrangements for the development of Santos' social policy. As I pointed out before, there were at least five emerging institutions addressing state social and victims redress policies: The Social Prosperity Department (SPD) encompassing four major institutions:[98] The Unit for Victims Assistance and Integral Redress (*La Unidad*), the National Agency for Overcoming Extreme Poverty, the National Center for Historical Memory, the Historical Memory Museum, and the Territorial Consolidation Administrative Unit. Finally, the Land Restitution Unit was created within the Ministry of Agriculture. Interestingly, this institutional arrangement encompasses the social policy and the victims' redress policy.

The law also required the incorporation of international guidelines and principles, as well as local technologies for their appropriation and implementation. The different events that resulted in the victims' recognition were possible through the mobilization of universalized notions and standards that come to be locally instrumentalized. If the concept of the victim remains in the terrain of global moral censors such as the UN, the mechanism through which those categories come to be

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[97] As a public servant told me: "The victims' law would be a combination of different things. For instance, Fundación Social belongs to the Jesuits who are quite close to power, an alternative expression, but, in the end, an expression of power. One thing was the role of people from la Fundación, such as Paula Gaviria and Iris Marin within the Liberal Party, in the order to promotion of the law. They have a political positioning and different kind of legitimacy as they come from foundations in the third sector. Other organizations were in a different position, such as the Colectivo José Alvear Restrepo, which mobilized the victims' rights through lobbying of the senator Ivan Cepeda (from the leftist party Polo Democrático) or REDEPAZ who with not national influence in politics. There were other organizations, but they were not very convinced about the law: Minga, Colectivo José Alvear Restrepo, Comisión Colombiana de Juristas and Comité de Solidaridad de Presos Políticos. At the moment of pushing the bill through in congress, not many organizations believed in it. Yet, it was is also central to acknowledging the cohesion of the new administration's political will." (UARIV MS Bogotá functionary October 2014 [63:05-31:20]

[98] These administrative units have a national scope and some of them can be as important as ministries or bureaus. Traditionally, social policies change from one administration to another and they are the center of political interest and clientelism. Social policy entails a direct connection between the executive branch administration and local politics. This issue is further developed and conceptualized.

practiced are fostered by the interplay of local and transactional power relations. In this sense, the VLRA ends by acknowledging individual and collective forms of victimhood in broader terms:

> "For the purposes of this law, victims are those who individually or collectively have suffered harm since January 1, 1985, as a result of violations of international humanitarian law or serious and flagrant violations of the rules of International Human Rights which occurred during the internal armed conflict. Victims are also spouses, permanent partners, same-sex partners and first-degree blood kin, and people in a first civil relationship when the victim was killed or went missing. In the absence of the above, victims are considered those who are in a second degree of blood kinship. Likewise, people who have suffered harm in intervening to assist victims in distress or to prevent victimization, are also considered victims. The status of victimhood is ascertained regardless of whether the perpetrator of the crime has been brought to trial or accused, and regardless of the family relationship between the victim and the perpetrator (Law 1448, Art 3).

This definition reframes the same concept from the UN Principles and Guidelines on rights to remedy and reparation.[99] Yet, its implementation demanded novel institutional design, public servants and expert knowledge. In this mutation, knowledge is no longer just transnational, but local. Organizations, such as EICOM (financed by USAID), and NGOs, such as *Que Viva la Ciudadanía*, were key actors in this transition, designing the new institution and socializing the law among Colombian public servants and civil servants. Organizations, such as IOM, MAPP-OEA, were also key agents in the process of discussing and envisioning the future institutional structure as part of a wider national and international social project. But, local institutional values, scales and practices also control the appropriation of universal

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[99] "For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term "victim" also includes the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization". UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, available at: http://www.refworld.org/docid/4721cb942.html [accessed 15 May 2015]

meaning; a peculiar institutional historicity that absorbs transnational values, while

turning them into bureaucratic practices (I discussed this in fourth and five chapters).

The scope of the reparation program has already been characterized by the Harvard

Kennedy School Carr Center for Human Rights Policy as the most ambitious

reparation plan in the world, in the context of widespread victimization.[100] Although

the program incorporates innovations regarding other international experiences, the

Harvard experts emphasize the importance of continuing an individual compensation

reparation model because implementing the collective model followed by *La Unidad*

seems quite difficult, as Colombian victims are mostly IDPs. Following the Harvard

diagnosis, in order to implement collective reparation programs, there needs to be at

least some previous governance mechanisms and a basic level of social trust in order to

develop these programs, and it is not clear if and how this would work in Colombia

(ACGCB 2014: 60).

Interestingly, quite quickly, *La Unidad* functionaries started to conceive very

different the collective redress process as part of an emergent form of governance. As a

public servant from *La Unidad* told me:

> "The process of collective reparation is a micro social rule of law process that
> fosters the social construction of a democratic culture. Collective reparation
> attempts to impact Colombian society as a whole. It's not just about repairing
> what was broken, but also about impacting an entire population. For instance,

[100] "The Unit for Victims uses a more extensive list of victimization acts than any other country database. No other event in our database approximates the number of casualties recorded in the Colombian register. The register in Colombia today includes more than 14% of the current population. None of the other programs have registered or repaired more than 1% of the population. However, both Peru and Morocco could benefit a little over 1% of their population through collective reparations. In short, there really is not a true reference group for the Colombian repair program in terms of absolute number of registered victims (…). In terms of scale, the Colombian repair program is of historic proportions. Colombia remains the country with the largest number of IDPs in the world. No other country is trying to cope with a displaced population of this size. The closest parallels we can find are some of the biggest global efforts facing displacement after the world wars. *"Colombia´s Integral Reparations: Accomplishments and Challenges. Global and Comparative Benchmarking"*, Harvard Kennedy School Carr Center for Human Rights Policy Kathryn Sikkink, Bridget Marchesi, Peter Dixon, and Federica D'Alessandra, Harvard University Documento de Trabajo BORRADOR 10/24/2014 pp. 2-3.

we are not repairing the whole ANUC (National Association of Peasant Users)
as a collective subject of reparation, in fact we are not repairing the whole
peasant movement, but at least we are contributing with a grain of sand to
other peasant organizations and even the same ANUC, so they can be
invigorated and have a platform to demand their rights and improve their
political incidence. In this sense, collective reparation wants to generate a
network of citizenship that helps in state building and in the strengthening of
the rule of law". Interview 12-10-14, Bogota

La Unidad functionaries consider the new institution to be a social project that
allows state building in liberal political terms. Ironically, the state, which for so long
had forgotten victimized members of the population, is now starting to grant
citizenship through the precarious acknowledgement of victimhood rather than the full
set of social, political, economic and cultural rights. Under this new paradigm of
granting rights, the state in Colombia can be characterized as mainly a humanitarian
state. This is the institutional field that is part of the humanitarian apparatus on which
my fieldwork rests, which is constituted by the interactions between bureaucrats with
civil society, policy clients, NGOs and agents from international cooperation agencies.

Conclusion

Colombian social policy reflects the complex development of institutional
arrangements articulated with global political and economical interests. First this
chapter redirects attention to the particular forms in which the Colombian state´s
armed conflict has intervened through waging war and fostering development and
peace building institutions. As I have stated earlier, traditionally studies of violence in
Colombia have drawn attention to how the war has been played out, but not how the
humanitarian and developmental agenda has been mobilized and interconnected with
war. This chapter also reflects on how Colombian social policy responds to the
collusion of apparently two different paradigms of interventionism: development and

humanitarianism. However, what we start to observe is that rather to be different things, Colombian developmental approach has been largely humanitarianized.

Thus, Colombian social policy reflects not just a specific conception of conflict related subjects of intervention, but also models of peace building and development influenced on international moral and legal representations. However, these forms of intervention have fostered the production of a specific political and bureaucratic cultures associated with the emergence of an humanitarian cosmopolitanism (Kelly 2011) represented by professionals, lawyers, political scientists, psychologists, historians, sociologists, social workers and anthropologists mobilized politically and strategically through NGOs, and cooperation agencies fostering institutional reforms, which would be the starting point for the study of Colombian bureaucratic manifestations of global humanitarianism.

Chapter 3

Colombian Humanitarian Bureaucracy

In this and the following chapter I present a close ethnography of *La Unidad Subdirección de Reparación Colectiva* (Collective Reparation Sub-Direction –CRSD) and produce an analytical instrument for the study of humanitarian bureaucracy. This is not a normative approach, as I do not pretend to identify institutional obstacles or managerial problems and to make recommendations (Ferguson 1994), but I focus on the material and ideological dimensions that bureaucratic practices of humanitarianism have enacted in Colombia. Specifically, I explore how humanitarian technical knowledge is produced, legitimated and implemented. In order to do so, I describe everyday practices in the humanitarian bureaucracy, the tensions and interactions among functionaries, as well as their backgrounds in relation to neoliberal forms of management. However, my main goal is begin to describe the phenomenological dimensions of the production and implementation of technical knowledge within the humanitarian bureaucracy in Colombia.

The purpose of the Special Administrative Unit for Victim Support and Reparations *(La Unidad)* is to coordinate the entire Sistema Nacional de Atención y Reparación a las Víctimas (National System of Victim Support and Reparations – SNARIV), which encompasses more than 53 state institutions. This implies the inter-institutional coordination of assistance, attention and integral reparation measures[101],

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[101] One of the main aims of international cooperation in Colombia is the "strengthening of institutional capacity"

and also entails coordinating victim services at "national" and "territorial levels"

among the various governmental agencies enforced by the VLRA. Additionally, *La*

Unidad is responsible for managing the resources for restitution, including the Victims

Fund. Finally, *La Unidad* is directly responsible for the systematization of victims'

registration, the delivery of humanitarian care measures, administrative compensation,

and collective reparation.

As I commented previously, when I arrived in Bogotá in June 2013, *La Unidad*

had been legally established for two years. The first time I went to *La Unidad* was

through an invitation from Mariana, a former student from Javeriana University who

was working there at the time. She said my research was very important, and added

with a certain irony "you have to study this madness". The headquarters of *La Unidad*

are located in downtown Bogotá, at the emblematic AVIANCA building where many

other public offices are located.[102] The AVIANCA building is one of the tallest

structures in Bogotá, and is situated on the emblematic *Carrera Séptima*, on the north

side of the Santander Square. Directly across from the building on the other side of the

Square is Colombia's Bank of the Republic, and the Museo del Oro (Gold Museum) is

situated on the east side of the park. Not surprisingly, the Victims Unit Deputy

Director's Office is on the 32nd floor below which you can note the physical

manifestation of *La Unidad´s* organogram. On the 19th floor, you find the

administrative and contractual public servants who are squeezed into small cubicles.

The 19th floor remains an open space with a modular office style from the nineties that

contrasts with the General Direction brand-new sophisticated-looking, corporate-style

office on the 32nd floor. There are also administrative offices on the 19th and 21st floors,

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[102] AVIANCA is one of Colombia´s main airlines.

which preserve the footprints of an older institutional design. *Acción Social* was located in this building, but it soon relocated when the *Unidad* was created. In this building you can also find the *Unidad*'s main General Sub-Direction, the General Secretary and the Territorial Directorates. A second building exists across Santander Square where on the third floor more offices are located.
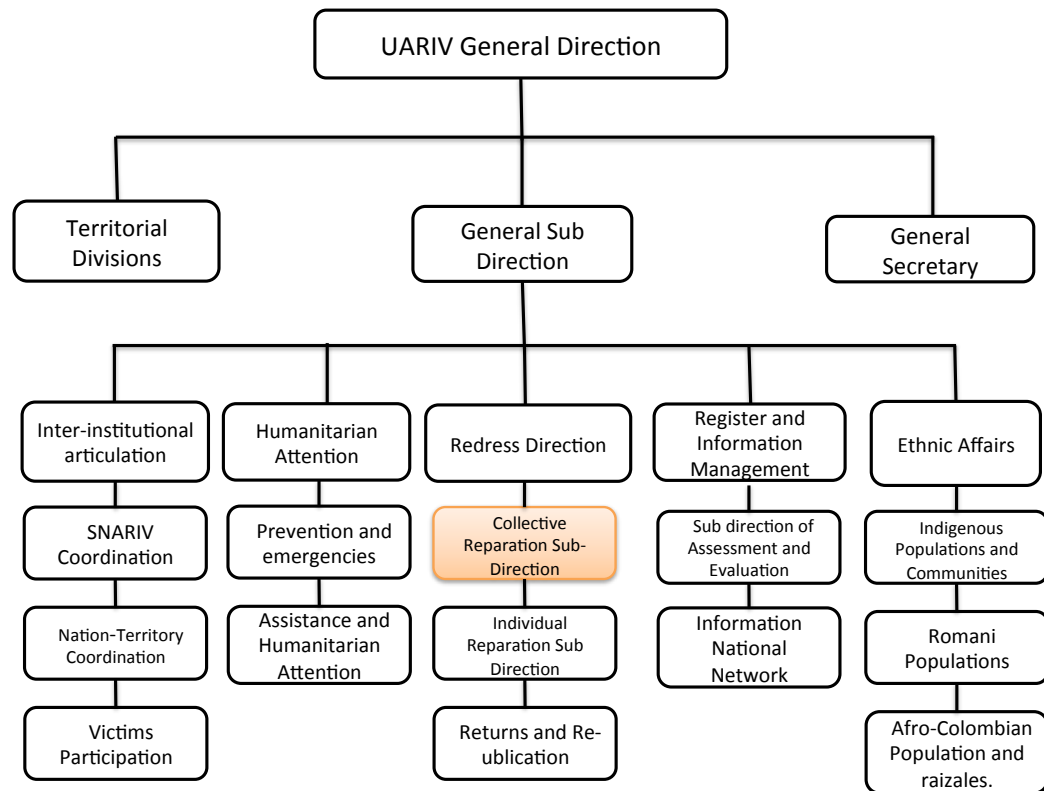
Unidad Organogram (Figure 2)

I did not go with Mariana to the main office this first time, but to the one just across Santander Square, on the third floor. Located in this other building was the Collective Reparation Sub-Directorate Office (CRSD) and other smaller working groups such as the Victims Reparation Fund, the Peace and Justice group, the National Cases group, and the area for Satisfaction and Non-Repetition Guarantees and

Psychosocial Attention. CRSD is a dependency of the Reparation Directorate that, in turn, depends on the General Sub-Directorate. The Individual Reparation Sub-Directorate is scattered across other offices in downtown Bogotá. CRSD was a modern style office with no cubicles, and with modular white curvy new desks separated from each other just enough so public servants are in sight of each other. Each curvy white table has four to six continual workstations with brand new flat-screen-computers and ergonomic office chairs.

Collective Reparation Sub-Direction Photo by the author

The first day I arrived there with Mariana I calculated that there were at least 100 public servants working on the third floor in the Santander Esquire Building, right behind the Bank of the Republic. This brand new office also has one big room for the Reparation Directorate Deputy, and two medium-sized rooms supposedly for the CRSD Deputy, but she spends most of her time at the AVIANCA building, so it was being used by other public servants for meetings or visits from public servants from different institutions. Any public servant, when necessary would use one of these two offices. The clean white walls, with translucent glass separations gave the impression of a large open space illuminated by the building's generous square windows. In the middle of the big open space, hanging from a column, you could observe a 1- 1000 scale

Colombian map differentiating the *Unidad* Territorial Offices with 20 different colors. I

took pictures of the map when I went to this office, imagining that it would be useful

for my understanding of the metaphorical and material dimensions of the victims' law

"on the ground".[103]

I would spend five months in this office (from January to May 2014) before the

CRSD was moved to the 21st floor of the BAVARIA building in the Bogotá

International Center, some 15 blocks north of the city center (the old Bogota

International Trade Center), as the number of *La Unidad's* public servants increased.

As noted in my field notes, this visit with Mariana took place on July 12th, 2013:

> *"Today, Friday I had another interview at La Unidad. This interview was quite interesting because La Unidad is seeking support for social movements, political organizations and unions collective reparation processes (groups and organization that have suffered collective damages). This work, they argue, entails several challenges, not only because, as noted by several informants and officials, there is no clarity on how these groups and organizations will be redressed, but because of the doubts around how to fulfill the differential approach.*
>
> *During my visit to La Unidad guided by M. I had the opportunity to see the offices and the atmosphere that prevailed there. The Santander Square building, where different public institutions have operated for years, had an entire renovated floor to make room for La Unidad. This was a brand new modern office with long modular curvy tables where there is no privacy and all staff share the space. The floor is white, which gives the whole place an aseptic hospital appeal.*
>
> *The vast majority of professionals and technicians are responsible for various activities related to specific regions or victimized groups. The place, however, did not seem a public office at all to me, as it is ordered, and it is possible to observe meetings in open offices with a more or less relaxed atmosphere. M. explained the different groups working at this office in detail, but I did not have enough time to write it all down".*

With time, this blurry, yet homogenous arrangement of tables and bodies would cast

light over the social structures and institutional arrangements. The CRSD was made

up of twenty *Gerentes de Zona* (Area Managers –from now on AM), leading a group of

2 or 3 public servants to coordinate and implement "collective reparation routes"

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[103] "Zoning is one of the basics of modern planning, according to which it is possible to streamline the activities and social behavior from the fragmentation and hierarchy of space and time where such activities and behaviors take place […] Spatially, the organization of public administration focuses on the practice of zoning" (Serje 2011: 139).

(CRR) [104] and monitor plans for collective redress and reparation measures in the twenty different regional settings.[105] They are the "link" at the "national" level with collective reparation contacts at "territorial" level.[106] There are also small groups focused on the *enfoque diferencial* (differential approach) or specific reparation measures.[107] There was also the women's group or women organizations group with five public servants, and an Area Manager, who has to coordinate and implement women groups' collective reparation routes (CRR). There was also the group for ethnic reparations and the so-called National Cases Group, coordinating the social and political organizations' collective reparation and the groups for satisfaction measures and non-repetition guaranties. Additionally, there was the group for psychosocial attention and another for Peace and Justice. Finally, there was the transversal group, which centralizes the CRSD information for the collective reparation Deputy Sub-director. Although I did not understand very well this institutional arrangement during these first visits, this organization was revealed to me later. The general institutional design was an obscure labyrinth for me for a long time. Mariana would

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[104] Following Decree 4800, Article 222, Collective Reparations stand for: the set of measures applicable to collective subjects (groups, communities and social organizations) that are entitled to reparation after undergoing one of the victimized events defined in Article 151 of Law 1448 of 2011. These measures include measures of restitution, compensation, rehabilitation, satisfaction and guarantee of non-repetition, in the political, material and symbolic components. Collective reparations will be directed to the recognition and dignity of the subjects of collective redress, psychosocial recovery, citizen inclusion as subjects of law, rebuilding of the social fabric, rebuilding of the confidence of society in the State in the areas and territories affected by armed conflict, recovery and/or the strengthening of institutions of the rule of law to achieve national reconciliation and peaceful coexistence.

[105] The collective reparation route (CRR) is structured in eight phases: Approaching the collective subject, identification, registration, preparation –previous consultation for ethnic groups- damage diagnosis, reparation plan formulation, implementation with the approval and monitoring CTJT and monitoring the reparation plan. Taken from: Guideline Collective Reparation Route: *Ruta de reparación colectiva. Unidad para Atención y Reparación Integral a las Víctimas. Derecho a la Reparación Integral a las víctimas del conflicto armado. Preguntas frecuentes. Imprenta Nacional. Bogotá.* [s.n.]

[106] Regional Centers for Attention and Reparation for Victims (RCARV): The Center is a physical space allocated by state agencies to provide care for victims of violence at the territorial level where orientation activities, running information and services are provided exclusively targeting the victim population. Regional Centers for Care and Repair unify and bring together the entire institutional offer for the care of victims, so that they only have to go to these centers to be informed of their rights, as well as the effects of the Single Registry of Victims.

[107] Please go to footnote 26

repeat this to me many times, but initially I did not understand what was what and who was who in that office space for the most part. Later I discovered the pleasure of mobility in such working stations.

From Researcher to Bureaucrat

As a service provider at the CRSD (a "professional" as stated in the contract) I would have broadly the following obligations: to implement and evaluate collective reparation actions undertaken by *La Unidad*; to make advancements, with the concerned authorities, on collective rehabilitation actions that would allow victims to reestablish their cultural and social environment, and to exercise their rights and basic needs in a collective manner; to implement programs and projects containing complementary measures of reparation for victims in accordance with the stipulated laws; to advance actions in order to strengthen the process of reconciliation through programs, plans and projects promoting peaceful coexistence and trust between citizens and institutions of the state; to advance efforts for the reconstruction of social movements and the social fabric of rural communities; and to help advance actions for the return and relocation processes of families who were victims of forced displacement.

As I made my way at *La Unidad*, I began to identify the existence of disputes and different interpretations on how to do things. If gossip was an essential part of the bureaucratic order's configuration, meetings, informal conversations over a *tinto* (Colombian black coffee) and direct instructions were central to the everyday bureaucratic motion. I started working at the Satisfaction Measures Group (SMG) where a small handful of (five) people addressed the demands of satisfaction actions for

different institutional units, groups and sub-directions.[108] The situation was somehow

clear. If something on satisfaction measures was needed, call the Satisfaction Measures

group. However, this small group was unable to solve the demands or meet the

conditions demanded by the law, the national and international guidelines, or the

psychosocial attention measures. When something was needed from them, a specific

member of the group would contact the functionaries at the Territorial Unit in order

to plan, support or give advice on the satisfaction action (indicates the policy "actions"

implemented within a group, social organization or community) it would deliver. [109]

Theoretically and legally these actions had to be planned with victims and community

members but time restrictions did not allow this. As a result, many of the satisfaction

action were implemented at the so-called "territorial level" through localized

understanding of what such measures mean. Generally, the Satisfaction Measures

Group would arrive late to the preparation process or would not have much

information about the specific context for intervention, the socio-cultural setting, or

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[108] Satisfaction actions are a component of the so-called "integral reparation" effort. These measures are actions of material and immaterial character directed at individual and collective victims in the context of the internal armed conflict, and aimed at restoring the dignity of the victims and spreading the truth about what happened, through the reconstruction of the facts and preservation of historical memory. These actions have as a main objective to provide a state of well-being to victims and contribute to the mitigation of the pain. Much of the individual and collective damages are related to immaterial ones. The death of a relative, a community leader, the taking of a school, social and/or territorial control, the stigmatization of some or all of the inhabitants of a community or municipality, the effects of conflict on patterns of life, etc. For this reason, the design and implementation of satisfaction actions and symbolic reparation respond to the identification of the damage (moral damage, damage to relationships, damage to life conditions and damage to life projects). The damage to life projects was recognized by the Inter-American Court of Human Rights in its judgment on reparations in the Loayza-Tamayo case against Peru.

[109] "Medida de reparación" refers to those actions responding responsible for the establishment or reestablishment of victims' rights in terms of the Colombian reparation policy and the UN principles on victims' reparation claims rights. Integral reparation consists of five dimensions: Restitution (land, housing), rehabilitation (physical, psychological), compensation (monetary compensation), satisfaction (symbolic reparation, public acknowledgment, memorials, truth commissions) and non-repetition guaranties (personal safety, social and civil rights reestablishment). When an institution executes and action in order to address one or various of these dimensions, it is called a "reparation measure" UN General Assembly, Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, available at: http://www.refworld.org/docid/4721cb942.html [accessed 15 May 2015]

experienced forms of violence. It was in this context that for the first time I started to hear the need of technical knowledge (línea técnica) for implementing such actions "at the territories".

At this stage of the CRSD institutional formation, the SMG group was supporting the collective design of satisfaction and symbolic measures for the *Planes Integrales de Reparación Colectiva* (Integral Collective Reparation Plan –PIRCs) for communities and PIRCs for National Cases. [110] The group also supports individual satisfaction actions, such as the "dignifying letters".[111] Other actions include military service exemption for victims and relatives of victims' sons and the return of mortal remains on behalf of the Ministry of Defense and the Attorney General's Office respectively. The coordinator of the SMG would assign me tasks with the functions I'd have to undertake within this group, but my role was also shaped by the commitments I assumed while trying to make myself useful. Appointed by the coordinator group, I would become the link between SMG and collective reparation, and also the link between SMG and the ethnic reparation group. Besides, to support the SMG I would have to support the Satisfaction Measures Sub-committee (SMSC) and work at the CRSD technical board supporting the process of symbolic reparation, satisfaction actions guidelines and nation-territory coordination. The unfolding events would lead me to develop a close and productive relationship with National Cases. I also developed a close relationship with the Peace and Justice group with whom I collaborated actively and which was central to my ethnographic account. Then, in an extremely short period of time I became quite involved in a heavy agenda of meetings, especially

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[110] PIRC's are the roadmap for each "community" or social group as subjects of collective reparation. This plan contains the concerted reparation measures (restitution, satisfaction, rehabilitation, and non-repetition guarantees) of each group, organization or community.
[111] The dignifying letters are considered a satisfaction measure. These letters are given to the victims acknowledging their victimization and the state´s commitment to redress them.

at the beginning of 2014, and by mid-April I was left with eight or less months for the implementation of projects for that period.

Everyday Work at the Reparation Policy Program

> "By studying forms such as the network, the bracket, the system or the matrix as documents and diagrams, Riles reveals professional knowledge as 'an effect of a certain aesthetic of information' (Riles 2001: 2). In fact, she does more – she repositions our investigation of development professionals so that it takes place inside the knowledge forms themselves. Studying experts through their own knowledge forms, which are also their modes of sociality (as in the network), is an approach increasingly relevant for communities formed around formalist knowledge where 'the global' is not a spatial scale but, as Riles argues, something generated internally through mundane tools like the network or matrix; 'an aspect of late modern informational aesthetics " (Mosse 2011:13)

While public servants are trying to develop and apply methods and techniques to "reconstruct the social fabric" in the *office* through collective reparation plans, public servants are also unable to foster social relations with policy clients. The knowledge they acquire, although highly ineffective for solving people´s demands, plays a key role in generating a kind of superiority to the rest of the people, reifying the state by exerting low intensity effects outside the bureaucratic realm. In the following section, I describe how the process of pursuing collective arrangements operates. Here I would like to describe how such a process occurs and is experienced.

La Unidad public servants were harsh critics of the institution and expressed great discomfort with their work. They would speak of how *La Unidad* was lacking in the technical knowledge and capacity to perform its role adequately. Some of them recognized they were re-victimizing people and populations. They were also strong critics of colleagues' actions and decisions. They would complain about how things worked or how people's attitudes could be harmful for the implementation of policy. They would also complain about *La Unidad's* bureaucracy. For them, bureaucracy was a burden when it came to getting things done (to get plane tickets or for implementing

reparation actions, for instance) and also, quite importantly, in order to get paid. This situation was more evident with public servants with service contracts who spent, among their many other responsibilities, at least one day doing the necessary procedures to file their monthly invoice in order for the account to be approved. Not surprisingly, bureaucracy was also the burden of the public servants' work. They have to pay the cost of their expenses when traveling to regional settings and wait weeks, sometimes months, for the refund. This was critical for some public servants with low salaries. Many of them were, however, enthusiastic public servants who were passionate and deeply involved in their jobs. These public servants were inspirational to me and I consider them quite knowledgeable about the Colombian institutional domain and quite committed to the victims' rights struggle.

Here, the working hours exceeded normal legal eight working hours, as new technologies, such as phone chats, were largely used without any regard for the hour or day. As I state in my field notes on March 11th, 2014:

> "The paperwork, meeting demands, email solicitation and filling Excel tables with implemented actions is exhausting. It is as if you have to report every action to support the bureaucratic job and the salary. I have spent a lot of time in meetings and gatherings, interacting with different "groups" and people in order to develop specific "needs", "plans" and "strategies". We have to take a photo (with our phones) to confirm our attendance at the meetings. Anyway, the meetings are important because they expose situations and challenges that need to be addressed collectively. Collective work moves things forward, but a new situation that needs attention emerges in each new meeting and we seem to have more and more responsibilities and commitments. Finding information and creating information is a slow, complex and never-ending process, and the concrete activities and achievements seem very sporadic. My work is also "virtual". It does not end, as I get emails and phone messages after work hours and on weekends".

Outside meetings, I would spend most of my working time at *La Unidad's* office in front of the computer screen. As service contractors, public servants do not have to be at the office at all times. However, it was an implicit rule that everyone had to show

up at the office on a daily basis. Almost all public servants I spoke with told me their work at the office was highly unproductive. I also experienced this. It seemed impossible to write or read at the office. In fact, the office was the central place for endorsing relationships, and producing social tensions, power relations and frictions through gossip and informal conversation. People would also complain about other public servants' attitudes or behaviors and their experiences with authoritarian manifestations. Through gossip we were also aware of institutional "achievement" or "confidential" stories about the High Commissioner or other higher authorities of the state humanitarian bureaucracy.[112] Some people would also talk about the technical capacities of this or that public servant, recounting stories that occurred in interactions with communities or in meetings (the NCHM and the UACT workers would permanently criticize *La Unidad* public servants informally). Through informal conversation, people would strategically portray different identities (as was the case with myself) and would cherish particular or several loyalties. Gossip was a key channel of social articulation, disruption and divide.

The office was also the place where power relations were acted out. I was quite unaccustomed to the marked hierarchical structure, so it was a burden for me to respond to authority figures and power relations exerted upon the circulation of information, direct orders and meetings. Here, communication and power had other explicit forms and manifestations. Public servants were often compelled to solve issues urgently; however, they had also to comply with the explicit demands of the CRSD deputy director, and other forms of authority reproduced through the humanitarian bureaucracy. For instance, *La Unidad* public servants were compelled to engage in an

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[112] Bureaucratic administration always tends to be an administration of 'secret sessions', as in so far as it can it hides its knowledge and action from criticism (Weber 1963: 233).

urgent matter when they heard the phrase "la doctora Paula" (UARIV General Deputy Director) necesita urgente" (doctor Paula urgently needs) this or that, phrases invested with an authoritative power. I do not attempt to caricature *La Unidad* or *La Unidad's* public servants' work, but wish to make a point about the power dimensions in which everyday actions were embedded. Public servants were compelled to undertake the urgent matter in question after these phrases were used; however, it was quite difficult to know if the work was an actual request from "la doctora Paula". The only thing you needed to know was that you had to do it right away. In everyday work, then, not just technical knowledge was demanded, but also tenuous forms of authoritative power were exerted. In many ways, to articulate "la doctora Paula necesita urgente" meant to get things done now. Yet, these epidermal power expressions were suggesting something else; public servants' responses were not just for the sake of the policy or even their clients, but also to comply with institutional authorities' demands. As I heard in an informal conversation, some public servants claimed as a joke and quite ironically that they seemed to be working at providing "redress" to la doctora Paula, rather than to the victims themselves. For me this idea was the first evidence of the policy-making autopoiesis. Here, ethnographic reflexivity was an important tool in order to be aware of these quotidian inter-subjective relations.

This was not the only source of authority relations I observed or experienced. There were others distributed throughout the various constellations of institutional and inter-institutional regulations and the entire bureaucratic governing structure, which reified systematically vertical representations of power through space distribution (of offices, buildings, and geographical institutional locations and distribution), language (la doctora, the president, the Office of the High Commissioner

etc.) and explicit bureaucratic authority. Yet, this level of the humanitarian bureaucracy allowed, as we explored before, some space for individual and collective agency (Ferguson 1994, Hall 2000, Willis 1977). In this more or less wide space of action, authority oscillated, as depicted before, between legitimate knowledge and authorized voices with representations of power. This seemed, therefore, to be a great space for an anthropologist to study this tension, which might not be so self-evident in other social fields. As most authors who have discussed authority have indicated, hierarchies and power relations structure the bureaucratic field as a regulated space with rules, laws and methodological provisions (Webber 1946:197), yet it's worth remembering that bureaucratic outcomes are not determined and are fairly unpredictable (Gupta 2012, Fergusson 1994, Herzfeld 1992, Buchely 2015).

As paradoxical as its sounds, the figure of the fragmented state seems clearer when observing it *from within* the wide web of bureaucratic apparatuses, than when positioning oneself outside the bureaucratic realm. In this sense, the fragmented state reproduces a variety of endogenous bureaucracies, where state institutions seem to be largely dis-constituted, and represented by countless faces, facets and practices (Pole 2005, Althusser 1976, Abrams 1988, Trouillot 2003). This reveals much more than a sole source of power relations, as it is a constellation of power relations that struggle and thrive in different directions (Ferguson 1994, Foucault 1978). However, the vertical representation of power still prevails within the bureaucratic realm, which consolidates its coherent representation while public servants are the main carriers of the ideology of the unified state.

Authority and legitimacy were also produced by material goods, such as documents, matrices, and concrete actions in the territories. But these last actions were

rare. On the contrary, organizing and creating information as an instrument of the authoritative grip was central to the everyday bureaucratic making. How many satisfaction actions have actually been performed? How many satisfaction actions are at the PIRCs? What are their specific characteristics? Which ones include infrastructure? Which ones can be addressed by the Ministry of Culture? How many are national and how many territorial? How many PIRCS are in plans and how many are being implemented? How many dignified letters has *La Unidad* delivered? Etc. Information was permanently requested for *La Unidad's* institutional reports, for judges' and courts' requests and other entities exercising oversight. Paradoxically, in the end, these requests would be about the same issues –about the same information in different ways, but the information was never available at once. So, public servants spent most of the time producing, organizing, storing and interchanging impressive amounts of information that was in the end very difficult to administer, use, systematize, analyze, and, more importantly, deliver.[113] Analysis of information was something missing in this bureaucratic field. As we will see later, analyzing was in the playing field of international cooperation actors, such as IOM, MAPP- OEA and UN agencies.[114]

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[113] Archives, information management and technical and technological developments are also central to the expansion of bureaucracy, its forms of representation, legitimation, as well as its spectacular failure. This process demands the parallel process of official specialization, and production of technical knowledge. As Weber states, the management of the office follows general rules, which are more or less stable, more or less exhaustive, and which can be learned. Knowledge of these rules represents special technical learning, which the official civil servants go through. It involves jurisprudence, or administrative or business management (Weber 1964: 197).

[114] Anthropologists recognized a long time ago the importance of a semantic orientation and language to construe the relation between knowledge and social context (Crick 1982). In fact, he states, knowledge's need to be always studied in their social context, looking at social processes and practice of knowledge and technical production. (Crick 1982, Latour 1979, 1987) For Cohen (2010) also, differences in knowledge, experience, transmission, acquisition, storage and communication of ideas and practices are at the center of the understanding of how knowledge works. Specifically, Cohen (2010) recognizes the importance of bodily experience in human knowledge in the form of learners, perceivers, recorders, communicators, and theorists of knowledge (2010: 193). As the author states, cultural transmission is

Contrary to the authors that have emphasized writing as a central feature of bureaucracy (Das 2004, Goody 1968, Gupta 2012, Gupta 2012, Navarro-Yashin 2007, Riles 2000, Weber 1964) where "forms of bureaucratic writing –routinized, repetitive, and mundane- need the same critical scrutiny in anthropology that they have received from historians and historical sociologists" (Gupta 2012:142), here I would like to emphasize the mediation of software in the making of bureaucratic practices. In these transnational neoliberal bureaucracies, public servants do not write well and sometimes they do not even write anything at all, as systems of information, matrices and digital forms determine their work, their monthly payments, and the vehicles that legitimate the bureaucratic practice.[115]

Experts, Bureaucrats and the Production of Victimhood

It is possible to distribute the *Unidad's* public servants into six types; a. Public servants coming from *Fundación Social*, whose crew was transplanted to the emerging institution; b. Former public servants from *Acción Social*- the former state program – many of them state public servants with a Public Office Career; c. New young professional recruits with recent degrees in law, communication, anthropology,

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powerfully influenced by the physical conditions in which it occurs. What we know depends upon the brains, bodies, and environments among which transmission occurs (2010:194).

[115] Following Weber, the management of the modern office is based upon written documents ('the files'), which are preserved in their original or draft form. There is, therefore, a staff of subaltern officials and scribes of all sorts. The body of officials actively engaged in a 'public' office, along with the respective apparatus of material implements and the files, make up a 'bureau'. In private enterprise, 'the bureau' is often called 'the office' (Weber 1964: 197). Graeber et al (2015) and Weber (1964) also discuss how technology within the bureaucratic field is both military and morally rooted. Graeber´s et al (2015) comparison of different postal services led them towards a discussion of the technologies that found new bureaucracies. Services such as the railways, postal services, and telegraph are often considered to be military technologies – particularly in the context of colonialism. However, these are also moral technologies, as they are attempts to shape the legitimacy of rule. The bureaucrat and the technician bear the burden of efficient performance and of performing a particular kind of ethical self. So bureaucrats and their technologies simultaneously enact utopias and lines of violent force. (Graeber et al. 2015) As Graeber et al (2015) state, this is a highly confusing combination for citizens as they interact with them (Graeber et al. 2015). http://berghahnbooks.com/blog/tag/anthropology-of bureaucracy#sthash.CdfrNFoY.dpuf - 17/04/16

sociology etc. (this being for many their first job); d. Former NGO and human rights activists who have work experience with communities, social organizations, in international agencies and on projects with governmental and non-governmental institutions and other administrative public servants who deliver the *Unidad* services; f. the so-called street level bureaucrat (Lipsky 1983, Buchelli 2015) at the frontiers of the institutional realm; at the office desk or at the window in direct contact with policy clients. Buchely (2015), following Lipsky, (1983) describes this functionary as a form of bureaucratic activism, denoting the capacity of the public servant to make subjective, discretional and political decisions. Finally, as *La Unidad* grew, they were also hiring people without any background in social policy, but who were public servants appointed through political favors (corruption), particularly, but not exclusively, in regional contexts. The institutional transition period brought about, however, a clear division between *Acción Social* public servants and *Fundación Social* professionals. As *Fundación Social* wanted to renew and remove former negative perceptions associated with the older institution, fears and power disputes opened a gap between the new members and those from the older institutions. As many public servants told me on several occasions, this fragmentation remains. The institutional adjustment pushed older people and newcomers away from each other. As some public servants would tell me: "Fundación Social es una cosa, Acción Social es otra, es una brecha que todavía permanece" (Fundación Social is one thing, Acción Social is another, is a gap that still remains). It is worth remembering that I pay particular attention to the professional bureaucrats, who play a key role in the ideological production of the humanitarian bureaucracy.[116]

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[116] Weber recalls just one kind of bureaucrat, but highlights the importance of education in the

Some of these public servants were quite committed and identified with victims'
struggles, while others were even victims themselves though not public about it.
Others saw victims as problematic and disrespectful, while others were highly
committed to victims causes, but from an abstract point of view as they were rarely in
contact with them. Generally, the concept of the victim was quite intangible and
generalized to the point that in the bureaucratic field public servants would talk about
the "reparation subjects" and the "collective reparation subjects". Some public servants
would use a maternal idiom by referring to the policy clients as "*my victims*", evoking
some sort of a close relationship with them. This institutional construction of
victimhood was also associated with hope and transformation. While *Acción Social* was
in the terrain of the obscure, the wrongdoings, indignity and humanitarian tragedy, *La
Unidad* "was seen as green, representing hope despite the fact that the humanitarian
tragedy continues" –as a public servant told me. A few months later, the victims'
reparation program adopted the narrative of peace building and reconciliation as part
of the state effort to promote the peace talks in Havana, Cuba.

On the inter-institutional strengthening boards between the Colombian
Agency for Reintegration (*Agencia Colombiana para la Reintegración* –ACR) and *La
Unidad*, in which I later had the opportunity to participate, a more comprehensive
notion of victimhood emerged among *La Unidad* public servants, as they appeared to

formation of this kind. "The position of educational certificates is usually linked with qualifications for
office. Naturally, such certificates or patents enhance the 'status element' in the social position of the
official" (Weber 1968: 264). I center my study on the first fourth types of bureaucrat or what I call the
professional bureaucrat. *Professional bureaucrats* do have sporadic relations with policy clients and these
relations are important in the process of the professional bureaucrat legitimation and authority but do
not constitute the center of their interpersonal relations as the street bureaucrat. The term works in
both senses: the professional title people need to secure those jobs within the humanitarian bureaucracy
and how these bureaucrats, with time, become professionals in being bureaucrats. This is also important
as it elicits a distinction between professional humanitarian interventions and those of social assistance
(the work of public teachers or police) characterized by the delivery of services but also having functions
of control and surveillance (Lipski 1983, Gutpa and Sharma 2006)

be reluctant to work and even imagine a process of institutional coordination with, as they called them, the offenders and perpetrators. While victims were seen as vulnerable subjects in need of care and protection by *La Unidad* public servants, the people in the process of reintegration (*Personas en Proceso de Reintegración* –PPRs, People in the Reintegration Process) were seen as dangerous. However, as ACR public servants told me, this perspective failed to acknowledge the big picture of the Colombian armed conflict, where PPRs are also, most of them, primarily victims, as state, para-state and subversive armed actors forcibly recruited many of them when they were children. This clear-cut division fostered an essentialist notion of victimhood in which the role of the *Unidad* was to deal carefully with fragile victims and protect them rather than expose them to the victimizers.[117]

Other public servants, however, would see victims as political agents and subjects of political mobilization. Later I found out that the majority of these public servants were former NGO and human rights activists and professionals working on victims' rights. These public servants were mobilizing the law within local

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[117] Of course this interpretation does not account for the socio-political configuration of victimhood outside the institutional realm. It is worth observing how the mobilization of victimhood as concept has pluralized the roots of the conflict interpretation and relativized enormously the local political process. For instance, Justice and Peace Law jurisdiction has revealed the massive consequences of paramilitary violence from late 1990 to 2005 empowering victims of paramilitary groups. Victims of state violence have also been recognized by the VLLR (so-called victims of state agents) and state members have asked pardon for specific cases in public acts (although there is no acknowledgment of the existence of state violence as such). In the same vein, for instance at the National Forum of Victims in Cali, Cauca (August 2014), I witnessed the formation of a sort of Victims of FARC atrocities association –an emergent social project. For first time these kinds of victims came together as victims of FARC actions. At the beginning of the three-day forum many FARC victims were booed upon entering the auditorium (as many of the victim organizations present were victims of paramilitary and state actors). However, as the days progressed it became clear that these victims were also considered valid in the eyes of other victims. Paradoxically, while victims of state and para-state actors have been more or less historically organized, they have not been socially and politically acknowledged. Colombia urban populations do not render victims of state or paramilitary agents as such. On the contrary, while victims of FARC atrocities have never organized, Colombian society perceives FARC as the main perpetrator of violent acts (this may be explained by the fact that the Colombian media, since the late 90s, in its coverage of the internal conflict has emphasized FARC crimes while diminishing those of the state and paras until recent years) (for more on this matter Vera 2016).

communities and were quite critical of state institutions and past wrongdoings. Their

discourse seemed to me quite contradictory for a public servant, as some of them were

openly recognizing, to entire communities, the state's "traditional abandonment" and

even state responsibility for historical atrocities. These public servants also insisted

that community representatives' had the responsibility to oversee the application of the

law. They embodied what I would call *activist public servant*. As I wrote in my field

notes on July 2014, they would say to the victims –"you have to organize and be aware

of what is offered to you and have mechanisms to hold the state accountable". Other

activist public servants would go further by saying "we know that the state has not

only abandoned you for many years, but has also committed crimes against you and

your communities. This law attempts to put an end to this and bring remedy to these

wrongdoings". These public servants were activists in the sense that they would also

defend and promote state actors' acknowledgment of human rights violations. As a

public servant told me in an interview:

> "When I worked in (a local NGO), I was the coordinator of the Population Affected by
> Conflict Program. My duties included helping victims' organizations build the social
> and political mobilization around the victim's agenda. I helped them organize and be
> better political actors in institutional scenarios so they could position their specific
> agenda. That's what I did before and that's what I do now but from the state's side. I
> never thought I would do this from within the state. Back then I never thought this
> was an option because it seemed <u>impossible</u>. However, now the problem of
> participation has been redefined, as I believe the rulers of our country are more willing
> to support and allow participation. Today this is seen as part of the process and not as
> a problem. And what I believe is that a change of concept in terms of participation is
> what allows people like me to work for the state. A governor in a given department
> does not know where I come from … so the discourse that was not official and quite
> rebellious five years ago is now the discourse of the state. And I am able to deliver this
> discourse to that governor today because I am from a presidential institution; it's no
> longer a marginal discourse, but the official discourse."[118]

These activist public servants have a long history in social movements and are

key agents in the mobilization of the law within the communities. They *love* the VLRA

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[118] Interview MG 10/09/14

as they struggle to achieve it. No doubt they were the most passionate and the most committed to the victims political cause. They were strong critics of *La Unidad´*s actions. Most of them were involved in human rights struggles during the nineties and so this was somewhat personal for them, nevertheless most of the time they felt frustration and anger with the institutional inertia and stagnation. They also face bureaucratic and professional dilemmas when dealing with the complexity of bureaucratic formation.

> "When I decided to work at *La Unidad*, I had to explain my decision to the social organization I had been working with for the last 20 years. They did not understand why I was going to work with the government. But they do not understand that the VLRA was an immense achievement and now we have to pursue the struggle by implementing this law. But, I can say that because I have been in this struggle for 20 years, I know social organizations understand the law´s importance in terms of the acknowledgement of victims' rights. On the other hand, public servants don´t have this understanding. I see today all the things I can do, and I hear my colleagues complaining about the things they cannot do. You cannot imagine the things we would do with ($3) "three pesos". Imagine now that there are so much more resources. It is not enough, but it is still a lot more. We need to promote the logic of what we have and not of what we lack. One of the things that these young people (young professional public servants) have is a low tolerance for failure, and a lack of awareness of the historical struggles to achieve the law. So, they do not want to appropriate the law, they just see what is wrong but they do not acknowledge the long political struggle. They do not understand the political dimension of this law and they do not feel it to be their own. For me the law is fundamental, it's like my son, I know it has many mothers, but the law is also related to my maternity. Actually I was pregnant in 2005".[119]

Paradoxically, but not surprisingly, for many of the young professional public servants many of these activist public servants lack technical knowledge. For some of them, knowledge falls into the category of expertise in the professional career and the accumulated experience in previous work and social projects. Indeed, these young professionals were harsh critics of these activist public servants[120] as in the field of

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[119] UARIV Functionary Bogota, September 25 2014 [28:02-12:20]

[120] Hierarchy, authority, status and prestige also play a key role in the organization of bureaucracy, which contradicts the belief that bureaucracy is just a matter of expert and technical knowledge, although symbolically important (Bourdieu 1994, Weber 1946). As Weber (1964) states, there is a necessity to take general personal and intellectual qualifications into consideration, irrespective of the often-subaltern character of the educational certificate. This has led to a condition in which the highest political offices, especially the positions of 'ministers', are principally filled without reference to such

reparation policy lawyers would dominate the topics of land restitution, peace and justice follow-up, and judicial enforcement of rulings. Thus, experts and professional public servants consider these activist public servants as lacking in the knowledge needed to implement the policy. Paradoxically, these activist public servants had more actual experience working with communities and social organizations than the expert and professional functionaries had.

Lawyers from Javeriana University dominated the Land Restitution team and lawyers from Rosario University dominated the Peace and Justice group. This compartmentalization seemed odd to me, but it was easily explained by the bureaucratic formalization of informal social networks. These lawyers were all young professionals, who in the end would not have an active role in either process since they simply followed up on judges' decisions regarding Peace and Justice, and land restitution. In contrast, public servants from the collective reparation program would have the potential of having a predominant role in the mobilization of the collective reparation program. They also would have different backgrounds: sociologist, engineer, administrator, political scientist, and anthropologist, also with different professional trajectories. But, they would become something else in their practice. As a public servant told me: "when you come here you need to quickly become a bit of an anthropologist, a lawyer, a psychologist and a communicator". Nevertheless, bureaucracy would homogenize expertise, as expertise would be put at the service of bureaucracy. Emails, meetings, matrices, reports, and procedures would cause public servants to become involved in uniformed and systematic activities to the point that

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certificates (1964: 204). Official modern alliances are devoted to "impersonal and functional purposes", yet behind these functional purposes 'ideas of culture-values' usually stand (Weber 1964:199). Also, for Herzfeld (1992), it is not possible to understand national bureaucracies unless they are analyzed within the same framework as local level values, i.e. of identity and responsibility (Herzfeld 1992).

their particularities and knowledge was no longer clear and distinguishable. I became

aware of public servants' specific knowledge and backgrounds only as a result of

having carried out interviews. Indeed, many public servants believed they could be

more useful in positions different from the ones they were actually hired for. It was

possible to guess more or less accurately their backgrounds, but most of the time that

professional identity was no longer needed. Only occasionally might it prove useful in

order to display authority (a very rare situation). On the other hand, advisors and

consultants played a different role within *La Unidad*. The General Deputy Director

had nine advisors in different fields, which most of the time had differentiated functions

from other public servants at lower divisions or sub directions. Requests which were

passed down through the chain of command would often lose clarity and as a result

were often forgotten or not carried out. These advisors were in charge of topics

relating to participation, restitution, collective reparation, differential focus and

others.[121]

Experts hired by organizations such as IOM or UNPD also landed at *La*

Unidad. They mobilized other types of discourse associated with specific projects for

assessment, implementation or institutional information extraction. These experts

were scholars and academics, who developed projects in order to produce instruments,

tools, and guidelines, and new procedures for implementation. These experts were also

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[121] From a Weberian perspective, bureaucratization offers above all the optimum possibility for carrying through the principle of specializing administrative functions according to purely objective considerations. Individual performances are allocated to functionaries who have specialized training and who by constant practice learn more and more. The objective' discharge of business primarily means a discharge of business according to calculable rules and, 'without regard for persons.' (Weber 1964: 215) The qualification of the ruling stratum as such rests upon the possession of 'higher' cultural quality (in the absolutely changeable, value-neutral sense in which we use the term here), rather than upon 'more' expert knowledge (Weber 1964: 243). Here, Weber´s discussion on the struggle between the 'specialist type of man' and the older 'cultivated man' is central. This struggle is determined by the irresistible expansion of the bureaucratization of all public and private relations of authority and by the ever-increasing importance of expert and specialized knowledge, and it intrudes into all intimate cultural questions (Weber 1964: 243).

professionals with their own consultation firms or foundations that brought in expert

knowledge as an essential instrument to make intangible concepts tangible, such as

reconciliation, peace building, differential focus or social fabric reconstruction,

institutional strengthening, territorial strengthening, evaluation policy, policy

indicators, and more. Most of them, believed in applying qualitative and quantitative

methods, particularly those with political science backgrounds. As one of these experts,

referring to reconciliation, told me "I just believe in what I can measure" (referring to

reconciliation processes).

Many of these experts working at *Fundación Social* would become public

servants when *La Unidad* was created. The same General Deputy Director and other

consultants from *Fundación Social* would hold directive positions at *La Unidad,*

promoting and invigorating the discourse and demand for what was articulated in *La*

Unidad's bureaucratic jargon as "*línea técnica*" (technical guide to engage an action or

technical knowledge in order to do so).[122] The concept of "*línea técnica*" was constantly

used when referring to the territorial entities, in order to know how to "bringing

down" the redress policy. But it was also something that was demanded from

functionaries in order to know how to address issues such as the construction of the

PIRCs. At lower levels of the bureaucratic structure the "technical line" was sometimes

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[122] Here, I conceive this issue not as part of a scientific attempt to solve policy clients' need and claims, but rhetoric stratagems that give authority and power to the state and the economic model it enforces. Following Aneelise Riles I conceive those concepts as a techno-scientific metaphors (Riles 2005: 1001) to explain the way in which scholars, schools, and traditions -without awareness of its esoteric doctrinal origin- take legal knowledge for granted. It is, in a way, an attempt to reverse the transformation of metaphor on to an object (Riles 2005: 1009) or what Riles calls the process, literalization, where quite often, if not always, this expert knowledge –being biological, sociological or economic- is translated into legal terms in order to enforce such knowledge. Pierre Bourdieu (2009) also describes this process on a wider scale—heterodoxy vis-à-vis doxa—as "the capacity of the heretical speech [for the law] to objectify unformulated experiences, to make them public—a step on the road to officialization and legitimation—and, when the occasion arises, to manifest and reinforce their concordance" (2009:171). Thus, these metaphors while very successful at producing structures of sentiments and belief, also maintain structural forms of violence and indifference. Is in this sense that through the dissertation I disclose the techno-scientific metaphors humanitarian bureaucracy enacts as a tool of government in which public servants are also embedded.

confused with the concept of *"línea política"* ("political line"), more related to the so-called rights or human rights policy approach. In the case of collective reparation for ethnic groups, the leading group functionary told me that she needed satisfaction measures to empower communities before the consultation process. She told me we needed to empower indigenous authorities and indigenous governance structures. "You see … I see here a 'technical guide' and I am throwing it to you … now you go out and build it". But, this "technical guide" was very odd and general and failed to grasp the dimensions of the institutional and financial commitments made by other public servants to community representatives during arduous negotiation processes at field locations. This "technical guide" also essentially lacked the *how*. Furthermore, it failed to link communitarian empowerment with satisfaction actions. But even if the 'how' was clear, there were no institutional instruments ready for the implementation of concrete actions and plans. However, these kinds of commands encourage the need for rapid and imaginative action in order to respond to *La Unidad's* "technical" and political demands. As, as I will describe in the following chapter, a non-recognizable process of imagination and experimentation govern the structural construction of policy and its phenomenology in everyday practices. Although the concept of "technical guide" aims to legitimize institutional and individual actions, its real function is to cover up the chaotic and arbitrary performance of the policy. This discretionary performance is similar to what Buchely (2015), following Lipsky (1983) calls bureaucratic activism, denoting the capacity of the public servant to make subjective, discretional and political decisions. Although I am not examining strictly street bureaucrats, but professional ones, these functionaries can also be seen as agents of a diffuse system, away from the center where supposedly power resides (Buchely

2014: 31). Thus, I add, this discretional decision-making is produced from constant, endless and eventful experimentation that might produce good or bad results, and hardly anyone is there to pick the pieces up.[123]

Neoliberal Humanitarianism

"No, my contribution is nothing' proclaims one Indian community worker, 'because I am only [a] facilitator and mobilize the community who have the main power' (Mosse 2005a: 154)

Where 'expert' action is inaction, or expertise requires self-effacement, it is harder to constitute professional identities. Such development workers (often in NGOs) have to simultaneously find ways of engaging deeply with communities while making themselves professionally absent" (Mosse 2011:17)

"The great challenge the law imposes upon us is to work in order to, in the future, be able to remove the victims label and allow these citizen to have full exercise of their rights. So they may have the possibility to go back to their lands, and the possibility to work them again, and to bring back their productive capacity. At the beginning of these meeting we tell other functionaries that we agree with President Santos when he says that the economic locomotive is no longer the mining industry. The locomotive in the upcoming four years is going to be the productive capacity of victims" (Public Servant from Valledupar Governor Office)

La Unidad does not have capacity to implement all reparation actions, but it is by law in charge of coordinating the integral reparation system. The Ministry of Public Health, Ministry of Education, Ministry of Defense, Ministry of Agriculture and Rural Development, DPS, ICBF and 53 institutions more are part of the SNARIV and hold the mandate to implement reparation measures according to their specific institutional missions and functions. In this sense, the SDRC public servants do not have any administrative or political power to implement measures, although they could definitely lobby for the measures. At the beginning, from 2011 to 2012, *La Unidad* attempted to initiate reparation measures, such as the recuperation of communitarian public spaces and emblematic sites, yet this was not continued when the policy became operative and SNARIV´s responsibilities became clear.

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[123] In Weber's ideal type "The individual bureaucrat cannot squirm out of the apparatus in which he is harnessed. In contrast to the honorific or vocational 'notable', the professional bureaucrat is chained to his activity by his entire material and ideal existence. In the great majority of cases, he is only a single cog in an ever-moving mechanism, which prescribes to him an essential course of action (Weber 1963: 228).

Everybody seems to know that this situation makes it very difficult for policy implementation, both at the so-called national and territorial levels. Institutional coordination was a challenge not just within *La Unidad*, but also between the different governmental institutions. The practices of inter-institutional coordination are not rare, or unique, and they are structured, charged with power and meaning. In fact, I argue, "institutional coordination" plays a key role in the process of state making and as I have described, plays a key role also in international cooperation in Colombia. The will to coordinate from within, and the longing to be one entity are nurtured in a systematic effort to *unify state actions*. Furthermore, public servants and policy clients regularly stated that lack of connection and coherence between institutions was the main obstacle to the implementation of the reparation policy (as with other governmental policies). Thus, the inter-institutional practices play a key role in state bureaucratic functioning, adjustment, and reproduction. Paradoxically, if the VLRA and regulatory decree 4800 compartmentalize and distribute labor and functions, the institutional strengthening consisted of breaking the compartmentalization and generating an integral implementation of the law. But, while the law demands integrality, its institutional design reified bureaucratic archetypes of governmental division, jurisdiction and compartmentalization (Weber 1963). This ethnographic account pays special attention to these situations, as it explores collective agency processes and the interplay of collective political will when something needs to be accomplished. In this context, social and institutional disputes flourish, but also foster potential forms of social and institutional transformation. These scenarios can also be seen through the lens of social projects (Povinelli 2011), having the potential to resonate through the social milieu and the reproductive power of bureaucracy. In this

section, I explore the work of international cooperation in supporting state articulation processes and the work and practices, which are an expression of the longing for inter-institutional arrangements.

Different manifestations of this process of institutional coordination were fundamentally promoted and pursued by cooperation agencies and international NGOs. In fact, the "technical support" offered by these institutions was all about technical knowledge and providing problem-solving conditions. The presence of cooperation agencies and NGOs was largely ubiquitous in meetings, workshops and "in the field". Their support was without a doubt key in the process of "institutional strengthening". For instance, MAPP-OEA (Mission to Support the Peace Process in Colombia – Organization of American States) would be a central agent in supporting the Peace and Justice jurisdiction implementation and involvement of the concerned institutions. As we will see, IOM (International Organization for Migration) and USAID (United States Agency for International Development) would also be central actors in the collective reparation program. There would also be a strong presence of agencies (such as the Spanish Cooperation Agency), which were quite important in peace-building and humanitarian interventions. These included the Swiss and Swedish cooperation agencies for business and human rights; the Friedrich Ebert Stiftung – Fescol who provided support for governance, democracy, peace and security; the International Center for Transitional Justice – ICTJ, who provided support for transitional justice issues; the CGZ; and the Instituto Interamericano de Derechos Humanos –IIDH; Christian Aid; Pax Christi; and others of no less importance, such as the United Nations Office of the High Commissioner for Human Rights (UNHCHR), or the United Nation High Commissioner for Refugees (UNHCR). There was also

inter-institutional work and practices with NGOs at other levels of the bureaucratic apparatus: Inter-institutional support between *La Unidad* and Chemonics, with Mercy Corps, Hartland Alliance International, Global Communities, Fundación Saldarriaga y Concha, UNHCR etc. and between governmental organizations, such ACR, ICBF, DPS, the Ministry of Defense and others. The following social organizations also played a role in the policy implementation: REDEPAZ, ANUC, and some unions such as Confederación Colombiana de Trabajadores (CTC) (Colombian Workers Confederation). In the last chapter I discuss further the relationship between humanitarian bureaucracy and these social organizations.

International Institutions	United Nations Office of the High Commissioner for Human Rights (UNHCHR),
	United Nation High Commissioner for Refugees (UNHCR).
	Mission to Support the Peace Process in Colombia – Organization of American States (MAPP-OEA)
	International Organization for Migration (IOM)

Cooperation Agencies	Spanish Cooperation Agency
	Swedish Cooperation Agencies
	Friedrich Ebert Stiftung – Fescol
	USAID (United States Agency for International Development)

International NGOs	International Center for Transitional Justice – ICTJ
	Instituto Interamericano de Derechos Humanos – IIDH
	Christian Aid
	Pax Christi
	Chemonics
	Mercy Corps

La Unidad also outsourced the implementation of the policy by subcontracting NGOs and foundations such as the Escuela para la Democracia Galán (Galán School for Democracy), which would "operate" (manage) the public policy hiring of "public

servants" at regional levels. These "public servants" would be the face of *La Unidad* in the territories (and would be in less favorable contractual conditions). Each year *La Unidad* would select an NGO or foundation by public procurement. The NGO or foundation would take three or four months to hire the needed personnel. For this reason, each year the reparation policy was put into operation in territorial contexts almost five months –late may, losing invaluable time for the reparation process.

The outsourcing of policy implementation to private agents and actors is an expression of the neoliberal approach to humanitarian public management, in the way that it lets "specialized" organizations administer public resources and implement policy.[124] This situation leads to many complaints from *La Unidad's* public servants, who noted inexperience and a lack of commitment from these private agents. Buchely (2015) has shown how these schemes of decentralization are strongly attached to models of public administration inherited from the Washington Consensus. Buchely has argued that the aim of decentralization is the incorporation of the market within the public sphere through strong de-regulation schemes in order to establish institutional designs that give the distribution of welfare resources to autonomous scenarios of regulation of people's goods (Buchely 2015:54 quoting Rittch 2002, 2006 and the World Bank). The theories of government that prevail, such as new management (Prats Catala 2006 quoted by Buchely 2015), promote a model of public

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[124] Galán School for Democracy has been at the center of controversy because they signed seven contracts with *La UnidadLa Unidad* for around $38 US million dollars in order to allocate end execute resources for the administrative sustainability of the policy. The school subcontracted people to carry out the role of functionaries (even though they weren´t actually contracted directly by the government) at the regional level on behalf of *La Unidad*. These were also contracts related to materials and food for workshops, personnel, land and air transportation, etc. This contracts are render by alternative media as payments for political favors from President Santos to the Liberal Party, as the School has close ties with Luis Carlos Galan´s family, a prominent politician assassinated in the late eighths for opposing drugs trafficking.

administration management that focuses on results where social benefits are performed by people without close ties to the state (Buchely 2015: 58) or with the public policy.

The scope of the work of these private agents was extended to many other places. After I stopped working at *La Unidad* (August 2014), I traveled on my own to Cali, Obejas and Sincelejo, Valledupar, Cesar, Florencia, and Arauca (Map 1). The process of registration for victims was expected to start in April 2015, and end in June 2015. In none of these places would the process of victim registration start in April. All these Attention Centers were in the hands of foundations or so-called operators (such as the Galán School for Democracy). The contractual and budgetary allocation process was so long and complicated that in those years the implementation of the policy started working two or three months later than the beginning of the official fiscal year. These NGOs and foundations were also outsourced to execute the budget. If I, as public servant, needed to travel to some city or region I had to contact these "*operadores*" and report some of my activities. In this way most of *La Unidad´s* public servants were outsourced.[125] All these processes and everyday practices delineate the contours of neoliberal humanitarian policy in Colombia, or as an influential Colombian politician would say, "the neoliberal reparation".

Another example reflects the reach of this expansive neoliberal model. Before 2010, IOM (International Organization for Migration) was the earliest actor providing knowledge and resource distribution for the DDR. Later, IOM created the program on institutional strengthening and institutional capacity building for victims. It consisted of "providing guidance and technical support for policies, systems, and institutions of the Colombian government at the national, departmental and municipal levels, so they

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[125] *La Unidad* has 3550 workers: 850 public servants (LNR-60, CA 27, 753 Provisional), 1200 Contractors, 1500 from operators (Administrative office personal communication)

would obtain the skills and necessary competence for the effective implementation of the Victims Law".[126] A debate about who had political control of the policy played out in the Colombian Congress and was initiated by Senator Maria Angela Robledo of the Green Party, who challenged Paula Gaviria, the Unidad General Deputy Director and Alejandro Gaviria, the Health Minister. During this political debate, the Senator was inquiring about the development of the program for attention to victims' psychosocial situation. She was asking why there was no progress in this issue. She asked why IOM was practically running the reparation policy, particularly the psychological attention programs. "Since when does IOM know how to deliver psychosocial attention? She asked. Why are they receiving all the public money? Then, what is the purpose of *La Unidad*?" (TV broadcast, Senator Maria Angelica Robledo, September 16th, 2013)

Evidently, some consultants and public servants consider IOM (International Organization for Migration) more a state entity than an international cooperation agency. In any case, the Colombian government mostly funds it. IOM is quite a big organization with a long tradition in Colombia since the dramatic manifestations of internal forced displacement began during the last century. Certainly, most of IOM's donors were Colombian public institutions, seconded by UN Agencies, Cooperation Agencies (such as USAID, Italian Government, Canadian International Development Agency (CIDA) and the private sector.[127]

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[126] http://www.oim.org.co/programas/visp-descripcion.html 07-18-2015
[127] http://www.oim.org.co/quienes-somos/oim-en-colombia/socios-cooperantes.html 07-18-2015

The Micro-Practices of Humanitarian Governance

On different occasions I participated in MAPP-OEA (Mission to Support the Peace Process in Colombia – Organization of American States) and IOM workshops, where we would meet other *Unidad* public servants to discuss, agree and produce points of intersection and institutional coordination. MAPP-OEA and IOM would organize meetings, sessions or workshops with the goal of facilitating conditions and strengthening capacities for coordinated work in the implementation of different actions: public pardon requests, the collective reparation program, satisfaction measures, non-repetition guaranties, plans to return for the displaced, and DDR and victims' reparations. In this specific case, what these agencies were trying to do was to align the institutional apparatus in defense of the victims and in support of the judicial process. Thus, in a separate session at a hotel in Bogota, public servants from different institutions would gather in order to work in a coordinated matter on these legal procedures. Paradoxically, representatives from the General Attorney's Office, the judiciary and penal system, or the penitentiary system did not show up. *La Unidad* had the responsibility of collecting and building the inventory of the victims' reparation applications, as well as offering some reparation measures to these victims. Nevertheless, by the time these procedures took place (May, 2014) the *Unidad* had no institutional capacity to offer victims' any reparation measures. Yet, *La Unidad* could, as a system coordinator, leverage some influence in order to bring the SNARIV – Sistema Nacional de Atención y Reparación a las Víctimas (National System of Victim Support and Reparations) institution on board. However, cooperation agencies were actually the ones doing the initial coordination within *La Unidad* in order to synchronize the Justice and Peace procedures.

These sessions in Bogota hotels would start by presenting the different institutional actors involved in a specific implementation dimension and the actions implemented by each group, unit or sub-direction. The MAPP-OEA official would present the state current context of the situation, the legal mapping, the purpose of the session and the agenda. In a following phase, they would ask government public servants to identify weaknesses and suggest what actions were needed for the approach. Sometimes, public servants would be divided in groups, with a mixed inter-institutional composition, and they would be asked to come up with possible mechanisms or solutions in order to address the identified weakness. These practices would help public servants get to know each other better (which was already useful), discuss and chat about common problems and experiences, and to eventually come up with the creation of some procedure or instrument to solve an administrative or "technical" issue. These activities would allow participants to identify key actions to be taken in order to achieve the groups' goals and expand the mission policy. Generally, these actions would entail: information exchange, prioritizing cases, defining actions and strategies to be taken, and identifying common points of articulation and possible institutional reforms. Another key necessity was the identification of national and territorial initiatives promoted by communities or territorial entities in order to gather all cases and collect learning experiences. In other words, there was a huge need to collect, mobilize and centralize information in order to replicate learning experiences in other places. However, this task was almost impossible to achieve. These informal agreements were hardly ever followed-up as new needs, problems, and demands quickly emerged.

As we will explore later, inter-institutional work in regional and local settings was more effective than what public servants in Bogota thought, but this information hardly reached the main offices in Bogota. In these settings however, cooperation agency officials did not present themselves as experts.[128] On the contrary, they expected this atmosphere to contribute to the collective understanding of the policy context and the production of collective solutions. In fact, as I witnessed, these spaces allowed public servants' knowledge to be visible and useful in order to come up with solutions. In these spaces authoritative knowledge prevailed over other forms of power and power representations. Many "technical", legal and practical issues required discussion, but the boring institutional designs and the office routines had public servants swamped with everyday bureaucracy (mailing, texting, meetings, filling forms and excel matrices). Holding meetings in hotel rooms allowed the inter-institutional meetings to be more productive. I really cannot recall the number of times I participated in workshops at fancy hotels in Bogota where the change of atmosphere also allowed the change of practices and discussions amongst public servants.[129] Discussion allowed the expression of different points of view, unforeseen situations and paths of action, which rarely became collective actions.

Thus, it is possible to affirm that the work of international cooperation agencies and human rights organizations is ubiquitous in all government social policy,

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[128] As Mosses (2011) argues, quoting Mitchell (2002), "expertise is made and has effects not through the imposition of designs that pre-exist events but by relocating the site of the production of significant knowledge from the periphery to the center. The participatory turn in international development has made the constitution of expert development identities yet more complex. Professionals of participatory programs have to deny or conceal their own expertise and agency (and their practical role in program delivery) in order to preserve an authorized view of themselves as facilitators of community action or local knowledge, as 'catalysts', hastening but not partaking in the reaction (White 1999) Mosses (2011:17)

[129] Here I should note that not only would international cooperation agents make great use of these facilities, but also other state institutions, such as *La Unidad* that spends hundreds of millions to carry out workshops, meetings and encounters with victims in such scenarios. Yet these ritual spaces are central for the production of institutional legitimacy and the general bureaucratic reproduction process.

particularly those related to humanitarian institutions. The need for and the authority

of these institutions in order to produce and design technical knowledge is accepted

and acknowledged; although not quite as such in the process of implementation and

follow up. This might be the work of public servants or future projects. However, this

is not entirely true if we think about organizations, such as MAPP-OEA or evangelical

churches that are permanently in the territories. But it is true for so many other

organizations and NGOs that hire experts and scholars to produce reports and

research, with not much impact on people's lives and faiths.

Conclusion

The chapter illustrates how humanitarian bureaucracy transcends

governmental institutions and is present ubiquitously as a consequence of the work of

cooperation agencies, as well as local and international NGOs and foundations. These

intrinsic relations render visible an emergent political economy of humanitarianism

related to "technical conceptions" of how to intervene in society and communities by

strengthening the state, but also and fundamentally, they render visible international

forms of governance that seek to produce instruments for managing the emergent

rationale of victimhood. In the process of entering the realm of *La Unidad* as part of

my fieldwork I became aware of the institutional settings and personnel configuration

patterns, which made up the offices, divisions and sub directions. These variations and

patterns not just characterize the superposition and juxtaposition of different political,

academic and technical trajectories, but the different positions within the humanitarian

realm. These different positions also reflect the different conception of victimhood

inherited in such political, academic, and technical trajectories. On the other hand, this

characterization reflects the tensions present in everyday work through the enactment of gossip, bureaucratic hierarchies and power relations. They also point to functionaries' insecurities regarding the knowledge required for the policy to be implemented, their anxieties regarding *La Unidad´s* bureaucratic burden, and their criticism of other functionaries work. Here, I am particularly interested in the professional bureaucrat as well as in the activist public servant, who expresses different notions of humanitarian knowledge.

A central aspect of knowledge today is the newly and exacerbated forms of its commodification. In the 'post-industrial' economy Boyer (2005) reminds us that knowledge has become a principal productive force in modern western society. It could be claimed, Boyer continues, that 'knowledge' has become a principal locus of interest for contemporary representations and practices of production. (2005: 147) In fact, knowledge, particularly the production of expert knowledge, is regarded as a central aspect of technological development, economic growth, neoliberal radicalization and human progress. In this sense, expert knowledge is also highly demanded in the field of government, risk management and policy implementation (Shore et al 2012). [130] Its importance contrasts with public servants or functionaries' knowledge, which is regarded as less technical and more mechanical. Paradoxically, these are the

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[130] In 1982 Malcolm Crick argued that anthropological work about "modes of thought" remained vague (1982:290). As he stated, most anthropologists have little to say about the actual workings of the human mind, let alone the brain (1982:290). Yet, questions regarding rationality, logics, cognition, learning and systems of classification are at the center of anthropological questions, at least since late nineteen century (Durkheim and Mauss 1963, Frazer 1998, Levy-Strauss 1966, Tylor 1958, Levy-Bruhl 1985). Since then, some anthropologists have also discussed and critiqued how anthropology produces its own disciplinary knowledge, adding to the discussion on what knowledge is in culture, and on the reflexive process of producing anthropological accounts (Geertz 1983, Clifford and Marcus 1986). Other important scholars have sought to demount colonial hegemonic knowledge and techno-science epistemologies (Escobar 1995, Chakrabarty 2002, Mitchell 2002, Seth 2009). The problematization of the coloniality of power in Latin America is also a fundamental terrain in the critique of knowledge production (Mignolo 2000, Quijano 2000), which defines a particular way to address the incorporation of specific epistemologies into ways of thinking about everyday life, and the world´s social and political configuration (Quijano 2000).

functionaries who are involved in everyday social policy implementation.[131] The next

section is devoted to exploring this issue further. However, here it is important to note

that these forms of reasoning don´t just override perspectives on granting social,

economic and cultural rights from developmental points of view, but incorporate other

sets of "global" moral sentiments that frame bureaucratic forms of practice and beliefs

such as satisfaction actions, technical guidelines, or care and support.

The setting of the encounter of these trajectories is a public institution framed

on a neoliberal bureaucratic formation. The deregulation of the humanitarian

bureaucracy reflects how the state, although it invigorates its bureaucracy by

expanding it, contracting it, and constantly transforming, demands the participation of

private international and national institutions (bureaucracies) to deliver expert

attention to the policy clients. This privatization of care belongs to the realm of

resource maximization framed within the logic of the market. As I describe on chapter

one and develop further here as anthropologist of institutions we need to put our

attention (when study functionaries, experts and other institutional agents) to the

relation between bureaucratic practice and labor, and not just about functionaries

actions and contradictions. Public servants are actually state contractors but fulfill

public service roles like staying at daily basis at the public offices, or signing minutes

with community leaders. *La Unidad* outsourced most of the 60% of the staff by

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[131] Michel Foucault´s well known account of knowledge as not just exerted by discretional forces but by discursive relations is central to grasping the ways in which knowledge is historically constituted and strategically implemented. From his perspective 'power is everywhere', diffused and embodied in discourse, knowledge and 'regimes of truth'. (Foucault 1991, Rainbow 1991) This is also a key issue for postcolonial studies reflection on how science, technology, literature and culture are, if not aspects of colonialism, the vehicles of colonial power. Power/knowledge not only limits what we can do, but also opens up new ways of acting and thinking about ourselves. Power/knowledge is always productive but also constraining. (Foucault 1991). Literacy, for example, Crick states (1982), makes wider bureaucratic control possible, while a more general perspective, however, is that knowledge is a resource. Thus, states Crick (1982), the analysis of power relations and the analysis of knowledge creation and distribution are inextricably related (Crick 1982: 303).

subcontracting NGOs and foundation to deliver the policy leaving the execution and interaction between the state policy and people and clients on their hands. But the whole setting is successful in producing concepts, discourses and emergent righthoods that start to play among others. Here in particular, I witness an emergent form of humanitarian citizenship, which is made possible through neoliberal forms of knowledge production in which technical governance brings into existence "victims care and attention".

On the other hand, the chapter illustrates how the bureaucratization of humanitarianism requires, as other forms of bureaucratization, capturing public servants' time and space. This experience affects public servants' ideologies, bodies and emotions, while transforming law and policy into actual practices and beliefs. Such dimension entails key conceptual and methodological tools to understand how governance is not just exerted upon policy clients, but upon its very operators. Although some believe their work is highly technical (professional functionaries), others believe it depends on love for and faith in the cause (activist functionaries). However, both are testing right and wrong practices. The memory of the forms in which the law was produced is also present in the most experienced functionaries. They are valued for that and their experience is based on that knowledge although they are hardly listening.

In the same way, the footprints of cooperation agencies mark the whole history of the reparation program. International law, jurisprudence and expert knowledge is embedded in local institutional design and case study recollection. But, as we can see, this appropriation is part of a wider process of global experimentation in peace-building, humanitarian aid and development. The next chapter describes how these

functionaries managed to produce, deal, and implement or neglect technical knowledge productions and implementation. They had to solve the unknown problems of humanitarian reasoning and human rights expectations. This problem solving has taken the form of permanent institutional reengineering and experimentation.

Finally, within this specific realm, it seems that the distinction between skilled knowing and skilled doing (Boyer 2008:39) helps to analyze the bureaucratic practices as it is perceptible that in the humanitarian apparatus the knowing overtakes the doing, creating a body of intellectuals.[132] As we see, these descriptions are about the knowledge and not the doing. On the contrary, bureaucratic humanitarianism engenders anxieties, insecurities and stagnation regarding the doing. The doing is actually hard to find, describe and theorize, but presents complex forms of social dispute and power. The doing is the center of pride, experience, power and authority for instance, but also of frustration, insecurity and critique. As we will see in the next chapter, the doing is at the service of bureaucratic reproduction, but not implementation or making, because the doing is actually what defines the very practice. It does mean that bureaucracy is determined by everyday practice but not by everyday outcomes. Boyer (2008) has suggested that in anthropology of expertise, it is possible to define an expert as an actor who has developed skills in, as well as semiotic-epistemic competence and concern for, some sphere of practical activity. In this definition, he argues, a car mechanic or a street performer are clearly experts in their respective crafts, although the qualitative and social dimensions of their expertise are very different (and valued differently) from those of more technocratic (and widely

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[132] Dominic Boyer emphasizes that when skilled knowing takes normative precedence over skilled doing in a given sphere of expert activity, we should use the term 'intellectual' instead of expert (Boyer 2005:43-45).

recognized) experts like doctors, lawyers or scientists. Thus, he states that the way in which this distinction highlights the tension between the experiential-performative and social-institutional poles of skilled knowing and doing, actually gives analytical traction for such inquiries. When skilled knowing takes normative precedence over skilled doing, she continues, in a given sphere of expert activity, we should use the term 'intellectual' instead of expert (Boyer 2005:43-45). When approaching the humanitarian apparatus from this perspective, I found myself carrying out an ethnography of intellectuals instead of experts, unexpectedly and powerfully illuminating the scope and reach of humanitarian practices. In this sense, while I am analyzing the production of expert knowledge, I am analyzing its producer and legitimizer, not as a skilled doing but as an intellectual. Paradoxically, if most of the work of the expert is legitimized based on practice and experience, or as Boyer terms it "skilled doing", in the realm of humanitarian work, expert knowledge is practiced by performing knowledge skills.

Chapter 4

Collective Reparation and Social Policy Experimentation

"State policy makers exacerbated the public health problems they tried to resolve and generated new ones. This sort of experimentation unleashed in this medical disaster exceeded the logistical capacities of any single agency or state to bring it under control. How knowledge production about it advanced or slowed was the result of scientific and political negotiation that, in the end, gave citizens few stable resources to act on in their efforts to secure compensation from the state" (Petryna 2009: 27)

In this chapter I focus ethnographic attention on the production of technical knowledge in Colombian humanitarian bureaucracy. I specifically examine how public servants and experts manage to solve crucial problem faced in the development of Collective Reparation Plans (Planes Integrales de Reparación Colectiva – PIRCs).[133] Here, I describe the emergence of humanitarian "technical" problems, which still today remains institutionally unresolved. Yet, what interests me here is to describe a process of policy experimentation at multiple levels carried out by professionals, functionaries, experts and communitarian representatives in order to give practical sense to local and international laws and guidelines. I am not interested in whether these procedures achieved any results (as they hardly did), but in the production of knowledge within the Colombian humanitarian bureaucracy. In other words, I describe the process through which legal and moral values are transformed into bureaucratic practices.

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[133] The PIRC's are the institutional and communitarian agreements reached after the development of collaborative methodologies in order to agree on the reparation actions. These Plans contain the concerted reparation measures (restitution, compensation, rehabilitation satisfaction, non-repetition guarantees) elaborated with each group, organization or community. This Plans have to be approved by the Territorial Committees on Transitional Justice / Comités Territoriales de Justicia Transicional. The Territorial Committee on Transitional Justice (TJTC) constitutes the hinge mechanism of the National System of Care and Reparation for Victims at the departmental, district and municipal levels. Its main objectives are to articulate the institutional offer to guarantee the rights of victims to truth, justice and reparation, coordinate activities on social inclusion and social investment for vulnerable populations, and take measures to materialize the policies, plans, programs and strategies for disarmament, demobilization and reintegration.

Thus, this chapter begins by developing a brief genealogy of the concept of collective reparation in Colombia. Because the institutional setting and legal formulation are the result of previous processes of institutional experimentation, such as Peace and Justice Law implementation, it is important to consider the historical formation of the technical knowledge. The chapter then describes acutely the collective and individual practices institutionally produced in order to fix policy problems. On the one hand, I describe how functionaries developed institutional laboratories in order to produce methodologies for information gathering, and on the other I describe what happened with these methodologies when they were applied with the "collective subjects" of reparation. It depicts how public servants work is messy and contradictory, while state and non-state institutions configure a constellation of power relations never aligned and always at odds. In this sense, the chapter emphasizes the phenomenology of humanitarianism as an attempt to engender social process, creativeness and imagination beyond the concrete places of intervention. I see the two given examples as social projects, and as *quasi-events* that never quite achieve the status of having occurred or taking place (Povinelli 2011:13).

The Emergence of Collective Reparation

The institutional history of collective reparations in Colombia is tied to the Justice and Peace Law (Díaz 2009, Bernal 2011, IOM-USAID (2012). Yet, before it was enacted, there were different attempts at collective social experimentation in the field of ex-combatants' reintegration. Contemporary attempts to intervene through a developmental and humanitarian approach are traceable to the demobilization processes of the M-19, the EPL and the *Corriente de Renovación Socialista* in the 1990s.

Then, the government pact with guerrillas included investing in communities that were formerly under the influence of guerrillas. In an interview REDEPAZ director, Luis Emil Sanabria (demobilized himself), recounted to me how collective plans existed for the reintegration of ex-combatants during those years. These programs were supported by the *Recursos de Desarrollo Regional* (Regional Development Resources) and were administered and executed by the RSS (Social Solidarity Network). The way in which these resources were used was through the *Asambleas Comunitarias.* The concept of collective reparation did not exist, but the idea that the community should participate using approaches like collective participative planning was already in place (Margarita Gil, Personal communication, 10/08/14).

In the Colombian context, it is also possible to extrapolate collective reparation endeavors through the multicultural project embodied in the Political Constitution of 1991, where ethnic groups were recognized as having suffered historical discrimination at the hands of society, confirming their right to collective property and jurisdictional autonomy. Yet, it was never called collective reparation in the frame of armed conflict reparation. The nature of that reparation was a historical acknowledgment of the historic exclusion and disintegration of ethnic groups, along with their past and cultural particularities granting ethnic, territorial and jurisdictional rights (Bocarejo 2009, Vera 2006). Now, we are witnessing the emergence of a new subject of acknowledgment, but this time it's a different multiethnic and gendered collective of victims facing contemporary structural and material violence.[134]

The production of this rhetoric (collective or individual subjects of reparation), and through it the creation of this new subject of delimitation and intervention, has

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[134] As well as the social process engendered by the so-called ethnic groups in Colombia is perdurable, it seems that collective victimhood will have nationwide socio-political effects.

produced new forms of subjects, territorialities, disputes and negotiations in the frame

of the policy concept of "differential approach"[135], which impose former identity politics

on emergent globalized humanitarian legal and moral meanings. The state

mobilization of multicultural rights, economic, political and civil rights during the

nineties gradually faded, leaving space for a state project centered on the moral

economy of humanitarianism. However, what deserves further attention is the way in

which the conflict itself is produced and presented within global narratives of

compassion, which fail to recognize the structural asymmetries that these discourses

and practices involve. Not to mention that humanitarianism captures our imagination,

as it seems to be the sole tool we have at hand in order to defend universalized causes

with respect to asymmetric global power relations. This specific form of knowledge is

built upon many years of localized forms of intervention that are in turn built on care,

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[135] As noted in the introduction, the *enfoque diferencial* or *differential approach* as I will translate the concept here is a peculiar development in Colombian social policy at it is derived from the Colombian constitutional multicultural recognition in 1991 and later from the development of the Colombian Constitutional Court jurisprudence. The first steps towards a conceptual elaboration of the differential approach, beyond the multicultural perspective, was in the Constitutional Court rulings on the Internally Displaced Population –IDP (Law 387/1997), and later in the follow up rulings on IDP Colombian state obligations. With time, these rulings have been incorporated into the whole corpus of Colombian social policy design, implementation and evaluation. However, such implementation has represented a major technical challenge for social policy implementers and evaluators, as it implies the development of specific procedures, protocols and institutional practices that imply the demand for expert knowledge, infrastructure, different bureaucratic practices, and budgetary allocation. In the framework of the 2011 social policy, the *differential approach* entails "the acknowledgment that there are populations with particular characteristics because of their age, gender, sexual orientation and disability status. Also, the recognition of this approach assumes that the state will prioritize and provide guarantees and special protection measures for groups at higher risk of rights violations, such as women, youth, children, the elderly, persons with disabilities, peasants, social leaders, union members, human rights defenders and victims of forced displacement". Sistema Nacional de Atención y Reparación Integral a las Víctimas – SNARIV *"Todos somos sistema"* Gobierno de Colombia (s.f). Durán (2015) is right when stating that neither the *differential approach* nor the *diversity approach* are used in the Anglo-Saxon anthropological academia or in the language of policy makers in other countries. He recounts when an American feminist colleague told him that in the US they speak of *tailor made policies*, i.e. public policies made "to measure" to the beneficiary. Even more, she called his attention because he was using the translation "diversity mainstreaming". This might be a problem, he recalled, as if we all are different then we should all be prioritized. Here I use the literal translation of Differential Approach, as it's closer to the local meaning of social policy with specific attention to aspects of race, ethnic affiliation, gender, age, etc. This discussion, however, is central for developing a critique of social policies in the age of neoliberalism, as prioritizing by the differential approach perspective is detrimental to the universal approach of rights fulfillment.

compassion and compensation, on the late liberalist paradigm of the humane (Povinelli 2012).

The today's emergent concept of collective reparation can be thus formally traced to the enactment of the Peace and Justice Law (2005) in which legal parameters for individual or collective demobilization of members of illegal armed groups were established, as well as the state obligation to guarantee the rights of victims to truth, justice and reparation. The Colombian Constitutional Court called upon Congress to incorporate into the law, the emergent UN guidelines on victims' rights to reclamations and the Rome Statute. Looking to uphold the rights of victims, Peace and Justice Law created the National Commission for Reparation and Reconciliation (CNRR) with the responsibility of generating recommendations to the national government on the implementation of an institutional program for collective reparations (Article 49). In Article 50, the Peace and Justice Law outlines the creation of the Commission for a period of eight years and grants it functions to guarantee victims' participation in judicial clarification processes and the realization of their rights. These functions were the following: to submit a public report on the reasons for the emergence and evolution of the illegal armed groups; Track and verify processes of reintegration; Monitor and periodically evaluate the repaired; recommend standards for reparations (...); coordinate the activities of the Regional Commissions for Property Restitution; (...) advance national reconciliation actions".[136] Díaz (2009), Bernal (2011), IOM-USAID (2012) have documented the seven pilot programs of collective reparation implemented by the CNNR and supported technically by the International Organization on Migration (IOM) and financed by USAID from 2006 to 2011.

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[136] "Del daño a la reparación colectiva: La experiencia de 7 casos emblemáticos". OIM-USAID, 2012.

Following CNRR objectives, the pilots were important to verify methodologies in

different social contexts and collect experiences and knowledge (Díaz 2009).[137]

In a seminar held by the CNRR, CNNR commissioner Maria Teresa Bernal

(2011), also REDEPAZ's co-founder, discussed the complex situation they faced and

what they learned when the pilot project with the communities and groups began (El

Tigre, La Gabarra, Buenos Aires and the Asociación de Campesinos del Carare –

ATCC, Asociación Madres de la Candelaria y Universidad de Córdoba):

> "Firstly, we observed there were a high number of communities that had been damaged
> by the violation of collective rights. In many parts of Colombia, rivers were
> contaminated from disposed corpses dumped by the guilty party after a massacre or
> killing. The vision of the river in the eyes of the locals as one of life, joy, and a means of
> transport was radically changed. This had a huge affect on the community and led to
> the need for the development of a process of collective reparation. Other examples of
> the violation of collective rights pertain to those, which fall under the right to culture,
> and also in many cases the right to peace, as well as various other collective rights.
> Another important observation was the blatant violation of collective rights through
> individuals. An example of this was the daily killing of individuals in communities
> which was a clear violation of an individual´s rights, the right to life; however, the
> systematic nature of the act or the severity of the killing also lead to the entire
> community being affected. Another example of the above is the collective impact on
> the community of specific individual killings, such as the case when community leaders
> have been murdered. We found cases of local councils that had been highly affected
> when presidents of the council were systematically murdered. Each of these presidents
> represented a community, and for this reason, the entire community was affected. (…)
> The murdering of leaders and presidents of union and peasant organizations also
> affected the entire group. These are all cases which merit processes of collective
> reparation. Who then should benefit from these processes of collective reparation?
> According to the law, it is the collective entities identified in the National Constitution:
> afro-descendent, indigenous, and gypsy communities. For this reason, we paid special
> attention to communities and organizations, which do not fall under any of the
> aforementioned categories, as these are groups, which remain, ignored in the eyes of
> the law, and therefore rendered powerless" (Bernal 2011: 452-454).

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[137] "Between the years 2006-2011 the CNRR, in the development of its legal mandate, with technical and financial support from IOM and USAID, implemented the project "Pilot Collective Reparation", through which the design and construction of six pilot cases of collective reparations was created. As a result of the experience gained in developing this project, the CNRR drafted the Collective Reparations Program (PIRC), where they share recommendations for the formulation and implementation of a policy of collective redress". The project had the following stages: (a) political dialogue with communities (developed between August 2007 and April 2008); (b) diagnosis (developed between August 2007 and October 2008); (c) minimum vital (implemented from November 2008 to July 2010) and (d) design the collective reparation plan and draft the PIRC (developed between August 2010 and September 2011" (IOM-USAID 2012:12-13).

Since these pilots were carried out, ethnic collective subjects were no longer unique, as they emerged like other collectives, groups and organizations as subjects of collective reparation in order to make visible the individual and communitarian suffering. The IOM and CNRR project was essential for the development of the collective reparation program within the VLRA. Within the project´s framework, collective reparation is understood as the process, which addresses the suffering and the damage caused by the violation of collective the rights of groups, people and social and political organizations. These are rights, which are incorporated within the UN guiding principles on Victims' rights to claim compensation.[138] However, it is implemented with the knowledge and experience gained by the CNRR, IOM and *La Unidad*. According to the VLRA (Article 223 in Decree 4800), subjects of collective redress include the groups and social organizations, such as unions and political organizations, who have suffered grave and flagrant violation of their individual rights as members of a collectivity under the terms of Article 3 of Law 1448 of 2011. The Law and its specific regulations are very explicit about the programs, the inter-institutional systems, requirements, and timeframes etc. through and according to which the law must be implemented. In this realm the concepts of social organization, communities and groups are well defined as the collective subjects of intervention.[139]

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[138] Nowadays, there is also a copious production of international courts jurisprudence, and truth commissions' recommendations for collective reparations in local and international NGOs and public institutions. As some commentators argue (Diaz 2009, IOM – USAID 2012), definitions and standards of collective reparation are articulated within the global context of human rights and international humanitarian law, i.e. UN guidelines on victims' rights to remediation and contemporary collective reparation programs in Peru, Morocco and post socialist Europe.

[139] The VLRA defines collective reparation subjects as the political and social organization that responds to "a group of people bound together around a formal collective common goal, which has assets, internal operating control systems, dispute resolution mechanisms and members' substitution, and a public life membership recognized by its members". Some examples are unions, political parties, and women's organizations, among others. A community is understood quite ambiguously as a "social group that shares an identity based on practices, culture, education patterns, territory or history, and is interested in generating indivisible or public goods, and working together for a common goal. Such is the case with

In what follows, I describe the problems faced within *La Unidad* collective reparation program and the ways in which expert knowledge was produced in order to solve them

Collective Reparation Techno-Politics

> The world out of which techno-politics emerged was an unresolved and prior combination of reason, force, imagination, and resources. Ideas and technology did not precede this mixture as pure forms of thought brought to bear upon the messy world of reality. They emerged from the mixture and were manufactured in the processes themselves. Resolving these processes into reason versus force, intelligence versus nature, or the imagined versus the real misapprehends the complexity. But this misapprehension was necessary, for it was exactly how the production of techno-power proceeded (Timothy Mitchell 2002:52).

As I have describe before, one of the most urgent demands within *La Unidad* was sending, compiling and systematizing information that most of the time was not available. However, most of the time public servants would spend their working hours filling Excel matrices (PIRCs, implementation measure reports (or in reality action to implement a measure), commissions, travel reports, or reports for bill monthly services *to La Unidad*). The lack of information systems made things very difficult to run and the lack of reliability was always evident. For example, acting as the link between the Satisfaction Measures Group and Collective Reparation Program, I had to attend the weekly Collective Reparation Sub-Direction (CRSD) meetings for the purpose of following-up with the sub-direction activities and keeping all the CRSD groups "on the same page". From week one I would hear the CRSD deputy director manifesting the

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veredas, heads of townships, or municipalities with clear roots and were public inhabitants are recognized. Here you find ethnic groups, indigenous peoples and communities, black communities, palenquera communities and islanders, and the organizational forms of Romani itinerant communities". For all of them there is a particular route for reparation. Finally, a group is a "set or determinable people related to each other that have common conditions or are in a common situation, in which a particular damage is derived and common patterns of victimization are observed. Following these collective reparations, there will be a transformative and differentiated approach aimed at eliminating both schemes of discrimination and marginalization of collective subjects that could contribute to the recurrence of victimizing events. The *differential focus* also pays particular attention to the special needs of members who are subjects of collective redress because of their age, gender, and sexual orientation and / or with disabilities to ensure their effective and adequate participation in decision-making. Decree 4800, Article 222.

need to make an inventory of all the Plans of Collective Reparation (Planes Integrales de Reparación Colectiva - PIRCs) and redress measures, as well as the need to unify the approved PIRCs in one unique kind of matrix.[140] However, 14 months later (As I was finishing my fieldwork, they invited me to this committee, even though I was no longer a *Unidad* public servant) these actions had still not been accomplished. My intention here, however, is not to criticize some sort of policy inefficiency, but to note that within the bureaucratic field, needs, urgencies, conjunctures and demands are characteristic of bureaucratic forms of production, transmission and reproduction, if not the overall institutional project in itself.

At the beginning, I couldn't understand why it was so difficult to have information at hand and why information was so desperately needed, but having information was essential for authoritative purposes and for institutional legitimacy. While there was a lot of disperse information, there was not enough knowledge, infrastructural capacity, nor time to keep up and systematize all the gathered data. Many times the information gathered with the communities in the territories was not documented or kept at all, and public servants would have to go back to the territories to re-gather the information. This was also mainly caused by the *Unidad's* public servants' multiple interpretations of technical and legal concepts and procedures. In the case of the 63 Integral Plans for Collective Reparation (Planes Integrales de Reparación Colectiva - PIRCs) –approved at local instances by the Comités Territoriales de Justicia Transicional (Territorial Committees on Transitional Justice, from now on TCTJ) - public servants had to go back to the communities and review

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[140] PIRC's are the roadmap of each "community" or social group as subjects of collective reparation. This plan contains the concerted reparation measures (restitution, satisfaction, non-repetition guarantees) of each group, organization or community.

the plans they had already approved.[141] Due to the fact that public servants wrote the

measures in a confusing manner and presented legal inconsistencies, the descriptions of

the *measures* were quite unclear (for those who had to implement them), so the public

officials had to review their entire two years of work with the communities'

representatives.[142] Of course, this situation generated huge political and economic costs

for *La Unidad* and for policy implementation. In this way, practices, techniques,

methodologies and technical knowledge become essential for policy implementation.

This situation was seen as justified, as it was the first time the CRSD would undertake

these operational actions and it was actually considered to be part of a learning process

by the CRSD deputy sub-director. It did not, however, satisfy other public servants'

expectations.

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[141] The Territorial Committee on Transitional Justice (TJTC) constitutes the hinge mechanism of the National System of Care and Reparation for Victims at the departmental, district and municipal levels. Its main objectives are to articulate the institutional offer to guarantee the rights of victims to truth, justice and reparation, coordinate activities on social inclusion and social investment for vulnerable populations, and take measures to materialize the policies, plans, programs and strategies for disarmament, demobilization and reintegration. This CTJT was composed of victims' representatives and public servants from the concerned institutions. These committees are the physical configuration of the reparation policy and the cornerstone of state articulation at the territorial level. As we explore in the following chapter the TCTJ constituted locally the emergence of the spatial and temporal social policy jurisdiction.

[142] This is the most critical problem for the policy implementation. As it has been stated: For the identification of a collective subject it is necessary to consider several items, among them, their collective identity and pre-existence. Another criteria is the identification of the damage that would be attempted to repair. This can be attributed to: i) violations of collective rights; ii) massive or systematic violations of individual rights violations; and iii) violations of individual rights with collective grave impact. In this sense, for the diagnosis and characterization of damage of a group, community or collective, "establish patterns of violence and understand their impacts both the lives of people and of communities, groups and collectives will be a prerequisite for the definition of groups which are considered as victims for purposes of a collective program reparation". This considering that the measures to be implemented will be more appropriate if they realize the impacts of violence on the collective. DeJusticia & ICTJ. 2007. *La reparación colectiva: problemas conceptuales en perspectiva comparada en Reparar en Colombia: los dilemas en contextos de conflicto, pobreza y exclusión.* DeJusticia & ICTJ. Page 149, Quoted on: Lineamientos de Medidas de Satisfacción a sujetos de reparación colectiva (s.f.) In the same document is stated quoting Díaz (2007): "collective damages are related confinement, loss of ability to reproduce as a group or community impacts on the environment or territory, eliminating or threatening leaders, community structures, loss of infrastructure or community assets". Diaz, Catalina. 2007. *Elementos para un programa administrativo de reparaciones colectivas en Colombia en Tareas pendientes: Propuestas para la formulación de políticas públicas de reparación en Colombia.* ICTJ. Thus, from the adequacy of the identification of collective affectations rests the whole success of the collective reparation program.

As the lack of planning and foreseeing problems was evident, some CRSD public servants and the CRSD deputy director implemented actions to deal with this situation. One of these actions was the creation of an informal group called "*formulatodo*" which would design the guidelines, protocols and methodologies for the PIRCs formulations. *Formulatodo* was a key scenario in order to develop, assess and implement methodologies for the PIRCs formulation and the identification of collective reparation actions. They were a group of young professionals, some of whom had work experience in communities. As I described in the third chapter, many of these public servants had worked previously at NGOs in local and regional settings and others held recent professional and technical diplomas. These public servants had to come up with different strategies and methodologies in order to work with the community *Comités de Impulso* (promotion committees) in the identification of reparation measures, which would be included in PIRCs. The aim of the CRSD was to elect these committees through participatory methodologies integrating the so-called *rights approach* and *enfoque diferencial* (see footnote 123).

The CRSD deputy director was quite apprehensive as *La Unidad* was eager to show results on collective reparations. However, she also seemed to understand the long process of learning undertaken by the CRSD public servants, as nobody foresaw the technical and political complexities of it implementations. She acknowledged that this was a learning stage so far, but that it must bring concrete and real actions soon in order to start the collective reparation implementation, which was already delayed. However, in the words of one of the two public servants who made the diagnosis of the 63 PIRCs, not without irony, a more critical scenario was described:

> "Yes, we have to be flexible because we are learning, and we have learned from more than 63 plans (PIRCs). And we can have the discussion about the political costs of this

fact, but this does not mean that we can afford to continue to make these mistakes in the 700 cases that are left … that's not really an option (…) This kind of thing cannot keep happening (…) <u>And seriously</u>, we need to recognize this. If today one plan (PIRC) is approved, the time for implementation measures starts tomorrow. It cannot take one year or two to adjust and modify the plans (PIRCs). I mean, this is really illogical and seriously it is "<u>super</u>" re-victimizing. For instance, if there is a productive measure and after two years you have not implemented it, you cannot just say there is no time so you change the action. These kinds of things cannot still be happening. It has been two years since we did the exercise with CNRR and we carried out the pilots [described above]. We cannot continue to be fixing the plans, much less those from Peace and Justice [Justice and Peace Law jurisdiction]".

It is undeniable that the CRSD deputy director and some other public servants were quite worried about the effects of these failures on gaining victims' trust and the potential victims' re-victimization. Actually, this was a rather delicate matter as the national and international *no-harm standards* in social and victims policymaking have become more widespread and public servants demonstrate ethical and moral concerns when these situations occur (which, without a doubt happened most of the time). These episodes caused indignation in some public servants, and such indignation was directed most of the time towards policy issues regarding victims' rights. In this realm, law and morals shared a complex field of emotions where sentiments were expressed through claims of rights and abstract notions of victimhood and a sense of injustice.

In situations like this *formulatodo* bore the responsibility for producing the tools to overcome these "technical" impasses. Yet, nobody was talking about the structural implementation difficulties that the PIRCs were facing. Even if public servants did not have any difficulty describing a "measure", "action" "fact", "pattern" and "effect", or "identifying the institution responsible for the measure", or clearly distinguishing an "event related to a violated right" (as was expressed by the public servants in this meeting) the implementation plans would still have to overcome other institutions' lack of willingness to implement the measures, allocate budgets, and consult

communities. Building a bridge, a school or providing a psychological support service did not depend directly on *La Unidad*. And, clearly, as public servants would say outside these meetings "there is no collective reparation proposal at all" (by responsible state institutions). Meaning they are not offering a thing to the victims. Anyway, a solution for the PIRCs formulation had to be in motion.

In order to adjust the methodological procedures to ensure the viability of the PIRCs and solve PIRCs inconsistencies, *formulatodo* would program a large-scale workshop with all CRSD public servants. The structure of the workshop scripts was grounded in social pedagogy methods and participatory research methodologies, structured around games and activities that aimed to shed light on "victims' groups" interpretations of their social milieu. These activities were central to the SDRC public servants' activities at the "street level". In fact, almost all social public servants mediate and build institutional relationships with communities through these kinds of activities. There were plenty of guidelines and workshops using one or two of these methodologies, from "communities sensitivization", to "identification of social leaders", to "identifications of collective harm", which communities would perform not without laughter, embarrassment or critique (I explore deeper in the following section the interactions between professional public servants). The methodologies of "time lines" and "talking maps" were important at the beginning of the historical memory reconstruction process with communities and later adopted by *La Unidad*, but in order to address different needs.[143] The crafting of these tools and instruments, however, was

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[143] GMH (2005) and latter NCHM´s (2011) goal was to explore the violence that has occurred in Colombia since 1965, by studying emblematic cases of crimes committed by each of the different armed actors, including the state. From 2008 to 2016, the GMH produced more than 20 reports that attempted to account for the complexity of political violence, as well and other documents related to land tenancy and distribution, impunity, methodologies for historical memory reconstruction, and different instruments in order to work with survivors. These institutions did not try to obtain or produce legal

not considered a high level "technical matter" *(at La Unidad)* by experts or other professional bureaucrats, but they were considered crucial for the policy implementation. The creation of these tools and instruments demands efficacy, ethics and participation. However, the systematization and analysis of information and experiences was amongst the greatest institutional deficits.

Psychologists, "social psychologists", social workers and social communicators were active agents in the production of these methodologies, although a lawyer with previous experience in human rights activism lead the group.[144] Public servants would formalize much of these methodologies in a manual, protocol or in this case a guideline, for identifying the adequate collective reparation measures and building precise, concrete, understandable and useful PIRCs. This does not exclude the systematic and discretional use of other techniques, activities, workshops or "games" used by public servants when in contact with local communities. In what follows I will recall this

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truth, but tried to produce what they call the "historical reconstruction from the point of view of the victims". Specifically, talking maps are methodological tools that allow the organization and communication of the decisions of the communal environment, through diagramming scenarios of past, present and future over local and territorial maps.

[144] During fieldwork I started to wonder why academic psychology in Colombia had no tradition of social psychology, but rather is based on just clinical and human resource perspectives. Yet, the sources of crafting and building on these methodologies have been pretty much mobilized and nurtured by social workers and psychologists working as human rights activists in Colombia during the last 30 years (Methodologies implemented in Colombia by NGOs and Human Rights Organizations come from social psychology approaches and other organizational experiences in Latin America that have participated along with social movements in the development of participative and active methodologies with peasant, ethnic groups, IDPs and victims, as central sources of knowledge). No doubt, these methodologies attempt to respond to community interests and the need to gather information in order to take decisions with full knowledge of the social contexts and particular community needs. These methodologies are sometimes the glue between policy mobilization and the social organizations. So, what I want to state is that through these local methods and techniques local knowledge and social actions that works as a form of resistance are produced, as are produced and reproduced hegemonic national and transnational institutions. Yet, I still wonder about the role of social physiology in a broader scope, which has not developed any influential research and intervention with respect to the psychosocial effects of violence upon three generations of Colombians.

explicit process of technical knowledge production, transmission and pseudo-formalization. [145]

A Day of Experimentation at the CRSD

On a Friday morning, after a couple of weeks of participating in the adjustment of the PIRCs identification reparation measures, most of the CRSD public servants (around 50 public servants) began to arrive to the Tequendama Hotel where meetings, gatherings and workshops were held for logistical reasons. The rooms, food and auditoriums were needed and in many cases justified as a means of upholding the victims' dignity. However, I was impressed by the financial impact of Colombia's humanitarian industry on the hotel sector, partially thanks to the number of events held in these sorts of infrastructures. Many times this situation had adverse effects on "victims". I had the opportunity to discuss with some of them how they were not used to these kinds of scenarios and could not imagine the amount of money *La Unidad* was spending on renting these places with what some functionaries and policy users would say was "the money for victims' reparation". And this is one of the most contradictory and irrational issues; *La Unidad's* operational functioning (paying salaries for instance) copiously exceeded the reparation funds and overall victims budgetary allocations[146]. However, this would be characteristic of the humanitarian bureaucratic field. During this first year of fieldwork at the Bogotá World Trade Center (when working at FIP)

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[145] Differences in knowledge, experience, transmission, acquisition, storage and communication of ideas and practices are at the center of the understanding of how knowledge works (Cohen 2010). Barth (2002) also helps us to analyze knowledge when he divides knowledge into three abstract units: substantive corpus, communicative medium and social organization (2002:3). Here I am using the concept of knowledge in the three senses.

[146] In 2015, 560 million US dollars were allocated to *La Unidad* budget, whereas just 10 million US dollars were allocated to collective reparation initiatives, and 198 million US dollars to administrative (individual) reparation. UARIV Budget 2015

and at *La Unidad* at the BAVARIA office, I spent as much time at the official buildings as I spent at renowned hotels in the northern and central areas of Bogota. So, hotels with big conference rooms were central spaces in my work and in that of my fellow colleagues'. And so there we were, at the Tequendama Hotel, testing two methodologies for the identification of collective reparation measures in local communities.

The idea of *formulatodo* was that with the help of all CRSD functionaries they would test the methodological tools they had created and incorporate public servants' commentaries and recommendations into a final version. In order to do this, CRSD functionaries would play the part of community members experiencing and testing the methodologies (in other words, the pilot was a simulation or simulacrum).[147] This experiment was specifically carried out in order to solve the problems mentioned above related to "measures identification" resulting from what was called "collective harm" (caused by the internal armed conflict actors).

In order to do this, *formulatodo* designed a complicated workshop that was divided into two sessions in order to test two methodologies, and each session was divided into two different stages. The first session, which lasted from 30 to 40 minutes, was called "the glass". This activity was created by *formulatodo* members with the aim of "instilling in the people [policy clients] the *notion of collectivity* (which is already paradoxical), focusing on elements of coordination, listening, communication and

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[147] The nature of this pilot (experiment) is rooted in the actual structural condition of Colombian violence and poverty. The example provides an opportunity to present a critique of the humanitarian bureaucracy. By producing this pilot in the frame of a controlled laboratory, an attempt is being made to regard a random procedure as a legitimate procedure. The pilot does not just cost millions of pesos but does not produce any result. However, it is constitutive of the machinery of institutional and bureaucratic making. According to Baudrillard (1994), when it comes to postmodern simulation and simulacra, "It is no longer a question of imitation, nor duplication, nor even parody. It is a question of substituting the signs of the real for the real" "where the representation precedes and determines the real". The real here is concentrated in the realm of bureaucracy where experts produce and reproduce not expert knowledge, but the belief that expert knowledge is worth something.

teamwork".[148] In "real life", in order to carry out this workshop, the functionary, would need to have in hand the following materials: Disposable cups, paper, a small glass of water or some other element such as beans or lentils, and tape. Then the workshop facilitator would invite the functionaries to organize themselves in groups of 6 to 10 people (for this simulacrum functionaries would play as policy users). Each group was given a sheet of newsprint paper and a glass of water. The aim of the exercise was for each group to transport the glass of water to the newsprint paper without spilling the water. As the facilitator told us, it was important that all group members hold the sheet of paper to avoid spilling the water before reaching the endpoint. The groups would return to the starting point whenever the water spilled. And so the groups did what was asked of them. Actually, this activity was a hard task as the glass could fall easily and the exercise would have to start all over again.

After finishing the task, one of the functionaries leading the test stated that "it's important to not suggest that there are winners or losers". When the 20 minute long activity ended the same functionary would ask the questions functionaries must formulate when doing this activity with communities, groups or social organizations: "How did you find the exercise? What difficulties arose? What did you do collectively in order to reach the goal? What elements were important for the development of collective work? What are the main lessons from the exercise?"[149] Functionaries participated actively in this activity, responding to questions and giving some feedback to the *Formulatodo* team. This activity was called an icebreaker for the upcoming tasks. Some functionaries responded by suggesting that the instruction for starting the

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[148] Document used by *Formulatodo* at the workshop on May 23 2014. "Propuesta de construcción conjunta de la metodología de la fase formulación de planes de reparación colectiva" UARIV, 2014.
[149] Ibid, supra 41; p 11

activity had to be clearer as they did not understand from the beginning what the purpose was.

In this test, a second 50-minute session would consist of working together with community representatives "*walking the path of the reparation plan*". In order to do that, policy clients would need the reparation approval plan (plan formulation, *Unidad* technical committee review and Territorial Committee for Transitional Justice approval), cardboards to mark the formulation steps, a flip chart, some wool, markers, and colored tape.

Standard functionaries' workshop (Photo by the author)

The leading functionary for this activity would draw the "collective reparation path" using tape on the floor representing each phase with different colors, marking step by step each phase using colored paper and cardboards.

> "It is important to create a comprehensive picture with good and clear writing, so it's visible and understandable. If the group is too large, the community will be invited to choose a smaller group to represent the community, this group should consist of men, women, children, adolescents, farmers, people in the urban sector, adults and elderly, the disabled and members of SNARIV entities"[150].

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[150] Ibid, supra 41; p 12

According to the leading functionary, the group should study each phase, stopping at each step while reflecting on the following questions: What does this phase mean? What does it mean for the community? How do boys and girls make sense of each phase? How do young people make sense of each of them? How do women make sense of each of them? In other words the leading functionary is referring to the "differential approach"[151] (see foot note 135). Here, he/she instructs the workshop participants on how to guide the discussion and make an elaborate, complete, and brief conclusion.

In this simulacrum of workshop, the facilitator develops the second part of the workshop, which consists of identifying the construction of remedial measures. The group would need paper sheets or Kraft paper, markers, and again the collective damage diagnosis document. The facilitator would ask the group to divide into five groups, mentioning the importance of the greatest diversity possible including men, women, children, seniors, rural, urban, etc. "It is important to guarantee everyone's participation" the fellow functionary told us. This functionary listed the collective damages identified in the fictional Collective Harms Diagnosis, which consists of the different reparation measures (rehabilitation, reparation, restitution etc.). Each of the previous organized groups would choose a remedy measure. The facilitator would then give each group a set of sentences from the diagnostic. "These statements must be written in the same way they were said by the community" –the functionary said to us following the guiding document.[152] The group would be asked to discuss the damage and what would be the redress measure they found adequate. They (victims, in this case us) would suggest actions that could be undertaken identifying who would be

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[151] Please go to footnote 135
[152] Ibid, supra 41; p 14

responsible for the reparation action. The analysis would be guided by the following questions: "Is this damage related to the chosen reparation measure? Does the damage continue in the community? What can you do to repair it? When posing this question, women, children, young and elderly people should be allowed to make direct proposals from their own perspective"[153]. In order to carry on the discussion each group would receive a board with the following matrix:

Harm inflicted	Reparation Measure	Proposed Actions

Different kinds of comments arose from functionaries related to the reliability of the workshop organization, content and exercises. For many of them, there was still a lot of confusion around the difference between *harm caused* and *rights violated.* Functionaries would portray different roles, identifying themselves as elderly people, children or women. This situation made the test quite difficult to control as it was difficult to represent a credible or realistic experience working with community representatives. This situation would also incite harsh criticism from functionaries on the differential approach (woman, indigenous, child etc.), as the exercise lacked acknowledgement of all particularities. Furthermore, nobody actually knew how the "differential approach" worked.[154]

When finalizing the exercise, all public servants' proposals would be socialized. This has to be done with "community members" (functionaries) when presenting the workshop in the "territory". "At this stage" —the facilitator mentioned that "the

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[153] Ibid, supra 41; p 18

[154] For Weber ideal Bureaucratic type "Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs —these are raised to the optimum point in the strictly bureaucratic administration, and specially in its monocratic form (Weber 1963: 214).

involvement of *La Unidad* and SNARIV public servants is especially relevant". In theory, these public servants had to socialize SNARIV proposals for the PIRCs plans, measures and projects; and their responsibilities for the implementation of actions. At the same time, the facilitators would create a matrix on a board, filling out the agreements and responsibilities. In "real life" this entire process would rarely happen, as no other functionary from other institutions other than *La Unidad* would show up for the real workshops with communities. In the end, this pilot would lead to a rich source of commentaries and suggestions as well as criticism. Some of them were quite useful for the formal adjustment of the methodology. However, it lacked a way to test the complex and almost infinite social and political circumstances involved in working in the field with "real" policy clients, as we will study in the following section.

As we can see, the development of an adequate methodology is vital in order to fully implement the reparation policy. This is a crucial moment for the production of knowledge and potential intervention. I won't go into evaluating the adequacy or lack of it in these techniques, but what I am trying to describe is the complex process of formulating the reparation plan within the bureaucratic humanitarian realm. This stage was also one of the most critical phases of the PIRCs problems as this formulation had to take into account the measure specificities and community expectations, as well as the legal competences and fiscal resources. Generally, SNARIV public servants were not present at the PIRCs formulation and no other public servant with decision-making power would participate.

All these instances, "collective reparation measures" were *simulated.* Public servants would also play the role of SNARIV public servants and community members, allowing the emergence of public servants' performativity and imagination as a

resource for participative action and research testing, creating a collective solution in an ideal realm.[155] These places of simulation presented the imaginative world of the humanitarian field where social methods, techniques and experimentation are called on to solve the dramatic social history of suffering in Colombia.[156] However, these places are social projects which, rephrasing Elizabeth Povinelli (2011), "never achieve the status of having happened yet" as these protocols are hardly used or applied today. Local and regional realities demand particular social problems and demands, unknown by the experts and professional bureaucrats. Activist bureaucrats are more aware of these realities, but as explained in chapter 3 they are hardly being heard in the institutional realm. Nevertheless, all of this is part of the everyday making of public policy, politics of care and institutional legitimacy.

Policy Clients, Technical Knowledge and the Politics of Care

Clearly other structural aspects have hindered the success of the collective reparation programs, as a result of the way in which they were planned. In fact, at some point CRSD public servants were asked to lower theirs and the community members' expectations for the collective reparation programs, as they were not

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[155] Here, is important to remember the importance of reflecting on the material conditions of creativity. In this regard Raymond Williams stated: "Creativity relates, finally, to much more than its local and variable means. Inseparable, as it always is from the material social process, it ranges over the very different forms of intentions, which in partial theories, are separated and specialized. It is inherent in the relative simple and direct practice of everyday communication, since signifying process itself is always, by its nature, active: at once the ground of all the social and the renewable practice of experienced and changing situations and relationships. It is inherent in what is often distinguished from a self-composition, social composition, often dismissed as ideology, for these also are always active processes, dependent on specific immediate and renewable forms. It is inherent, most evidently, but not exclusively, in new articulations and especially in those in which, given material durability, reach beyond their time and occasion" (Williams 1977:211)

[156] This situation would be quite different with the so-called national cases, which I will explore in depth later on. Groups and organizations were active subjects in the production of methodologies, strategies and learning experiences for their own collective reparation. In fact, in some cases, such as REDEPAZ and the *Instituto Popular de Capacitación* (IPC), the organizations considered themselves co-producers of the policy and laboratories for the collective reparation program.

"development plans".[157] Generally, communities would ask for schools, hospitals,

ambulances, bridges, roads, productive projects, land property, public and recreational

spaces, and these measures were incorporated into the PIRCs. At this point *La*

Unidad´s public servants would realize they would not be able to mobilize such

agendas. Likewise, of course, the implementation of these methodologies was different

in the field with local communities and groups. The CRSD deputy sub-director would

be flexible or worried about it, but the complexity of the reparation instruments was

not just a technical issue, but also a complex political and social process in a continual

context of armed conflict and corruption. Here, I described my experience with the

Kamkuamo community where I supported a tutoring session in Satisfaction Measures

and the design of a plan for the strengthening of indigenous goverment, as a pre-

consultative measure for the Kankuamo community. [158] I won't go deeper into the

Kankuamo history here, as I simply wish to emphasize the relation between these

communities (and the comités de impulso) and the institutional humanitarian

methodologies and techniques however some notes must to be addressed.

When I arrived to Atanquez in early June 2014, about 20 members of the

communities were working on the construction of the "timeline" with which they were

identifying community "victimization events" since early 1970s. This tool has been

widely used in the process of historical memory reconstruction in Colombia, since the

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[157] Planes de Desarrollo (Development Plans) are called to the management tools that promote social development in a given territory. It establishes the bases and needs of the population and the path to improve the quality of life of all citizens.

[158] I first went to Cesar Department as a public servant of *La Unidad* from June 6th-9th, 2014. As part of a liaison with the Ethnic Collective Reparation Group, I was asked to join them in order to create a plan to strengthen the communitarian process ahead of the following Consultation for the formulation of the Integral Collective Reparation Plan (or PIRCs) of the Kankuamo community. There was the legal "belief" that taking satisfaction measures and non-repetition measures would be the way to approach it. The Kankuamo are an emblematic indigenous group at the foot of the Sierra Nevada de Santa Marta who share their values and beliefs with the Kogui, Aruaco and Wiwa communities widely affected by the historical manifestation of political and ethnic violence. I came back several times to El Valle (Cesar region) after conducting fieldwork at *La Unidad*.

creation of the Historical Memory Group in 2005, and with the enactment of the Peace and Justice Law. The leading facilitator was Lidia, a young female Kankuamo lawyer who lead and coordinated community activities. They were taking the opportunity with this meeting with *La Unidad* public servants to advance in some previous commitments, like finishing the "timeline" for the construction of the "Collective Damage Diagnoses". The community authorities, composed of the community "elders", were key participants in these workshops since they knew their community's story. Elderly women were also key participants, although not as engaged as the young women (active leaders and agents in the community's social and political relations). Also, there was the head of the *cabildo*, Don Carlos, "the indigenous authority" who was the community spokesman at national and international level.

Workshop at Atanques, Cesar Photos by the author

The purpose of our meeting was to initiate a process of communitarian strengthening before the consultation process. [159] As I explained before, ethnic groups have to complete an additional step before the plan formulation. This prior consultation was a fundamental right established by the Colombian Constitution of 1991 following the 169 ILO agreement, in which indigenous peoples and other ethnic

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[159] As I will explain in the next chapter, the spatiality and temporality of humanitarianism is characterized by its ephemeral presence in the actual places of intervention.

groups have the right to be consulted when legislative or legal measures might affect their territories or way of life or when private sector, industry or infrastructural projects might affect communities seeking to protect their cultural, social integrity and economy, as well as guarantee the right to participate. Three years after the implementation of the VLRA, not even one ethnic group had exhausted the prior consultation process, since the Ministry of Interior responsible for the prior consultation implementation mechanism had not initiated the process. However, *La Unidad* was preparing some terrain with indigenous communities, starting with basic humanitarian aid, as the groups and communities remained in conditions of extreme poverty and social marginality, while living with security risks. This initial process was called the "stabilization phase". The Kankuamo community was not in this critical situation, although they had suffered several waves of violence and stigmatization since the early eighties, as their "timeline" was showing us.

The Kankuamo community was the subject of the famous book "The People of Aritama" (1961), written by German ethnographer and archeologist Gerardo Reichel-Dolmatoff. In his research, Reichel-Dolmatoff studies the cultural change faced by "former" indigenous groups, as they become peasant or mestizo communities. Atanquez' geographical position was central for modern networks of commerce and smuggling. The Kankuamo were the first Sierra Nevada group to face the paradoxes of Colombia´s incursion into national and international trade through the Caribbean Sea into the Andes Mountains, and were the first to face the effects of political violence due to their geographical position, close to the Upar Valley.
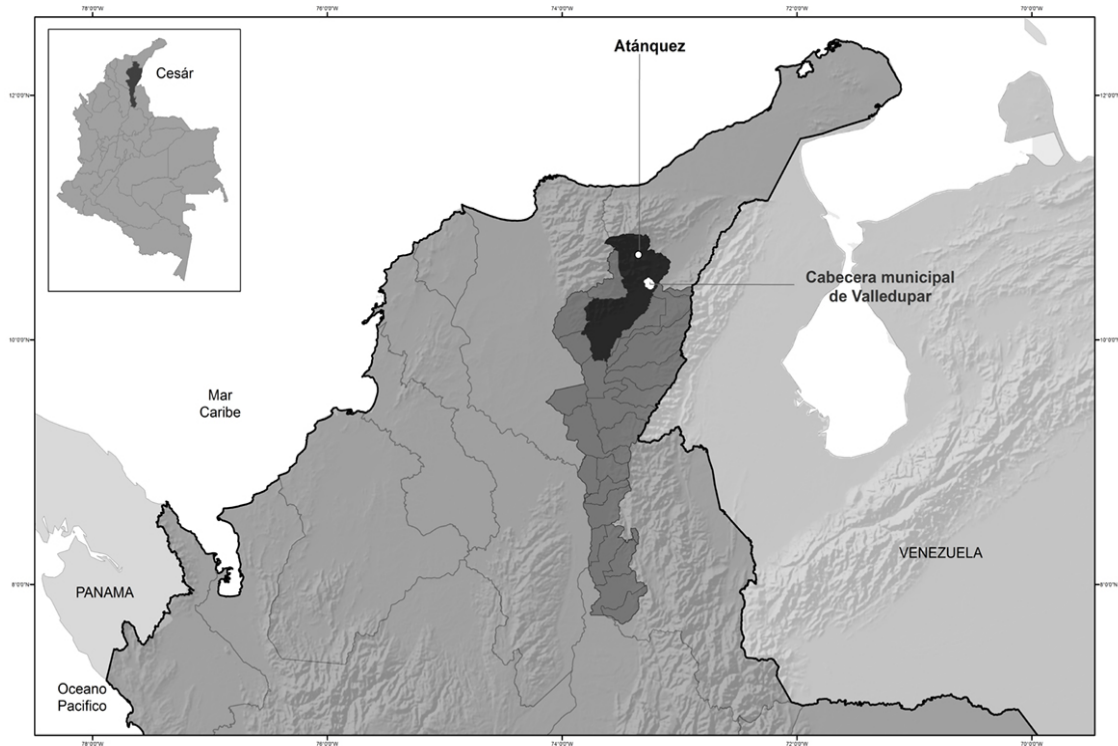
Cesar, Department (Map 2)

When the FARC arrived in 1982 (during Belisario Betancourt's administration)
the police left and the guerrillas became the legitimate authority for more than 10
years. They recalled this period as quite peaceful, as the authority to solve local and
social problems was not disputed. In 1993 (after the 1991 Constitution), with the
acknowledgement of indigenous rights, the Kankuamo community began a process of
re-ethnization, which continues until today. However, around 1994 with the first
paramilitary incursion, the Kankuamo community became immersed in complex
bloodshed where local elites, politicians and military factions started to "retake"
territorial dominance. As Kakuamo were identified as guerrilleros, for conniving
during these years of "state absence", they were and are still subject to violence and
stigmatization. According to community members, *La Unidad* was the first

governmental institution to appear after 20 years of armed conflict (meaning any institution regarding education, healthcare, justice or police). The Kankuamo community had good reason to be suspicious of the state, as they felt abandoned and victimized by state actors and institutions for the last 30 years. In the words of functionaries, *La Unidad* approach had the purpose of building trust and strengthening the political organization of the community for the prior consultation process. Satisfaction measures were not and still are not a clear concept. However, there were used strategically to acknowledge victimization acts and justify governmental communitarian interventions. In this case, satisfaction measures were the way in which the functionaries from *La Unidad´s* ethnic group unit in Bogota approached communities before the prior consultation process. However, this idea was highly contested by other *Unidad* public servants given that the VLRA did not explicitly include such an idea. It seems that it was the only "technical" instrument (as it was in the law), which made it possible to work with ethnic communities and to initiate the process of PIRCs building.

When I arrived to *La Unidad* they did not have a methodology to explain the content of satisfaction measures to communities. Usually public servants would follow the description of the VLRA line by line, but they would also develop broad strategies in order to adapt the satisfaction measures to the wide range of ideas presented by the communities.[160] Yet, these activities were held in the same workshop-type scenarios

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[160] As noted before satisfaction actions are a component of the so-called "integral reparation" These measures are actions of a material and immaterial character directed at individual and collective victims in the context of the internal armed conflict. They are aimed at restoring the dignity of the victims and spreading the truth about what happened through the reconstruction of the facts and preservation of historical memory. These actions have as a main objective to provide well-being and contribute to the mitigation of the pain of the victims. Much of the individual and collective damages are related to immaterial damages. The death of a relative, a community leader, the taking of a school, social and/or territorial control, the stigmatization of some or all of the inhabitants of a community or municipality, the effects of conflict on the patterns of life, etc. For this reason, the design and implementation of

where community representatives gathered together around a dashboard or when available, such as in Kankuamo community, a video beam, with a facilitator guiding the conversation and collecting information and conclusions that would be inscribed in a document signed by *La Unidad* public servants and community representatives. *La Unidad* public servants would always start by using an icebreaking activity asking people to relax, feel comfortable, introduce themselves, and announce what they expected from the workshop or what they liked and disliked about community life. This initial phase was always awkward as you could see how people felt strange and uncomfortable, even if the childlike allure of the procedures was evident. No doubt, some participants would enjoy this situation and participate actively. Later, *La Unidad* public servants would organize the people in small groups or in plenaries, depending on the situation. The workshops, however, took some time to start. Community members would have hundreds of questions about their individual process, many, if not always, related to justice and reparation demands. People would complain severely about their process of reparation, state institution promises and policies. They would always criticize the administrative reparation maximum ($3000 USD dollars for the severest victimization acts). They would say that it seemed like a bad joke, as they'd lost their land, their house, and their belongings. Finally, for those who had lost someone, justice was the most common and sometimes the only demand made, but it was clearly an affective need; a profound desire articulated and visible in their corporal expression, their firm and laborious hands and the yearning in their eyes. Public servants would have no answers for the majority of the questions, as they did not have

satisfaction actions and symbolic reparation respond to the identification of the damage (moral damage, damage to life, to relationships, damage by alteration of the conditions of victim´s existence and damage to their life projects).

any information on the individual cases (under VLRA or under Peace and Justice Law jurisdiction). Public servants would respond generally to questions about the policies within the institutional framework, but individual questions would remain unanswered as collective reparation functionaries did not have information about the individual cases. Public servants had no option but to listen to these claims and at some point try to initiate the workshop or activity.

At this particular workshop, *La Unidad's* public servants developed a brief session explaining what the satisfaction measures were and how they interrelated with other measures as part of integral reparation. The public servants would adjust the workshop plan they had in mind, as it was too long for the remaining time. This was due to the fact that public servants are forbidden to travel at night for security reasons and in this case they were due to return to Valledupar. However, they managed to present a Power Point presentation where each satisfaction measure (commemorative acts, social fabric reconstruction, public acknowledgment of victimization acts, public apologies, victimizer prosecution, historical memory reconstruction etc.) was presented with an example. After this presentation ended, there was a long discussion about these measures and the complex situation related to the problem of justice and forgiveness. *La Unidad* public servants would point out that the law itself was a process of victims' acknowledgment and surprisingly enough, I would always hear from the public servants that the state had an immense debt to society and that this VLRA was an attempt to start repairing the irreparable.

However, members of this community had clearly identified what their social and political needs were at the time, and possible ways to address some of these needs with *La Unidad's* help. Basically, they wanted security, "proyectos productivos" (local

projects for economic development), historical truth and justice. As I was able to verify later, *La Unidad* ethnic groups coordinator at the national level had agreed with indigenous authorities in Bogota to pursue a process of political formation with community leaders in order to develop their capacity to analysis context and negotiate in the prior consultation process. Before the second trip to Atanques I was invited to a meeting with a Kankuamo Authority committee that was passing by Bogota. In the meeting, the Traditional Authority (Traditional Authority is how indigenous community representatives in Colombia are referred to) was quite clear on what they needed. Adriana, who embodies perfectly what I have defined as an activist public servant, agreed with the Kankuamo Authority that it was an opportunity to support their expectation of traditional authorities strengthening, but she stated that we would have to present them as satisfaction actions in order to mobilize *La Unidad* institutional resources. The meeting was more like a political negotiation than a technical meeting. They discussed the possibility of developing and strengthening the indigenous community, in the same way as indigenous groups from the Cauca region (southern Colombia) have (but of course with different political and organizational history and ethnic roots). Thus, *La Unidad´s* public servants designed a proposal including "satisfaction actions" to achieve these goals. What I realized is that the Indigenous Authority and *La Unidad* public servants at the national level were defining the agenda. What public servants did with the community members and traditional authorities was define the way forward. However, how institutional bureaucracy was going to be addressed was quite uncertain. The workshops would then work to legitimize this political decision, defining the strategic actions as satisfaction measures before the prior consultation phase.

Consequently, following on from the two different workshops carried out with community members and representatives (on the 6th and 21st of June), in three different sessions they planned different actions revolving around legal education, political formation, organizational strengthening and territorial appropriation. *La Unidad* public servants projected an Excel matrix onto a bed sheet and defined each action in the activities calendar with the community members. It took one day and an extra session with Kankuamo authorities to approve a final version and in the end the existing guidelines and protocols were never used. The contents of the measures and agreements reached in these workshops required *La Unidad´s* support in the following activities:

1. Conversations and /or local forums. These forums would address various topics including rescuing the traditions of the Kankuamo and their significance. They would also discuss the role of the indigenous community, the importance of spiritual work, mechanisms of strengthening the social fabric, and organizational aspects of the community. These forums and talks would be part of the recovery measures of socio-cultural practices and traditions, educational activities and strengthening of the social fabric.

2. Political Education. *La Unidad* would support the formation of a political training school to help the Kankuamo people to understand the national, regional and international political context. It would also include the creation of a school for legal training related to the *derecho propio* or "own law", and national law jurisdictions. The *derecho propio* addresses the community in their relation with their territory, culture, self-government and the *línea negra* (or

black line –collective property limits). The national jurisdiction laws would address national legislation concerning special jurisdictions, indigenous autonomy and prior consultation. These schools would seek to train children and young adults. Here, political education would be part of the reconstruction process and strengthening of the social fabric.

3. Organizational strengthening. This would support the discussion of the functionality of the indigenous guard or "semaneros", and discuss whether the guard was required. It would also take into account the scope, powers and authority of the guard, as well as the regulatory framework and coordination with indigenous authorities. Other indigenous guard representatives would be invited to these forums to share their experiences and recommendations. The organizational strengthening was framed using socio-cultural tools and the strengthening of the social fabric.

4. Territorial Expeditions. *La Unidad* would support days of travel through the Kankuamo territory. This activity would be useful for strengthening territorial and environmental relations between the community and the territory. These expeditions would also help to explore territorial and environmental damage, aiming towards the recovery of cultural practices and traditions. Local and national functionaries would not follow any national outline or guideline in order to develop the activity, other than discussing with community members the activities I described above and possible dates for them. Yet, as observed, public servants and community authorities deemed this scenario useful.

These political actions were framed within collective reparation satisfaction actions in order to advance the Kankuamo agenda of political strengthening and of "re-ethnization", which had slowly been carried out for the last 20 years. In this way an emergent transnational humanitarianism became an instrument for achieving what had not been achieved through multiculturalist instruments and narratives before. These methodological spaces, although full of bureaucratic jargon revealed a great deal of social work and negotiation. To reach the specificity of such agreements, community members discussed the pros and cons and why these measures were central for the reconstruction of Kankuamo culture and legitimacy in the eyes of local authorities and local armed actors. However, this step forward did not go any further. A month after the workshops took place, the Kankuamo community decided to postpone the continuation of this process. I asked Lorena, the regional ethnic coordinator for Cesar and Guajira, why. The Ombudsman Office had not registered the Kankuamo with the National Victims Register (Registro Único de Víctimas –RUV). The Kankuamo had been waiting for this first step for a long time and the Ombudsman Office had failed them again. Secondly, the Kankuamo traditional authorities had many doubts about the idea of the creation of a legally recognized indigenous community strongly promoted by *La Unidad* Ethnic Group Coordination public servant in Bogota. They decided to have an internal discussion before starting the activities planned at the workshops. Almost one year later, the process with the Kankuamo community remained suspended. Thus, this other institutional project remained dormant.

Under these conditions, PIRCs formulation faced unexpected complications, revealing the social and political conditions of its implementation. Technical and methodological demands at the national level would interplay with different usages

and adaptations at the community level. This is important and key to understanding policy mobilization in local scenarios. These failed interventions were a response to different bureaucratic and political demands having scattered effects over people's lives and communities. Yet, they were quite productive on other social levels and in other contexts, where the humanitarian policy works on an everyday apparently or imagined large scale. For instance, *La Unidad* functionaries regarded these actions as progress. While "technical solutions" are institutional, they are uncontrolled and without follow-up at the "national level". At the local level, "technical solutions", although seemingly innocuous and unimportant, are politically useful for the state, as they renew its presence. They are also useful for local communities, as they feel they can renegotiate the terms in which the state can make its appearance. This allows the communities to create forms of resistance and autonomy while at the same renewing their ties with parts of the state. Yet, in this context, the dynamics of bureaucratic knowledge and practice remain intact.

Conclusion

This chapter illustrates the emergence of collective reparation as a concept and dispositive of knowledge production in policy, and outlines its ties with international legal frameworks, international agencies and local institutions. Former multicultural policies are also briefly connected to the historical formation of the "collective reparation subjects". Within this framework, the bureaucratic production of technical knowledge is ethnographically explored in order to explain how collective reparation is placed in motion but nonetheless, as a process, fails to deliver the intended outcomes. The chapter also illustrates the historical relationship between CNRR, IOM and other

NGOs working in the development of public policy. In this context, I analyze the process of what I call "institutional experimentation" which is constituted by different sources of causes and events that are both combined and exist independently, and which can be analyzed as a long institutional process of state social intervention –as a social project itself. As Adriana Petryna has stated, trying to move away from the traditional concept of experimentation as a "singular, well-defined instance embedded in the elaboration of a theory and performed in order to corroborate or to refute certain hypothesis" (Rheinberger 1995:109 in Petryna 2009:27), I explore Colombian social and humanitarian policy as an open-ended experimental process that goes beyond social and collective consent to the framing of depoliticized forms of intervention fostering narratives, hopes and promises about justice and redress. I see this social phenomenon, however, as enclosed by its own fragile conditions of possibility.

Contrary to the North American and English traditions –where there is a relation between social research and policy-making (Hausman and Wise 1985, Kahn 2003, Weiss 1977), Colombian policy lacks clear links between social research and the legislative process or judicial reform. Yet, since the late eighties theories and studies on violence have had some influence in the systematic failure of social and security polices but also in the production of new fields of knowledge, expertise and labor. This is particularly the case with the field of conflict and what is popularly known as *violentología* (violentology) (Villaveces 2006). However, the academic literature on social research and social policy in Colombia is mostly related to studies produced after policy implementation is completed –as a form of assessment or as research on primary

or secondary sources, yet the research for the production of social policy is limited or practically null.[161]

Nonetheless, the existing reports, studies and investigations and expert consulting results for policy purposes are mostly carried out by NGOs, and cooperation agencies through qualitative interviews, surveys and polls which always end in general policy guidelines −*lineamientos de política pública.* Such is the work of Fundación Social, FIP and IOM, ICTJ, CERAC and others. These *lineamientos* are written reports created with the idea that somehow they will get picked up in the political process or by judicial initiatives. This is the case with the IOM-USAID (2012) reports that documented the seven pilot CNRR cases.[162] However, every change of administration entails institutional reforms where knowledge, information, public servants and experts get lost and new experts, public servants and knowledge are produced and where maybe some of the produced guidelines are incorporated. So, in this way, the cycle of institutional and social experimentation seems to begin all over again. In this way, the chapter just describes and discusses a cycle of the emergent humanitarian experimentation.

Traditionally, social experimentation is associated with sociological research aimed at exploring the social functioning and structure through controlled qualitative and quantitative research methods (Hausman and Wise 1984).[163] Chicago school and

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[161] Modern policy formations in Colombia might be related to the late fifties when a study was carried out commissioned by the French government. Since then, there has also been a mixture of studies done by international cooperation agencies and other trans-international institutions framed within and by the World Bank "formulas¨.

[162] As one *La Unidad* public servant, former NGO activist told me: "If you look at civil society processes of social organization and collective reparation, these methodologies are very similar. I feel totally represented with these methodologies as they come from the social organization movement; the ideas of joint management, accompaniment, and follow up are essential for us".

[163] "The social experiments attempt to determine the potential effect of a policy option by trying it out on a group of subjects, some of whom are randomly assigned to a treatment group and are the recipients of the proposed policy, while others are assigned to a control group. The difference in the outcomes for

legal realism within North America are foundational traditions that study modern and contemporary social forms of governance and law-making. Here, however, I use the concept of *experimentation* as pursued by institutional arrangements aimed at the care for and attention to the poor, the IDP's and victims of the armed conflict. This is very different from the policy-making tradition associated with "scientific research". This concept of policy-making is founded on the belief that the enactments of rules will transform social reality for good. But the policymakers do not just act based on political agreements and expert knowledge fostered by international cooperation and NGOs and derived from former state social policy initiatives. Shore, Wright and Pero (2011) have critique conventional approaches to policy as produced by rational choice theories, measured by positivist models and transferred by diffusion (2011:6). Instead, they argue that policy actors move between local, national and international institutions in pursuit of their interests. They show that it is through these negotiations and political struggles that policies travel across scales and sites (Shore et al. 2011:7). Yet there is a lack of understanding on how this occurs and the reason for its stagnation. The following chapter address specifically this issue. Thus, the chapter describes the phenomenology of experimentation through different sites in the emergent Colombian humanitarian bureaucracy.

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the two groups is the estimated effect of the policy option. This approach is an alternative to making judgments about the effect of the proposed policy from inferences based on observational (survey) data, but without the advantages of randomization. While a few social experiments have been conducted in the past, this development is a relatively new approach to the evaluation of the effect of proposed government policies… But the most important question is whether the experiments have been successful in their primary goal of providing precise estimates of the effects of a proposed government policy" (Hausman and Wise 1985). Archibald and Newhouse (1980) define social experiment as "one or more treatments (programs), representing intervention into normal social processes, that are administrated to some set of persons drawn at random from a specified population; observation and measurements are made to learn how (or how much) some relevant aspects differ from those of a group receiving either other social treatment or no treatment, also drawn from the same population. Social experimentation is sometimes linked to the laboratory experiment in the natural sciences. But, because the social experimenter has somewhat less control than the laboratory scientist normally has, a better analogy is with the clinical trial in medicine".

The chapter also describes the social techniques and the paradoxes exerted by the production of technical knowledge in an intense effort to offer a de-politicized representation of the policy through technical jargon and peace-building narratives. It is created through few, but costly, institutional laboratories that simulate technique and science. Instead, collective policy clients transform technical demands into political formulations, formulations unable to be processed by bureaucracy. Knowledge is produced through techno-scientific metaphors and actions that render such knowledge legitimate and available. However, this knowledge hardly ever reaches policy clients who have at their disposition other tools and instruments for their interaction with the state. I describe not just how technical knowledge is produced in institutional realms but how it is represented, transmitted and implemented along and with policy clients. When in contact with community members and representatives, the political dimensions are exacerbated by communitarian representation and a historical relation with the state. However, the constant process of institutional experimentation remains autonomous from the social milieu it attempts to intervene in, and as a consequence, remains the expression of a permanent institutional project that never achieves its goal. Instead, communitarian leader negotiate the terms of the intervention aiming at achieving major goals. But it never happens as the state barely delivers promises. This process represents in itself the phenomenology of humanitarian bureaucracy.

The description of this institutional landscape is quite important then as it allows us to think further about the material manifestations of public policy and law, and the way they come into existence. These vignettes illustrate a wide field of institutional experimentation, the need for instruments to collect information or to implement policy demands, it historicity as well as its creativity and imagination. This

analysis of humanitarian apparatus knowledge production required paying close

attention to the institutional and non-institutional settings in which knowledge is

regarded, enacted and portrayed. It was necessary to look at the agents, my own as

well as this particular kind of capital (rephrasing Pierre Bourdieu), and everyday

practices and beliefs. We observed these processes in the context of national and

transnational networks of people, institutions and ideologies. By doing this we were

able to explore how humanitarian knowledge production, circulation [or non-

circulation], experience, acquisition etc. was tied to wider political economic relations

and the late-liberal moral sentiments this production involves (Povinelli 2011).[164] In

this context, the work of public servants is messy and contradictory. This knowledge

becomes not-knowledge because in the end it is not used or stored at all, although it is

created through few yet costly institutional laboratories that simulate technique and

science. No-knowledge is produced through techno-scientific metaphors and actions

that render it legitimate and available.

Institutional realms are full of contradictions and institutional interests, but,

policy inter-institutional and "*territorialization*" efforts, as we will see in the following

chapters, are always weak and precarious. They constitute, however, the practice of

public servants in their everyday lives and policy implementation efforts. In the

meanwhile, communities, groups and social organizations asked (and are still asking)

for social and political rights, which are not embedded in the transitional justice

paradigm that nurtured the reparation policy. In fact, the reparation policy substituted

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[164] As stated before, anthropologists recognized a long time ago how differences in knowledge, experience, transmission, acquisition, storage and communication of ideas and practices are at the center of the understanding of how knowledge works (Cohen 2010). Cohen (2010) recognizes the importance of bodily experience in human knowledge in form of learners, perceivers, recorders, communicators, and theorists of knowledge (2010: 193). As these authors state, cultural transmission is powerfully influenced by the physical conditions in which it occurs. What we know depends upon the brains, bodies, and environments among which transmission occurs. (2010:194)

state articulation of these demands with other rights' language (identity, collective property, autonomy, previous consultation, humanitarian aid) where "actions types", or in other words, restitution, rehabilitation, satisfaction, individual administrative reparation and non-repetition guaranties became the frame for state social policy mechanisms. Ironically, the non-repetition guaranties would most of the time end up being conceptualized as basic social and civil rights. We can begin to ask, to what extent does transitional justice discourses and practices hinder (as multiculturalism has) the acknowledgment of social conditions for inequality, in which poverty and dispossession are central to intervening technically and politically in structural violence.[165] This idea doesn´t just attempt to reinforce the argument about the systemic nature of multiculturalism and transitional justice, but to describe the wide range of situations, events, elements, dimensions and possibilities in which Colombian social policy is formed with not clear end at all. This emphasizes the indetermination of social policymaking design, implementation and evaluation. However, these undetermined situations, as well as the determining forms of bureaucratic functioning, alongside the rapid growth and expansion of transnational agencies, generates permanent and systematic social and inter-institutional relations. Thus, while bureaucracy here is highly effective in creating the state and humanitarianist existence, it fails to impact the social milieu.

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[165] In the words of a victims representatives: "Look, Juan Pablo, I´m going to tell you something: *La Unidad* in my opinion was not ready for this process, and that´s for one reason. *La Unidad* is an institutional apparatus. There are more civil servants there than there is work done. I mean, *La Undiad* is practically a ministry. Lots of civil servants, and really the advances made regarding the area of victims is minimal Juan Pablo. I mean, look at the topic of reparation for example. Reparation for victims in this process is very difficult, its nowhere near guaranteed because if you look at how *La Unidad* was created, you can see it comes fifth place in the government hierarchy. It depends on the DPS. Neither the director of the DPS, not the ministers pay attention to Paula Gaviria".

Chapter 5

Humanitarian Bureaucracy and the Production of the Nation-Territory Divide

> "It is important to look at the less dramatic, multiple, mundane domains of bureaucratic practice by which states reproduce spatial orders and scalar hierarchies. Any attempt to understand state spatialization, therefore, must simultaneously attend to theoretical understandings and bureaucratic embodiment. These mundane practices often slip below the threshold of discursivity but profoundly alter how bodies are oriented, how lives are lived, and how subjects are formed"
> (Gupta and Ferguson 2002:984)

This chapter explores the concept of the "nación-territorio" (nation-territory) divide as a device of governmental space-making through bureaucratic devices and ideologies. The concept of nation-territory is used in everyday talk by public servants, experts and non-governmental agents to express the need to close the gap between the nation (those national institutions in Bogota which are seen as existing above the rest of the country) and the territory (territorial institutions that do not reside in Bogota and which are seen as being below the capital), as well as diminish the lack of inter-institutional coordination among national wide institutions and territorial ones. Public servants´ and experts´ ideas of failure were expressed as a result of the "institutional miscommunication at national and territorial level", represented horizontally between institutions, vertically between national and territorial entities, and ironically, also inside the very core of each institution. So, these inter-relations demanded the production of technical knowledge and its implementation (or in policy words: *territorialization or implementation in Colombian territories*). In this realm expertise was manifested through the annual "implementation of actions", following more and less, laws, decrees, protocols, and routes of action.

Thus, in this and the next chapter I follow the metaphors and practices of "nation-territory" dilemmas such as the demand (or the belief there is a demand) for a "technical line from the national level" by local public servants and the forms in which expert knowledge is produced and legitimated from the national (up) to the local (down); from the nation (Bogotá, Colombia capital City) towards the territory (everything but Bogotá). I began to follow this metaphor as I realized that the very nation-territory idea of the Colombian state constitutes an assumption, which is taken for granted (Mitchell 2006). I realized that this spatial division was rendered natural and obvious, to the point that a central part of humanitarian work consists of "going to the territories" "to implement the policy in the territories", "to consolidate the policy in the territories" "to leave installed capacity in the territories". I started to wonder why this issue was part of everyday conversation? Why such a space-divide constituted a "technical" problem and what sort of subjects and objects it portrayed? Why, in the everyday practices and beliefs of humanitarian bureaucracy, was the nation one thing and the territory another? It was as if I was living in a nation without territory and in a territory without a nation? What does it mean for state functionaries and what effects does it have in the process of state portraying? Why not state-territory? Why is the nation, as an attempted image of community, represented as above the territory where populations inhabit? Why is it that the populations are rendered in this way as separate from the nation? Who says it is so? State institutions? Why? What does it mean to "lower the nation to the territory"? Is this just a clear-cut post-colonialist heritage and replication of geographical perceptions (Trouillot 2003, Sarje 2010)?

What does this conception imply for geographical imagination of the nation-state and for the state place-making process in Colombia?[166]

This chapter illustrates another trajectory of the institutional realm centered in the idiosyncratic configuration of the state, the territory and the nation in Colombia and the way development and humanitarianism works, reinforcing this social, spatial and temporal hierarchies and ruptures. In the chapter I briefly reconstruct the institutional roots and the bureaucratic practices of this social belief. On the one hand, I explore the social and institutional practices of the nation-territory divide production within the highest level of "technical" decision making, the place policy users have into it and the forms in which those practices constitute spatial and epistemological hierarchies. On the other hand, I characterize how these actions resonate on various regional settings where the policy is tried to be implemented by public servants. Thus, as I trace the historical configuration of the nation-territory divide and its contemporary manifestations in everyday life, law, policy and power, I also start to explore the dimensions of *movement* and *displacement* within humanitarian bureaucracy and its forms of time and space configuration. Although the next chapter goes further in this last issue of movement and displacement, is important to understand first the assembly of the nation-territory production. So, the production space by law and policy is at the center of this chapter.

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[166] My current conceptualization of Colombia is also structured by this space-divide, as I also found myself looking for a specific region in order to explore the "local" manifestations of the humanitarian bureaucracy. It was through fieldwork and experience of the humanitarian bureaucracy that I was able to travel intensely throughout the "Colombian territories", experiencing, portraying and performing the nation-territory power relations and contradictions in different places. In this sense, this dissertation does not just refer to the problem of scale as a methodological problem, but also of scale as an object of study (Gupta and Fergusson 2001, Santos 1987; 1991, Tsing 2012, Valverde 2009)

A Previous Discussion

For me, "nation-territory" constituted an uncanny separation, especially coming from state institutions and functionaries, as in the field of political theory (and in theories of the state) the nation is made up of a population that shares a common history and a culture occupying a given territory.[167] Regardless of what critical theory states, the nation as an imagined community composed of the rise of social classes, the printing press and a capitalist system (Anderson 1991), or as part of a liberal fiction (Chatterjee 2004) is still a fundamental instrument for state making and legitimacy today. Having become a model of civilization par excellence, the nation-state has come to occupy what we consider the world culture of our times (Peirano 2002:7).[168] In the context of public policy in Colombia, the concept "nation-territory" is not an equivalent relationship, but a spatial hierarchy in Lefebvre's (1990) terms, in which functionaries have "to dump dawn" the nation (the public policy, Bogota, the state institutions, the technical knowledge) to the territory (the regions, the departments, the municipalities, the poor, the victims, the territorial Units and functionaries, the territorial entities, and

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[167] A large aggregate of people united by common descent, history, culture, or language, and inhabiting a particular country or territory (Oxford Dictionary).

[168] Peirano (2002), reminds us that the modern form of the state relates to the nation, just as the modern form of the nation implies the state, or in other words, the modern nation-state is more than a state + nation. This formation is a state + nation, or a "state-nation", in which the parts can be separated only in linguistic terms. The lexical item "nation-state", she continues, did not appear in the English language dictionaries until well after World War II (Peirano 2002: 7). Quoting Poggi (1978), she notes that "French absolutism 'made' the French nation at least as much as the French nation 'made' the modern French state". Quoting Weber, when pointing out the mistake made when one speaks of the state alone and not of the nation, she emphasizes the contemporary overlapping of these two terms (Peirano 2002:7). In her own research documents and legal papers on Brazil, she studies the overlapping nature of these two concepts today, a true association between form and content, by analyzing how documents are a nodal point between on the one hand, the control, regulation, and institution of the modern state and, on the other hand, the construction of the functioning nation. However, these two concepts don´t necessarily fit together. To put a dash between the two in any context requires social, cultural, and economic work. They are not the same, and denote the contradictions between multiple collective identities encompassed by the concept of nation and the structural nature of the state struggling to keep everything together by asserting a constellation of powers. The Colombian case is not the exception.

the state frontiers).[169] This cognitive and spatial discrepancy was not just a linguistic issue, but also a structural dimension in the everyday practices of public policy and state making.[170] The operation of "lowering" the state constituted the central work of the state bureaucracy at the national level (seen by functionaries and politicians as above or at the center), which depended on the persistent absence of the state, and the state bureaucracy at the peripheries (down). Interestingly, the notion of "nation-territory", spoken and practiced in everyday life in the humanitarian bureaucratic apparatus, seemed to represent the idea of Colombia's failed state in everyday bureaucratic practice.

Colombian anthropologists (Ramirez 2001, Serje 2010) have explored the forms in which historically the state in Colombia is articulated through center and periphery, forming articulations and contradictions. This social-spatial divide lends meaning and legibility to the body politic, symbolically and materially undermining one "place" in favor of the other. Yet, scant attention has been paid to the form in which the state bureaucratic apparatus produces and reinstates such a center-periphery divide in everyday public servants' practices and discursive and spatial representations. On the other hand, Maria Clemencia Ramírez (2001) has studied the relation between the war on drugs, the process of grassroots empowerment and mobilization, and the struggle for citizenship in Putumayo, Colombia, all in the context of the US antinarcotics policy, known as "Plan Colombia". While doing this she explores how the peripheral area of

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[169] As Lefebvre simple put it a space that is dominated may itself be dominant over another space. We know that the spatial hierarchy presents itself as an entwining of imbrication of dominant/dominated spaces. This relation of inclusion/exclusion has a logical (logistical) character (1990) (Lefebvre 2009: 245).

[170] Trouillot (2003), thinking about the same issue, makes reference to the discrepancy between the state and the nation in postcolonial and North Atlantic states, predating political manifestations of independence. This discrepancy also occurs between political and economic power, exacerbating features inherent in the deployment of state power (Mitchell 2006, Trouillot 2003:92).

Putumayo has been defined by both the state and its inhabitants who have been excluded from the central order of things. The region is "marginal", "abandoned by the State," "a forgotten region", in which the "development" of the central region does not extend. As she states,

> "The perception of exclusion is definitive in Putumayo. Its inhabitants complain that they are not considered citizens by the central state, and this perception has permeated the cultural and political discourse in the region, constituting a master narrative that has defined the regional counter-hegemonic discourse centered on the demand for "the right to have rights" as *campesinos* (peasants) and Colombian citizens. Moreover, they have demanded recognition as Putumayan citizens, and a social group acting independently from drug traffickers, guerrillas and paramilitaries" (Ramirez 2011).

Consequently, Ramirez's research focuses on the analysis of the relationship established between central and marginal regions, from the perspective of both positionalities. As she states, the exclusion of the other (in this case the inhabitants of the Amazon region), and the perception of the exclusion by these others which results in feelings of abandonment, is instrumental to the analysis of the performances of those who are outcast and their situation with regard to the state (Goldstein 2004, 2012, Ramirez 2011). In these sort of regions, several authors argue (Aretxaga 2003, Das and Poole 2004, Serje 2005, Tsing 1993), the state is imagined as an incomplete project that invokes the wild and lawless factors which are seen as threatening both from the outside and from within the state, and where people are living between legality and illegality (Santos 1987), discipline and correction (Foucault 1971, 1978), order and disorder (Taussig 1992). From this perspective, exclusion by the state is always present "as something potential, a *sine qua non* of the law and the state as an incarnation of the way" (Aretxaga 2003:407) where "those who are excluded are included through their exclusion (Ramirez 2010, 2011). For Ramirez (2001, 2011), these territories constitute ambiguous spaces in which the inhabitants, while

threatening the central state, and questioning their relationship to it, also make

demands. And she continues: "it is important to focus on the examination of the

margins", the periphery or what Margarita Serje (2011) has called "the reverse of the

nation". But there is no need to reify these marginal and peripheral areas in order to

understand them as central to the analysis of state formation. On the contrary, what

we need to understand is that "all associations of place, people, and culture are social

and historical creations to be explained, not a given as natural facts" (Gupta and

Ferguson 2001:4).[171] Margarita Serje has insisted that the production of "peripheral"

or "what is excluded" is one of the conditions of the nation state, referring to the

inhabitants' historic role as shaper of national state otherness (Serge 2011). In her

study, *El revés de la nación: Territorios salvajes, fronteras y tierras de nadie* ("*The reverse of*

the nation: savage territories, frontiers and no man's land") she highlights the importance of

Colombian regional studies for rendering the "context" legible for the state, public

servants and experts themselves. For Serje, the "context" which has been named

differently throughout history in Colombia (*"national territories", "agricultural frontier",*

"colonization fronts" and later "public order areas") is not a secondary frame for

understanding the nation, but a central place that renders its historical constitution

legible.[172] In her analysis, Serje (2011) argues that Colombian regional studies

constitute the conceptual frame in which the region is rendered visible to the state and

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[171] Following Lefebvre, this historical formation is articulated not just with the ideological assumptions of the social-space divide, but a specific form of state mode of production. As he states, "During the course of this process (in which the actions of human generations, of classes, and political forces have left their mark as producers of durable objects and realities) the city and the country develop a new relationship in and through the mediation of a third term –the State that has the city as its center. Although the city and the country can no longer be separated, this does not mean that they have somehow been harmoniously superseded. They each survive as places assigned to the division of labor within a territory. Morphologically, this relationship (in the modern state) results in a shapeless mixture, in chaos, despite the administrative order and spatial logistics of the state" (Lefebvre 2009: 224)

[172] For Serje (2011:11) the context is precisely a notion, which allows the organization of the real world-object in order to be contemplated.

state agents. Thus, at the root of state production of meaning, we can find our own

production of expert knowledge.

> Regional studies define, describe and articulate the way in which context is analyzed
> for government action. In this model, what is defined are the assumptions, objects,
> objectives, and conventions, which allow the knowledge and involvement of all
> territories. These territories have historically been considered beyond the control and
> ownership of the nation state, but are represented by administrative figures ("vacant
> lands", "national territories", "rehabilitation zones"), through which they are managed
> and operated (Serje 2011: 70).

For Serje (2011), the geopolitical imagination of the national project is built

around assumptions and premises based on this tradition of knowledge and

interpretation, which itself is based on ideas of social evolution and diffusion, and their

geographical correlation. This tradition, continues Serje (2011), has impregnated

regional studies in Colombia, which reproduce many space representations and

projects them on a "synoptic view" (from above, on a smaller scale) of the state. The

technical and scientific aura of this particular way of describing, which has been

privileged as legitimate and the real way to contextualize "nation building", represents

the mythic and foundational dimension (Serje 2011: 300). It is in this sense, quoting

Shapin and Schaffer (1993), that Serge states that her work looks for the historization

of the "context of production" rather than contributing to an historical study as such.

This situation is not exclusive to states like Colombia's. For instance, the

Peruvian anthropologist, Jose Matos Mar (1988), has explored the state-society

dichotomization in Peru, shaped historically and spatially by racial and exclusionary

processes from the colonial period to the present. Although his approach is not

centered on the untidy relationships that exist between nation-state limits and

frontiers, as Grimson (2011) and Alonso's (2008) do for Argentine and Mexico, it

illustrates a more traditional, yet pointed distinction between state institutions and

society. In his famous essay "Desborde Popular y Crisis del Estado" (Popular Overflow and State Crisis), Matos Mar discusses the conflictive relationship between what he calls Andean heritage and colonial heritage. This conflicting relationship constitutes an unfinished state, based on the existence of two parallel Peru's. On the one hand, there is the official Peru, the state of institutions, parties, banks and businesses, unions, universities and colleges, the military and the church, the courts, the bureaucracy and the role of institutional performance in exocentric culture. On the other hand, there is the marginalized Peru: plural and multiform, the peasantry and the urban mass of neighborhood associations, the traditional councils, of sweatshops, vendors and barter economies, reciprocity and subsistence lifestyle. This contrast, gestated from the earliest colonial times, continues advancing and configuring a contemporary divided Peruvian state (1988:100). Although it is not Matos' main preoccupation in his essay, he emphasizes the importance of this official Perú in monopolizing the production of legal codes and legitimating their practice through the work of the legitimation of the law. The complication, the rigidity of regulations and bureaucratic procedures, the obsession with increasingly minuscule legal and administrative regulations, suffocates and strangles the national life and leads to the appearance of inconsistencies and bottlenecks, while reducing efficiency of the government apparatus even more (1986:107).

Thus, following this spatial metaphor, I am interested in the study of the production of the nation-territory divide, but from the actual place of its production.[173]

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[173] Serje (2011) believes that "metaphors are not just exclusively a poetic resource, which exist in the field of literature, but consciously and unconsciously, frame the forms of everyday life (Serje 2011:63). By the same token, Gupta and Ferguson (2011) ask: "Through what images, metaphors, and representational practices does the state come to be understood as a concrete, overarching, spatially encompassing reality? Through specific sets of metaphors and practices, states represent themselves as reified entities with particular spatial properties" (Gupta and

Specifically, I want to add to the critical analysis of *context* as an ideological object (Serge 2011), by describing the periphery as the phenomenological and metaphorical configuration of everyday bureaucratic practice and beliefs within Colombian social policy. I analyze this process from the perspective of make-believe space production (Navaro-Yashin 2012), in which this particular geopolitical imagination (Serje 2011:71) is reinforced, recreated, and reinstated through the everyday work of public servants, non-governmental agents, social leaders, anthropologists and policy clients. As Gupta and Ferguson (2002) have argued, an ethnographic view of mundane state practices can illuminate the mechanics of state spatialization (Gupta and Ferguson 2002:983). In what follows, I describe the process through which state spatialization is produced, experienced and articulated through Colombian humanitarian bureaucracy.

The Making of the Techno-Nation

> The metaphors through which states are imagined are important, and scholarship in this area has recently made great strides. But the understanding of the social practices through which these images are made effective and are experienced is less developed. This relative inattention to state practices seems peculiar, because states in fact invest a good deal of effort in developing procedures and practices to ensure that they are imagined in some ways rather than other (Scott 1998). They seem to recognize that a host of mundane rituals and procedures are required to animate and naturalize metaphors if states are to succeed in being imagined as both higher than, and encompassing of, society (Gupta and Ferguson 2002:983-984).

In this chapter, I focus on my ethnographic experience and participation in the Satisfaction Measures Sub-Committee (SMSC), one of the ten subcommittees that informed the work of the SNARIV (National System of Care and Support for

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Ferguson 2002:981). Boaventura de Sousa Santos also explores this phenomenon in his famous article about a postmodern conception of law (Santos 1991). Quoting Perleman he states that rhetoric has taught us that the continuous repetition of a metaphor over a long period of time transforms the metaphoric description into a literal description (Santos 1991:20).

Victims).[174] Its main responsibilities included "the adoption of the guidelines by the

SNARIV as operative coordinator, formulating annual operational plans, defining the

guidelines for local authorities in the formulation of action plans and the establishment

of guidelines for building protocols, methodologies and processes required for effective

implementation of the measures of care, support services, and reparation preserved in

the VLRA "(SNARIV 2014:23). The SMSC would meet four times a year with the

support of a technical board. Within this technical board, the SMSC would make

advancements in the review of guidelines and protocols, as well as discuss and make

advancements towards achieving the concrete annual objectives of the subcommittee.

On the other hand, the Transitional Justice Territorial Committees (CTJT) embodies

the SNARIV in the 1,101 municipalities across the country. Its core functions are the

development of *planes de acción* (action plans) within the framework of the National

Development Plan; coordination and joint action with the SNARIV at different

departmental, district and municipal levels, to guarantee victims' rights to truth,

justice and reparation with non-repetition; as well as activities related to inclusion and

social investment for victims (SNARIV 2014:23).

SNARIV subcommittees and committees were complex inter-institutional

arrangements constituted by 53 governmental institutions at "national" and

"territorial" levels, as well as victim representatives and private institutions with a

mandate to formulate or execute plans, projects and specific actions directed toward

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[174] The administration of this committees are in charge of the national and territorial coordination, which support the development of information systems, support services, for the rehabilitation measures subcommittee, the collective reparation, subcommittee restitution subcommittee, the administrative reparation subcommittee, the satisfaction measures subcommittee, prevention subcommittee, protection and non-repetition guaranties subcommittee, and deferential focus subcommittee.

victim support and reparation.[175] Thus, this setting was central to studying the heart

of the institutionalization of reparation policy. In what follows, I will depict how these

bodies of content and guidelines are produced and conceived as expert knowledge and

at the same time produce and reproduce the ideology of nation-territory divide. These

gatherings constituted ritualistic events where the policy was in a process of

"formulation", "implementation" or "evaluation". They also constituted places where

state institutions were embodied and represented by the attending public servants. In

these inter-institutional realms, the public servants represented a fragmented state, no

longer a State but rather the manifestation of an ambiguous, contradictory, conflictive

and helpless disaggregation of state apparatuses.[176] Yet, public servants were the main

carriers and mobilizers of a unified notion and representation of the state.

Victims' representatives also constituted a central dimension of SNARIV

institutionally. They structure a participatory system that serves as a valid instance of

dialogue and consultation with authorities and public institutions at the national and

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[175] In 2014, the reparation policy´s structure was informed by ten subcommittees (Administrative reparation subcommittee, nation-territory subcommittee, satisfaction measures subcommittee, non-repetition guaranties subcommittees, and the differential focus subcommittee). These committees were fundamental for my ethnographic work, as they were key in the production of state knowledge, as well state power legitimacy and visibility, while colonizing the new arena (transitional justice jurisdiction) that had been opened. They were central nodes for the National System for Victims Integral Reparation and Attention (SNARIV), which operated at a "national" level. Within this technical board, the SMSC would make advancements in the review of guidelines and protocols, as well as discuss and make advancements towards achieving the concrete annual objectives of the subcommittee. On the other hand, the Transitional Justice Territorial Committees (CTJT) –a departmental and municipal inter-institutional committee for the implementation of the policy, represents the SNARIV in the 1,101 municipalities across the country. Its core functions are the development of *planes de acción* (action plans) within the framework of the National Development Plan; coordination and joint action with the SNARIV at different departmental, district and municipal levels, to guarantee victims' rights to truth, justice and reparation with non-repetition; as well as activities related to inclusion and social investment for victims (SNARIV 2014:23).

[176] The SMSC was constituted by the National Historical Memory Center, UARIV, the Ministry of Justice and Law, the Ministry of Finance and Public Credit, the National Planning Department, the Administrative Department for Social Prosperity, Ministry of National Defense, the Ministry of Education, the Ministry of Culture, the Superior Council of the Judiciary, the General Archive of the Nation, the Prosecutor General's Office, and the National Institute of Legal Medicine and Forensic Sciences. Each institutional representative would have their own institutional alignments and interests, as well as their own policies for committing to or avoiding responsibilities.

territorial level, regarding the implementation of public policy for victims (SNARIV 2014). According to the VLRA, one of its central aims is to recognize the rights of victims of internal armed conflict in Colombia, "strengthening the state political commitment to Colombia's victims in order to build an effective road to peace. In that sense, the victims are not only recipients of reparation, but have the right to participate, with full guarantees in construction, implementation, tuning, monitoring and evaluation of public policies that guarantee the effective enjoyment of their rights". (SNARIV 2014:23). Specifically, "the effective participation of victims in conditions of equality is linked to respect for their human dignity, it contributes to their recognition as holders of rights, to the recovery of civic trust, both mutual relations as democratic institutions, and the promotion of a just social order". [177] This participatory system would be structured with the election of a National Victims Board, a Departmental Victims Boards and Municipal Victims Board. These elected representatives would also be chosen to participate at the SNARIV subcommittees and the different CTJT's at the municipal and departmental level. The boards would serve, among others, as guarantors for the timely and effective participation of victims in the design, implementation and evaluation of the policy at the national, departmental, district and municipal levels. They would also help victims and victims' organizations with the diffusion of their participatory rights, in designing reparation plans and social projects, as well as overseeing policy implementation. Another of their functions was to promote, disseminate and develop strategies for the effective respect of Human Rights and International Humanitarian Law (SNARIV 2014:13). They were central nodes for

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[177] Protocolo de Participación de las Víctimas. Resolución 0388 y 0588 de junio 13 de 2013.

the National System for Victims Integral Reparation and Attention (SNARIV), which operated at a "national" level.[178]

Along with the peace talks in Havana, where government negotiators were talking at the time about "territorial peace" and the "territorial approach", the public policy began to emerge within the institutional language. As the "differential approach",[179] the "territorial approach" implementation was not a clear concept, practice or instrument. In different manuals and protocols, you could find a definition of this so-called "transversal policy component": "Territorial approach is a planning and managerial tool for local authorities. It integrates spaces, actors, production of goods and services as well as public policy interventions, while being aware of the historical, economic, environmental, ethnic, cultural, regional and geographical diversity".[180] Institutions, such as *La Unidad*, the NCHM, and the DPS, have a Nation-Territory Sub-Direction. Particularly, at *La Unidad*, this coordination was aimed at the "strategic relationship between national and local authorities, which ensures proper and timely implementation of public policy for care, assistance, and reparation for victims. It also develops an institutional strengthening component through articulation between the different levels of government and the design of strategies to support, and give technical assistance to local authorities"[181]. SNARIV coordination was in charge this sub-direction.

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[178] *La Unidad´s* main task was to coordinate the SNARIV (gathering more than 53 governmental institutions to deliver reparation measures). For instance, in order to get psychological support, victims would have to access to these services through the existing health care institution. By the same token, in order to access rehabilitation measures such as education, victims would go through the national system of education or what is called institutional services. What a change is that these victims are prioritized before traditional social policy clients such as disfranchised citizens.

[179] Please go to footnote 135

[180] Source: Sistema Nacional de Atención y Reparación Integral a las Víctimas – SNARIV "Todos somos sistema" Gobierno de Colombia (s.f)

[181] The structure nation-territory coordination is a key instance to coordinate the SNARIV. As Andrea Ortiz (nation-territory functionary) explained to me, "at the national level the coordination is in charge

The origin of this institutional arrangement can be located within the late 1990s emergent humanitarian state demands. Specifically, it emerges from the Constitutional Court ruling on state responsibility of providing care and assistance to the Internally Displace Population (T-025/2004). In the Colombian Constitutional Court ruling (auto 383/2010) it is stated:

> "[The Court] reiterates the need to strengthen institutional capacity and coordination, as well as the modernization and optimization of existing procedures (...) to determine clear and precise rules regarding the degree of responsibility between the Nation and local authorities to implement the principles of complementarity, competition and subsidiarity in providing care to the displaced population, as well as the responsibility to change the perception and attitude of national and local authorities, address the phenomenon of displacement, and the victims of this crime. In the same vein, the Court orders compliance by local authorities at different levels, with the orders issued in decision T-025 of 2004 and the respective follow-up coordination between the Nation and territorial entities in order to ensure the effective enjoyment of rights by the population displaced by violence [...] The present order is to evaluate the various reports received by both territorial entities that participated in the technical sessions, and the reports presented by the national government on the occasion of the 314 sentence, to identify the specific problems facing local authorities in terms of institutional capacity, resource availability, coordination, and existence of a public policy for supporting the displaced population that responds to local needs and possibilities and to determine if there is progress, stagnation or setbacks and obstacles in the issue of coordination between the nation and the territory, and clarify the possibilities offered by the relationship between the Nation and territory to help overcome the state of unconstitutionality"

According to the Colombian Constitution (Arts 1, 209, 288)[182] Law 489/96 on the Administrative Function, the Constitutional Court Jurisprudence (A-314/2009, A-

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of the executive committee, the chair is the president and it participates in all SANRIV institutions. The system has two functioning levels; the national level and the territorial level. At the national level, there are 46 institutions, civil society, academia and the business sector. At territorial level there are 32 departments and 1101 municipalities" Interview with Natalia Ortiz - February 20, 2015. Also http://www.unidadvictimas.gov.co/nación-territorio/78

[182] Colombian Constitution - *Article 1:* Colombia is a legal social state organized in the form of a unitary republic, decentralized, with the autonomy of its territorial units. It is democratic, participatory and pluralistic, and based on respect for human dignity, for the work and solidarity of the individuals who belong to it, and the predominance of the general interest. *Article 209*: The administrative function must serve the general interest and has as its basis the principles of equality, morality, efficiency, economy, speed, impartiality, and publicity through the decentralization, delegation, and de-concentration of functions. The administrative authorities must coordinate their actions for the appropriate fulfillment of the purposes of the state. The public administration, at all levels, will have an internal control that will be exercised within the limits stipulated by the law. *Article 288*: The Territorial Organization Law will establish the division of jurisdictions between the nation and the territorial entities. The jurisdictions

383/2009) and the Decree 4800 of 2011 (VLRA), the Nation-Territory emerges as an institutional arrangement to close the gap between Bogota and the rest of Colombian territory. The territorial approach aims to dissolve the nation-territory divide. It is seen as the strategic relationship between national and local authorities in order to prevent victimization, give support and care to the victims and provide them with full reparation, under the terms of Article 3 of Law 1448 of 2011. Although Colombia´s institutional history reveals complex processes of transformation, as well as reengineering and experimentation, how is that such reforms hardly ever produce the changes they are created for?

Nowadays, as a consequence of the peace talks at Havana, Cuba, we are witnessing new discussions about Colombian institutional design and how to bring the state and its institutions to the "territories" where "state absence" has brought poverty, dispossession and violence.[183] Within the social policy such articulation "seeks recognition of the heterogeneity of local authorities in their budgetary, administrative, financial capabilities, and the development of various mechanisms, tools and strategies from the constitutional and legal principles of shared responsibility, coordination,

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assigned to the various territorial levels will be exercised in accordance with the principles of coordination, competition, and subsidiary relationships under the terms stipulated by law.

[183] As I have tried to argue, this idea is more an ideological form of state representation than an actual spatial reality. As stated in the introduction, in these sorts of regions the state is imagined as an incomplete project that invokes the wild, lawless, factors which are seen as threatening both from outside and within the state and where people are living between legality and illegality (Santos 1987), discipline and correction (Foucault 1971, 1978), order and disorder (Taussig 1992). From this perspective, exclusion by the state is always present "as something potential, a *sine qua non* of the law and the state as an incarnation of the way" (Aretxaga 2003:407) where "those who are excluded are included through their exclusion" (Aretxaga 2003; Das and Poole 2004; Serje 2005; Ramirez 2001, 2011 Tsing 1993). Yet, it is important to bear in mind that these so-called frontiers have been historically constituted by the state formation process, but most importantly by the historical development of capitalism (Arocha1979, Lefebvre 2009, Ong 1999, Taussig 1986, 2010). This historical development is articulated not just by traditional extraction of raw materials within the framework of state market regulation and deregulation, but the actual racialized forms of primitive and contemporary exclusion and exploitation of disfranchised individuals, groups and communities. More than an actual spatial reality, the frontier might be thought of as an actual ambivalent and anti-cosmopolitan experience. However, by using the concept of the frontier, anthropologists might simply continue reproducing the ideological dimension of frontiers as exotic, empty and liminal spaces.

competition, complementarity, subsidiarity, efficiency, balance of resources and expertise". For instance, in the "attempt to create reparation policy territorialization" *La Unidad* has built 19 "Territorial Directions" (offices) across the country. [184]

Thus, this notion of nation-territory constitutes a legal metaphor (Riles 2005), a form of literalizations produced and reproduced by public servants, experts and scholars. If this metaphor drives the everyday challenge of policy implementation, it does not necessarily become transformed into concrete institutional actions to overcome such challenges, but rather becomes transformed into plans, strategies or protocols in order to intervene in such spatial representation. In fact, as one of these functionaries told me, *La Unidad* has developed different strategies to intervene in the Territorial Development Plans (PATs), the work of mayors and governors, the budgetary allocations and the mechanisms for following up decisions. Other Nation-Territory Sub-direction functionaries told me:

> "We are implementing a pilot in 20 municipalities in order to unify the information system, and to follow up on the CTJTs. And now they are trying out a new information system in order for municipal mayors to identify their needs and capacities, so *La Unidad* can focus their help and develop concrete action without wasting resources".[185]

As I experienced it, public servants and experts believed that producing guidelines and protocols from Bogota would be useful for functionaries in the territories to implement the technical knowledge the functionaries from Bogota had produced. But, none of the functionaries aimed or aspired to go to work in the territories in order to implement the policy –perhaps this fact helps to clarify and

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[184] Regional Centers of Attention and Reparation of Victims: The Center is a physical space allocated by state agencies to provide care for victims at the territorial level where orientation activities, running information and services are provided exclusively targeting the victim population. Regional Centers of Care and Repair unify and bring together the entire institutional offer for the care of victims, so that they only have to go to these centers to be informed of their rights, as well as the implication of being in the Single Registry of Victims.

[185] Interview UARIV functionary Bogota October 2014 [10: 11-14:21]

obscure at the same time the structural problems nobody or no institutional realm wants to face, because they represent major political and economic transformation, such as changing completely the state bureaucratic organization. This would demand that the majority of public servants that work in Colombia´s main cities go to work in the so-called territories, leaving their lives in the cosmopolitan centers behind. However, in what follows I describe how this concept and spatial representation works in everyday practices.

"Nation-Territory" as Habit and Practice

The reparation policy implementation was a particular set of procedures, which aimed at incorporate cutting edge humanitarian standards for the care and support of the people.During the seven months I dis fieldwork at *La Unidad*, I worked closely with NCHM SMSB technical secretary, on writing the Satisfaction Action General Implementation Guidelines and the Satisfaction Measures for Collective Reparation Subjects Guideline. The first documents aimed at established the definitions, the procedures, the description of actors involved, and victims' forms of participation when implementing satisfaction measures. This guide would be distributed among public servants, functionaries and victims representatives. The second would be a guideline of satisfaction actions and symbolic reparation definitions, procedures, collectivities participation and responsible institutions also for functionaries, public servants and victims' representatives. The formal construction of these guidelines was based on the work at the technical board meetings (held between the NCHM and *La Unidad*), and also the politics of inter-institutional arrangements at the SMSC, where public servants' inclusion and self-exclusion played a key role in the production of this

"technical knowledge". In this context, as in almost every context I participated in the humanitarian bureaucracy, law was the authoritative form of knowledge that was spoken and written.

As recorded in my field notes, it took me two months to make my way into *La Unidad* or better yet, to find a way of making myself useful. As soon as I started my work at *La Unidad*, I was handed a draft protocol, which explained the necessary steps perpetrators are required to fulfill in order to ask public pardons and acknowledgment of violet acts before the victims. This protocol was an elaborate draft of guidelines, which required the incorporation of the latest comments made by the different institutions cited above at the Satisfaction Measures Sub-Committee (SMSC). The protocol stated how and when acts of acknowledgement and pardon requests are to take place, as well as who carries them out. As part of *La Unidad's* operational and coordination group, I basically had to incorporate other institutions' comments in this draft protocol and make sure the sub-committee at the following meeting could approve it.

Victims' representatives were important actors at the subcommittee, but they were largely overshadowed by the subcommittee agenda, language and institutional goals. One was Adeline[186] from the Department of Putumayo and the other Edgardo[187] from the Department of Chocó (both elected within the policy participatory system). *La Unidad* would guarantee the material means to secure attendance of victims' representatives to the committees as well as guarantee that the victims would get the necessary knowledge to participate. Adeline and Edgardo would always arrive to Bogotá one day before the committees took place and meet with NCHM and *La*

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[186] Changed name
[187] Changed name

Unidad public servants. The purpose of the meeting would be explained to them, and the content of the guideline drafts would be introduced to them in a simple way. They would also contribute comments and suggestions. This step was central to guarantee victims' participation and understanding of the documents discussed, and helped prepare for the following day's agenda in the committee. These documents were previously written and discussed at the SMSC technical board meetings. [188] Off the agenda, we would listen to Adeline and Edgardo talk about the situation in each of their respective regions. They would tell us how difficult things were, how (when they would return) suspicious people would tell them to be careful with what they say in these subcommittees. Other victims' regional representatives would also criticize them because they were travelling to Bogotá and had not achieved or brought back anything for their communities.

In the first committee session that took place on March 5th, 2014, Adeline said she had an urgent request that she wanted to present to the subcommittee; however, she had to wait until the end of the two-day session to deliver her message because it was not in the agenda. During the first day at NCHM (institution where the sub-committee takes place) public servants would share the subcommittee strategic action plan for 2014. It was a long session where victims' representatives mostly listened and observed various Power Point presentations, in which last year's achievements were featured, along with new tasks for the coming year. As Adeline and Edgardo were new at the subcommittee, they were also shown an additional presentation about what satisfaction actions are. Edgardo, however, brought various examples and ideas of what satisfaction actions would be important for them, but emphasizing that justice would

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[188] The SCMS would meet four times a year. However, during the entire year, a technical board would work towards advancing the annual sub-committee goals and arrange the meetings.

be the best way to be redressed. At the end of the morning session, we went for lunch

at the restaurant in the Hotel (as usual) where I was introduced to Adeline and

Edgardo for the first time. Adeline, had a great sense of humor and referred to us with

random names (maybe mocking the amount of public servants she had to deal with),

told us about the critical situation in Putumayo, and how she wanted us to take

measures against the forced recruitment of soldiers by the Colombian armed forces.

She also expressed the desire to collect the story of the region's inhabitants (in the

same way the NCHM had just reconstructed the history of El Tigre, Putumayo) and,

also insisting during the whole sub-committee arrangement the need to protect the

younger population against armed actors. In her words: "the most critical situation and

what we have to prevent right now from happening, is our children being taken away

by armed groups. We have to protect our younger generation of getting into war, no?

They are now the most important".

During the afternoon session there was a protocol socialization, which included

a video conceived by the satisfaction measures group, and which explained graphically

the main guidelines and steps to follow for the protocol. Among my unexpected actual

tasks at *La Unidad,* I would participate in writing the script for this video, as I was

working on the protocol content. Then, through a psychosocial facilitation process the

document would be shared and members would pursue informal approval from the

subcommittee the following day. Before the SMSC would take place, *La Unidad* public

servants invited two psychologists from the psychosocial attention group to the event.

SNARIV functionaries showed the outline of the contents of the public acts of

forgiveness to the victims representatives, for their comments and approval. The

session began with an introduction to what is understood as psychosocial care and how

it aimed at re-dignifying the victims so they could "effectively enjoy their rights".

Addressing the protocol for public pardon with the victims' representatives' was not an

easy task, as they had been through extreme experiences of violence and pain (although

no one made references to this fact, tried to express empathy or ask how this activity

might have affected them), and officials were unaware of the victim's personal stories.

The public servant in charge of the conceptual presentation delivered a speech about

forgiveness, which was quite obscure and unclear. She basically stated, in a

contradictory fashion, that forgiveness was a personal matter where the state has no

say at all, but also stated that sometimes victims blame themselves for what happened,

and so they have to start by accepting it was not their fault and begin to restore the

relationship with themselves –or in other words, forgive themselves. This session

awakened deep sentiments in Edgardo. He started to tell us his personal story, how he

and his family had been displaced, and how they had been threatened. He asked us how

one could forgive such a thing. "That is impossible" he said, "I am unable to do so".

Adeline remained in silence. The session ended with an uneasy feeling regarding what

was written in the document.

The following day, the committee meeting would officially take place,

coordinated by the NCHM technical secretary. One by one, public servants would

introduce themselves at a large oval table at the NCHM. Victims' representatives were

the last ones. Most of the time public servants and functionaries would talk about how

they were planning to support territorial action by prioritizing some regions.[189] *La*

Unidad and NCHM coordinators would also provide an update on the technical boards'

progress. The four annual sub-committee sessions were essential to endorse and

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[189] Prioritize in this c means to delivery support to two departments rather than all of them. It is the *motto* of the public policy.

approve the products and agendas of the technical boards. It was imperative to show

concrete progress at each of these subcommittees, as good results would generate

further actions, products and help legitimize further decision-making. During the

subcommittee sessions, some NCHM and *Unidad* public servants would lead the

presentation of the SCMS´ annual goals with the support of the DPS. Some public

servants felt very uneasy and complained constantly or deliberately obstructed the

subcommittee's work. Others would be suspicious about other public servants'

interpretations of the reparation policy. The protocol sought for victims to participate

in the design of the public pardon events, security guarantees, differential focus and

media events. The bulk of the document had been discussed the year before, so they

were expecting to approve the document by the end of the meeting. There weren´t too

many comments, but many formal observations. The technical secretary presented

observations from the victim representatives and I would include their

commentaries.[190] By the end of the session all institutions, except for the Ministry of

Defense, had approved with the protocol content. The public servant representing the

Ministry asked for time for Ministry lawyers to review the document. For this reason,

the document remained unapproved until the second session three months later.[191]

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[190] The incorporation of the victim representatives' comments and clarifications were also a central part of protocol within the bureaucratic field, as we would elaborate a thorough review of the document incorporating their perspectives and comments. After approving a version of the draft for the next day's sub-committee discussion, the session would end leaving some of the knowledge and experience of the victims' representatives in those documents. Although it is difficult to assess their engagement with the long and heavy drafting of the protocol, it is quite important to highlight the importance of these emergent attempts to guarantee clients' participation within policy implementation.

[191] The public servant from the Ministry of Defense objected to the guideline language and the lack of acknowledgement of military troops reparation measures. The sub-committee faced complaints from the high commanders of the Armed Forces for failing to recognize them as heroes within the conflict, after reading this final version of the protocol. During the following sessions, the discomfort of the Ministry of Defense with the framework and narrative of the subcommittee documents was clear. The guidelines established the way in which state agents, along with other armed groups, had to acknowledge victimizing acts and public pardons, while equating, as they argued, terrorist groups with the military, as the protocol explicitly recognizes victims of paramilitary groups, subversive actors and state

Ironically, by the end of the day, finally Adeline got to read the message she brought from her community and the victim representatives. She unwrapped a paper written in an italic font for the departmental board. "As part of the victim's satisfaction measures, we urge the military to stop the recruitment of victims' relatives for the Colombian army". They were asking for their sons to be excluded from the armed conflict. The representative from the Ombudsman's Office supported Adeline's intervention saying that they had heard this concern all across the country and that it was incoherent that the government was pursuing a reparation policy, while some other of its institutions were clearly not on board with the VLRA. But this was at the end of the session. People were about to leave, when a representative of the military forces stood up and told Adeline to remember that the military were also victims of the war. It was a daunting situation as he spoke with authority and was wearing camouflage attire; nobody else said a word, the session was getting over with an odd and uncomfortable situation after two long days of work.

In another committee session Edgardo, one of the two victim representatives, inquired into practical matters, pointing out that we couldn´t just bring these guidelines to the region, but needed to promote their implementation by including satisfaction measures in the *Planes de Acción Territorial* (Territorial Action Plans – PATs). He was pushing mayors and departmental chairmen politically in order to get satisfaction actions financed. He asked how we were planning to pressure local mayors and councils to include satisfaction measures in the PATs? How could we help harmonize the PATs with the *Plan Nacional de Atención a Víctimas* (National Plans for Victims Attention) and with the Planes de Desarrollo Territorial (Territorial

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agents. At the end, this situation was institutionally resolved by legal and regulated procedures. NCHM had to use its legal representative in order to respond to the requests of the Ministry of Defense.

Development Plans), where the real budgets are assigned? As SCMS responded, unfortunately this coordination basically depended on the political will of local mayors and municipal councils. Later I learned that public servants at the national level were pushing a strategy for the upcoming fiscal year, yet the actual capacity of *La Unidad* to produce some incidence through these actions was quite uncertain.

Within the SMSC action plan, public servants analyzed the Local Development Plans (Planes de Desarrollo Local) in order to "prioritize" regions for the implementation of SMSC' technical support. From this analysis, Cesar and Boyacá departments came out as the most active in memory and satisfaction measure initiatives.[192] As the public officials say, this was just an "indicative criterion", as we really do not know if these processes are technically structured. We intend to reinforce those that seemed verified. Edgardo asked what was going to happen with departments such as Putumayo and Chocó where there are no satisfaction measure initiatives. SMSC public servants answered that the NCHM local initiative program would prioritize Adeline (the other victim representative) and Edgardo's departments. Edgardo didn't seem satisfied. On the contrary, he insisted: "how do we advance towards confidence building in our communities in order to develop local projects and get the needed support?" And he continued:

> "It is important to train local public servants in transitional justice, with the boards and the organizations because in our municipalities and departments there is no connection between institutions; each public servant has his own view. While local public servants say it is not possible, here in this meeting you have said that it is possible. This is this case not just at the departmental boards, but also at the municipal boards because we work at a lower level and if the information does not arrive there, nobody is going to know what to do. We also need to incorporate the governmental regulatory bodies such as the Attorney General's Office, and the Ombudsman Office into the CTJT, because we need to follow the institutional process and decisions".

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[192] "Prioritize" meant in this humanitarian jargon to take a few cases and work with them, leaving behind the majority of cases.

The SMSC ended with a precarious agreement on some sort of action or solution, and advanced notably in the writing of guidelines and protocols for the implementation of satisfaction actions. However, it was impossible to address the victim representatives' stories and collective needs. Of course, probably, not all of it was in their hands. But paradoxically, this would be the only instance in which something could be mobilized within the institutionalized and bureaucratic arenas.

As I have mentioned before, this situation, although maybe useless in the implementation of the policy, was key in the production of the nation-territory divide (metaphorically and phenomenologically). One the one hand, the functionaries at national level are convinced they have not just to "*bajar*" ("to lower") the policy to the territories, but to make it more simple to understand, in order for it to be appropriated and implemented. Functionaries are also convinced they have to transform the dense information (they are supposed to understand), and the complex sets of rules, strategies and plans, into something "operative". As they repeatedly said: "We have to do this, because this so complex that we have to make it digestible". "We have to show them how we have made this operative in spite of how dense it is". "We have to transform this into something they can apply". Thus, above and below represent not just spatial relations but also a form of metaphorical thinking, which integrates ideological and hierarchical dimensions.

This metaphor was also performed. The subcommittee, as a national instance would always be held out of Bogota once a year. In the "attempt to create policy territorialisation", the subcommittee would hold an annual meeting at a regional setting. "Institutional translation" was, therefore, a central feature of state mobilization towards the territory. However, this was a complex operation. I was

invited later that year (in October, 2014, I had ended the seven months fieldwork phase at *La Unidad*, thus I was no longer a functionary) to participate in the regional subcommittee at Valledupar, Cesar, and its preparation, where public servants would define the 2015 strategic plan in order to boost satisfaction actions and historical memory reconstruction processes, producing also in these very practices the effect of nation-territory divide. The victim representatives took two days' travel to Bogota under difficult conditions and restrictions (these representatives would be reimbursed for the money they had invested in the journey when they arrived to Bogota as the plane tickets were provided by *La Unidad).* Public servants had arranged for several months a suitable date for most of the representatives to travel, looking for locations and hotels to stay for two nights and arranging the agenda in order to deliver "operative instruments". I was lucky enough to have a great relationship with the committee members, so I was invited to this session at Valledupar where there was a discussion with local authorities at the SNARIV-CTJT about the implementation of the Victim law at regional level. [193] Clearly, the territory actually exists not just as a physical form and manifestation, but also as an actual experience of translation imbued with sentiments of stress and tension. The experience of "going to the territory" as functionaries articulated, became tremendously exciting, as national public servants

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[193] As I was no longer working at *La Unidad* I asked sub-committee coordinators if I could join them to the regional subcommittee. This was one of the typical situations in which I played and portrayed different identities with the same group of people. I do recall I had to remember some of the committee members that I was carrying out a research to which they reacted with interest and enthusiasm as they consider such place as key for understanding the complexity of governance; some other say that this was a rare place develop social research. Later they were quite willing to talk with me and respond to my interviews in this new scenario. I take this opportunity to thank again SMSC for their trust and generosity allowing me to participate in the preparatory sessions of this regional activity and the participation at the actual subcommittee at Valledupar. This was the first "regional trip" I made to "*el vallé*" in the new phase of the research where I was no longer a "functionary". In this occasion I stay for almost two weeks interviewing public servants and social organization representatives looking at the institutional process of memory productions, reintegration programs, MAPP-OEA and CNRR, various reconciliation programs, and in general representatives of the Justice and Peace Law and VLRA implementation programs. I returned to Cesar in four different occasions.

became more knowledgeable of the local situation, and so potential scenarios for working with local institutions began to emerge. As a functionary said, "we could observe many scenarios to possibly work with". However, this eye-opening encounter won't last. The revelations would be episodic amongst the complex set of functions, responsibilities, and administrative difficulties, which were difficult to overcome.

On the other hand, victim representatives who came from Chocó and Putumayo Departments told some of us about the difficulties and quarrels which emerged as a result of the trip. Sitting in a hotel restaurant, victim delegates told us about their travels, their two-day journeys, the money they spent on the process and the difficulties they had in exercising local leadership. They recalled again the difficulties with their fellow board members at the regional and national victim boards. Edgardo (Choco Department victims representative) was a great authority on the VLRA, and also discussed the situation in Chocó, and how puzzled he was because nobody was doing anything for this region. Edgardo and Adeline (Putumayo Department victims representative) stories seemed to come from two different worlds with different social conflicts, causes and actors involved. But both departments were similar regarding their level of poverty, the presence of intense armed conflict, lack of safety and abandonment by the state. These trips to hold meetings were a central part of the victims' role within the VLRA participative system, and in the actual production and reproduction of the nation-territory divide.

In this scenario, "national functionaries" would play out relations of command, authority or condescension with local functionaries and eventually in their engagement with victims. Of course these public servants were professionals who did have everyday contact with policy clients. They would present the "2015 strategic plan", the

"indicative budgetary regionalization", "the military service exemption protocol", "the annual budget", "the satisfaction measures collective reparation guideline", and later a workshop on institutional strengthening. All of this while gathering information on local challenges and achievements of satisfaction measures implementation, and in order to identify lines of action for the 2015 working plan. This exercise, however, was exceptional (producing two effects: 1) national functionaries' presence locally, and 2) at the same time making evident functionaries traditional prolonged absence) as it keeps SNARIV assistance and support away from the other 32 departments and 1101 municipalities and probably for many years from Valledupar. A spatial ideology and displacement was at the centre of the subcommittee structural configuration, while as we have seen before, the representation of the technical knowledge was also spatially manifested. Thus, if the Nation-Territory Sub-directions main task was to develop instruments for monitoring and control of what they call a "complex and messy multi-sectorial policy", its very material existence denies any spatial and intellectual symmetry –reifying the nation-territory divide. As Lefebvre (2009) argues "state space subordinates both chaos and difference to its implacable logistics. It does not eliminate chaos, but manages it" (2009: 230).

Although some territorial institutions have asked for the delegation of the main *Unidad* functions, as one of the Nation-Territory Sub-directions functionaries told me, "national authorities still believe there are no local capacities to delegate national functions". In this way, attempts to decentralize the policy fail once again. What this illustrates, is that nation-territory coordination, although believing it is seeking to close the gap "between the nation and the territory", is producing and reproducing the conditions of possibility for this spatial and intellectual fragmentation. It is in itself not

producing the conditions for a non-nation-territory scenario. Even more, is there not a political and administrative conceptualization of such a thing as a non-nation-territory-divide. On the contrary, Nation-Territory Sub-directions is trying to control it by producing "technical knowledge" with no appeal to the territories. Of course, this production of knowledge also lays the way for the conditions of production of bureaucratic hierarchies. As technical knowledge is part of this instance, National System for Victims Integral Reparation and Attention (SNARIV) coordination depends on the very production of policy public instruments of knowledge. Clearly, this epistemic position within the bureaucratic hierarchies undermines its very practice. Functionaries are embedded in the logics and demand of the creations of the law, which are expressed ideologically and spatially. Paradoxically, this division seems to work as an ideological tool to make the differentiation effective, creating and enacting this metaphor in everyday practices and beliefs.

Actually, public policy is built upon the need to articulate one thing with another. What these scenarios revealed was that while the formal procedures for advancing the law were being implemented, the everyday life of policy would continue reinforcing the spatial separation, despite having concrete solutions to mobilize the policy locally. No "gap" would be closed, but in fact would widen. As many of these decisions had to be mobilized locally SMSC members would delegate responsibilities to other institutions and local civil servants. Edgardo and Adeline would leave empty-handed, as they would return back to their municipalities without any concrete measures for the people they represent.

The Ideological Dimensions of Nation-Territory Divide

In the process of studying this metaphor I was eager to explore its meaning and usage among public functionaries and scholars. When asked what the concept of nation-territory actually means, functionaries react in surprising ways. Some of them recognize that they had never stopped to think about it, and some others would say that this division is the main problem with policy implementation. In fact, that this is the main problem with Colombian public administration. I would always say that I was asking them about the concept because I really did not understand the term and because for me it implied a contradiction. However, generally they would recognize that closing the gap was the main concern of "Colombian institutional design". Here, I want to highlight some of the public servants' own words, as the public servants conceive of this metaphor as an actual expression of social, political, temporal and spatial reality. "Implementing the reparation policy in the territories" was a central representational device in the mobilization of the VLRA, and expressed the main challenge of the policy´s implementation. The "agents of the state", states Lefebvre (2009):

> "conceive and construct dominated spaces, ruling over dominated spaces (for example, thorough the planning of airspace, airlines, airports, runways, etc.). They subject space to a logistics, believing thereby that they can either suppress conflicts and contradictions, or at least understand them in order to combat them. Against this, however, the intrinsic connection between logic and violence suggests that these agents in fact revive conflicts and aggravate contradicts" (2009: 230).

When functionaries were asked about the concept, they displayed deep discomfort and delivered complex critiques. As one functionary from the NCHM told me:

> "The coordination of the state is a utopia. (...) We remain clearly centralized (...) the territory has no government. If that doesn´t work it is because the government is

ineffective (...), for we still have this deep rooted centralist thinking, and then we have the image that each institution is an independent republic"[194]

Functionaries at the so-called "territorial directions" would also portray such a vision, although they would take a more critical stance toward the concept. As the UARIV territorial director at Valledupar told me:

"[Nation-territory] is a name that implies, or that leads to the idea of the difference between the center and periphery. All discussions about Colombian political history have been about the same, always the same struggle between Liberals and Conservatives. It has been the eternal debate between the center and the periphery. It represents the way they think when they say that levels of poverty have declined, but poverty has not declined in decades on the Caribbean Coast. It is an average measure, which is produced in Bogota, and all decisions are made based on these averages, which are not real. In the end, it is an exercise of power, which does not include the recognition of diversity or political pluralism".[195]

In relation to the above, the perspective of a victim representative might be quite different:

"The territories have been victims of the government, because the government fosters wars in the territories based on economic interests. They are sowing terror and a financial war. People inhabit the territory, but the government wants to deprive them of the territory´s use." [196]

But these ideas don´t necessarily represent a lack of knowledge, diagnoses or awareness of this spatial connotation. Public servants are quite aware of the problems associated with materiality institutional design, which produce and reinforce structural problems. When asked about the concept of the nation-territory, they also give quite incisive critiques of the model.

"My work in national planning was an extreme form of Bogota technocracy, sitting inside an office building, and never coming out of there. Randomly producing technical lines. I really think the law has no territorial approach. I dare say that because the mechanisms are quite constrained by the state´s planning instruments that do not take into account budgetary timelines, for example. (...) When the law was signed, there was no consideration of a mechanism for the law to be synchronized with these planning mechanisms (...), and also there was no way for the law to enter into dialogue with territorial planning. The law was not established taking into account the territorial debate. I mean, the law is construed as one for the entire country, but it is very likely

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[194] Technical SMSC Board Coordinator NCHM Bogota, September 12 2014 [29:46-31:40]
[195] Territorial Director Cesar, Guajira September 25 2014 [21:03-21:20]
[196] Victim Representative, Valledupar, Cesar October 22 2014 [12: 04-12: 33]

that a reparation scheme on the Caribbean coast needs to be different from one for the Putumayo department.[197]

"The denominations that exist in many institutions follow the jurisprudence and the orders of the constitutional court. Following, let's say, since the beginning and with greater intensity, the constitutional order, 383/ 2010, and also other sentences, which refer to the nation-territory coordination and how the government has failed to remedy the gap that causes local authorities to feel unprotected. This is the opposite of a country model that is decentralized" [198]

Another public servant from Valledupar stated:

"The State shifted the public policy approach, but did not change the structure. They´re working with the same mechanisms to try and achieve different results. So, still they still have difficulty arriving to local areas. There is no real communication with the people, and the scenarios to share experiences aren´t visible. For example, La Unidad only has press offices in Bogota" [199]

The same public servant continues:

"This remains a centralized State, where decentralization is a discourse or a social event. We keep socializing things and believe we are sharing decisions. We are not invited to build the public policy, but socialize the policy from Bogota".[200]

In the terrain of practice, this picture becomes even sharper. I travelled to several locations in Colombia after I ended the fieldwork phase at *La Unidad*. I had the opportunity to explore in several locations (Florencia, Antioquia, Medellin, Valledupar, Sincelejo, Arauca and Cali – Map 1) how the public policy implementation process worked "locally", and the picture was astonishing and quite different from the technical anxieties of the national functionaries. To my surprise, in Florencia, Valledupar, and Sincellejo, there was more "inter-institutional work" and autonomy than national functionaries envisioned at Bogota, although it remained unsystematic and sporadic. There was also a growing bureaucracy emerging from the social policy and humanitarian realm. In Florencia I interviewed DPS functionaries in charge of

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[197] Technical SMSC Board Coordinator NCHM, Bogota September 12 2014 [29:46-31:42]
[198] Technical SMSC Board Coordinator NCHM Bogota September 12 2014 [12: 04-12: 33]
[199] Territorial Director Cesar-Guajira, Valledupar, September 25 2014 [25:06-25:33]
[200] Territorial Director Cesar-Guajira, Valledupar, September 25 2014 [25:06-25:35]

carrying out the local inter-institutional intervention. As head of the Social Inclusion

and Reconciliation Sector, the DPS was delivering social services throughout three

days, offering care and services in health, education, recreation services, as well as the

traditional services in other programs. With the help of the US government,

Colombian Air Forces joined this effort, offering services with "army takes

optometrists, deontologists and physicians". As a DPS public servant told me on

various occasions:

> "We can deliver services in direct contact with the people. We bear witness to
> how the solutions are delivered. We are also doing something nobody else is
> doing, which is integrating all state services with the army services and
> infrastructure. We were joined by army in their aircrafts, with the services of
> INCODER, Asmesalud, and ICA give us the vaccines. With the services of
> Caprecom, we deliver recreation, we also deliver psychological support
> services"[201]

La Unidad, National Agency for Overcome Poverty (ANSPE) and the Land

Restitution Unit (Unidad de Restitución de Tierras –URT) also participated in this

process. When I asked how they choose the areas to go to, they told me that in these

areas all depends on the army. The army delivers help with the support of US

international cooperation. There is also a security component, which is key because

these are zones of "public order". The army is also in charge of what are called the

Territorial Consolidation Areas, which are keys for these public servants'

interventions, and a key aspect of the DPS programs implementation at "state

frontiers". So, as they told me in a meeting "we [DPS and the Colombian army) are

talking the same language. "Last year we went to Solano down the Araracuara river, a

one-month journey. People there are quite desperate". "The lack of electricity in those

areas makes it difficult to deliver assistance". In these conversations, civil servants

recounted anecdotes of elders who had been without health service for decades, and

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[201] DPS functionary Florencia, Caquetá February 12 2015 [36:06-25:33]

that sexual violence was a very common situation. "It is a dramatic situation… we have to use helicopters and planes in order to arrive there, and there is no other way". "There are a lot of needs in those areas". Thus beyond the territory (the abstract idea for the functionary) there is actual socio-spatial landmarks beyond department capital cities where basic material and instruments were needed to deliver assistance. Interestingly, one of these functionaries told me, "in this way we have pursued a reconciliation between state and society".

Although I have just mentioned how scant institutions working in these areas are, the ones who are present, make an impressive effort to get things done by themselves, and work closely with the army. Experts and civil servants in Bogota did not know or were unable to acknowledge this reality and believed there was no such work of this autonomous kind taking place. In Valledupar, I discovered different situations, which presented, not the autonomous process of "institutional articulation", but the logics and practices of the nation-territory bureaucratic-making. After an hour of conversation with one functionary from the Arauca Assistance Center (by who I felt I was being carefully scrutinized), he began to say:

> "You seek advice from Bogota and this person responds by passing the request on to someone else. This is when communication begins to break down. Nobody responds to your needs. You ask again and you get silence. Also, you ask for logistic support as you start to plan and develop an activity. You finally have everything ready and later the operators tell you there is no time to do it or there are no resources available. So you cannot carry out the activity and you let the community down".[202]

And then, another functionary told me:

> "They changed my institutional contact in Bogota and nobody told me. I wrote to him and nobody answered. You have to look for a way to work without following the Bogota guidelines. Here, you have to make yourself useful, otherwise you don´t work at all. You have to invent something to do

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[202] UARIV functionary Arauca, Arauca February 25 2015 [54:07-25:34]

in order to report activities. Here it is hard to encourage people to work. It is very difficult because we are not part of any project or concrete idea".[203]

And he continued:

"Furthermore, here there is no institutional capacity and political will. We carry out many actions, but not really anything important, powerful or necessary … nothing. Here functionaries are alone. Actually, functionaries feel very angered … they are aware that nothing is being done, that there is no local service and there are no implementation instruments. Instead, we should talk here about the *revictimization* route" [204]

Thus, it seems that these kinds of sentiments structure both local representational processes and vertical relations with national functionaries. Different authors (Lefebvre 1990, 2009 Gupta and Ferguson 2001:17, Trouillot 2003:27) from the critical tradition have highlighted how the nation-state has become a dominant form of organizing space in the contemporary world. Gupta and Ferguson (2002) call attention to how there are two images that come together in popular and academic discourses around the state: those of verticality, and encompassment. Verticality refers to the central and pervasive idea of the state as an institution somehow "above" civil society, community, and family. The second image is that of encompassment where the state (conceptually fused with the nation) is located within a series of circles that begins with family and local community and ends with the system of nation-states (Gupta and Ferguson 2002:982). For these authors, "these images have profound consequences in the understanding of scale, one in which the locality is encompassed by the region, the region by the nation-state, and the nation-state by the international community" (Gupta and Ferguson 2002:982). The authors are clear in denoting how these metaphors work, not just for imaging and representing social and spatial scales, but also as methodological instruments for studying how these metaphors represent

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[203] UARIV functionary, Arauca, Arauca February 26 2015 [55:05-31:20]
[204] UARIV functionary, Arauca, Arauca February 26 2015 [55:05-31:21]

normalized and naturalized practices that reinforce particular geographic visions of the nation-state[205],

The different quotes sited above related to the public servants and functionaries' representation of the nation-territory divide help to illustrate the way in which this metaphorical domain is key to the understanding of Colombian governance functioning. Policy and bureaucracy is enacted upon an ideological conception of the state-space that enhances bureaucratic action and institutional problems that do not really exist but constitute policy aims. The examples given in this section help to illustrate this everyday paradox, by describing at least four features. Firstly, the existence of a nation-territory divide is an assumption that nobody questions or disputes. This representation can also be described as tension between a synoptical view of the state and one of encompassment. Functionaries might criticize how the connection between one thing and the other fails, but they actually believe that such a division exists. Nobody questions that the nation is represented as existing above the territory. This fact, however, does not deny that we produce its existence either by naming it or by actually portraying such a divide. Secondly, there is a sort of consensus that the state is failing to close the gap between the nation and the territory and that this is an everlasting and unresolved problem. As we already know, Colombian policy-making progress and development depends on the dissolution of this gap. Thirdly, the

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[205] The quoted authors state: "Images of state vertical encompassment are influential not only because of their impact on how scholars, journalists, officials, activists, and citizens imagine and inhabit states, but because they come to be embedded in the routinized practices of state bureaucracies. The metaphors through which states are imagined are important, and scholarship in this area has recently made great strides. But the understanding of the social practices through which these images are made effective and are experienced is less developed. This relative intention to state practices seems peculiar, because states in fact invest a good deal of effort in developing procedures and practices to ensure that they are imagined in some ways rather than others (Scott 1998). They seem to recognize that a host of mundane rituals and procedures are required to animate and naturalize metaphors if states are to succeed in being imagined as both higher than, and encompassing of, society" (Gupta and Ferguson 2002:983).

nation-territory divide is also produced and reproduced in the local context by people and institutions that feel abandoned, threatened or deceived by the "nation". And fourthly, the production, reproduction and experience of the nation-territory divide entail a specific historical and territorial representation of the nation and the territory, which differs from region to region. It establishes specific forms of vertical and horizontal relations, involving the nation (state) idea, as it has been explored in this chapter. As can be grasped from the comparison between Arauca and Valledupar, these functionaries felt they were disconnected from Bogota functionaries and from the policy in general, as they more often worked with local and regional institutions (horizontally). In contrast, in Caquetá, local functionaries experience vertical relations with the state through the Colombian armed forces, who are central in the delivery of humanitarian aid and coordinate institutions such as DPS and *La Unidad*. These cases would key in I a serious attempt of developing a non-national-territory conception of Colombian space-state.

Conclusion

In this chapter I have tried to depict how the gap between the nation and the territory is produced within specific bureaucratic realms of the Colombia humanitarian policy and how certain representations operate in the so-called territories. The Satisfaction Measures Subcommittee (SMS) represented a fundamental place for my ethnographic work, as it was key to grasping the production of the state-territory divide, technical knowledge and state power and legitimacy. The subcommittee portrait an instrument of legal arena colonization (transitional justice) opened by international narratives and meanings (such as remedy, redress, compensation) and

diverse sorts of agents (with a emergent bureaucratic force). It also portrayed and enacted the gap between the nation and the territory, where statewide functionaries, and the victims' representatives attempted to "integrate" the state horizontally by producing inter-institutional guidelines and protocols for the implementation of the reparation policy. Also, the SMS was aimed at integrating the state vertically by bringing to the fore the territorial subjects of intervention that the policy wanted to address. It was precisely in these spaces that the relative hierarchies and systems of power became blatantly evident.

The various levels of analysis included in this chapter are important as they allow an understanding of the functionaries' technical production of social policy, their ideological and bureaucratic convictions, as well as state representatives politics. The above analysis also allows an understanding of the position of policy clients' representatives and their voices in these bureaucratic settings when offering practical solutions for the policy implementation, when expressing their concerns, or their views and even when making requests. Nobody took into account or acted upon victim representatives' ideas or proposals because it was not their responsibility to do so. In the end, these functionaries were simply there to represent the "nation", and all that it entails, the distance, the scale, the height. This representation is often manifested by silence or drenched in juridical jargon, justified non-action after bureaucratic difficulties, legal limits or institutional jurisdiction.

Here, however, an uncanny notion of the state of emerges from this nation-territory divide, different from traditional (and theoretical) conceptions of the nation-state. The nation is metaphorically placed at an equal level to the state, and this in turn positions the nation above the territory. This geographic representation of the state

and the nation as one, assumes territories are not part of the nation. The nation is inserted within the limits of state representational demarcation, while actual nation members are stripped of their identities, their history in the production of the state and the nation, their citizenship, and their actual territorial social relations.

This nation-territory dive is exacerbated by state institutional design and bureaucratization. The state manifests itself, not as a coherent corpus of institutions and procedures, but as atomized practices and procedures. There is almost a specific form of verticality and encompassment for each kind of regional or departmental articulation. So, nation-territory formations vary the intensity, the communication or the gap in each institution or instance. The functionaries concern is embedded in a network of more or less broken relations. The appropriation of the nation by the state is a rare ideological gamble. Yet, the state is continuing to produce the idea of a divided nation. Understanding the geographical representation of victimhood which is associated, projected and superimposed upon the poor, the IDP, the peasants, the indigenous communities, the Afro-Colombian communities (which are at the very core of the neglected "territory", usurped by the nation-state) along with nature, the lawless, violence and savagery, is fundamental for understanding the work of transnational humanitarian ideologies (although they as IDO are concentrated in outskirts of Colombian main cities). These ideologies constitute what Alonso (1994) describes as state space territorialization. Yet, territory and autonomy is the historical claim of social organizations, peasants' movements, and indigenous communities –and less so of cooperation agencies; actual claims to re-territorialization have been made historically by peasant organizations, as well as indigenous and Afro-Colombian communities.

Thus, three outcomes occurred as the result of the work of bureaucratic nation-territory production. On the one hand, by asserting in everyday practices and representations a divided state (national and territorial) and a divided nation (center-periphery) the nation-territory remained divided by the permanent atomization of state actions and functions and fragmentation in territorial administrative jurisdiction ("regional", departmental, and municipal). On the other hand, while the nation represents itself as "technical", the territory is regarded and represented as non-technical, and sometimes even as anti-technical, inefficient, without resources, and corrupt. While there is a habit of simplifying policy language and transplanting it from the center to the periphery, there is no clear practice, instrument, or conduct, which is transferred from the so-called territory to the "nation". "Technical knowledge" inhibits translation process, and it blocks the contextual historical locations. There is no process of translation from victims' representatives and local epistemologies. Finally, as we have seen in many ways, the nation is just not portraying, representing and enacting abstract thinking, but producing the very immateriality of divided nation along with the territory it claims to govern, where material relation and actions are really carried out. Instead, they remain ideas, plans and hopes while state idea remains vague at the territories, more unified and abstract. Yet, as Ilana Feldman has pointed out, bureaucratic practices are not just governed by institutions, prescribed by ideologies, guided by pragmatic circumstances but a practices of governing form, intent and direction (Feldman 2008:12). For Colombian functionaries, territories and municipalities represent the material world —the real life, where spectacular changes are needed, but hardly forms of concreteness or interventionism are produced or carried out —rather, sometimes, that of the military one. But this in itself represents

forms of governing thorough and ongoing process of rule and law production, which might not have does much effect on governing people but the "national" space –or as I should called, the abstract and powerful space formation from above. This constant emergence of laws and rules in fact, has the role of actualize Colombian state legitimacy before international actors. Actually, the appropriation of multiculturalism, human rights and transitional justice in Colombia has work as a dispositive of spatial organizing (Bocarejo 2009) and legitimacy actualization making (Vera 2015, 2016). In sum, the chapter vignettes portrait spatial and epistemic asymmetries that constitute Colombian state presence and power.

Finally, the subcommittee represented a sort of post-conflict scenario – as the conflict has not yet end, a *quasi event*, a *not- yet place* (Miyazaki 2006, Povinelli 2011), a potential world in which public servants were producing and creating protocols, guidelines, and educational actions to enhance "local capacities", in order to implement satisfaction actions. This institutional world allowed me to explore the challenges and assumptions about the future, and the ethical and political dimensions of suffering within these scenarios amidst the war and social conflicts. Although in the end the "state message" was not clear, and had multiple interpretations, this process illustrates how these bureaucratic actions are essential for validating knowledge as technical but also spatial with all the implication we have studied (hierarchical, fragmented, dominant). The process is confined to symbolic interchange with "territorial actors", which worked as a legitimizer of the produced knowledge and spatial hierarchies. However, through the procedure, the document was invested with power and nationwide validity, yet the question of the impact of these protocols on people´s lives in the "territories" remained open.

Chapter 6

Delivering Humanitarianism: Transitional Jurisdictions and Moral Sentiments in Colombia

By exploring ethnographically a victims hearing in the Justice and Peace Tribunals and the delivery of reparations to a community in Antioquia Department, in this chapter I aim to explore the mobile manifestation of transitional jurisdictions and the moral sentiments that these temporal places enact. I describe the dimension of emergent transitional jurisdictions which are constituted by ephemeral and superficial intervention and which nevertheless open spaces for moral dilemmas and social claims. Similarly, from constitutional law which can be rooted in a mythical origin or in an aspirational goal (Kahn 2001), or criminal law which acts as a hinge articulating the past-oriented punishment of wrong deeds with the future-oriented management of risks (Valverde 2008:155), transitional law is historically rooted in both wrongdoings of war and future-oriented promises of justice and redress. Although transitional justice has become a permanent dispositive of government in Colombia, as it has been integrated into the whole state institutional arrangement since 2005 (Vera 2016), its forms of intervention are mobile and sporadic, and sometimes trivial, portraying a specific manifestation of late liberal moral sentiments. These interventions can be thought of as jurisdictions, as they offer to actual subjects of intervention promises of truth, justice and redress while enhancing moral, political and economic values. These transitional jurisdictions are fundamentally mobile, as well as easily assembled and disassembled. As Valverde has stated, the "machinery of jurisdiction" is not limited to spatial analysis, since the non-spatial mode of governance is also a major if somewhat

invisible work of jurisdiction (Valverde 2008: 154). Jurisdiction tends to privilege territory, but it does not erase temporality in the way cartography tends to. Jurisdiction relies on historic claims, but more importantly and from the point of view of theory, each mode of governance has one or more distinct temporality (Valverde 2008: 154).

Thus, the concept of jurisdiction is central to this chapter, as it has allowed me to consider how transitional justice and human rights, as dispositives, have their own temporalities, which collide with other state manifestations such as ordinary law and state capitalistic arrangements. While the Cucuta Peace and Justice Tribunal helped me to observe the moral economy of justice production (by public and humanitarian institutions) in a context of lack of social and institutional acknowledgement of war atrocities, the satisfaction action implemented in San Francisco communities' analysis helps me to illustrate the politics of inequality embedded in the humanitarian approach. These humanitarian interventions constitute a specific form of transitional jurisdiction, which as I note is mobile and sporadic, but still struggling to reenact its meanings and evolving powers. By doing this I also explore the dimensions of *movement* and *displacement*, and forms of time and space configuration within humanitarian bureaucracy. This exploration also presents the question posed by Elizabeth Povinelli around what techniques are used, what purpose they have, how it is even possible to understand the dynamic through which extraordinary events of violence are folded into everyday routines, and vice versa (Povinelli 2011)[206].

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[206] Here it is worth remembering again Gupta´s work on developmental programs in India, which I have quoted several times before. He draws on the work of Foucault and Agamben, stating that extreme poverty should be theorized as a direct and culpable form of the killing made possible by state policies and practices, rather than as an inevitable situation in which the poor are merely "allowed to die" or "exposed to death". Like Farmer (2005), Gupta thinks structural violence is about "the nature and distribution of extreme suffering" (Sen in Farmer 2005: xiii) (Gupta 2014:7).

As I have stated, technical, ideological and bureaucratic arrangements constitute a spatial formation, such as that of the nation-territory divide, as an expression of state capitalist arrangements. By exploring a victims hearing in the Justice and Peace Tribunals, and the delivery of reparation ("a gift") to different Antioquia municipalities, I aim to explore the mobile manifestation of transitional jurisdiction, which collides with, enhances and contradicts different fixed notions of time, space, and moral sentiments, which in themselves become territorialized. With this analysis I aim to contribute to the understanding of how law underwrites space and time-making in everyday life (Lefebvre 2009, Santos 1987, Tsing 2012, Valverde 2009).

The Aesthesis of Transitional Justice

In June 2014, the participation of the Satisfaction Measures Group (SMG) was promoted at the Peace and Justice tribunals.[207] Within *La Unidad* existed a Peace and Justice victims group, which had to follow judges' prosecution processes and the sentences given by the Peace and Justice judges.[208] The Peace and Justice Group at *La Unidad* had to follow Peace and Justice jurisdiction legal procedures but actually failed to address victims' concerns within this jurisdiction. In some conversations I had with them, they expressed the need to incorporate the work of SMG, as many of the Justice

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[207] The Peace and Justice Law configured a special jurisdiction in order to prosecute paramilitary members demobilized in 2005. The Courts of this jurisdiction were located in Bogota, Medellin, Bucaramanga and Barranquilla cities.

[208] The 2005 Peace and Justice Law created a special system of justice that functions parallel to the ordinary system of justice. This special system is framed within an exceptional system of justice that only prosecutes crimes related to armed violence. Although it was initiated as a procedure to demobilize paramilitary militias, it has also been used for guerrilla members. State crime agents are not under this jurisdiction. This special system of justice is framed according to international law of transitional justice principles (based on the differentiated balance of truth, justice and compensation in order to transition from conflict or dictatorship to peace or democracy respectively). This special jurisdiction thus has its own specialized and specific judges.

and Peace judges' rulings were on satisfaction measures and dignifying actions. However, they did not see the importance of victims' care and support services in the actual judicial processes. They planned to go to Cucuta city[209], where a "reparation incident"[210] would take place, in order to explore the possibility of incorporating SMG work into this particular judicial process. I was invited to accompany them. The judicial procedure was defined as an *audiencia concentrada* (concentrated hearing), as the prosecutor´s office had to attend to 3681 victims in Catatumbo.[211] Catatumbo is a Colombian sub-region located in the northeastern department of Norte de Santander, which lies between the Eastern Cordillera of Colombia and Venezuela. This is why the region has come to be regarded as "cross-border". It consists of 11 municipalities: Abrego, Convention, El Carmen, El Tarra, Hacarí, La Playa, Ocaña, San Calixto, Sardinata, Teorama, and Tibú.[212]

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[209] Cucuta city is the last big city at the northwestern border with Venezuela. High levels of political violence, involving the ELN guerrilla and paramilitary forces, characterize this area. It is an area, which is difficult to access, a fact which has made this region a special site for smuggling. Many of the victims invited to be part of the audience were from the region Catatumbo, where ELN guerrilla, paramilitary groups and criminal bands have had influence since the mid-80s.

[210] Colombian criminal law grants to the victims, among others, the right to compensation for damages suffered during the criminal acts of the author thereof or the third party's liable behavior. The stage designed by the new accusatory system (appropriated from US judicial model) to enforce this law is the "incident of reparation", which is subsequent to the firm conviction phase. This means that the judge, in order to begin must declare who holds the criminal responsibility. In this incidental stage of criminal proceedings, the victim must furnish evidence of harm, so that through a settlement or decision by the judge, the victim can have the damage repaired in whole or in part.

[211] This concentrated hearing focused on victims according to four macro-criminality patterns: Gender-based violence, illicit recruitment, forced displacement and murder of a legally protected person.

[212] By June 2012, the Basic Needs Index (NBI) in Northern Santander was at 30.43% (22.5% in the headwaters and 60% in the rest). This represents three points above the national rate. In the Catatumbo region, the NBI was 61.7% (33.7% in the headers and the rest 71.4%), still well above the NBI department. By 2012, almost all municipalities in the Catatumbo region had a high Victimization Risk Index (IRV) (except for San Calixto and Ocaña). The Convención municipality has the highest IRV rate and El Carmen has the fourth highest rate. In Sardinata and Tibu a very high rate was also recorded in the national table. *Fundación Ideas Para la Paz´s* permanent report: "Conflicto armado y su impacto humanitario en la región del Catatumbo" Last consultation 22/01/2016 http://www.ideaspaz.org/publications/posts/668
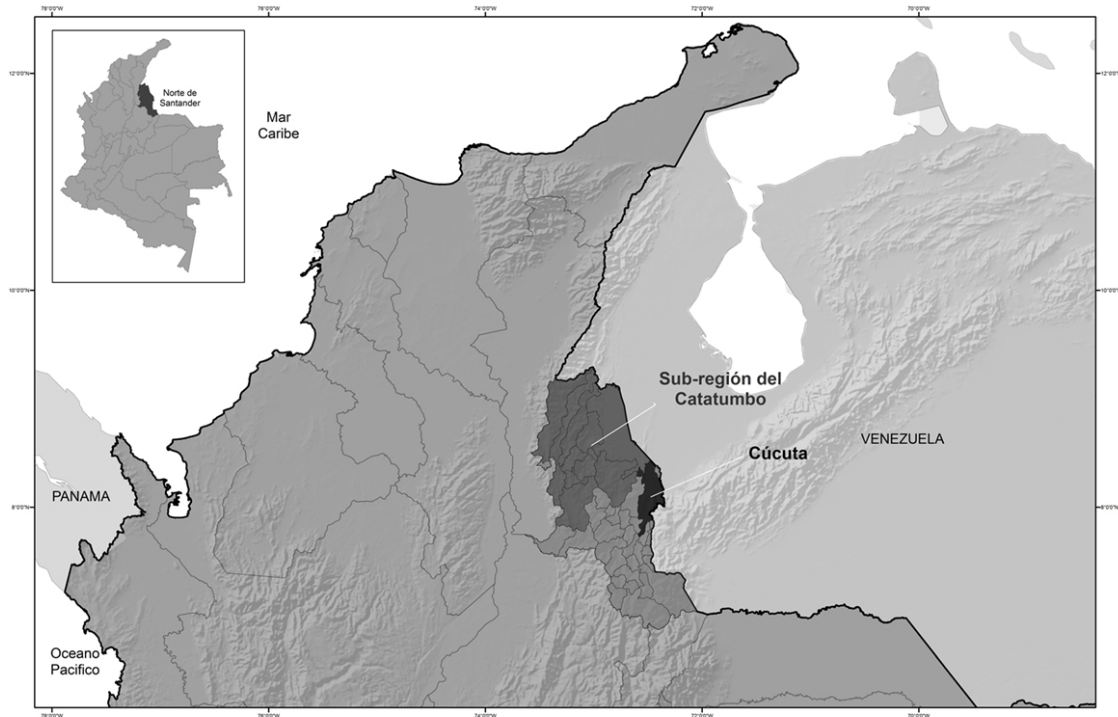
Catatumbo region and Cucuta city (Map 3)

Currently this region is dominated by the existence of guerrilla-armed groups such as FARC, ELN and EPL (these last two are not part of the current peace process with FARC). Since the demobilization of the so-called paramilitary group Bloque Catatumbo in 2005, the presence of members of criminal gangs such as Los Rastrojos, the Black Eagles, and more recently, Los Urabeños, has been recorded. Today the FARC is the strongest guerrilla group in the region, in terms of the intensity of their actions.[213] This region is one of the areas prioritized by the National Policy on Consolidation and Territorial Reconstruction (PNCRT), the national government. It is also one of the areas where the "*Plan Espada de Honor*" (Sword of Honor Plan), a project run by the Armed Forces, has been implemented. It seeks to strengthen state

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[213] Fundación Ideas Para la Paz permanent report: "Conflicto armado y su impacto humanitario en la región del Catatumbo" Last consultation 22/01/2016 http://www.ideaspaz.org/publications/posts/668

and military presence in the region.[214] The following example in Antioquia´s
Northeastern region is another paradigmatic case where we explore the
implementation of transitional justice mechanisms, which were implemented in the
midst of conflict. As the case was held in a Bogota Court, the Judge had to travel to
Cucuta from Bogota. Although Catatumbo is one of the regions most affected by
paramilitary and guerilla violence, there is no Justice and Peace Court in the region. It
took three days to listen to more than 300 testimonies from the people who arrived to
the hearings. During these days, I listened to and observed how victims told the judge
and the *postulados* the way in which their victimization had transformed their life
projects and affected them physically, emotionally and psychologically.[215] *Postulados*
are the accused or perpetrators who are nominees for being beneficiaries of the Peace
and Justice Law benefits if they actively collaborate with truth and reparation for the
victims. As there is not space for such hearings in the local courthouse these hearings
took place in the old local theater (Fifth Avenue Theater). Two tables were installed on
the theater stage and covered with a tablecloth, and two flower bouquets were placed
on the table. Ten policemen stood at different places in the theater´s main auditorium
and a Colombian flag was positioned at the right corner of the stage. On the first day,
victims began to arrive periodically, as well as cooperation agents from GTZ, MAPP-
OEA and ACNUR. Each of the latter wore a vest, which identified their institutional
affiliation. There were also functionaries from *La Unidad* and the Ombudsman office
present, wearing their corresponding vest. I was also asked to wear *La Unidad´s* vest.

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[214] Fundación Ideas Para la Paz permanent report: "Conflicto armado y su impacto humanitario en la
región del Catatumbo" Last consultation 22/01/2016 http://www.ideaspaz.org/publications/posts/668
[215] Aside from the more than 300 victims, there was a special hearing for more than 30 female victims of
sexual violence. These hearings occurred behind closed doors.

Justice and Peace hearing at Carrera Septima Theater (Photos by the author)

Upon our arrival, we contacted *territorial officials* from *La Unidad*, in order to support the victims' registration process for attending the reparation incident and to support them in meeting the requirements for the process. From that point on we began to realize that the role of *La Unidad* would be central at this stage of the judicial process as well of course in previous stages. This was not just because the situation produced great distress for the victims, but also because they were also under Peace and Justice Law jurisdiction, which meant they weren´t necessarily included in *La Unidad´s* records. Within such a legal frame there isn´t any kind of systematic registry of victims. In fact, the victims did not even know what *La Unidad* was. They kept using *Acción Social* language (such as UAO – Unidad de Atención al Desplazado), when making reference to the bureaucratic paperwork and support centers. So this situation was not just emotionally difficult for victims, but I also observed a lot of anxiety around the paperwork, the lack of clarity regarding what they were doing there, and about what they were about to face. Just one *Unidad* functionary (Lucia) who traveled with us, had the training to deliver psychological support to the participants on this occasion and she was the only person who gave any support to the approximately 300 victims. Needless to say she was exhausted. Most of the attendees were middle-aged and elderly female victims, mothers who had lost their sons or husbands, or both. Most of them were peasant women who seemed to carry a heavy weight on their shoulders. Some were also direct victims of abuse caused by paramilitary groups.

The judge began the hearing, by asking to the Ombudsman Office representative where the victim's public defenders were. The Ombudsman representative indicated that they had not been assigned yet. The judge immediately

was surprised and drew attention to the fact that the victims should have already been assigned a defender. Similarly, many of the victims were not on *La Unidad´s* registration list, so the judge believed it was important to solve this situation as soon as possible, in order for them to gain access to the integral reparation measures. So the hearing began on a less than uplifting footing. Also, the judge called on *La Unidad* in its capacity as coordinator of SNARIV, to intervene by explaining to the victims the path of individual reparation and the different forms of remedy victims are entitled to once they are registered in the Single Record of Victims RUV. This judicial hearing caused extreme emotional upheaval for the victims, as some of them were facing their victimizers for the first time and even engaging with them through Skyped images of the *postulados* were projected onto the theater screen right behind the judge during the entire process. They sat in silence, waiting patiently for the judge's and the victims' questions. You could observe each of the *postulados* in a prison room, sometimes walking or sitting dawn, sometimes attentive to their jail laptops, and sometimes talking and texting with their lawyers, who were present in the Cucuta theater. This situation was not just a permanent distraction for the development of the judicial procedure but clearly difficult for the victims, who were in contact with the perpetrators' ghostly cyber presence. Because of the amount of people and Cucuta heat, a large room at the hotel was available where people could watch what was going in the theater. In both places, the specters of violence came alive through a low cost communication medium, rendering the procedure aspect of a merely bureaucratic procedure –as the purpose of that was waiting at the rooms and not witnesses an a important act or procedure.

Most of the time, victims wouldn't follow the script of the judicial procedure. Instead they would bluntly ask the *postulados* why they had assassinated their loved ones, and where their remains were, or both. The judge often interrupted the hearing by reminding the victim of the procedural goal which was to relate to the *postualdos* how paramilitary actions had affected their life´s projects in order to define what would be their respective compensation. This brought to the fore promises of future justice and compensation. The *postulados* would always repeat the same answer: "I don't know exactly what happened but I might know who does among middle rank officials". At the beginning I was impressed and move with how the *postulados* would ask forgiveness for what they had done. Later, after 10 apologies, it didn´t seem to mean anything, at least to me. When this performance finished and each time the victim stood up, Lucia would collect and walk them along the stairs that lead to the theater floor. Some of them would need comfort, others would not need her company, but others would be quite affected by the situation and *postulados* words. In each case, *postulados* would request forgiveness in a half-hearted manner, assuming maximum responsibility for the atrocities but saying that they were forced by the state to act in that way. This situation was emotionally taxing for victims present and had, to a large extent, the potential to re-victimize them. During the three-day procedure there were several technical difficulties. Sometimes the sound wouldn't work and at other times the picture was unclear. Sometimes *postulados* did not listen to victims' questions or claims and would ask for the victim to repeat what she or he had just said. The judge often had to stop the hearing because the video had malfunctioned or because the ombudsman or attorney officers were not ready to answer her questions. There weren´t always lawyers available from the Ombudman´s office. Most of the time, the

Judge scolded victims because they had asked questions they were not supposed to have asked, or he would scold the audience because they were speaking. Sometimes when a victim asked a question in a vehement manner, the audience would clap. This angered the judge who also scolded functionaries because they were not sufficiently prepared. Strangely enough, the judge would scold everyone, except the *postulados* and their lawyers, who were always well prepared and ready for question and petitions.

The Justice and Peace group managed to install a kiosk for the Victims Territorial Unit in the theater´s main hall so victims could make inquiries about their situation and start the process of registration in the unified registration system if necessary. Much of the support we gave was responding to people´s inquiries and concerns about *La Unidad* and its institutional services, as many people had no real idea of what the institution was. We also gave instructions on where and how to access the information and correct procedures for entering into *La Unidad´s* records. Subsequently, much of our support consisted of taking a record of victim's requests for exemption from compulsory military service and for de-recruitment. Given the high number of applicants, and the difficulties victims had to face in this procedure, most of my support during the day focused on this. During the afternoon there was an informal meeting with public servants from the territory, where this situation was discussed. However, giving advice was the only thing we could actually do, because this issue was responsibility of the armed forces; however, as the people at the hearings knew we were from Bogota, they began to approach us in large numbers. People had many questions and problems, most of which none of us had an answer to or solution. Some situations were so complex that they were difficult for us to handle. This situation was one of the most difficult I had to face during my fieldwork. I never had any intention to

represent the state at any point in my life, but at this process I had no choice. I had

placed myself in a situation where I had to represent one of the institutions of which I

have never been a fan. I was there on an institutional affair and nobody was going to

allow me to be the exception, especially not in the company of my fellow colleagues,

who also had a responsibility to represent the state on this occasion. I was

uncomfortable wearing the vest, and the development of the process I has been

narrating explains why.[216]

As there is no Justice and Peace tribunal in the Cucuta city or other place at

Catatumbo region, victims were grateful to the prosecutor from Monteria (more than

241 miles away), who travelled occasionally to hear victims' testimonies, including

their cases for the Peace and Justice prosecution, while sidestepping official legal

procedures and jurisdictions. They told me that thanks to that prosecutor, they had

received some legal support. Here, and for that very reason, the work of cooperation

agents arriving from Bogota such as the IOM, CGZ, UNHCHR, MAPP-OEA was also

central to the minimization of victims' suffering and distress. International agency

cooperation brought food and drinks for the tree day session.[217] They were key agents

in watching out for victims' wellbeing during the three days. It is clear that it wouldn't

have been possible to carry out this procedure without these basic elements. The

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[216] I won't discuss here people's needs, but how in this particular scenario the state institutions were not useful at all. After nine years of Peace and Justice Law implementation they did not have a public defender. I represented for a couple of days this useless state, which only seemed to deliver pain, poverty, mediocrity and corruption. I just wanted to rip that vest off my chest.

[217] MAPP-OEA, the IOM and UNHCR would also play a key role in supporting the implementation of the Peace and Justice law process, particularly from the perspective of DDR, from 2005 onwards. After 9 years of implementing the Peace and Justice Law, judges began processes to prosecute paramilitary members, ruling for both material and symbolic reparations for victims. The trials have been long (between 7 and 10 years) and have demanded the mobilization of material and immaterial resources and technology in order to bring the perpetrator before the victims and the victims to the judicial arena. The work of MAPP-OEA was intense and vital in the paramilitary DDR process and production of reconciliation initiatives. It substituted the state in this region during those years, particularly in this matter.

victims were taken to the nearest hotel where very decent food was provided. These moments were quite important for the hearing participants as they had the opportunity the sit together, chat and share experiences. The international cooperation agencies also provided technical support (laptops, video beam, internet connection etc.), and followed the hearing while making notes and registering the process. They also served as observers and monitors of the event, representing the international community in this over-crowded stuffy theatre. They were worn by a handful of foreigners and well-educated people from Bogota, who represented some kind of guarantee that justice would be awarded. We were of course unworthy of the cooperation agents' greetings, as *La Unidad* was not a prestigious institution and amongst all the public institutions, was the less important one. However, the vest represented the nature of the event, but also its mobility (portability) and temporality.

In fact, the whole scenario was an institutional transplantation: the mobilization of an entire transitional jurisdiction. The jurisdiction was structured around a movable judge, movable functionaries and movable symbols of justice in a movable scenario. Functionaries from Bogotá arrived to Cucuta in order to perform a three-day judicial (state) procedure, which was not even recorded. It was, metaphorically and literally, a theatrical act. The discourse of this auditorium was fixed on past wrongdoings, on how paramilitary violence broke apart 300 life projects (in this particular concentrated hearing), but at the same time a sense of promise and hope was present in relation to justice in the future.

This transitional justice jurisdiction brought an exceptional if not fleeting spectral form of a post-war future justice. This was, however, a precarious future —a not-quite-yet one of the state where justice might some day be delivered, which

however stands upon the shoulders of longstanding war institutions. While transitional justice resorts to different temporalities: the past (such as historical memory production or justice for past wrongdoings), and the present (which is less clear and more open but is represented in terms of democracy building) and the future (a promise of justice and redress), it collides with other state humanitarian-like institutions, which incarnates other temporalities. For instance, the public Ombudsman office, as fundamentally a kind of nationwide human rights institution, aims at preventing human rights violations.[218] This institution was created in 1991 at the time when the new Colombian Constitution focused on anticipation and prevention, which is central to understanding the legal temporality of its institutional projection, as it has to prevent emergencies and critical situations. Thus, it resorts to the present in order to foresee wrongdoings, which of course do not cease to occur. However, it has neither the infrastructure nor the resources to offer a public defender for each of the concentrated audiences' participants. In this sense, while the concentrated hearing was a transitional institutional setup, the Ombudsman Office was an institution for managing internal conflict, unable to serve to democracy in the present, and justice in the near future. The temporality of transitional jurisdiction brings promises of the future while acknowledging past wrongdoing. These promises and acknowledgments,

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[218] The Ombudsman office aims to protect human rights and civil rights, as well as promote and exercise the dissemination of human rights, prevent violations, promote compliance with international humanitarian law, and give guidance and advice in the exercise of victim´s rights. The Division for the Guidance and Counseling of the Victims of the Internal Armed Conflict (Defensoría Delegada para la Orientación y Asesoría de las Víctimas del Conflicto Armado Interno) sets and adopts general policies and plans related to guidance, assistance and counseling for victims of the internal armed conflict in the framework of the functions conferred by law on care, assistance and reparation for victims. It also supports the design of instruments to help the Ombudsman exercise its function of monitoring and following the law of victims, in particular actions carried out by the Technical Secretary of the Commission on tracking and monitoring. The Ombudsman Office also develops processes and procedures to ensure comprehensive guidance for giving advice to victims of the internal armed conflict, formulating public policy recommendations that contribute to the realization of the rights of victims, determining programs and methodological strategies to facilitate the performance of the Ombudsman's office in relation to the care, support, and the counseling of victims of the internal armed conflict.

which in themselves imply temporal, territorial and moral practices, speak of the mobility and flexibility of legal moral projects that are designed to respond to certain social challenges. These legal moral projects are however inserted into a wider process of late liberal form of time-space-making (such as nation-territory divide), which end up damaging the already wrecked life projects of the people. What happens when a private experience suddenly becomes public –by the intervention, by the call by the touch and the state– and then, after released this experience in a uncanny setting –not totally ritualistic not totally legalistic– but, for not better word, bureaucratic –passing one by one– is left behind upon the stage, entering again in the silence of the state? Rather than justice, truth and redress what I was witnessing? How could this be interpreted? Both, Didier Fassin (2009) and Elizabeth Povinelli (2011) have helped me to understand this scenario as a paradigmatic form of late liberalist moral sentiments. Povinelli has argued that neoliberalism is not just merely a set of arrangements among markets, labor and state, nor is it merely an older form of laissez-faire capitalism. Neoliberalism did not merely wish to free the economy from the Keynesian regulatory state, it wished to free the truth games of capitalism from the market itself, a market that should be the general measure of all social activities and values (Povinelli 2011: 21). This conflation makes possible the emergence of a moral economy which is deployed by a set of sentiments that articulate our relationship with the other (the poor, the sufferer, the victim) and brings to the fore what Fassin identifies as the humanitarian reason that fosters new kinds of responses to the disfranchise people; a humanitarian government in which particular attention is focused on suffering and misfortune (Fassin 2012:7).[219] In this precarious judicial procedure, form and content

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[219] He has previously defined moral economy as: "the production, dissemination, circulation and use of

are blended in a government that assigns value to the massive and fleeting exposure of the victims bodies and testimonies, while letting them go empty-handed except for a promise for future. I was witnessing the moral sentiments of our time. A transnational narrative, a set of humanitarian practices and the governing of certain souls constitutes this neoliberal aesthetic of compassion. There wont be justice at all, there wont be reparation at all, there wont be truth at all, just a promise, an speculation.

If at the beginning this uncanny experience represented for me the overwhelming historical experience of Catatumbo violence in Colombia, very soon it became just a judicial procedure, one in which there was no space for solemnity.[220] Quite different to the cathartic aspect of the South Africa Truth and Reconciliation Commission, Peru or Yugoslavia (Castillejo 2009, Feldman 2003, Humphrey 2003, Messer 1993, Wilson 2001), this scenario unfolded more as a bureaucratic procedure (Arendt 1964). The judge would turn off the microphone for hours and would run the hearing without sound so there was not public hearing at all but the judge talking directly with the victims one by one at the stage, interchanging word with lawyers and asking questions to the *postulados*. Victims have to wait their turn. The procedure was long, disorganized and in some instances chaotic. It was clear there was no protocol or methodology for the procedure. The hearing proceeded as the judge believed it fit to do so. Some victims had to wait three, four hours or a day for their chance to go up to the stage. There was no "differential approach" in motion. You could see elderly people

emotions and values, norms and obligations in the social space: they characterize a particular historical moment and in some cases a specific group" (Fassin 2009b: 1257).

[220] The juridical field in Colombia is highly structured but also shockingly informal. By this I mean that practices in the tribunal are more a bureaucratic affair than symbolic or solemn acts in which the state imparts justice. This was one of the more striking things I faced while observing Colombian state institutions performativity. There is no concern whatsoever for the *form* (architecture, body language) and for the people. It is possible to observe this manifestation of weakness in everyday juridical practices and procedures. However, particularly in this scenario (compared to Nuremberg, Argentina, Israel, and South Africa) what was missing was a sense of solemnity. What was missing was a sort of formality, gravity or ceremonial proceedings.

waiting hours for their turn. The judge instructed the victims to recount how what had happened to them had affected their lives. However, they continuously asked the *postulados* why they had done what they had done, and where the remains of their loved ones were located. This process does, however, deliver the emergence of bureaucracy in a purest form. It was not the law in action, but flexible local and intre-international bureaucracies in action. Procedures that "by law" have to be done, which revealed the impossibility of a unified state, but the contradictions, the superposition of bureaucratic forces unable to deliver. Yet, it is in the face of a judge, a policeman, a functionary, and a cooperation agent willing to play the role of the state or the international community that institutionality appears. In this, at the same time chaotic, striking and sad scenario, the work of both the localized and de-territorialized international community was key in maintaining minimally decent conditions for the victims, providing adequate food and the locations to safeguard the victims (in a local hotel). This assured what I will call the "dignified approach". Yet, as I witnessed, it was critical to have a team of psychological supporters, as Lucia was unable to handle such an overwhelming scenario.

During the three day hearing session, the work of *La Unidad* was almost null, and other institutions such as the Ombudsman´s Office (responsible for providing victims' legal representation), was highly insignificant not to say inefficient, to the point that as stated before, victims reached this stage of the judicial process without a public defender. Thus, in the end, while the humanitarian procedures were more or less successful in delivering basic relief (food), which at the end defines its own moral project, the judiciary system, claiming a higher moral aim such as truth, justice and reparation, was truly embodying neoliberal moral practices.

The Gifts of Reparation

I arrived at Rionegro airport on Friday, April 11th, 2014, on what was the first trip with public officials in the territory, in order to accompany the delivery of a mediated satisfaction action to the community of San Francisco, made up of more than 23 villages (*veredas*). [221] The measure consisted of delivering books and refrigerators to the village schools, as a satisfaction measure established under the San Francisco (Antioquia) Collective Reparation Plan (PIRC). Upon our arrival at Rionegro airport, Gloria, a functionary form *La Unidad* picked us up with another official from the Territorial Unit responsible for the regions of Antioquia, Urabá and Choco. We traveled for almost three hours in a white pick-up truck rented by regional operators. Along the way, Gloria (a local *Unidad* public servant) informed us that while we would speak with community representatives, the local authorities would also hold a Territorial Committees on Transitional Justice (TCTJ) so we had to arrive before 10 AM in order for her to participate in both meetings. Gloria had prepared a meeting with community leaders and members of the committee in order to decide, along with community members, how refrigerators and books would be delivered. As it was a satisfaction action I was sent with the communication coordinator to "support the

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[221] As I explained in chapter 4, satisfaction actions are a component of the so-called "integral reparation" effort. These measures are actions of material and immaterial character directed at individual and collective victims in the context of the internal armed conflict, aimed at restoring the dignity of the victims and spreading the truth about what happened through the reconstruction of the facts and preservation of historical memory. These actions have as a main objective to provide well-being and contribute to the mitigation of victims´ pain. Much of the individual and collective damages are related to immaterial ones. The death of a relative, a community leader, the taking of a school, social and/or territorial control, the stigmatization of some or all of the inhabitants of a community or municipality, the effects of conflict on the patterns of life, etc. For this reason, the design and implementation of satisfaction actions and symbolic reparation responds to the identification of the damage (moral damage, damage to relationships, damage through alteration of the conditions of existence and damage to the life Project).

process". After two and a half hours of travel, we left the main road leading to Bogotá (from Medellin) and went along a winding route between mountains and valleys that took us through several small villages until we reached the peak of a hill where the small municipality of San Francisco was located. I visit Antioquia several times before I was working with FIP and after.
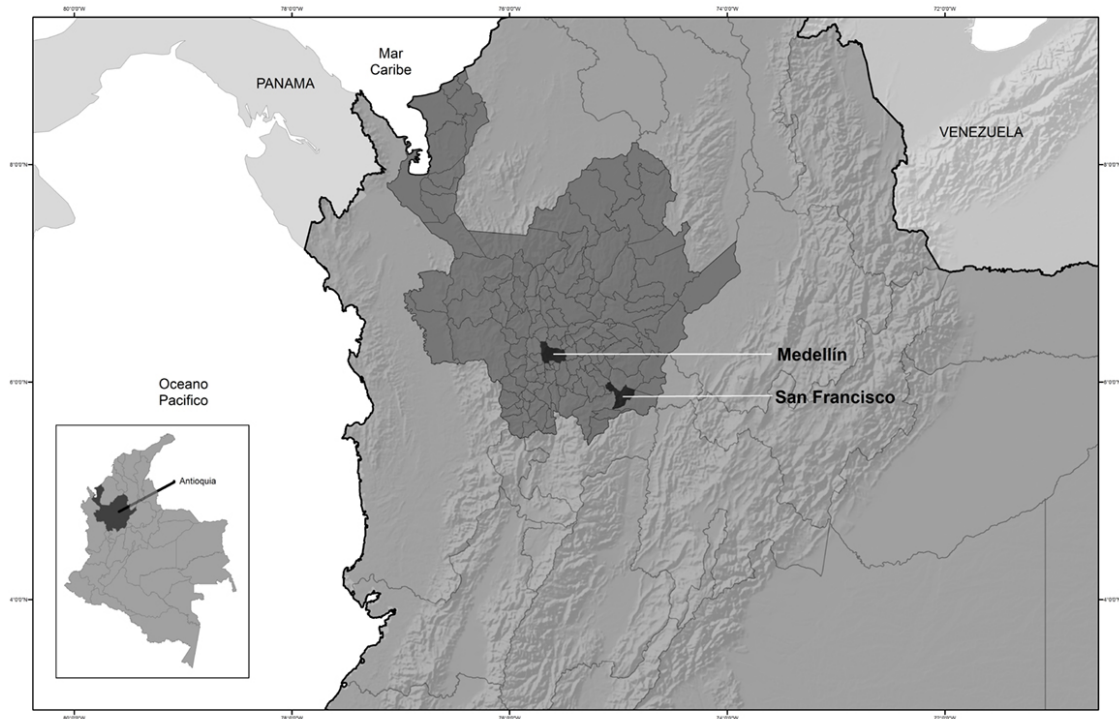
Eastern Antioquia Region – San Francisco (Map 4)

San Francisco is a municipality with 32 villages (Veredas), located in the Eastern sub-region of the Department of Antioquia (this region is called *Oriente Antioqueño – western Antioquia*). It is bordered on the north by the municipality of San Luis, on the east and south by the municipality of Sonsón, and on the west with the municipalities of Sonsón and Cocorná. Its seat is 96 kilometers from the city of Medellin, the capital of Antioquia. The municipality has an area of 373 square

kilometers[222]. San Francisco was one of the epicenters of subversive and paramilitary activity during the late nineties. Between 1998 and 2001 the municipality went from 14,000 to 2,800 inhabitants. The clashes between the army, the AUC, the ELN and the FARC unleashed fear and resulted in displacement. Today, San Francisco is one of the municipalities with the greatest quantity of landmines in Colombia.[223] Around 150 peasants have returned, but they live in the town of San Francisco, as the dangerous conditions in the territory make starting over difficult. In a report elaborated as a result of the creation of the CNRR in 2005, when describing the causes of violence in San Carlos, a nearby municipality of San Francisco, the GMH researchers underline the importance of understanding the socio-economic context of the region. In the report, "San Carlos: Memorias del Éxodo en la Guerra" ("*San Carlos: Memories of Exodus during the War*"):[224]

> Its proximity to the capital of Antioquia and its rich natural resources has facilitated the spread of various economic activities and urbanization. In turn, abundant water resources have led to a large influx of tourists, as well as the construction of large hydroelectric complexes. These mega-projects related to construction of the highway that links Medellin with the Colombian capital, are crucial to explaining the process of dispossession, displacement and violence in the region. (Report CNMH San Carlos: Memorias del Éxodo en la Guerra 2014).[225]

During trips to San Francisco, I asked Flora when the height of the violence occurred in this area, and she told me it was around the late nineties that this area

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[222] http://www.sanfrancisco-antioquia.gov.co/informacion_general.shtml

[223] http://www.verdadabierta.com/la-historia/337-el-lento-regreso-a-san-francisco-antioquiasemana

[224] The report documented the horrors of the "armed territorialization" through the despotic political control of the inhabitant's movements, activities in everyday life.

[225] As Lefebvre (2009) tells us, aggressive developmentalist forms of locational policy have emerged that target major urban and regional spaces for transnational capital investment. The work of bureaucracy is central to the production of state-space and spatial hierarchical power relations. These bureaucratic arrangements are deployed in order to implement and stabilize social and spatial classifications. "[…] the space that is thus created, which is meant to be both political and regulatory, proves to be both bureaucratizing and bureaucratized, i.e. administrated by "bureaus". It thus complements the primary form of the repetitive with a secondary form, whose repetitiveness originates in exchangeability/interchangeability. Last, but not least, this space –which is made repressive by the mere fact that it is hierarchized –imposes the reproductions of the relations of domination (which in turn completes the reproduction of the relation of production)".

suffered most with the FARC commander Karina. However, later the paramilitary

onslaught began to cause a permanent process of displacement. During these trips, the

pickup driver also told me stories about the highway in the times when the guerrilla

used to burn cars, trucks and buses, and kidnap random people travelling throughout

the region. He told me how, for many years, the only way to move around was within

zones authorized by the different armed groups. To travel during the night was

madness. I was impressed with these tales as, for the first time, I remembered that as a

child my parents took me, along with my siblings, on many of these roads to Medellin

and Santa Marta.[226] Massacres, kidnappings, combat, landmines, extortion, trafficking,

and selective disappearance were the structural configurations of such a "context" and

a fundamental element of the destruction of the social fabric. Paramilitaries, guerillas

and the army would dispute and share this strategic path to the Magdalena Valley. In a

chronicle, Marcela Gallego, coordinator of *La Unidad* at San Francisco, says that when

she was ending high school in the late 1980s, men from the ELN would arrive to the

municipal school and would perform a military parade and teach revolutionary

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[226] During those trips we were stopped by guerrilla squads and military units within a few kilometers distance of each other, as part of the normal landscape of our vacations. I was aware of this reality, as it was quite obvious, but I was never aware during those years of the dimensions of what years later I learned took place in those landscapes and regions. In 2013, the CNMH produced virtual tools with which it is possible to observe and explore the number of massacres that have occurred in Colombia since 1982. The creation of such a tool is quite useful for mapping the places and times in which these acts were perpetrated. It allows identifying, for instance, that the major massacres occurred along strategic corridors for the mobilization of troops, drugs and arms. Massacres were a key tool for displacing people in those strategic regions. But displacement of people was also key to economic development, such as along the highways from Bogota to Medellin, and to the Caribbean coast. Many of those massacres were articulated around ports and highways, and not as is often thought, in faraway abandoned territories. The highways were strategic zones for development and land prices speculation. Through this CNMH tool I became aware of the intensity of conflict during those years in which we went on vacation and later, and which took place behind the trees and mountains I used to watch through the window of my parents' car, like a cinematic experience. I used to vividly experience the landscape and enjoy the beautiful rivers, mountains and valleys, which to me represented the monumental nature of Colombian landscapes, as we were taught in school and as I was supposed to experience them.

doctrine[227] Yet, now there was a different feeling. Since the paramilitary demobilization in 2005, there has been a slow process of social and economic "stabilization" as she explains to me. There also are signs of the appearance and intervention of state institutions. The unending dusty bumpy 15 Kilometers that separated San Francisco from the highway during those years, are today a paved safe road to the municipality. As I was approaching San Francisco for the first time, and having spoken with Gloria, Marcela and the driver, I realized that these forms of generalized and spectacular violence (Goldstein 2010) had ostensibly ceased. While we travelled along the highway, I observed an impressive intervention in infrastructure and the complete reestablishment of transit and "security" across the main and secondary highways. I remember thinking that it might be what a "post-conflict scenario" would look like. As I noted above, the road from the highway to San Francisco had recently been paved until the main square, and commerce and mobility was widely established and functionaries and community members seem to recall the violence in the past tense. In fact, with the paramilitary demobilisation, families and survivors had begun to return to the municipality, but not to their farms and lands because they are dismantled and filled with landmines. Around 156 persons have returned to the rural areas. Although this is a low rate of people and families returning, compared to the size of the entire forcefully displaced population,[228] there has been copious state intervention through security and public social policy since 2008, which has changed the perception of generalized violence. When I had the chance to speak with community representatives, they also referred in the past tense to what had

[227] "San Francisco, testimonio del retorno en el Oriente Antioqueño". Noticias Oriente Antioqueño. https://noticiasorienteantioqueno.wordpress.com/2013/03/03/san-francisco-testimonio-del-retorno-en-el-oriente-antioqueno/#more-13910

[228] ibid. # In San Francisco, from about 12000 IDP, just 1000 have returned.

happened to them.[229] However, although the human rights violations occurred some time ago, the category of victims has only recently begun to shape people's lives; the concept of the victim as a new framework through which the state relates to this population. This was the emergent term of state treatment. This context however is not exceptional in Colombia, as violence comes and goes from time to time and from region to region. But such space opened as a result of the perils of war, and outlines a region, and a specific space for intervention of transitional justice mechanisms. Although violence continues, different mechanisms for redress, memory, and truth have been deployed and "non-repetition guaranties" seem to have taken form (such as security, productive projects and social services). As I will argue later, the "non-repetition guaranties", such as human rights, conflate with the developmental agenda (such as the dams) that brought the conflict to the fore in the first place.[230]

The measure to plan was part of the San Francisco PIRC, implemented with the support of the European Commission, the Antioquia Government and DPS. The books, didactic materials and refrigerators for 23 villages in San Francisco were a "Satisfaction Measure" defined by community representatives, as the schools became operational centers for the different armed groups during those times.[231] The

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[229] These "community members" represent the Community Action Boards of each of their villages (Veredas). So they are not just one community but various groups and organizations. A community member is the name given by *La Unidad.*

[230] Eastern Antioquia is not a unique post-conflict laboratory, a fact that is evident when we look at other cases such as Montes de Maria in Cesar, Bolivar and Magdalena and the Program de Desarrollo y Paz del Magdalena Medio (Peace and Development of the Mid-Magdalena Program).

[231] "Medida de reparación" is the name of those actions responding to the establishment or reestablishment of victims' rights in terms of the Colombian reparation policy and the UN principles on victims' reparation rights claims. Integral reparation consists of five dimensions: Restitution (land, housing, actives), rehabilitation (physical, psychological), compensation (monetary compensation), satisfaction (symbolic reparation, public acknowledgment, memorials, truth commissions) and non-repetition guaranties (personal security, social and civil rights reestablishment). When an institution executes an action in order to address one or various of these dimensions, it is called "reparation measure" UN General Assembly, Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations

refrigerators and the books were thought to respond to the suffering caused to children

during the armed occupation. As some community representatives told me: "the

schools would be assaulted by armed actors who destroyed books and materials until

many schools had to be closed". They were asked during the building of the PIRC

what would be the best way to deliver these objects in a way that responded to the

collective armed assault inflicted on them. As I discovered later, this was in itself a

narrative that gave sense to the process of "actions" delivery ("gifts" –gifts for which

there is no counter gift) to the community. In fact, it triggers a sort of victim's debt to

the state. As the very definition of satisfaction actions entails, these actions were

merely symbolic acts of acknowledgement, although in the end the given goods

involved a sort of transaction, which reintroduced hierarchical forms of governance.

The delivery of these actions is justified through the narrative of the PIRCs, which are

aimed at addressing specific forms of community harm inflicted by armed groups (these

damages are previously and rigorously defined at the VLRA). These are, however, no

less than precarious state-gifts (such as books and refrigerators), which many

communities doubt whether they should even receive, as they know all this is a state

attempt to pay a historical debt and deny future reclamations. As stated in the

introduction of this dissertation, humanitarian governmentality implies a remarkable

paradox, which constitutes the central puzzle of Fassin's critique:

> "On the one hand, the moral sentiments are focused mainly on the poorest, most
> unfortunate, most vulnerable individuals: the politics of compassion is a politics of
> inequality. On the other hand, the condition of possibility of moral sentiments is
> generally the recognition of others as fellows: the politics of compassion is a politics of
> solidarity. This tension between inequality and solidarity, between a relation of
> domination and a relation of assistance, is constitutive of all humanitarian
> governments (…) But it also explains the shame felt by the poor, the beneficiaries of
> aid, all those who receive these gifts that call for no counter gift, and accounts for the

of International Humanitarian Law: resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, available at: http://www.refworld.org/docid/4721cb942.html [accessed 15 May 2015]

resentment and even hostility sometimes expressed by the disadvantaged and the dominated toward those who think of themselves as their benefactors" (Fassin 2012:4).

As we started the session, my colleague from Bogota carried out the traditional process in which the community members introduce themselves and state what they most liked and disliked about community life. Again, I never understood how this question was important in "breaking the ice" as it just helped to put people in a weird and uncomfortable position. Yet, after this, some community members took the chance to say things indirectly to other community members; as some of them recalled they were tired of gossip or the lack of solidarity. As I recall, rather than generate a context of communal work and camaraderie, the situation usually resulted in being arduous and uncomfortable.

Similar to the Cucuta hearing, most of them had no clear idea why they were there and most of them arrived thinking they would get some information about their compensation or restitution process from the Bogota functionaries. However, what the functionaries had prepared was again a short workshop in order to guarantee community participation in these processes of delivery of the so-called satisfaction action. Thus, with the community representatives divided into various groups, they described in a more detailed fashion how the measures related to the harm inflicted and, in general, to what some of them had identified in the diagnoses. At the meeting they confirmed that the books were important for the whole community and the refrigerators were essential to preserve food for the children at school. However, the logistical discussion for when and how this would happen took up almost the entire meeting of more than two hours. They offered to help and participate in the events and to work alongside the schoolteachers to prepare for the process. As part of the measure, the community representatives asked for the presence of some sort of

governmental authority at the event where the measure would be delivered. I was there to guarantee that the measure would have the "satisfaction approach", although until then nobody knew exactly what that was. Interestingly, no one had explained to me during the seven months I had been involved with *La Unidad* as functionary what the "satisfaction approach" was. Before I left *La Unidad* they asked me to help to develop such an approach. During the session, when these objects would be delivered was defined, but the how would be in the hands of the territorial functionaries and the different village schoolteachers.

The implementation of the measure did not take more than one month, so very soon I returned, this time to *Los Positos* village (a San Francisco *vereda*).[232] I joined the territorial functionaries at a hostel next to a huge gas station on the Medellin –Bogota highway. They were happy as they had started to deliver the measure and they had a great sense of accomplishment as they had made a commitment. I could understand their happiness as I had experienced it in other places. However, these accomplishments were very rare. They described to me the contentment they felt as they saw the happiness on the faces of members of the community. The next day we had to go to *Los Positos,* two hours away from the entrance to San Francisco where we were staying. When traveling to *Los Positos,* I discovered how spread out the municipality was and the difficulty in getting from one side to the other. Basically, we had to take the main highway from Medellin to Bogota for about one hour and to take a dirt road for about one hour and a half. From this road you could see the area where

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[232] Here it is important to note that although the Antioquia Department (Medellin is the capital city) is one of the departments most affected by violence, it also has one of the most efficient public administrations. Antioquia is also the most industrialized department in Colombia and it is characterized by its urban and rural development. Yet, development, industrialization and entrepreneurship are paradoxically conflated with political violence, land dispossession and internal displacement. So, not surprisingly today the reparation policy is advancing in Antioquia thanks to the departmental political will and its traditional "efficiency".

the *Oriente Antioqueño* met with the Magdalena Valley, a strategic economic and military region. That day I saw different pick-up trucks going up and down the route. Different white pickups with sign boards with the names DPS, Antioquia Government, PAIMA and *La Unidad.* I asked Gloria about this and she told me that these institutions were carrying out different projects in the area. I asked what kind of projects and she told me that she did not know.

Previously, she had known people from the DPS, but now she was not sure who they were or what they were doing. We stopped in a small shop along the way and drank a bottle of water. Here functionaries from different institutions stopped before continuing their journeys through the area. When we arrived to *Los Positos,* functionaries from the DPS were leaving. We kindly said hello, but we did not know what their business was. Our business was the delivery of the measure so there were members of the impulse committee at the local school: the community board leader,[233] mothers of the students, four teachers and some elderly people. Various women were preparing the food. *La Unidad* used to pay for the food at these kinds of events and people from the community would cook it. As I realized later, the most important part of these meetings were the moments involving the food. From the beginning I found these events to be central for gathering the people together and for rebuilding a sense of community. As usual the members of the community were very generous and worried about whether or not we were comfortable. We had a short conversation with community representatives and they all agreed and insisted that the reparation program was working. As I learned later, they had also had a lot of problems with the community participation in these processes.

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[233] It is important to note that these local authority figures are the most threatened and victimized people as they are targeted by guerrilla, paramilitary and military forces.

Around 10:30 am, functionaries started delivering the books, teaching materials, and the refrigerator. The teachers lined up the pre-school, elementary and high school students. One of the teachers made the introduction explaining to the students and the other attendees the reason for the presence of *La Unidad* representatives and that this activity was part of San Francisco's Collective Reparation Plan (PIRC). Then the formal delivery of books and teaching materials took place with Gloria from *La Unidad.* She unpacked some books and didactic materials and showed them to the participants. She spoke and reiterated that these materials were part of the Reparation Plan. Later Don Jaime, the community representative, also emphasized that it was part of the reparation plan and pointed out that this was evidence that the local government was meeting its commitments. Later, a representative from the municipal administration spoke, thanking the local administration for this process. This constituted the most political part of the session.

Reparation Action at San Francisco (Photos by the author)

Later, another *Unidad* functionary spoke, who explained the characteristics of each measure ("gift") and the objective of delivering books and refrigerators. A student spoke thanking *La Unidad* for the materials. In order to *render this event symbolic* (as guarantee of the satisfaction approach see chapter 4), upon completion of the activity, high school students performed a reading activity and elementary students and preschoolers listened to the stories prepared by teachers. Along with the children we read a short story from Argentinean writer Mario Benedetti about the importance of memory. Gloria discussed with them the importance of remembering what had happened here in *Los Positos* in order for it not to happen again. At the end of these

activities other community leaders spoke inviting the community to support the process of collective reparation and other initiatives being undertaken by community members. One teacher spoke for the others and explained how they had developed a system for the care of the books and expressed their commitment to upholding it. Here, I realized they were referring to other initiatives undertaken by other national and departmental institutions. The participants were reminded that this was the first action of satisfaction, as agreed with the Promotion Committee, under the Plan for Collective Reparations for San Francisco, so *"it shows"* Don Jaime said, *"the state is complying"*. Later we gathered around a lounge area prepared by community women. The women were very happy with the refrigerator. They said that before it was very difficult to have fresh food for the children. They told me that after the refrigerators had been delivered they carried out an activity with the children involving making ice cream.

We left *Los Positos* around three in the afternoon. As we were returning, Gloria told me that I had saved the day. I asked her why? I really did nothing but witness the activity. She told me that my presence was central because not a single important functionary had shown up for the delivery of the measures in the other villages, so this time people were happy that I had come from Bogota to join them in the event. During our return, we were passed by another white pickup truck from UMATA. The community leaders arranged another meeting, taking advantage of the fact they had already gathered together for the *Unidad* activity. While the *Unidad* public servants (transitional justice jurisdiction) were leaving in a white pick-up truck another part of

the state was arriving. However, it seemed that the future had arrived to San Francisco in the form of books, refrigerators, pick-up trucks and paved roads.[234]

Conclusion

Legal discourse is central to the production of social meaning and practices. As I have argued in previous chapters, this legal discourse is framed according to policies implemented by institutions and bureaucracy, which is the material of which they are made. The phenomenology of bureaucracy consists of production, transition, and acquisition, but also of minds, bodies, and the environment in which such transmission occurs (Cohen 2010: 194). The transitional jurisdictions are those mobile state events, which arise from this emergent legal phenomenology that produces narratives, practices and beliefs, but also forms of movement, time and space. These jurisdictions are fundamentally mobile and scattered around the territorial space. Transitional justice and human rights are framed in the resolution of a broken time by acknowledging in the present past wrongdoings. This temporality is fundamental and very important for the production of a frame of understanding, a synoptic view of the state time. Yet ideas about the future, which are also central in this jurisdiction, lack concrete actions for transforming economic and political structures; structures, which might have caused the harm to begin with. What brings transitional justice to the fore is its perspective of the future, an open future filled with representations of justice and democracy, but empty of the critical and material tools for the production of forgiveness, actual redress and democracy.

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[234] In their important essay "Globalization and the Postcolonial States", Gupta and Sharma (2006) also explore the forms in which the state presents itself at local contexts by a sort of symbolic marker such as pickup trucks, surveillance and public offices in private houses.

The mobility of this transitional jurisdiction is manifested through localized interventions in time and space. Transitional jurisdictions are not then institutions but sets of ephemeral interventions, which bring the spectacle of justice to the field and redress with a gift. This is, however, an emergent form of governance in which the state is not represented as far away from the fortune and misfortunes of its individualized fellow citizens, but is represented as a local presence, regardless of the length of its stay. Justice delivery and gift giving are the fleeting but situated practices of the transitional justice jurisdiction. They bring people, state and non-state agents into a specific space in order to deliver other significations (vg. justice and redress). But these deliveries are embedded in precarious enforcements, and they present pity gifts as well as precarious prospects of justice. These actions constitute the aesthetic and moral sentiment of our time and the way we relate to humanitarianism and justice (Fassin 2012). Public servants spend their days and lives trying to fulfill PIRC goals, or organizing an audience to mobilize legal process without account for the their every day performances which not only brings disappointment and despair, but also reinforces violence and inequality.

Nevertheless, this idea of transitional justice has gained important ground in Colombian legal and political culture. It has framed the discussion and the interpretation of conflict. It has created experimental humanitarian and transitional institutions, and as a consequence it is building its own jurisdictions, its own forms of intervention. The analysis of the transitional jurisdiction shows that if ideologically, transitional justice portrays itself as a discussion on the future; its performance consists of localized, ephemeral and superficial interventions. Yet, it is possible to grasp in these social projects, specters of the future. The concept of transitional jurisdiction is useful

here in viewing ethnographically the manifestation of law in the social realm without resorting to the schemes of global legal orders versus local or vernacular manifestation of legal realities (Goodale and Merry 2007). Michel-Rolph Trouillot (2003) has argued that boundaries, both internal and external (of territories and jurisdictions), remain a fundamental component of state production as "national states produce countries and countries remain fundamentally spatial" (Trouillot 2003:94). However, a contemporary process of respatialization of state functions and effects, continues Trouillot, occurs in a context already marked by the differential respatialization of markets (Trouillot 2003:95) and the constant transformation of economic, political and legal jurisdictions (Valverde 2009). As he states, this process produces tension and contradictions between state powers, other state-like institutions, and the citizens and organized communities that interact with them. This dynamic and constant process of respatialization, such as the ones being made through social and transitional justice polices, is possible thanks to the continuous production of expert knowledge in order to manage, control and render spaces and territories visible –such as those of Catatumbo and San Francisco. As Maria Valverde and Ana L. Tsing (2012) have clearly stated, drawing on critical studies of space and genealogies of modern power/knowledge, "modernization" consists in part of imposing a certain scale of existing ways of governing territories and populations (Valverde 2009: 142). Critical studies have also developed a set of tools for analyzing fixed notions of space, culture and identity (Gupta and Ferguson 2001, Marcus and Fisher 1996), emphasizing the complex and sometimes ironic process through which cultural forms are imposed, invented, reworked and transformed (Gupta and Ferguson 2001:5). This critique has called attention not just to the historical and social configuration of culture and

identities, but also to the historical configuration of scales, space, and their interrelation.

Recent scholarly work on space, law and governance, and neoliberalism has advanced in this analysis of law, which although configures a more plural conception of the legal order and its interrelation, remains tied to a cartographical conception of space and territory. It also preserves the local, national and global scale intact without acknowledging, as we explored before, the historical and cultural dimension of its formation (Gupta and Ferguson 2001). Humanitarianism is part of a struggle to govern and manage the territory amidst other overwhelming forces, such as markets or violence. Particularly, as explored in this the humanitarian bureaucracy unleashes an emergent form of jurisdiction, with its own temporality and form of intervention, and within the messiness of the capitalistic space scales (e.g. nation-territory divide).

Chapter 7

Towards an Ethnography of the Possible and Democratic Imagination[235]

In this chapter I present a critical argument in response to the implicit temporality in the model of transitional justice, using democracy as a methodological and analytical tool. By decentralizing the place of memory from the spaces of war and pain, it becomes possible to interpret those facts that will highlight the democratizing nature of local struggles for rights exerted by groups, persons, organizations, and some state democratic institutions. By means of this exercise, I re-conceptualize ideas of the past, present, and future within transitional justice. This chapter is conceived more as a provocation in order to reflect upon human rights and transitional justice, rather than a specific analysis of the *problematiques* studied above, however it is supported by the fieldwork research.

In this chapter, I suggest that this history should highlight Colombia's organizational processes, its historical achievements, and its failures, doing so as a historical constitution not just as an institutional and official democratic history. This model of memory allows us to discover, in a new light, scenarios such as the regional round tables for peace; communities for peace, social and non-governmental organizations that focus on peace-building such as REDEPAZ and the Permanent People's Congress; as well as the alternative direct democracy regional forums. I suggest that this is the same space for democratic experimentation that is nourished by moments of hope from the past and the present, not with the devastating weight of the

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[235] This chapter was originally prepared for a seminar on Ethnography and Democracy at Princeton University –spring 2013. It has been reworked and revised and enriched by fieldwork. It was also discussed at the Social Science Doctorate seminar at Javeriana University on March 2015.

past and its failures and its history, but with the disseminating power of a philosophy

of the future and of possibility. Here, I take into account the collective reparation

process led by REDEPAZ and the Permanent People's Congress organization, in order

to explore the problem of imagination and the future outside and within humanitarian

governmentality. This chapter traces a theoretical account of the subaltern process

involved in the promotion and interpretation of law and policy-making, problematizing

the future as an object of experimentation and social imagination. Finally, I discuss

social organizations critique of social policy and democracy in Colombia.

After 60 years of violence and 52 years of the involvement of the FARC

guerrilla, conflict is not just part of Colombian daily life, but of the individual and

collective memory of the last few generations. With the preeminence of the conflict,

debates about democratic aperture and transformation of the political system, as well

as about the balance between justice, truth and reconciliation, form a central part of

public debate and opinion. Nevertheless, contrary to the transitional paradigm that a

dictatorship or civil war is a pre-condition for the transition to democracy, Colombia is

more or less recognized internally by the majority of its citizens as a democracy, as

well as by the international community. This fact has not hidden the very peculiar

characteristics of Colombian democracy, which upon closer study show its profoundly

anti-democratic nature. An example of this can be seen in the labor regimes and/or

health and education services, as well as corporative regimes that regulate the market

and property in Colombia. However, it is important to investigate why these

institutions are recognized and legitimized this way by their citizens and the

international community. In order to understand this phenomenon, I want to explore

the relationship between construction and legitimization of the violent past based on

memories of war, institutions and the political parties. There are many of these memories in Colombia and they abound in the media, and in popular culture, which have become historical memory by means of the public institutions created for that purpose, and the public policies disseminated in an effort to reach a transitional process, and more democratic space. In this chapter I attempt to present a critical argument in response to the implicit temporality in transitional justice, using democracy as a methodological and analytical tool. With this, I seek the construction of a democratic memory, which highlights the historical configuration of the struggle for a local interpretation of democracy. An interpretation, which has made peace and war a type of state knowledge and a form of intervention in society.

By decentralizing the place of memory from the spaces of war and pain, it becomes possible to interpret those facts that will highlight the democratizing nature of local struggles for rights, exerted by groups, persons, organizations and democratic institutions. By means of this exercise, I re-conceptualize ideas of the past, present and future within transitional justice. In this way, I seek, drawing on Walter Benjamin and Eric Wolf, to restore the value of the future within the study of history and through a re-reading of the past. This history will be written then from a broad perspective because the atrocities are quite notable and I would like to reveal the hidden aspects. Although memory is good and necessary I don´t wish to become a compulsive archivist (Ricoeur 2011), but rather I wish to discuss the problems inherent in the future and the conditions for its possibility. I will do this by means of what Miyasaki (2006), following Ernst Bloch (1986) and Walter Benjamin (1985), calls the *not-yet*. This is a space in which one can conceive of what has not happened yet, and a space for self-determination of the human being (inasmuch as this allows us to suspend the idea of

fate and of tragic fate which has wormed its way into the collective imagination of Colombians). By proposing, along with Joyce, Dewey, Benjamin and Bloch the problem of hope as method, Miyazaki analyzes hope and the "not-yet" as ethnographic objects in their own right. He also seeks to make hope (a type of knowledge found among members of the Fiji people in the 90s) a methodological problem that aims to reorient philosophy toward the future, which in itself, implies confronting the retrospective nature of traditional philosophy's contemplative knowledge.

Specifically, in this chapter I am interested in discussing the role of this dominant form of philosophy in the studies of social, collective, institutional, official, and/or historical memory. I would also like to introduce the problem of "future" within memory, not only as a horizon of possibility, but as a form of moral reconstruction of the past in late modernity. As Miyazaki (2006) suggests, it is a way of restoring the power of agency and temporality in anthropology and politics. However, if Miyazaki wanted to construct an analytical structure in order to approach concrete moments of hope that he found through different domains of knowledge in Suvavou (based on archive research carried out by people in Fiji, religious speeches, circulation of presents for business), my interest lies in exploring the places of democratic memory in Colombia, as moments of hope in the midst of democratic experimentation. I suggest that this history should highlight Colombia's organizational processes, its historical achievements and its failures, as a central aspect of Colombia´s history. This model of memory allows us to discover, under a new light, scenarios such as the "regional round tables for peace", "communities for peace", or the social and non-governmental organizations that focus on peace-building such as: REDEPAZ (as well as many others in the humanitarian context), the Permanent People's Congress, alternative regional

forums and many other experiences from the context of the peace dialogues between the FARC guerilla forces and the government, as a space for social deliberation on an eventual end to the conflict. I suggest that this is the same space for democratic experimentation that is nourished by moments of hope from the past and the present, not with the devastating weight of the past and its failures and its history, but with the disseminating power of a philosophy of the future and of possibility. Here I specifically discuss the value of democratic experimentation as social and creative capital.

This does not suggest that the past should be forgotten or ignored. It suggests acknowledging it and remembering it in another way. It is necessary that this past be restored to society in its central position in historical configuration, and in the struggle for democracy. It needs to recognize the heroic place of society as a whole and not the state with respect to the history of its formation that can, by consensus, be seen as anti-democratic, vertical and violent (Jimeno 2003). In sum, it needs to restore hope to generations of Colombians who have struggled to live with more egalitarian forms of organization and democracy.

Democratic Memory as a New History

Here I propose to turn to the concept of democratic memory, which emerged in the context of the transition toward democracy in Catalonia, Spain, after the Franco dictatorship (Guixé and Inesta 2009, Antequera 2012). The struggle for democracy in Spain following the dictatorship played the role of reassigning the weight of the memory of the Franco regime. It served as an analytical pattern for redefining the glorious past of the dictatorship. In this case, democracy intersects the public policy of memory, as a form of construction of the past, which takes into account other non-

institutional democratic practices. For example, those who conceived of the Democratic Memorial in Barcelona, that commemorates the struggle for democracy, the civil war, the post-war and repression (Vinyes 2004), suggest that the basis for public policies in memory is the "transmission of democracy" consisting of the ethical values and practices of resistance of the Basque population (Guixé and Inesta, in Martinez (2012:34).

Likewise, the armed conflict in Colombia and the memories of violence in Colombia can be redefined in the light of a history of the struggles for democracy and the opening of democratic arenas during different historical periods. For example, several anthropologists and historians have shown the various strategies of government, self-government and economic trade, which existed before and parallel to conquest and colonization (Espinosa 2007). They have also shown how entrance into the capitalist system broke down many of the trade and government systems, as well as those of patronage and clientelism, and promoted other organizational patterns (Arocha 1979, 1998; Taussig 1980). In the same way, various forms of organizations reemerged in the structure of trade associations and attempts at rural government during the 19th and 20th centuries. These forms predominated and still predominate today in the midst of the conflict in rural areas, such as the so-calked "peace communities (Sanford 2004, Aparicio 2012) or the peasant communities' reserves, as well as in Indigenous councils and the co-opting or restrictions placed on Afro-descendant groups, in many cases, by legal and illegal armed groups. In this way, it is possible to understand the history of community action boards, neighborhood associations, chiefdoms, constituencies for peace, Indigenous self-government, and communities for peace and collective territories, as political forms of organization and

a search for democracy in Colombia. This particular conception of history contrasts with the "hegemonic" or "official" history, and also with historic memory, and the archival memory of violence instilled by transitional models that emerged after post WWII.

Andreas Huyseen (2003) has defined this period as postmodern and neoliberal, wherein memory has been imposed as a horizon of reason. This period is not only characterized by a radical nostalgia about the past, but also by how it seeks to recapture and relive the scenes, objects and documents of the past. This nostalgia about the past leads to its mercantilization and consumption in the form of profitable objects such as museums, memorials, films, books, and commemorations. These all make up part of that presence and permanent search for the past in the present. In the same way, the globalization of human rights and with it the emergence of transitional justice brings restitution of the past, bringing to light its horror and catastrophe. This act is necessary within a doctrine, which with good cause, believes in the need to make the violent past visible, creating an ethical obligation to acknowledge it, so as not to repeat it. Yet it lacks the development of a clear conception with respect to the place that the future and democracy occupies within it. It does deal with the past as we have described, and with the present understood as a transition, a present in motion which, nonetheless, loses sight of a democratic future as a project and a model. It is in this sphere that Miyasaki (2006) holds relevance and can shed some light on the place of the future within transitional justice and the problem of peace in Colombia, as well as ethnography in this context. For now, I would like to emphasize the idea that just as hope and the *not-yet* can become a method within the framework of a new philosophy, as well as a historical reading of the violent past, so can it take advantage of the *not-yet*

as a way of reading the past, restoring thus the value of hope and struggles for democracy in different periods and historical moments in Colombia. Along these lines, the present and the democratic future can be redefined.

Peace as *Not-Yet*

In August 2012, the fourth attempt in the last 20 years to reach a negotiated peace with the FARC guerrilla forces was initiated in Habana, Cuba. Given the failure of previous attempts at dialogue (1982-84; 1994; 2000-02 see chapter 2) in Colombian territory, a foreign country was chosen that would provide guarantees to the FARC guerrillas, as well as to the government. With the intermediation of Cuba and Norway and the presence of Venezuela and Chile as guarantors, this experiment, aimed at bringing an end to the conflict, has been in process for 4 years. Sixty years of conflict and the failure of many negotiations has led society as a whole to be skeptical of a new attempt, to the point that intellectuals, politicians and even the current president have made fervent appeals to society to try to imagine a Colombia in peace. Although the idea of peace is a concept that has crossed our minds since childhood, and has become a basic political goal to the extent that it is written into the Political Constitution as a right, peace still seems a strange and distant idea in a society that is characterized by violence. It is not an easy task to imagine the country without violence, since it has been a fundamental part of the Colombian national identity (Villaveces 2003; Palacios 1998). Peace at this time and place, is a moment that is *not -yet*. Thus, the ethnographic approach in the study of this *not-yet*, is a place for the use of hope as method (Miyazaki 2006). It is undeniable that the majority of Colombians maintain the hope of "reaching" peace and of being able to experience it during their lifetime. This

potentiality not only becomes fruitful for the anthropologist as an object of study, but also for a generation that has begun to imagine a new a society in peace. This place of democratic imagination can be studied, for example in REDEPAZ and the "Permanent People's Congress".

This movement that understands the attainment of peace as the flowering of different organizational processes is today the place for the exercise of new democratic forms in Colombia. As the philosopher Laura Quintana has described:

> "What I aim to underscore finally is that the work of political experimentation that is happening today in organizations, such as the People's Congress, allows us not merely to insist that social movements participate in the negotiation process and be taken into account in institutional projects for peace building, but that those experiences are already producing reconfigurations of political and social structures. They are already weaving new forms of local relations. They are already showing the possibility for communities to identify and work on their problems in order to have an effect on institutional programs at the base. Above all, they are already generating an alternative institutionality, based on popular participation that requires us to rethink mechanisms of representation, forms of self-government and self-management that we understand as democracy".

In a way similar to the ethnographers/activists in Occupy Wall Street, Occupy Slovenia and Indignados in Spain, the Permanent People's Congress, and REDEPAZ offer a radical critique of democracy. As shown by Razsa and Kurnik (2012), these movements push democratic awareness and subjectivities to the limit. They shift the margins of formal and normative democracy. By means of ethnography, and the practice and transformation of "direct democracy", these authors point out the emergence of alternative political organizations, forms of self-government and the displacement of economic principles espoused by liberal visions of democracy. Likewise, in this context, ethnography serves at the same time as a type of documentation and reflexive matrix for decision-making and experimentation. These models of organization and ethnography, comparable to other movements, such as that of the *solidarios* and the Colombian indigenous movement in the 1970s, reveal the

existence of a militant ethnography aimed at the study of collective action and social

transformation of conflict (Caviedes 2013). Although this militant ethnography is not

new, acknowledgement of political creativity as an ethnographic source and as a

method helps to move ethnography from the periphery of post-colonial and liberal

democracies (an ethnography interested in the study of citizenship, agency,

empowerment and non-critical democratization of democracy) toward an experimental

ethnography of democracy, unfinished and intuitive. This is necessary in order to shift

away from a raison d'étre (Foucault 1995) as a legitimate form of ethnographic

research and re-conceptualization of politics. This ethnography of the possible can go

further still. By stabilizing and comparing political organization models rooted in

specific historical relations and processes, this ethnography contributes to a reflexive

process of socio-political experimentation. The study of democratic media, central to

anthropology, speculates on utopic democratic formations; what Razsa and Kurnik

(2012) call an anti-essentialist and anti-sovereign (or even better, anti-sovereignty)

democratic imagination. As Quintana (2013) states in recent debates about the current

peace process, it is possible to distinguish between a reductive position for which the

purpose of negotiation is disarmament of guerrillas and their insertion into democratic

institutionality (a process reduced to "demobilization" and a cessation of armed

conflict), and a broader vision that assumes that the process must include and bring

with it structural reforms of society that will remedy the enormous problems of

economic and political inequity in the country. In the first case the conflict is

understood as a war between the legitimate state and a criminal organization, and

peace as the neutralization of all types of violence that lie outside the "legitimate"

violence of the state and that threaten the security and productivity of the social

system. In the second case, on the other hand, conflict is acknowledged as a response to a diversity of direct and structural forms of violence that arise from the inability of the state to guarantee political, civil and social rights. This is exactly where the work of ethnographic inflexion lies.

Nonetheless, we can provisionally state that the search for peace and democracy, in Colombia, as in Wall Street and Eastern Europe, is not trapped inside the ideological mobilization that hides and visualizes the potentialities of democracy, but on the contrary, normalizes it as a prosthetic practice or one exercised by others (representative democracy). Much intellectual, moral and political work is invested in struggles against the restriction exercised by current forms of accumulation that produce and stock physical and symbolic material in the hands of the owners of political power and the interests they represent (Laclau and Mouffe 1985). However, in this context democratic imagination challenges the conditions of possibility of a system of accumulation of wealth, and its appropriation of the meaning of democracy. Here it is worth mentioning that recourse to the past as the history of democratic mobilization, where the micro-physics of democracy are highlighted, can likewise serve this purpose.

The Future as an Ethnographic Problem: Contributions to Transitional Justice
The People's Congress and Democratic Experimentation

By looking again at the People's Congress as an example of social initiatives in democratic experimentation, I do so randomly without believing that this is the only stage for collective and participative decision-making. On the contrary, I believe that this is just one more stage among innumerable initiatives that are taking place today

outside the channels and institutions that we traditionally consider to be representative of democratic agencies in society. The reason I choose this case is because of its visibility in the Colombian context and because it's a nationwide platform seeking to coordinate a broad group of social organizations and political manifestations with disperse origins that join together youth, students, peasants, Afro and indigenous populations, women's organizations and victims, as well as different types of rural and urban associations throughout the country.

The People's Congress presents itself as "a process that is social and popular in nature, that appeals to all the dynamics and processes that correspond to the groups, sectors and regions that are willing to undertake a common legislative construction to "mandate" [*mandatar*] the future and the present of our country with a Latin American and world perspective".[236] Thus defined, this general description does not allow one to perceive the complex procedures, methodologies and tools that serve for the development of the people's congress organizational structure and decision-making within the Congress.

At the Agrarian, Peasant, Ethnic and Popular Summit held between the 15th and 17th of March in Bogota, which gathered more than 10,000 people according to its organizers, discussions were held at 17 round tables on the following topics: territories, land and environment, the economy, mining and energy, cocaine, marijuana and poppy flower crops, social rights, political rights, guarantees of justice, the relationship between city and countryside, peace, justice, and political solutions. During the three days, participants gathered in the Artisans Plaza in Bogota in order to "mandate" on these various topics. During the round table discussions that took

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[236] *Mandatar* means to legislate, or to mandate, and is not used often in Spanish.

place the first two days, the participants (coming from different organizations and regions of the country) discussed the topics assigned to each of these tables, and on the third day the assembly gathered to "mandate" their conclusions. At the table on political participation, which I attended in order to understand these practices in collective participation and decision-making, along with the contents and conceptions of political participation in the face of the current situation, I could discern the various levels of participation and how these extend to multiple activities and actions that go beyond the space of the debate and consensus building itself.

In general, the discussion tables debated the themes that had been previously established. In the tent we occupied, there were more than 200 people, as there also were in the other nine large tents installed for the purpose. There were two or three moderators per table depending on the number of people and the hour, whose job it was to moderate and provide at times technical and political guidelines for the discussion. These moderators placed themselves at the side of the tent, were accompanied by two or three recorders, and summarized the ideas of the participants who had to be duly identified as delegates for their organizations. A microphone was places toward the center of the tent and was used by all of those present. The moderators had another microphone to organize participation and explain the methodology. There was a time limit on participation that varied according to the stage in the discussion. Times tended to become more limited as the time approached for the need to reach consensus on the reports that the recorders had to periodically hand in.

Discussions about the scope, interpretation and precision of the records were often prolonged since it is the records that finally articulate the consensus, the

agreements, mandates and the minutes of the session. It is precisely in the discussion

of the minutes where you can appreciate the lack of consensus and the level of debate.

This process is long and exhausting and it takes time to eliminate repeated points, but

also to include the ideas of all those present. Although it is not my principal interest to

explore the scope and content of the proposals for political participation made there

(which from my perspective were usually within the limits of liberal democracy and

within the limits of the conception of traditional state-like organization), but rather the

mechanisms and practices of collective decision-making, these discussions revealed a

struggle for a sense of political participation, for the decentralization of sovereignty

and a form of democratic imagination. For example, from the perspective of

participating peoples and organizations, political participation passes through

structural changes in the way constituent power, sovereignty and justice are conceived.

The Summit as conceived by its participants is a transitory part of the constituent

process, made up of the indigenous Minga, the People's Congress, territorial people's

councils, constituent processes for peace and social justice, as well as mechanisms for

direct participation and autonomy exercised by both rural and urban groups which

clamor to be acknowledged. For them, the political and social agreements built within

these contexts have to contribute to peace and must culminate in a constituent process.

From the perspective of this platform, all of the phases are part of a long process that

seeks to reach the materialization of a new constituent pact,[237] which includes their

perspective of the future.

However, coordination is not easy and suffers from the social and political

concerns of the moment. In the context of the political participation table at the

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[237]   http://congresodelospueblos.org/index.php/pueblo-en-lucha/cumbre-agraria/481-declaracion-politica-cumbre-agraria-campesina-etnica-y-popular-sembrando-dignidad-labrando-esperanza-y-cosechando-pais

Summit, the concerns of the delegates or speakers are very extensive and they seek

spaces for participation and democratization in many spheres. During the session I

had the opportunity to attend, there was much discussion about the need for

participation and representation of the Afro-Colombian community. The topics

discussed were manifold and appeared endless. To mention just a few: the

democratization of the public budget, the need to generate a model of social security

for indigenous peoples, peasant groups participation; the need to develop an urgent

constituent process, the importance of including programs for historical memory in

primary and secondary education, academia´s role and participation in the countryside,

ex-combatants reincorporation in post-conflict, the existence of a public policy for

communication to mitigate the power of private conglomerates; schools in

participation, the insurance of political rights of Afro organizations, as well as respect

for Auto 005 of the Constitutional Court. They also discussed indigenous peoples

ability to speak their own language and how others can learn it; how law 1257, 2008

might be observed; integral reparation for the consequences of expulsion from one's

land; access to the communication media; participation in the construction of Free

Trade Agreements legal frameworks; the right to prior consultation; equity in the

development of industrial zones and peasant reserve zones; the right to conscientious

objection; decriminalization of social protest ; that access to justice be guaranteed; that

the teaching of human rights and historical memory be institutionalized from the point

of view of the victims; that political participation and the right to form opposition be

guaranteed; that these guarantees be assumed for the exercise of political rights; that

there be participation in a reform of the basic structure of the Law of victims and

Restitution of Property; that it be developed radically from the differential approach in

public policy; mechanisms for social licensing be propitiated, and a model of accountability be developed etc. As soon as When they began to notice the long list of demands made by the delegates or speakers, delegates would assert: "Remember comrade that this is not a list of demands, but a program for government". At this time several delegates raised their hands to offer suggestions for methodological motions. The session was delayed and the moderator approached the recorders' table. Several minutes went by and a new comment by students posed an objection to the recorder and the methodology used, since according to them the recorder was not including the table's central ideas. It was stated that there were several members in dissent and that it was important to vote on the proposals in order to advance and finally to resolve only those points on which agreement had not been reached. Then the floor was given to some of the participants in order to strengthen the proposals. Another member asked how they could guarantee that proposals would reach the base organizations. Another replied that the plenary sessions were for that purpose since their discussions were broader. Another individual recalled that it was necessary to develop long term plans (planes de vida) so that everything discussed would not remain simply words on paper. And again another asserted "these are not demands, nor a bargaining list…these are proposals for a mandate summit". That said, the round of ideas was initiated again and recorders collected elements that seemed to have been left out of the original record. Afterwards I attended a discussion on mining in a different tent. Here no agreement was reached at all, at least in the session I attended.

But this is not the only place where debate and collective decision-making takes place. The summit like all events organized by the Congress and the other organizations requires group work. Thus, there are committees organizing the event

in terms of food, safety, registration and logistics. Just as the delegates of the various organizations that make up the Congress participate at the tables, other members give logistical support. However, this is not a given, but is coordinated with the basic or root processes exercised by the organizations themselves that are formed autonomously and are part of the individual work needed for collective achievements. Surely, the methods and processes for all the organizations and member groups vary and are manyfold, given the multiple forms of collective decision-making, but for the purposes of discussion in this article, it is nonetheless worth mentioning a few.

Inquiring into the forms of political participation and methodologies of collective decision-making, I took part in several meetings of an urban youth group that follows up on urban violence and the criminalization of youth in marginal localities in the city of Bogota. These young people have organized themselves as a type of youth observatory that works in marginal neighborhoods, highlighting issues of safety and urban violence for inhabitants. Even though this group has its own agenda, it actively belongs to the People's Congress, although the Congress does not necessarily have any influence over their organizational objectives and plans. With the idea that conversing with them would allow me to approach the Congress, or be invited to a Congress event I began to attend their meetings and to inquire in the first sessions about when a Congress plenary meeting would take place. However, by participating in their meeting I began to realize that they had their own decision-making practices and that these practices were exercised with rigorous discipline. They also had their own methods and mechanisms for participation.

Since the group had several young members (no more than 10), each carrying out their own social work in different areas (some are students, others work in the

district administration agencies, others in the area's cultural house and others in agencies of the national government), a good part of the sessions consisted of reporting how their work was progressing in their areas and another consisted of discussing the actions and tasks previously agreed upon in order to achieve the observatory's objectives. It was not difficult for me to see that each session followed an order organized around an agenda, which focused on the observatory and the basis for their community work. Also, as active members of the Congress, part of their work and actions was related to the organizational processes and collective decision-making associated with the Congress. In all of these meetings there was a recorder present who sent the minutes a few days after the meeting. All the members of the group participated, whether to give an opinion on the day's agenda or to make collective decisions. At times when the organizational work of the Congress required many activities to be carried out in the city and outside of it simultaneously, the observatory session consisted of a process of socialization of the agreements reached with other groups and organizations belonging to the Congress in different regions of the country by observatory members that could participate and travel. In this way all the members of the observatory, who due to their work or academic activities could not attend, were informed about what happened in the Congress and about the collective decisions that were made with respect to the decisions the observatory wanted to communicate or socialize in other meetings with other groups and organizations. This allowed me to see that the Congress was not only what I had initially described (agreements reached in sessions and plenary tables where a constituency meets), but also decision-making throughout a network that sustained an organizational process beyond the congressional platform. It was through this socialization activity, carried out in many

other places, that a decision was made, for example, to hold a Summit or an agrarian strike. In this way, group decision-making was able to reach the regional assemblies and then the national ones where local group decisions fused to build a platform that went beyond the summits and national assemblies and fed back into an extensive and complex networks of groups and collectivities that made decisions. These were part of an activity that formed part of their daily lives.

The multiple levels of collective action superficially described herein indicate the existence of processes and practices incorporated by different individuals and organizations. These processes and practices contain a historicity that merits study. The actions of the Congress described here show how it claims for itself the processes of legislative construction that picks up the needs of the people and develops collective decisions based on mandates from organizations of various types: popular, peasant, ethnic, urban and rural. It can be seen how an alternative type of politics and an alternative representational design claims sovereignty over legislation in *mingas* and *cabildos.* Likewise, it points to a procedure, and a methodology that includes the legislative environment as a strategy or instrument to materialize mandates and social transformation, partially emulating the traditional state. However, these are mandates by organizations that differ from the legislative interests intrinsic to the relationship between state and capital. These mandates conceived of as an alternative to indirect democracy are reached through consensus, built through a long process of concertation and discussion where local practices, methods and strategies for the creation of collective agreements can be observed from the bottom up.

This interpretation does not seek to idealize these local and popular processes. They are imperfect and lack broader reflexive processes by external agents and their

own participants. They are indeed rooted in broader historical processes, which this article attempts to propitiate as an object of study. However, the force of collective power perceived in these events should not be seen only as a romantic image of what collective decisions can be. To the contrary, they are manifestations that pursue an idea of democracy amidst very adverse conditions, and seek to channel popular decisions outside of institutionalized democratic channels.[238] The following case better illustrates the perspective of the future for this constituent project, which is being prepared for an eventual future of post-conflict.

These processes are not so radical because they replicate institutional models of democracy; however, they project social and structural demands based on alternative organizational structures perusing a collective democratic project. Displacement of sovereignty here indicates that the origin of those mandates is not located within the representational sphere, but in experiences and practices of "direct democracy".

Peace Initiatives, Democracy and Citizenship Building

The National Network of Initiatives for Peace and Against War, REDEPAZ, defines itself as the voice of different experiences and actions of individuals, groups, sectors and social organizations from different places and with different practices as peacemakers. REDEPAZ is an open and dynamic platform for action for peace, and seeks to strengthen, coordinates the positioning of civil expressions of reconciliation, and proposes a plural proposal for reflection and action for the recognition of rights and the democratic transformation of society.

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[238] I agree with Sherry Ortner when she states in her essay "Resistance and the problem of Ethnographic refusal" that "one can only appreciate the ways in which resistance can be more than opposition, can be truly creative and transformative, if one appreciate the multiplicity of projects in which social beings are always in engaged, and the multiplicity of ways in which those projects feed on, as well as collide with, one another" (Ortner 2006: 62)

I will always remember Valeria (National Cases Functionary) approaching me the very first week I started working there, asking if I could help to write a draft document on transformative memory in order to outline this discussion for the *Red Nacional de Iniciativas Ciudadanas por la Paz y Contra la Guerra* (National Network of Initiatives for Peace and Against War, REDEPAZ) representatives. I took on this task immediately as part of the "technical support" for the Satisfaction and Non-Repetition Guaranties Group. This work with REDEPAZ became a collaborative relationship and continues until today. As I explored briefly in chapter 4, some REDEPAZ members were active in the development of the collective reparation model in Colombia. As a partner and collaborator with REDEPAZ, I had the opportunity to support them in the conceptualization of the *transformative memory* concept, included in the REDEPAZ reparation process. They wanted to build a concept of memory useful for facing "the organizational challenges of the present and the future" (Luis Sandoval, 2014, Personal Communication). They were not interested in the development of the CNMH traditional "historical memory report",[239] but were looking for a transformative notion of memory for collective victims of armed conflict. The work with REDEPAZ would not have been possible without having previously worked at *La Unidad*.

Here, I will not use the concept of the activist. At some point I did consider myself a collaborator. Although I will discuss this issue further on, as a scholar and researcher I was an active cooperator and participant in the REDEPAZ process of collective reparation, but not a member. REDEPAZ, as a peace building organization posed a question about the future, giving some clues about what is lacking in the

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[239] Historical memory reports are the documents created by the CNMH, combining victims' testimonies with academics accounts of the regional economic and political dynamics that explain the local causes of violence. The CNMH have produced more than 20 reports called emblematic cases and the main report called "*Colombia Basta Ya!*" was published in 2013.

transitional justice imaginary. REDEPAZ is central to understanding the interrelation between Colombian reparation policy and its interaction with social movements and organizations. It was essential in the previous mobilization of victims' rights and peace building (before the VLRA enactment) having framed and advised policy makers in the production of a model of collective reparation. Later REDEPAZ itself became a subject of collective reparation and an experimental actor in the production of a model of for the redress directed at social, political, and union organizations.

REDEPAZ responded to the upsurge of violence after the 1991 Constitution proclamation and the intensification of the Colombian military offensive approach. According to Luis Ignacio Sandoval, it was organized in 1993 as an expression of dissent against the violent resolution of conflicts in the country and as a citizen strategy to defuse mechanisms of war from the vantage point of organized civil society. At that time, Sandoval (Personal communication 2015) recalls:

> "We wrote a paper about the role of civil society on peace-building. At that time the group consisted of Luis Carlos Restrepo and myself. We used to write a column at El Colombiano (Colombian Newspaper), and in those articles we tried to foresee what would constitute a social movement for peace. After this, we wrote a document called "The social movement for peace that Colombia needs". From this moment a process of discussion began with people about what kind of actions we needed to promote in order to start such a movement, how to join forces locally, and the idea of peace tables and tables of peace were organized in different municipalities and departments".

Today, the organization REDEPAZ aims at building peace and believes that peace is equivalent to the enjoyment of human rights. It can only be built based on tolerance, honesty, diversity, participatory democracy, sustainable development, and social justice. Its expression is not the absence of conflict but the ability to process them through dialogue, non-violent political action and negotiation. REDEPAZ´s vision is a Colombia at peace, which includes social justice, democratic culture, respect for human rights, and respect for life and diversity. They advocate for the

transformation of a negative peace (win the war) to a positive peace (support structural changes). REDEPAZ also advocates for the idea of good living, a term which comes from Andean indigenous communities and which guides their constituent experiences.

Since 1993, REDEPAZ has organized workshops called "experiences of action for peace", for peace developing in more than 200 local constituencies, from Mogotes to Rivera, Huila, Tarso and Samaniego. From here, Sandoval argues (Personal communication, 2014) the concept of "constituencies' subjects" (*sujetos consituyentes*) is derived: the notion of becoming a citizen, as a political subject. According to one of REDEPAZ´s founders, these constituents are "exercises in sovereignty", "in-depth-participation" at the community level linked with local state institutions. "It is an in depth exercise in citizenship and eligibility". In other words, Sandoval (Personal communication 2015) states:

> "This is an exercise of sovereignty. It is the emergence of a constituent subject. This sometimes occurs in association with local institutions, sometimes with tolerance of local institutions, but other times not. Sometimes the encounter is placed in acute contrast with institutional structures, which are more of a kind of authoritarian enclave. In this sense, the, the picture of the constituents is very diverse"

For some of the most representative REDEPAZ members, the institutional deficit in planning and implementing policies could be solved by the appearance of a new political subject in the country's life. The new institutions are not useful without new political subjects. In Sandoval´s words (Personal communication, 2015) "the sure alternative is to build a new social and political subject in Colombia. You need to have projects, but you also need subject". If the policy is reconfigured in the direction of actors, and practices of the political game, the country can reach substantive changes and transformations. REDEPAZ works with children in different localities and regions of the country. They organize meetings with all young people who represent different parties and labor unions.

Paradoxically, from 1998 until 2008, REDEPAZ became a target of violence. Homicides, stigmatization, displacement, threats, persecution, exile and individual assaults were among the different "victimization facts" which occurred directed at the network. In 2002 they also faced the reduction of network resources from international cooperation because the Colombia government did not recognize the internal armed conflict. During those years, however, REDEPAZ continued on with 260 constituency tables (reduced to 160 in 2013) in 19 departments. With the enactment in 2011 of the VLRA, an emerging scenario of governance for peace building and of armed conflict administration began to appear. Three years after the enactment of this law there are 260 community cases of collective redress located around the country. From these 260 cases, seven involved organizations and political groups –the so-called National Cases, which are ANUC, IPC, trade unionists, journalists, deputies and representatives, the Patriotic Union and REDEPAZ. National Cases are part of a group of organizations that by their characteristics are representative of a broad scope of society initiatives that have been affected by the conflict. Because of the nature of these organizations and their role in building citizenship, as well as their struggle for the protection of social and political rights, the cases represent the recognition of the importance of their role in the social, political and democratic life of the country.

Thus, interestingly, REDEPAZ has transitioned from a movement for peace, to a social organization, which advocates for alternative democracy building, and the conception of targeted violence as a "subject of collective reparation". As described in chapter four REDEPAZ was an active figure in the formulation of a collective reparation model and then offered itself as an experimental medium for developing the knowledge, methodologies and strategies for the implementation of the National Cases

collective reparation process. Today REDEPAZ is emerging as an active figure, which

fosters collective reparation initiatives. In the words of Luis Sandoval (Personal

communications 2015):

> "We are now in a growing phase. Surprisingly, that is what has happened with
> REDEPAZ, and the process of collective redress has surprised us. REDEPAZ is
> getting stronger and growing in an unexpected way, which has generated complex
> situations. We are facing different challenges and we are now trying to overcome
> them. The institutions need to overcome their problems by using cumulative
> knowledge and experience".

Collective reparation of groups and organizations has raised particular

challenges for political and psychosocial redress. In this context, the process of

collective reparation that REDEPAZ has triggered, needs to develop tools and

methodologies that go beyond the organization and become an instrument, which

affects other groups and organizations and society as a whole. Thus, *La Unidad*, along

with REDEPAZ, has developed a path of collective redress that addresses the

initiatives of the organization concerned, and considers this process to be a

contribution to the development of public policy for peace. In this sense, since 2011,

REDEPAZ has become not just a "subject of collective reparation", but also an active

sponsor for the actual peace process, and has worked closely with *La Unidad* and the

Office of the High Commissioner for Peace in the production of pedagogy for peace.

They therefore account for a particular redress approach, which they call

"transformative memory". It was during the development of this notion that I became

involved with REDEPAZ´s process of redress. I have been even more involved since

August 2014, since the end of the institutional ethnographic phase of this project.

> We think that transformative memory should be an instrument for REDEPAZ redress.
> REDEPAZ does not want to return to what it was, but to be repaired as one of the
> actors Colombia needs today. REDEPAZ needs to be reconstructed to meet the
> challenges of today. It is not a simple act of recalling memory. This memory is not just
> for us, it is also for other collectives. Inwardly we recognize ourselves as a network of
> affections. It is festive and emotional. There is as much emotion as there are dreams.

Experience is not what happens to one, but what one does with what happens. We are, *sentipensantes* (quoting Fals Borda) because it is not only about ideas but also about passion for peace (quoting Maria Teresa Bernal). Transformative memory connects personal history with collective context. It is to understand peace as a life project, and as a national, personal and collective project. Outwardly we want to help other organizations to carry through their own collective redress process. Colombian peace does not mean integrating the "political outsiders" into the established order, but to insert everyone into a new social project. In this form REDEPAZ´s constitutional process is now part of the process of collective redress.

This is the process, which I have had the opportunity to work, supporting the conceptual development of what might be, and what a concept of "transformative memory" would look like. In order to do that we held five meetings with REDEPAZ´s collegial presidency, and a workshop in the city of Cali, Valle del Cauca, in February 2015. This was in order to uphold the collective building of the concept of transformative memory. REDEPAZ concept of democracy is actively used at their meetings, assemblies and workshops. Participation is guarantee thorough REDEPAZ organizational structure although some critiques appear in the process of transformative memory building, particularly on the times of violence and terror over the regions were many of REDEPAZ member felt abandoned. Nevertheless, REDEPAZ members are committed to continue making the constituencies all over the country, educating children and young fellows as political subjects.

Conclusion

What dimension of the future then is missing from transitional justice if memory is the source of this particular legal system and its notion of justice? How can a philosophy of law, founded on the past, contribute to the configuration of the future? Transitional justice grants privilege to the memory of the past and justice in the present. This is at the cost of not reflecting on a democratic future, inasmuch as

democracy for transitional justice has not been discussed nor theorized upon (it appears as an empty box).

However, it is necessary to restore the sense of future in this horizon of justice. Both transitional justice and human rights need to face the conditions for the production of violence and lend impetus to a moral and political view of the future where democracy is radically exercised in all its dimension and infinite creative possibilities. This requires recognition of the past, as a struggle for democracy, which has achieved the gradual transformation of the state toward an ever more plural, open and democratic society. It requires the historical review of forms of social and political institutions and organization, as well as ethnographies of democratic experimentation among social, peasant and student organizations that participate daily in direct and collective decision-making.

CONCLUSIONS

The Colombian peace process is today widely known for its recent achievements. After 50 years of war, the Colombian government has reached an agreement to end the war with FARC guerrillas, the largest guerrilla group in the western hemisphere. However, this process is not a response to just recent efforts to sign a peace treaty, but to decades of governmental and non-governmental efforts in "peace building" through institutional and military means. As I have shown, since 1982 each Colombian administration has designed and implemented its own institutional arrangement for peace building while at the same time it waging war against Colombian insurgencies. While the Colombian government, with the support of international agencies and other nations such as the US, has attempted to build peace through developmental and humanitarian agendas, they have also been part of global geopolitical arrangements, particularly in the context of the cold war, and later in the war on terror. During the first peace talks with FARC guerrillas in 1982, the Plan Nacional de Rehabilitación was created (National Rehabilitation Plan – PNR), as a central institutional arrangement for "attacking" the causes of the violence. Later this program would be transformed into a program for social and economic development in local areas affected by violence and poverty. This program became the Red de Solidaridad Social (Social Solidarity Network – RSS) in 1994, and later on, the Presidential Agency for Social Action and International Cooperation (known as Acción Social). Finally, in 2011, it became an independent agency called Social Prosperity Department (SPD). All these programs were devised as peace-building projects inserted into a developmental conception of human development, originally concerned

with basic needs and later with notions of human security and vulnerability (Makeremi 2010). However, since 2011, with the enactment of the VLRA, humanitarianism has been put at the center of Colombian social policy, introducing a new concept of citizenship which is centered on the experience of socio-political conflict, victimhood and on new political technologies of intervention such as collective and individual reparation programs. Since 1982, international legal order has also changed. Several institutions such as the de International Criminal Court (ICC) have been put into place, as well as several UN guiding principles on the rights of victims of conflict and displaced populations, and state and corporate responsibilities. Long standing international legal frameworks such as human rights law and the Geneva Convention are still central for the interpretation and rationalization of world socio-political conflicts.

Anthropology of human rights and the recent humanitarian critique has widely shed light on the tensions, contradictions and paradoxes produced by the widespread use of human rights in the last 30 years, particularly since the Berlin Wall Fall. A central concern of anthropology of human rights is the interrelation of practice and location. First, the historical and epistemological relationship between anthropology and human rights cannot be more paradoxical and contrasting. Although its historical relationship is older than the post-World War II declaration of human rights, one could begin by saying that human rights and anthropology are based on opposing epistemologies. While the former emphasizes the universal, shared, and unifying principles among human beings, the latter draws its strength from a belief in human diversity. While anthropology of human rights has failed to resolve this philosophical

tension, anthropologists make it an object of study, and analyze how human rights are conceived and practiced in different socio-cultural contexts.

Since the early1990s anthropology of human rights has attempted not to theorize the relation between culture and human rights, but to study this relationship empirically. As Goodale (2007) stated some time ago "the study of the social practice of human rights reflects a set of epistemological commitments that are neither political in themselves nor intentionally politicized by anthropologists […]. This is not an approach to human rights that seeks, in the first instance, to use ethnographic knowledge, or cultural knowledge, or cultural meaning to better "refin[e] theories of culture in relations to rights" […] Rather, the heart of the ethnographic approach to human rights is descriptive, in a effort to develop a comparative database that will tell us, for the first time since 1948, how human rights actually functions empirically, what human rights means for different social actors, and, finally, how human rights relate – again empirically, not conceptually – to other transnational assemblages […]. In other words, although the emancipatory cultural political orientation to human rights is in itself normative, the ethnographic approach is inherently skeptical of normative claims; indeed the study of the enmeshed logics of human rights is in part the study of normativity (Goodale 2007:4). Thus, anthropology of human rights has explored the global processes of human rights dissemination, its local appropriations, narratives and ongoing paradoxes (Merry 2004, Cowan 2001). In a context where human rights have emerged as a universal cluster of categories, which are implemented, contested and transformed, human rights has also become a part of people's everyday actions and beliefs. As an emergent global discourse, human rights have produced countless and varied local manifestations. Different findings have shown that through rights

language, social claims have articulated political and legal processes that transcend the boundaries of the nation-state. Furthermore, human rights have become a strategic path in order to gain access to social goods (Cowan 2001:14). This is particularly relevant in order to explore the social and cultural values, which are at stake when, for instance, victims and social activists claim different forms of rights and reparation. The specific relevance of anthropology within the realm of human rights is related also to the paradoxical increase of cultural diversity and nationalist claims. Multiculturalism and human rights were intertwined with the spread of neo-liberalism around the world during the 1990s (Hale 2002, Greenhouse 2005), producing transformative effects in culture and society. Also, human rights as a universal claim clash with the particularistic and historical formation of culture. All these tension are at the core of contemporary political philosophy (Arendt 1958, Cowan 2001, Nussbaum 1997) and anthropology (Merry 2004, Goodale 2007, Cowan 2001).

Anthropology of human rights emerged alongside the age of theories of globalization, as human rights was considered by academics to be a manifestation of globalization itself, particularly after the fall of the Berlin Wall. As Goodale (2007) has discussed the global/local model of analysis was born around 20 years ago as the most common theoretical framing device for describing social processes that were first included within the category of "globalization" (2007: 14). This first approach was important in order to discuss, for instance, the relationship between international human rights and domestic change, but studies of "the socialization of international human rights norms (national) into domestic practices, could not shed light upon the range of human rights practices, no to understand where and why human rights practice emerge and the ways they do (Goodlae 2007:17). In contrast, by the time

emergent ethnographic literature started to show how if there was any globalization, it was not constitutive of a simple process of appropriation and vernacularization, the idea that globalization was bringing more horizontal relations between countries and economies, studies based on network analysis, started to contest the global/local analysis. The concept of network would also contain a political dimension, which was the initial belief in the emancipatory nature of human rights. A central question was raised at the time related to "whether or not human rights networks would be characterized as "vehicles for communicative and political exchange, with the potential for mutual transformation of participants", or whether the emphasis should be placed on structural or other types of systemic constraints, all of which limit the emancipatory potential of human rights discourse" (Goodale 2007: 20). But as Goodale (2007) argues, even thought network analysis does provide some suggestive possibilities for conceptualizing the study of human rights practices, problems remain (Goodale 2007: 19).

There is a problem with using a network model in order to describe the spaces of transnational human rights practice in that the horizontality that does seem to characterize connections between different network nodes cannot account for the ways in which social actors often experience human rights "vertically", meaning as part of hierarchical social, political and legal alignments of interest (Goodale 2007: 20). Specifically, these studies center their attention on the way social organization, advocacy groups, NGOs, state and international agencies appropriate human rights and generate new spaces for human rights mobilizations. Yet, these studies were unable to show how human rights were resignified in their practices and interpretations in a variety of differential issues such as security (Goldstein 2007) and

gender rights (Merry 2006, 2007). Challenging the cosmopolitanism and humans rights network framework, Mack Goodale (2017) proposes, in a similar way to Didder Fassin (2012), the humanitarian critique that in order to encounter or appropriate the idea of human rights many social actors must *envision* the legal and ethical framework that it implies, which requires the projection of the moral imagination in ways that not only contribute to how we can (and should) understand the meaning of human rights, but also, at a more basic level, suggest that the emergence of transitional networks takes places "in our minds, as well much as in our actions" (Goodale 2007: 22).

As stated in the introduction, Didier Fassin (2012), along with Elizabeth Povoinelli (2012) have gone beyond this initial take towards human rights and anthropology and have developed a critique of late capitalist moral economies where human rights discourse constitutes the center of the ideological and discursive frame, and its practices portray epitomic postcolonial forms of intervention and capital expansion. Specifically, the humanitarianism critique has taken a further step towards building on psychology and medical anthropology (Fassin 2012) in order to explore how humanitarianism is no longer a set of international norms that are globally mobilized but is in itself both a dispositive of global government and the manifestation of a late liberalist moral economy. My research takes on these efforts tackling also recent ethnographic studies of bureaucracy (Buchely 2015, Feldman 2008, Gupta 2015, Hull 2012). Whereas anthropology of law has contributed immensely to denoting the paradoxes and contradiction between what was initially explored as the dichotomy between the global and the local, the emancipatory and regulatory power of human rights, and the radical critique of humanitarianism has provided us with a philosophical stand and a crude picture of the geopolitical and economic characteristics of human

rights. However, more ethnographic work is needed in order to understand how humanitarianism has come to be a sort of global common sense (such as democracy and the free market), which fosters specific ideas, procedures and interventions, which in turn take the form of disinterested policies and institutional arrangements. Here, bureaucracy is a vital aspect for understanding not just the general functioning of modern capitalist society (Weber 2964), but also interrelated systems of governance such as developmental policies and humanitarianism. Bureaucratic apparatuses constitute a substantive structure of governance, and are a key aspect of power, which is generally taken for granted and dismissed by simply describing institutional practices as bureaucracy. Bureaucracies move the world as much as they stop it. Bureaucracies are the pillars of nation-state formations, nation-state relations and the general form of capitalist system, but they seem absent from the study of power and also of human rights and humanitarianism. In this sense, this dissertation contributes to the understanding of the work of human rights from the perspective of bureaucracy. Following Didier Fassin (2012), who attempts to close the gap between humanitarian morals (the principle on which actions are based or justified) and humanitarian politics (the implementation of these actions) (Fassin 2012: 8), this dissertation studies the interplay between international humanitarian legal principles, policy-making and bureaucratic formations in Colombia.

The Colombian case is particularly astonishing, as the state has itself created several institutions framed within international law, as well as guidelines on human rights and transitional justice. By adopting this frame as integrated into the Constitution (the so-called Constitutional block), the Colombian state has come to be largely humanitarianized to the point that the Colombian state can be described as a

humanitarian state. Large amounts of public and privates servants (civil and military), international cooperation agents, experts, and academics make up these institutions and deploy practices and beliefs around human rights and transitional justice which bring to the fore an emergent set of rights centered on victims of socio-political conflict rights and the concept of integral redress, as a techno-scientific response. Throughout this dissertation I have studied these socio-political configurations and have arrived at the following conclusions:

1. The emergence of humanitarian institutional bureaucracies in Colombia is identified in the enactment of programs, commissions, institutions and policies, which function as a local cluster of global techniques and ideologies. As I describe the genealogical relation between armed conflict, humanitarian aid, development and social policy in Colombia since 1982, these normally separated fields of analysis become indistinguishable, encompassing a wider concept of development in which social policy and humanitarian aid is practiced and understood by state and non-state agents in Colombia and abroad. This historical perspective allows an understanding of the transformation of the Colombian and international cooperation approach to conflict related violence, its governance and interpretation, as well as the forms of governmental and nongovernmental interventions in Colombian conflict through 30 years of changing peace building experiments and developmental narratives.

This historical configuration has organized complex sets of institutional projects and arrangements that have led to the conspicuous formation of policies and bureaucracies. This formation has been fostered through sociopolitical violence and Colombian state conflict related management (both in developmental, humanitarian

and military ways) producing a constant need for expert knowledge-production to solve and to intervene in the so-called causes of violence (poverty, corruption, inequity). Violentology was among the firsts sets of knowledge production, which centered on a local analysis of systematic internal violence in Colombia using an economic, sociological and ethics approach. This knowledge becomes essential for the development of a Colombian conflict interpretation; however, it never becomes state knowledge. Yet, with the acknowledgement of the 1997 humanitarian crisis caused by the internal displacement of populations, the state and international agencies have gradually started to produce information and precarious institutional arrangements in order to deal with and account for this reality. The Constitutional Court ruling on the "state of unconstitutionality" of IDP affairs was central in fostering knowledge production demands. Until today, this has never been seen as an actual reconfiguration of population patterns by the expulsion and displacement of 4 million people within the country, yet it has fostered a complex set of moral demands as well as institutional and nation-wide arrangements. Today these affairs are rendered legible through the concept of "integral reparation policy", which in itself is materialized through a bureaucratic apparatus. By creating this apparatus, the Colombian government has attempted to grant citizenship through the acknowledgment of citizen victimhood, rather than a perspective of citizens' as universal holders of rights.

2. Contemporary analysis of policy has drawn attention to the importance of studying policies as major instruments through which governments, companies, non-governmental organizations (NGOs), public agencies and international agencies classify and regulate spaces and subjects they seek to govern (Shore and Wright 2011:2). Some authors state that policy is a fundamental organizational principle in

contemporary societies which, like "family", "nation", "class", or "citizenship", provides a way of conceptualizing and symbolizing social relations, and how people live their lives and structure their realities (Shore and Wright 2011:2). Although the forms in which policy work as a provider of social meaning, institutional practices and power legitimacy cannot be diminished, contrary to traditional governmentality studies, as I was able to observe in the Colombian humanitarian state, government is not actually exerted by policy implementation, social intervention, or deep study and data producing. In fact, government is exerted by both, the production of conspicuous forms of authoritative knowledge and the radical lack of actual state intervention. The lack of actual forms of policy implementation brings policy goals to the realm of desire and ideology, where functionaries, policy clients, stakeholders and social organization struggle to implement policy, and no a radical action is taken. Desire for what could be reparation policy is what drives functionaries and policy users to continue with this ideational dispositive. Still, the production of expert knowledge is key for the existence and justification of an emergent humanitarian machine. Through the production of this knowledge, bureaucracy encapsulates functionaries time but also hopes and imagination.

As Ferguson (1990) noted some time ago, the implementation and execution of these global schemes of power do have effects, and it is important for the scholarly work to have a say in the process. Much of Gupta (2014) and Fergusson´s (1990) work acknowledges how the work of development and social programs fails to achieve official objectives, and turns a blind eye to local structural problems and established asymmetric power relations. In his book on bureaucracy and corruption in India, Gupta, while engaging the work of Foucault and Agamben (2014), argues that extreme

poverty should be theorized as a direct result of the killing made possible by state policies and practices rather than as an inevitable situation in which the poor are merely "allowed to die" or "exposed to death (2014:7). Like Farmer (2005), Gupta believes structural violence is about "the nature and distribution of extreme suffering" (Sen in Farmer 2005: xiii) and the vehicle of this distribution is epitomized and produced by the very prosaic social work of bureaucracy (Arendt 1964).[240] Similarly, Ferguson (1994) argues that the "development apparatus" in Lesotho is not a machine for eliminating poverty that is incidentally involved with state bureaucracy; rather, it is a machine for reinforcing and expanding the exercise of bureaucratic state power, which incidentally takes "poverty "as its point of entry and justification." (1994:180). To these analyses I would add that bureaucracy is made up of national and international layers of educated actors in society who reproduce the legal and moral values of humanitarianism and reinforce the overall system of inequality. This system of inequality is reinforced by the humanitarian bureaucracy predilection towards skilled knowing (intellectuals), rather than skilled doing. In this way, the frontier between the expert and the disenfranchised citizen is constantly widened.

3. I have chosen to study humanitarian bureaucratic practices as social projects (Povinelli 2011), as they constitute the core of human endeavors and possibilities.[241] Most of the time these social projects tend to fail or produce unexpected outcomes. However, they have the power to produce narratives and practices, which become discursive frames and ways of thinking that shape the forms political and moral actions

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[240] As Gupta (2006) states, structural violence is enhanced by everyday practices of bureaucracy […] thus ethnography is needed in order to understand how care coexists with violence.

[241] Social projects disaggregate aspects of the social worlds and aggregate individual projects unto a more or less whole –a definable and describable thing. But social projects are not fixed things. Indeed, they are not "things" so much as aggregating practices, incessantly fixing phenomena and consubstantiating practices (Povinelli 2011: 8)

are represented and interpreted. The way in which law and technical knowledge is put into motion demands the mobilization of an immense human and institutional effort. I have tried to show how Colombian law, framed within international laws and guidelines, has been put into motion by constant and varied forms of institutional experimentation. I have shown how expert knowledge in human rights also becomes legitimate knowledge. This process, I argue is not exclusive to the humanitarian apparatus, but also exists in other forms of policy intervention. The production and implementations of these laws and guidelines requires a social structure that produces, manages and organizes information and actions. It also requires institutions that carry out "research", "pilots", and "laboratories" as a way to respond to policy demands.

As I have shown, each bureaucratic humanitarian field makes an effort to differentiate itself from others, thanks to the everyday work of functionaries and their criticism of their own and other institutions, and of the conceptual frames, technical knowledge and founding institutions. The production of expert humanitarian knowledge generates internal hierarchies and differentiations defined by a situated conception of what is technical and what is not, which at the same time promote practices and experimentation to support the production of "the technical". However, these practices and experimentations do not have an official status within bureaucracy. Even more, under the administrative law that defines the rules and norms of the institutions where these practices and experimentations are carried out, these activities, workshops, and "laboratories" are later simply counted as "technical activities", while the pictures, brief reports and lists of attendance at these workshops and laboratories become information recorded on a CD-ROM. In this way it becomes the proof that money is being expended in a timely fashion and policy goals are been

achieved. Thus, these two rationalities (not-yet produced humanitarian knowledge and administrative law) get lost in translation.

These practices and experimentations are not followed up on, are not subject to any method of analysis, do not have a concrete outcome, and rarely become an outline, a guide, or a protocol (Gupta 2014 also mentioned it). These social practices (as unfinished projects) do not just speak of a particular form of rationality, a form of action, a conception of the will and of a specific form of morality in late liberal markets (Povinelli 2011), but describe also the work of the ideological dimensions of bureaucracy. By this I mean the practices and beliefs that guide actions and forms of interpretation related to addressing those regarded as disadvantaged and dominated. While it is clear that when compassion is exercised it is always directed from above to below, from the more powerful to the weaker, the more fragile, the more vulnerable (Fassin 2012:4), it is important to bear in mind that these forms of power exist in everyday institutional arrangements (transforming moral interest, concerns and criticism into techno-juridical narratives and problems) which reinforce power relations and traditional institutional arrangements.

This knowledge is produced through techno-scientific metaphors and actions that render such knowledge legitimate and available. However, this knowledge hardly ever reaches policy clients who have at their disposition other tools and instruments for interaction with the state. I have discussed not just how technical knowledge is produced in institutional realms but how it is represented, transmitted and implemented alongside and with policy clients. When in contact with community members and representatives, the political dimensions are exacerbated by community representation and a historical relation to the state. However, the constant process of

institutional experimentation remains autonomous from the social milieu it attempts to intervene in, and as a consequence, remains the expression of a permanent institutional project that never achieves its goal. This process represents in itself the phenomenology of humanitarian bureaucracy. By exploring different scales of technical knowledge production and implementation within Colombian humanitarian bureaucracy the research illustrates how the production of technical knowledge, although highly demanded, is constrained to institutional practices that simulate social interaction. In this institutional realm, the work of public servants is messy and contradictory. This knowledge becomes not-knowledge because in the end it is not used or stored at all, although it is *created* through few yet costly institutional laboratories that simulate technique and science. No-knowledge is produced through techno-scientific metaphors and actions that render it legitimate and available. Paradoxically through this mechanism, humanitarianism obliterates Colombian state responsibilities for atrocities. For these reasons, the study of bureaucracy requires our attention if the emancipatory project of capitalism as a par excellence instrument of ruling must be reimaging and transformed. We need to imagine urgently a form of social organization that demounts the power of techno-scientific metaphors from the habitual thinking of knowledge production in order to address human affairs.

4. Without bureaucracy law cannot be implemented, and even acts of violence often require the action bureaucracy. Hannah Arendt (1964) has shown us this in her magnificent study of the Nazi bureaucratic machine. Thus, it is sometimes surprising that most of the time sociology and anthropology centers the study of law on the tribunals, the parliaments, the courts, and the way stakeholders, social movements and organization, and diverse ethnic groups appropriate legal discourses, but not through

its very phenomenology, the very functioning of bureaucracy. As this dissertation demonstrates, this knowledge production engenders social hierarchies but also, quite importantly hegemonic representations of time and space such as that of nation-territory divide. And these representations are important for exercising power and domination upon land and populations. Several authors have argued how state power is about managing and controlling "state´s space", but we are not clear on it's functioning. Curiously, also in governmentality studies, while there are lots of approximations to subject's objectivation and subjective formations, the study of the production and regulation of the space is often dismissed or overlooked (Foucault 2006, Gupta and Ferguson 2001, Harvey 2006, Lefebvre 2009, Mitchell 2006).

While archives, information management and technical and technological developments are central to the expansion of bureaucracy, its forms of representation, legitimation, these dimension are also part of its spectacular failure. I do not argue that the purpose of humanitarian values is to reinstate sate power and legitimacy, but in its accommodation into institutional and legal tradition humanitarian moral values lost almost entirely any emancipatory traction. The global humanitarian values and principles get entangled in a corpus of an elaborate conception of policy and bureaucracy that is derived from the production of institutions, buildings, offices, attention centers, physical and virtual archives, institutional announcements and merchandise that constitute public offices and aggregate public servants. This is also the case with other governmental and non-governmental institutions created for care and reparation, as well as land restitution for victims of political violence. This bureaucracy replicates other institutional forms of the state in Colombia. It preserves the idea of a hierarchical and vertical structure, determined by the production of

technical knowledge derived from the victims and land restitution act (VLRA). It also encompasses complex forms of authority, jurisdiction, space and organizational structure. In this way, complex sets of historical and idiosyncratic practices and beliefs shape the institutional formation of social and humanitarian polices in Colombia.[242]

Many scholars have argued that policy is not just the result of local, vernacular or national processes, but rather it finds its expression in traditional global forms of governmentality, as Gupta and Sharma (2006) have well documented. Throughout specific postcolonial forms of intervention characterized by the worldwide implementation of international programs related to economic growth, development and humanitarianism, and which are fostered by international agencies, the so-called developed countries and transnational corporations have produced interests across the globe (Beckett 2010, Fergusson 1994, Fassin 2012, Feldman and Ticktin 2010, Gupta and Sharma 2006, Kirsch 2006, Prats 2005). Fassin has called this emergent form of management, regulation and support of human beings the "humanitarian government", in order to designate the deployment of moral sentiments in contemporary politics (Fassin 2012:2).

In the Colombian context, as I observed, it is also necessary to ask to what extent these moral frames and the emergent institutional design actually transform local and national institutional cultures. Along with the dissemination of these theories of globalization, it is possible to observe the slow process of institutional transformation and reengineering, not just tied to the force of traditional conceptions of law such as public, civil or administrative law, but to the inter/intra institutional

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[242] As Gupta and Sharma (2006) argue, quoting Abrams (1988 and Trouillot (2003): "The state system is a congeries of functions, bureaus, and levels spread across different sites. Given this institutional and geographical dispersion, an enormous amount of culture work has to be undertaken to construct "the state" as a singular object" (2006: 278)

power relations, social hierarchies, institutional values and ideologies. If, for instance,

social benefits for public servants were removed through neoliberal policies, this would

not necessarily transform public servant bureaucratic habits, power representations or

ideologies. Even more, sometimes different institutional processes of resistance are

exerted when the old institution gives way to the new one. For instance, larger

processes of institutional transformation, or state institutions in transition have the

capacity to exert great levels of resilience. On this matter Hansen and Stepputat (2001)

have stated:

> Certain sectors of the governmental apparatus, due to their origins in the colonial
> order or a military authoritarian legacy, have been allotted considerable autonomy
> and over time have developed extremely resilient forms of organization,
> recruitment, and functioning that few political parties dare to confront. The
> military, the police, the system of prisons and correctional institutions are often as
> such almost self-governing institutions within the larger network of the state. [...]
> It's in the face of this problem of resilience and reluctance toward reform and
> scrutiny within the security apparatuses that a range of "truth-producing"
> technologies and strategies of reconciliation have been employed by new and
> democratic regimes in Latin America. (2001: 29-30)

Along with the above authors, it is possible to state that most contemporary

societies remain governed by yesterday´s administrative system and procedures

(Hansen and Stepputat 2001:29). Thus, the articulation of institutional culture

formations, and historical political struggles, along with the understanding of global

forms of policy design, implementation and monitoring processes, is key to the analysis

of emergent local forms of policy formations. Thus, global forms of contemporary

moral economy might be clashing once again with colonial legacies.

Throughout this dissertation I have illustrated how global narratives of care and

compassion become enmeshed within Colombian state institutional time and space

representations. [243] While I reconstruct the institutional roots and the bureaucratic practices of this social belief, I describe the idiosyncratic configuration of Colombian state space in Colombia as a fragmented territory. I explore the social and institutional practice of the nation-territory divide, within and outside humanitarian bureaucracy, taking a look at the temporalities and spatialities of humanitarianism and state formation in Colombia. As I have discovered, development and humanitarianism reinforces in everyday bureaucratic practices this social and cultural rupture. I show how the social work of this metaphor does not just create subjects, objects and identities (created and represented as subjects and objects of expert knowledge, and particularly in this case as subjects of collective or individual reparation and the identities they enact), but also the permanent reinscription of the state hegemonic spatial order. This order fails to transform the administrative and institutional rupture central to the government of the people. So, it is itself a paradox, as such polices conceived as a form of government and governmentality by some authors (Gupta 2015, Shore et al. 2011), produce scattered humanitiarianist interventions and practices. They do, however, have the power to name things differently and change the way institutions and people refer to things. So again, it leaves an open question about how that governing is exerted.

Here, an uncanny notion of the state emerges from this nation-territory divide, different from traditional (and theoretical) conceptions of the nation-state. The nation is metaphorically placed at an equal level to the state, and this in turn positions the

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[243]The constant process of state spatialization through social and transitional justice polices, is possible thanks to the continuous production of expert knowledge in order to manage, control and render spaces and territories visible. As Maria Valverde and Ana L. Tsing (2012) have clearly stated, drawing on critical studies of space and genealogies of modern power/knowledge has shown that "modernization" consists in part of imposing a certain scale of existing ways of governing territories and populations (Valverde 2009: 142).

nation above the territory. This geographic representation of the state and the nation as one, assumes territories are not part of the nation. The nation is inserted within the limits of state representational demarcation, while actual nation members are stripped of their identities, their history in the production of the state and the nation, their citizenship, and their actual territorial social relations.

Three outcomes occur as the result of the work of bureaucratic nation-territory production. On the one hand, by asserting in everyday practices and representations a divided state (national and territorial) and a divided nation (center-periphery), the nation-territory remains divided by the permanent atomization of state actions and functions and fragmentation in territorial administrative jurisdiction ("regional", departmental, and municipal). On the other hand, while the nation represents itself as "technical", the territory is regarded and represented as non-technical, and sometimes even as anti-technical, inefficient, without resources, and corrupt. While there is a habit of simplifying policy language and transplanting it from the center to the periphery, there is no clear practice, instrument, or conduct, which is transferred from the so-called territory to the "nation". "Technical knowledge" inhibits the translation process, and it blocks the contextual historical locations. There is no process of translation of victim representatives and local epistemologies. Finally, as we have seen in many ways, the nation is not just portraying, representing and enacting abstract thinking, but producing the very immateriality of a divided nation along with the territory it claims to govern, and where material relations and actions are really carried out. Instead, they remain ideas, plans and hopes while the state idea remains vague in the territories, and more unified and abstract.

These spatial and temporal representations extrapolate broader forms of time and space (national and international) that compete, reinforce, and openly contradict each other. All of these dimensions enact and enhance the humanitarian bureaucratic apparatus. These are the structural conditions which make these institutions tend to "fail" (Ferguson 1990, Murray 2007), a fact which highlights the institutional historicity and calls attention to how these policies were placed upon the shoulders of already "failed" institutions. This structural dimension also accounts for the process through which these "humanitarian discourses" end up domesticated by the creation of policy and its mutation into Administrative Law (Buchelly 2014, Gupta 2012). For Colombian functionaries, territories and municipalities represent the material world – the real life, where spectacular changes are needed, but hardly any forms of concreteness or interventionism are produced or carried out, except perhaps military ones. But this in itself represents forms of governing through an ongoing process of rule and law production, which might not have much effect on governing people but does have effect on the governing of "national" space –or as it should be called, the abstract and powerful space formation from above. This constant emergence of laws and rules, in fact, has the role of actualizing Colombian state legitimacy before international actors. Actually, the appropriation of multiculturalism, human rights and transitional justice has worked as a dispositive of spatial organizing and legitimacy actualization making. Yet, in this realm transnational legal frames such as transitional justice and human rights manifest themselves by producing ephemeral humanitarian interventions amidst structural forms of space-making and political violence.

5. As I have traced the historical configuration of the nation-territory divide and its contemporary manifestations in everyday life, law, policy and power, I have also

explored the dimensions of *movement* and *displacement* within humanitarian bureaucracy and its forms of time and space configuration. The study of humanitarianism and transitional justice in Colombia has led me to identify the peculiar characteristics of humanitarian interventionism characterized by the mobile nature of its appearance and the superfluous nature of its touch. As I have shown through specific ethnographic descriptions, humanitarianism and transitional justice interventions are constituted by functionaries-passing-by, by judges and functionaries spoken promises, by long waiting schedules and cues. I have called these spatial formations transitional jurisdictions. These transitional jurisdictions are mobile state-events, which arise from this emergent legal phenomenology that produces narratives, practices and beliefs of care and compassion, but also specific forms of movement, time and space within the humanitarian apparatus. These jurisdictions are fundamentally mobile and scattered around the territorial space.

The mobility of this transitional jurisdiction is manifested through localized interventions in time and space. Transitional jurisdictions are not then institutions, but sets of ephemeral interventions –incessantly fixing phenomena and consubstantiating practices (Povinelli 2011: 8), which bring the spectacle of justice to a theater and redress with a gift. This is, however, an emergent form of governance in which the state is not represented as far away from the fortune and misfortunes of its individualized fellow citizens, but is represented as a local presence, regardless of the length of its stay. Justice delivery and gift giving are the fleeting but situated practices of the transitional justice jurisdiction. They bring people, state and non-state agents into a specific space in order to deliver other significations (vg. justice and redress). But these deliveries are embedded in precarious enforcements, and they present gifts

infused with pity as well as precarious prospects of justice. However, they constitute the aesthetic and moral sentiment of our time and the way we relate to humanitarianism and justice.

Transitional justice is framed with expectations of future justice and future redress, but is strongly fixed on the acknowledgement of past wrongdoings. This temporality is fundamental and very important for the production of a frame of understanding, a synoptic view of the state time and space. Yet ideas about the future, which are central in these jurisdictions, lack concrete actions for transforming economic and political structures; structures, which might have caused the harm to begin with. What brings transitional justice to the fore is its perspective on the future, an open future filled with representations of justice and democracy, but empty of the critical and material tools for the production of forgiveness, actual redress and democracy.

Law and policy operate by juxtaposing spatial and temporal jurisdictions that attempt to control subjects, objects, social and economic transactions, and interactions that sometimes challenge Colombian space formation. Without transforming spatial state formation and its historical representations, such as the nation-territory divide, transitional justice produces emergent forms of mobile jurisdictionalities (territorialities and temporalities), which are mobile and sporadic, but still struggle to reenact their meanings and evolving powers. These characteristics also describe the spatiality and temporality of humanitarianism, as not fixed spatially and temporality, as are civil, administrative or property law. Thus, it seems that transitional justice by its very nature is colliding, enhancing and contradicting trans-local moral

arrangements while unable to remove the historical conditions of Colombian institutional formation.

Finally, this dissertation explores the social dimensions in which law is produced and conceived as a medium for social change, as well as an obstacle or failure. Rights discourses are a good example of how law has served to mobilize social and political causes in the late twentieth century. This fascination with law goes beyond multicultural rights in Latin America, civil rights movements in North America and the so-called Universal Declaration of Human Rights in France. It has been at the center of anthropological theories of culture and society since its modern emergence with Lewis Henry Morgan, Emile Durkheim, Marcel Mauss, Lévi-Strauss, Hannah Arendt and Walter Benjamin. The forms in which law is mobilized, produced and enforced, is at the center of the investigation of power relations and social organization. Nowadays law remains a central dispositive of meaning production and worldviews construction. International law is not the exception and it plays a central role in organizing the world and framing the interpretation of conflicts. These frames work as a coordinating system, but do not define social and institutional actions. To describe this gap has always been the work of anthropology.

The study of humanitarianism in Colombia calls attention to the governmental will to introduce human rights and transitional justice frames into traditional forms of government while being directly involved in war. Although this procedure is not new there are signs that it is far from reaching its peak. With the ongoing process of FARC guerrilla demobilization, new institutions are expected to emerge, such as the National Commission for Historic Clarification, the Special Jurisdiction for Peace (with the involvement of special tribunals for FARC, military and society members), Special

Transitional Areas for Demobilized Population and so on. I have described a process of

conspicuous policy making that is far from reaching its end. This is an open future

trend toward researching the role of the internal conflict in state-making and

governance in Colombia. I have shown that developmental and humanitarian policies

have conflated in order to build peace alongside war since 1982, and questions remain

relating to the effects the increasing state monopoly of humanitarian meaning has for

the future of human rights. If as it seems to happen, technical knowledge overshadows

the moral values humanitarianism intends to promote, the discussion is no longer

about the moral economies humanitarianism engenders, but the way technicalities take

over such values. Here the paradigm of policy must be put into question, as it is framed

with the expectation that expert knowledge will solve social problems, while displacing

simple moral answers such as the pursuit of social justice to technical issues such as the

idea of solve "social problems".

As is also clear here, the articulation of policy and capitalism is unavoidable. This

dissertation also poses questions about the endurance of the hierarchical and historical

representation of state-space. Dominant representations of state-space remain so

vigorous that any social policy attempt, or any revolutionary attempt to solve social

problems, is lost in translation. Thus, more ethnographic research is needed in order to

understand how this representation is made possible and within it how other spatial

relations might be possible. This operation is not exclusive to the humanitarian

apparatus and probably has more radical effects on other governmental and policy

realms. In this sense also, the varied forms in which governmental institutions operate

still require more ethnographic research. With this, and to paraphrase Fassin in a

different direction, we desperately need a critical approach toward bureaucracy in order to address the social and cultural challenges of our time.

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