Operationalising Transformative Justice in Transitional Societies: Applying the Structural Violence Reduction Matrix in Colombia

Dáire McGill, B.A, MSc.

Transitional Justice Institute, Faculty of Arts, Humanities and Social Sciences, Ulster University

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I confirm that the word count for this thesis is less than 100,000 words.

Dedicated to Daddy Paul McGill

For always being a source of love and happiness

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Abstract

This thesis is situated in the field of transformative justice, conceptualised as a theoretically distinct development of transitional justice that draws significantly from work on structural violence. The central argument is that more attention should be paid to structural violence in transitional societies. In this regard, I present an analytical tool - the Structural Violence Reduction Matrix (SVRM) - to evaluate the transformative potential of public policy initiatives adopted in transitional settings by analysing their diagnostic, process, and outcome dimensions.

The SVRM is based on rigorous theoretical thinking about key transformative justice principles and their operationalisation into a useable framework for application. The thesis begins by exploring structural violence, a multi-faceted phenomenon that involves a host of offensives against human dignity (Farmer 2003). Analytical insights from structural violence were applied to TJ mechanisms, emphasising the importance of profound investigation into the societal dynamics that underpin more visible human rights violations during violent conflict and authoritarianism.

I subsequently pilot the SVRM through application to two land initiatives in Colombia, the land restitution programme and peasant reserve zones (ZRC). Data were collected from primary and secondary documents, expert and participant interviews, and researcher observation during four months of fieldwork. These were analysed in accordance with the analytical categories developed in the SVRM for initiatives' diagnostic, process, and outcome dimensions. The empirical investigation found variation in transformative potential across dimensions and initiatives, with ZRC somewhat more transformative.

The deeper contribution was to demonstrate SVRM capacity to successfully identify variations in transformative potential. Future work can refine and improve the SVRM as an analytical tool for research that is flexible enough to be applied in a variety of transitional settings while remaining highly attuned to local context. Such application could usefully compare across different TJ mechanisms or different transitional contexts, furthering knowledge of the diagnostic, process, and outcome aspects that promote, and prevent, transformation.

List of Acronyms

ANT	Agencia Nacional de Tierras
ANUC	National Association of Peasant Users
ANZORC	Asociacion Nacional de Zonas de Reserva Campesina
CAQDAS	Computer Assisted Qualitative Data Analysis Software
CDS	Corporación Desarollo Solidario
CINEP	Centro de Investigación y Educación Popular
CODHES	Consultoría para los Derechos Humanos y el Desplazamiento
CSMLV	Comisión de Seguimiento y Monitoreo a la Implementación de la Ley 1448 de 2011
DANE	Departamento Administrativo Nacional de Estadística
DNP	Departamento Nacional de Planeación
ESCR	Economic, Social, and Cultural Rights
Fedegan	Federación Colombiana de Ganaderos
GNR	Guarantees of Non-Recurrence
Incoder	Instituto Colombiano de Desarrollo Rural
INCORA	Instituto Colombiano de la Reforma Agraria
ILSA	Instituto Latinoamericano para una Sociedad y un Derecho Alternativos
LRP	Land Restitution Programme
OPDS	Organización de Personas Desplazadas
PBI	Peace Brigades International
PINE	Proyectos de Interés Nacional y Estratégico
SNARIV	Sistema Nacional de Atención y Reparación Integral a las Víctimas
SVRM	Structural Violence Reduction Matrix
TJ	Transitional justice
UAF	Unidad Agrícola Familiar
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
URT	Unidad de Restitución de Tierras
USAID	United States Agency for International Development
ZIDRES	Zonas de Interés de Desarrollo Rural Económico y Social
ZRC	Zona de Reserva Campesina

Figure 1: Map of Colombia

Chapter 1: Introduction

1.1 Research Rationale and Theoretical Grounding

Transitional justice must have the ambition to assist the transformation of oppressed societies into free ones by addressing the injustices of the past through measures that will procure an equitable future. It must reach to - but also beyond - the crimes and abuses committed during the conflict that led to the transition, and it must address the human rights violations that pre-dated the conflict and caused or contributed to it. (Arbour 2007: 3)

These words, pronounced by United Nations High Commissioner for Human Rights Louise Arbour in 2006 reflected, and in turn amplified, a broadening of transitional justice thinking away from conceptualisation as fundamentally similar to traditional criminal justice on a larger scale (Posner and Vermeule 2004; Dyzenhaus 2012; Waldorf 2012). Mainstream understandings increasingly characterise transitional justice as involving parallel and complementary processes of justice, truth, reparations, institutional reform, and guarantees of non-recurrence (UN Secretary-General 2004: 4; Arthur 2009: 325; Patel 2009: 268-271; De Greiff 2009: 33-41; Sandoval 2011: 3-10; UN Secretary-General 2014). These processes are generally enacted through a recognisable set of mechanisms dominated by trials, truth commissions, reparations and institutional reform (Olsen et al. 2010; Sandoval 2011: 4-10). This has been accompanied by increased academic attention on economic components of violence and authoritarianism and within transitional justice responses (Cavallaro and Albuja 2008; Carranza 2008; Hecht and Michalowski 2012; Sharp 2012). Such advances are beginning to counteract the 'constructed invisibility of economic questions' within transitional justice (Miller 2008).

This thesis is situated within the more expansive understandings of transitional justice posited by this literature using terms such as 'fourth generation transitional justice' (Sharp 2013a) or 'transformative transitional justice' (McAuliffe 2017a). This is complemented with analytical insights from structural violence, another key set of literature for understanding periods of transition after conflict and authoritarianism. Structural violence can be defined as violence that occurs without

a clear subject-action-object relation and that constitutes the causal mechanism explaining the avoidable difference between human beings' potential and actual realisations (Galtung 1969: 168-171). This is distinguishable from direct violence that occurs with a clear subject-action-object relation. Caused by mutually reinforcing processes of social marginalisation, political exclusion and economic exploitation (Gready 2011:15), structural violence involves a host of offensives against human dignity (Farmer 2003: 8) and serves to lower the quality, and shorten the length, of people's lives (Galtung 1969; Farmer 1996). Structural violence analysis focuses on the inequity, injustice and exploitation weaved into societal structures that ensure life opportunities are highly inequitable even when no clearly identifiable agent is causally responsible for the avoidable discrepancy (Vorobej 2008: 88). At its heart lie highly inequitable power relations that are manifested in various forms of marginalisation.

Structural violence is an important component of this thesis for two reasons: it constitutes the problem area to be investigated, and it informs the analytical approach. As a serious social problem, I consider the reduction of structural violence to be a key ethical and practical imperative in transitional societies. For this reason a tool is developed to analyse the presence of structural violence during transitions and in transitional mechanisms. This is the central contribution of this research project; chapter three will feature detailed discussion of the tool's development and analytical categories.

As an analytical concept, structural violence is useful to draw attention to identifiable, mutating, and transformable structures that restrict and constrict human agency. This adds analytical value to transitional justice which has as a principal aim resolution and redress for, and in general coming to terms with, large-scale human rights violations occurring during periods of armed conflict and authoritarianism (UN Secretary-General 2004: 4). The dramatic and immediate impacts of these violations – arising mainly from direct violence - on victims' quality and length of life can overshadow the more mundane drudgery of poverty and social exclusion that has equally deleterious effects. Of direct relevance to transitional justice is that structural violence can worsen direct violence by generating grievances among individuals and among cultural, racial, or ethnic

groups in multicultural societies (Pasipanodya 2008). It also serves to make certain sectors of society more prone to direct violence and human rights violations (Farmer 2003: 8; Ball et al. 2003; Rooney 2017: 4). These are pressing concerns for transitional justice theory, policy, and practice.

Integration of transitional justice and structural violence theory is thus very important to understand the contours of violence and responses to it in transitional societies. I argue that this integration has been usefully done in the transformative justice framework that has emerged in recent years (Gready et al. 2010; Lambourne 2014; Gready and Robins 2014; Evans 2016). I conceptualise this as a response to critical debates that have emerged within the scholarship on transitional justice theory and practice. Of paramount importance is that transformative justice is highly attuned to 'the need to address structural violence and socioeconomic rights issues that precipitate, and are produced and reproduced by, conflict and authoritarianism' (Evans 2016: 9). This makes it an appropriate theoretical framework for the current research project. Transformative justice can harness the strength of transitional justice in delivering a best practice rights-based approach to dealing with human rights violations. It can add to the framework in important manners, such as expanding the scope of rights considered from civil and political rights to include economic, social, and cultural rights (ESCR). This requires careful consideration of peoples capabilities and responsibilities, along with potential barriers to effective enjoyment of citizenship rights (Sen 2009; Hickey and Mohan 2004). I thus conceptualise transformative justice as the final stop on a transitional justice continuum, with expanded understandings of institutional reform and guarantees of non-recurrence constituting the nexus. The genesis of transformative justice and its place on this 'Continuum of Adjectival Justices' will be set out in chapter three.

Yet transformative justice is sufficiently different to be regarded as a theoretically distinct framework. I argue that the recognition of direct and structural violence as equally important is a clear break from dominant transitional justice narratives which framed the former as intolerable and the latter as intolerable, or at least as natural (Miller 2008: 266-267). This was achieved by including particular categories of actor, victim, event, and experience within the ambit of action while excluding

others. The problems that this can occasion can be seen in South Africa, where measures of truth, reparation, and criminal accountability were implemented. Yet the deeper structural or systemic factors that caused disenfranchisement and dispossession for many persist into the transitional period (Gready 2011; Jaichand 2017). This realisation points to the need to consider carefully the meaning of justice and accountability in transitional societies and to alter the structures that lead to abuses or challenge inequitable distributions of power in society (Laplante 2008; Miller 2008; Muvingi 2009).

Transformative justice makes a significant contribution to reorienting transitional measures towards greater consideration of structural violence. On the macro-level this would be helped by creating more responsive and democratic state structures (Gready 2011: 7). Transitional processes could assist with this objective in two manners. Firstly, by providing analyses that support the need for measures of institutional reform and guarantees of non-recurrence (GNR) that could influence state structure, action, and policy. On the other hand, the participation of marginalised individuals, groups, and communities in transitional processes could build their capacity and confidence to have deeper social and political influence. A central hypothesis is that initiatives will be more transformative if the marginalised people (however defined) are involved throughout the phases of diagnosing, deciding, implementing and monitoring. The framework thus asserts that the capacity building effect of participation makes it a positive end in itself as well as a means to securing more positive outcomes (Evans 2016: 7-8; Gready and Robins 2014). This connects to another key principle of transformative justice that locates the sphere of sociopolitical action above, below, within, and without the state, and argues that measures in transitional societies must address social, political and economic exclusions and improve overall living conditions if they are to maintain credibility and contribute to positive transformation (Mani 2008: 254; De Greiff 2009: 30; Haldemann and Kouassi 2014: 514). These elements are extensively discussed throughout chapters three and four of this thesis, drawing heavily on the suggestion to apply a transformative lens to initiatives undertaken in transitional settings (Evans 2016).

1.2 The Research Project: Aims, Design, and Contribution

The application of such a transformative justice analytical lens to transitional societies is central to this research project. The macro-level thesis aim is to provide an applied analytical framework that can analyse the presence of structural violence during transitions and in transitional mechanisms. This framework will allow transitional justice mechanisms to be evaluated from a transformative perspective. I achieve this by operationalising transformative justice to facilitate a move from critique to action. This is necessary because the framework has been used more frequently to critique than it has been used to offer workable alternatives, and the challenge remains of creating a workable model or set of tools (Gready et al. 2010; Evans 2016).

The practical aim of this thesis is thus to create an analytical tool that can synthesise transformative justice principles. This tool will then be applied to initiatives undertaken in transitional settings and used to evaluate their transformative potential. I named this analytical tool the Structural Violence Reduction Matrix (SVRM). In order to audit the SVRM it was piloted through application to two initiatives in a transitional society. The aim of this empirical component was twofold. Primarily it would audit the SVRM's usefulness and appropriateness as an analytical tool. If found to be a useful approach, strengths and weaknesses could be identified and improvements suggested. As a secondary objective, I was interested in comparing the transformative potential of a transitional justice mechanism with a mechanism that may not be generally perceived as transitional justice.

Undertaking a comprehensive review of transformative justice, transitional justice, and structural violence literature made up the initial stages of the research design. Key principles and insights from this literature were synthesised to create the SVRM. The matrix makes an original and important contribution by providing analytical categories with which to evaluate transformative potential. It is also a systematic method for soliciting and analysing data to help measure the transformative dimensions of transitional processes and policies. This is important because it significantly advances and systematises transformative justice scholarship. As a tool, the matrix can begin to detect limits or shortcomings in a transitional process – from a transformative justice perspective – and trace how

these limits impact on peace, justice, and security. Where these processes conform with transformative justice principles, which the matrix can confirm, we can then study the type of outcomes this produces, and the effect of context on achieving transformative outcomes. In either of these examples, valuable insights will be drawn that can provide theoretical and empirical support for calls to incorporate structural violence reduction more deeply within the design of future processes.

The SVRM calls for initiatives to be evaluated across three dimensions: diagnosis, process, and outcome. Throughout the three-dimensional model, analyses of power relations and structures are at the forefront. This is particularly apparent in the diagnostic dimension, where attention is paid to examining different forms of power and strategies through which power is enacted (Lukes 2005[1974]; Gaventa 2003). These approaches demonstrate the critical importance of analysing how a process, programme or mechanism came about, the key debates and mobilisations that shaped it, how – and by whom – decisions were taken, and how aims and beneficiaries were defined. An initiative's analytical frame of reference is ultimately highly influential in determining its aims, mechanisms and beneficiaries.

Attention to the operation of power continues through the process dimension, which is sometimes considered the most important component of a transformative justice approach (Gready 2011; Gready and Robins 2014). While most transitional justice mechanisms aim to provide specific benefits, such as reparations, they should also contribute to a more complete notion of citizenship through a multi-scaled strategy linking micro and macro mobilisations and the creation of more effective participation by previously marginalised groups (Hickey and Mohan 2004: 12). Analytical focus within the process dimension is on issues of the identity and selection process of participants, their ability to influence processes throughout their life-cycles, and the extent to which participation in initiatives builds the confidence and capacity for wider sociopolitical mobilisation. These are key components of the empowered citizenship conceptualised as key to transformative participation (Hickey and Mohan 2004; Lambourne 2009; Gready and Robins 2014).

In line with the above approach, outcomes are evaluated from a transformative perspective that considers whether structures of inequity and inequality are challenged. Mobilisation in the sociopolitical arena was considered key to long-

term transformation, as it constituted the spaces within which to challenge the foundations of structural violence. If analysis of the process dimension had shown an initiative was capable of building the capacity and confidence of formerly marginalised communities to participate, for example, this would be seen in a strengthened sense of political agency. Analysis of the outcomes dimension would then evaluate if there had been greater gender, ethnic and social diversity of political representatives, or an increase in the number and influence of social and political organisations based in these communities. The diagnostic, process and outcome dimensions were combined to create the SVRM as an analytical tool to evaluate public policy initiatives' transformative potential.

As previously noted, the SVRM is a theory-driven tool designed to be applicable in transitional settings. The next stage of the research design was therefore intended to test the SVRM empirically and audit its suitability as an analytical tool. This pilot application would test the analytical categories and the methods for soliciting data. Auditing the appropriateness of category definition and testing the adequacy of different data sources would be key to ensuring rigorous achievement of the primary research aim – creating a framework to analyse structural violence in transitional mechanisms. Given the complexity in all societies, especially those in the final throes or immediate aftermath of armed conflict or authoritarian rule, the most appropriate manner of testing the SVRM analytically was to apply it to initiatives within a single country. I also considered that it would be more rigorous if the pilot was used to test initiatives that were being applied in similar circumstances or that could be considered to have somewhat analogous aims and beneficiaries. The rationale for this was to hold the macro-level societal context and other independent variables as constant as possible.

Several considerations led to the choice of Colombia, with the most crucial being its relatively high state capacity and its recent implementation of transitional justice mechanisms. These factors suggested that Colombia would make a good test case for transformative potential. I discovered that there were two influential rural processes which aimed to provide land for peasants who currently had limited access to land, market opportunities, and rural development measures. This aim made them suitable candidates for inclusion in the study, especially as it placed

them closer to the reparations and GNR processes of transitional justice that are considered to hold more transformative potential (as discussed in chapter two). Of additional interest was that one of the initiatives was very explicitly a transitional justice mechanism, land restitution, while the other was based on the logic of territorial land planning. Yet both were being promoted by state and civil society entities as appropriate transitional policies. This made them an ideal test to audit SVRM effectiveness at diagnosing the transformative nature of transitional justice processes, and tracing this to outcomes. The supplementary objective of comparing transitional justice and non-transitional justice mechanisms would also be satisfied.

Empirical work therefore compared the transformative potential of two rural initiatives in Colombia - the land restitution programme (LRP) and Peasant Reserve Zones (ZRC). The LRP is a well-resourced transitional justice reparations process arising from the 2011 Victims Law that seeks to return land to people displaced by violence since 1991 (Acción Social 2011). ZRCs are a state strategy to organise rural property, eliminate land concentration, extend peasant landholding, promote rural development, encourage community participation in local development plans, protect the environment, and safeguard peasants' economic, social and cultural rights (República de Colombia 1994; Incoder 2011). In order to meet this aim, I establish a number of intermediate empirical objectives: analysing how structural violence functions in the area under study; understanding how structural violence is perceived by local people; understanding the problem framing adopted by each initiative; understanding how each initiative functions; analysing the depth and nature of community participation in each initiative; and measuring the impact on observed levels of structural violence of each initiative approximately 5 years after inception. All of these could be achieved within the SVRM analytical tool, and would assist in answering the overarching empirical enquiry about rural processes in Colombia.

The research utilised multiple data collection methods to fulfil the theoretical and empirical aims. Documentary analysis was carried out of primary and secondary documents pertaining to the creation and implementation of LRP and ZRC. These were policy, legal and evaluative documents from state entities, NGOs, media and research organisations in Colombia and internationally. The documentary analysis

was particularly relevant to the diagnostic dimension and also contributed to the process and outcome dimensions. In these dimensions the most important data were derived from participant interviews with peasants in the Montes de María region of northern Colombia. These were inhabitants of the region and formed three distinct groups: people involved with LRP, people involved with ZRC, and people not involved with either initiative. These data were supplemented by further interviews with experts on the initiatives and on land and rural development issues in Colombia more widely. The analysis was further strengthened by the inclusion of national and global level statistics, especially in regards to outcome aspects such as education and health provision or inequality indexes.

1.3 Thesis Structure

The following chapter reviews the literature on transitional justice and structural violence to examine how they can contribute to transformative justice analysis. The evolution of transitional justice thinking over time is charted especially regarding recent developments in the processes of truth, justice, reparations and institutional reform/guarantees of non-recurrence that could contribute to more transformative approaches. It introduces structural violence as an analytical concept which can be used to problematise dominant understandings of transitional justice and its mechanisms. This exercise leads to the realisation that neither transitional justice nor structural violence thinking in isolation is appropriate to analyse transformation in transitional societies. The third chapter therefore explores the contribution that the transformative justice framework can make. Finding the framework theoretically useful but practically weak, the chapter concludes by introducing the SVRM analytical tool.

The research methodology is set out in chapter four, beginning with an explanation of why transformative justice is inscribed with a critical realist paradigm and the ontological, epistemological, and methodological implications that this entails. I then present the rationales for selecting Colombia as the transitional context and the LRP and ZRC as the case studies. As the SVRM is intended to be a flexible context-specific tool, an adapted matrix is presented that is intended to capture the

most important characteristics that make an initiative transformative in the Colombian context, and specifically in a rural area like the Montes de María. Attention then moves to the specifics of data collection methods and analytical strategies, while an extended examination of research ethics and reflexivity identifies some of the challenges faced while carrying out research.

The main findings and analysis derived from empirical data are presented in four consecutive chapters, each focused on a different element of the SVRM. These chapters are set out chronologically, beginning by evaluating how initiatives constitute the problem area and conceptualise aims and beneficiaries. They then evaluate the transformative potential that exists in initiative processes, finishing by examining whether any transformative outcomes are apparent. Chapter five looks at the diagnostic dimension to see how LRP and ZRC understand the problems of marginalised rural communities and how they are caused. The LRP is seen to have a very specific focus on displacement caused by direct violence that limits its transformative potential, where the ZRC considers historical inequalities in land ownership in its diagnosis. I also analyse the societal and political context within which initiatives are proposed, debated and designed in order to evaluate the patterns of inclusion and exclusion.

Chapter six analyses the degree of participation that LRP and ZRC processes enable among local communities. Fundamentally the question is whether only direct beneficiaries can be involved or whether there is scope for wider participation that could encourage sustainable sociopolitical mobilisation and empowerment beyond the boundaries of the mechanism (Gready and Robins 2014: 358-360). The LRP is considered to be demobilising as it is based on individual dynamics of claimant on the one hand and bureaucrat on the other, while the efforts at outreach and engagement are more about giving information than building capacity. The ZRC appears to have a more transformative dynamic based on collective action, and interviewees reported involvement throughout the process and at different levels of responsibility. Links to ZRC in different regions of Colombia, as well as to other civil society organisations at regional, national and international level have also given participants a higher level of capacity and confidence to organise, mobilise, and make demands.

The outcomes dimension is split between chapters seven and eight, with the first concentrating on the issue of land distribution and rural development. These are of most direct relevance to the LRP and ZRC as land restitution, territorial planning, and the provision of property titles are within their direct remit. Access and ownership to land also constitute central worries for the peasant communities in the Montes de María so it was important to give these issues sufficient space within the analysis. Chapter eight then looks at the remaining outcomes dimensions to see whether LRP and ZRC have had any impact on service provision, the extension of rights, socio-political mobilisation or the incidence of direct violence.

Chapter nine draws together the empirical findings and analysis of chapters five to eight to offer an overall evaluation of the transformative potential demonstrated by LRP and ZRC. This allowed comparison of the variations in transformative potential observed between a transitional justice mechanism and a non- transitional justice mechanism, as well as among the three dimensions. Empirical application in rural Colombia was, of course, intended to provide evidence that could be used to audit the SVRM's usefulness as an analytical tool. On the whole, this could be characterised as a success. The SVRM proved capable of evaluating, and comparing, the transformative potential of LRP and ZRC across the three dimensions, including the identification of certain causal factors inherent to the initiative or its immediate context of implementation. Nevertheless, on other aspects the SVRM demonstrated weaknesses and was not able to provide significant analytical insights. I finish, therefore, by summing up the strengths and weaknesses of the SVRM as an analytical tool and offering some recommendations to increase its success in future iterations.

Chapter 2: Exploring the Key Concepts of Transitional Justice and Structural Violence

2.1 Introduction

This thesis argues that confronting the problems of transitional societies requires much greater emphasis on confronting structural violence. This chapter explores two sets of literatures that have contributed to theorising violence, peace and conflict resolution to see how they analyse these transcendent issues. I begin by examining transitional justice, which has emerged in recent decades as a ubiquitous response to the challenges of post-authoritarian and post-conflict states. Heavily based on international law, transitional justice provides a rights-based normative framework that gives ethical content to programmes and policies adopted in transitional periods. Its basic premise is that prosecution for human rights violations, the revelation of truth, institutional reform, and reparations for victims enables reconciliation and holds forth the promise of more just and peaceful futures.

Following this overview, I trace the genesis and development of structural violence thinking since the 1960s and how it contributes to the analysis of transitional challenges. The main components of structural violence are enumerated, showing how they act to structure and stricture the opportunities for human agency (Farmer 1996). The link to transitional societies is shown by the interactions of structural violence and direct violence, and the manner in which both lead to serious human rights violations.

Acknowledging these linkages prompts more detailed examination of transitional justice's principal processes and how they integrate structural violence critique. Reviewing their development offers the conclusion that a degree of conceptual development is required to deal with the pressing challenges of transitional societies in the twenty-first century. Integrating literature from the intellectually distinct fields of structural violence and transitional justice constitutes the essential scholarly background for this study and is vital to explaining the development of transformative justice. It is the creation of an approach more attuned to structural violence that marks the most important point of difference between the

frameworks of transitional justice and transformative justice. This chapter begins to trace how and why transformative justice emerged from the synthesis of structural violence and transitional justice concerns. Constituting the foundations of the thesis' theoretical framework, this review plays a vital role in creating an applied analytical tool for transformative justice research.

2.2 An Overview of Transitional Justice

Transitional justice (TJ) has increasingly entered the academic and policy mainstream in recent decades as a means to deal with violent or authoritarian pasts through processes to prosecute wrongdoers, reveal truth, redress harm, facilitate reconciliation and prevent the recurrence of violence and rights violations (Teitel 2003; Nagy 2008; Sharp 2013a; Buckley-Zistel et al. 2014; Obel Hansen 2014). Transitional justice processes have contributed to increasing accountability for human rights violations and violations of international humanitarian law committed during periods of conflict and authoritarianism. They have simultaneously been deployed to reveal truths about such violations – including structural and overarching truths that seek to identify underlying patterns and causes in order to better prevent recurrence. They have sought to provide reparation for victims, reform to significant political, legal and security institutions and, sometimes, reconciliation for society. Ruti Teitel, who claims to have coined the phrase in 1991 (2010: 1), defined transitional justice as 'the conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes' (2003: 69).

Teitel's characterisation focussed exclusively on dealing with past wrongs through purely legal means finds support in contentions that 'transitional justice is at its root modelled on criminal justice systems' (Arbour 2007: 2), or that it 'mostly emphasizes corrective justice' (Waldorf 2012: 10). Such views are heavily influenced by the development of international criminal justice after World War 2 when high profile German and Japanese leaders were put on trial. According to Teitel, these processes reflected 'the triumph of transitional justice within the scheme of international law', creating a legacy of holding states accountable for

wrongdoing that became the basis of human rights law (2003: 70). Yet the truly striking innovation was applying accountability to individuals rather than states (Teitel 2003: 73), influencing - or possibly reflecting - the initial emphasis of transitional justice on individual criminal responsibility for international crimes or for violations of civil and political rights (Arbour 2007: 1-2; Pasipanodya 2008: 390). Waldorf defends the narrow focus on criminal justice, arguing that 'transitional justice is inherently short-term, legalistic and corrective. As such, it should focus on accountability for gross violations of civil and political rights.' (Waldorf 2012: 9). A related position holds that transitional justice is no different normatively than ordinary justice, merely facing the same challenges on a larger scale (Posner and Vermeule 2004; Dyzenhaus 2012). Whether Nuremburg really did mark the starting point of transitional justice is debateable, and Teitel herself expresses doubt as to the true force of precedent created (2003: 73-74). Nevertheless, the post-war turn to human rights principles (expressed in 1948's Universal Declaration of Human Rights), and the increasing strength and coherence of international law after this point, played a central role in transitional justice's subsequent development.

There is debate within the transitional justice field on the influence of law, particularly international law. This is particularly apparent between authors who feel transitional justice can be overly legalistic (McEvoy 2008; Nagy 2008; Gready 2011; Sharp 2015: 159-161) and those who feel that it is a highly compromised justice.   What McAuliffe describes as the 'paradigmatic transitions' from authoritarianism to democracy in South America and Eastern Europe in the 1980s and 1990s (2011; also Arthur 2009; Sharp 2013a) were characterised by a large measure of flexibility in applying the law to members of the old regime.   Collins argues that the transitional blueprint created at this time was a combination of truth telling alongside severe curtailment of legal justice, a mid-ground between doing nothing and applying punitive criminal sentences (2010: 7-9). This occurred in states where total and sudden collapse of the regime would theoretically have enabled prosecution, as well as in countries where the outgoing regime controlled the transition. A common perception in late twentieth century Latin America, for example, was that powerful militaries retained the capacity to threaten fragile democracies, and would do so if faced with prosecution. Similar concerns exist that

prosecution (or threats thereof) of civil war participants could endanger transitions to peace. According to this analysis, transitional justice is fundamentally a recognition that social, political and historical realities may make ordinary justice mechanisms inadequate at a time of political change (Collins 2010; Laplante 2007; Arthur 2009). Even Teitel acknowledged TJ to be a pragmatic balancing of justice with political realism, both informed by and constitutive of its conditions (Teitel 2000: 213-228).

The primacy of legal responses in transitional justice is therefore highly debateable. Adoption by the UN in 2004 marked TJ's arrival as a global concern, and this set out a wider frame of meaning that emphasised multiple goals and processes:

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

The UN definition was intended to guide future policies and actions of the UN, states and other organisations, and so included a range of mechanisms many of which have forward-reaching implications. UN adoption crystallised thinking in the field and oriented future theorisation and action, as seen in similar definitions of TJ as a 'set of practices, mechanisms and concerns that arise following a period of conflict, civil strife or repression' (Roht-Arriaza 2006: 2) or 'the array of processes designed to address past human rights violations following periods of political turmoil, state repression, or armed conflict' (Olsen et al. 2010: 11). Given the choice of Colombia as a case study, it is pertinent to examine the definition of transitional justice used in the 2011 Victims Law:

> the various processes and judicial and extra-judicial mechanisms associated with the aims of society to guarantee that those responsible for the violations contemplated in Article 3 [violations of human rights and international humanitarian law] are held responsible for their acts; that rights to truth, justice, and integral reparations are satisfied, that

institutional reforms are made to guarantee the no-repetition for victims, and the dissolution of illegal armed structures, with the ultimate goal of national reconciliation and lasting and sustainable peace (Law 1448, Article 8 translation by Summers 2012: 220).

These definitions draw attention to two important points that advocates of legalistic TJ approaches often fail to transmit: that 'justice' can be defined in diverse manners; and that transitional justice involves a range of different mechanisms.

This realisation leads analysis to a key transitional justice debate: what are its components or processes? The field cohered in the late 1980s and early 1990s around four measures: prosecutions, truth-telling, reparation, and reform of abusive state institutions (Arthur 2009: 325; Patel 2009: 268-271). This four-part structure remains influential in transitional justice, with De Greiff referring to the implementation of criminal justice, truth-telling, reparations and institutional reform (2009: 33-41). Note, however, that prosecution has been replaced by criminal justice, and this is further broadened by Sandoval to justice, while the other processes remain unchanged (2011: 3-10).

The most recent trend is the relabelling of institutional reform as guarantees of non-recurrence (GNR), with global acceptance of the new terminology demonstrated by the appointment of a UN Special Rapporteur (Pablo De Greiff) on the promotion of truth, justice, reparation and guarantees of non-recurrence on 1st May 2012, based on Human Rights Council resolution 18/7, adopted on 29th September 2011. Previously conceptualised as one of the five components of reparations programmes, the revised stand-alone GNR dimension encompasses many measures previously labelled institutional reform, while incorporating actions targeted at civil society, individuals or the prevailing culture (UN Special Rapporteur 2014: 6; UN Special Rapporteur 2015a).

Each of the four principal processes of justice, truth, reparations, and institutional reform/guarantees of non-recurrence are examined in greater detail below. This examination will pay specific reference to their potential to confront structural violence during transitions. Before that, I examine the concept of structural

violence, beginning by charting the debates around the term from the 1960's onwards before setting out its key components and relations with direct violence.

2.3 Structural Violence

2.3.1 Development of Structural Violence

Structural violence entered the social science and peace research lexicon through the work of Johan Galtung, as well as his intellectual exchanges with other theorists in the 1960s and 1970s. In the seminal 1969 article 'Violence, Peace, and Peace Research', Galtung defined an extended concept of violence as the causal mechanism that explains the avoidable difference between human beings' potential and actual realisations (somatic and mental), increasing the distance between them and impeding decrease (Galtung 1969: 168). He then elaborated a series of considerations related to different dimensions of violence: physical-psychological, positive-negative, object-no object (or action-threat), personal-structural, intended-unintended, manifest-latent. The key distinction he makes relates to the subject side – who perpetrates the violence – using the word-pairs personal-structural and direct-indirect. Personal or direct violence involves a clear subject-action-object relation, while violence occurring without this relation is denominated structural or indirect (Galtung 1969: 170-171). This work will talk about direct and structural violence; deliberately disrupting Galtung's word-pairs to emphasise that 'indirect' violence can have very direct impacts, while 'personal' violence can be perpetrated by, and targeted at, collectives. Such an approach also fits with Galtung's subsequent usage of the terms, when he incorporates Direct, Structural and Cultural Violence into a Violence Triangle, with the latter conceptualised primarily as legitimising agent for direct and structural violence (Galtung 1990, Galtung 1996). I will trace the intellectual origins and development of structural violence as an analytical concept; before exploring its components and manifestations, its interactions with direct violence, and specific relevance in transitional situations.

Peace research in the 1960s was still conflict research in all but name, a positivist model focussed on empirical studies of cold war dynamics, armament and

disarmament (Lawler 1995: 10-20). Innovations that had been introduced quickly became a new orthodoxy, dominated by US sociological traditions and academics, and these came under increasing criticism from a mainly younger, mainly European generation referred to as representing a 'radical peace research school' (Lawler 1995: 67-76) or 'the new left' (Van Benthem Van den Bergh 1972: 77). Galtung had been a key architect of the positivist model, yet created a revised model that took on board some of these 'radical' critiques, albeit clearly distinguishing himself from them. Herman Schmid (1968) took issue with Galtung's earlier explication of positive peace, claiming that as conceptualised it was compatible only with negative definitions of peace and conflict. This in turn revealed a problem of peace research as a field: its alignment with conservative political ends, stability thinking and freezing of the status quo that maintain asymmetrical situations.

Schmid's central critique targeted subjectivist definitions of conflict, based around the idea of incompatible goals or values. He argued that a slave-master relationship would therefore not be defined as conflictual if the slave has internalised the social relationship to such an extent that no feelings of hostility are exhibited or even felt: as there are no subjectively expressed conflict attitudes or behaviours it is impossible to say there is incompatibility of goals - yet it seems reasonable to suppose that an objective, latent conflict of interest exists, its explicit manifestation eradicated through manipulation of behaviour and attitudes (Schmid 1968: 224-225). The power relations inherent to managing conflicts by influencing perceptions, fora, and issues were later built upon by theorists of power such as Steven Lukes (2005[1974]).

Schmid's response was to present an objectivist model that conceptualised conflict as incompatible interests built into social structures, independent of behaviour and attitudes: if these are activated then conflict is manifest; if not, it remains latent. This approach avoided blaming the slave, or 'underdog' in Galtung's terminology, for starting the conflict by changing his attitudes and/or behaviours, saying instead that the latent, structurally-determined conflict had been manifested (Schmid 1968: 226-227; Weigert 1999: 439). Keith Webb (1986: 431-433) emphasised the importance of this epistemological divide between objectivist and subjectivist concepts of conflict actually matters, penetrating to the heart of the debate over

structural violence's place in peace research and containing important implications for peace action. He subsequently claims, however, that later subjectivist recognition of incipient or potential conflict considerably weakens the position and brings it close to an objectivist view of objective conflict. This is demonstrated in the similarity between Galtung's 1969 elaboration of 'structural violence' and the 'radical school's' concept of 'latent violence' (Lawler 1995: 80).

Such similarities raise the question as to whether Galtung pulled peace research towards a more radical stance or was himself pushed in that direction (Lawler 1995: 67-68). They also call for rigorous examination of the intellectual debt that the concept of structural violence owes to Marxist theorisation. Objective determination of conflict is heavily reliant on the perception of social reality by an external observer rather than those directly involved (Webb 1986: 433; Lawler 1995: 84) – approximating Marxist claims about false consciousness, as in Schmid's slave example. A more direct link can be traced to Engel's exploration of violence in 'The Condition of the Working Class in England': 'when society ... deprives thousands of the necessaries of life, ... knows that these thousands of victims must perish, and yet permits these conditions to remain, its deed is murder just as surely as the deed of the single individual' (originally 1845 cited in Winter 2012: 197). The reference to murder is not exaggerated, with the impacts of living conditions on health and life expectancy shown by numerous studies (Webb 1986: 431-432; Farmer 1996; Biebricher and Johnson 2012: 207-208). Of common concern in these writings are the effects of highly inequitable economic structures created by global capitalist or imperialist relations of production.

In the 1960s Marxist analyses of global economics and international relations were mutating into dependency theories that stressed the patterned nature of unequal global resource control and the exploitation of the periphery by the core (Lawler 1995: 68-70) - theories adopted by Galtung in some writings. David Roberts draws on these academic traditions when critiquing liberal schools of thought for ignoring the importance of poverty, environment, and natural resources in violence assessments, and how international financial policies, in addition to governmental policy-making, greed and corruption has caused terminal insecurity (2008: 4-7). The influence of dependency theory and theories of imperialism helped put global

structural violence on the research agenda, with Galtung and Hoivik using state level GDP and life expectancy data to operationalise and measure the concept cross-nationally (1971). This increased interest in empirically measuring structural violence during the 1970s, often in comparison to direct violence, by scholars such as Hoivik, Alcock and Kohler.

However, structural violence arose in part as a reaction against the overly empiricist and reductionist direction that conflict research had taken, with the concept used to open the boundaries of research and praxis (Galtung 1996: 1-2). Schmid's conclusion that 'conflicts are solved through structural change only' meant peace action should sharpen conflict through polarisation to the point that actors' changed power relations allow for the negotiation of structural change or until the system breaks down and is rebuilt (1968: 227). Underlying this argument was an ontological stance that saw conflicts not as deviant behaviours or cataclysmic events but as immanent characteristics of human society (1968: 224-227). Schmid also critiqued the universalist tendency to call for international justice in peace research (1968: 229), a feature of Galtung's earlier work (Weigert 1999: 432), but seen by Schmid as identification with the interests of the existing international system and an institutional and ideological commitment to promote only adaptive change within the system rather than structural change that would constitute a threat to power-holders.

Schmid's analysis certainly drew on Marxist foundations, and significantly influenced Galtung's future research. Kenneth Boulding, a vehement opponent of the 'radical school' (Lawler 1995: 70-72), uses a conventional liberal argument that more equality equates to less quality and freedom, with Galtung said to be for destruction and dissipation and the reduction of all to a dead level (Boulding 1977: 79-81). Yet he also acknowledges that Galtung is not a Marxist, and in fact sets out a typology of social theories divided into structural, dialectical and evolutionary, with Galtung firmly in the first (Boulding 1977: 76-77). Another contemporary critique held that Galtung wished to convince Marxists to give up the idea of substructure and superstructure, and of economic processes being more basic than political or cultural ones (Van Benthem Van den Bergh 1972: 81-82).

Galtung's position in reality constituted a mid-ground between liberal and Marxist positions; or alternatively, between positivist and constructivist positions. Peter Lawler implies that Galtung tries too hard to draw on liberal and Marxist thought, while putting a plague on both their houses as potential causers of structural violence, ultimately leaving his models vague (1995: 82-85). This can be seen in Galtung's responses to other intellectuals as well as by the development of his own thinking, which had earlier been internationalist and stressed associative or integrative solutions to conflict (1965). Structural violence at the international and national level emerged as a key research agenda for Galtung, developing from past work on rank disequilibrium and the differential treatment that this entailed for those of differing rank ('A Structural Theory of Aggression' 1964). Nevertheless, this work dealt mainly with the effects of disequilibrium on direct violence, and so the 1969 article was the first to apply such theorisation to an analysis of direct and structural violence. It also marked a growing recognition that techniques of influencing people's behaviours were becoming more sophisticated and less manifest by manipulating perceptions of action-space, the use of internalised sanctions and value-loading of action (Galtung 1965: 240-241).

This raises the question as to what structures are, how they are formed and what purpose they serve – particularly those that uphold structural violence. Here Galtung is critiqued for being overly static and relying on taxonomies and sharp dichotomies, whereas social reality is much more fluid and random (Van Benthem Van den Bergh 1972: 78-79; Boulding 1977: 77-78). Static approaches do not explain the development of structures. This necessitates analysing the uses and relations of power in societies so as to recognise diverse forms of agency and interdependence among actors. Foucault, for example, theorises that control is locally produced and exercised through infinitesimal mechanisms and techniques that are appropriated by larger powers if they prove useful. Accordingly the question is why certain techniques become useful, while analytical interest centres on the role of individuals and groups caught in a net of power as targets, but also as elements of reproduction (Foucault 1980: 96-102). These theorisations can illuminate the micro-processes of structural violence and how it impacts on people's lives, and the evolutionary dynamics inherent to them (Boulding 1977). Structures

are designed by humans and evolve over lengthy periods of time to define, direct and order power, with dominant structures and institutions able to secure desired outcomes (Roberts 2008: 7-11). These structures and institutions are interdependent and in many ways self-replicating, tending to both empower and disempower and creating a 'shared structural basis of power' by facilitating actions which would not otherwise be possible, while simultaneously constraining other uses of agency (Haugaard 1999: 114).

Controllers of structures will resist major changes to the greatest extent possible; nevertheless structures are not immutable but rather change, evolve and are renegotiated (Roberts 2008: 7-11; Schmid 1968: 227). As Galtung's work argued, structural violence does not prevent social change but constrains the directions in which it proceeds (Lawler 1995: 84). This creates a challenge to diagnose structures in a manner such that individuals can see their positions and also perceive the possibilities for change, providing a drive to right a wrong made clear as 'Structural Violence' (Weigert 1999: 439). The more that research 'denormalises' the 'normal' structures, the more it moves structural violence into the visible domain, simultaneously making clear that institutions, processes and structures can be part of the solution as well as part of the problem (Roberts 2008: 21-22).

Of course, the idea that structural violence functions because it is invisible is challenged, with Yves Winters arguing that violence – and the silences surrounding it - hides in full view: not facilitated by being invisible, but made invisible by its repetition and reproduction (Winters 2012: 200-202). Through repetition (or normalisation) the violence becomes invisible (or accepted) and made structural because of its recurrent and iterative temporality, and the fact that it is reproduced — differentially across social groups — with this reproduction and reproducibility not merely contingent but constitutive aspects (Winters 2012: 202). Yet it is not at all clear that invisibility is a prerequisite or central foundation of structural violence because '*some* degree of structural violence exists in all complex and highly differentiated societies' yet the effects will vary greatly with resources available, and norms and rules governing distribution (Webb 1986: 431). This is why the calls to examine micro-level instantiations of structural violence, and mobilisations

against it, are central to examining transitional societies. As is placing them into the wider processes of continuity and changes in social dynamics and power relations.

Structural Violence's usefulness as an analytical category is directing attention to identifiable, mutating and transformable structures in order to challenge them. This is achieved by developing Galtung's generic conceptualisations into detailed, sustainable analyses of specific structures and institutions of violence (Roberts 2008: 22) that appreciate the localised domains of power, truth and control (Haugaard 1999: 112). For this reason it is vital to more closely examine the central components of structural violence and its interactions with direct violence and human rights violations.

2.3.2 The Major Components of Structural Violence

The preceding paragraphs have shown how structural violence theories and analyses do not deny the existence or severe impact of direct violence on individuals and communities. While the two may differ in their nature, perpetrator and intention, both types of violence are serious social problems with severe impacts on victims (Vorobej 2008: 92-94). The purpose of structural violence as an analytical concept is to emphasise the importance of more profound investigation of that which lies below, that which distorts discussion of violence, that which is not a dramatic picture of bombings, shooting, or stabbings. In short, the challenge is not to count waves on otherwise tranquil waters; it is to analyse the tranquil waters of structural violence (Galtung 1969: 173). To do this it is necessary to examine structural violence in more detail, which we can begin to achieve by conceptually dividing it into the three major pillars on which it rests: social marginalisation, political exclusion and economic exploitation (Gready 2011:15). This section explores these three concepts before moving on to examine how their operation in tandem constitutes the central problem of structural violence.

The social factors pertain to normalised patterns of behaviour and relations that often mean inequities do not have to be enforced by recourse to direct violence. Instead they are internalised by individuals and by societies and reinforced through the use of symbolism, ideology, tradition, and propaganda (Hume 2009: 36-38).

This is the constitutive component of power as a force that actively shapes and influences behaviours rather than power existing solely as negation or repression (Haugaard 1999: 112; Foucault 1980). Joel Modiri points to the continued social and cultural dominance of whites in all spheres in South Africa, in spite of the political changes brought about by the end of apartheid. This is seen in the number of senior officials and judges; but also symbolically and psychologically in what is seen as good in society, with many aspirational blacks desiring a more 'white' lifestyle (Modiri 2015). These patterns of racialised social relations and structures underpin the structural violence in South African society, and are in turn reflected within the prevailing political system. Elites in Latin America have historically labelled indigenous peoples backward and in need of a civilising mission, resulting in denigration and marginalisation of their cultural identity, and exclusion from political and economic power within society (Laplante 2007: 154; Baquero Melo 2015: 36). The inertia of deeply ingrained and internalised patterns of dominance makes it difficult for people seeking change in societal structures to confront, and challenges to the existing power are severely punished (Hume 2009: 6-7).

This power embedded and embodied within society shapes individuals' behaviours, actions and perceptions (Kothari 2001: 143-145), reflecting the central role of political power and powerlessness in structural violence. The political is placed in the centre by definitions emphasising that structural violence is a 'phenomenon whereby the structure of a society manifests unequal power relationships which lead to unequal life chances, harming people by preventing them from meeting their basic needs' (McAuliffe 2015: 93). Differences in life opportunities are neither natural nor inevitable, but constitute the outworkings of exclusionary polities. Political exclusion can be seen in the inability of some members of society to influence political systems given the prevailing power relationships, meaning that the existing status quo is continually reinforced by the aforementioned normalisation of existing power relations (Haugaard 1999; Freire 1996[1970]; Foucault 1980). While a lack of formal political participation is often associated with open denial of civil and political rights under authoritarian regimes, countries that hold regular elections often contain multiple barriers to meaningful participation. In many places, people have difficulties accessing polling stations or

knowing candidates' platforms, while the ability to stand for election or set the political agenda is monopolised by elites who have the money and contacts to do so.

The economic component of structural violence is closely related to the existence of widespread poverty, exploitation and inequalities across society. Access to financial resources is a central question here, linked to differing levels of integration into the economy. However, structural violence goes further than focussing on income level: it is seen in the systematic exclusion of certain groups from services and opportunities that are provided to others – resulting in severe health and education inequities (Hecht and Michalowski 2012: 5; World Health Organisation 2015). Transport links and other infrastructure facilitating livelihood development are often not constructed with equity in mind; in fact, they often deepen inequity in societies as they tend to favour sectors such as large landowners or industry rather than the inclusion of marginalised regions. Examples are the construction of roads and railways that facilitate the movement of commodities from mine, farm or factory to ports, rather than intra-regional mobility or the transport of people.

The tripartite division, while useful in illustrating the extent of structural violence, is heuristic, as in practice the political, social and economic spheres are closely interwoven, interdependent and in many ways mutually reinforcing (Muvingi 2008: 165; Cramer 2003: 409; Sen 1999). This is succinctly captured by Chris Cramer's observation that 'economic inequality exists by virtue of the social and political forces that give rise to it, just as material forces shape the social and political' (Cramer 2003: 406). Socioeconomic inequalities based on unequal access to land and other resources were at the heart of apartheid as a project of ongoing economic colonisation; it was only at a comparatively late phase in this economic project that an explicitly discriminatory political system was needed (Truth and Reconciliation Commission of South Africa Report 2003: 140 in Miller 2008: 277). Land ownership patterns have similarly been historically important in Rwanda (Miller 2008: 280-284; Cramer 2003: 406-408) and Zimbabwe (Muvingi 2009: 173-176), where they have entrenched structural violence in addition to fuelling conflagrations of direct violence.

While much literature debates the contribution of economic inequality as a driver of conflict, it is the interaction with political, cultural and social marginalisation to create structural violence that truly serves to undermine victims' lives. This means that comprehensive analysis of how far formal, legally or legislatively-mandated equalities map onto lived realities needs to consider approaches like Rawls' 'principle of difference' (Muvingi 2009: 166), capabilities (Sen 2009), or substantive equality (O'Connell 2015). Space precludes entering into detailed exploration of each of these; it suffices to say that a structural violence framing takes them into account. Substantive equality, or equity, in social conditions and access to political and economic power is closely linked to increasing capabilities for realisation in these spheres – precisely the issues with which structural violence analyses grapple.

2.3.3 Direct and Structural Violence

An important point to emphasise is that structural and direct violence are not mutually exclusive. Galtung introduced the concept of structural violence in consonance with direct violence, seeing them not as opposing and independent terms, but as interlocking and reinforcing phenomena (1969: 177-183). While structural violence refers to violence within societal systems, it does not preclude human agency or human interests (Biebricher and Johnson 2012: 209). Instead, it demonstrates how the institutionalisation of past choices and circumstances affect present societal conditions, and can create structural violence that is instantiated anew through time. Structural violence analyses help explain how actors cause harm to other individuals even when engaging in actions that may not be considered legally - or even morally – wrong (Haugaard 1999: 114; Evans 2013: 3; Galtung 1969: 171). Thomason shows how contemporary housing markets function to displace poorer individuals and social groups as burgeoning demand, rising rents and a lack of tenant protections combine to make homes unaffordable (2015: 75). Inattention to structural forces obfuscates the realities of social dislocation, destruction of community and creation of impoverished peripheries.

Structural violence analyses can facilitate exploration of the origins and true extent of direct violence by showing how it is hidden and normalised within unequal power

relations and social structures (Hume 2009: 6-10). De-personalised violence is often harnessed to further particular interests, normally those of powerful groups seeking to (re-)assert control (Vázquez-Arroyo 2012). States in the Americas, for example, were constructed on the base of colonial exploitation, displacement and alienation for the majority of the population, a legacy which continued when power passed into the hands of now-independent national elites (Jiménez Pineda 2018; Reyes Posada 2016: 46-47). Structural violence and severe inequalities continue to characterise the region, as do very high levels of interpersonal, criminal and political violence (Hume 2009; Briceno-Leon et al. 2008; Godoy 2005; World Health Organisation 2014: 8; World Bank 2011). Making visible what is often rendered invisible through social normalisation will require sustained analytical study of the societal relations and institutions supporting structural violence (Farmer 1996; Vorobej 2008: 93; Thomason 2015: 76; Kothari 2001).

2.4 Structural Violence within Transitional Justice Processes

Having set out the main critiques of structural violence, and its relation to direct violence and human rights violations, this section will examine their integration into the four principal transitional justice processes of Justice, Truth, Reparation, and Institutional Reform/GNR. These processes are dealt with successively below, with key debates and characterisations drawn from an extensive review of the literature. The contribution that each process has made, or could make, to confronting structural violence in transition is set out, along with the limitations they face.

2.4.1 Justice

According to Olsen et al.'s seminal study tracking the adoption of TJ mechanisms 82% are related to the 'justice process' – understood here to incorporate both criminal prosecutions (trials) and decisions not to prosecute (amnesties) (2010: 39). While their methodology contains some flaws, such as the exclusion of institutional reform and memory projects from the remit, or the potential overcounting of prosecutions by equating a single criminal trial with a reparation programme

involving multiple persons, this is a startling high figure. To take one example, in terms of resources devoted, the Sierra Leone Special Court received $250-300 million for its operations, whereas only $4.4 million was made available for reparations (Gberie 2014; Ainley 2015). This exemplifies the continued dominance of legalistic approaches to transitional justice. The central role given to judicial proceedings is unsurprising given transitional justice's origins in international criminal law and international human rights law, and the duty of states to investigate and prosecute the individuals most responsible for war crimes, crimes against humanity and genocide. It also explains why the concept of amnesty is one of the most controversial components of transitional justice, and one closely monitored by accountability actors (Mallinder 2008).

Prosecutions are promoted for a variety of reasons in transitional societies. Neier gave a pure human rights view, claiming that 'punishment is the absolute duty of society to honor and redeem the suffering of the individual victim' (quoted in Arthur 2009: 358). Criminal proceedings can be victim-centred in their aim to reintegrate victims by recognising their suffering and ensuring their future position as valued members of society. They serve the broader purpose of demonstrating the interaction and interdependence of transitional justice processes; and build trust among citizens and between citizen and state through positive norm-affirmation, the promotion of civic trust, and the strengthening of democratic rule of law (De Greiff 2009: 56-57). The symbolic defeat of human rights violators expressed by punishment signals a change in societies' normative values, prevents victims meting out their own punishment and strengthens the rule of law in transitional societies (Patel 2009: 269; McAuliffe 2010; Lambourne 2014: 24-27; 2009: 37-40). Judicial proceedings also link to notions of deterrence and non-recurrence by virtue of removing perpetrators of abuses from positions of power, and discouraging others from doing the same based on a credible threat of prosecution (Patel 2009: 269; Lambourne 2014: 32; 2009: 44; Sandoval 2011: 4-5). Theoretically this remains true even when amnesties are used, provided they are applied in a limited manner after the truth of human rights violations has been established.

The potential for the justice process to reduce structural violence is predicated on broadening efforts away from a narrow focus on perpetrators of physical violence. Increasingly the case is being made to include economic, social and cultural rights violations and economic crimes within the remit of transitional justice (Schmid 2011; Hecht and Michalowski 2012; Haldemann and Kouassi 2014). Latin American analyses argue that prosecution for corruption has done more to delegitimise autocratic regimes than those based on human rights violations, and are more widely supported within society (Cavallaro and Albuja 2008; Carranza 2008). Meanwhile, information revealed during trials can form the basis for awarding judicial reparations, and assets seized from convicted parties used to finance victim compensation and broader reparation measures (Hecht and Michalowski 2012: 2-3; Mani 2008: 258).

These recent uses of legal proceedings have made some progress in addressing physical violence and holding perpetrators accountable. Yet even the expansion to facilitators and beneficiaries is insufficient to meet the larger goal of addressing systemic and institutional issues (Thomason 2015: 76; Muvingi 2009: 179-180). In any case, the causal relationship between prosecutions and the notions of deterrence and non-recurrence remains empirically unproven (Ainley 2015; Robins 2013: 156). A focus on discrete events neither elucidates the structural violence that underpins rights violations, nor reveals the roles of enablers, beneficiaries and bystanders (Miller 2008: 280-284; Mani 2005: 520-521; Thomason 2015: 75). Moreover, prosecutions based on corruption have been selectively pursued, reproduce the flaw of holding up a particular scapegoat while obscuring the larger system of exploitation, and are limited to blatant acts of illegal enrichment without questioning prevailing economic orthodoxies (Hecht and Michalowski 2012: 2-4).

The enthusiasm for judicial enforcement of Economic, Social, and Cultural Rights (ESCR) must also be tempered. The presumed existence of a commonly agreed legal baseline facilitating judicial enforcement fails to appreciate the social reality of transitional states (Miller 2008: 276). This reality is that marginalised groups or communities often lack the confidence and capacity to access legal systems, and consequently most processes favour middle- and upper-class sectors of society (Landau 2012). South Africa's constitutional right of access to housing, for example,

did not translate into an immediate right to housing for those in desperate need (Landau 2012: 408-410; Haldemann and Kouassi 2014: 515). It is increasingly argued that a more transformative agenda for transitional justice needs to address the role of privileged individuals and communities beyond token criminal trials, by examining the structures supporting violations (Hecht and Michalowski 2012: 6; Muvingi 2009: 165-180). Colombian legislation, for instance, allows for the prosecution of all individuals implicated in the chain of rural displacement and land concentration, from those who violently seize land to subsequent buyers aware of the violent and illegal manner in which it was acquired. Prosecuting beneficiaries and enablers (for example local land registrars) of land grabbing could constitute a powerful message in rebuilding normative expectations of justice in transitional countries, signalling a commitment to addressing structural as well as direct violence.

2.4.2 Truth

Transitional justice emerged in 1980s Europe and South America, with transitions towards more democratic states from authoritarian or totalitarian regimes that negotiated the conditions of their exit from power. The political constraints on prosecution, secretive nature of the regimes in question, and less developed international jurisprudence saw the truth process given renewed focus. The truth commission, defined as 'a newly established, temporary body officially sanctioned by the state or an international governmental organization to investigate past human rights abuses' (Olsen et al. 2010: 34), has become a nearly ubiquitous tool, described as transitional justice's original (perhaps defining) contribution (Collins 2010: 9; Gready 2011; Sharp 2013a: 155). They originate in transitional moments; have official status, short life-span and victim-centred approach; focus on past violations of human rights; and investigate patterns of abuses and specific violations rather than a single event (Gready 2011: 3).

In Latin America 'truth' meant public acknowledgment of known histories and atrocities, rather than revelation of startling new facts (Arthur 2009: 350; Collins 2010: 9-10). An official narrative of repression or conflict is seen to contribute to

the pursuit of justice for victims and society at large by acknowledging suffering and rehabilitating the reputation of marginalised individuals. It also contributes to norm-fulfilment by ensuring perpetrators' actions and ideologies are socially repudiated even if they escape judicial sentences. Such concerns expand transitional justice beyond trials and retributive justice to questions of restorative justice that emphasise peace, reconciliation and the restoration of societal, community and interpersonal relations by restoring agency to victims, and linking individual actions into wider community dynamics (Bell and O'Rourke 2007: 40-41; Sharp 2013a: 155; Clamp 2014).

While some authors have claimed that documenting manifestations of – and resistance to – repression or conflict moves away from prosecution towards a less-ideal form of justice (McAuliffe 2010; Posner and Vermeule 2004), this is to elevate one conception of justice – justice as retribution – above all others. For many survivors or families of victims, acknowledgement of their suffering and/or opposition is an important marker of personal and community justice, especially if it also works to rehabilitate their standing in the community. The truth processes' restorative element is often believed to come from public participation, with testifying theorised as emotionally cathartic and symbolic of new regimes' willingness to hear the previously voiceless (Daly 2002: 85; McAuliffe 2010). Bell and O'Rourke argue that understandings of gendered harm have become more comprehensive over time, and that women's involvement is facilitated by truth commissions' flexible processes, responsiveness to survivor needs, and focus on rebuilding relationships rather than on crime and punishment (2007: 28-40).

It is further theorised that truth commissions could deliver a more profound sense of justice by investigating ESCR violations and identifying the root causes of human rights violations (Arbour 2007: 14; Pasipanodya 2008: 392-394; Hecht and Michalowski 2012: 1). Truth commissions in Guatemala and Peru provided empirical evidence of the correlation and causal connection between victims of structural and direct violence (Laplante 2008: 335-337), while East Timor's Commission for Reception, Truth and Reconciliation explicitly investigated violations of economic and social rights, including the abuse of education, price fixing, famine and displacement (Pasipanodya 2008: 393). These orientations allow

the revelation of truth to 'set political agendas for future social justice reforms aimed at true conflict prevention' (Laplante 2008: 334).

The fundamental question is whether truth commissions can move from analysis to action, requiring enforcement of their recommendations which are currently ignored or subverted by powerful actors (Evans 2016: 5). The Nepalese peace agreement prioritised socioeconomic violations, yet the truth commission was constrained from the outset by a lack of consultation, insufficient guarantees of independence, a restrictive mandate, the lack of obligation to publish a report, lack of attention to the rights of victims and witnesses and a general public scepticism of commissions (Pasipanodya 2008: 392-394). The Guatemalan commission may have examined the roots of conflict, but the findings have done nothing to remedy structural violence against the Maya or to integrate them into a renewed national narrative (Laplante 2008: 335-337; Gready and Robins 2014: 346-347; Thomason 2015: 77).

While each transitional situation is clearly different, similar shortcomings often arise, and may be symptomatic of deeper conceptual flaws. These are the colonisation of commissions by quantitative methodologies and narrow conceptions of human rights that only partially critique power, and the focus on what has changed (civil and political abuses), not what has continued (economic and social concerns) in the transitional period (Gready 2011: 13). In general truth commissions have failed 'to investigate fully the socioeconomic background to the conflicts in question, to elucidate the structural violence of the past or to fully grapple with the economic aspects of transition' (Miller 2008: 276), meaning they are experienced as an alien mechanism, rather than a true means of justice (Mani 2005: 520-521; Muvingi 2009: 165; Thomason 2015: 79).

So while truth commissions may be an emblematic feature of transitional justice, I argue that they will not – in fact, cannot be expected to – achieve all of their normative expectations. They have a role to play, but this is often overestimated. Transformative truth commissions would require more expansive mandates to analyse structural inequalities, distributive injustices and ESCR violations, in addition to authority to make concrete enforceable recommendations to redress them in their final reports (Laplante 2008: 333; Mani 2008: 256; Pasipanodya 2008: 392-

394; Harwell and Le Billon 2009). The major role for truth commissions is procedural rather than substantive: reports can influence public policy and social mobilisation, and participation in truth commissions could constitute a starting point for deeper citizen engagement and empowerment. Delivering this impact requires processes to be deeply participatory in their implementation, but also in their elaboration and design, including activities that build the capacity and confidence of previously marginalised populations to participate, and remove barriers to this involvement (Gready 2011: 13-14).

2.4.3 Reparations

The UN 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 call for 'adequate, effective and prompt reparation for harm suffered' along with access to equal and effective justice and to relevant information (2005: 6). Reparation is the most commonly used term to describe a battery of measures aimed at ameliorating and repairing the damages suffered by victims of human rights violations: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. While reparations have often been a neglected element of transitional justice (Mani 2005: 524; Thomason 2015: 72; Ainley 2015), recent UN Special Rapporteur reports assign these greater importance (2014).

Reparations are theorised to provide corrective and distributive justice, define guilt and victimhood, identify power shifts and redefine citizenship in a remade society (Mani 2005; Arbour 2007: 17; Miller 2008: 284; Muvingi 2009: 180; Gready and Robins 2014: 346-347). By satisfying victims' urgent basic needs and reaffirming their dignity, reparations can establish the conditions under which they can participate more fully in social and political life (Pasipanodya 2008: 389; Waldorf 2012; Robins 2013). Gready, meanwhile, regards the activity of mobilisation to demand reparations to be an example of change that is more significant and transformative in the long term than the actual payments (2015), representing the early signs of a more confident and empowered citizenry.

Common shortcomings of reparation programmes include difficulties in establishing their scope, identifying victims and defining compensation (UN 2005: 7-8; Sandoval 2011: 6-7). Individualised compensation for particular groups of victims can undermine analyses based on inequitable and violent social relations, the political economy of transition and the need for future socioeconomic justice; thereby failing to redistribute wealth or power on a scale that would reduce structural violence in transitional states (Miller 2008: 278-285; Muvingi 2009: 180; Lambourne 2009: 41-42; Evans 2016: 7). A further criticism is of 'development as reparation' that conflates two separate state obligations, has difficulty targeting only victims, fails to show moral reparation, and may cause violence through the resentment of those who lose out (Miller 2008: 285; Muvingi 2009: 180-182). The Colombian comprehensive reparations programme, based on Law 1448 of 2011 (Victims' Law), has been subjected to some of these critiques, because land restitution is overwhelmingly to individuals losing land due to armed conflict since 1991 (Acción Social 2011: 5-8). Excluded from the programme are people dispossessed pre-1991, the historically landless, and those who suffer socially and economically based structural violence rather than direct violence.

Yet Colombia's land restitution programme is the flagship state initiative towards rural development, transitional justice and victims' rights. It aims to return millions of hectares of land (Correa 2015; Baquero Melo 2015: 43-44), and certain innovative features make it more responsive to structural violence than previous reparation attempts. These include: its initial implementation in regions most affected by armed conflict; the prioritisation of female-headed households; the reversal of the burden of proof so that current occupiers must prove lawful possession; and support for productive projects and associated rural development policies to create viable livelihood opportunities for returnees (Acción Social 2011). The latter indicates a movement towards more holistic and transformative responses that address systemic exploitation and marginalisation. The inclusion of vulnerability alongside victimhood as a criterion for reparation could make schemes more fair and affordable, ensuring that a wealthy 'victim' would not be privileged over a historically marginalised 'non-victim' (Robins 2013: 165; Atuahene 2010).

The processes of reparation programmes are highly significant, with public participation essential as a tool for empowered citizenship - participation throughout the process in defining, designing, implementing and monitoring reparations. Such deep engagement builds the capacity and confidence of marginalised individuals, groups and communities to participate more in wider social and political structures. Civil society organisations can initiate local processes and leverage power to advocate for resources from the central state (Muvingi 2009: 180; Robins 2013: 210), demonstrating the importance of bottom-up initiatives that can subsequently be scaled-up and transferred to other sectors and localities by building constructive alliances with interested stakeholders (Gready and Robins 2014: 360-361; Eriksson 2009: 141-148). These comprehensive approaches will better facilitate reparation's transformative potential (De Greiff 2009; Sandoval 2011; Gready and Robins 2014; Sandoval 2015).

2.4.4 Institutional Reform / Guarantees of Non-Recurrence

This is the transitional justice process that has least consensus in the literature, given the recent change in terminology from institutional reform to GNR. This is an important advance recognising that goals such as strengthening civil society participation cannot be undertaken using a traditional institutional reform model (UN Special Rapporteur 2015a: 20). Nevertheless, investigating UN Special Rapporteur reports makes it clear that institutional reform remains the central plank of GNR efforts, with a September 2015 Report on GNR devoting double the amount of space to institutional interventions than to other interventions (UN Special Rapporteur 2015a), and a special report in October 2015 dedicated to vetting and security sector reform (UN Special Rapporteur 2015b). Whether institutional reform or GNR is preferred, this component recognises that building sustainable peace requires changing the societal relations and structures that committed or permitted armed conflict, repression and human rights violations (Sandoval 2011: 9-10; Lambourne 2009: 34-35).

Institutional reform is a vital component of transitional justice, but also a complicated and often unsuccessful one (Waldorf 2015; Woolard 2015). A major

drawback is that it is often more rhetorical than real: understudied in the literature and underutilised in transitional practice (Sandoval 2015). The potential challenge of reforms to powerful actors' interests encourages opposition or pushback. This makes prolonged attention and pressure from civil society necessary to prevent national political actors and the transitional justice community from ignoring or undermining changes that challenge their interests (Pasipanodya 2008: 386-389). Institutional reform has also been critiqued as too closely aligned with externally defined security and economic agendas, necessitating a reorientation towards addressing local needs to give reformed institutions internal rather than external legitimacy (Gready and Robins 2014: 345; Nagy 2013: 83-85). Doing so could impact positively on people's lives by altering the nature of relations and incentive structures that surround them.

A number of institutional reform examples exist in transitional contexts globally, with differing levels of success. Nepal's peace agreement committed the state to creating a State Restructuring Commission responsible for planning and implementing comprehensive institutional reform (Pasipanodya 2008: 385). Yet the Commission took a long time to be established, was given an ultimately limited mandate, and failed to agree on the report's recommendations. In Northern Ireland, police reform represents probably the most significant - and successful – change, showing that institutional reform can be harnessed in transformative manners. The incorporation of institutional commitment to human rights standards, external oversight and policing with the community has increased trust in a vital state institution, thereby contributing to the peace process and aiding societal reconciliation (Bayley 2008). This reform demonstrates the importance of transitional justice more closely linking with, and informing, other fields to successfully meet locally defined needs.

The goal of reforming state institutions implicated in violent conflict and rights violations are shared by transitional justice and peacebuilding, and tying Demobilisation, Disarmament and Reintegration programmes into transitional justice measures could be mutually beneficial, as they both aim to reintegrate conflict participants into civil existence (Patel 2009; Sharp 2013b). The Colombian Agency for Reintegration, for example, has assisted the economic reintegration of

60,000 FARC and paramilitary ex-combatants since 2003 – with recent moves towards a people-centred approach informed by transitional justice leading to improved programme results (Thorsell 2013; Brigida 2016). This move away from a state-dominated approach is reflected by the movement from institutional reform to GNR, leading to the incorporation of actions targeted at civil society, individuals or the prevailing culture in transitional societies. Legal standards on non-recurrence have grown significantly, and economic and social conditions have increasingly entered into the framing of initiatives, opening the possibility of addressing structural violence in a more transformative approach to transitional justice (Gready et al. 2010; Gready and Robins 2014; Evans 2013; UN Special Rapporteur 2015a: 5-9).

The contribution that institutional reform and GNR can make to transforming situations of structural violence will be examined in greater depth when laying out the theoretical framework of transformative justice. However, a note of caution is here required, in order to appreciate that changing institutions will not automatically reduce levels of structural violence in transitional societies. Rather, it will contribute to societal transformation by creating more responsive and democratic state structures necessary to address structural violence and inequalities (Gready 2011: 7). The sphere of action is above, below, within and without the state, and measures must address social and economic questions and improve overall living conditions to maintain credibility and avoid becoming a series of relatively inconsequential events (Mani 2008: 254; De Greiff 2009: 30). It is this realisation that motivates the reintroduction at this point of the concept of structural violence, not as a description but as a theoretical and analytical approach that can shed light on the specific challenges of transitional societies.

2.5 Conclusion

This chapter has reviewed the conceptual evolution of transitional justice and structural violence over time. Transitional justice provides a rights-based framework for dealing with the past in transitions from armed conflict and authoritarianism. It also contributes to creating more peaceful futures through a

mixture of institutional reform, guarantees of non-recurrence, reparations, truth and justice. Recent developments have strengthened the capacity to create more peaceful futures by integrating deeper analyses of the underlying tensions in transitional societies (Thomason 2015: 78; van Zyl 2012: 52-61; Cramer 2006: 279-289). This is witnessed in the increasing recognition that preventing further conflagrations of violence in transitional societies requires addressing the sources of legitimate societal grievance (Pasipanodya 2008; Arbour 2007: 8; McAuliffe 2015: 93; Sandoval 2011: 10; Robins 2013: 12).

I have argued that structural violence provides an analytical framework to understand and interpret the changes in transitional justice, particularly as the inherent violence of iniquitous social and political structures does not halt during times of civil war and repression. Many writers make clear the necessity to look beyond decontextualised acts of violence and the harms they cause and instead make visible the structures underpinning such harms (Cramer 2006: 279-289; Gready and Robins 2014: 347; Sharp 2013a: 157; Evans 2016: 9-10; Farmer 1996: 263; Kent 2012: 112). While transitional justice has expanded its sphere of action, the review of its principal processes suggests that it continues to contain limitations in confronting structural violence.

These developments lead on to chapter three, where the conceptual framework of transformative justice is set out. The argument is made that transformative justice is appropriate for this study because it integrates the central concerns of structural violence and transitional justice scholarship. This leads to an operationalisation of the framework in an innovative Structural Violence Reduction Matrix (SVRM). This contributes an analytical tool intended to identify the characteristics of initiatives with more transformative potential in transitional societies. Subsequent chapters adapt and apply this analytical tool to evaluate the transformative potential of different rural initiatives in Colombia, serving as a test of the SVRM's usefulness.

Chapter 3: Conceptualising and Operationalising Transformative Justice

3.1 Introduction

Chapter two reviewed the contribution of transitional justice and structural violence analyses in confronting the problem of violence in transitional societies. These two distinct approaches add value to our understandings and are based on sound theoretical bases - yet neither goes far enough in isolation. This chapter therefore examines the contribution of transformative justice to analysing and confronting structural violence in transitional societies, particularly in a case like Colombia where the socioeconomic aspects of armed conflict are widely acknowledged. The attention given to structural violence and socioeconomic aspects of transition; its deep reading of historical processes of domination, accumulation and marginalisation; and its championing of inclusionary participatory processes by non-elite individuals and communities explain why the matrix is heavily based on transformative justice. This thesis refines and expands upon transformative justice principles, allowing them to be operationalised empirically. The result is the creation of a structural violence reduction matrix that converts transformative justice into an analytical tool that can evaluate the transformative potential of initiatives implemented in transitional settings.

This chapter begins by considering the difficulties that transitional justice has encountered in dealing with socioeconomic and property questions in particular. The bulk of the chapter examines transformative justice's principles, development and interactions with reparative, restorative and transitional justices, and how the concept has been developed by various scholars. The key concerns, as well as lacunae, in transformative justice justify the decision to create a structural violence reduction matrix. This matrix analyses structural violence in transitional societies, emphasising the necessity for initiatives to work simultaneously on diagnostic, process and outcome dimensions. This research matrix is further developed in chapter four for empirical use in rural Colombia.

3.2 The Continuum of Adjectival Justices

The idea of transformation has always held an ambiguous position within transitional justice. Paige Arthur situates the rise of the field at a time when grand theories of social and economic transformation were giving way to those that emphasised shortened sequences of reform based on elite agency and technocratic approaches (2009: 337-339). This assumed that the final victory of liberal democracy and neoliberal economics required merely careful managerial approaches in order to (re)incorporate transitional societies into the responsible club of democracies (Smith and Pickles 1998: 4; Bowsher 2017).

Nevertheless, fulfilling the expanded GNR remit, overcoming past violations, and constructing more democratic and inclusive societies necessitates deeper economic, social and political transformation (Arbour 2007; Lambourne 2009; Patel 2009; UN Secretary-General 2011; Sharp 2012). It also makes it necessary to understand what a call for transformation rather than transition means, and how the two differ. While transition can be seen as a bounded change in state to a known destination - and hence capable of being managed - transformation is a deeper and more uncertain process, often involving cultural and behavioural change. McAuliffe characterises transition as a finite and contained phenomenon, politically defined and representing an epiphenomenal opportunity to re-evaluate or re-establish state norms (2011: 35). Transformation encompasses the fundamental changes in a society's culture, structures and patterns of relations, even as it undergoes this political transition (Daly 2002; Evans 2013: 8). The reconceptualisation of institutional reform as a means to an end illustrates the difference in scope and ambition of transformative justice from the existing transitional blueprint. If the fundamental aim of (post-)transitional governments is to ensure non-recurrence of atrocities and armed conflict, then radical societal transformation is necessary to ensure the once-prevalent becomes unthinkable (Daly 2002: 181).

Transformative justice is best defined as 'transformative change that emphasizes local agency and resources, the prioritization of process rather than preconceived outcomes and the challenging of unequal and intersecting power relationships and structures of exclusion at both the local and the global level' (Gready and Robins

2014: 340). The noticeable difference from dominant transitional justice concerns makes it legitimate to question what overlap there is between the two frameworks. Evans argues that transformative justice is not part of transitional justice, and that existing mechanisms can have very little impact on the structural social and economic issues which are currently peripheral in transitional justice (2016: 6-8). Other recent contributions raise the provocative question of whether transformative justice represents a prism through which to re-evaluate transitional justice or a schism in the field (Balasco 2018; McAuliffe 2017a). While this is an important emerging debate, it falls outside the boundaries of the current investigation.

The position adopted in this work is that finding synergies between transitional justice and transformative justice is preferable to precipitately discarding the entire framework, and would contribute to designing and implementing more transformative initiatives. Transitional justice is a dynamic field containing experienced theorists and practitioners, and existing mechanisms can be developed to have deeper societal impacts (Arbour 2007: 26; Laplante 2007: 145; Pasipanodya 2008: 390; Sharp 2013a; Sandoval 2015; Gready 2015). I thus conceptualise transformative justice as the final stop on a transitional justice continuum, with expanded understandings of institutional reform and guarantees of non-recurrence constituting the nexus. Viewing all policies, programmes, and projects undertaken in transitional societies (not merely transitional justice mechanisms) through the prism of transformative justice would facilitate these deeper impacts (Evans 2016: 8-10). As will be seen further below, this work engaged with Evans' call for transformative justice to have its own distinct toolkit by creating an analytical tool.

Transformative justice overlaps, and builds on, reparative and restorative understandings of transitional justice, which place the community at the heart of processes to deal with the past and move forward. Mani treats reparative, restorative and transformative justice as parallel and complementary notions oriented towards facilitating societal and individual reconciliation to rebuild inclusive political communities (2005: 521-525). This is similar to Erin Daly's twin transformative justice aims of reconciliation and deterrence, defined respectively as people learning to live together, and continuing to do so in the future (2002: 84).

Restorative justice encompasses a normative shift in which crime is seen as an injury to the community to which victim and offender both belong, and only secondarily as a violation of state law (Eriksson 2009: 11). Perpetrators are responsible to their direct victim and those affected, and the community may be involved in the process of rectifying the injury and restoring relationships (Agnihotri and Veach 2017). Rwanda's Gacaca tribunals incorporated these paradigms and a contemporary debate in Colombia questions whether indigenous armed actors should be tried by the Special Jurisdiction for Peace, or by alternative forms of traditional dispute resolution.

Reparative justice and restorative justice are therefore very useful to illustrate the existence of a transitional justice continuum to which transformative justice also belongs. Unfortunately they are not satisfactory approaches if the intention is to reduce structural violence. To begin with, and somewhat counter-intuitively, to transform is more realistic than to repair or to restore, terms that linguistically suggest the re-establishment of a previously good state or condition (Clamp and Doak 2012: 351). However, this is an impossible objective in many transitional contexts because 'What could replace lost health and serenity; the loss of a loved one or of a whole extended family; a whole generation of friends; the destruction of home and culture and community and peace?' (Roht-Arriaza 2004: 158). There may, in addition, be an implication that restoration will be easy or natural, whereas the act of transformation is intrinsically understood to entail a significant effort.

In a substantive sense, restorative justice and reparative justice fail to fully engage with structural violence and the root causes of armed conflict. Reparative approaches, while encouraging community involvement, often continue to work on accountability for specific incidents of individual harm, thus continuing to neglect structural questions (Miller 2008: 275; Clamp 2014: 34-35). While reconstructing community relationships is important the requirements of prospective justice call for reckoning with the past not merely in correcting unfair transactions, but in putting relationships on a more equitable future footing (Webber 2012). In addition, the local communities containing restorative justice processes often suffer structural disadvantage or violence vis-à-vis wider society, making it unfair to

further stigmatise or exclude marginalised communities by associating them with violent crime.

The shortcomings of restorative justice approaches indicate the central importance of building an inclusive economic and social, not merely political, community. Mani's call to rebuild inclusive political communities (2005: 524) is not accompanied by any mention of institutional reform, redistribution or GNR that would affect the structure of the reconstituted community, nor is it applicable to historically exclusionary or unjust social, economic and political orders - these require transformation, not strengthening or timid reform (Muvingi 2009: 178; Thomason 2015: 71). It is also doubtful that reconciliation can be anything more than a tangential outcome of transitional justice (Evans 2015), dependent on myriad other factors, and potentially masking impunity and upholding asymmetric power relations and social structures. Restorative justice proponents themselves call for a more transformative approach that works simultaneously on behaviours, relations, structures and systemic injustices (Robins 2013: 11; Clamp 2014: 16). Numerous theoretical linkages and continuities are evident between the concepts, with ambitiously conceived (and effectively implemented) community-based restorative justice capable of creating space for transformative justice to flourish (Clamp 2014: 43-44; Eriksson 2009: 188). Respecting and building on the conceptual advances of restorative justice was important in the emergence of transformative justice as a distinguishable analytical approach to research and action in transitional contexts. In order to make this analytically meaningfully, the following paragraphs set out the key evolutions and conclude with my own conceptual understanding of the framework.

3.3 Transformative Justice

The meaning of transformative justice is rather nebulous, with definitions and components remaining a matter of debate. A number of perspectives see it as a relative, or synonym, of restorative justice ie as a progressive strategy to combat crime and the causes of crime in communities (Zehr 2011; Nocella 2011). These approaches are based upon the problematisation and challenging of inequitable

power relations, but do not apply specifically to transitional societies. The earliest relevant use of the term in relation to serious human rights violations and atrocities linked to armed conflict or authoritarian regimes dates to the turn of the century (Mertus 1999; Turley 2000; Daly 2002).

Julie Mertus speaks to understandings of structural violence based upon global systems by highlighting the need for human rights activists to engage in global economic justice issues, and how injustice in this sphere undermines equitable societal participation (Mertus 1999: 1386-1387). She articulates the importance of grassroots participation for promoting positive social change and ensuring the internalisation of human rights' norms, and argues that exclusion of politically marginalised voices from decision making processes violates democratic norms of participation, accountability, and transparency (Mertus 1999: 1358-1365; 1373). Such exclusions speak to the existence of power disparities, which serve to block the achievement of 'transformative democracy', something that could be ameliorated by empowering non-elite groups to run and control the agenda-setting of important meetings (Mertus 1999: 1385-1386). Running through Mertus' critique is a problematisation of attempts to transplant western-style, market-oriented democracy to other countries, and she instead calls for 'transformative dialogue' (Mertus 1999: 1362-1364). This has echoes of Freire's pedagaogy, with dialogue used to co-construct and particularise norms through continuing democratic discourses within society (1996[1970]).

Yet these echoes are but faint, indicating the chasm between adapting external norms and true conscientisation that begins with people and communities in reflective and dialogic processes to understand their own world, and their place within it. There is also an element of circular reasoning in Mertus' argument that power disparities block 'transformative democracy' yet the latter is portrayed as necessary to question the privileges of power (1999: 1385). Disparities of power and the political economy of exclusion are correctly signalled as major issues; however these are not delved deeply enough into. The weaknesses in Mertus' analysis stem from the fact that her primary unit of analysis is transnational civil society, especially the human rights movement and how it can help restructure the international human rights system (1999: 1386-1388). She is primarily concerned

with making NGOs more democratic and legitimate actors within that system. While a laudable aim, this does not truly foreshadow the later developments and preoccupations of transformative justice, which is to transcend legal approaches and truly transform lived experiences of structural violence. It is perhaps telling that transformative justice appears only in the title, but not in the body of Mertus' article.

Jonathan Turley's article is even less recognisable as contemporary transformative justice scholarship. He uses it to signify that the post-WW2 Nuremburg Trials witnessed the triumph of justice over vengeance in a manner that affirmed the values of civilisation even in the face of horrendous war crimes (Turley 2000: 672-674). Of course, and perhaps unsurprisingly given the interrelatedness of different conceptions of justice, Nuremburg is often indicated as the birthplace of transitional justice. If it is accepted that transformative justice has evolved from transitional justice then this is technically correct. The move to transformative justice, however, occurred well after Nuremberg, and encompasses a range of social, economic and cultural responses that were not then on the agenda.

A proximate chronological usage – and evolution - of transformative justice comes from Erin Daly. She conceptualises transformation as radical change in cultures and societies that generated oppressive policies so that they accept democratic values and human rights, thereby fulfilling the key promises of deterrence and reconciliation that transitional justice cannot (2002: 73-75). In her analysis prosecution of perpetrators removes the threat of recurrence only on a superficial level, as others can commit similar crimes if the societal milieu remains unchanged (2002: 94-95); nor is retribution suitable where crime and oppression are pervasive or immanent in the law (2002: 113-119). The corollary is that transformative institutions must exemplify the new values they seek to promote rather than simply reflect the existing balance of power within society (Daly 2002: 95-100). This call to avoid horse trading and deals that benefit current power holders demands deeper analyses of the structures that support injustice and violence. It entails paying close attention to the mandate and resources of institutions in order to focus on victims and the changing of values, with a middle path of lustration, truth commissions, reparations programmes and reconstruction projects possible (Daly 2002: 97-112).

Daly regards South Africa's Truth and Reconciliation Commission as representative of a more subtle manner of individuating responsibility by assessing the culpability of all major players, helped by situating its legal nature within a broader framework of moral philosophy and making it as expansive as the problem it was confronting (2002: 126-154).

Learning from the successes of South Africa's Truth and Reconciliation Commission could be useful in a complicated conflict situation like that of Colombia, with deep historical roots, a political economy that encourages conflicts, and a multitude of participants in the guise of perpetrators, victims, promoters and beneficiaries. Such complex scenarios reflect a major concern that the transitional mechanisms and processes adopted should be self-critical, with institutions needing to both question their own mandates and remain conscious that they can merely set the course for future transformation by revealing the values and priorities of the new societal dispensation (Daly 2002: 141-161). Daly maintains that the key lesson to be derived from South Africa's Truth and Reconciliation Commission is that context itself is critical, with only mechanisms tailored to the specific attributes of the local society capable of addressing its particular dysfunctions (Daly 2002: 77-78).

Daly's work makes a valuable contribution to the development of transformative justice as a framework concerned with encouraging local solutions and future-oriented justice. Yet it also contains a number of weaknesses that necessitate further work. For example, by seeking to find a middle path between amnesties and prosecutions the article unwittingly falls into the same legalistic or criminal justice approach that she critiques (Daly 2002: 107-110). Conceptually, Daly only discusses transition as being from repression to democracy, and at one point to the specified end goal of liberal democracy that successfully integrates the black majority in South Africa (2002: 146). This framing ignores the socioeconomic underpinnings and abuses of structural violence that continue to occur within liberal democracies. Over-attention to transforming cultures leaves unquestioned the social, racial and economic bases of marginalisation in society. Of most dissatisfaction are the aims of reconciliation and deterrence that Daly sets for transformative justice, defined respectively as people learning to live together and continuing to do so in the future (2002: 84).

Daly's definitions lack nuance: living together could represent tolerance (or even resignation) rather than reconciliation; lack of recurrence could be deterred by people continuing to live together, or it could be due to lack of opportunity ie a military force blocking confrontation. Reconciliation may not be a suitable goal in transition, and should instead be considered as a positive secondary by-product (Evans 2017). How could reconciliation be operationalised and measured? By the number of apologies given and accepted? The idea of reconciliation has furthermore often been instrumentalised in Latin America as a stratagem by perpetrators to avoid punishment for their crimes (Collins 2010: 11; Evans 2017: 7). Equally, reconciliation cannot be imposed as it relies on multiple individual decisions to forgive, making it unsuitable for state action (Collins 2010: 11) and potentially setting the transformative justice framework up to fail (Evans 2016: 6). While Daly does mention the need for justice to have a central economic component (2002: 80) she does not elaborate on the meanings or implication of this in practice or provide examples of this being done. This is particularly egregious given her focus on South Africa, where the Truth and Reconciliation Commission and other measures have faced criticism of failing to engender positive transformative effects on the lives of people suffering structural violence (Gready 2011).

I contend that the major problem with Daly's approach is in the limited choice of aims and mechanisms that she ascribes to transformative justice, causing her correct propositions to lack potency when it comes to implementation. The same cannot be said of Wendy Lambourne, whose expansive understanding of transformative justice seeks to transcend the retributive-restorative justice dichotomy. A central differentiation is seen as transformative justice's strive to create a syncretic mechanism to address multiple complex needs, expectations and experiences rather than a pluralist approach of creating separate transitional justice institutions (Lambourne 2014: 20-21). Such an approach would require a transdisciplinary mind-set that recognises cultural and conflictual context and encourages the effective participation of civil society (Lambourne 2014: 22-23). She proposes a transformative justice model empirically derived from field research in Cambodia, Rwanda, East Timor, and Sierra Leone after their experiences of mass

violence, and that contains four key elements: legal justice, psychosocial justice, socioeconomic justice, and political justice (Lambourne 2014: 23-34). These four elements are elaborated upon in the following paragraph.

Survivors interviewed by Lambourne expressed dissatisfaction at the lack of accountability for perpetrators and facilitators of serious crimes even while they support the goal of reconciliation. This supports the assertion that legal justice must incorporate retributive and restorative elements if it is to both strengthen the rule of law and rebuild relationships (Lambourne 2014: 24-26). Psychosocial justice functions to bring together the diverse types of truth and emphasise how the need for them varies over time and circumstance and according to the person involved. Yet achieving psychological justice also requires truth to be accompanied by expressions of acknowledgement of wrongdoing and impact on victims if it is to contribute to justice, reconciliation and peacebuilding. Processes in East Timor and Rwanda proved capable of combining acknowledgment with different forms of truth and knowledge sharing and were a critical step in community reconciliation and peacebuilding. Relevant to the current work is the recognition that perpetrators were unlikely to acknowledge crimes in an adversarial legal court system, making retributive justice insufficient to effect transformative justice (Lambourne 2014: 26-28). Beyond insufficient, it could be considered an obstacle to transformative justice.

Socioeconomic justice is employed in a backward and forward looking manner to include reparation or compensation that provides justice for past actions and distributive actions that minimise structural violence in the future. Failing to fulfil socioeconomic justice needs leads to continuation of structural violence, and frustration at the benefits enjoyed by perpetrators or other groups while survivors live in poverty can also fuel frustration and a recurrence of direct violence (Lambourne 2014: 28-31). Political justice, finally, involves transforming institutions and relationships to eliminate corruption and promote a sense of fair representation and participation for the general population. Without political justice, transformative justice would be incomplete and peace unsustainable as sociopolitical grievances and exclusion from power remain unaddressed (Lambourne 2014: 31-32).

In terms of applying her model, Lambourne elaborates six principles of transformative justice that apply to all four elements set out above. These principles consider symbolic, ritual and substantive aspects of justice in a holistic, integrated and comprehensive manner; and support the establishment of the conditions, processes, relationships and structures to ensure justice in the past, the present and the future while involving local communities in mechanisms consistent with local worldviews and cultural understandings (2009: 45-47; 2014: 32-34). This call to involve local actors in designing, planning and implementing inclusive processes is central to transformative justice. Likewise the connection between historical and prospective (or distributive) justice, recognition of the complex effects that the political economy of violence and post-violence periods has on societal relations, and that the reduction of structural violence is a central concern for many people (Lambourne 2014: 28-31). Such reduction requires rectification of people's poor living standards and provision of the support needed to reconstruct lives and livelihoods.

Lambourne's examples, however, focus too narrowly on reparation rather than transformation. For example, the notion of socioeconomic injustice applied to Rwanda is equated with perceived differences in accessing state aid, with each group feeling others benefit more than they do (Lambourne 2014: 30). Framing the issue in this way obscures the operation of unjust economic and social structures. It may also fail to accurately capture socioeconomic injustices beyond those occurring within the confines of violent conflict. The appeal for political justice likewise will not address fundamental socioeconomic issues: marginalised groups, or their representatives, can be granted political participation without effecting any real transformation of their social and economic status.

While these definitional weaknesses are problematic, the main drawback with Lambourne's work is the lack of specificity of her model. Its development from field research in four distinct sites makes the model appear weakly theorised and overly sweeping, leading to conflation with related disciplines rather than analytical coherence (Lambourne 2014: 37; Waldorf 2012: 9-10). I question the unrealistic need to strive for universality and suggest attempting to do so may not be compatible with the incorporation of local knowledges and realities. An argument

can be made that transformative justice should be universally applicable, but that such an application would be inherently flexible and adaptable to context – in fact I offer that same conclusion. Yet it is important to move towards more careful specification of transformative justice tools or approaches in order that the framework be operationalised and engaged. For this, I turn to the work of Paul Gready who has made the most telling contribution to the development of transformative justice.

Gready attributes the macro-level failure of transitional justice in South Africa to the influence of market-driven neoliberal economics and the privileged attention given to civil and political rights and legal process within partial human rights discourses (Gready 2005: 5-7). He went on to argue that the conceptualisation of justice needed to be transformed if it was to be transformative (Gready 2005: 19), and enumerated the key principles underpinning this transformed justice that would later evolve into the framework of transformative justice. These include the need to analyse the societal implications of violations and the relational community and societal dynamics in which they occurred. Doing so is necessary to uncover the often complex motives of, and relationships among, different actors in order for justice to address diverse actors, processes and complicities (Gready 2005: 6).

Locating the analytical starting point within the local community context in this manner would improve conceptualisations of justice in transition. It also increases the possibility of creating initiatives that are more strongly culturally embedded in local societies and thus more acceptable and sustainable (Gready 2005: 12-13). Such locally defined, claimed, and owned 'embedded justice' was counterpoised to externally imposed 'distant justice' whose interventions were invisible or alien to domestic communities and so contributed little to building democracy or peace in the country. Embedded justice instead emphasised the importance of local participation in developing more socially relevant legal systems which could subsequently contribute to societal education, democratic development and peace (Gready 2005: 8-9). The entire article recognises that participation cannot be limited to dialogue that fundamentally aims to persuade communities to accept existing normative standpoints. There is instead an enhanced understanding of process that empowers genuinely open, participatory processes to define their own

outcomes rather than seek to achieve predefined universal standards or goals (Gready 2005: 10; Gready 2011: 98).

Gready argues that in both Rwanda and Sierra Leone locally driven human rights discourses have emerged as people see their social utility, and that this embeddedness in social and political processes strengthens the potential of human rights and justice to facilitate social change, reconstruction and transformation (Gready 2005: 17-18). Gready advocates rights-based approaches to development on the grounds that 'interventions need to focus on the poorest and the marginalised, on discrimination and inequalities … from purely technical solutions to socio-political action' (Gready 2008: 743). The same applies for transformative justice efforts to reduce structural violence by challenging inequitable structures, with community participation central. The framework can be seen as fighting for the 'radical edge' of human rights, that which situates HR and justice within broader social processes and challenges power (Gready 2008: 735-739). An addition to earlier work is his call for transformative participation throughout entire programme cycles, not just at the project implementation stage (Gready 2008: 742).

These early articles set out initial misgivings about existing manners of doing transitional justice and development, albeit without any concrete proposals on how to improve them. A 2010 Concept Note on transformative justice explicitly sought to create a new research agenda that would add theoretical rigour and practical relevance to the concept, defined as attempts to change pre-conflict structures in ways that make them more inclusive, equal and fair (Gready et al. 2010: 1). This definition has the advantage of concentrating on structural questions without unmanageably expanding the field beyond transitional contexts, hence avoiding the conflation of transformative justice with a more general social justice (Evans 2013: 18). The ways in which the linked phenomena of structural and everyday violence are hidden and normalised are explained, including the role of research that fails to recognise the blurred boundaries between different categories of violence (Gready et al. 2010: 1-2).

The themes and processes presented in these works have facilitated this thesis' operationalisation of transformative justice in the SVRM. Confronting violence and marginalisation requires rigorous analysis of the past, in order to understand how it

shapes the present and future, rather than seeing the past as a different country (Gready et al. 2010: 3; Gready 2011: 118-123, 233). State and institutional reforms are advocated, although these need to be more closely specified and studied to ensure suitability and effectiveness given the myriad constraints that exist in transitional periods (Gready et al. 2010: 7-9). Strengthened institutions are clearly seen to be enabling conditions for transformation rather than goals in themselves (Gready et al. 2010: 4), while it is important that non-governmental actors of all types can access institutions with decision-making power (Gready et al. 2010: 12). Empowering this real participation at executive and decision-making levels, rather than involvement only during consultation or implementation stages is a vital plank of transformative justice. True democracy requires the dismantling or reduction of hierarchical structures in order to increase people's capabilities to choose. Yet the 2010 concept note ended by acknowledging its focus on the why and the what of transformative justice, rather than the how (Gready et al. 2010: 12). It is in this spirit that I present the structural violence reduction matrix as a manner to operationalise the framework.

Lars Waldorf suggests that the transformative justice definition used by Gready et al. is analytically distinct from transitional justice, but asks what this would look like in practice and how it differs from rights-based, conflict-sensitive development (2012: 10). This remains a pertinent question, indicating the existence of gaps and the importance of drawing on theory and practice in other fields. Transformative justice has been better at diagnosing problems – in transitional states and in transitional justice – than offering solutions to these problems (Gready et al. 2010; Evans 2013; McAuliffe 2015). Gready and Robins (2014) make the greatest contribution here, but it remains a critique more than a plan for action with suggestions that truth commissions and reparations should be better conceptualised to have deeper impacts, but not the process involved and without recognising the potential constraints on this widening. Nor do they provide an evaluative methodology or model that could satisfactorily analyse the transformative potential of processes and mechanisms adopted in transitional settings.

This work addresses these shortcomings by creating a logical analytical framework to analyse structural violence and the transformative potential of public policy initiatives to reduce it. The benefit of adopting a transformative justice approach in transitional contexts is its promise to convert rights into realities. Recognition of economic, social and cultural rights (ESCR) is vital to move from appeals to charity in the expansion of public goods, for example, strengthening the claim of marginalised groups to provision as a matter of justice (Gready 2008: 737-739). However, the existence of a right in the abstract does not automatically concur with its existence in reality, because while all may have the same rights, not all have the same capability to exercise these rights (Sen 2009: 233-253). This is where the ESCR justiciability agenda falters, because exercising rights entails relatively high preconditions relating to knowledge of such rights and access to resources to make them real (Haldemann and Kouassi 2014). This favours upper-class sectors of society who can successfully navigate complex legal landscapes while failing those such as South Africa's urban poor who cannot actuate their constitutional right of access to adequate housing (Landau 2012: 408-410; Haldemann and Kouassi 2014: 515). These socially determined realities demonstrate how the 'absence of social and economic power empties political rights of their substance' (Farmer 2003: 16-17).

Transformative justice's contribution is in comparing rights' normative pretension and empirical existence, particularly to make clear the economic, political and social imperatives determining effective enjoyment of rights, and how this enjoyment is unequally distributed. The promise of transformative justice is to use rights-based processes to more effectively diagnose and confront historical structural injustices during transitions. Creating an analytical tool to operationalise this promise is the central contribution of this work. This takes the form of a matrix that evaluates the transformative potential of initiatives undertaken in transitional societies. Prior to this, I briefly recap the inherent value of integrating structural violence analyses in transitional contexts.

3.4 The Value of Structural Violence Analyses in Transitions

This thesis maintains that transitional initiatives should contribute to the transformative goals of reducing structural violence and inequalities in society, otherwise they risk becoming a series of inconsequential mechanisms (Mani 2008: 254; De Greiff 2009: 30). Structural violence shapes everyday patterns of behaviour by differentially affecting the life chances of groups and individuals (Farmer 1996; Evans 2016: 2-3; Galtung 1969; Mani 2008). This suggests that understand transitional dynamics, we need an analysis that integrates a capacity for considering socioeconomic inequalities, including patterns of land title and use (Fitzpatrick and Fishman 2014; Moyo 2015: 71-72; Pasipanodya 2008: 390-391; Harwell and Le Billon 2009), alongside equally important analyses of political, juridical and social aspects of equality or inequality.

Episodes of violence and atrocity are usually not a deviation from otherwise peaceful histories, but are often intimately linked to the background conditions of structural violence pertaining in a society (Thomason 2015: 73-76; McAuliffe 2015: 93; Mani 2008: 254; Miller 2008; Robins 2013: 163). The social justice motivations cited by non-state armed actors in Nepal and Colombia as the reason for their adoption of violence exemplify the role that socioeconomic inequalities can play in driving or fuelling conflicts, even when myriad other social and political factors are in play. The asymmetries of social, political and economic power that constrain the life chances of some groups and individuals maintain them in iniquitous relations and increase their susceptibility to human rights violations (Farmer 2003: 7-11; Gready et al. 2010; Muvingi 2009: 163; Farmer 1996; Hume 2009: 33; Landman and Larizza 2009). Social, economic, cultural and political exclusion can motivate struggles, while elites may use violent and repressive measures to maintain the status quo.

Structural and direct violence were in dynamic interaction in the states where transitional justice initially developed. Trade unionists were common targets of repressive regimes in Latin America, showing the interest of regimes in maintaining social and economic structures as much as political systems (Mason and Krane 1989; Hecht and Michalowski 2012: 3; Hume 2009: 35). The interaction is similarly apparent in Nepal where multiple inequalities based on caste, class and ethnicity

eventually led in 1996 to armed uprising (Pasipanodya 2008: 380-383). Mani holds that the Nepalese civil war was fought 'entirely on grounds of social justice' and that the peace agreement that emerged in 2006 reflected these concerns by including historic commitments to equity and justice (2008: 262). While ascribing a single cause may be problematic, the conflict clearly folded into traditional power relations and the dynamics of long-standing struggles over access to land in many regions, with community leaders and land activists killed by state forces (Robins 2013: 65-69). The existence of structural violence and poverty in Rwandan society helps explain the receptivity of many Hutu people to hate propaganda targeted against the perceived advantaged Tutsi (Nagy 2013: 88-89; Miller 2008: 282-284). Far from being solely a reflexive act of ethnic hatred, genocide responded to the political motivation of channelling social unrest in a manner non-threatening to elite control; marginalised people meanwhile saw an opportunity to improve their relative position in society (Uvin 1998: 68; Cramer 2003; Nagy 2013: 88-89).

Returning briefly to this thesis' case study location, Colombia passed what has become known as the Victims Law (Law 1448 of 2011), the main focus of which is restitution and resettlement of peasants on land from which they have been displaced since 1991. This recognises the centrality of economic resources in the armed conflict, the scale of dispossession and the importance of addressing these issues both inside and outside the peace process. However, peasant leaders and land rights activists continue to be killed, assaulted and threatened, seemingly to dissuade displaced persons from seeking restitution (Haugaard et al. 2013: 3; Minagricultura 2014: 41). In an echo of previous Latin American dictatorships' desire to uphold existing economic relations and social norms, trade unionists, land claimants, social protestors, and LGBTI activists are also regular targets of violence and intimidation (CINEP/Programa por la Paz 2018b: 29-46). The complex relationship that exists between direct and structural violence therefore requires much closer examination by transitional scholars and practitioners. The matrix presented below is an attempt to provide a useable analytical tool that integrates the concept of structural violence into transitional responses.

3.5 Structural Violence Reduction Matrix (SVRM)

My theoretical framework links the concept of structural violence with the concept of transformative justice. The intention is to improve diagnosis of the problems in transitional settings and contribute to efforts to adopt the most relevant, appropriate, and effective responses. Transformative justice is a critical social science paradigm that can bridge the gap between interpretive and positivist paradigms to catalyse transformational change (Neuman 2003: 70-87). Using transformative justice as a framework for action required operationalisation in a useable analytical tool that could analyse everyday micro-level interactions, perceptions, and processes while situating them in the appropriate macro-level social and historical context. This adheres to the philosophical stance of critical realism, which combines ontological realism with epistemological constructivism (Maxwell 2013: 43). A real world exists, with its positives and negatives, its rules and rhythms, regardless of one's beliefs, desires and theories. Shutting our eyes fails to block out or alter reality, just as it fails to make us invisible in a game of hide and seek. Structural violence exists and has tangible negative effects on lives through exploitation, exclusion, marginalisation and repression. It also has positive effects through the creation of privilege and dominance that make some lives easier, mostly by virtue of being born into a certain social position.

Ontological realness is accompanied with the appreciation that there is no objective perception of reality - in epistemological terms people construct their unique understanding of reality based on their particular experiences. The position from which a person views their limited slice of reality, and the mental maps they make of it, will shape their perceptions and beliefs. Individuals experiencing the negative and positive sides of structural violence will clearly think very differently about the society in which they live. The interaction of ontological realism and epistemological constructivism is central to the research design, and is elaborated in greater detail in chapter four.

Transformative justice's critical realism makes it an appropriate paradigm to analyse structural violence. Yet its radically emancipatory talk needs to be harnessed with useable conceptual models, leading me to create a structural violence reduction matrix (SVRM) to operationalise transformative justice for research purposes. This

interdisciplinary model draws on literature in the disciplines of transitional justice, peacebuilding, development and conflict studies. It is most strongly rooted in transformative justice which developed from a sense of dissatisfaction with transitional justice's limitations, and aims to restore its relevance in complex transitional settings. This is achieved by reintroducing the concept of structural violence, understood in the first instance to constitute the fundamental problem to be dealt with in transitional societies. Equally importantly is drawing on thinking in this field in a manner that helps to operationalise and apply transformative justice, and to facilitate linkages with existing practice.

The matrix questions consider theories of power and rank disequilibrium in the construction and maintenance of structural violence. This recognises that multi-dimensional stratification and societal reward structures result in a built-in transfer of value upwards (Galtung 1964). While this critique of surplus economic value being transferred is long-standing, structural violence thinking reminds us that it also applies to social, political and cultural power. In order to analyse the contribution of transitional initiatives to confront structural violence it is vital to question the sociopolitical mobilisation that preceded and/or surrounded their adoption, how they are designed and implemented, and the differentiated implications they have for diverse societal groups. Research must therefore concern itself with a three dimensional analysis of initiatives, using transformative justice as a diagnostic tool, a process requirement, and an outcome objective. The more fully integrated transformative justice principles are throughout these three dimensions, the more potential an initiative will have to reduce structural violence in the transitional society.

I now consider in turn the diagnostic, process and outcome dimensions, before combining them to create the structural violence reduction matrix. This matrix operationalises transformative justice by formulating evaluative questions that can be applied to public policy initiatives in transitional societies. Subsequent analysis will contribute to more accurate evaluation of these initiatives' transformative potential.

The diagnostic dimension requires comprehensive analysis that considers the historical roots and political economy of the current situation in transitional

societies (Lambourne 2014: 28-31; Gready and Robins 2014: 348-349). This entails looking beyond the direct violence of armed conflict, repression and authoritarianism to successfully identify the existence of structural violence and responses to it (Gready and Robins 2014: 354; Evans 2016: 9). It is important to critically assess how a process, programme or mechanism came about, the key debates and mobilisations that shaped it, how – and by whom – decisions were taken, and how aims and beneficiaries were defined. An initiative's analytical frame of reference is ultimately highly influential in determining its aims, mechanisms and beneficiaries. Researching the diagnostic dimension of initiatives means asking who created the initiative; what and how it was created; the central problem identified and the causes ascribed to it; the proposed solution(s) to these problems; the proclaimed aims and beneficiaries; and whether structural violence and inequalities were given specific focus.

Analysing the origins of transitional initiatives will allow researchers to see power relations and decision-making structures at work, mindful that 'any given intervention can serve to reinforce as well as challenge power differentials and hierarchical relationships' (Gready and Robins 2014: 354). The problems and policies in each transitional situation will differ, but fine-grained analysis of the social and political milieu from which initiatives emerge will illuminate whether decision making is held within a tight circle and responds to elite interests, or whether its adoption follows socio-political mobilisation by marginalised groups. It will also indicate whether the parameters of investigation are broad or whether the field of possible action is tightly circumscribed. However, the intention is not simply to show the importance of agenda setting, but which (groups of) people are able to set the agenda and the mechanisms with which they do so (Lukes 2005[1974]; Gaventa 2016).

The two Colombian initiatives I shall study are illustrative in this respect. The 2011 Victim and Land Restitution Law became law officially in June 2011, a mere ten months after Santos' assumption of the presidency. While this quick work is in many ways commendable, the time frames inherent in drafting and passing legislation would seem to mitigate against victims or other civil society groups participating in any meaningful way. The peasant reserve zones proposed in Law

160 of 1994, in contrast, had been a key demand of peasant mobilisation in the late 1980s and early 1990s (ILSA 2012: 17-18; Incoder 2011). The political pressure applied from grassroots organisations may help explain the analytical framing of the problem as one of historic inequities in land access and ownership, whereas the Victims Law remit is restricted to land seizures directly related to the armed conflict. Establishing the true influence of these initiatives' antecedents will form an important part of the analysis.

Research on the process dimension will examine who participates in the initiative; at what points and in what forms does participation happen; how participants are selected; whether participants play a role in designing and/or implementing measures; whether initiatives include capacity building measures; whether practical barriers to participation exist (and whether they are addressed); whether local concerns are addressed; and where final decision-making power lies. The most transformative initiatives will be those that have significant participation by local communities as active agents in designing policies and practices in a manner that values local knowledge, understandings and manners of working (An-Na'im 2013; Lambourne 2014; Gready and Robins 2014: 350-352). Processes that fulfil this participatory function can be considered transformative, with the potential to alter the basis of social relationships and challenge the decision-making monopoly of dominant groups (Lundy and McGovern 2008; Gready 2008).

Operationally, this entails removing cultural, financial or social barriers to meaningful inclusion, and building the capacity and confidence of marginalised communities and individuals to participate more fully in society. This empowerment function entails much more than involvement in transitional processes, with the construction of wider civic competence and societal engagement an important goal. This type of deep participation echoes calls to repoliticise participatory development by questioning the impact of programmes on existing representation patterns, political networks and processes of political learning (Williams 2004: 96-98) – underpinned by more radical and inclusive notions of citizenship (Hickey and Mohan 2004: 12).

Gready argues that societal demands for reparation can generate citizen empowerment, with significant transformative effects in the long-term (2015); and

that politicised 'transformative participation' - linked with agency and empowerment - can expand and deepen democratic spaces (Gready 2008: 742-743). It is through this repoliticisation of practice that local grassroots participatory practice is linked back to macro-level societal and global structures to create 'counter-hegemonic globalisation' (Ledwith and Springett 2010: 55). The SVRM problematises the ownership and aims of initiatives (in design and implementation) to analyse their transformative potential, at all times being aware that as one part of a system changes it interacts in diverse ways with other parts, and with the system as a whole (Ledwith and Springett 2010: 70-71).

The outcome dimension recognises that transitional policies and processes should target more fundamental social changes than ending armed conflict or authoritarianism. These are laudable goals, but could coexist with the maintenance, mutation in form, or even increase of structural violence. The latter scenario could conceivably occur when a power-sharing deal means the incorporation of former enemies into the social elite – maintaining the style of life of these newly expanded elite would require extracting additional resources from non-elite or excluded groups. At the very least power-sharing requires increased spending and consumes much of the resources available for alternative purposes (McAuliffe 2017b).

Transformative initiatives need to have tangible positive impacts on the everyday existence of people suffering structural violence (Gready and Robins 2014: 342). If not, de Greiff's warning that transitional measures will be seen as irrelevant (or even prejudicial) will ring increasingly true (2009: 30). A major plank of the October 2016 campaign against the peace accords was built on claims that Colombia could not afford it, and that spending money on the rehabilitation and reinsertion of FARC members would mean less was available for social spending. Ignoring transformative justice and structural violence in this case undermined the best efforts of transitional justice. Obviously these positive impacts vary because structural violence is a political, economic, social and cultural phenomenon and initiatives need to tackle it in all spheres (Lambourne 2014: 32). However, this research is concerned with the realistic, not the utopian - even if utopia is important

in encouraging striving for the best possible outcome, in giving hope to the hopeless (Freire 1994).

Immediate factors to look at would be a decrease in wealth disparities, widened access to social and economic opportunities, and the creation of more equitable societal structures. Nor is an initiative's impact confined to its particular sphere of action: reduction of structural violence would encourage increased peaceful participation by formerly marginalised groups, and this would be seen beyond the confines of the specific transitional mechanism (Gready and Robins 2014: 358-359). Therefore the outcome dimension will analyse changes in sociopolitical mobilisation, rates of direct violence, incomes, access to wealth and investment, infrastructure availability, access to utilities, access to health and education services, and health and education indicators. Considering local context is clearly vital here, as the selection of aspects to consider depends on their salience within particular societies. For example, access to farmland is an important aspect in Colombia, Nepal and South Africa, whereas property inequalities in Kosovo or Northern Ireland are more likely to revolve around the availability of urban housing.

1. Diagnosis
Who created the initiative?
What problem does the initiative target?
What causes does it identify?
Are asymmetrical power relations acknowledged?
Are the existence of exclusions and inequities acknowledged?
What are the proclaimed aims?
Who are the initiative's intended beneficiaries?
How are beneficiaries defined and identified?
2. Process
Is there local community involvement in designing the initiative?
Are local needs/concerns addressed?
How is participation in the initiative ensured?
What form does participation take?

At what point in the process is participation?
Is there capacity building to enable participation?
Are practical or financial obstacles to participation removed?
Is participation open only to direct beneficiaries?
How are participants selected?
Are they representative of the local community in terms of race/gender/class?

3. Outcomes
1. Direct Violence
Have killings/kidnappings/threats generally reduced?
Have killings/kidnappings/threats against politically active individuals reduced?
2. Sociopolitical
Are political, socio-political and social organisations more active?
Have political, socio-political and social organisations increased membership?
Are leaders more diverse and more representative of local community?
Do local communities have greater input in defining local priorities?
Do local communities have greater input in decision making bodies?
Has participation in the initiative increased wider sociopolitical mobilisation?
3. Economic
Is there a more equitable distribution of wealth?
Have employment opportunities and incomes increased?
Has ownership of resources broadened?
Has access to resources broadened?
Are necessary economic inputs available?
Has necessary infrastructure improved?
Have inequalities reduced? By how much?
4. Socioeconomic
Has access to education improved?
Have literacy levels improved?
Have average years in education increased?
Have education inequities reduced?
Has access to health services improved?

Have health inequities reduced?
Have local health outcomes improved?

Figure 2: Theoretical Model: Structural Violence Reduction Matrix

The Structural Violence Reduction Matrix contributes to developing transformative justice by building an analytical tool to operationalise the framework. Its primary objective is to analyse the transformative potential of policies, programmes and projects to reduce structural violence in transitional periods – obviously recognising that these may be long-term and complex. Transitional as used here is not synonymous with transitional justice, with the matrix intended for general use in transitional societies, not restricted to transitional justice mechanisms. As not all questions will be salient in every setting locally relevant versions of the matrix augmented with context-specific questions must be created for the purposes of carrying out empirical work in particular transitional societies. Key to this will be finding the outcome aspects of most relevance to marginalised communities, focussing particularly on those outcomes most relevant to structural violence in their society. Nevertheless, analysing the effects of power relations in designing initiatives and the quality of participation in processes are likely to be generally applicable, so the diagnostic and process dimensions are less liable to change.

The SVRM can be used as the basis for empirical work in the form of 'structural violence audits' of existing initiatives in order to assess their real and potential ability to reduce structural violence. This can be considered to constitute the transformative potential of public policy initiatives. I will use an adapted matrix to carry out these 'structural violence audits' on the land restitution programme and peasant reserve zones in Colombia. If it demonstrates its usefulness in this empirical research, the matrix can subsequently be utilised in a more proactive manner to inform the formulation of future policies, programmes, processes and projects. This successful operationalisation of transformative justice would mark a major achievement for emancipatory research: getting structural violence and responses to it onto the agenda at the outset. The following chapter presents the research methodology used for empirical application. Prior to that the final section

of this chapter explores how the question of property, and especially unequal property relations, has henceforth been understood in transitional settings.

3.6 Property in Transitions

As previously noted, transitional justice struggles to confront inequalities in livelihood opportunities brought upon by inequitable access to economic, political and social resources (Evans 2016: 14-15). Of particular note is the lack of attention paid to questions of land access and land ownership, made even more glaring by the fact that land rights were a major component of many transitional societies' armed conflicts (Moyo 2014: 10; Van Ho 2016: 60-61). It is clear that transitional justice mechanisms have paid inadequate attention to questions of land rights and distribution patterns (Fitzpatrick and Fishman 2014; Moyo 2015: 2-3; Pasipanodya 2008: 390-391). When addressed, land questions are often conceptualised as an issue of restitution to a pre-existing status quo, heavily influenced by theories of economic efficiency, limited by financial constraints, and ignoring wider structural problems (Huggins 2009: 361). The ANC government in South Africa, for example, did not prioritise land redistribution or equalization when it came to power (Atuahene 2010). Instead it adopted a 'willing seller, willing buyer' policy that sought to resolve the historically rooted economic and land ownership inequalities through a market-based mechanism (Moyo 2015: 12-13). The result was payment of compensation to large landowners, often for unwanted or inferior land, and a consequent failure to meet governmental and popular expectations (Moyo 2014: 12; Evans 2016: 10).

South Africa's land reform programme was socially regressive because it failed to transform conditions for marginalised communities, and instead prompted a transfer of resources upwards, by overpaying sellers or restricting land transfers to those able to mobilise private capital (Moyo 2014: 13). Such processes can easily reward facilitators and beneficiaries of the previously unjust system. They also divert financial resources from other spending priorities, leading to popular frustration and increasing the perception that money is being wasted – this has the potential to discredit the entire transitional process.

One of the most difficult and controversial questions to confront in any land-related process of restitution or redistribution is to which point the clock should be turned back (Atuahene 2010; Huggins 2009: 350-352). The majority of land restitution processes are embarked upon in societies with historically unjust land access patterns and multiple cycles of dispossession and occupation. This necessitates mediating among competing claims to land – claims which are often sustained in radically different philosophical, legal and moral frameworks. Moreover, these differences manifest in popular discourses of dispossession that are passed on intergenerationally, making failure to redress inequality in land access and ownership likely to destroy efforts at societal reconciliation and development (Moyo 2014: 14; Evans 2017).

An additional complexity in this conflict is that the ownership of land, as a non-renewable or non-divisible resource, is often seen as a zero-sum game (Huggins 2009: 350-352; Fitzpatrick and Fishman 2014). A former land commissioner in South Africa argues that the difficulties facing implementation were fundamentally conceptual. Competition among divergent interpretations of the meaning of land and how claims to it were (ethically, politically and legally) justified made it impossible to embed restitution as a consensual field of social action; the much-cited bureaucratic and capacity problems were merely the cherry on top (Walker 2012). It remains to be seen whether similar problems and tensions among competing claims will derail Colombia's restitution programme, which has the potential to remain stuck between those who advocate more radical rural reform and those who advocate for an extension of agribusiness models.

The problems of competing frames of understanding and zero sum equations around land could be overcome by adopting a transformative justice lens to examine historical land concentration and dispossession (Evans 2016: 9). Restitution, in this case, would be utilised as one among several remedies rather than regarded as a silver bullet (Fitzpatrick and Fishman 2014: 287, Garcia Reyes 2013: 7; Atuahene 2010). In addition it fits with calls for redistribution to be included within the ambit of transitional justice (Moyo 2014: 20).

Nonetheless, reducing structural violence, and properly applying transformative justice principles, requires much more than redistribution of land. Huggins is clear

that smallholder farm enterprises will struggle to succeed within a wider economic system geared for large-scale production. (2009: 352) - the neoliberal market-driven global economics mentioned by Gready above. The main problematic is whether small-scale peasant agriculture can be made sustainable in a context where advanced economies subsidise their producers, and where powerful conglomerates control global commodity chains (Bernstein 2010). Reducing structural violence in rural areas will therefore necessitate undertaking the deep diagnostic into the political economy of agrarian change advocated above. Whether restitution or redistribution is undertaken, the facilitation of market access through improved transport links, credit availability and technical training is vital to support peasant producers. These rural development question, and their implications for peasant livelihoods will be analysed, and are set out in the analytical chapters.

3.7 Conclusion

Transformative justice has been presented as the final stop on a transitional justice continuum, building on the conceptual and analytical developments of restorative and reparative justice approaches. The institutional reform and guarantee of non-recurrence components of transitional justice were considered to be the main nexuses between the frameworks, and comprise the tethering point. The final section presented the main approaches to property during transition. This reiterated the previously expressed critique that transitional justice's shortcomings limit its ability to resolve highly inequitable property relations (Evans 2016; Jaichand 2017). These relations are central components of structural violence yet transitional justice struggles to resolve them even when it does identify them. Jaichand, for example, is clear that the truth about socioeconomic inequalities in South Africa remains to be told, given that 'structurally orchestrated socioeconomic disenfranchisement, deprivation, and dispossession of the means of production - such as land' were key underpinnings of the apartheid system (2017: 19-20). Ignoring the economic agenda that apartheid as a political project furthered leaves the deeper economic and social structures unchanged, and fails to identify the key influencers and beneficiaries of these structures.

It was to address those questions that the SVRM was created. Constituting the central academic contribution of this research, it is an analytical tool that permits evaluation of the transformative potential of initiatives undertaken in transitional societies. The following chapter will give more insight into the SVRM's construction and components. It then goes on to detail why the SVRM was empirically tested on two rural initiatives in Colombia. Subsequent chapters present the results of this empirical application, showing the utility of the SVRM in improving transformative justice as a valid analytical approach to the study of transitional societies.

Chapter 4: Defining and Refining the Matrix Methodology

4.1 Introduction

This thesis' central research aim is to create an applied methodological tool that can evaluate the potential of different initiatives to challenge structural violence. More specifically, the research aim is to use transformative justice principles to evaluate the transformative potential of public policy initiatives in transitional contexts. This will lead to a methodological contribution within TJ, particularly to the increasingly referenced fourth generation (Sharp 2013a) or transformative turn (McAuliffe 2017a) within the field. The applied methodological tool, given the name Structural Violence Reduction Matrix (SVRM), was set out and explained in detail in chapter 3 and so a brief summary will suffice here. The SVRM is based on a comprehensive review of the literature on structural violence, transitional justice and transformative justice. Drawing together these literatures, the SVRM is a rigorous operationalisation of transformative justice in a framework that permits investigation into the transformative potential of public policy initiatives undertaken in transitional societies. This operationalisation of a systematised concept into a set of indicators accords to the central research design task, and the first step towards ensuring rigour and valid measurement (Adcock and Collier 2001).

Having presented the Matrix, this chapter will set out the further methodological steps taken to acquire the relevant data. Given the large scope of structural violence and transformative justice, a number of research designs and data collection methods would be appropriate. This chapter will briefly enumerate the main research designs that could have been used to acquire relevant data for the matrix. Of particular interest are the different quantitative and qualitative approaches that could have been followed. After surveying these options I explain both why a case study research design was eventually chosen and the criteria for selecting the cases. The following section sets out the specific data collection methods employed, showing why their strengths and weaknesses prompted a strategy of data triangulation. The epistemological and ethical considerations that are crucially important in undertaking high quality research are then reflected upon

at length, and steps taken to ameliorate concerns shown. The chapter ends by explaining how data are to be analysed, setting the scene for the subsequent analytical chapters.

4.2 Selecting an Appropriate Methodology

A number of distinct quantitative studies could be conducted in order to research the issue of structural violence and transformative justice responses. A large-N global comparison could have applied the Matrix to all initiatives implemented in all post-conflict countries or to all countries that have implemented TJ measures. This is a relatively common approach in TJ scholarship, with databases created for such TJ components as amnesty laws (Mallinder 2008) or truth commissions (Hayner 1994; Dancy et al. 2010). Other studies have used databases to compare the impact of various TJ mechanisms (Olsen et al. 2010; Lie et al. 2007), or to carry out meta-analyses of extant empirical studies to examine TJ's state-level effects (Thoms et al. 2010). This type of methodological approach fits well with traditional legal and political science scholarship, which have often proceeded by classifying and categorising such things as legislative acts, judicial decisions, voting records or organisation membership.

Yet a number of distinct problems emerge from this approach. The first is that creating a large database of transitional initiatives tends to veer, in most cases, towards research that is broad rather than deep. This is not too much of a problem if the systematised concepts and indicators are widely known, have been developed incrementally based on in-depth work, and are the subject of general consensus. Given the relative newness of the field and concepts under consideration, however, that is not the case, with little consensus on measures of structural violence or ESCR violations (Hafner-Burton and Ron 2009). The economic and social data that are actually relevant are partial and unlikely to be available in comparable ways across disparate settings. Adcock and Collier are categorical in stating that 'complex quantitative techniques cannot replace careful conceptual and theoretical reasoning; rather they presuppose it' (2001: 540), leading on to the second major problem of large-N studies. This is that the categorisation and classification on

which they are based have to be founded upon in-depth case knowledge to be accurate, which in turn requires a more contextually attuned understanding. Much more detailed conceptual and empirical work needs to be carried out using the framework of transformative justice, and particularly its interactions with the phenomenon of structural violence and with existing transitional justice measures before a large-N global comparison is possible. A particularly compelling argument against a multi country study is the relative scarcity of comparable initiatives that actually set out to – or could be expected to – address structural violence.

The weaknesses of large-N or database type studies is recognised even by some of those who approach human rights issues from a quantitative political science perspective. Todd Landman has carried out various large-N studies linking economic development and democracy (Landman 2002: 908-909) or inequality and personal integrity rights (Landman and Larizza 2009). Nevertheless he is also cognisant of the lacunae in these types of broad global analyses, and has argued that the HR research agenda needs to move away from broad global comparative studies, and instead work on lower levels of analysis (Landman 2005). This could involve elaborating methodologically sound small-N studies or quantitative single case studies (Landman 2005: 565-572), such as this present study offers. As Landman makes clear 'global comparisons have answered one set of important questions, while more studies at lower levels of analysis using more primary data could help fill the numerous remaining lacunae in the field' (2005: 570).

Recognition that methodologically rigorous in-depth investigation of a small number of cases is appropriate for studying transitional and post-conflict societies is important. Research based on positivist paradigms and statistical methods are often not sensitive enough to detect either substantial differences within categories or to confidently recode cases that have undergone changes (Hafner-Burton and Ron 2009: 381-383). Such issues can be dealt with by improving the definition and measurement of variables, but this still fails to impart the validity that many purely quantitative studies struggle to achieve (Hafner-Burton and Ron 2009: 364-365). Stripping away of context is the major problem, with the discovery process made invisible and events' meanings and purposes lost; thereby decreasing research relevance and generalizability and questioning the view that quantification bestows

validity (Guba and Lincoln 1998: 197-200). The position adopted here is that careful consideration of the context of research is a key meeting point of methodological rigour and transformative justice theory; particularly as the things transformative justice suggests are relevant do not lend themselves to purely quantitative measurement.

The importance of context to appropriately evaluate the transformative potential of public policy initiatives in transitional contexts explains why the methodological approach taken in this project is one of paradigmatic triangulation (Sarantakos 2005: 145), constructed upon the bases of post-positivist and critical theory (Guba and Lincoln 1998: 204-207). These paradigm choices are highly appropriate for a study of macro-level phenomena and societal-level initiatives that have significant micro-level consequences for individuals and communities (Neuman 2003: 70-87). Their methodological consequences allow for quantitative and qualitative concerns to both be expressed in the work. The matrix can be understood as broadly quantitative in that it could be used to obtain a set of binary answers to its constituent questions, or at least some of the questions. This is in line with quantitative research designs such as those advocated by Landman. Importantly, it allows different mechanisms and processes in transitional states to be compared. Such comparisons could be made among various initiatives in one state; or among initiatives enacted in different states. The latter would facilitate the creation of a database of transformative initiatives that could be used to carry out cross-country quantitative studies. Indeed it is foreseen that future work could rank and compare the transformative potential of initiatives in such a way as to guide transitional policy makers in selecting among various options. In fact, a hypothesis could be posed along the lines of 'An initiative with more affirmative answers to the matrix questions will be more transformative'. This would fit Kellstedt and Whitten's call for hypotheses to be causal (2009: 15) and would be amenable to statistical treatment if enough observations are made.

Nevertheless, the research design decisions taken sought to increase the depth of the study by focusing on a particular transitional society, rather than to apply the matrix more broadly. The research aim is to evaluate the transformative potential of different public policy initiatives – their capacity to address structural violence –

in transitional contexts. Epistemologically, therefore, the matrix must be applied to cases, as in-depth knowledge of these contexts is a central requirement for this research's methodological rigour (Gready and Robins 2014: 359-361). This is consistent with the calls within transitional and transformative justice for more grounded approaches, especially those that examine processes as well as outcomes (Gready 2008: 736-739). A dynamic qualitative approach will facilitate research on the diagnostic, process and outcome dimensions identified within the SVRM. Immersion in context allows more detailed answers to the Matrix questions in order to establish the real impact of initiatives where they are implemented.

This impact includes on people's actual and perceived living standards, livelihoods and opportunities, information difficult to obtain without close investigation and interaction with people. For example, the importance of participatory processes is stressed, and evaluating real levels of participation requires detailed examination of the processes and mechanisms through which communities are involved, including individuals' perceptions of these. In this sense, the process dimension of an initiative is analytically, not just chronologically, central to the task of evaluating initiatives' transformative potential. It is at this point that quantitative and qualitative research paradigms intersect, with the major methodological task being their judicious use to adapt the general matrix for empirical application. Some aspects can be counted and quantified, such as school enrolment and completion rates; yet investigating the standard of education also requires information on perceived quality and any barriers to broader participation. Numeric data and administrative statistics are integrated into the case study when appropriate, particularly to add depth or fresh information to research analyses. The next section will show why a qualitative case study methodology was considered suitable for testing and refining the Matrix as a diagnostic and strategic tool.

4.3 Case Study Methodology

Case-based empirical work was chosen to test the SVRM's usefulness. This achieved a significant research objective by creating a valid methodological tool to examine the potential for transformation in transitional societies suffering

structural violence. This began with deep reflection that only an in-depth case study would provide the level of detail needed to test and refine the matrix. A major strength of case studies is the manner in which they can connect the micro-level, for example the specific actions of individual people, to the macro-level, or large-scale social structures and processes. As a methodological approach it is particularly useful for investigating contemporary phenomena, especially when the boundaries between the phenomenon and its context are not clearly evident; surveys, in contrast, have limited ability to study context, while experiments deliberately separate context and phenomenon (Yin 2014: 16). Case studies' embedded nature facilitates understanding phenomena and context in real time and achieves a level of detail that surveys, for example, struggle to achieve.

An important justification for case study research is its contribution to overcoming the disjunction that often occurs when grand theories encounter the complexity of local contexts (Guba and Lincoln 1998: 197-199). This has been a recurring problem in TJ, and is being reproduced in newer work on transformative justice. While much has been made in the past decade of leveraging TJ to promote positive societal as well as political transformations, relatively little has been done to show what this would look like, how it could be achieved, and under what circumstances it is feasible. The transformative justice 'why' needs to be converted into a practical 'how' (Gready and Robins 2014; McAuliffe 2017a). It is in this context that the SVRM was created, to function as an applied methodological tool capable of measuring the transformative potential of specific initiatives in particular transitional contexts, given their unique political and social ecology. This is more useful and relevant than comparing the transformative potential (or effects) across wildly differing contexts, recognising, for example, that the challenges in post-conflict states are very different from those in post-authoritarian states. Even among the universe of post-conflict transition countries there exist significant variations in domestic politics, state functionality and economic situation and international involvement, while peace agreements constitute a fundamental variable affecting the prospects for transformative TJ (McAuliffe 2017a: 13-22).

Case study research is suitable for these situations as it can utilise and triangulate multiple data sources, relies on multiple sources and triangulation, and benefits

from prior theoretical propositions to guide data collection and analysis (Yin 2014: 17). A case study research design is the most appropriate one to truly consider context, allowing analysis to begin from the transitional situation itself, and what already empirically exists, rather than from an assumed ability to achieve some form of idealised justice (McAuliffe 2017a: 32-34). Knowledge of context allowed it to be better factored into the analysis; by holding other things equal as far as possible, findings could be more reliably attributed to intrinsic differences in the initiatives of interest. Discovering these differences will act as a useful test for the SVRM presented in chapter three.

The first step of any rigorous case study is the completion of a literature review as a manner of developing more insightful questions on the topic (Yin 2014: 14-15). This produced the SVRM, that operationalised the theoretical propositions of transformative justice. This was a vitally important first methodological step in this research, and represents a core contribution. The literature on transitional justice and structural violence was integrated in order to explore the synergies between them. This was supplemented by thorough exploration of transformative justice which formed the key theoretical foundation of the SVRM. The operationalisation of this theory created a matrix intended to identify the transformative potential of public policy initiatives undertaken in transitional contexts.

The subsequent step was to pilot the matrix to establish its ability to identify differences among initiatives. Establishing the accuracy of the analytical tool, and suggesting refinements to it, was necessary. Case studies are a research method of great utility in such work as they can be used to collate and triangulate data from multiple sources to acquire the relevant data for the SVRM's different dimensions and aspects. Methods literature explains how detailed empirical work through case studies allows evaluative research on "how" and "why" particular interventions succeed (Yin 2014: 9-11), helping demonstrate causal arguments and generate new thinking about how social forces shape and produce results in particular settings (Neuman 2003: 33). Case study research is particularly suitable for evaluations due to strength in capturing case complexity, tracking actions (and their changes) that occur over time and providing insights into initiative's likely outcomes (Yin 2014: 222-223). These strengths were highly relevant in testing the SVRM's usefulness as

an analytical tool that could establish the transformative potential of public policy initiatives undertaken in transitional contexts.

It was important that 'taking context seriously' was taken seriously. I considered the best manner of accomplishing this was to limit the study to a single transitional society. Colombia was selected for a number of reasons. Direct and structural violence are clearly visible phenomena which should facilitate empirical work investigating them (Nussio 2016: 3-4; Observatorio de Restitución y Regulación de Derechos de Propiedad Agraria 2014: 6). Despite this, Colombia contains a state with substantial governing capabilities and a relatively broad revenue gathering base that is only somewhat mediated by the influence of local elites, avoiding some common limitations of transitional societies (McAuliffe 2017a: 15-18). It is also a country with a long history of democratic enfranchisement that contains an active civil society (Pfeiffer 2014: 3). Perhaps of most immediate importance, recent peace dialogues in Colombia have attempted to deal with root causes, and a number of public policy initiatives exist that 'talk the talk' of transformation.

Point one of the Havana Peace Accords, for example, speaks of comprehensive rural reform that will contribute to structural transformation of the countryside, eradicating poverty, promoting equality and assuring full citizenship rights. Point two, meanwhile, commits to a democratic opening that guarantees political inclusion and participation and the representation of society's diverse visions and interests. These are to operate with an overarching differential and gender focus that respects gender, ethnic and cultural diversity, all geared towards opening a new chapter in Colombia with stronger democracy and more social inclusion (Acuerdo Final 2016: 4-5). The need to move from negative to positive peace is recognised (High Commissioner for Peace 2014: 4; Pfeiffer 2014: 17), and this is promoted at the highest political levels, with President Santos taking the unusual step of personally presenting the legislative process that led to the Law on Victims and Land Restitution (Observatorio de Restitución y Regulación de Derechos de Propiedad Agraria 2104: 7). This law makes regular reference to the comprehensive and transformative nature of reparations (Acción Social 2011).

The expressed ambition to establish more transformative transitional justice - combined with relatively high financial, social and political capacities to do so -

made Colombia a more likely case for transformation than many other transitional societies, and therefore suitable for applying the SVRM. Future societal arrangements are being debated and forged at this critical juncture in Colombian history (Abitbol 2015; Abitbol 2017), and the SVRM may help promote transformative public policy initiatives that better challenge structural violence. These contributions to policy should be made before new institutionalised commitments, distribution patterns and vested interests become entrenched and resistant to further change (Collier and Collier 1991: 32-37; Burnham et al. 2004: 19-20; McAuliffe 2017a: 88-90). Conceptual, methodological and policy considerations all make Colombia a suitable location for in-depth research that will evaluate the transformative potential of particular public policy initiatives.

The choice of Colombia also entails some practical methodological considerations, especially if a case is to provide new within-case evidence (Gerring and Cojocaru 2016: 410-411). Due attention must be given to ensuring access to data when selecting a case study, with candidates chosen that are most likely to illuminate the research questions (Yin 2014: 28). The researcher's prior experiences and knowledge of Latin American culture, society, history and politics derived from previous study of the region facilitated data access and the ability to generate new data. Familiarity with doing research in the continent, including a year at undergraduate level spent in Venezuela, enabled opportunities, risks and vulnerabilities in the field to be more easily identified and mediated. Fluency in Spanish made it possible to access difficult to reach populations whose views were essential to properly respond to the matrix questions. The capacity to speak directly without the need for an interpreter, and the freedom of movement this enabled, made it easier to gain valuable research insights. The researcher could comfortably conduct interviews and read documents, participate at conferences and public meetings and interact formally and informally with research participants.

These 'logistical features' centred on the researcher's personal attributes, linguistic competence, connections and previous experience make research more viable, and should be taken into account in case selection (Gerring and Cojocaru 2016: 411). Connections were made at a workshop on Structural Inequalities in Transition at the Javeriana University in Bogotá in April 2015, during which the researcher

established close working relationships with various researchers in the country and became more attuned to Colombian culture, characteristics and sensibilities as well as to the themes of structural violence, transformation and transition, and land that constitute the central concerns of the work. The focussing of the work that occurred on that visit also included a preliminary scoping study of the land restitution programme by visiting the agency's offices in the Urabá region of northern Antioquia. While these personal or logistical factors did not determine the selection of Colombia for study, they made research there more feasible than it would have been in another country.

4.4 Moving from Context to Cases

The next important step was selecting public policy initiatives within Colombia to study more deeply. Bearing in mind that analytic conclusions taken from multiple case study designs tend to be more powerful (Yin 2014: 63), it was decided that two cases would be considered. It was also important to maintain attention upon elaborating, testing and refining the SVRM, better illuminated by examining two public policy initiatives in parallel. These obviously had to be relevant to the theoretical framework informing this entire research project. The research topic is to interrogate the boundaries of TJ and the contribution of transformative justice principles in transitional situations. It was therefore natural and logical that the first case of interest would be something inscribed within TJ discourse and practice: the Colombian land restitution programme (LRP). Land restitution had to be included for two major reasons. Empirically speaking it is the most important peace initiative in Colombia, a flagship public policy of the Santos government to move towards a post-armed conflict scenario. It was explicitly conceived and promoted as a transformative initiative that would deal with root causes of violence in the country. Secondly, as a large-scale reparations policy it links explicitly to transitional justice theory and practice. This provides the opportunity for subsequent theoretical generalisation to other transitional justice contexts. Empirically and theoretically, then, the LRP was a non-negotiable case for inclusion.

The following step was to screen other candidate cases (Yin 2014: 95). Consultations with knowledgeable people and documentary review indicated that Peasant Reserve Zones (ZRC, Zonas de Reserva Campesina) would provide a suitable contrast with the LRP process. ZRCs are a land management and rural development initiative that have gained currency in recent years, at the same time as the LRP has been implemented in Colombia. Regarding alternative candidates, the Peace Community of San José de Apartadó represents a very interesting grassroots community response to violence through the expulsion and rejection of all armed actors; accompanied by a community-wide project to strengthen the local economy and livelihoods by producing and commercialising chocolate and other cocoa derivatives. The Peace Community has had successes in reducing violence locally and marketing its products, and has engaged with other communities in Colombia (Burnyeat 2018). Nevertheless it fails to fit the criteria of constituting a recognisable public policy initiative. Another alternative was the Administrative Reparations Programme, which is a public policy initiative to award individual and collective reparations to victims of the Colombian armed conflict.

These are, however, not necessarily land-related, and therefore do not refer to the same domain of study. This is an important point because establishing equivalence across diverse contexts requires careful reasoning, when operationalising, about the specific domains to which systematized concepts applies (Adcock and Collier 2001: 535). The case studies undertaken here will apply the SVRM to two rural initiatives that are explicitly created by Colombian state legislation, yet implemented at the local level and with community-level effects. Exploring these multi-level dynamics overcomes the often crude dichotomy of state and local processes that neglects the need for systemic approaches to achieve transformative social objectives (McAuliffe 2017a: 239-241).

The LRP and ZRC are appropriate case studies because the research is not concerned with the state-level effects of TJ initiatives per se. Rather it aims to evaluate the potential for transformation contained by public policy initiatives undertaken during transitions, and what analytic lessons can be extracted in order to refine the SVRM and establish its validity for application in other contexts (McNabb 2010: 237; Sarantakos 2005: 211). Examining a TJ and non-TJ initiative

helps keep the focus on the nature of transition, rather than on the TJ-specific nature of a programme. The initiatives of interest were compared in accordance with an adapted SVRM that includes questions and categories relevant to rural Colombia (shown below).

The study's rigour comes from its structure as a Most Similar System Design (MSSD). This was achieved by the decision to carry out the majority of the study in a particular geographical region of Northern Colombia, the Montes de Maria straddling the Departments of Sucre and Bolívar. As Colombia is a highly diverse country, containing regions with substantially different levels of economic development, state presence, and conflict dynamics, grounding the research geographically assisted in controlling many of these variables by factoring context in (Emmel and Clark 2009: 2). As an area identified, by insiders and outsiders alike, as a distinct entity, Montes de Maria constitutes a suitable scenario for such a controlled comparison. While by no means claiming it is a homogeneous entity, it fulfils the basic function of a MSSD by ensuring that the intervening variables and influences that are not derived from the two initiatives of interest are kept constant and therefore ruled out of the research to the greatest extent possible (Burnham et al. 2004: 62-67). By minimising extraneous influences, a Most Similar Design makes much stronger any claim that a particular initiative has a particular impact. The operational matrix of questions that guided data collection and analysis in rural Colombia is given below, after a short characterisation of Montes de Maria that shows its appropriateness for the detailed fieldwork portion of the study.

Montes de Maria was considered an appropriate area in which to conduct the controlled comparison needed to adequately evaluate the transformative potential of ZRC and LRP as rural public policy initiatives. Importantly, it is a region that has experienced sufficient penetration of land restitution and peasant reserve zones to make the study feasible and relevant. As land restitution is a multi-stage process that begins with macro-focalisation, it has not yet advanced sufficiently in all of Colombia to permit fruitful study. Macro-focalisation is a decision on whether a large area is safe enough for restitution to take place. Being free of large-scale armed conflict for approximately a decade, Montes de Maria has been macro-focalised, unlike other parts of the country that have experienced direct violence

more recently. The next step is micro-focalisation in which smaller areas are chosen considering the local urgency and conditions of return, together with the severity of past displacement. Montes de Maria was macro-focalised in 2012, with twenty-three zones micro-focalised by 2014 and 302 of 3503 restitution requests having received a response by July 2015 (Garcia Reyes et al. 2015: 19-23). Two peasant reserve zones in the region have already begun the process of official recognition, with the initial resolution approved by Incoder in February 2011 (Incoder 2013: 20; ILSA 2012: 32).

My research concentrates on the larger zone that encompasses the central area of the Montes de Maria. While not yet officially constituted, the zone has an Impulse Committee; sustainable development plans have been elaborated in collaboration with local authorities, peasant organisations and community members; and Public Assemblies have been held. The project will empirically examine the process and outcome dimensions of the land restitution programme and peasant reserve zones in the Montes de Maria to study whether either initiative helps reduce structural violence. The diagnostic dimension is also examined to some extent at the local level, in relation to how the specific problems of Montes de Maria are diagnosed. However, as the diagnostic dimension relates to the rationale underlying these initiatives it will also be analysed from a more general perspective. The following table shows the Structural Violence Reduction Matrix adapted for the study of public policy initiatives in rural Colombia.

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

How are they defined and identified?
2. Process
What is the role of beneficiaries in the design of the initiative?
What is the role of non-beneficiaries in the design of the initiative?
How is participation in the initiative ensured?
How are participants in the initiatives selected or chosen?
Are they representative of the local community in terms of race/gender/ class?
Is participation open only to those who directly benefit?
At what point in the process is participation?
What form does participation take?
Who makes the final decisions?
Is there capacity building to enable participation (before or during the initiative's implementation)?
Are there practical or financial obstacles to participation?
Are local needs/concerns addressed, esp. marginalised individuals or communities?
3. Outcomes
1. Political and Sociopolitical Increased membership and activity of local political, socio-political and social organisations Increased local activism and mobilisation in the political, social and economic sphere - indicating greater confidence in making demands Greater representativeness and diversity of political figures (gender, social class, territorial origin, ethnicity/race) Greater input by peasants into defining local priorities Greater input by peasants into decision making bodies (organisational, community, municipal, departmental) Evidence of spillover effects on wider political dynamics in the region eg coalitions of land claimants with other movements or input into political bodies 2. Direct Violence Less killings/kidnappings/threats in the community Less killings/kidnappings/threats against politically active individuals eg land activists, community leaders, trade unionists etc. 3A. Economic (Land) Broader ownership of land

Broader effective access to use land

More equitable access to necessary agricultural inputs

More equitable access to irrigation

Improved rural connectivity (roads, markets, internet etc.)

Increased rural incomes

3B. Economic (Other)

Increased incomes of local peasants

Increased non-agricultural employment opportunities

4. Socioeconomic (interviewees and local population generally)

Improved access to educational opportunities

Increase in literacy levels

Greater number of average years of schooling

Improved access to health resources

Improved health-adjusted life expectancy (HALE)

Improved infant mortality rates

Improved malnutrition rates

Improved disease prevalence rates

Figure 3: Structural Violence Reduction Matrix adapted for Rural Colombia

The very process of making claims based on case studies is of course problematic. Returning to the paradigmatic debates of this chapter's initial section, generalisation would often be regarded by quantitative and positivistic designs as entailing large sample sizes and statistical tests. Case studies are not really amenable to this type of statistical manipulation, because the relationship between cases and the larger universe they are thought to represent is unclear (Small 2009: 10). The problem lies in the very idea of 'sampling' as an appropriate logic in case study research (Small 2009; Yin 2014). Case study research is not about 'sampling' in the strict sense as cases are not 'sampling units', and thus do not 'represent' any given 'universe' of 'like-cases' (Yin 2014: 40-45). Instead they follow a similar logic to experimental research – based on sound theoretical propositions, and extrapolatable to analytic rather than statistical generalisations (Yin 2014: 20-21).

Central to this manner of working, 'analytic generalizations depend on using a study's theoretical framework to establish a logic that might be applicable to other situations' (Yin 2012: 18). The distinction can be understood by considering the difference inherent in arguing for the applicability of a theoretical model to other sites, as opposed to the applicability of empirical findings (Small 2009: 9). While it is expected that the findings from the SVRM evaluation may illuminate relevant design and process features that make initiatives potentially more or less transformative the empirical findings are highly unlikely to be directly applicable to other transitional contexts. The concern is rather with the premises, principles and processes that can make public policy initiatives more transformative of situations of structural violence. This shows the value of looking for theoretical replication of concepts and ideas across multiple case studies rather than literal replication or a sampling logic (Yin 2014: 57-61). Data were thus collected with dual empirical and conceptual-theoretical objectives: to show the transformative potential of LRP and ZRC; and to test and refine the SVRM to enable future theoretical replication in different transitional scenarios.

4.5 Specific Data Collection Methods

Doing good science – through clear, transparent, rigorous design and reasoning – is the key to getting good research results (McNabb 2010: 42). The previous sections have shown this through each step of the research design process, with aims and questions informing methodological design, and this in turn influencing the choice of data collection methods. This process has converted a field of enquiry into a systematised concept, created an applicable methodological tool, selected an appropriate research design and set out the units of analysis to which it is to be applied. This section now turns to specific data collection methods, following the eminently sensible selection criterion that the chosen method should provide the best conclusions (McNabb 2010: 40). Triangulation is considered a key tool for qualitative research, particularly for those anchored in case studies. Triangulation of interviews, observation and documentary research are the hallmark of a robust case study, helping to ensure relevant data are not missed, to provide a more

rounded picture of a phenomenon, and to substantiate the validity of a study's findings (McNabb 2010: 241-242). Combining data collection methods capitalises on the individual strengths - and compensates for the deficiencies - of each method to give a more holistic view of social realities (Yeasmin and Rahman 2012: 154-156). Triangulation of data collection methods, in addition, suits the epistemological choices taken in this project, oriented towards creating a rounded picture of complicated social and political processes in a conflictive situation. Developing converging lines of evidence gives higher overall quality to case studies, strengthening construct validity and making findings more convincing and accurate (Yin 2014: 118-123).

Prior to setting out the data collection methods, it is worthwhile to note that a crucial element of this research resides in piloting the Matrix as an analytical tool. Part of the pilot was to establish what types of data can be collated and how data can be gathered to conduct evaluations. So experimentation with data collection methods, looking at what works, what doesn't, and what might be used in the future, was a key part of this project, and crucial to auditing the SVRM.

The major data collection methods employed were interviews and documentary analysis, complemented by secondary analysis of administrative statistics. Insights were also drawn from the researcher's immersion in the field site which included attendance and direct observation at a variety of meetings, conferences and information sessions. Each data collection method will be set out in further detail below. They were selected at the outset as the methods that would provide the most complete picture of structural violence and best respond to the questions in the SVRM. This explains why the SVRM contains basic and generalisable concerns over integrating structural violence analyses into initiatives; encouraging broad participation, particularly of local community members; connecting initiatives to wider processes of sociopolitical mobilisation; and attempting to measure genuine changes in lived realities. At the same time the indicators used are context-specific, reflecting the different ecologies in which they are applied. The former necessitate upward coherence or conceptual validity in adjusting to the demands, expectations and principles of transformative justice; the latter require downward coherence and measurement validity, with the types of data collected being closely related to the

indicators, so that the transformative potential of the LRP and ZRC can be adequately and appropriately evaluated (Adcock and Collier 2001).

4.5.1 Documentary Research

As a foreign researcher with limited knowledge of Colombian rural issues and based outside the country, the first data source was compatible with desk-based research: the collection of primary and secondary documents on the land restitution process and peasant reserve zones. These added to the prior documentary research that was crucial in creating the SVRM, and which obviously oriented the empirical data collection. Original research can be undertaken using existing data and documents, and documentary research utilised with the full confidence that it is a respected scientific method (Mogalakwe 2010: 228-229) These were considered particularly important in researching the diagnostic dimension of the SVRM, pertaining to the analytical lens and aims adopted by the initiatives of interest. Documentary sources also further understanding of the processes that the initiatives of interest adopt, while some secondary documents even evaluate the preliminary outcomes arising from implementation. The land restitution programme and peasant reserve zones are both legally established public policy initiatives in Colombia, deriving from Law 1448 of 2011 and Law 160 of 1994 respectively. In addition to the primary legislation, all associated decrees that regulate or amend the original laws were taken into consideration. Taken together, these legal documents constitute the initiatives' legislative foundations. These sources were supplemented by policy documents of state institutions in order to see how they gave operational direction to the applicable initiatives. Detailed analysis of these documents was necessary to understand how the policies' overarching aims and principles were interpreted and operationalised at various levels of responsibility. The uses of such organisational and institutional documents have been a staple in qualitative research for many years (Bowen 2009: 27).

Secondary sources were also utilised, their main role being to contextualise the adoption of ZRC and LRP as public policy initiatives by analysing the political milieu and discourses accompanying the promulgation of Law 160 of 1994 and Law 1448

of 2011. Understanding the reality of the situation in which the initiatives of interest were created and implemented is a key ontological underpinning of the research project. This deep understanding of initiative's philosophical foundations and analytical framing facilitates more reliable evaluations of their transformative potential. Bowen describes how a thorough review of documentation provided background information on the sociocultural, political, and economic context in which community-based poverty reduction projects were conceived and implemented (2009: 36). A similar approach was clearly applicable in the current study. A comprehensive literature review was undertaken before travelling to Colombia and supplemented with additional sources collected during the fieldwork period. Many secondary documents have investigated land restitution and peasant reserves in depth, particularly analysing the requirements and procedures for participation, making them highly relevant to the SVRM's Process Dimension.

Bowen gives five specific functions of documentary material: to provide context on research participants; to suggest questions to ask; to provide supplementary data; to track change and development; and to verify findings or corroborate evidence from other sources (2009: 29-31). These functions are not mutually exclusive, and the literature review clearly functioned to provide context on the LRP and ZRC as well as to shape the questions needed to properly evaluate their transformative potential. However, the main use of documents in the analytic stage concurs with the third and fifth functions identified, supplementing and corroborating data collected from other data sources in a triangulation strategy (Bowen 2009: 35; Mogalakwe 2010: 229). In these functions, even using a small number of documents can provide an effective means of completing research, with the quality of documents and their evidence much more important than quantity (Bowen 2009: 33). Documents were analysed in accordance with a process of qualitative content analysis, an approach that incorporates deeper interpretations of documents based on researcher expertise into traditional content analysis that tends to mechanically rely on frequency counts (Bryman 2008: 528-531; Sarantakos 2005: 299-307; Burnham et al. 2004: 236-249). This analytical method entails a close reading of texts and coding of the themes they contain in accordance with the questions in the SVRM, and will be dealt with in further detail below.

Documents are collected and analysed in line with commonly accepted quality control criteria of authenticity, credibility, representativeness and meaning (Scott 1990; Mogalakwe 2010: 224-228). Authenticity refers to whether the evidence is genuine and from impeccable sources, credibility to whether the evidence is typical of its kind, representativeness to whether the documents consulted are representative of the totality of the relevant documents, and meaning to whether the evidence is clear and comprehensible (Mogalakwe 2010: 224-225; Bowen 2009: 33). As most documents are not created for the investigator they can be regarded as stable, unobtrusive and non-reactive, reducing bias by ensuring the investigator's presence does not alter what is being studied (Bowen 2009: 31; Sarantakos 2005: 294). Rather, as naturally occurring objects with a concrete or semi-permanent existence, documents can give insight into the social world of the people who created them (Mogalakwe 2010: 222).

This latter point indicates why secondary analyses were done as well as exploring the legal texts on LRP and ZRC. Doing so facilitated evaluation of the extent to which structural violence was recognised as a problem by policy makers, the processes through which legislation was drafted and implemented, and how participation was engendered within initiatives. Such an approach gave deeper insight into how structural violence works to include and exclude perspectives on what initiatives are needed, hence allowing more robust evaluation of transformative potential. Reflecting on the potentially exclusionary nature of documents shows the need for caution in using documents, which should not be treated as necessarily precise, accurate, or complete recordings of events that have occurred (Bowen 2009: 33), as they are always written with a purpose, based on particular assumptions and presented in a certain way (Mogalakwe 2010: 222). So while documentary research was used, existing documents were most unlikely to be conduits for the voices and views of ordinary people (Bowen 2009: 34). This motivated the collection of interview data during the field research period in Colombia from July to November 2016, as will be examined in the following section.

4.5.2 Participant Interviews

The empirical research aim is to discover the transformative potential of LRP and ZRC. This necessitates understanding the experiences of structural violence as felt by individuals and communities in Montes de Maria, and what, if any, impacts the initiatives of interest are likely to have on these. The central data collection method was therefore semi-structured interviews with peasants in the Montes de Maria. LRP and ZRC are portrayed as participatory so semi-structured interviews with local people were used to see how this participation functioned in practice on the ground. It was anticipated that oral sources would prove key to determining how participation and opportunities for participation within initiatives were actuated, a central analytical concern for the matrix. These interviews were supplemented with others that conform more to the modality of 'elite' or 'expert' interviewing; academics and professionals working on rural questions and on the initiatives of interest, but who are not peasants in Montes de Maria. Both types of interviews were conducted in order to populate the SVRM and allow the transformative potential of the two initiatives to be evaluated.

There are a number of reasons why interviews with peasants in Montes de Maria are privileged as the central data collection method. To begin with, the principles of transformative justice, as well as the SVRM that operationalises the framework, place great emphasis on the importance of participatory processes. These have been theorised to challenge dominant decision-making monopolies in society by creating arenas for contestation and deliberation that can be accessed by non-elite groups (Robins 2013: 199-200; Thomason 2015: 76). Involvement in these arenas can serve as a learning experience that encourages greater participation in the sociopolitical sphere more widely. Getting first-hand accounts of individuals' direct experiences of LRP and ZRC in their communities greatly assisted the evaluation of these initiatives' transformative potential. A second reason is that interview data illuminated the extent to which local knowledge, priorities and solutions are incorporated in the initiatives' processes and mechanisms. Again, a high level of incorporation is theorised to make initiatives more contextually relevant and thus more likely to be successfully implemented. A logical extension of transformative justice principles makes it clear that relatively powerless peasants must be included

in researching public policy initiatives, in a way that their localised knowledge is valued in processes of 'meaning-making and emancipation' (Aluwihare-Samaranayake 2012: 67). Oral accounts of community members enable the penetration of alternative interpretations of events and processes, introduce more nuanced views into mainstream political and academic discourses, and better fit with the already stated concern to rigorously triangulate different data sources (Gonzalez 2009: 302-307).

Interviews are one of the most widely used methods in social science and qualitative research (Sarantakos 2005: 285; Fielding and Thomas 2001: 123-124; Bryman 2008: 436). Qualitative interviews can give rich, detailed insight into what kinds of things are happening (Lofland 1971: 76 in Fielding and Thomas 2001: 125), and can help ensure research validity (Burnham et al. 2004: 218-220). This is one reason for choosing semi-structured interviews rather than standardised variants whose imposition of fixed and prescriptive response categories can lead to loss of meaning (Sarantakos 2005: 268; Fielding and Thomas 2001: 125). Rather than a strict interview schedule containing a specific wording and ordering of questions, a more flexible procedure was adopted that sought to allow important themes to emerge and be explored, a vital step in making research more contextually relevant and empowering for the participant. This involves an interview guide containing a series of issues to be explored, with flexibility in the wording and sequence in which they are covered (Fielding and Thomas 2001: 124; Burnham et al. 2004: 212-213; Bryman 2008: 437-439).

The advantage of this is that peasants can narrate their story following their own analytical and rhetorical logics, giving primacy to the interviewee as expert who interprets their reality in a naturalistic manner (Sarantakos 2005: 270). It also leaves the interview process open to taking unexpected turns that have the potential to be analytically productive (Bryman 2008: 437; McNabb 2010: 101; Burnham et al. 2004: 213-214). Experience in the field confirmed many of these advantages: participants would normally address the issues in the interview guide of their own volition; while ceding primacy to the participants allowed them to naturally make logical and analytical connections between issues; and locate their own personal responses within wider structural questions (González 2009: 307-

308). A final methodological advantage accruing from this strategy of semi-structured interviewing with minimal researcher input was the emergence of data with less contamination by pre-established conceptual categories and values (Day 2012: 64-65; Bryman 2008: 438-443).

The researcher's role in interviews was to build rapport, make the interviewee confident in responding, and ensure collection of the necessary data (Sarantakos 2005: 275-279; McNabb 2010: 100-101). Interviews began with a brief explanation of the research objectives and field of study. Oral explanation accompanied the provision of a written research protocol and consent form; participants were offered the opportunity to keep either of these documents for future reference. Making the participant central in the interview obviously did not mean allowing unstructured narrative to run amok – after all, this was research undertaken in a methodologically rigorous manner aimed at obtaining data to fit rather structured categories. Narrative manners were thus acceptable if serving to supply the necessary relevant information; and often participants made cognitive or analytic connections between themes that differed from the researcher's.

All interviews dealt with the topics previously identified in the SVRM and transferred to the interview guide as issue areas and specific questions. All specific questions were asked in each interview, although the sequence varied in accordance with the direction the participant's previous answers had oriented the interview. The aim was to create a coherence that would both make participants more comfortable and facilitate the flow of their responses. Outside of the specific major questions, researcher contribution to the interview had three principal functions: to clarify ambiguities or uncertainties in the participant's narrative; to contrast previously collected data or opinion; and to collect specific detailed information such as when they gained access to the electricity supply. Methodological recommendations to use non-directive probing and prompting for specific information or follow-up questions based on participant responses were followed (Fielding and Thomas 2001: 128-129; Sarantakos 2005: 278-279; Bryman 2008: 445-448; Burnham et al. 2004: 215).

A rigorous methodological approach to interviews was adopted throughout the process, from establishing interview targets through to the process of transcription

and analysis, a matter that will be dealt with in greater detail below. A key methodological component is how interview participants were selected. A number of qualitative or non-probability sampling procedures were combined to ensure enough data-rich interviews were completed (Sarantakos 2005: 163-169). Purposive (or judgement) sampling (McNabb 2010: 89; Sarantakos 2005: 164; Bryman 2008: 458) sought to obtain interview participants of relevance to the study, bearing in mind the three pre-identified categories of involvement in LRP, involvement in ZRC, and involvement in neither. This necessitated a phased approach to obtaining fieldwork interviews, with Bogotá-based academics and civil society members making introductions to similarly positioned individuals in Cartagena and Sincelejo, the capitals of Bolívar and Sucre Department respectively. These individuals closer to the ground then arranged introductions to peasant activists and community leaders within Montes de Maria. Interviews were arranged with some of these leaders, who generally proved to be data-rich informants. They were also valuable conduits through which to gain access to people within their communities who may not have been as politically active, but who fitted into one of the three categories.

This phased approach was appropriate for gaining entry to, and building trust in, local society. In addition, it illustrates the operation of the second major sampling procedure, snowball sampling. This worked through the simple mechanism of asking interviewees to recommend other potential participants who fitted the criteria (Burnham et al. 2004: 91-92; Sarantakos 2005: 165-166). Researcher presence in the region and attendance at various conferences and events also generated further interviewees (Bryman 2008: 414). The researcher utilised various organisational and individual access points to ensure that a more heterogeneous sample was achieved that minimised the risk of over-representing any particular group or viewpoint.

The sampling procedure resulted in carrying out thirty-six interviews with individuals residing in eight different municipalities in Montes de Maria. The sample group was constituted by adults identified as peasants and who had substantive ties to Montes de Maria. All efforts were made to ensure gender balance among the participants in order to incorporate the experiences of women

and men in the region. This effort involved deep reflection upon interviews already conducted and manners in which more female respondents could be accessed. A conscious choice was then made to purposively and specifically target women, by enquiring about women who were involved in the initiatives, prioritising interviews with female participants and deliberately initiating contact with female attendees at relevant events. The breakdown of interviews by category is shown in the table below, with variation in interview numbers per category demonstrating the differing rates at which saturation point was reached. Saturation was quickly reached among individuals with no direct experience of LRP and ZRC; this is justified by the fact that a prime theme of interest was these initiative's processes and these people could contribute little here. LRP saturation was reached latest because processes are individual and show a wide range of divergence in their outcomes and speed of resolution. The following paragraph gives more detail on these divergences, and on the operational inclusion and exclusion criteria.

Category	Proposed Number	Actual Number
People with direct involvement in the Land Restitution Programme in Montes de Maria	10-20	16
People with direct involvement in Peasant Reserve Zones in Montes de Maria	10-20	12
People with no direct involvement in either Land Restitution Programme or Peasant Reserve Zones in Montes de Maria	10-20	8
Experts on the Land Restitution Programme and/or Peasant Reserve Zones	10-20	13

Figure 4: Interviews Conducted (by category)

Category one comprised people with direct involvement in land restitution processes. The majority of these were individual claimants of land at various stages of the restitution process, chosen in order to evaluate the level of participation and satisfaction with the process and whether their involvement with the land restitution programme has led to any tangible changes in their lives. The second subgroup was made up of peasant 'second occupiers' who live on land claimed in

restitution by others; the intention was to understand the impact on and involvement of those experiencing the land restitution programme from the other side. Examining both perspectives in detail was thought necessary to gain a holistic understanding of the LRP. Category two comprised people with direct involvement in the peasant reserve zone in Montes de Maria. These people have varying degrees of involvement, from members of the regional Impulse Committee based in Sincelejo to people who have attended a small number of meetings in their communities. Category three comprises people without direct involvement in either the land restitution programme or the peasant reserve zone. Inclusion of this category ensured that the study was as empirically rigorous as possible, by controlling for the impact of change deriving from processes or forces other than the LRP and ZRC.

The decision to incorporate a third group of interview respondents was taken to give further rigour to the study. While it is problematic to adopt the words of quantitative or statistical researchers (Small 2009: 10), in this case "control", it was considered useful for multi-paradigmatic work to strive towards this as far as possible. Inclusion of this third interviewee group allows investigation into whether the characteristics, changes and continuities observed in Montes de Maria are facilitated by other causes than the two initiatives of interest. It should help clarify whether the outcomes ascribed to LRP and ZRC are actually the result of wider societal wide change, and to see the differences between engaging with these initiatives, engaging in other initiatives and doing nothing. Data from the final group obviously does not contribute to understanding the diagnostic or process dimensions of the study, but serves to both give validity to evaluations of the initiatives of interest and to assist construction of more holistic understandings of regional dynamics. Holding interviews with individuals involved in the two initiatives of interest, as well as a control group of individuals not involved in either, brings the research design as close to a controlled quasi-experiment as possible in social research (Bryman 2008: 40-43).

4.5.3 Expert Interviews

Supplementary interviews were conducted with policymakers, academics and practitioners working on land and rural development. The criteria for their inclusion were having expertise and experience of rural issues, particularly the design, implementation and evaluation of the land restitution programme and/or peasant reserve zones. The sampling procedure was broadly similar to that outlined above, with the researcher using existing network of contacts to gain access to these experts, chosen purposively for their expertise. Further access was gained to academic and civil society communities through participation at conferences in Bogotá and Cartagena, providing further experts to interview. A process of snowball sampling was initiated from both of these starting points. These interviews began with an explanation of the research, reiterating, and at times extending upon, the one-page research protocol summary previously provided to interviewees. An interview guide was used to ensure that themes of relevance to the empirical investigation were adequately covered, while early interviews also sought insight into the specific dynamics of rural processes in Montes de Maria.

Over time the nature of these interviews changed, a noted feature of 'elite interviews' (Burnham et al. 2004: 216). Given the acquisition of knowledge by the researcher relative to the subject and region under study, questions were able to probe more profoundly into the nature and meaning of the land restitution programme and peasant reserve zones. While these interviews were important to gain initial insights and build contacts in Montes de Maria, ultimately they reflected an external rather than internal perspective on initiatives. For this reason they are regarded as supplementary to the peasant interviews, in line with Burnham et al.'s methodological guideline that work should not be based entirely on elite interviewing (2004: 206), as well as with the overall strategy of method triangulation employed throughout this project.

4.5.4 Statistical Data

Interviews conducted in Montes de Maria are the major sources of data. Yet the multidimensional nature of structural violence and the complexity of the situation in Montes de Maria required triangulation of these qualitative interviews with other

data collection methods. Such an approach allowed the perceptions and realities of people in Montes de Maria to be contrasted against the secondary documentation highlighted above, and against administrative statistics. This triangulation allows more accurate conceptualisation of structural violence, and more rigorous evaluation of the transformative potential of public policy initiatives to challenge it in rural Colombia. This included accessing existing statistical data that measured the level and rate of public participation in the land restitution and peasant reserve zone processes to see their potential to empower and stimulate more participatory communities. It also enabled valid reconciliation of state claims with peasants' accounts of living conditions on the ground in Montes de Maria, regarding, for example the provision of health services.

Statistics were obtained from a range of state agencies, international entities, academic institutions and reputable NGOs with the objective of bringing an objectivist and general perspective to the necessarily subjective data derived from interviews with local community members. These were thought to be most relevant to evaluating whether LRP or ZRC had any impact on the outcome aspects of livelihood opportunities, levels of public service provision, or sociopolitical mobilisation rates. Positive indications on such indices would seem indicative of an initiative's transformative potential. Statistics were used as a secondary source rather than considered of paramount importance due to fundamental worries that they fail to capture what they claim to, and because they can imprison research in limiting concepts (Burnham et al. 2004: 141). These epistemological limitations are amplified by the unavailability of sufficiently disaggregated data associated with the initiatives of interest.

4.5.5 Observational Data

Underlying much of the research, and alluded to in parts above, was a strong commitment to collecting observational data. This was a conscious methodological choice underpinned by an epistemological concern to portray the views of often marginalised communities – in this case, peasant inhabitants of the Montes de Maria - as constituting an acceptable form of knowledge (Bryman 2008: 13; Sobout 2017: 53-55). It is also an approach that can compare official and unofficial realities,

helping to shed light on the often dark corners where public policy initiatives intersect with societal dynamics (Fielding 2001: 147). While not a fully-fledged ethnographic study, the fieldwork period did exhibit some of the characteristics associated with this approach: immersion in a particular area, acquisition of 'insider' (or 'trusted quasi-insider') status, participation in peasant events, and investigation of community dynamics and interactions with other communities, organisations and institutions (McNabb 2010: 265-270).

This immersion in a social setting coexists fruitfully with the collection of documents and interviews with community members (Bryman 2008: 402-403; Fielding 2001: 148). In fact, attendance at events and meetings in Montes de Maria was an important step in accessing interview participants. Interviews were sometimes conducted on the spot; alternatively a relationship was begun which would result in an interview further down the line. In accordance with Gold's classic four-part categorisation of participant, the role adopted was that of participant as observer (Bryman 2008: 410-412; Burnham et al. 2004: 227-234). Participation and observation facilitated better understanding of culture and society in Montes de Maria, created bonds of trust with some community members, and deepened my knowledge of rural processes in the region, especially the LRP and ZRC which were often a topic of conversation. It cannot truly be called an ethnographic research project, however, because fieldwork duration was not sufficiently lengthy and the production of detailed field notes was not prioritised. Most importantly the analytical units of analyses were the initiatives of interest, rather than the community.

4.6 Disciplinary Considerations of Methodology

This methodology has attempted to map a course in accordance with the urgings of Hafner-Burton and Ron by self-consciously focusing on research design and integrating statistical findings while also facilitating immersion in the field and in case study materials (2009: 393-394). A final note must be made on the disciplinary aspects of the epistemological and methodological choices made in this chapter. While much of this chapter has referred to political science, it is important to

emphasise that this research does not fall exclusively into any one discipline. The triangulation of methodological paradigms is accompanied by a blending of disciplinary approaches with the aim of shedding the greatest possible amount of light on the possibilities for transformation. As a phenomenon with political, cultural, economic and social components, structural violence draws insights from various strands of thought. In this sense the research leans as heavily on the concerns of anthropology and sociology to interpret social behaviours, as it does on political scientists' concerns with measuring or describing these behaviours (McNabb 2010: 265). The influence of these disciplines can be further discerned in the modus operandi employed in the research. While not a fully-fledged ethnographic study, the previous paragraph shows how the fieldwork period exhibited some of the characteristics associated with this approach. It can truly be claimed that this is an interdisciplinary research project.

4.7 Reflexivity and Ethical Considerations

All research needs to proceed in accordance with rigorous legal and ethical standards. These standards are best met by a continuous process of reflection on the research's meaning and nature, and on the ethical challenges that it confronts at all stages. Certain of these reflections have already been weaved into the previous chapters, and can be seen in the framing of the research objectives, the selection of particular methodological approaches, and epistemological concern with including non-elite and non-official perspectives. It is important at this point to more explicitly set out these issues, linking them both to the positionality of the researcher and to the ethics of doing rigorous research. Vague and misleading allusions to 'research ethics' can obscure the reality that these are constituted by a gamut of issues ranging from adherence to prevailing data protection legislation to the meta-politics of knowledge production. Reflective and ethical research is non-negotiable, with issues of research ethics increasingly being linked to those of research quality (Bryman 2008: 125- 127). Concerns about conducting research that is ethical and methodologically valid are not separate, as these constitute

mutually reinforcing objectives that require a conscious and continuous process of critical scrutiny (Block et al. 2013: 70-71).

Before travelling to Colombia, and again before going to Montes de Maria, as well as during my time there, it was clear that a number of issues necessitated researcher reflection. Some of these were epistemological in nature, reflecting transformative principles that marginalised people ought to be placed at the centre of research, policy and practice. Some relate to the nature of the armed conflict that had afflicted Montes de Maria, the extent of individual and collective harms suffered there, and the presence of vulnerabilities among those impacted by the research. Others were researcher-focussed, whether problematising my role and relations in the field, and the linked reflection upon shifting positionalities and perspectives throughout the course of the research. These concerns interacted in various ways and this section attempts to draw out the most important issues that arose from these processes of reflection, and how they connected with the important questions of research ethics.

This section will begin by showing how the potential dangers of the research were considered and mediated, in accordance with the stricture to do no harm. It then considers the legal requirements and ethical best practice in relation to ensuring data protection, confidentiality and informed consent. The role of the researcher in the field, and in relation to research participants is then examined, especially regarding the dynamics of power in the researcher-participant relationship. It then explores the dynamic encounter of the researcher with the field site and methods, and how this can stimulate changes in positionality as well as to the research design. The shift in emphasis from adherence to standards to more reflective (or from extrinsic/external to intrinsic/internal) understandings of ethics in research is completed by a discussion of knowledge production and dissemination. Clearly there are elements and themes that flow between these categories, but they represent an attempt to coherently enumerate the ethical issues and how they were dealt with in this work. Structuring the section in this manner also makes it possible to chart a roughly chronological path that relates to the project's pre-fieldwork, during-fieldwork and post-fieldwork phases, all of which need to be given due attention (Browne and Moffett 2014: 233-235).

4.7.1 Risk, Harm and Vulnerability

Research methodology manuals often contain lists of legal and ethical issues to take into consideration (Bryman 2008: 118; Sarantakos 2005: 17-24), while it is generally held that undertaking research in violent contexts serves to heighten certain types of research risk (Browne and Moffett 2014; Ganiel 2013). These risks, and associated researcher responsibilities, need to be deeply reflected upon, planned for and mitigated. Bryman breaks down ethical principles into four main areas: harm to participants, informed consent, invasion of privacy, and deception (2008: 118-125). These are all research participant focused and will be the first issues considered, situated in the context of this research project. Ganiel sets out three key ways in which social researchers can seize what she calls the 'ethical opportunity' of fieldwork in divided and violent societies, calling for researchers to have a plan for self-protection, a plan for participant protection, and a plan for communication and dissemination (2013: 171-179). Her final element is dealt with in the final subsection that examines the politics of knowledge production and dissemination. The former two, concerned with risk and vulnerability and forming the base of what Brewer (2015) calls 'institutional ethics', can be addressed in large part through careful planning before entering the field. This subsection shows how physical and psychological risks were avoided and minimised before looking at the related issues of data confidentiality and informed consent.

A major concern with research in conflict situations is not to put participants in danger, and this applies to fieldwork in Montes de Maria where many individuals and communities are classified as victims of the armed conflict. In fact, inclusion in Colombia's Victims' Register is an essential qualifying category for inclusion in the land restitution programme as it is a public policy specifically geared towards returning land to those displaced by armed violence (Acción Social 2011). Figuring on the victims' register would imply that individuals are considered to form part of a vulnerable group. The safety and physical wellbeing of participants was of utmost importance, especially given the risks associated with doing research in conflict and post-conflict settings. The research took place in a region with historically high rates of violence in a country that still had an ongoing internal conflict. Researcher

safety also had to be contemplated carefully, particularly when travelling in relatively remote areas with a recent history of armed conflict and continuing levels of social and criminal violence likewise. There is also a risk of some participants being traumatised by recalling events that led to displacement from their land or otherwise contributed to their classification as 'victims' for the purposes of participation in the programmes under study. Aided by consultation with supervisors and the Ulster University ethics committee I put in place a number of steps that sought to mitigate these potential risks and vulnerabilities.

While carrying out research in a country with armed conflict and criminality implied the existence of threats to the physical integrity of researcher and participant, all care was taken to minimise and mitigate these. While a risk of political or criminal violence still exists, that is a function of still high levels of violence in Colombia, rather than related to participation in this research project. In any case, rates of homicide and other violent crime have experienced a sharp downward trend in recent years (Nussio 2016). Fieldwork research was conducted in zones declared safe by Colombian authorities, which includes the proposed peasant reserve zone and those areas micro-focalised by the land restitution unit and thus deemed suitable for the return of formerly displaced peasants. Before and during fieldwork, I consulted British FCO guidelines to remain informed of the current travel guidance for Colombia, and for regions within the country. I also consulted Colombian state bulletins and media reports to ensure that the Montes de Maria was safe before leaving Bogotá.

Interviews were conducted in places of safety, with the location chosen by participants, normally at or close to their place of residence. This minimised the risk of harm that could occur to participants due to travelling to lesser-known locations. The researcher instead travelled extensively within Montes de Maria, into, and out of the region. This was important to build relationships with local people and organisations, to access interview participants, and to diminish risks. Browne and Moffett (2014) refer to the importance of cultivating links with local community-based organizations or academic institutions to make research both easier and safer. When carrying out interviews, the researcher informed trusted individuals in the region of the location of the interview and an estimated time of return, and

carried a mobile phone at all times, following recommendations made by Ganiel (2013). A schedule was established to minimise travel and meetings at night, in order to avoid the risk of petty crime or violence. Montes de Maria region was chosen for research because it is an area that is deemed safe by Colombian authorities, and with relatively low current levels of violence. Various research projects have been conducted in the region without incident, and academics from Colombian universities gave assurances about the security situation there. The researcher's fluency in Spanish and previous knowledge of Latin America enabled risks that may have arisen to be more easily identified and avoided.

In regards to the psychological implications of taking part, and particularly the risks of (re-)traumatisation or triggering latent psychological or emotional vulnerability, a number of precautions were taken. The researcher took the precaution of acquiring the contact details of local organisations that could assist participants suffering emotional, social or financial distress. Thankfully, these were not required, and any distressing moments in the interviews were resolved with empathetic listening to participants. Sometimes participants volunteered such information but it was made clear that they were free to stop at any point and that this was not the express focus of my study. It should be noted that in order to register a restitution request, participants would have already shared the details of displacement to members of the land restitution unit, further reducing the risk of this project causing trauma to participants. Even before the interviews began, precautions were taken to prevent psychological trauma or stress. This included emphasising the optional nature of the initial choices to participate and continue, and would be reiterated if the participant exhibited signs of distress or discomfort. Participants were reassured at the beginning of the interview that they could avoid answering any questions they felt uncomfortable with, take a break, or end the interview at any time.

4.7.2 Consent and Confidentiality

Each individual participant was given an information sheet and consent form to read prior to the interview, providing details of the study and the Researcher's position as a PhD Candidate at Ulster University. The forms contain information on

how data is to be obtained, managed, stored, analysed and disseminated, and request participant's permission to record and take notes of the interview. They also made clear that the participant could stop the interview at any moment, that transcripts could be made available to them if requested, and that they could withdraw from the study at any time up to publication of the thesis. Having a consent form which explains in the participant's language the ultimate aims of the research is a good way to offer a protective framework for those taking part (Browne and Moffett 2014: 228), highlighting the crossover that can exist between physical and legal risks. Form contents were explained orally to potential interviewees and any questions that they asked answered. This demonstrated the advantages of being fluent in the language of research participants. Fluency in Spanish and knowledge of local culture meant the researcher could personally conduct interviews and provide written documents, eliminating the need for local intermediaries whose affiliation could potentially be a source of concern for interviewees. When contact was initiated through a local organisation, I was clear in stating that I was independent of it; at the same time, I carefully considered all advice given by people with greater experience regarding suitable places, people and themes of interviews.

The information sheet and consent form clarified the legal basis for collecting and storing information: names, addresses and other personal information of respondents, as well as the substantive project data will be securely stored in accordance with Ulster University regulations. The security of data is an important issue, especially if these are sensitive (Browne and Moffett 2014: 227 and 230). The researcher transferred all interviews to a password-protected laptop, and transferred all of these to an external hard-drive securely deposited in Bogotá as a back-up in case of laptop theft or malfunction. With regard to the disclosure of information, the subject information sheet and consent form reminded participants that Researchers are not exempt from legal obligations to disclose recorded data if properly requested by legitimate agencies for licit purposes – this applies in Colombia, the UK and other jurisdictions, and participants were reminded of this verbally. Anonymisation of identities was offered to all participants as a precaution against physical, social and psychological risks. This would ensure that any criticism

of powerful social or political actors would not put participants at risk of reprisal in the context of a resurgence of land-related violence, or jeopardise their continued participation in land restitution or the peasant reserve zone. It would also ensure that they would not be subjected to social shaming or employment blacklisting for expressing certain views. Only one of thirty-six interviewees requested anonymisation while another contact refused to sign the consent forms in such a manner that I thought it wise not to conduct an interview.

4.7.3 Power in Research Relationships

It is obviously possible that the high participation levels given above mask a darker issue; perhaps participants felt they could not truly refuse to participate due to the existence of an asymmetric power relationship between researcher and researched. This reflects a critique that power disparities exist in, and are perhaps inherent to, the researcher-researched relationship (Hoffman 2007 in Day 2012: 66-67). This is a particularly important question for research that aims to be critical and empowering - the concern with local community participation and empowerment should also be apparent in the manner of doing research. The section on interviews illustrated how all attempts were made to give participants agency to follow their own rhetorical and discursive logics. While certain key issues and concepts were covered, participants influenced the order, contributed valuable information and linked these issues in ways that had not necessarily been previously considered by the researcher. This form of epistemological reorientation works towards the inclusion of experiential accounts that are too often devalued by dominant epistemologies (Day 2012: 63). Incorporating such accounts was the prime motivation for the informed participation of relatively powerless peasants in researching public policy initiatives that are often studied from the state or administrative perspective rather than from the citizen perspective, and can challenge the manners in which knowledge is constituted and validated (Lundy and McGovern 2006: 73).

It is beyond this section's scope to make deep analyses of prevailing research relationships or to claim knowledge of participants' thought processes when approached by researchers. Something noted during fieldwork, however, was the

sense of frustration that individuals and communities sometimes experience in engaging with researchers (Browne and Moffett 2014: 229). Many organisations and researchers work in and on the Montes de Maria, yet most do not remain overnight in the region, instead preferring to travel in and out in a day. Often the largest meetings take place in the departmental capitals of Cartagena and Sincelejo, which are not actually within Montes de Maria. Community members and organisations are brought to invited spaces as outsiders, denied the agency to convoke public officials, researchers or consultants in their own spaces on their own terms. This is undoubtedly a reflection of power dynamics at work. My own approach was to remain within the region as much as possible, travelling between the different communities in Montes de Maria. In this way I tried to resolve the contradictions of my position as an outsider, and be respectful of local sensibilities, recognising that issues of timing, planning, ethical vigilance, respecting research participants, and ensuring that knowledge is appropriately exchanged are of critical concern (Browne and Moffett 2014: 236). The steps taken to mitigate harm, and the commitment to producing and disseminating research of benefit to victims and other vulnerable groups are the practical means to (begin to) rebalance power asymmetries within the research relationship.

4.7.4 Positionality and Modifications

An important ethical consideration is to turn the spotlight onto the figure of the researcher, especially in critical research that problematises researcher-researched positionalities and the assumed power disparities between them (Bourdieu 2004; Day 2012). As a researcher from Northern Ireland in Colombia I had various identities and positionalities to contend with, as well as the values and beliefs I carried with me. I grew up in the most peaceful continent, yet in a region that has suffered its own prolonged violent conflict; in a country among the richest in the world, yet also among the most unequal. Northern Ireland is a small place, yet well known in relation to violent conflict and peace studies – on occasions this led to me being treated as an expert or someone with superior knowledge. When in Montes de Maria I clearly stood out as white, as foreign, as an urbanite, as an academic. In relation to the peasant communities there I am also rich, middle-class and

educated. These identities could have affected the manner in which people reacted to me, or the ways in which I was able to interact with community members. Reflexivity requires awareness of the researcher's contribution to the construction of meanings attached to social interactions and acknowledgment of the possibility that an investigator's actions, identities or beliefs will influence the research (Bowen 2009: 31). Recognising this potential influence is the best manner to control for it within research, rather than laying claim to objectivity and value-free research. Such assertions are increasingly common in social research, with claims to value-neutral research less frequent and perhaps unsuitable in conditions of manifest disadvantage or in which human rights are being violated (Bryman 2008: 130-132; Saldaña 2016: 41; Espinoza Cuevas and Ortiz Rojas 2009: 323-324).

A more grounded and relational usage of reflexivity made me reflect upon how my encounter with the field prompted change in my understandings and perceptions over time. Adaptability and capacity to think on your feet are key attributes when undertaking fieldwork, with unforeseen situations sometimes requiring researchers to re-evaluate their research strategy, or at worst their presence in the field itself (Browne and Moffett 2014: 224). Reflection on interview sampling strategy following an initial period of time in Montes de Maria, led to a broadening of the scope and inclusion of a wider cross-section of voices than would have been the case in my original research design.

The initial research design foresaw remaining for extended periods in three communities, each of which would correspond to the three groups of interview participants. Yet this plan quickly proved unworkable for a number of reasons, empirically, methodologically and ontologically. For the former, as the ZRC has not yet been formally constituted it was impossible to find a single community that had experienced it empirically. Methodologically speaking not enough people in a single community had the experience and knowledge of either land restitution or peasant reserve zones to reach the required number of respondents; conversely, the interviews carried out in a single location did not provide enough differentiated data to make it worthwhile to continue doing more, with saturation reached relatively quickly. It was also soon apparent that the multiplicity of experiences that exist in Montes de Maria could not be conveyed by limiting the research to three

locations. I therefore endeavoured to widen the scope of investigation in order to include more voices, although without the workload becoming unmanageable. The final result entailed carrying out interviews with participants from a variety of communities within 8 different municipalities: Ovejas, Los Palmitos, Morroa, San Onofre, Maria la Baja, San Jacinto, El Carmen and Coloso. Furthermore, interviews did not always take place in participants' places of origin, or the territory with which they identified: with the existence of opportunities to study in the city, attendance at peasant encounters, and forced displacement from land constituting some of the reasons why.

Certain events, encounters and reflections also re-shaped my position on the insider-outsider continuum, from my own perspective and from that of other people in the region. Most researchers employ one of two contrasting positions in Montes de Maria: travelling in to work in the region by day and leaving at night; or the anthropological approach of long-term stays in particular communities. My approach was instead to travel extensively within the region, normally sleeping in one place for 2, 3 or 4 nights before moving on; I also stayed where peasant activists or community members stayed: in a hammock or a dormitory bed. I feel that this contributed to quickly building trust and familiarity with members of local society. Especially upon returning to Bogotá after my first stint in Montes de Maria I reflected that 'outsider' in Montes de Maria did not primarily refer to nationality or colour, but to the willingness and capacity to be present in everyday existence. This was reinforced by the thought that the cultural difference separating Belfast from Bogotá was less than that which separated Bogotá from the Montes de Maria. Returning to the field led to questioning whether a researcher from Bogotá or Medellin was any less of an 'outsider' than I was, especially those who knew the region less or who did not stay in situ.

Similarly striking was that new acquaintances often referred me to already known people. Indeed, I often became a conduit of communication between individuals, or would update interview participants on new developments within, or contacts among, organisations that they were members of. The superior knowledge I often had owing to my extensive intra-regional travelling and attendance at various fora led sometimes to disruptions in insider-outsider dynamics (Day 2012: 74-75). Such

disruptions, even if purely temporal, can open interesting perspectives on the possibilities of co-creating knowledge and other collaborative experiences.

4.7.5 Knowledge Creation, Communication and Dissemination

A critical science approach must consider the ethical implications of knowledge creation. This should be produced and utilised in a manner that legitimises grassroots knowledge and challenges structural violence in society, including the social and political power inherent in controlling the production and usage of knowledge (Lundy and McGovern 2006: 73; Sarantakos 2005: 13-16). The 'ethical opportunity' of research in violent societies should be used for transformation by sharing work with policy makers and research participants who have the ability to instigate change through mobilisation, organisation or legislation (Ganiel 2013: 168-169). Transformational validity is achieved by raising consciousness and provoking political action, actions that promote the inclusion of previously excluded perspectives. Nearly nine million people in Colombia – over a sixth of the population - are classified as 'victims' (Red Nacional de Información 2018), and they are marginalised in public life in multiple manners. Sharing knowledge with them and including their voices is to make a modest contribution to assisting a large swathe of the Colombian population to assert their place in society as citizens.

Many peasant communities have used the label 'victim' as one element of a strategy of resistance and recovery, appropriating the word for their own purposes rather than having it define them. This research project seeks to integrate these sometimes hidden narratives of survival, resistance and recovery, with conversations based on participants' involvement in socio-political initiatives, and how these have impacted on peasant existence. This exploration of alternative narratives is central to the epistemological and ethical stance adopted throughout this research. If we accept that knowledge and theory are always for someone and for something (Burnham et al. 2004: 3-4), then introducing new theoretical frameworks that change the beneficiaries are surely necessary.

The foregoing explains why study findings will be made available to community organisations, academics, NGOs, and individuals who participated in or assisted

with the research project[1]. Ganiel sets out five ways of improving research communication and dissemination: oral presentation of findings; in-depth conversations; co-writing; sending drafts for comments; and writing more accessible, non-academic reports (2013: 177). In addition to the publication of academic articles in English and Spanish language journals, the dissemination strategy will adopt the first and fifth strategy. Careful consideration will be given to finding a suitable channel for a Spanish language non-academic report. I foresee collaborating with contacts established while conducting fieldwork to write a short research report that could be published by a local university or NGO and distributed directly to communities in Montes de Maria.

Ganiels's first strategy is more complicated as it requires financial resources to return to Colombia to present findings in person. Upon completion of the thesis the researcher will apply for small grants that would enable travel. If unsuccessful in obtaining a grant, the same contacts will be consulted about the potential of conducting a video-conference that can be used to present the research and elicit the responses of research participants. There are also a vast array of popular and academic websites and blogs that are amenable to publish high quality research, especially when it is of general relevance. Whatever the strategy and media finally utilised, I hope that the knowledge produced through this research project can be utilised to further understanding of structural violence in society and the transformative potential of initiatives to reduce it.

4.8 Data Analysis

Analysing data constitutes the central component of academic research, a process that furthers understanding and allows profound discovery and revelation (Saldaña 2016: 289-290). Coming to meaningful conclusions about what the collected data show requires careful analysis and interpretation (McNabb 2010: 288). This involves combining systematic methods for coding and drawing conclusions from coded data with the researcher's own style of rigorous empirical thinking, sufficient

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[1] Obviously limited by legislative requirements and Ulster University PhD stipulations, and following anonymisation of personal identities and data in accordance with interviewees expressed wishes.

presentation of evidence and consideration of alternative interpretations (Yin 2014: 133). The first step taken was to prepare and organise the raw data to enable analysis. This is particularly important when the richness and quantities of qualitative data threaten to swamp analysis and obscure its wider significance for the social sciences (Bryman 2008: 538). With this in mind, the interviews conducted in Montes de Maria were transcribed as Microsoft Word documents, with the aid of an Olympus AS-2400 Transcription Kit.

This process actually comprised the initial analytic cycle, with analytic memos written during transcription to capture the major insights and core themes of each interview. While some memos contained specific interesting information in that particular narrative, others indicated the emergence of patterns by covering themes raised by different participants; still others related to more abstract theoretical insights, or the overarching ideas of SV and responses to it, marking the start of an analytic path. Analytic memos play an important role in organising data and shaping thinking (Saldaña 2016: 44-45; Yin 2014: 126), and they were used and refined throughout all subsequent data analysis stages. Transcripts were then imported into NVivo 11 along with all analytic memos and field notes made at the time of the interview. NVivo is a Computer Assisted Qualitative Data Analysis (CAQDAS) programme that allows participants' personal data and interview data to be linked at a single Case Node – enabling exploration of demographic variables. Also loaded into NVivo were the interviewee notes from the 'expert' interviews, observational data, and documents of relevance to answer the research question.

CAQDAS facilitates the organisation and display of complex data, thereby simplifying the analytic process; yet the human researcher still must do the coding and analysis (Saldaña 2016: 28-36). This involves choices relating to the level of granularity (whether to code words, sentences, or paragraphs), the combinations deemed worthy of attention, and analytic routines used to compile final results (Yin 2014: 171). Underpinning these choices is a larger one relating to the study's overall analytic strategy, something that should follow a 'cycle (or repeated cycles) involving your original research questions, the data, your defensible handling and interpretation of the data, and your ability to state some findings and draw some conclusions' (Yin 2014: 136). Yin suggests various techniques to discover an

appropriate analytic strategy, including making a matrix of categories in which to place the evidence (Yin 2014: 135). As previous stages of this study had already completed the difficult preparatory work of creating a theoretically-derived matrix, this was a suitable approach to adopt, with the collected data fitted into the SVRM.

Considering the complex triangulation of research paradigms, methodologies and data collection techniques employed in this project, it was thought important to keep the analytic strategy as simple as possible.   With this in mind, thematic analysis was undertaken to simplify this fit, with data coded and categorised with reference to the research question (Burnham et al. 2004: 236; Sarantakos 2005: 299-301; Bryman 2008: 554-556).   Thematic analysis organises information into categories related to the central questions of the research by identifying meaningful data from the texts (transcripts and documents); the key is examining the themes that emerge from different sources in order to find regularities and patterns (Bowen 2009: 32; Bernard 2011 in Saldaña 2016: 9-10). Such pattern recognition within the data is a central case study analytic strategy, with the identification of patterns and causal links helping explain certain phenomenon or outcomes (Yin 2014: 142-150). These outcomes were influenced, in this study, by the differences in transformative potential of two particular public policy initiatives.

One manner of finding the patterns that constitute a theme is by coding the data to create categories of datum based on sharing some characteristic (Saldaña 2016: 9-10). Drawing on Saldaña's comprehensive taxonomy of Coding Methods (2016), a combination of Concept Coding and Evaluation Coding was considered appropriate to handle and interpret the data in line with the information needed for the SVRM. Concept Coding (Saldaña 2016: 119-124) can be applied to large units of data, and to all types of data, with concept phrases used not to code the action, or even the topic, but to refer to the idea. It is appropriate to transcend the local and particular of a study, enabling investigation beyond the tangible and apparent to more abstract or generalisable concepts, thus stimulating reflection on broader social constructs. Deriving broader social meaning is important in researching Structural Violence and Transformation, and vital to extrapolate from research on the LRP and ZRC in Montes de Maria to the national stage, and to give insight into what a transformative initiative may look like. A further strength of Concept Coding is that

it can circumvent the need for such 2nd cycle coding methods as Pattern, Focused, Axial, or Theoretical Coding (Saldaña 2016: 120; 250) by moving directly to a deeper analytic level linking together data, its deeper meanings, and theoretical reflections. This was important for a study based on theoretical premises from which research questions, matrix questions and interview questions are all derived.

While Concept Coding is extremely useful, it risked losing the grounded aspect of the research that was one of its strong points. It was also felt that it may be too interpretive, and liable to reflect researcher values and priorities rather than those of interview participants (Saldaña 2016: 122-123). To reconcile these contradictions, Concept Coding was combined with Evaluation Coding to ensure analysis of the broader meanings of actions and processes was combined with careful attention to participant's own voices. Evaluation Coding (Saldaña 2016: 140-145) is appropriate for policy, critical, action, organisational and evaluation studies in which data describe, compare and predict in accordance with codes that reflect the questions structuring the evaluation (Saldaña 2016: 141). The main use is to explore change in: awareness and knowledge (what people know); attitudes and motivation (what people think); behaviour and participation (what people do); discourse (what is being said and done); capacity (know-how and resources); systems, policies and conditions (whether change is wide or durable) (Saldaña 2016: 143). Evaluation Coding relies on what participants' say and do, presenting the perfect foil for Concept Coding by correcting its tendency to drift towards abstract meanings, generalities and researcher interpretations.

This combination shows the importance of creating a coding scheme customised to specific study contexts given data and researchers are unique (Saldaña 2016: 40). Documents and interviews were coded in accordance with the data needed to populate the matrix; for example, references to attending a meeting on the ZRC Development Plan would be coded as showing local participation. Reference to the community lacking healthcare facilities would be coded as indicating a component of structural violence. Considering Yin's call to consider granularity, data was coded by significant datum, usually a few sentences; using 'lumper' codes to maintain meaningful passages of text, rather than fracture it into multiple 'splitter' codes (Saldaña 2016: 120). Coding passages of transcript, and the combination of these

transcripts, uncovered the key themes emerging from interviews conducted in Montes de Maria in relation to structural violence, the land restitution programme and peasant reserve zones, ensuring they were correctly captured, coded and analysed.

Combining Concept and Evaluation Coding was suitable to combine deductive and inductive elements in the research. The major themes or categories for analysis were previously defined in accordance with the matrix questions and the underpinning concept of structural violence. Yet these were influenced by inductive findings and views deriving from the data, as participants' unique experiences or novel ways of connecting topics instigated a back-and-forth interplay of data and theory important for refining analytic concepts and categories (Bowen 2009: 36-37). This ensured important empirical insights were not lost by being unsympathetically pushed into pre-established categories. The findings emerging from the interview transcripts were triangulated with the analysis of legal, policy and programme documents, and the notes taken during the interviews with external experts in order to construct a more complete panorama. These steps provided an answer to the empirical research question: whether the land restitution process or peasant reserve zones contain transformative potential to reduce structural violence. Abstraction from the specific case of rural Colombia permitted more general inferences to be made pertaining to the characteristics of a transformative initiative. The case studies permitted nuanced assessment of the SVRM's strengths and weaknesses as an evaluative methodological tool. Determining SVRM's usefulness as an analytical tool is central to its acceptance or rejection as a methodological approach, as well as establishing any necessary refinements. The following four chapters set out the results of this data analysis procedure as the SVRM is applied to the LRP and ZRC's diagnostic, process and outcome dimensions.

Chapter 5: Diagnostic Dimension

5.1 Introduction

A major impediment to transformative processes or outcomes is problematic design. The SVRM created in this study makes clear that transformative initiatives need to be analysed in three different dimensions: their outcomes; their processes; and their diagnostic frame of reference. The diagnostic dimension is actually the most important, as it establishes the problem to be resolved, the causes of this problem, the overall aims and the beneficiaries. These macro-level guidelines determine the design of initiatives so incorrect or incomplete diagnosis will impede transformative processes and outcomes. The diagnostic dimension is also where analysing power relations becomes critically important, particularly in a context of severe direct and structural violence. Transformative justice promotes participatory process (Gready and Robins 2014), yet it is vital that participation is not reified, but used as one among several tactics to achieve empowerment (Williams 2004: 97-100). Otherwise there is a real risk of authorities devolving initiatives' implementation – in effect outsourcing the rowing while continuing to steer the processes (Shearing and Wood 2005: 107-108). Even more important is that they shape these processes' aims and guidelines. Evaluation based on the effective and efficient implementation of certain initiatives, for example the number of people or hectares restituted, may completely miss the point. Transformative initiatives require a wider diagnostic frame which understands that operations of power are constantly present rather than constituting departures from the norm (Gaventa 2003: 3). The empowerment of formerly marginalised communities, groups and individuals stems not from participation in processes, but in how those processes are conceived and created.

This relates to the imperative that TJ should relate to the past not in the narrow sense of apologising or giving reparations for HR violations and violence, but in the broader sense of transforming the antagonistic structures that produced these abuses (Webber 2012: 103-105). An important element in this is the disruption of established decision-making monopolies (Robins 2013; Lundy and McGovern 2008). The Diagnostic Dimension consequently analyses how - and by whom - decisions

were made to prioritise certain public policies and programmes at the expense of alternative options. This includes analysing how the problem to be resolved was conceived and defined, and the causes attributed to this problem.

This chapter will examine how the LRP and ZRC envisage solving the problems facing rural Colombia, and the circumstances in which they were created. The first step is to analyse how LRP and ZRC were politically, socially and legally framed – in other words, the central problem that they were tasked with solving and the cause ascribed to it. Attention then turns to analysing the proposed solution to this problem, expressed through the initiatives' enabling legislation, Law 1448 of 2011 and Law 160 of 1994 respectively. The solution is analysed in two connected manners, firstly focussing on how the intended beneficiaries are defined. It then examines the initiatives' proclaimed aims, whether a focus on inequalities and exclusion exists, and the extent to which they consider the political economy in which implementation takes place. The final section analyses the extent to which affected communities were involved in creating the initiatives, through participation in discussion tables and social mobilisation before and during the creation of the initiatives. This investigation of the social context in which initiatives were conceived, crafted and implemented should reveal much about their transformative potential, especially regarding the degree of alignment with competing sets of interests.

5.2 Analysing the Initiatives Frame of Reference

Appropriate and adequate diagnosis is the first step in addressing negative societal phenomena like structural violence in transitional contexts. The SVRM analyses public policy initiatives' to evaluate whether they acknowledge the existence of structural violence as a problem to combat. In post-conflict transitions especially, the target of many initiatives is direct violence while structural violence is ignored or considered a secondary concern. So this section considers the context in which the initiatives were created, in order to establish whether structural violence is a problem. It then considers how the ZRC and LRP conceived and defined the central problem that they were intended to resolve. The section finishes by analysing the

causes that are attributed to these problems. The rationale for this is that the presumed causes influence the problem framing which in turn impact on the processes and mechanisms selected.

The major problem in rural Colombia, dating back to colonial times, is unequal ownership and access to land and resources (Blanco Cortina et al. 2017: 127-130; Jiménez Pineda 2018). Montes de María, as in most of Colombia, demonstrates a highly inequitable land tenancy structure, with a land tenancy Gini of 0.73 in 2011, the time of LRP implementation and ZRC reactivation (Menco Rivera 2011: 65-66). On top of these figures, 3210 families in the region required land to work (Menco Rivera 2011: 66). Historical struggles for land, and how these are intimately connected to, and generative of, high levels of killings and threats and the cause of the recurrent cycles of armed conflict are well documented, described as the 'number one generator of conflict' (Participant Interview with Jesús 'Chucho' Pérez; see also Fajardo 2014: 5-10; Reyes Posada 2016). A peasant interviewee claimed that people do not think about war, but about their work and their livelihoods – but if these opportunities are taken away they will turn to violence and crime, generating a breakdown in people's modes of thought that can create a culture of violence and erosion of trust (Participant Interview with José Miguel Cárdenas; Nussio 2016: 4). The problem transcends the threat or reality of violence, however, with Jesús 'Chucho' Pérez convinced that Colombia cannot be truly considered a democracy while land tenancy and ownership remain so highly undemocratic.

While inequitable land ownership structures are a historical phenomenon, they are not stable. In fact, recent decades have seen the Gini coefficient for rural property distribution rise from 0.839 in 1984 to 0.897 in 2014, reversing the trend towards more equitable distribution experienced after 1960 (Oxfam 2017: 8). Especially noteworthy is the accelerated growth in Colombia of an already highly polarised land tenancy structure between 1984 and 2014. While the percentage of Units of Agricultural Production (UAP) smaller than five hectares was 62.4% and occupied 5.2% of land area in 1984, by 2014 such smallholdings constituted 70.5% of UAPs and occupied 2.7% of land area. At the other extreme was an accelerated concentration of land in holdings larger than 500 hectares, constituting 0.4% of UAPs and 23.3% of land area in 1984 which rose substantially to 0.5% of UAPs

occupying 68.2% of land area in 2014 (Oxfam 2017: 9-10). Another recent study shows a 1% rise in the Gini from 2000 to 2009, furthermore arguing that the true extent of land concentration is concealed by gaps in the data and use of legal artifices (Ibánez N.D.: 13-14).

Colombian land ownership inequality - with the top 1% of largest landholdings controlling 81% of land - is the widest in Latin America, far above the regional total of 52% (Oxfam 2017: 13-14). This concentration has been driven in great part by Colombia's increased participation in the global agroindustrial production economy, and strongly encouraged by state development and security policies. Land in Montes de María has been converted to agroindustrial export production, causing environmental degradation and the loss of peasant livelihoods. Palm oil plantations in María la Baja municipality, for example, grew from 2900 hectares in 2007 to 11,022 in 2016, and from 16,954 to 113,232 hectares in Bolívar Department in the same period (Verdad Abierta 2018). This usage, in addition to the fumigation of coca, has had significant impact in the area, contributing to the destruction of important national products like avocado and yam (Acevedo-Merlano 2014: 53).

Numerous interviewees spoke of the need for peasants to access enough land to overcome subsistence and precariousness, and allow them to accumulate savings. The Family Agriculture Unit (UAF, *Unidad de Agricola Familiar*) was legislated in Law 160 for exactly these reasons (República de Colombia 1994: 29). The UAF varies across Colombia based on soil and climatic conditions, with 35-49 hectares being the range established for Montes de María (INCORA 1996). With this figure in mind, it is instructive to look at changes in UAPs smaller than fifty hectares: from 92.3% of properties and 21.1% of land area in 1984, these constituted 94.7% and 13.8% respectively in 2014 (Oxfam 2017: 9-10). The twin process of land fractioning at one end and concentration at the other have combined to severely compromise the viability of family farms in the last thirty years. Land inequality is also highly gendered, with only 26% of landholdings run by women, 61.4% by men and the remaining 12.6% managed jointly (Oxfam 2017: 19). Not only are female owners in the minority, but their landholdings tend to be smaller - mainly less than five hectares - and they are less likely to have access to machinery, credit and technical assistance that would increase productivity. It is in this context that the most recent

public policy initiatives have been enacted. If the intention is to transform land tenancy structures, increase rural productivity and improve living conditions for peasant families then initiatives need to be based on realistic analyses of the problems.

The ZRC demonstrates a wide and deep diagnostic of the problems that exist in rural Colombia. Based on Law 160 of 1994, the initiative can be seen as an attempt to address the marginalisation of peasant economy and inequitable distribution of land caused by concentration in large landholdings following historical processes of alienation, dispossession, displacement and concentration. The law's first article referred to reforming the rural social structure through the elimination and prevention of inequitable rural property concentration or anti-economic fractioning, and mandated granting land to deprived peasant men and women. Secondary literature maintains that ZRC should regulate the occupation and use of state lands, giving preference to its adjudication to deprived peasants or colonists (ILSA 2012) in a manner that would correct phenomena of inequitable distribution and create conditions to consolidate the peasant economy (Equipo Agenda Rural 2014). Such references to altering prevailing land tenancy structures indicate that the structural violence of high – and deeply entrenched – inequity was considered a central problem to be resolved by the initiative.

Similar objectives are proclaimed in the ZRC Montes de María Development Plan 'to promote, stabilise and sustain the peasant economy, to democratise land ownership, regulate its uses and overcome the causes of social conflicts affecting it and, in general, to create the conditions to achieve democratic peace and social justice' (Comité de Impulso de ZRC Montes de María 2013: 262). A number of peasant interviewees in the region likewise took an expansive view of the ZRC as a figure that could confront various historical problems (Participant Interview with Alfredis Tovar, Wilmer Vanegas). Under this analysis it would help to protect communities' territories, to exercise peasant autonomy, to promote food security and sovereignty, to work on the issue of soil use, and to discuss the issue of land redistribution (Participant Interview with Wilmer Vanegas).

The ZRC that have been constituted are in areas with a relatively scarce state presence and high levels of inequality and structural violence. Many of them are also in areas affected by armed conflict and violence, and so they can be regarded as an initiative that addresses both of these problems. The LRP has also been applied mainly in areas that have experienced high levels of direct and structural violence. Structural violence is, however, incidental to the initiative, with Law 1448 of 2011 defining the problem as one of dispossession and forced abandonment of land caused by armed conflict. There is no recognition that structural violence exists in rural areas, nor is the existence of highly asymmetrical power relations or land tenancy structures acknowledged. Law 1448's opening articles clearly circumscribe the scope to providing attention, assistance and reparation to victims of violations of International Humanitarian or Human Rights Law occurring in relation with internal armed conflict (Acción Social 2011: 9). The only recognition that these violations did not occur in a vacuum is the prologue's brief mention that some victims suffer from double vulnerability occasioned by the lack of favourable socioeconomic conditions as well as rights violations (Acción Social 2011: 4). Tellingly, however, this precariousness is categorised as different from a violation of rights, which seemingly ignores the existence of ESCR in international law. More importantly, in terms of having a transformative diagnostic, is that these socioeconomic conditions are considered passively, with no attempt to analyse the causes or dynamics of exclusion. There exists no express intent to deal with structural violence or to ensure that local needs and concerns are addressed.

The SVRM shows its utility by detecting differences in the manner that distinct public policy initiatives frame the problem. The LRP gave little consideration to local context or the existence of structural violence at local or national level in Colombia. Instead it constitutes a response to dispossession caused by direct violence linked to the armed conflict. The ZRC was conceived to resolve long-standing concerns with unequal land ownership and management structures. This is an important finding given the hypothesis that structural violence will only be reduced by an initiative that acknowledges it as a problem to resolve. The analysis in this section showed this was only apparent in the ZRC - an important analytical insight given that the problem's framing has ramifications for all subsequent

strategic and design decisions. The following section will consider these decisions, beginning by analysing the criteria for inclusion as a beneficiary within each initiative before moving on to analyse how they are to be assisted.

5.3 Establishing an Initiative's Universe of Beneficiaries

The initial SVRM concern is to analyse the problem diagnosis adopted by distinct initiatives as this would impact on all subsequent design decisions. One of the key considerations here is who the initiative was intended to benefit and how they are defined and identified. The focus on armed conflict related rights' violations as the main problem being confronted by an initiative also indicates who the intended LRP beneficiaries are. To be more specific, the universe of beneficiaries is comprised of people who have suffered harm as a result of the aforementioned violations after first of January 1985 (Acción Social 2011: 9), and they are entitled to humanitarian assistance to cover immediate necessities (Acción Social 2011: 27). Reparation measures were foreseen for victims, and implemented in their favour depending on the transgression of rights and the characteristics of the victimising act (Acción Social 2011: 35). The stipulation of a victimising act precludes any investigation or analysis that situates the violations within an on-going situation of structural violence. This applies to all beneficiaries of the so-called Victims' Law, while persons claiming land restitution can only do so if the displacement or abandonment connected to the armed conflict occurred after first of January 1991 (Acción Social 2011: 38).

Restitution is clearly dominated by individual dynamics (Expert Interview with Gabriel Urbano; Marta Salazar), with only a particular category of individuals and families meeting the requirements to make claims on the state. These requirements include provable direct victimisation for the applicable class of violation, previous existence of legal or de facto land tenancy, and the satisfactory completion of bureaucratic procedures. LRP objectives can thus be summarised as restituting land to all those who have suffered dispossession or been forced to abandon land within the framework of Colombia's internal armed conflict since 1991 (Acción Social 2011: 7). A number of interviewees were very clear that

displaced peasants were the intended beneficiaries of Law 1448 and the LRP (Participant Interview with Ubaldo Mesas; Francisco Acevedo; Elva Barrera; Diego Pérez).

The individualised dynamics and unwillingness to consider structural or collective questions indicate a limitation in the LRP's transformative potential. Summers described the reparations programme as ambitious and innovative, and as the 'first serious attempt' to address the conflict and its effects through legal means (2012: 219-220). This perhaps builds upon theorisations of reparations as 'the initial "victim-friendly" face of the state' that facilitate more positive societal interactions by rebalancing power and turning victims into agents of positive change (Roht-Arriaza and Orlovsky 2011: 531-532). Yet this is understood to come from a judicious mix of individual and collective reparations, and the LRP does not recognise collective land restitution for peasant communities[2]. In areas with high levels of victimisation, the prospect of restitution – and its timing - seems haphazard (Participant Interview with Francisco Acevedo). This leads to feelings of rancour among some victims, and a questioning of whether rights are equally applicable to all citizens (Participant Interview with Esnaldo Jettar).

The community of Palo Altico, for example, suffered displacement due to the construction of the dam that controls the María la Baja irrigation system. As this displacement occurred prior to 1991, and was not directly caused by armed actors, they cannot apply for restitution, even though community members have limited access to land, almost no employment opportunities and deficient public services (Participant Interview with Sofia Carascilla). The clash of individual and social/community perspectives is also witnessed in the decision to continue cultivating teak or palm after restitution. While sometimes comprehensible from the individual perspective these activities erode peasant social and productive relations and will probably lead to community members being no more than day labourers in the future (Expert Interview with Gabriel Urbano). The difficulty is that LRP is initiated on behalf of individual claimants in 'a context where no significant political or social change has occurred' (Summers 2012: 220), and the initiative itself does nothing to instigate such political social or economic changes.

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[2] It does have a 'collective route' for ethnically defined groups but these are outside of study remit

The limitation of beneficiaries in LRP to direct victims in a situation of generalised structural violence, low living standards, and exclusion from state services in much of rural Colombia actually undermines the initiative. According to one expert interviewed, the Victims Register is swelled by those who do not meet the criteria of victimisation and pre-existing tenancy of land required for restitution (Expert Interview with Liliana Duica). She claims that the register contains many poor people who want the same as displaced, as well as displaced without previous access to land. This jeopardises the LRP's coherence and sustainability (Participant Interview with Esnaldo Jettar), and highlights the failures of the initiative to diagnose the existence of structural violence, exclusion, and inequitable structures and resources in rural Colombia. The ZRC has a broader universe of beneficiaries, summed up by an interviewee who proclaimed his support for the ZRC because he is a peasant in the area (Participant Interview with Jose Matildo Flores). Despite not feeling he would receive any significant immediate benefit – perhaps ever as he was elderly – his analysis was that it would protect and promote peasant agriculture in the Montes de María.

There is no selection or filtering process for people to participate in the ZRC, either in the planning and constitution phase or when it comes into existence. Many of those involved in municipal Impulse Committee are leaders within their own communities, and the internal organisation should be done via participatory processes (Researcher Observation). Local needs and concerns are addressed through inclusion in each zone's Sustainable Development Plan, and that of Montes de María was concerned with safeguarding family production based on ancestral knowledges existing in the territory and aimed at elevating the quality of life of the rural population (Comité de Impulso de ZRC Montes de María 2013: 259-260). All peasants living in the area defined for the ZRC can choose to form a part, and the strength is the distribution of land amongst peasants with limited or no access to land (Participant Interview with Wilmer Vanegas; Medardo Ortega).

The widened inclusion of beneficiaries within ZRC presents the opportunity for more transformative impacts by challenging the twin problems of land concentration and fractioning. The deeper diagnostic adopted may reverse the process of modernisation without modernity (Machado 2013 in Blanco Cortina et al.

2017: 130) and the risk of constructing a countryside without peasants – instead creating a viable 'peasant territoriality' structured around the ZRC figure (ILSA 2012: 48). This shows the impact that the earliest, and seemingly easiest, decisions taken by initiatives can have substantial impact upon their subsequent transformative potential. The counterpoint to this is the non-transformative manner in which the LRP restricted beneficiaries to those who could prove land dispossession due to armed conflict. This may address the problem of certain peasants who suffered violent dispossession, but not of those who did not. Yet this is often arbitrary, and does not recognise that both sets of peasants suffer from underlying problems of structural violence. It has previously been posited that requiring communities to 'bleed first' before being treated as equal citizens may not be good policy (Firchow 2013). This indicates the importance of analysing how initiatives envisage solving the problem they have identified, and this is the focus of the following section.

5.4 Understanding Initiatives' Aims and Objectives

Identifying beneficiaries is, of course, one important aspect of an initiative. This section will assess more broadly the diagnostic adopted by the LRP and ZRC, and the solution they envisage. The proclaimed aims are analysed, and especially whether they entail a focus on structural inequalities and exclusion. While community and non-elite participation is hailed as important, it does not guarantee success in achieving transformation of unjust structures. It has been argued that participatory approaches are most likely to achieve transformation where they are part of wider - or more radical - political projects that engage with underlying processes of social change, and aim to secure citizenship rights and participation for marginal and subordinate groups (Hickey and Mohan 2004: 159). Peasants in Montes de María express such aims when advocating equal citizenship and rights for communities that have historically been ignored or treated as second class citizens (Participant Interview with Carmelo Márquez; Gilberto Pérez). Doing so requires challenging existing power relations in such a way that people are brought into political processes, while these processes are themselves transformed and democratised. Simultaneously the accumulation of economic and political power need to be

structurally disentwined, an initiative's political economy examined to ensure they do not conceal ongoing patronage (Hickey and Mohan 2004: 168-170). These linked challenges are highly salient in Colombia where the political arena is marked by vote-buying, clientelism, patronage, illegal campaign financing, and misappropriation of public funds (H. Gutiérrez 2013: 3-5; Colombia Reports 2018) – these were mentioned in nearly every interview conducted in Montes de María.

The LRP does not engage in detailed analyses of the political economy in which restitution is implemented, nor is attention explicitly paid to exclusion and inequities. The LRP's central proclaimed aim is to encourage the return to land by formerly displaced peasants. This is well understood by peasants, with one interviewee referring to 'law 1448, which guarantees land restitution due to the problem of generalised violence in the country, especially in San Onofre where paramilitarism was severe'[3] (Participant Interview with Diego Pérez). State agencies are mandated to facilitate return by providing legal property titles to land, security guarantees, and individually tailored productive projects. This should be accompanied by rural development, with article 206 committing the government to introduce measures within six months that would facilitate access to credits, technical assistance, farm improvement, and produce marketing programmes for victims of dispossession and forced abandonment (Acción Social 2011: 98). The productive project could make returning peasants more self-sufficient. However, they are more about short-term survival and stabilisation rather than long-term transformation in dominant landholding and land use patterns (Participant Interview with Cecilia and Carmen Escobar; Jose Matildo Flores; Francisco Acevedo; Juan Ricardo Maldonado). These measures fail to appreciate the national and international economic and political dynamics that shape global agricultural production and value chains (Bernstein 2010).

Blindness to these dynamics is seen in arguments that reparations programmes could stimulate the creation of more accurate registries by establishing identities and relationships of those killed; and this may facilitate incorporation of the poor into formal economy (Roht-Arriaza and Orlovsky 2011: 507-508). This perspective,

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[3] 'la ley 1448 que le da la garantía de la restitución de tierra por el problema vivida de la violencia generalizada en el país, y más que todo aquí en San Onofre dónde se agudizó el paramilitarismo'

however, fails to consider the terms of incorporation into the formal economy. If the formal economy is not itself transformed and democratised, the possibilities for real change in life conditions for the most marginalised are significantly reduced. Gaventa is clear that a political economy analysis is vital, introducing an economic aspect to power without reducing power to economics (2003: 16-17). This type of analysis requires linking different levels of political economy in such a way as to 'relate political and economic processes at the macro level to vulnerability and need at the local level' (Collinson 2003: 9). However, there is no attempt by the LRP to link the questions of need, vulnerability and victimhood other than in the most basic way of assuming victim equates to vulnerable person. This means that restitution claimants will be given their land, a legal title ratifying property rights, and a productive project. A non-claimant – or rejected claimant - will not be entitled to any of these opportunities, or at least not through the same mechanisms. The difference in treatment is made on the grounds of a right to restitution of a particular land parcel, not on any broader right to development or to dignified living conditions, and not on the basis of need.

Provision on the basis of victimhood rather than vulnerability could privilege richer "victims" over poorer "non-victims", with serious implications for human development, security, and equity. Simon Robins suggests that including vulnerability alongside victimhood as a criterion for receiving reparations would allow states where the scale of victimhood is massive to create stronger, more sustainable reparation programmes. This could make reparations schemes more affordable whilst simultaneously ensuring they are perceived as fair by victims and the broader community, especially as victims in practice often do not care if assistance is called "reparation", "development assistance" or "social assistance" (Robins 2013: 165).

It is, in fact, important to query whether the LRP considers the interaction of reparations, development and service provision, in a way that would better enable transformation. The clash of reparation, development and service provision focuses was identified by one participant, leading to difficulties of resentment, coherence and sustainability (Participant Interview with Esnaldo Jettar). There is a problem also with the respect and fulfilment of rights that the LRP is supposed to ensure,

with some peasants expressing doubts about the true effectiveness of Law 1448 and scepticism about the true extension of rights (Participant Interview with Jesus 'Chucho' Perez; Gilberto Perez). The issue cannot be reduced to simply returning land, but rather the need to give true access to rights to people who have never truly enjoyed them. The fact that the LRP does not challenge structural exclusions and inequities, or seriously question the prevailing political economy, is a reflection of its limited mandate for action. It must be recognised that reparations are often negotiated on the same fields of power and ethics on which the original injustices were built (Grey 2018: 12). Entrenched elite dominance of economic, social and political power in Colombia limited the scope of public policies and explains the LRP's shallow diagnosis of the problem. The result is an initiative that tackles symptoms rather than causes of structural and direct violence in Colombia.

It is the entrenched dominance that motivates the need for power analyses when considering transitional or transformative initiatives. Utilising Lukes' Three Faces of Power (2005[1974]) or Gaventa's Power Cube (Gaventa and Matarano 2016: 6) as analytical tools requires examining the power inherent in adopting certain focuses in preference to other. Why has the largest state efforts in recent decade been devoted to a restitution programme rather than a redistribution programme? Why has a policy of market-based agrarian reform been predominantly utilised in Colombia since the 1980s, and why were even those previous attempts less ambitious and less successful than redistributive agrarian reforms? What happened to the more ambitious plans of the 1960s and 1970s? And were these truly promoted or merely cosmetic efforts to distract attention and undermine the leftist mobilisations then spreading in Latin America. Various studies have shown how the US Alliance for Progress provided political and financial support to limited land reform efforts in the 1960s, grudgingly introduced by Colombian elites to stymie more radical demands for transformation (Hung-Chao Tai 1974: 69-75; Verdad Abierta 2018). The SVRM made some contributions to a power analysis of Colombia's rural political economy. These could be extended with more detailed work at higher and lower levels of abstraction, with maps tracing changes in land tenancy and usage at the local level, and investigation into state development policies

The ZRC's Diagnostic Dimension was subjected to the same rigorous interrogation. ZRC aims have been explained pragmatically as an effort to achieve the tools and inputs necessary for production that were ignored by previous rural policies (Participant Interview with Alfredis Tovar). If a lack of productivity is the problem, then the ZRC can assist peasant-centred rural development, and improve living standards in rural areas by providing land and other necessary inputs (Participant Interview with Medardo Ortega). Beyond that it constitutes a guarantee that peasant communities can make decisions on how land should be utilised within the zone, whether that means crops, livestock, or mining (Participant Interview with Gilberto Pérez). The general objective proclaimed by the Montes de María ZRC Development Plan is 'to promote, stabilise and sustain the peasant economy, to democratise land ownership, regulate its uses and overcome the causes of social conflicts affecting it and, in general, to create the conditions to achieve democratic peace and social justice (Comité de Impulso de ZRC Montes de María 2013: 262). This indicates some consciousness of the wider dynamics that shape rural production systems, and some expert interviewees attributed to ZRC the ability to provide alternatives to the penetration of agroindustry and Free Trade Agreements (Expert Interview with Javier Soto; Juan Ricardo Maldonado).

These perspectives and aims are clear that much is needed beyond minimal access to land if peasants' individual livelihoods and wider economies are to improve. The existence of inequitable ownership structures and control of resources, in addition to the exclusion of peasants from beneficial public policies, are explicitly addressed. This responds to the problem identified by one expert interviewee that the system functions for the benefit of those already controlling resources (Expert Interview with Liliana Duica). A notable example is the monopolistic use of irrigation systems in Montes de María by large cattle farmers, palm companies and associates (Participant Interview with Carmelo Márquez; Medardo Ortega; Duvan Caro; Wilmer Vanegas; Ojeda et al. 2015; Verdad Abierta 2018).

Using the SVRM to analyse the ZRC's Diagnostic Dimension indicates that it has more transformative potential than the LRP. It also contains some evident limitations. The ZRC is the most transformative component of Law 160 of 1994, which in its totality is considered to promote market-based agrarian reform (ILSA

2012: 10-12; PBI Colombia 2017a: 15). Various sources assert that market-oriented reforms have become increasingly frequent globally since 1990 (UN Special Rapporteur on the right to food 2010: 17-19; ILSA 2012: 10-12), with Machado placing their introduction to Colombia in the early 1970s (2013 in Blanco Cortina et al. 2017: 130). Law 160 envisions the state facilitating the acquisition of land in a 'willing seller, willing buyer model', with peasants initiating land transactions before soliciting institutional support. Rather than land, potential beneficiaries of agrarian reform are granted a subsidy, payable at market-defined interest rates (Law 160: Articles 20-26). This is a socially regressive step – removing the state's prerogative to provide land and substituting it with a situation where peasants would have to negotiate land purchases directly with landowners. Yet if landowners had previously been unwilling to sell or cede land to the state for the purposes of agrarian reform, it was surely unfeasible that peasants would be able to persuade them. Land that was sold was of lower agricultural quality and tended to be on highly advantageous terms for the landowners (Participant Interview with Jesus 'Chucho' Pérez; Eliecer Escobar). The crux of the problem, from a transformative perspective, is that 'market-based agrarian reforms like Colombia's are not the most adequate to resolve inequalities in access to land', and in some cases have led to new processes of land concentration (ILSA 2012: 12). The opening section of this chapter has already highlighted the increased concentration of land tenancy in Montes de María and at the national level in Colombia.

This can be contrasted with more redistributive earlier agrarian reform, that witnessed the state take direct responsibility for granting land, and which saw land tenancy become more democratic. An elderly interviewee described how the Colombian Institute for Agrarian Reform (*Instituto Colombiano para la Reforma Agraria,* INCORA) bought land from landowners in the 1960s, and granted this to peasants, who would re-pay the land over a period of fifteen years. For him, the repayment was not necessarily the problem, which was rather that armed conflict afflicted the Montes de María within the repayment period, meaning that displaced peasants continued to owe debts (Participant Interview with Climaco Agresot). It would be useful to compare the payment amounts and conditions mandated in the different time periods to evaluate the transformative potential of various reform

efforts, something not central to the current investigation. A weakness afflicting ZRC is that the figure is in competition with others for access to land and pubic investment. Article 82 of Law 160 of 1994 stipulates that state land can be set aside for Business Development under special regulations of land access and occupation and property. This clearly opened the door for land to be granted to large landowners and companies in violation of the UAF restriction. The concept of Business Development Zones has reappeared in the guise of PINE and ZIDRES in recent years, special zones which operate under a separate normative framework and constitute hyper-neoliberalised business enclaves in Colombia (Zerda Sarmiento 2016: 13-15; Oxfam 2016b: 60-61).

Given the existence of these enclaves, and the macroeconomic strategy adopted by recent governments, it is perhaps more useful to consider the ability of the initiatives to operate within the current political economy confines. Bernstein explains that 'the contradictory dynamics of capitalist social relations also include the unintended consequences of, on one hand, particular paths of accumulation and strategies of political rule by classes of capital, and, on the other hand, the pursuit of reproduction by classes of labour and the challenges of "counter-movements" to the rule of capital' (2010: 116). Rather than being a fully-fledged challenge to the existing global agricultural production system, ZRC could more realistically be regarded as a counter-movement that operates within the confines of that system. Unable to counter the logic of a global market dominated by large agribusiness, ZRCs can instead be regarded as an example of territorial resistance that promotes food sovereignty and sustainable rural development (PBI Colombia 2017a: 139). This may seem a limited ambition, yet relies on the ability to look for spaces for change within boundaries that shape the boundaries of agency. While spaces of participation and decision-making are infused with hierarchies and inequalities, they also produce possibilities for subversion and resistance with possibilities for agency existing within different configurations of actors and institutions (Cornwall 2004: 80-83).

Having understood these limiting conditions, it can be seen that Law 160 of 1994 does contain elements of a non-market framework. Article 24 clarifies that the agrarian reform programmes are open to non-landowning peasant men and women

with a tradition of rural labour who are in poverty or marginalisation or derive the majority of their incomes from agricultural activity[4], while lands that have been previously occupied by peasants can be acquired by INCORA if they are suitable for agrarian reform (Law 160: Article 12). It is furthermore made clear that the land purchased with subsidies, or directly by INCORA, is destined for the establishment of UAF, community businesses, any type of productive associations, or indigenous reserves (Law 160: Article 38). Nor is it permitted to transfer the rights to land ownership, possession or tenancy for the parcel granted in land reform to anyone other than a landless peasant for a period of fifteen years (Law 160: Article 39). These articles express the intention to democratise land ownership, and were backed up with agricultural outreach programmes – even if they ultimately failed to fulfil popular peasant expectations (Participant Interview with Eliecer Escobar, Medardo Ortega).

The gap in Colombia between the aims of legislation and the lived reality in rural areas is notable, with implementation often failing precisely because of the entrenched power structures previously mentioned (Oxfam 2016b: 46). It must be stated, nevertheless, that peasants, in alliance with indigenous and Afro-Colombians have become a more confident and capable political and social actor in recent years. This has brought encouragement to supporters of ZRC, and could facilitate the development of their more transformative aspects. This is expressed as an improvement in peasant economies that will allow rural youth to become healthier and better educated, to become leaders in their regions, and to strengthen institutional strength in previously marginalised areas (Participant Interview with Gilberto Perez) – all changes that would contribute to transformation in rural Colombia.

A restituted interviewee described how his community was granted land under the 1994 agrarian reform, including the 22 hectares he had reclaimed (Participant Interview with Francisco Acevedo). This is one of many links connecting the LRP and ZRC – in many cases the land that is being restituted is land that was granted in

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[4] 'Serán elegibles como beneficiarios de los programas de reforma agraria los hombres y mujeres campesinos que no sean propietarios de tierras y que tengan tradición en las labores rurales, que se hallen en condiciones de pobreza y marginalidad o deriven de la actividad agropecuaria la mayor parte de sus ingresos'

previous attempts at agrarian and rural reform. A number of expert interviewees maintained that the two initiatives could be more effective if utilised together, yet doing so would require rethinking some of the underlying principles and processes of restitution (Expert Interview with Javier Soto; Juan Ricardo Maldonado). It is furthermore claimed that there is an overlap in agenda with many community members defending restitution and the constitution of ZRC (Participant Interview with Marta Salazar; Juan Guillermo Ferro; Duvan Caro; Jose Matildo Flores; Wilmer Vanegas). Incorporation of restituted land into ZRC would reduce land sales, strengthen community control and create a more comprehensive framework for transformation by making easier the provision of needed inputs on a collective basis.

The fact that much restituted land was previously granted in agrarian reform, nevertheless also demonstrates a recurrent problem in Colombia – attempts to equalise or democratise landholding structures and relations are met with opposition, sometimes violently expressed (WOLA 2012; CINEP/Programa Por La Paz 2018a; Oxfam 2016b: 53). One interviewee talked of the dangers in campaigning for restitution and how much of the violence, displacement and dispossession in Sucre related to landowners using paramilitary and parastatal structures to recuperate lands that had been granted in agrarian reform after sustained peasant activism (Participant Interview with Jesús 'Chucho' Pérez; ABColombia 2012). This is a vital lesson for the Comprehensive Rural Reform proposed in the Havana Accords to consider, especially as killings of social and community leaders have increased rather than decreased since the Havana Accords were signed (Oxfam 2016a: 7; CINEP/Programa Por La Paz 2018a: 3-5; United Nations High Commissioner for Human Rights 2018: 3-5).

Examining the LRP and ZRC as components of larger struggles being waged by rural communities better illuminates their operation, particularly in regards to their proposed solution and the aims being sought. The SVRM maintained that an initiative's aims and objectives were not adopted in isolation, but as part of these larger struggles. It was thus necessary for analytical purposes to distinguish aims that sought to overcome direct violence from those that focused on structural violence. The aims identified for LRP are to return small plots of land to previously

dispossessed people, without changing the structures that gave rise to human rights violations and displacement, and without questioning the underlying structures of land ownership and power. Analysis of the ZRC showed it had more transformative aims of granting land to peasant smallholders and supporting their livelihood possibilities – even if they remained constrained by the wider macro-economic environment. The following section looks more deeply at the creation of the two initiatives, especially to consider whether asymmetric power dynamics were present, and whether these may help explain the problem framing and aims adopted.

5.5 Interrogating the Power Dynamics of Initiatives' Creation

Andrea Cornwall speaks directly to the heart of this work, stressing the need to consider dynamics of power and difference in democratic and participatory spaces – especially if concerned with creating 'spaces for transformation' (2004: 75-91). There is an overriding need to democratise decision-making, forum-creating, and agenda-setting. This equates citizen participation with citizen power and aims for redistribution of this power so that excluded groups can join in the sharing of information, setting of policies and goals, allocation of resources, and operation of programmes (Arnstein 1969: 216).   Creating this type of transformative participation requires strengthened citizen engagement in invited spaces and in public spaces, accompanied by strategies to enhance political capabilities in the public policy domain. This transformative perspective is cognisant that participation in mechanisms is not a panacea, but one part of a larger process of active citizenry and empowerment. The problematic aspect of participation is its limitation to invited spaces that can reproduce patterns of exclusion and inclusion, hear only certain voices, and simply relocate the marginalised within the prevailing order (Cornwall 2004: 76-79). Arnstein's seminal 'ladder of participation', for example, contained more types of non-participatory or tokenistic participation than of participatory participation (1969: 217-223).

It is the larger processes of active citizenship that can challenge or transform the structural violence of prevailing orders. This entails empowerment within networks

and a tactically astute view of participation as a vital element of longer-term political projects and reshaped political networks that embed a discourse of rights and a fuller sense of citizenship (Williams 2004: 102-103). Work can be done inside invited and official spaces as one component of a larger strategy. This class of participation should be combined with strong links to communities and social movements to create strong parallel organic spaces of participation, and to mobilise pressure from outside (Cornwall 2004: 85-87). This diversified strategy has advantages for negative as well as positive reasons: it reduces the risk of co-option or personalisation of struggle by representatives in invited spaces; and it creates multiple forums within which marginalised communities can campaign for change. It also maximises the strengths of different organisational forms and appreciates the historical stance that deeper democratic participation by empowered citizens will come through struggle on multiple fronts rather than being freely proffered by established elites (Arnstein 1969: 222).

Drawing on these theoretical and conceptual foundations the SVRM seeks to analyse the power dynamics accompanying initiatives' creation. This is done on the most basic level by establishing which groups or people decided the initiatives' form, aims, and processes. Yet, influence extends much further than decision-making alone, as seen in the previous analysis of problem framing and beneficiary selection. So the questions of how, and by whom, an initiative was created needs to be examined at a deeper diagnostic level. This section will analyse whether community or peasant organisations were involved in elaborating LRP and ZRC legal and policy documents. It will also examine the political and social context in which the initiatives emerged in order to establish whether they responded to existing demands or prior mobilisation by peasant organisations.

It has already been stated that Law 160 of 1994 was not a truly transformative or redistributive legislative proposal. Given the absence of agrarian reform that would provide conditions of equality, the ZRC were of great importance in the reorganisation or redistribution of land, reassignment of human resources and diversification of production (Reyes Bohorquez 2013: 114-115). The seed for what became ZRC is considered to be the proposal for an Área de Manejo Especial made by peasant communities in La Macarena to order and stabilise land usage in the

territory by fighting against the large landholdings that adversely affected peasant economies in the country (Ordóñez 2013; Fajardo 2002: 80; ILSA 2012: 18). These discussions between the state and peasant communities dated back to the mid-1980s in order to resolve myriad difficulties of land tenancy, colonisation and expansion of the agricultural frontier (Ortiz et al. 2004; ILSA 2012: 17). This long-standing concern with the establishment by displaced peasants and colonists of settlements in environmentally protected or virgin zones combined with the multitudinous mobilisation of peasants demanding solutions to the situation of renewed armed conflict and fumigation of illegal crops without any accompanying strategy for livelihood substitution (Reyes Bohorquez 2013: 114). These two distinct types of popular pressure motivated the inclusion of ZRC in Law 160 of 1994, while it should also be stated that the peasant mobilisation was a continuation of the popular struggles and pressures that surrounded the adoption of a new constitution in Colombia in 1991.

The president of the Montes de María ZRC Impulse Committee was clear that the 1991 constitution was an important step in ZRC entering Colombian normativity. According to his analysis the space of action for peasants was reduced until then, after which there was more ability to campaign publicly and pressure the government into introducing a chapter into Law 160 that created the ZRC (Participant Interview with Alfredis Tovar). The 1991 constitution opened up the possibility for Law 160 of 1994 to introduce ZRC. In addition, it widened access to rights through the mechanism of 'judicial tutelage' to protect fundamental human rights, and recognised indigenous and Afro-Colombian communities as collective identities that were subject to special rights protection. The 1991 constitution made considerable advances in democratising Colombian societal relations, and along with international HR principles and prior agrarian struggles was able to create the legislative framework in which ZRC emerged as a viable peasant initiative (ILSA 2012: 14-16).

Law 160 of 1994 did not mark the success of ZRC, but rather a starting point, with continued conflict between peasants and landlords over the figure's appropriate interpretation. Peasant organisations and allies supported an ample perspective that envisioned the applicability of ZRC in all parts of the country to promote

peasant economy, create more equitable land-owning structure and combat the advance of large landholdings. Regulation of Law 160 through Decree 1777 and Accord 024 of 1996 was considered a success for the ample perspective defended by the peasant movement (ILSA 2012: 22-24), with continued peasant mobilisation an important factor in ensuring swift regulation of the law and implementation of a ZRC Pilot Project (Reyes Bohorquez 2013: 115). Six ZRC were soon constituted and the figure gained prominence (Ordóñez 2013), although the changed macropolitical context following Álvaro Uribe's election as president in 2002 halted this momentum.

When analysing ZRC creation, it should be borne in mind that there are two distinct arenas to be differentiated. The first refers to the creation of the legal figure in Law 160 of 1994, as discussed above. The second refers to the creation of a ZRC in particular areas of Colombia. This is built on the recognition that a diversity of peasant cultures, and therefore modes of production, exist in Colombia (Acevedo-Merlano 2014: 51). Here it is instructive to look at Montes de María, where the ZRC has sometimes been portrayed as a top-down state creation, illustrated by President Santos' call for a ZRC in the region (Expert Interview with Lorena Pineda; Gabriel Urbano). Peasants' dispute this narrative, however, claiming that they were promoting the ZRC before that (Participant Interview with Liz Merlano; Alfredis Tovar). The initially timid promotion of ZRC in Montes de María from 2007 onwards before taking advantage of national governmental change to press more firmly for constitution of the instrument (Menco Rivera 2011: 3-4; WOLA 2012). One well-known peasant leader noted that regional organisations have worked on the ZRC for many years, and devoted significant time to discussing the issue (Participant Interview with Wilmer Vanegas).

The most important precedents were set by ANUC in the 1970s, with direct action by organised peasant groups to occupy land that was in unproductive landholdings, especially extensive cattle farming (Participant Interview with Jesus 'Chucho' Pérez; Climaco Agresot; José Miguel Cárdenas; José Matildo Flores; Gilberto Pérez; Duvan Caro). These years were considered a golden age of rural activism by some (Participant Interview with José Matildo Flores) even if others believed that it was ultimately a failure as land was accessed but other factors of production were not

(Participant Interview with Gilberto Pérez). Of major importance was the lesson of peasant activism and this was passed down through movements before re-emerging a generation later in campaigns for a ZRC in Montes de María. While the analysis has tried to isolate ZRC for methodological reasons, a clear link is traced by interviewees between the figure and earlier campaigns, figures, organisations and associations. The same reference to historic struggles, and sense that ZRC builds upon prior struggles against land concentration is made of the Cabrera ZRC in Sumapaz – which local peasant communities consider not as an end in itself, but as a particular strategy to improve peasant lives, societal positions, and access to rights (ILSA 2012: 33). One expert described the social basis for ZRC, and how many of its positions coincided with peasant demands made under other names and through other fora in the Montes de María (Expert Interview with Gabriel Urbano).

This social basis can be contrasted with that of restitution, regarded in Montes de Maria as an initiative coming from Bogotá that did not properly understand the complex local context (WOLA 2012). As a large state-level initiative, there was no scope for local communities to be involved in designing the policies, its process or its institutional structures. A community leader from Ovejas was clear that peasants had to see themselves reflected in the laws regulating rural initiatives, and that was not the case with Law 1448 (Participant Interview with Gilberto Pérez). Extensive review of academic and media sources failed to discover references to peasant mobilisation prior to, or during the legislative passage of, Law 1448. On the contrary, many sources detail and analyse rural activity at that time, and do not include calls for restitution as major demands within the realm of peasant struggles (Ordóñez 2013).

Similarly lacking was a robust mechanism guaranteeing participation of, or consultation with, groups affected by dispossession and violence, with victims not included in the development and implementation of Law 1448 of 2011 (Coordinación Regional del Pacifico Colombiano 2011). Consultation with affected communities can be regarded as best practice in TJ and development processes, and this chapter has indicated the importance in challenging inequitable power relations. Failure to consult Afro-Colombian and indigenous communities furthermore violated their constitutional rights to prior free and informed

consultation and consent (ABColombia 2012: 5). This was broken in a number of ways, with no consultation done until after the initial law was passed, and then conducted in the framework of appended legislative decrees (ABColombia 2012: 5). Even then consultations were rushed, with insufficient information provided and Afro-Colombian representatives drawn from the High Level Consultation which represents only some Afro-Colombian social leaders and community councils (ABColombia 2012: 5; Coordinación Regional del Pacifico Colombiano 2011). These shortcomings seemingly give credence to existing complaints by Afro-Colombian Organisations regarding violations of their rights to prior consultations, feeling that these were being treated by the government as a mere formality, or as an obstacle to overcome, rather than a fundamental right to constructive democratic participation (Conferencia Nacional de Organizaciones Afrocolombianas 2010).

It has been surmised by some that the lack of victim involvement in designing and implementing the LRP is a measure that keeps them safe. Restitution in this view is conceptualised as the victory of the Colombian state over those who dispossessed and seized land rather than as the revenge of victims, especially because if peasant activism was seen as the driving force it would encourage violent reprisals (Reyes Posada 2016). This nevertheless sits uneasily with the measured rise in threats and killings against land claimants and activists in the years after Law 1448 was enacted (CINEP/Programa Por La Paz 2018: 3-5; Oxfam 2016a). Instead, this violent opposition to restitution takes its lead from institutional and political opposition to change in ownership structures (Reyes Posada 2016). While not being widely consulted upon, Law 1448 was generally welcomed by social movements, victims' organisations and other civil society organisations who saw it as a step in creating a more democratic society. They face opposition, however, from powerful political figures and economic actors who have attacked the measure (CONtexto Ganadero 2016; Reyes Posada 2016).

5.6 Conclusion

An initiative based on restoring a previously unjust and inequitable land tenancy structure is inherently less transformative than one based around democratising

these structures. The standard post-conflict and TJ agenda has not brought transformation or social and economic justice to the most marginalised populations (Laplante 2008; Arriaza and Roht-Arriaza 2008: 152-154). It is nevertheless important to examine the contexts in which LRP and ZRC were introduced, and consider the effect of changed circumstances. The late 1980s and early 1990s had seen a decrease in armed conflict and the demobilisation of some armed groups, with generalised recognition of the need for renewal crystallised in the 1991 constitution (Nussio 2016). These dynamics meant that attention was on larger structural issues of rural development and agrarian reform, and these found expression in Law 160 of 1994. By 2011 the situation had altered dramatically, with violence and displacement increasing from the mid-1990s onwards, and state policy concerned with achieving final military victory. In this phase, civilians were more directly affected and the number of displaced people - and amount of land abandoned or dispossessed – increased dramatically (Ibánez and Muñoz 2010; Summers 2012: 221-223). Land restitution was therefore regarded as a priority. It was also optimistically considered that Colombia was now in transition from war to peace, and so many TJ measures were discussed and adopted (Summers 2012). The social and political context is a key influence on initiatives' conceptualisation, design and implementation, and defines the limits of possibility (McAuliffe 2017a). Digging even deeper into the diagnostic dimension would allow analysis not just of peasant mobilisation and influence in shaping initiatives, but on how this mobilisation altered given the contemporary macro-context.

Peasant interviewees were adamant that their organisations should be prime movers of rural initiatives, and affirmed that they were structured to build from the base upwards (Participant Interview with José Miguel Cárdenas; Alfredis Tovar). An example of a powerful rural movement is the Organisation of Displaced Persons (OPDS, *Organización de Personas Desplazadas*). OPDS was described by a leader as an organically created movement of movements which brought together representatives of local community associations. Based on this grass-roots strength, the organisation was able – in terms of capability and legitimacy – to conduct contextual analyses of territory, security, and public policies, and subsequently gain entry to national decision-making commissions (Participant

Interview with Esnaldo Jettar; Corporación Desarollo Solidario 2017a). As a recent organisation, it was not involved in mobilisations for ZRC in Law 160 of 1994, but OPDS does support the LRP and ZRC whilst retaining some scepticism about both. In this sense it is representative of popular perceptions of the initiatives as a step in the correct direction that can be further built upon.

The analysis of this chapter suggests that OPDS is correct to be sceptical about both initiatives' true potential for transformation. Colombian state approaches to rural issues in the last thirty years are better characterised as land policies rather than agrarian reform, as a recent synthesis of Colombian rural economy analysis found (Blanco Cortina et al. 2017: 133-134). Institutional change is commonly regarded as the most transformative aspect of TJ, yet is implemented in Colombia in superficial fashion while doing little to address the inequitable and clientelistic nature of society (Expert Interview with Liliana Duica). Changes in rural institutionality could be made to correct the faults and failures of the existing institution with fresh people, operating concepts, and structures. Nevertheless, the perception is that they are made in response to popular mobilisations to demonstrate something is being done.

Discursively relevant is the change in name of the principal rural agency: from Colombian Agrarian Reform Institute (INCORA) to Colombian Rural Development Institute (INCODER) to National Land Agency (ANT). The change in name is symptomatic of the changing state role in rural areas from a redistributive agenda, to developmental, to a technocratic land ordering agency. ANT's objective is to execute land planning policies, achieve judicial security, and administer the country's rural property, with no mention of democratising land tenancy or promoting peasant economies (Decreto 2363 de 2015: Article 3). Institutional change has also been blamed for destroying institutional memory and interrupting on-going processes through the loss of interlocutors and alterations in process (Participant Interview with Wilmer Vanegas; Liz Merlano; Jose Miguel Cárdenas). These changes and delays have affected LRP and ZRC, and mirror the delays and difficulties engendered when pre-2011 restitution cases were rolled into the provisions and institutions of Law 1448 (Researcher Observation). The Afro-Colombian community of San Cristobal confronted both these difficulties, causing

significant delays in its restitution claim and the loss of documents by ANT (Verdad Abierta 2017).

While the dynamics of the wider political context, of political mobilisation by peasant communities, and of institutional change are important, the final paragraphs return to consider the specific initiatives under investigation. Arriaza and Roht-Arriaza theorise that restitution can help alleviate some of the extreme poverty that perpetuates marginalisation, while wider gains won through programmes - such as improved infrastructure - may enhance the prestige of the formerly victimized and marginalized (2008: 171). One expert claims that the added value of restitution is the multidisciplinary investigation of historical dynamics undertaken to discover who has the right to land titles (Expert Interview with Juan Ricardo Maldonado). Bringing to light such narratives connects to TJ imperatives to discover truth and challenge the basis on which truth-claims are made. The LRP could indeed encourage deeper transformation by investigating the links between armed conflict and land concentration, and the relationships among fighters, promoters, and beneficiaries of the armed conflict in a manner that served to repudiate victimisers.

The current effectiveness of this investigatory process is subject to dispute, however, with one interviewee maintaining that 'the unit only does superficial investigations and does not worry about investigating the relation with the conflict, if the promoters of conflict are telling the truth'[5] (Participant Interview with Duvan Caro). In any case, it is difficult to see how the results of the investigation could be used to challenge the structural violence that underpinned and preceded direct violence, and which is promoted by state elites and national and international business. Ultimately the single largest obstacle to the LRP having transformative potential is that it is complicit in supporting a larger paradigm that seeks to individualise and commodify land titles. Its logic is considered similar to an earlier campaign by President Uribe to individualise commonly held land titles and land plots (Participant Interview with Wilmer Vanegas). Once this is achieved the land

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[5] 'la unidad solamente hace investigaciones así por encima y no se preocupa por investigar la relación que tuve con el conflicto, si los promotores del conflicto me están diciendo la verdad'

market in Colombia will be opened to global investors, and the continued lack of sustainable rural development may oblige peasants to sell.

This concern among peasant organisations, communities, and individuals derives from the unmistakeable support shown by the Colombian state for large-scale agroindustrial and mining projects (Oxfam 2016b: 60-65; Oxfam 2013: 12-16). The promotion of ZRC in places such as Montes de María is for this reason viewed with suspicion by some (Expert Interview with Lorena Pineda), even if the instrumental use of ZRC by Colombian government is seen rather as a preliminary step towards beginning peace talks (Expert Interview with Gabriel Urbano). Urbano nevertheless feels that the Santos administration had no real desire to establish a ZRC in Montes de María, and that the proposal encountered opposition within the state structure. This stance reminds us that the state is not homogeneous, with distinct institutional and structural interests existing depending on the state sector referred to. The Colombian elite are likewise not homogeneous, with Uribe and his supporters constituting a different elite despite their self-portrayal as representing a non-elite alternative to the traditional Bogotá-based political and social elite. Rather there is a divergence of interest between central and regional elites in many regions of Colombia (Baquero Melo 2015). Uribe and Santos represent two distinct 'elite families', both inextricably linked to economic interests with different emphases. The former represents traditional economic interests who want land as land, held for cattle, social power and speculative purposes, and have benefitted from the armed conflict as a manner to occupy new lands. Santos, despite hailing from a traditional elite family, regards peace as an opportunity to open the Colombian economy to further extractivism, demonstrated by the increase in logging and mining concessions post-Havana Accords and the approval of Free Trade Agreements almost immediately upon assuming presidency.

The influence of different societal sectors and wider processes of political and social change reiterate the need to carefully consider the diagnostic dimension of transitional initiatives. This is especially true because the frame of reference affects decisions on initiative design that have significant implications for their processes and can affect the transformative nature of their final outcomes. The SVRM contribution is to provide units of analysis that illuminate the diagnostic stages of

transitional processes and permit evaluation of their transformative potential. Application of the SVRM in Colombia revealed differences in the two initiatives' diagnostic frame of reference and the sociopolitical conditions in which they were proposed, debated, and adopted. Differences were also observed, as hypothesised, in the initiatives' proposed aims and target population. This can be regarded as a successful pilot of the SVRM, indicating that it is sufficiently attuned to differentiate between different types of transitional process and evaluate their respective transformative potential.

In terms of methodological considerations, the sources and methods for collecting data were satisfactory in the pilot application. Colombia has extensive experience of peace building and transitional justice, and well-developed state, civil society, and academic knowledge of theories and processes in the discipline. This meant that documentary sources and expertise were readily available, and the contribution of this thesis was to approach these issues from an unconventional analytical angle. Given additional resources, it would be possible to investigate in greater depth the sociopolitical milieu of LRP and ZRC implementation. A key consideration for future SVRM application more generally is whether it would prove as successful in analysing initiatives' transformative potential in societies where access to reliable documentary sources and disciplinary expertise may be more problematic. This illustrates the incomplete nature of any pilot application, a methodological consideration returned to in later chapters along with reflections on SVRM strengths, lessons learned, and any lacunae that remain.

While this chapter has shown the matrix's usefulness in analysing diagnostic dimensions, I now move on to look at the process dimensions. This is of vital importance because transformative justice theorises that participatory, empowering processes are a vital component of transformative initiatives (Gready 2011; Evans 2016). Of particular relevance will be examining differences in the process dimension between LRP and ZRC. A reasonable working hypothesis at this stage is that an initiatives' diagnosis, particularly constitution of its frame of reference, will be a key determining factor of its transformative potential throughout the subsequent dimensions. The significant variations in diagnosis between LRP and ZRC suggest that significant variations will be observable in their

process dimensions, and in the transformative potential of their process dimensions. This thesis will proceed to explore whether this hypothesised relationship between diagnostic and process dimensions is supported empirically.

Chapter 6: Process Dimension

6.1 Introduction

This thesis maintains that initiatives undertaken during transitions from armed conflict to peace need to be more transformative if they are to positively impact the lives of individuals, communities, and societies. The SVRM was created to assess the transformative potential of public policy initiatives undertaken in transitional societies. It granted particular importance to initiatives' process dimensions, placing them conceptually as well as chronologically central in the three-dimensional matrix. This centrality derives from transformative justice critiques calling for more intense and active citizen involvement in initiatives (Gready and Robins 2014; Evans 2016; McGill 2017). This means deeper participation at earlier stages in order to influence initiatives' design and manner of implementation, the widening of involvement beyond direct victims, and facilitating participation through capacity building and the removal of obstacles (McGill 2017: 93-94).

An adapted SVRM was applied to two different rural public policy initiatives in Colombia to establish their transformative potential. This chapter undertakes a deep analysis of the process dimensions of the Land Restitution Programme (LRP) and Peasant Reserve Zones (ZRC, *Zonas de Reserva Campesina*) in accordance with the SVRM. This analysis indicated that the existence of a land restitution process is widely known, and has attracted thousands of claims. Shortcomings were discovered, however, in LRP contribution to capacity building or strengthening citizen participation. ZRC have more transformative potential, with involvement based on notions of citizenship and a key objective being to increase social, political and economic inclusion at the state level. Nevertheless, the strength of leveraging state support can also be a weakness, as this varied depending on political circumstance and on the stance adopted by municipal, departmental and national administrations.

It must be recognised that both initiatives interact with existing structures and relations of power in Colombia, which can limit their effectiveness. Therefore, consideration was given to the operation of different dimensions of power that enable control to be exercised over decisions, forums, and agendas, and to

influence the legitimacy granted to political issues (Lukes 2005[1974]). A vital analytical tool to consider these different dimensions is the "power cube", in which configurations of power are shaped by the interplay of levels, forms and spaces of power (Gaventa 2016; Gaventa and Martorano 2016). The chapter considers the SVRM's contribution to analysing initiatives' processes by revealing types of evidence that may be neglected in alternative perspectives. It also reveals some flaws in the approach, with the expectation that these can be resolved and the SVRM improved for wider application in transitional societies.

Prior to empirically examining the LRP process, it is necessary to briefly sketch its legal and operational phases. While this chapter argues that LRP has some important shortcomings, the timeframes for its processes are extremely ambitious. The Land Restitution Unit (URT, *Unidad de Restitución de Tierra*) is mandated to make an administrative decision within sixty days (with potential extension to ninety days) on a restitution claim's inclusion or exclusion from the LRP (Acción Social 2011: 39 [Law 1448, Article 76]). Included claims then pass to the judicial phase, at which point two avenues open up: a specialised land judge directly dictates a judgment if there is no opposition to the claim; opposed claims, in contrast, are directed to the local Judicial District High Court. In either case, a judicial judgment should be issued within four months of the claim being presented, accompanied with an official land title. This is known as judicial restitution. Material restitution should take place within three days of judicial restitution or within five days if the land is currently occupied (Acción Social 2011: 50-51 [Law 1448, Article 100]). Responsibility for material restitution lies with the National System for Comprehensive Reparation and Attention for Victims (SNARIV, *Sistema Nacional de Atención y Reparación Integral a las Víctimas*), whose role is to coordinate action among all relevant state entities. SNARIV should ensure continuity of state attention following judicial restitution, including the establishment of productive projects that provide livelihood opportunities for restituted peasants.

These different phases and entities should provide various entry points in the LRP process for citizen and community involvement. The reality, however, is that the standard of participation is very low. While most people know that Colombia has

an LRP, beneficiaries are often not adequately informed about their rights or how the process functions (Gutiérrez Sanín et al. 2014; Amnesty International 2014; García Reyes et al. 2015). Little effort has gone into building peasants' capacity to participate or removing the obstacles to participation (Expert Interview with Juan Ricardo Maldonado; Participant Interview with Francisco Acevedo; Felipe Aguas), meaning that involvement is superficial and spasmodic rather than deep and continuous (Participant Interview with Oscar Acosta; Wilmer Vanegas; Elva Barrera). Several participant interviewees perceived the process to privilege the rights of those who left the land over and above the rights of those who remained on the land. One claimant was removed from a family restitution claim: the URT determined that his subsequent land purchase after allegedly being forced to sell meant he was unaffected by violence and thus ineligible for restitution. Arguing that he took precautions when entering and exiting the land he objected to his rejection: 'why did they have to remove me? On the contrary they should reward me, they should favour me for having the courage to remain there in the region'[6] (Participant Interview with Peasant from San Onofre).

Continuity of possession and the sociocultural as well as economic importance of land were consistently expressed by interview participants. While a vital economic resource, land is also the cornerstone of peasant identity – something damaged by the direct violence and by the abandonment of land, and which restitution is not reconstructing. One expert interviewed held that the peasant economy is productive due to the existence of distinctive peasant social relations, and individual restitution breaks these (Expert Interview with Gabriel Urbano, CDS). The prioritisation of individual restitution processes has obvious consequences in communities with traditions of collaborative working, and even more so in instances where land was previously owned collectively. This can serve to disenfranchise some community members and privilege others, in a manner that negatively affects the prevailing dynamics of social mobilisation and creates a new land ownership model that breaks peasant social relations (Participant Interview with Wilmer Vanegas).

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[6] '¿por qué me tienen que sacar a mí? Al contrario, me deben premiar, me deben favorecer al tener el valor de haberme quedado allí en la región'

It is, conversely, recognition of local communities' status as political and social actors that give ZRC more transformative potential. This has not been without controversy, or without opposition by powerful economic and political interests in Colombia. A discourse grew up under the presidency of Álvaro Uribe (2002-2010) that the ZRC represent 'independent republics' and are controlled by the FARC (ILSA 2012). This narrative is promoted by associations of large landowners such as the Colombian Federation of Cattle Farmers (Fedegan 2016). In recent years opponents of the peace process with FARC have revived this alleged link, pointing to the guerrillas' proposal at the Havana Peace Dialogues for the creation of more ZRC. It is true that some ZRC are in regions with significant FARC influence, yet this discourse ignores the fact that the Peace Agreement was a negotiation, and that ZRC were considered a useful manner of stimulating rural development. It also ignores that ZRC has existed as a legal figure in Colombia for two decades (Ley 160 of 1994). Specific to the current research is that, notwithstanding the alleged situation in other ZRC, FARC influence is highly doubtful in Montes de María where the guerrilla have not had a strong stable presence in the region for over a decade (Expert Interviews with Gabriel Urbano, CDS; Javier Soto, URT; Lilian Duica, ex-URT).

The reverse claim, that the ZRC in Montes de María is being promoted in a top-down process by the Colombian state, has also been made based mainly on statements made by Santos at the outset of his presidency. Lorena Pineda described how her organisation, National Association of Peasant Reserve Zones (ANZORC, *Asociación Nacional de Zonas de Reserva Campesina*), had been doubtful about working with the Montes de María ZRC in the past, considering it to have been co-opted by political elites. As evidence Pineda argued that the initial Sustainable Development Plan contained agro-industrial projects, and was rejected by Public Assemblies in the region. This rejection was confirmed by other interviewees, and different interpretations of what this signified, and what it tells us about ZRC processes are explored below – I argue that it shows the strength of community participation in Montes de Maria. Alternative legal figures such as Peasant Agricultural-Food Territories (*Territorios Campesinos Agroalimentarios*) have been proposed as a more radical alternative with increased local autonomy and less state involvement (Duarte 2017). Ultimately, however, it is state

involvement that gives strength to the ZRC as a viable peasant initiative. Without being legally constituted collaboratively by communities, peasant organisations, local political authorities and national organisms, there is no legal basis for their existence. Discomfort at state involvement in community processes needs to be tempered with the reality that harnessing the power of the state may be the most productive avenue for transformative policies to emerge in transitions (McAuliffe 2017a; Gready and Robins 2014; Muvingi 2009).

In any case, overemphasising the role of the Santos administration ignores the strong support for the figure that previously existed, and has become stronger over time. Montes de María ZRC Impulse Committee members argue that the causality is actually the reverse: the proposal was presented prior to Santos becoming president and his commitment subsequently secured to establish a ZRC in Montes de María (Participant Interviews with Alfredis Tovar; Liz Merlano). Taking this argument further, the ZRC is understood by many to be a continuation of historic peasant processes or demands that pre-date the existence of the ZRC as a legal figure in Colombian legislation (Participant Interviews with Gilberto Perez; Jesus 'Chucho' Perez; José Miguel Cardenas). The most important precedent in Montes de María is the National Association of Peasant Users (ANUC, *Asociación Nacional de Usuarios Campesinos de Colombia*). This was a creation of the state, an invited space for state-peasant dialogue to resolve or control rural issues. Yet ANUC soon came to be a claimed space for peasant activism (Gaventa 2016), with the radical current based in Montes de María and named *Línea Sincelejo* – Sincelejo being the capital of Sucre Department (Participant Interviews with Jose Matildo; Jose Miguel Cardenas; Gilberto Perez).

It is clear that ZRC must be created in a collaborative process between peasant communities, local political authorities and national entities (Ministerio de Agricultura y Desarrollo Rural 1996; INCODER 2013). ANZORC is also increasingly willing to support and advocate for the Montes de María ZRC, and strong links have been made with other zones around Colombia. The integration of state and community perspectives creates the political and social space for ZRC by legitimising the legal figure and showing it is neither a FARC strategy nor an elite instrument. This is a central component of the figure's transformative potential.

Analysis of the process dimensions of LRP and ZRC will lean heavily on data gathered in 36 participant interviews conducted in Montes de María between August and October 2016. Some of these are with community leaders, others with individuals who form part of regional or national organisations, while some are with people with no formal linkage or leadership role with any group. These participant interviews are supplemented with expert interviews conducted in Colombia in July and August 2016 which helped frame the overall paradigm of rural issues in Colombia as well as provide expert insights into processes in Montes de Maria. Participatory observation at meetings, secondary sources, and literature are all drawn upon to analyse the key process dimension themes and link them to this thesis' theoretical framework.

This chapter begins by looking at the level of information and involvement that people have regarding LRP and ZRC, including the manner in which they discovered the initiatives and their reasons for becoming involved. Following this, I examine the mechanisms and avenues for participation that exist in LRP and ZRC. Some consideration will be given to the divergence between their intended and actual operation on the ground. Closely related is whether the initiatives facilitate participation through workshops, assemblies, and meetings that build peasant capacity and confidence. These outreach, empowerment, and capacity building efforts are hypothesised to be vital to realise the latent transformative potential within public policy initiatives. I go on to evaluate ease of involvement and interaction with the key entities responsible for administering and implementing the initiatives in Montes de Maria. The chapter concludes by summarising these different aspects of LRP and ZRC processes and evaluating their transformative potential before considering what significance the findings hold for the SVRM.

6.2 Level and Manner of Involvement with LRP and ZRC

It is important to understand how people in Montes de María came to be involved in the LRP and ZRC. The way people became involved is related to how information on the initiatives reached rural communities, and this can reveal much about their transformative potential. Obtaining information on public policy initiatives is a

necessary first step for people to become involved in them. Consistent with critical conceptualisations of power, the control of public discourse is an effective manner to influence the development, implementation and outcomes of policy, in effect controlling which issues are organised into politics (Lukes 2005 [1974]). It is also one of the manners through which societal inequality is reproduced and reinforced (Gaventa and Martorano 2016). Transformative justice, as utilised in this thesis, calls for meaningful participation by members of local communities affected by initiatives (Gready and Robins 2014; Lambourne 2014). Transformative potential is higher when participation occurs as early as possible to help shape initiative framing and aims - an issue explored in the previous chapter on Diagnostic Dimensions of transformative justice. This is likely to require social contestation and political mobilisation to open up and challenge established decision-making bodies and processes. This chapter focuses rather on the Process Dimensions of initiatives, taking as starting point the creation of the LRP and ZRC, and their actual operation in Montes de Maria. Whilst national initiatives, their decentralised implementation leaves scope for local communities to have meaningful involvement – if they are allowed, and have the capacity to do so.

This section therefore characterises the participant interviewees based on their level of knowledge and involvement, necessary for rigorously analysing who participates in initiatives, and why they do so. Another key issue highlighted in the SVRM was the extent to which participants are representative of their community. Representativeness, of course, can be understood in two distinct manners, with the first being whether participants are typical of their community, and whether they represent the racial, gender and class diversity within these communities. Another understanding of representation is closely linked to leadership, with some interview participants being leaders in their communities. Leadership can derive from selection as a representative, or on the basis of having superior knowledge. An important organisation in the region, OPDS, for example, is constituted by two representatives from each linked member association. They are leaders among their community association yet serve as delegates who report back. Community leadership can be made official by authorities, such as the case of Wilmer Vanegas who was elected by the Victims Associations of Maria la Baja to serve as Victims

Liaison, an official position within the municipal administration. Many community leaders have more sophisticated knowledge, or more eloquent expression, on regional and national political dynamics so their views are more often utilised.

While acknowledging the superior access to knowledge and to extra-community contacts, these leaders remain community members, in counterpoint to the political leaders who monopolise the sphere of electoral politics. While two participant interviewees - Diego Perez and the Peasant from San Onofre - had been involved in electoral politics in the past, there was generalised mistrust of political authorities and the manner of local political operation. Vote selling was commonly cited, along with other forms of corruption and suspicions of misadministration or diversion of public funds for personal benefit. Some improvements were attributed to newer municipal administrations that included peasant representatives (Participant Interview with Alfredis Tovar); were no longer run by the mayor as a personal fiefdom (Participant Interview with Donadys Perez); and opened channels of communication with community organisations (Participant Interview with Carmelo Marquez). The prevailing perception of official structures and electoral politics is, however, highly negative.

Direct involvement in the land restitution process was indicated in sixteen of the participant interviews conducted in Montes de María. Thirteen interviews were conducted with people having a connection to the ZRC, while the remaining seven were not directly or closely involved with either initiative. Some interview participants had not made a restitution claim, but indicated involvement in advising or supporting community members who were in the process. Of the sixteen LRP interviewees, ten interview participants had made an individual claim with the URT for the restitution of land: two of these had received judicial restitution while a single individual had received material restitution. The other six interviews were with people classified as second occupiers or opponents - a designation made by the URT to identify the current occupiers of land subject to a restitution claim. Five of these six interviews took place in a single location, which somewhat limits their coverage. Nevertheless, their inclusion helped ensure the inclusion of all stakeholders in LRP in addition to a cross section of Montes de María perspectives.
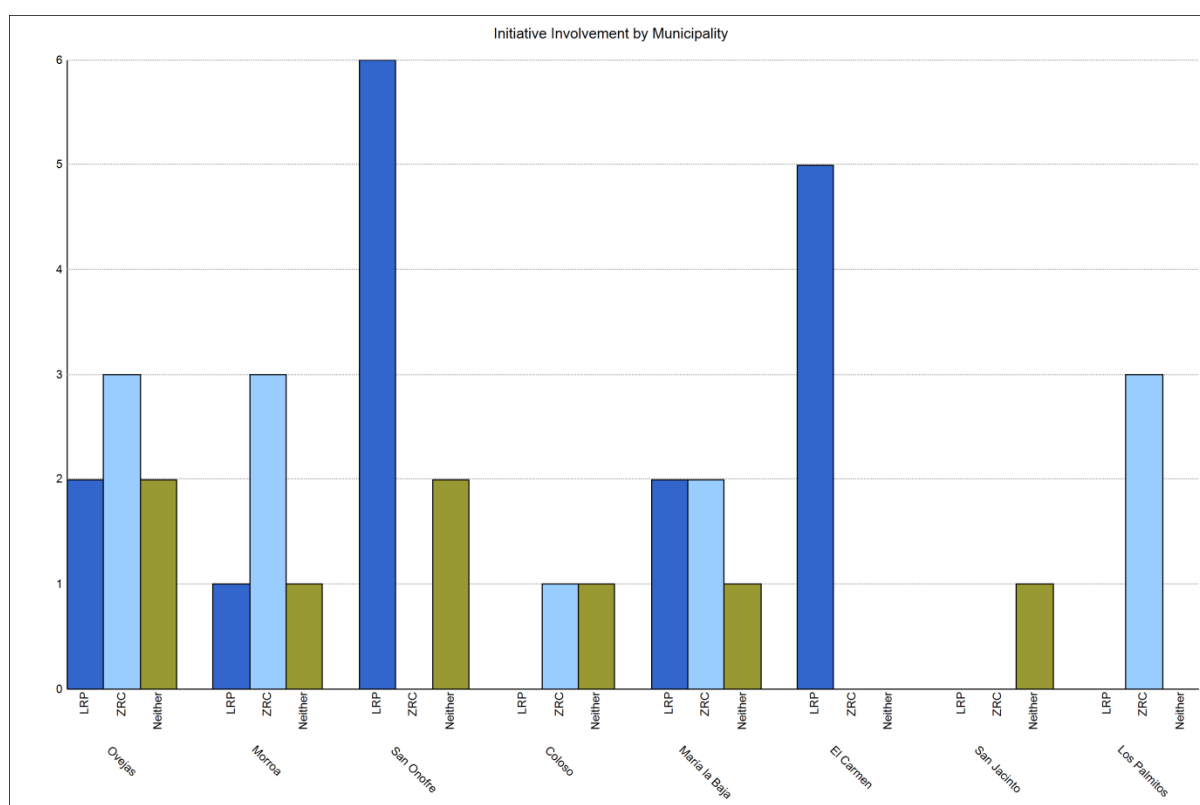
Figure 5: Initiative Involvement by Municipality

Geographically, interviews took place with people from eight of the fifteen municipalities that constitute Montes de María. Gender parity among interviewees was difficult to obtain, with the final tally being 26 interviews with males and 10 with females. The following charts show the gender distribution and the geographical distribution of interviews in relation to the initiatives of interest. The proportion of women to men participants is the same for LRP and ZRC, so the underrepresentation of women was at least consistent. It unfortunately follows the pattern of public participation in Montes de María, in which men tend to be more involved, especially in leadership positions (Researcher Observation). It must also be considered that more men have land titles, and more men have filed claims for land restitution (Weber 2017), so the lack of complete gender balance in my research represents that reality.

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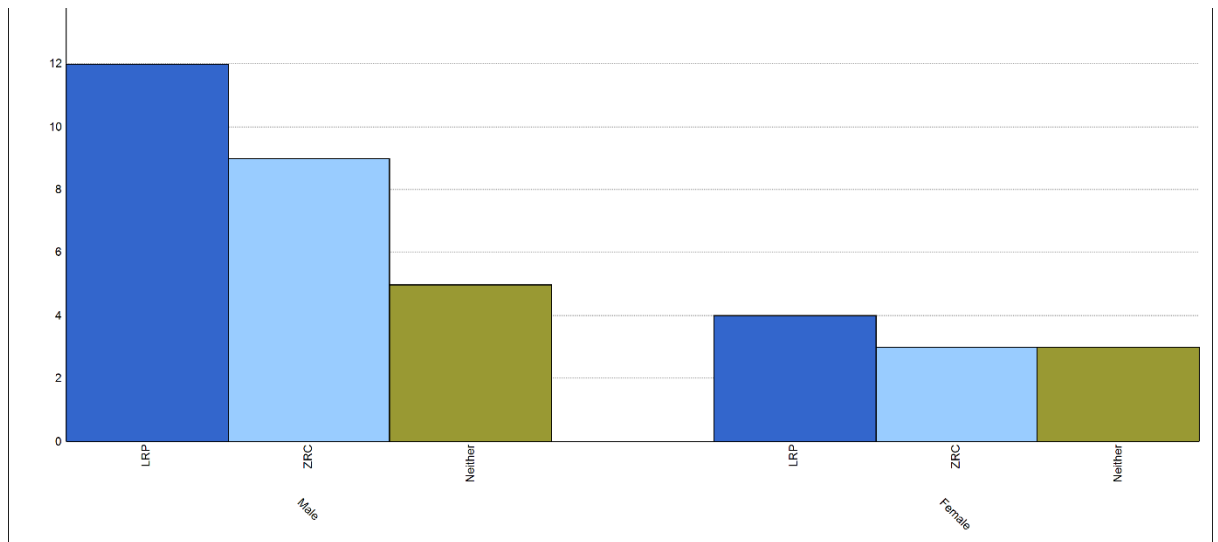
Figure 6: Initiative Involvement by Gender

Having characterised interview participants according to their involvement in the processes under consideration, I turn to the question of information, and the manner in which they became involved. In general, knowledge of the LRP's existence was found in all interviewees, across the different categories. This coexisted with a lower level of knowledge regarding its functioning. Such findings are in line with a survey conducted in Bogotá and Barranquilla which found that 73% of respondents were aware that Colombia had a land restitution programme, whereas 74% did not know the rights to which this entitled them (Gutierrez et al. 2014: 62-67). Some participant interviewees certainly indicated that swift and effective diffusion of information on land restitution accompanied the roll-out of Law 1448: 'Then the law arrived, 1448, Victims Law, Land Restitution Law, they called us, we saw the announcements, we attended, they explained the law, and I said "we fit in here, maybe I'll reclaim the land"'[77] (Peasant from San Onofre). While his restitution claim was later ruled inadmissible by the URT, this evidences effective promotion of the LRP in the region. Speedy uptake of the opportunity to claim land restitution is repeated in the case of a second occupier who says that the claimant 'flew to put the land in restitution' in 2011 (Participant Interview with Ubaldo Mesas).

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[77] 'Entonces llegó la ley, la 1448, Ley de Víctimas, Ley de Restitución de Tierra, nos llamaron, vimos los avisos, fuimos, asistimos, nos explicaron cómo era la ley, y digo "nosotros cabemos aquí, a lo mejor reclamo las tierras".'
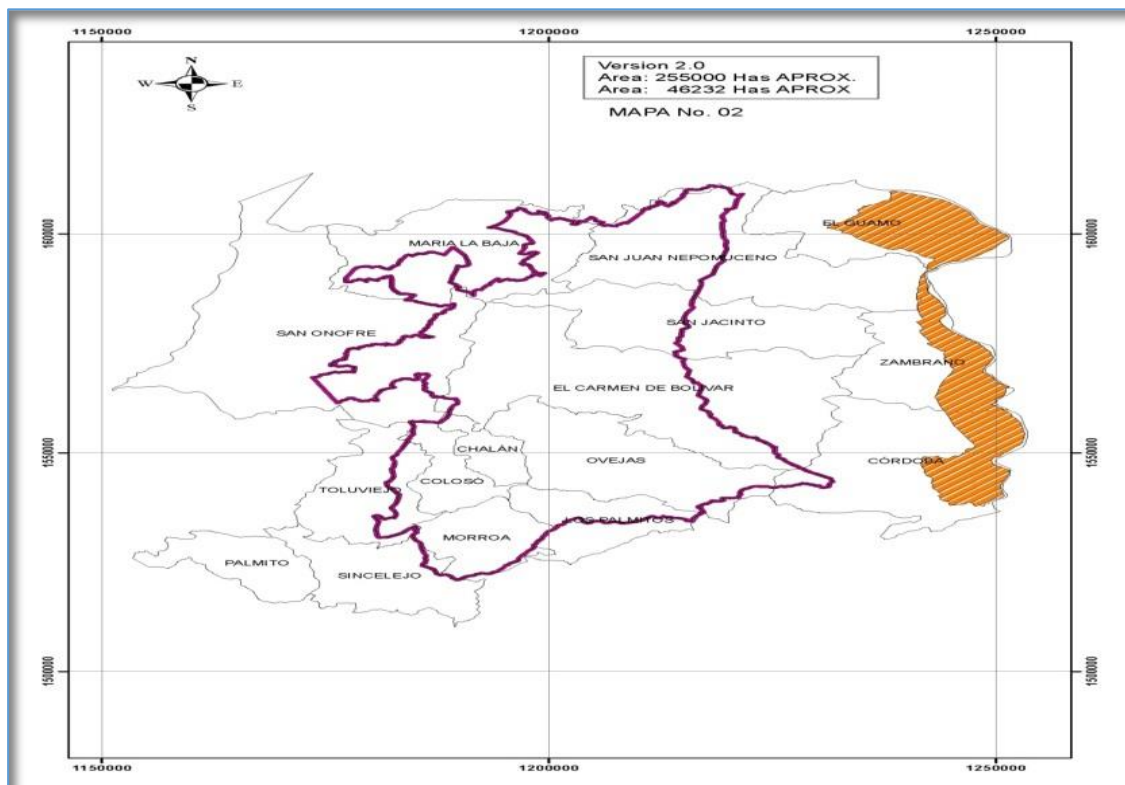
Figure 7: Map of Proposed ZRC in Montes de María

Information on the ZRC in Montes de María was less universally known. Some participant interviewees were closely acquainted with the legal figure as a member of the ZRC Montes de María Impulse Committee, charged with promoting it in Montes de María. Others were members of Municipal Impulse Committees, or formed part of organisations that promoted the ZRC as a peasant-oriented initiative. It should be remembered that the proposed zone will cover most of the region[8], so the diffusion of information should be high. ZRC constitution will impact on issues such as land ownership limits, property relations and rural development strategies, and local communities should have the opportunity to contribute and influence. The lack of widespread deep knowledge of ZRC indicates a serious obstacle to its transformative potential. The SVRM here demonstrates the value of

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[8] Montes de María ZRC 1 covers 254,510 hectares across eleven municipalities, making up 100% of Chalán, 98.05% of Colosó, 95.47% of Morroa, 95.20% of Ovejas, 65.32% of Carmen de Bolívar, 54.62% of Los Palmitos, 47.53% of San Jacinto, 43.65% of San Juan Nepomuceno, 41.805% of María la Baja, 24.46% of Toluviejo, and 18.83% of San Onofre.
Montes de María ZRC 2 covers 46,295 hectares across three municipalities, making up 47.57% of Guamo, 38.35% of Zambrano, and 28.45% of Córdoba (Comité de Impulso de ZRC Montes de María 2013: 22).

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asking people not directly linked with public policy initiatives about their role in, or knowledge of the same. Transformative initiatives must consider the impact on, and contribution of, stakeholders beyond direct beneficiaries of transitional policies. These people, as both individuals and representatives of communities or groups, interact with initiatives on the ground and their contribution must be more seriously analysed. This is especially true if the intention is to positively transform the realities of these often-neglected communities and scale up the impact.

6.3 Mechanisms for Ensuring and Selecting Participation

The previous section characterised the participant interviews in accordance with their involvement with initiatives in Montes de María, concluding that more transformative initiatives need to widen the base of involvement. The inclusion of victims is a vital step in transitional contexts, but transformative paradigms need to involve more stakeholders, chief among them the communities suffering from structural violence and the inequities of the prevailing system. This is central to notions of citizenship based participation (Hickey and Mohan 2004; Gready and Robins 2014; McGill 2017). The SVRM contains questions about the times, forms and forums of participation, and how these were constituted. These were applied to analyse the mechanisms that LRP and ZRC have to ensure and select participation among people in Montes de María. In some cases invited or created spaces can become claimed spaces for grassroots activism (Gaventa and Martorano 2016), whereas others fail to adequately ensure participation. The LRP was created by Law 1448 of 2011, and made operational by Decree 4800 of 2011 (República de Colombia 2011). Participation was defined as the 'right of victims to inform, intervene, present observations, receive feedback and voluntarily assist'[9] (República de Colombia 2011: 85 [Decree 4800, Article 261]). The lawmakers demonstrated cognisance of the obstacles to exercising this right by proceeding to conceptualise 'effective participation' as 'the effective use that victims make of the instruments

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[9] 'derecho de las víctimas a informarse, intervenir, presentar observaciones, recibir retroalimentación y coadyuvar de manera voluntaria'

and mechanisms that they are constitutionally and legally provided with'[10] (República de Colombia 2011: 85 [Decree 4800, Article 262]).

The spaces for victim participation are set out in Article 263, with the closest to communities being the Victims' Tables (*Mesas de Víctimas*). These are designed as a tiered participation mechanism that sees the municipal tables choosing representatives to the departmental tables, which likewise send representatives to the national table. From this national table two representatives are chosen to sit on the managing board of the URT, alongside twelve state representatives (Acción Social 2011 [Law 1448, Article 107]). This final body is the only one that is directly and solely related to land restitution, with the Victims' Tables tasked with oversight and input across the different themes and areas of relevance to victims. This is a very broad remit, and could be overwhelming given that attendance must be conciliated with work and personal commitments, rather than constituting a job. This is deliberate, as involvement with the Victims' Tables is not an employment opportunity, and only expenses and strictly limited per diems are provided. Victims' Organisations must have worked in at least two municipalities in order to participate in the departmental table (República de Colombia 2011: 87-88 [Decree 4800, Article 270]). While this could prevent some organisations from ascending the tiers of Victims' Tables, it is also a clear incentive to work collaboratively across different communities and municipalities, and so can be considered a positive component of the decree.

Regardless of the juridical existence of Victims' Tables, their contribution must be analysed by focussing on their operation. Felipe Aguas and Carmelo Marquez, participant interviewees from Ovejas municipality, talk of the Victims' Tables as positive avenues for participation - on paper. Yet they maintain that these are not being afforded the opportunity to do the work for which they were created. The local administrations are supposed to fund quarterly meetings, yet they have been negligent in this duty and so they are not occurring. This is particularly serious, because victims' organisations do not have the resources to fund these themselves, and so they are not functioning as a forum for victims' issues to be brought onto the

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[10] 'el ejercicio que estas hacen del derecho a la participación a través del uso y disposición real y material de los mecanismos democráticos y los instrumentos previstos'

agenda. Felipe Aguas claims, furthermore, that whenever meetings have occurred, local authorities have sent a delegate without decision-making competence and so no tangible results are apparent.

Raising the analytic focus permits consideration of the ability of the two victims' representatives to substantively influence the adoption of decisions by the URT managing board. Given that the arithmetic of involvement leaves them massively outnumbered by government and state representatives, who presumably benefit from greater support from their research and policy teams and more regular interaction opportunities. Officials rather than victims hold the ability to control forums and agendas through processes of decision-making, non-decision-making and invisibilising issue areas - an important component of power (Gaventa 2016; Lukes 2005[1974]). The local empirical operation of Victims' Tables and wider design issue both indicate a strategy to undermine the operation and participation of victim organisations in relation to land restitution.

Nevertheless, complaints are not primarily targeted at the URT, but rather at local authorities, and there is a clear implication that pressure is being applied to block restitution processes. Suspicion of local political systems, institutions and parties is very high, and the culture of fear instilled by armed actors in the region remains strong. Carmelo Marquez claims that 15 out of 18 members of the Ovejas Victims' Table voted against establishing a committee dedicated to land restitution issues, which he attributes to the risks associated with it, stemming from the economic and political power held by those currently controlling land in the region. These issues draw attention back to the operation of power dynamics, which operate at various levels, of which the local level is probably most important at the implementation phase, even when dealing with national level policies and programmes. They also underline the need to carefully consider the micro and macro processes under investigation, and legislate for differences in how they manifest on the ground. Marta Salazar of CODHES maintains, for example that 'Communities and URT in Magdalena worked well together, supported by the process. In Montes de Maria, not so much.'[11] An important aspect to consider is whether this reflects a more comprehensive approach to citizen participation taken by the URT in Magdalena, or

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[11] 'Comunidades y URT de Magdalena trabajan bien/apoyándose en el proceso. No tanto en MdM.'

whether the local political situation is more conducive, or a combination of the two. What is clear is that in Montes de María, the involvement of local peasant communities and individuals in the LRP is not sufficient, a fact that limits the initiative's transformative potential.

Juan Ricardo Maldonado of UNOHCHR in Colombia is very clear about the role assigned to participation in restitution: 'In restitution participation is almost zero. It is individual and the role is to state what happened and that they want to return'.[12] Many respondents complained of limited involvement, and the sense that they were peripheral figures in their own restitution processes. Participation in many examples was reduced to making the restitution claim, and at a later stage, identifying and measuring the land (Participant Interview with Cecilia and Carmen Escobar, Carmelo Agamez, Dian Luz Baron). It also closes the universe of possible participants to those who can make a claim through their victim status, filtered through the Single Victims Register (*Registro Unico de Víctimas*) and establishing a pre-selected set of potential participants. In no sense are these participants demographically representative of the wider community, nor do they act as representatives in promoting community agendas. Some of them may be community leaders, but that is incidental to participation in the LRP, rather than the motive for it. Marta Salazar says this has resulted in non-holistic processes, and asks what would happen if restitution was instead massive and collective rather than individual.

The lack of participation has particularly negative consequences when the time comes for material restitution and return to the land. The time elapsed since dispossession occurred normally means that previously existing crops, fences, and buildings have disappeared, and the land needs to be readied once again for agricultural production. In other cases restituted land could be planted with commercial agro-crops unsuitable for peasant farming. Without meaningful dialogue on how the land should be returned or what the returnee requires, material restitution will present a risk to the peasant. That is, they will be left with a

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[12] 'En restitución la participación es casi cero. Es individual y el rol es contar que pasó y que quiere volver.'

liability if returned to land without being given access to the credit, seeds, fertilisers and markets necessary to begin and sustain productive agriculture.

A further limitation of LRP participation is the trend to judicialise social issues. This serves to transfer questions to the legal arena where they become the preserve of lawyers and judges rather than of citizen activism (Gready 2011: 234). One expert interviewee maintains that the nature of peasant activism has been altered by the restitution process, with peasant agency and social justice replaced by a focus on judicial claims based on the status of victim (Expert Interview with Camilo Sanchez, Universidad Nacional). This grates against transformative justice principles emphasising the role of social and political mobilisation to alter prevailing inequitable structures and disadvantaging peasants who often struggle to effectively access the judicial arena.

Judicialisation can bring occasional advances, and one catalyst of the Victims' and Land Restitution Law was the Colombian Constitutional Court's Sentence T025 de 2004 that declared the situation of displaced persons in the country 'an unconstitutional state of affairs'. Nevertheless, the LRP has demonstrated shortcomings in adequately representing and protecting claimants. Participant interviewees around Montes de María indicate a lack of knowledge regarding the law and legal process (Participant Interview with Wilmer Vanegas), difficulty in confronting officials or powerful opponents (Participant Interview with Carmelo Agamez; Enuar Redondo), and the high cost of hiring lawyers (Participant Interview with Oscar Acosta; Ubaldo Mesas). The URT is mandated to act on behalf of land claimants (Law 1448, Preamble), yet frustration at a lack of progress has encouraged some claimants to find their own lawyers to represent them, particularly in San Onofre: 'they tell you not to get a lawyer, because the office gets them, but they do what they want and you have to get a lawyer from outside to see results. Because if you don't, nothing will ever be resolved'[13] (Participant interview with Oscar Acosta; cf Diego Perez; Carmelo Agamez).

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[13] 'Qué ellos dicen que no pongan abogado porque la oficina les pone, pero esos se lo llevan ellos solos y hay que poner un abogado de fuera para poder ver resultados. Porque si no se hace, nunca sale nada'

Second occupiers and oppositors have even more limited participation opportunities, as they are obviously not involved in the initial claim making phase. This makes them fundamentally external to the process, particularly as the URT acts as legal representative of the land claimants. Law 1448 precludes the possibility for dialogue or conciliation between claimant and occupier (Article 94) with URT and land judges granted exclusive power to investigate and determine the claims. After URT workers have checked the claims, second occupiers receive notification that a process has been opened against them, and there are few avenues for them to respond. The burden of proof in restitution claims is placed on the oppositor (Law 1448, Article 78), who must present all required documentation within fifteen days of the restitution claim being made (Law 1448, Article 88). One group of peasants with restitution decisions against them made serious allegations regarding the fairness and transparency of the judicial process, claiming not to have seen a judge or lawyers, nor permitted to testify or examine evidence against them, nor to have received official documents setting out the rationale for the decision (Participant Interview with Pativaca 3). The Pativaca interviews all concurred on the lack of transparency and the fact that the state controlled the entire legal process in what they consider a dictatorial manner. A group of peasants whose land was subject to restitution claim made this opinion very clear: 'the Santos government has betrayed us, because he became Castrochavista, he became a dictator with this law. Clearly, this is a dictatorship'[14] (Participant Interview with Pativaca 2).

Evidently people threatened by the LRP would be keen to criticise the norms and implementation of the programme. Yet these exclusions from the legal process are very real, and inscribed into the law. The argument here is not that the reversal of burden of proof or the prohibition of conciliation are themselves inherently incorrect. This latter clause exists for a good reason, with lawmakers and advocates fearing that face to face meetings would jeopardise claimants' security. The attempt to modify clauses of the law to allow conciliation is seen by some as an attempt by powerful actors to manipulate the LRP, on the basis that a level playing field does not exist to allow fair and meaningful negotiation (Participant Interviews with Peasant from San Onofre; Wilmer Vanegas). The only real involvement of

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[14] 'el gobierno Santos cómo nos traicionó, porque él se volvió Castrochavista, se volvió dictador con esa ley. Claro, es una dictadura.'

second occupiers is in receiving visits from the URT, for example when land measurement takes place, and in fact they can even be excluded from that (Participant Interview with Ubaldo Mesas) – potentially adding insult to injury given that they may perceive this as an incursion onto their property. The argument arising from this analysis is more that the LRP does not satisfactorily safeguard claimants while also providing sufficient space for peasant autonomy and dialogue within the process.

Similarly to land restitution, Peasant Reserve Zones derive their legality and legitimacy from foundational state law and policy documents. These stipulate that 'peasant communities will participate through the regional planning and decision-making entities contemplated in Law 160 of 1994'[15] (Ministerio de Agricultura y Desarrollo Rural [Decree 1777 of 1996, Article 4]). State action must take into consideration peasants' effective enjoyment of ESCR and their participation in regional planning and decision-making entities (Law 160, Article 80). The centrality of real and effective participation by peasants was reiterated when ZRC processes recommenced after 2010. Strong public engagement is necessary for the validity of the major ZRC establishment procedures, with six technical reports required prior to receiving legal assent for ZRC constitution (INCODER 2013).

The elaboration of these reports requires input from local communities through their associations and organisations, representing moments at which local knowledge is leveraged into the process of zone selection, delimitation and constitution. The first instruments analyse the strength of local community organisation (ICO), capacity of local institutional structures (ICI), and relevant socioeconomic and environmental characteristics (ESAP). The ICO is an opportunity for community organisations to engage in serious self-reflection to 'carry out the diagnosis of their organisational situation, determine weaknesses and strengths, and take actions for its improvement'[16] (INCODER 2013). Community participation in these initial studies continues into elaboration of a ZRC's central document, the Sustainable Development Plan; with the ESAP functioning as a primary data

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[15] 'las comunidades campesinas intervendrán a través de las instancias de planificación y decisión regionales contempladas en la Ley 160 de 1994'
[16] 'realizar el diagnóstico de su situación organizativa, determinar debilidades y fortalezas, y adoptar acciones para su mejoramiento'

collection mechanism for this. These mechanisms ensure that Sustainable Development Plans are the expression of local community wishes rather than imposed by state entities or other actors (INCODER 2013).

These documents assign an important role to the collection of data from communities within the boundaries of the ZRC; and participant interviewees in Montes de María bear witness to this process. Two important regional peasant leaders describe how a diagnosis of needs was done community by community, organised into various categories such as education, health, social, political, and services (Participant Interviews with Alfredis Tovar; Wilmer Vanegas). Meetings were a forum to exchange information, with communities providing detailed data on problems, prioritising the most urgent demands, and suggesting solutions. Sometimes these would take advantage of pre-existing networks and movements to maximise ZRC diffusion and input, such as in Los Palmitos where peasant organisations have monthly meetings in a rotation of venues to ensure the maximum possible participation (Participant Interviews with Alfredis Tovar; Elmis Samia). Liz Merlano speaks of assemblies with 150 or 200 participants, constructing the plans in workshops where weakness and strengths were identified and prioritised, with Duvan Caro agreeing that there was a high rate of participation.

Detailed community level data would be combined into a plan covering the entire ZRC, complemented by dialogue with heads of community associations and communal action committees (*Juntas de Acción Comunal*, JAC). This iterative process would continue with the draft regional Sustainable Development Plan being returned to communities for further discussion and amendment. A number of interviewees were critical of some Montes de María ZRC Impulse Committee's actions, but did not manifest a problem with the Sustainable Development Plan elaboration. An Impulse Committee member regarded the Sustainable Development Plan to be a successful example of community participation and consultation, financed by the Colombian state through Incoder and with grassroots organisations providing the information in a collaborative process (Expert Interview with Guido Huelvas).

While the dominant view is that the Sustainable Development Plan emerged from an extensive participatory process, there are dissenting voices, holding that the ZRC

has not been exemplarily participatory or that there remains a large amount of ignorance. The latter is more often expressed, with some interviewees admitting they personally lack knowledge (Participant Interviews with Carmelo Agamez; Donadys Perez), while others claim that not enough effort has been done to share information widely in the region (Participant Interview with Carmelo Marquez). There is recognition, of course, that limitations exist on what local peasant organisations can achieve, as well as that not everyone necessarily takes an active interest in sociopolitical initiatives and community organisation (Participant Interview with Adalberto Flores).

There is noteworthy ambiguity in perceptions of ZRC's participatory nature. While fourteen participant interviews were coded as regarding the ZRC to be Participatory, five of these were also coded as regarding the ZRC not to be Participatory. This ambiguity seems to respond to a number of issues: firstly, participation levels vary through the different ZRC phases; secondly, the level at which participation is pitched; thirdly, discussions on the Impulse Committee's internal management; finally, the apparent stalling of the process which potentially gives an impression of non-responsiveness. Sofia Carascilla claims the Sustainable Development Plan was not discussed in depth in her community, but manifests that she attended the Public Assembly convened to approve or reject it. Argemiro Lara says that participation was at the level of community leaders rather than community members more widely. Gabriel Urbano of CDS feels that participation was not carried out in a rigorous or serious manner, and points to the fact that recent mobilisations in the region have not necessarily adopted the creation of ZRC as a rallying cry.

It seems clear that more could be done, a sentiment shared by the Impulse Committee itself. Of gravest concern is the scepticism expressed by some regarding the Impulse Committee's role and motivations, and in general the ZRC processes that have occurred. Esnaldo Jettar, Wilmer Vanegas, and Carmel Marquez articulated the disquiet felt by OPDS (*Organización de Personas Desplazadas*, Organisation of Displaced People) towards the initial stages of the process. Accusations have been levelled of corruption and mismanagement. A major target of ire was the Fundación Red de Desarrollo y Paz de Montes de María, a local

foundation involved in the early stages, and which was awarded funding by Incoder to contribute to promoting the policy and drafting documents. Yet strong suspicions exist of this Foundation's links to powerful economic actors in the region, particularly Cementos Argos which is implicated in a number of restitution cases, as well as its centralisation in the city of Sincelejo (Researcher Observation).

Some animosity continues to exist towards individual members of the Impulse Committee, accompanied by the sense that leaders have been co-opted. Yet the main issues raised appear to have been resolved or clarified in recent years. The researcher participated in a number of Impulse Committee meetings, and conversed with several members, both active (Liz Merlano and Alfredis Tovar) and dormant or sceptical (Wilmer Vanegas and Esnaldo Jettar). The initial impression was that it tended to be overly centralised in Sincelejo, and contained a large number of members who were urbanites rather than peasants. This is not necessarily a problem, and it is arguably important to gather the support of technical professionals such as agricultural engineers as well as people able to manoeuvre and make claims in departmental politics. Nevertheless, the ZRC is intended as a rural initiative led by peasants, and so a reorientation to the communities seems advisable.

Liz Merlano recognises the risks of co-option and of peasant or community leaders losing connection with their constituencies and becoming another elite. She feels, nevertheless, that the personality and trajectory of those in the Impulse Committee guards against the risk, as they are people with history of social struggle, who have not lost their essence and continue to travel to rural communities to see how people live. The researcher's experience supports this, having seen that many leaders live normal lives in their communities, and have often made personal sacrifices to represent and promote their communities (Researcher Observation). In this sense they are different, and seen to be different, to political leaders who characteristically are seen in communities only at election time. It also seems that this reorientation is happening, with researcher attendance at a series of encounters in early October 2016 whose object was to revitalise the municipal-level ZRC Impulse Committees that had been dormant for a period. Attendance at these were generally high, and a second meeting in Morroa later that month even more

so, even if that is not enough information to proclaim a rising trend in participation (Researcher Observation).

This section has examined the processes and mechanisms for ensuring participation within the LRP and ZRC initiatives. A lack of participation has been seen as hampering implementation of land restitution, as both claimants and second occupiers perceive themselves as marginal to the process rather than as exercising strong agency. The concern of the SVRM to discover how and when people participate, and through what mechanisms, assists by revealing more about transformative potential than a breakdown of numbers making a restitution claim or percentage of claims resolved. Participation in ZRC, in contrast, was more important. Community involvement, in fact, is intrinsic to the creation of ZRC, which can be halted in the face of community opposition. Two manners in which this can occur are rejection of the Sustainable Development Plan at Public Assembly, as transpired in Montes de María. The second safeguard is the need for prior consultation with indigenous and Afro groups on proposals that affect their territory or status.

Using the SVRM helped uncover some of the tensions as well as the benefits to participation in rural initiatives. As abundant literature (on transitional justice, transformative justice and development) makes clear, participation often does not occur naturally or spontaneously; this is even more true in a post-armed conflict scenario where direct violence has caused a breakdown in social trust (Participant Interviews with Bertilda, Luz Marina and Kelly; José Miguel Cardenas; Sofia Carrasquilla). Initiatives must incorporate measures to improve the quantity and quality of participation through outreach, empowerment and capacity-building activities. The following section digs deeper into LRP and ZRC processes in Montes de Maria to establish whether, and if so how, they have set in place strategies to encourage participation.

6.4 Outreach, Empowerment, and Capacity-Building

The public policy initiatives investigated in this thesis are both related to land and the rural sector in Colombia. Here, poverty and inequality are high (DANE 2017;

United Nations Development Programme 2015) as is exclusion from political, economic and social arenas of deliberation and decision-making. The distance of political authorities from communities and domination of local politics by the same families and parties was expressed in nearly every participant interview. While elections take place, there was little sense that a peasant agenda could be furthered in this way, with almost insuperable barriers to true participation in this sphere. A major issue raised was the dominance of money in local politics, not just to publicise candidate policies and capacities, but to buy votes (Participant Interview with Climaco Agresot; Bertilda, Luz Marina and Kelly). A community leader from Ovejas municipality sums up the quandary: 'Very difficult to elect a councillor from the countryside, because one does not have money and also does not have the capacity to be organising and visiting people to make them conscious that their votes should not be sold'[17] (Participant Interview with Argemiro Lara).

The dominance of elite societal sectors and reluctance of many peasants to become more involved in social and political processes needs to be overcome if participation in LRP and ZRC is to avoid becoming a tool for those with more economic, financial or other resources. It is vital therefore, to examine how initiatives encourage participation, and how they remove obstacles to this participation. The SVRM provides an opportunity to make these enquiries into the empowerment and capacity building strategies. As many transitional contexts mirror the asymmetric power relations seen in Montes de María examining these strategies, or lack thereof, was vital to capture initiatives' transformative potential.

Francisco Acevedo, a peasant in his sixties who had received material restitution of his land in San Juan, enunciated the necessity of being well-informed on the processes in order for them to come to fruition:

> 'first I learned, I informed myself well, all about how they were and where I had to go and all that. For that, my process prospered; I hardly had any difficulties, although one always has difficulties, but sometimes one also

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[17] 'Muy difícil de uno sacar un concejal del campo, porque uno no tienen plata y tampoco tienen la capacidad para estar gestionando y yendo a visitar la gente para concienciarla de que el voto no se debe vender'

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needs to be well informed to know how to resolve the problems one will encounter'[18].

Fieldwork in Montes de María, however, revealed no attempts by the URT to educate, inform, or build the capacity of land claimants – Francisco was obliged to inform himself, and subsequently undertook the responsibility for communicating this among his community. As the same respondent, with the most advanced process and most positive evaluation of the LRP, makes clear: 'regarding the unit, I have not seen that they came directly to build people's capacity, no. No, that they, of their own volition, came here or to other communities to say "it is like this and like that", I can't say because I have not seen it'[19] (Participant Interview with Francisco Acevedo).

The researcher attended an outreach event organised by the Sucre URT office on 4th October 2016. This was an information session (*rendición de cuentas*) in Sincelejo to inform claimants of the progress of local restitution processes. Diego Perez, a claimant from San Onofre, referred to a similar previous encounter in Morroa when Ricardo Sabogal, National Director of URT, was present to explain progress and to hand out information on restitution and rights. The meeting observed in Sincelejo could hardly be called capacity-building, or indeed participatory; being a predominantly one-sided transmission of information by the URT Sucre Office of its annual operations and financial results, as well as updating claimants as to the progress of selected local restitution processes. There was space for questions, and transport had been organised for claimants to travel from San Onofre and other municipalities. Overall, however, the event gave the impression of being a top-down institutional exercise, seen graphically in the seating arrangements of officials on stage and restitution claimants in the audience and reinforced by the location in a large events room of an expensive hotel in the departmental capital.

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[18] 'yo primero me capacité, me informé bien, todo cómo eran y cómo donde tenía que ir y todo eso. Y por eso mi proceso me salió; no tuve casi muchas trabas aunque uno siempre tiene trabas pero a veces uno también cómo va allá bien informado uno sabe cómo resolver los problemas dónde uno va'

[19] 'En cuanto a la unidad no he visto así que digamos que directamente ha venido a capacitar a la gente, no. No, que vengan por lo menos directamente de ellos venir acá o en otras comunidades cómo es y cómo eso, no le puede decir que si porque no lo he visto'

Figure 8: URT Sucre Meeting 4/10/2018

This strict control exercised over forum and agenda clearly constitutes this as an invited space (Gaventa and Martorano 2016: 11-12), and one in which power continues to operate by including and excluding certain voices. The issues dealt with can also serve to disempower, with much attention on the intricacies of the internal accountancy workings of URT Sucre. While this could be very useful for public auditing, the lack of prior documentation, in addition to the lack of specialised knowledge within peasant communities to interpret it, made it difficult for attendees to contribute.

Deeper still, is the question of the different forms or dimensions of power at work here, serving to organise certain things into political or social discourse while simultaneously organising others out or to shape what is considered a legitimate issue (Gaventa and Martorano 2016: 6-8; Lukes 2005[1974]). In the empirical case of Colombia, restitution is a legitimate issue that is organised into politics, whereas fundamental agrarian reform or land redistribution are not. It has been widely pointed out that Colombia has never had a land redistribution policy (USAID 2010:4; Jiménez Pineda 2018), and President Santos initiated peace talks with the FARC in 2012 by stating that 'the country's economic model is not up for discussion' (Rebollo 2012). While peace negotiations are probably not the place to discuss development issues, this refusal signals the deep commitment in Colombian

governing circles to agroindustry, extractivism, and neoliberal economic policies that hurt peasant economies and livelihoods. These indicate the importance of chapter five's discussion of macro-level framings and their impact on the type of transitional mechanism adopted.

While bearing in mind the previous discussion on the power of controlling information, forums and agendas, it is important to note that having correct and updated information is necessary for peasant communities to participate meaningfully in decision-making and implementation processes. The researcher attended three of a series of meetings around Sincelejo in early October whose purpose was to reactivate the ZRC Municipal Impulse Committees. These were run by members of the Regional Impulse Committee along with an independent consultant from Bogotá and a local intermediary of Swiss Aid, who helped finance the project. Clearly the presence of consultants could be critiqued, but the Swiss Aid worker was a local woman, and this researcher's intuition was that these outsiders strove to be as inclusive as possible. Indeed, local communities in Montes de María did not in general resent external help, and in fact welcomed input to overcome their organisational weaknesses or lack of knowledge on certain themes (Researcher Observation). The important thing for them was to be in the centre of the processes, taking what they needed to complement local knowledge production processes. This willingness to act in concert is an important means of ensuring transformative potential by linking struggles and creating strength through unity (Gready 2008; Gready and Robins 2014: 260; Participant Interviews with Carmelo Marquez; Elmis Samia; Jesus 'Chucho' Perez).

As the municipal impulse committees had been inactive for a period of time, basic ZRC concepts, requirements, and procedures were discussed, along with an assessment of progress in Montes de María. The findings of a collaborative research project on the availability of, and access to, land for peasants in Los Palmitos Municipality, and the implications this had for a ZRC were shared. Substantial time was reserved for conversation and contributions from the attendees, and plans made to carry out a similar study in other municipalities in order to contribute data to the updated development plans and proposals. Local attendees were enthusiastic and committed to this, appreciating the opportunity to

feed local data into the regional plan on a key issue such as access to land. However, before doing so they raised some issues about the information being requested, and this led to changes being made in the survey. The result was delay in carrying out the survey as they were changed in accordance with the issues expressed – showing the ability of local communities to engage in fruitful dialogue with outsiders and making clear that their necessities need to be met. The responsiveness of these mechanisms to local demands and needs fulfils a transformative justice recommendation that processes should be given more importance, rather than used to achieve pre-defined outputs.

Capacity building can also work on the horizontal level, with communities and municipalities learning from each other. The land access survey presented to ZRC Municipal Impulse Committees was developed in Los Palmitos at the behest of peasant producers in order to gain a comprehensive diagnostic of local dynamics that would inform future mobilisation and incidence. The Los Palmitos peasant movement was thought by some as being more advanced in its organisational structures (Participant Interviews with Elmis Samia; Jesus 'Chucho' Perez), and organisations in other municipalities wished to carry out similar work. Los Palmitos peasants had also managed to gain access to posts in the municipal administration from where they could influence the adoption of local policy (Participant Interview with Alfredis Tovar). Another form of horizontal learning or capacity building is attendance at meetings and events in other municipalities, allowing this learning to spread directly. Jose Miguel Cárdenas advocated meetings with representatives from other municipalities who can present their own communities' problems and processes and return to publicise the proceedings of the meetings and any decisions that have been made.

Attendance at meetings, workshops and other events are also vital in empowering women and ensuring that initiatives integrate a more robust gender focus in their work. Liz Merlano claims that participation in the ZRC process has been a catalyst for more women to attend workshops, meetings and other events, something that signifies a change from when they would be expected only to look after their husbands and families. Bertilda, Luz Marina and Kelly participate in the Coloso ZRC Impulse Committee as representatives of the women's association they are leaders

of. This association saw that the ZRC process would benefit peasants, and could be used to increase the access and ownership of land among rural women which they describe as very weak. This gender focus has been strengthened through the iterative processes that have occurred, particularly when the Sustainable Development Plan was rejected in Public Audience – this was then reworked to give more attention to the rights of women, as well as ethnic minorities, residing within the area delimited for the ZRC (Participant Interview with Esnaldo Jettar).

INCODER working documents set out that it will provide training and advice to communities on the legal and technical aspects of establishing a ZRC, including strengthening rural community organisation, participatory planning and natural resource management (INCODER 2013). Constitution of a zone calls for the elaboration of six specific documents. Involvement in these early baseline studies builds the capacity of peasant organisations to contribute in a meaningful way to the Development Plan, which is the single most important document for the ZRC. In addition, a series of tools and processes are called for in elaborating the Development Plan, many of which will increase the knowledge and skills of those taking part. This work should include specialised technical accompaniment, territorial planning events and social empowerment strategies.

The Sustainable Development Plan creates monitoring and evaluation systems and complaint mechanisms conceived to encourage continued community participation after the plan is approved. A peasant leader critical of how the ZRC process had been managed had highlighted the threat of opposition engendered by a lack of capacity building, and was hopeful that this gap was now being addressed (Participant Interview with Esnaldo Jettar). Alfredis Tovar argues that even though the ZRC is not yet constituted, the Sustainable Development Plan has already been used to demonstrate needs and demands in the region, some of which have been integrated into projects and schemes undertaken by mayors in Montes de María. Such examples of the outcomes of the initiatives under investigation will be explored more deeply in chapter eight; but it is useful to see here how processes are making their mark, including outside the bounds of the specific mechanism. Prior to that, the final section of this chapter evaluates the relative ease of participation in LRP and ZRC, and how peasants confront obstacles in their path.

6.5 Ease of Involvement and of Interactions with Initiatives

ZRC has been seen to have more robust and widespread participation opportunities than the LRP, supported by a stronger commitment to empowerment and capacity building. Yet, several obstacles complicate involvement in both initiatives, chief among them peasants' and peasant organisations' lack of economic resources (Participant Interviews with Carmelo Marquez; Elmis Samia). The Victims and Land Restitution Law was clear in differentiating the right to participation from effective participation, with financial, educational, or social factors potential barriers to fulfilment of the latter. This is a problem of the ESCR justiciability agenda, which can exclude those who lack resources to advocate (Sen 2009: 233-253; Landau 2012: 408-410; Haldemann and Kouassi 2014: 515). The ZRC covers multiple municipalities, necessitating significant expenditure on transport, refreshment, and venue costs for attendees. Funds from international cooperation, NGOs and various state levels have been used, with Swiss Aid, for example, allying with a local organisation to finance the municipal ZRC Impulse Committee meetings attended by the researcher. Lack of financing was named a reason for their dormancy in recent years (Participant Interview with Jose Miguel Cardenas).

This dormancy was not restricted to the local level; the general perception was that the ZRC process had stalled in recent years, and was only reactivating in 2016. Some debate on this topic was heard, with particular emphasis placed on the Santos administration's loss of interest after initially promoting the figure; a case of raised expectations leading to deeper disappointment when nothing tangible resulted (Participant Interview with Wilmer Vanegas). A common explanation was that government officials saw ZRC as a FARC claim and so preferred to use it as a bargaining chip in peace negotiations (Expert Interview with Professor Juan Guillermo Ferro, Universidad Javeriana; Participant Interview with Duvan Caro), a view given credibility by the inclusion of ZRC as a mechanism in the Havana Peace Accords (Participant Interviews with Liz Merlano; Jose Matildo Flores).

A more neutral view acknowledges that with so much attention and effort invested in agreeing a comprehensive rural reform agenda, other rural policy was somewhat

neglected. Esnaldo Jettar states baldly that 'municipal, departmental and national governments have to budget for the peasant reserve, for the peasant reserve zone's development plan - this is important'[20]. Sustained state support for ZRC is considered necessary for them to flourish, echoing calls for transformative processes to be enacted through and with the state (McAuliffe 2017a). This should enable municipal-level ZRC Impulse Committee to do more, and therefore more people to participate at the local level. Yet, before the recent dormancy, participation seems to have been easier, with large public meetings conveying information about the ZRC and the benefits for communities in Montes de María. One young community leader described how such meetings in Playon, María la Baja were influential in him becoming politically active (Participant Interview with Duvan Caro). He subsequently championed the initiative and has gone on to combine community and documentary work throughout the region with studying in Cartagena in order to more effectively represent his community.

The Public Audiences constituted the centrepieces of the ZRC activity. One was carried out for Montes de María ZRC 1, in El Carmen de Bolívar, and another in Zambrano for Montes de María ZRC 2 (ILSA 2012; Participant Interviews with Alfredis Tovar; Wilmer Vanegas). The El Carmen Public Audience was attended by over 600 people, and proved it was not merely a rubber-stamping process by rejecting the Sustainable Development Plan presented there; or more specifically, requesting that amendments be made to certain provisions. This show of peasant autonomy indicates the importance of inclusive democratic process in fostering transformative social processes. Peasant communities' objections were not to the data collection methods, regarded as robust and inclusive, but to how the data was used in writing the Sustainable Development Plan (Participant Interview with Wilmer Vanegas). This was done by a consultant with links to the palm oil industry and contained inconsistencies with a peasant understanding of rural development. The Public Audience objected to the Plan and decided it should be modified by a different consultant and contain input from a wider circle of peasant organisations.

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[20] 'gobierno municipal, departamental y nacional tienen que hacer unas partidas presupuestales para el tema de la reserva campesina para la implementación del plan de desarrollo de la reserva campesina, que eso es importante'

The Public Audience objections were part of a wider dispute over the Impulse Committee's management of the ZRC constitution process. A criticism was that it was dominated by certain people, some of them not from Montes de María, who were able to exert undue influence. Foremost in voicing these criticisms were OPDS leaders: Wilmer Vanegas claims that the Impulse Committee leadership was created by the Fundación Red de Desarrollo y Paz de Montes de María, rather than truly independent or representative community leaders. Esnaldo Jettar, meanwhile, alludes to people on the committee paying themselves salaries from the original state disbursements. These conflicts once again relate to the operation of power among and between peasant networks and their interconnections with other organisations. Peasant organisations obviously operate in a wider context of competition over land, over modes of rural development, and over access to state and non-state finance opportunities.

Further research into these interactions would be fascinating, but simply impossible in this thesis, and it was difficult to establish the veracity of claims and counter-claims, or whether the breakdown in trust constituted symptoms of prior organisational or personal rivalry. Such scenarios show the need for critical reflection as a researcher: although external to the conflict, research methods or findings could be impacted. The role of an external researcher is not to take sides, or to act in a manner that jeopardises the important rural processes being constructed. My approach was to interview, and participate in meetings with, leaders on both sides of the divide; building a rapport without becoming too closely linked in a manner that could alienate other groups.

Peasants within OPDs reported not having been originally included within the ZRC Impulse Committee, despite having pre-established contacts with ANZORC, the National Association of Peasant Reserve Zones. A disconnect had certainly existed between ANZORC and the Montes de María ZRC, seen by some as not being a truly organic bottom-up process, but rather promoted by government (Expert Interviews with Lorena Pineda of ANZORC; Gabriel Urbano of CDS) and with a Sustainable Development Plan that included agro-industrial projects (Expert Interview with Professor Juan Guillermo Ferro, Universidad Javeriana). Impulse Committee member Guido Huelvas, on the other hand, held the issue to have been a problem

in communication deriving from ANZORC's close links with a specific individual who was not accountable to the Impulse Committee.

There is general consensus that ANZORC's role is, and should be, spokesperson at national and international levels; while local ZRCs have the autonomy to draft plans and self-govern. Many leaders, from both OPDS and the Impulse Committee, described their interactions with ANZORC as positive and said that attendance at regional and national encounters provided opportunities to exchange information, skills and capacities. These higher-level processes that more closely connect the local-regional-national levels are viewed positively; and represent an indicator of transformative potential of the ZRC as a public policy initiative. The fact that it is a public policy initiative, even if plans are elaborated locally, is vital to having greater impact. Respecting the turn to local solutions and community autonomy in post-conflict and TJ measures must be combined with the realisation that these must be scaled up to have wider societal transformation (Gready and Robins 2014: 358-359), with state involvement required (McAuliffe 2017a). This recognises that the ease of participating in ZRC events, in Montes de María, at other ZRC locations, and at large-scale assemblies, is made possible by the leveraging of external funding.

Participation in the LRP, other than as a land claimant, is through Victims' Tables. Yet these are only partially involved with restitution and work over a wide issue area, thereby diluting their impact. The dominant modality of participation is that of individual claimant, and interviewees identified various obstacles. Chiefly these are about a lack of knowledge about the LRP; the large quantity of paperwork demanded by the URT; the need to travel to make the claim; and the slowness of the process (Participant Interviews with Felipe Aguas; Cecilia and Carmen Escobar). Underpinning all of these, especially the travel, is the financial costs incurred through the process. The case of Francisco Acevedo illustrates a number of these:

> we made the land restitution claim in Cartagena and they accepted the
> claim we made to begin the land restitution process. Well, in spite of these
> questions, we have all the necessary requirements, those demanded by the
> URT, the paperwork, the veracity of the land, its location; the land titles, I

mean. I had all those documents, I have them and I brought them so they could do my restitution[21]

Elva Barrera, a community leader from Cucal in María la Baja, speaks to ignorance of LRP details, describing how competing narratives spread regarding whether people who had sold land were eligible to claim, and whether restitution was for abandoned as well as seized land. She also highlighted the URT's lack of responsiveness ever since twelve peasants from Cucal made their initial claims in 2013 in Cartagena. According to her account, fifty other rightful claimants did not travel to Cartagena to make a claim, meaning only a sixth of the community did so. Elva Barrera twice received assurances from Bolívar URT Territorial Director Alvaro Tapia that he would come personally to María la Baja, and would organise a day in which claims could be made in the municipality. Three years later, the dispossessed of María la Baja remained waiting for this promise to be fulfilled.

The demands made, and the lack of information given, by the URT were mentioned by a number of participant interviewees. Oscar Acosta pinpointed the asymmetrical relation of power and knowledge existing between workers and claimants as the motivation for hiring a lawyer to help with his process. This breaks stipulations that the state should act in the interests of land claimants, as well as the principle of transparency; and is a major obstacle to fuller participation in the process. Wilmer Vanegas is very clear on the difficulties that peasants face when making restitution claims, even after overcoming the geographical and societal isolation that first complicate their access to updated knowledge on land restitution policies and procedures:

> when the peasant gets there, it is with much difficulty, why? Because the Territorial URTs are outside the region, the peasant who lives in the furthest mountain has to travel to Cartagena to access their rights, when they know their rights. On the contrary, he has to travel to El Carmen de Bolívar, the peasant is fucked, he doesn't have transport and he needs to go 2, 3, 4, even

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[21] 'hicimos la solicitud en Cartagena de la Restitución de Tierra y nos la aceptaron la solicitud que hicimos para hacernos el proceso de Restitución de Tierra. Pues, a pesar de esas cuestiones pues tenemos todos los requisitos que requiere, lo que exige allá restitución, el del papeleo, de la veracidad de la tierra, dónde estaba: o sea los títulos de la tierra. Yo tenía todos esos papeles, los tengo y se los lleve para que me hicieran mi restitución.'

5 times to see how the process is going. In other words, the unit never goes to the peasant for these things; instead the peasant has to go there[22]

The choice of forum again emerges as a key variable in the participation process, interacting with individuals' resources, capacity and motivation to overcome their physical and social exclusions. Many interviewees mentioned the expense of travelling to offices, including to eat on what is an all-day excursion. Involvement at the Information Session in Sincelejo was eased, in regards to claimants travelling and other expenses, by the URT providing transport from San Onofre in addition to lunch and snacks during the day. Yet it involved people rising early to leave San Onofre at 5.30am and having to take time out on a weekday to attend – something that may have resulted in absence from work and hence a loss of earnings; or a lack of production that day if they subsisted on small-scale farming or artisanship.

Second occupiers claim, conversely, that the URT pays for claimants' travel, including for those currently living abroad; they argue that the URT is interested only in handing over land and does not care about incurring such expenses (Participant Interviews with Pativaca). This was not supported by the testimonies of any claimants interviewed. From the perspective of facilitating land claimants, the URT should pay travel and bureaucratic expenses, a step that would facilitate the claims of peasants displaced outside the region, or even outside the country. There have been advances in Bolívar Department in making it easier for claimants to access URT offices by creating a second office in El Carmen, which is the largest town in Montes de María. This has facilitated processes, even if it still necessitates a nearly 2 hour trip from María la Baja. Francisco Acevedo was happy about the El Carmen office opening, subsequent to filing his initial claim in Cartagena. This expedited the process, due to easing the overall caseload on the regional URT, and made it more easily accessible. Nevertheless, the Sucre Departmental URT Office has now been closed, with responsibility for future claims being transferred to Cordoba; meaning an even longer trip for some claimants in Montes de María.

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[22] 'cuando el campesino accede, accede con mucha dificultad, ¿por qué? Porque las Unidades Territoriales de Restitución de Tierras están por fuera, el campesino que vive allá en la última montaña tiene que llegar a Cartagena para poder acceder al derecho cuando conoce el derecho. De lo contrario, pues él tiene que llegar al Carmen de Bolívar, el campesino está jodido, no tiene transporte y le toca ir 2, 3, 4, hasta 5 veces para saber cómo va su proceso. O sea, no hay un acercamiento de la unidad hasta el campesino para que el campesino lograr hacer eso, sino que el campesino es él que tiene que moverse hacia allá.'

It is also important to understand how people evaluated their interactions with the initiatives under investigation. One second occupier proclaimed his faith in the LRP's overall level of fairness but demonstrated disillusionment with the process and with certain URT actions (Participant Interview with Ubaldo Mesas). The restitution claimant was present on the characterisation and measurement day, but Ubaldo was not invited to take part, while he maintains that neither are being kept adequately informed by the URT. Researcher observation in another region of Colombia in March 2015 was that the characterisation and measurement day involves comparing the actual existing boundaries with those indicated by the claimant, and accounting for the value of crops and improvements made by the current occupier. On that occasion the second occupier accompanied the claimants, URT workers and other state workers for the day. The process seemed to have functioned in a similar manner in Pativaca. The residents claim not to have problems with the URT workers themselves, describing them as friendly. Yet they express doubts about their sincerity, feel that their ignorance and generosity is being taken advantage of, and that they will be evicted despite having received assurances to the contrary (Participant Interviews with Pativaca 3; Pativaca 5).

An alternative perspective was given by the Peasant from San Onofre who, despite being discontent with his exclusion from the restitution process, characterised the interactions with the URT as good, maintained that the individuals were friendly and professional, and attributed his exclusion to the technicalities of the procedures. Not enough details were divulged to understand the reasons for this exclusion, beyond the fact that he had farmed other land nearby following the alleged forced sale. Diego Perez also highlighted that the URT workers he encountered at the office were attentive, patient, good listeners, and open to dialogue. Nor did he have a problem in making a claim, being able to arrive without an appointment and make a claim by narrating his experience of dispossession. A third participant interviewee from San Onofre, Carmelo Agamez, argues that relations with the URT are good once the initial obstacles have been overcome. He attributes this to the fact that the URT can see the involvement of leaders like himself, who are vigilant to the processes of restitution underway and to potential manipulation of land claimants. While Carmelo announces this as a possibility, it

does not show a high regard for the URT if it is only through constant vigilance that they will not manipulate or dissuade claimants. Meanwhile, Pativaca respondents claim that the manipulation is in another direction, with land sellers being pressured by the URT to make claims in order to achieve the expected land restitution results.

The major variable determining people's opinion of the LRP is their personal experience of land restitution and its impacts upon them. Like many policy initiatives, negative experiences seem to be more strongly felt. Therefore, even if the majority of land claimants receive judicial restitution, the lack of wider measures to support them politically and economically means most will continue to be dissatisfied. The SVRM has proved useful to look deeper than tracking judicial decisions or quantifying the number of claims progressing at each stage of process (Forjando Futuros 2017). The slow processing of claims, and the weaknesses in communicating information are damaging the LRP's reputation. This has the risk of delegitimizing the entire initiative and undermining its benefits for victims of land seizure, dispossession and displacement. The evidence suggests that LRP is unable, or was ever intended, to have a truly transformative impact on rural development or property relations. Nevertheless, it does deliver a measure of justice to victims of direct violence who lost their land, and can be a support for more transformative initiatives. The thesis conclusion will consider the synergies and interactions that could exist between LRP and ZRC, two initiatives that are potentially compatible. Delegitimising of the ZRC is likewise a very real concern, especially given its continual stigmatisation since 1994. The idea that they are run by the FARC is expressed, while an equally damaging perception is that they are co-opted by the state. This chapter has shown how neither of these positions is correct, and now concludes by considering the overall strengths and weaknesses of both initiatives, and whether their processes show transformative potential.

6.6 Conclusion

The overriding feeling towards LRP processes arising from fieldwork in Montes de María is dissatisfaction. A central frustration is that claims are not dealt with

equitably (Participant Interviews with Liz Merlano; Esnaldo Jettar; Pativaca 3; Oscar Acosta). While some progress rapidly others stretch far beyond the timeframes contemplated in the law (Participant Interviews with Felipe Aguas; Elva Barrera). Many of the more politically involved participant interviewees indicate that restitution is occurring almost exclusively in situations where the current occupier is a peasant smallholder, with scant progress when the occupier is a large landowner or corporation (Participant Interviews with Duvan Caro). A well-known corporate case in Montes de María involves Cementos Argos who undertook a concerted campaign of action to avoid the threat of land restitution. The company created a foundation that subsequently granted the claimed land to other peasants, sponsoring local entities that they secretly controlled, and launching counter-suits against land claimants (Participant Interview with Peasant from San Onofre).

Peasant occupiers generally do not have the resources (money, time, and knowledge) to utilise these strategies, and therefore feel themselves to be victims of the very state that is supposed to safeguard their rights as citizens. The second occupiers interviewed expressed the sentiment that restitution was a 'cancer', that the URT targets those who work the land, and that they are facing land seizure at the hands of the state (Participant Interviews with Pativaca). These interviewees claimed that the purpose of restitution was to give land to the FARC, as an incentive to negotiate or because of ideological alignment between president Santos and the guerrilla.

Other perspectives concur that a principal LRP objective is facilitating land transfers, although in this case to powerful corporate interests (Participant Interviews with Gilberto Perez). Various studies have argued that the initiative fits easily into the neoliberal economic model promoted by government policy, which has opened Colombia up to multinational agroindustrial and mining interests (Zerda Sarmiento 2016; Haugaard et al. 2013: 8-9). Under this view, land restitution aims to cleanse land titles of previous problems and enable their subsequent sale in a land market where land is seen as a commodity rather than a defining signifier of peasant identity. This can be classified as land dispossession by economic means.

The commitment to a neoliberal economic policy can be seen in the creation of a new legal figure in 2016, the ZIDRES or 'zones of economic, social, and rural

development interest' (Zerda Sarmiento 2016). ZIDRES constitute an obstacle to land restitution and ZRC, as they aim to channel investment into areas to create large agroindustrial projects. When these are established, land cannot be restituted in those areas; nor can a ZRC be constituted. The SVRM recognises that initiatives operate not in a vacuum, but in constant interaction with other public policies and priorities which can block or further their transformative potential. Macroeconomic frames adopted by policy elites constitute one of the most powerful forces in any society, and analyses cannot ignore them.

Pondering these considerations sharpens the focus on the SVRM, and whether it can add value to analysing the processes of transitional mechanisms. Evaluation of LRP and ZRC indicated that variations in transformative potential can be captured and distinguished analytically. This was not all ground-breaking with the criteria for inclusion as a land restitution beneficiary, for example, widely-known in transitional justice scholarship. Asking participants directly about the extent of their involvement and knowledge of initiatives proved to be more analytically relevant. Significant gaps in knowledge about processes were revealed which contrasted with existing assumptions such as the extent of people's awareness of their rights to land restitution and other measures granted by Law 1448, or the assumption that most people within ZRC areas were conversant with the governance implications such a zone entailed.

The matrix was able to distinguish different participatory opportunities. Different forms of participation were distinguishable, ranging from co-creating development plans with governmental authorities through to more passive forms such as information sessions. Temporally it distinguished between participation at different points of the processes, such as conceiving mechanisms, designing mechanisms, and implementing mechanisms. Development of the tool to improve this could improve future research into the extent of citizen participation, and lead to it being more closely integrated at an earlier stage.

The matrix also measured the extent to which involvement in an initiative built capacity among participants. This is an important contribution given that enhancing people's knowledge, skills, and confidence to participate more fully in society as active citizens is a key component of transitional and transformative justice

perspectives. Barriers to participation were mentioned in interviews, particularly in relation to transport costs. It proved difficult, however, to establish the severity of these problems or distinguish them from the background transport and communication problems that exist in Montes de María. The URT Sucre information event provided transport, lunch, and refreshments but it was a one-off event; the majority of evidence suggests that claimants are not reimbursed for travel costs, yet some second occupiers disputed this. The provision of food was a general feature of many events, and travel expenses were reimbursed to attendees on certain occasions. More work could be done into the existence of barriers, as this are likely to be a feature of most transitional settings.

Data collection methods and sources again proved to be suitable for study of process dimensions. The most common and most useul source were participant interviews among peasant communities in Montes de María. This conformed to my expectations that the people most directly involved with initiatives, and with most at stake, would be the most data-rich. This supports approaches that place situated knowledge at the heart of research and action (Gready 2005; Ledwith and Springett 2010; Firchow and Mac Ginty 2017; Sobout 2017; Rooney 2017). Researcher observations were also heavily integrated into this section. This shows the importance of spending time in the research location to understand local social, cultural, and organisational dynamics. I argue that any research that takes a transformative perspective must engage with these dynamics. Analytical insight into processes of social change ultimately comes from close granular understanding, and this came from researcher presence in the field. This is not to say that other data sources were not useful. Academic, state, and civil society literature contains analyses of processes, especially of restitution, and statistics on participation rates. However, the deeper examinations of who participated, why, and how were most usefully advanced by presence in the field and the access that provided to research participants and local organisations. One important insight derived from this is that the SVRM could be used to evaluate mechanisms in most transitional settings. Participant interviewing must be conducted with skill and sensitivity, but does not require access to vast databases, sensitive archives, or knowledgeable experts. Handled in an appropriate manner, research in

communities can provide rich data on transitional processes and allow evalution of their transformative potential.

The empirical findings do, however, reveal one serious consideration. Times of transition are often times of security concern, and this can affect levels of participation in processes, as well as willingness to participate in research. A particularly serious impediment to transformative potential in LRP and ZRC was a lack of physical security and threats to the physical integrity of community leaders, activists, and land claimants. This indicates the risks that participation can bring, something particularly true given the close links alleged to exist between armed groups and powerful economic actors in Montes de María (Participant Interview with Jose Matildo Flores; Gilberto Pérez; Argemiro Lara). Two acquaintances of the researcher who campaign for land restitution and a ZRC in Sucre were targeted by assassins at the end of 2016 and only narrowly escaped alive (CINEP/Programa Por La Paz 2017: 214-215; PBI Colombia 2017b). One leader expressed concern that the involvement of restitution claimants in land characterisation and measurement was problematic in this regard (Participant Interview with Wilmer Vanegas). While constituting the greatest opportunity for contribution in the process beyond their initial claim, he worries that it exposes claimants to the vengeance of powerful actors.

A limitation to research based on participant interviews during transitions is thus encountering unwillingness to speak. This may be more apparent still in highly authoritarian settings so should be considered if a SVRM approach is being used. In Colombia, however, this proved not to be a problem, with only one person contacted for an interview unwilling to take part, and one other asking for his name to be kept secret. From a transformative perspective, the expressed physical security concerns reiterate the need to consider the transformative potential contained within public policy initiatives within wider dynamics of violence and power in their multiple manifestations. This links backwards to the previous diagnosis of power relations made by initiatives. It also links forward to outcome dimensions like the impact of initiatives on dynamics of structural and direct violence and the widening of participatory citizenship which are the analysed in

chapter eight. Prior to that, however, chapter seven evaluates the impact of LRP and ZRC on land access and ownership patterns and on rural economies.

Chapter 7: Economic Aspects of the Outcomes Dimension

7.1 Introduction

The major academic contribution of this thesis is to synthesise and operationalise the principles of transformative justice in the Structural Violence Reduction Matrix (SVRM). In order to test this matrix it was applied in a single country context, to evaluate the transformative potential of the Land Restitution Programme (LRP) and Peasant Reserve Zones (ZRC) in Colombia. The first two analytical chapters focussed on these initiatives' diagnostic dimension and process dimension respectively. The final dimension to analyse is that of outcomes, in order to establish whether initiatives' have contributed to transformation for individuals, groups and communities suffering structural violence. This is the point at which change caused, or supported, by initiatives would become apparent in everyday lived realities. While great weight is assigned to participation in processes, it is important that this participation has real benefits and is linked to affecting changes in outcomes (Arnstein 1969; Tritter and McCallum 2006). Previous chapters used the SVRM to analyse the Diagnostic and Process Dimensions of LRP and ZRC, showing where they have transformative potential and where they demonstrate shortcomings. While some of the flaws identified will hamper transformative change in rural Colombia, it is important to test the model's ability to evaluate the initiatives' outcomes.

A transformative initiative must show substantive outcomes, and these have been theorised in the SVRM to include Economic, Socioeconomic, and Sociopolitical aspects. In conflict or post-conflict situations, Direct Violence is another key aspect to consider. All of these aspects will be considered in the next two chapters, starting with the economic aspects. These economic aspects are operationalised in the SVRM as more equitable economic opportunities through ownership and use of property, and higher incomes. It has previously been shown how Colombia's highly inequitable land tenancy structures deny equitable economic opportunities (Oxfam 2016a: 5 and 2016b: 23-26; Menco Rivera 2011; USAID and Fundación Semana 2014: 13). The chapter begins by investigating the impact of LRP and ZRC on

peasant communities' access to and ownership of land. This entails analysing the award or formalisation of legal land titles as well as initiatives' ability to encourage sustainable return to the land. The necessity for sustainable cultivation is continued into the second section which widens the focus on land access to analyse the creation of sustainable and productive peasant economies. This considers the resources and inputs needed alongside land, such as credit, technical assistance, irrigation, rural infrastructure, and the enactment of productive projects. The LRP and ZRC both aim to transform rural property, development and production dynamics, and their contribution to this is evaluated here. Granting land and ensuring productive individual and community use are both important in the SVRM, and analysis of the two initiatives' contribution in these regards will test the model's ability to successfully identify transformative potential.

7.2 Creation of More Equal Land Access and Ownership Structures

Land is often regarded as more important than other types of property or possession, considered central to peasant identity and culture in addition to being the primary means of livelihood (Participant Interview with Gilberto Perez; Atuahene 2010: 86). The symbolic and economic importance fuels peasant discontent at their structural exclusion from large tracts of the most fertile lands in Colombia, and they regard this as a form of violence (Participant Interview with Carmelo Marquez; Ojeda et al. 2015: 17; Ojeda et al. 2016). The existence of structural violence in the form of massive inequality in land ownership shows the necessity to grant land to peasants, with the 2015 Agricultural Census finding that 71% of the rural population occupy barely 2.5% of productive land. Any positive transformation for poorer populations in the countryside requires change in this structure, and this reform should be based on strong social, political, and legal foundations.

The LRP demonstrates positive impact in making people more capable - and more confident - of claiming their rights in an area that was severely affected by direct violence. A 2014 survey of displaced claimants or potential claimants in Bogotá and

the Caribbean Coast found 84.38% considered restitution to be a right (Gutiérrez Sanín et al. 2014: 97) while 73.35% affirmed that they knew a land restitution process existed in Colombia (Gutiérrez Sanín et al. 2014: 60). Peasants talk of new rights acquired through Law 1448, which states clearly that dispossessed and abandoned land must be restituted (Participant Interview with Diego Perez; Francisco Acevedo). An older woman in San Onofre expresses the change in mentality that the LRP has brought to her family and to the community of La Pelona in general: 'now we have hope that this will return the land, to us, to others, where one can say "I'm going to raise hens, I'm going to raise pigs, I'm going to do this"'[23] (Participant Interview with Cecilia and Carmen Escobar). The challenge is moving from recognition of rights and the desire to regain land to actually being able to return and live on the land sustainably.

In this regard, the first step is to consider progress made in returning land to peasants, especially in relation to the targets. The Unidad de Restitución de Tierras (URT) recently proclaimed 'we are studying 80% of all claims and from this have established 800,000 hectares to hand-over to the judges. And the judges have returned 300,000 to victims (the other 500,000 are in the judges' hands)' (Sabogal 2018). Montes de María was macrofocalised in 2012 with 23 microzones constituting 50,000 hectares defined for restitution by the end of 2013 (García Reyes et al. 2015: 19). As of May 2015 302 of 3503 (8.6%) restitution claims in Montes de María had been granted, equating to 4208 (4.4%) of 96433 total hectares claimed (García Reyes et al. 2015: 23-24). This was similar to the figures given in the URT's own report of 31st March 2015 (García Reyes et al. 2015: 20), and corresponds to more recent calculations of 5430 cases judicially resolved, constituting 5% of 109,174 claims made (Forjando Futuros 2017). As a counterpoint, 32,849 (30%) of these claims were rejected by the URT in the administrative stage (Forjando Futuros 2017), a rejection rate almost double that foreseen (URT 2013: 61). More problematic still is that the number of received claims is only 30% of the 360,000 total restitution claims expected by the state up to the end of 2021 (Thomson 2017: 35; URT 2013: 60-62). President Santos' first Agriculture Minister initially pledged, in fact, to restitute two million hectares within

[23] 'ya nos tiene cómo esperanza que eso nos van a devolver las tierras, hacía nosotros, hacia otros, donde uno puede decir "voy a criar, voy a criar gallinas, voy a criar puercos, voy a hacer esto"'

four years (Semana 2010). It should be considered that the LRP functions progressively, with claims received over a period of time and subsequently proceeding through the administrative and judicial phases of restitution. Even taking this into consideration, current figures are massively short of projections for 340,585 claims received, and 270,290 cases resolved judicially, by the end of 2017 (URT 2013: 61-62). Even by its own indicators, therefore, the LRP is failing to be transformative, and this can be seen in terms of claims received (116,866), cases judicially resolved (8221), land plots with judicial restitution order (6518) or extent of land restituted (316,935 hectares) as of 31st October 2018 (URT 2018).

The failures of the LRP to restitute land on a sufficient scale or at a significant rate, as well as the high rejection rate, is felt by peasants in Montes de María, where interview participants highlighted lengthy on-going waits for resolution claims to be resolved (Participant Interview with Climaco Agresot; Esnaldo Jettar; Francisco Acevedo). In Finca Europa (Ovejas) only twenty restitution claims were accepted, leaving seventy more families outside the law's ambit (Participant Interview with Argemiro Lara). A collective restitution claim was furthermore rejected in 2017 (PBI Colombia 2017a: 124-129). Another community in Maria la Baja continued to await judicial resolution in 2016 even though the URT began micro-focalisation in 2014 and no oppositors were discovered (Participant Interview with Wilmer Vanegas). Considering the scale of dispossession and abandonment in Montes de María 'the process of restitution has not got to grips with the phenomenon. Responding to the question on impact, the base question of this investigation, we would say that this has been minimal' (García Reyes et al. 2015: 37).

Given the current rate of progress it appears impossible for the LRP to complete restitution by 2021, with even the most optimistic scenario in one mathematical model calculating that this would take 93 years (Gutiérrez Sanín 2013: 16-18). The LRP design flaws identified by Gutiérrez Sanín (2013: 19) support this thesis' contention that more attention is required to initiatives' diagnostic dimension. These fundamental flaws were subsequently magnified by continued armed conflict that delayed restitution commencement in some regions of Colombia.

Numerous explanations have been proffered for restitution's problematic implementation, with one peasant arguing that a lack of political will or urgency on the part of the government has seen people die before receiving their land in restitution (Participant Interview with Climaco Agresot). Another woman attributed delays to the opposition of local landowners in a position to influence local land officials (Participant Interview with Sofia Carrasquilla). Recent analysis of restitution in the Montes de María found that judicial congestion in the Cartagena Judicial District is delaying compliance with the Victims' Law (Blanco Cortina et al. 2017). Process monitoring revealed an accumulation of delays at every stage, beginning with the Defence Ministry's tardiness in approving micro-focalisation, difficulties in identifying and individualising plots, and reliance on case-by-case individual restitution rather than collective processes that could judicially resolve the situation of entire communities in one judgment (Blanco Cortina et al. 2017: 151-152).

Despite the myriad problems granting restitution to peasants in Montes de María, the Colombian government appears to consider land restitution in the Caribbean region to now be complete (Expert Interview with Juan Ricardo Maldonado). Recent closure of the Sucre Departmental Office supports this analysis, with staff reassigned to other departments and claimants from Sucre being reassigned to the Cordoba Departmental Office (URT 2016: 3). The procedural difficulties thereby created for claimants in the region were dealt with in the previous chapter. It also indicates significant divergence between evaluations of the LRP's progress by state officials and peasants in the region. In fact, the Colombian government has recently introduced legislation to bring forward the cut-off date for making restitution claims:

> 'we are convinced that in the area intervened in these six long years, the possibility of claiming restitution should be closed. Leaving it until 2021 is a lot, we believe that it is the moment to close this possibility and grant tranquillity to the land market' (Sabogal 2018).

In addition to foreclosing the possibility of restitution in much of the country, this illustrates a critique made of the LRP, and something that underpins its diagnostic dimension: land is considered a commodity and an investment rather than a manner to procure sustainable livelihoods, food security and sovereignty among

rural inhabitants. The following section therefore examines the return of peasants to the land, arguing that material restitution and return is vital for peasant populations and economies to recuperate after decades of direct violence.

The URT demonstrates positivity regarding the return of peasants to the land, with its Director reporting that '90% of people have returned. After the judgment, people return' (Sabogal 2018). National-level LRP outcomes have nevertheless been poor, in terms of returning land in a manner consistent with peasants' ability to sustain themselves and their families. Most displaced or dispossessed people wish to return and fight to do so with the support of the authorities (Participant Interview with Felipe Aguas; Blanca Sierra). A national survey into intention to return among victims of forced abandonment or land seizure found that 72.6% of those restituted have returned, or intend to return, to live and work on the plot; 12.8% expect to return only to exploit the plot economically; 2.3% expect to exploit the plot economically without returning; 1.5% expect family members to return; and 10.8% have not defined the use (Codhes and Embajada de Suecia 2016; Bolívar Jaime et al. 2017: 42). This would seem to be a positive, matching the LRP intention of returning peasants to the land from which they had been displaced. Two major caveats to this apparent success should, nevertheless, be noted. Firstly, over 60% of those surveyed were obliged to return due to economic subsistence needs, and without having received any economic assistance to return. They were pushed to return by necessity, rather than positively or willingly pulled to return. Secondly, survey respondents are dissatisfied on the whole with the conditions in the restituted plots, especially regarding the lack of dignified housing, health, public services, and possibilities for generating adequate incomes (Bolívar Jaime et al. 2017: 42-43).

Only one interviewee in this study had returned to the land. Two other cases had been resolved judicially yet the claimant had not been able to physically return, meaning that they had received legal restitution but not material restitution. Only forty of Finca Europa's ninety displaced families had, by 2016, been able to return to work the land (Participant Interview with Argemiro Lara). Blanca Sierra expressed the desire that she, her family, and her neighbours had to return to Las Palmas, San Jacinto, but described it as very difficult if not impossible. She had tried

to return three years earlier, but found it impossible to make a sustainable living there, with the land difficult to cultivate, isolated from the nearest urban centre and reachable only over bad roads. Of the seventy-five families that returned voluntarily in 2013 only ten remained in Las Palmas because the promised infrastructure, housing and projects were not delivered. Her father had recently been promised seeds as a productive project, but was still awaiting delivery; he had returned to land 2 years previously, without restitution, but was subsequently given a land title. The lack of productive projects promised by the unit - vital for short-term survival and the longer-term transformation of rural living conditions - is seriously compromising the success of return. As she makes clear: 'I cannot go to Las Palmas without knowing what I am going to do there; not to earn my keep, because there is no income there'[24] (Participant Interview with Blanca Sierra). It is a multidimensional issue as other problems intervene to prevent a change in peasant living conditions; for example infrastructure development is urgently required and requested by participant interviewees.

The LRP has failed in many ways to introduce transformative land restitution dynamics to Montes de María. There have long been gender inequities in ownership and access to land, and this is not being remedied by land restitution (Weber 2017). Law 1448 incorporated a gender focus to encourage and prioritise claims made by women, especially by female heads of households (Article 114). Yet women are rarely involved in restitution, and have little restituted land, so outcomes are not gender equitable (García Reyes et al. 2015: 37). This is particularly significant given that analyses have found that Colombia's Caribbean region should have more female than male restitution claimants (Gutiérrez Sanín et al. 2014: 114-115; García Reyes et al. 2015: 37). It is impossible to enter deeply into the reasons for this discrepancy, although there is a tendency for women to suffer greater socioeconomic vulnerability and to express less desire to return to the land (Gutiérrez Sanín et al. 2014: 113-114). Reluctance to claim also reflects a lack of interiorisation by many rural women of the idea that they jointly own land with their husband or partner (Weber 2017: 98-99; Researcher Observation), and a prevailing belief among potential claimants on the Caribbean Coast that women

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[24] 'Yo no me puedo ir para Las Palmas sin saber qué voy, ¿qué voy a hacer allá? No para ganarme mí comida, que, allá no hay ingreso.'

should be obedient to men (Gutiérrez Sanín et al. 2014: 111-114). The lack of institutional plans to elaborate strategies to 'do no harm' can easily result in damage to one of the most vulnerable groups in Colombia – poor rural women. Female second occupiers say their situation has not been subject to special consideration, nor has there been any empathy for their position as female agricultural producers and heads of households (Participant Interview with Pativaca 5).

These women state that conditions are difficult for all second occupiers and the existence of so many has been a major weakness and failing of the LRP. The feeling among peasant communities and activists is that the URT prioritises easier processes in order to inflate results. This suits the institution rather than peasant claimants, as the easiest processes are often against other peasants without the political or economic means to resist. Second occupiers consider themselves to be suffering a slow massacre, with the state taking away their means of livelihood (Participant Interview with Pativaca 2; Paticava 3). They claim that the LRP is being applied to land currently occupied by peasants, not by companies, and not to large landholdings (Participant Interview with Pativaca 2). Second occupiers face particular challenges from the LRP that can diminish their living conditions, with women there stressing that the threat of eviction from their land takes away the motivation to cultivate an area larger than the two or three hectares needed for subsistence. In this way, they abstain from improving their incomes due to the risk of losing the physical and financial resources that they expended in increasing production. They blame land restitution and the environmental pressures of an extended drought in the region as the primary causes of their economic situation worsening in recent years (Participant Interview with Pativaca 5). Even the threat of restitution can prevent farm expansion by complicating access to credit, as expressed by female second occupiers who are often doubly discriminated against (Participant Interview with Pativaca 5).

Other peasant leaders concur with the views of second occupiers interviewed, describing how businessmen but not peasants are being restituted, and how conflict is being generated between claimants and second occupiers - both of them peasants - without the state providing the compensations mandated in the

legislation (Participant Interview with Gilberto Pérez; Liz Merlano). Peasants from Finca Capitolio, Ovejas, have received restitution, for example, but this was described as merely symbolic, with social conflict meaning they cannot return to the land (Participant Interview with Esnaldo Jettar). Another manner of inflating LRP results is misrepresentation as restitution of processes that are in reality legalisation of title for families with extended time on the land and who have not been dispossessed (Participant Interview with Jairo Barreto; Carmelo Marquez).

Land is being sold, sometimes within the two-year period in which it is forbidden by Article 101 of Law 1448 (Expert Interview with Liliana Duica). This is especially likely if restitution is awarded to children or grandchildren with less affinity with rural territories and lifestyles (Expert Interview with Juan Ricardo Maldonado). These weaker ties have been caused in part because displacement means they have grown up without connection to the land. Land is sometimes also sold by originally displaced persons, for example when they have been away a long time and their focus is now more urban-centred. These people often prefer to sell to invest in a business they have in town, or to send their children to further education. This means that the community does not know who is going to arrive, or what they will do with the land – and it could end up in the hands of large landholders (Participant Interview with Carmelo Marquez).

The major driver of land sales, however, is the lack of economic self-sufficiency and sustainability facing returnees, especially in the immediate short-term. Jose Matildo Flores argues for state provision of initial support for returnees on the basis that 'if they are not given this family income, people will sell back to the landlords'[25]. This is partly because restitution is overwhelmingly centred on the land title, with little effort to think in a joined-up manner about what is happening with neighbouring land plots (Expert Interview with Juan Ricardo Maldonado). The LRP principle that prioritises returning land over replacement land and compensation, intended to encourage return and cultivation, may actually be having very different outcomes. As URT are handing back land rather than paying compensation to those selling or being displaced from land in the past, this deprives the current occupiers of their parcels. These current or second occupiers are often

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[25] 'si no se le dispone eso patrimonio familiar, y la gente vuelve a venderse a las terrateniente'

too poor to buy the land back from those restituted, meaning that lands that were in the hands of peasants pass into the hands of landlords (Participant Interview with Pativaca 1; Pativaca 3; Pativaca 5; Carmelo Marquez).

The LRP approach to granting land to peasants has had difficulty establishing the extent of land to restitute. This mismatch can be seen between the extension of land plots that have been restituted and the extension of land abandoned (García Reyes et al. 2015: 51). It is also seen in the discrepancy of restituted land plots not corresponding with the region's stipulated Family Agriculture Unit (*Unidad Agrícola Familiar* - UAF), in some places (María la Baja) being much smaller, and in others (Coloso) much larger (García Reyes et al. 2015: 37-38). It appears that the URT is often failing to take into account the legally mandated UAF, and claimants are left in ignorance over the discrepancies – in one example between 16 hectares claimed in restitution and the regional UAF of 20-25 hectares (Participant Interview with Cecilia and Carmen Escobar). What is being restituted is often state land (baldío), in environmental reserve zones or below a UAF in extension. This means that the policy is not redistributive, may not restitute the land actually usurped and makes it difficult to overcome marginalisation and vulnerability given the reduced productivity of the plots being granted (Blanco Cortina et al. 2017: 152).

The UAF was conceived as a measure that would create both a sustainable minimum for peasant producers, and a maximum that would prevent undue land concentration. Nevertheless, the manner in which URT does sometimes conceive the UAF is creating another type of problem in some farms that had collective joint-ownership (*proindiviso*) titles. These had a large number of named owners, but were generally managed in community, with the right to land granted to those currently cultivating it, and flexibility to expand and contract plots according to circumstance. Now, however, 'because the UAF is 22 hectares, what they are going to do, with the topographers' measurements, is identify each one of the UAF and grant individual titles - which is the formalisation of plots that the law seeks [but

really they are restituting something different to what was there before?] That was not there, exactly'[26] (Participant Interview with Wilmer Vanegas).

This conversion of collective titles into individual titles has a number of important implications. To begin with, individual titles are more amenable to the creation and extension of a land market that changes the fundamental peasant relation to the land as one of production and existing on the land into one of land as a commodity to be traded (De Arriba Bueno 2007). It is in this light that Ricardo Sabogal's concern with 'giving tranquillity to the land market' should be read. The abolishment of proindiviso titles further removes community control of who can enter the land, weakens territorial bonds to land that are the bedrock of individual and collective peasant identity; and leaves the titled person more open to coercive pressures to sell. This is despite the fact that 'the peasant economy is productive due to the social relations that exist – individual restitution breaks these. It does not survive in isolation'[27] (Expert Interview with Gabriel Urbano). There is a real worry that land restitution will result in the complete disappearance of the proindivso titles, and individualisation of all land (Participant Interview with Wilmer Vanegas).

The increasing individualisation of land and economies within peasant communities is a central concern of ZRC. It is understood to be a mechanism that prevents uncontrolled land sales to outsiders (Participant Interview with Jesus 'Chucho' Perez; Esnaldo Jettar) and instead grants land to peasants producers (Participant Interview with Bertilda, Luz Marina and Kelly; Alfredis Tovar; Adalberto Flores; Medardo Ortega). Important here is the UAF stipulation, with large landholdings to be divided and used to benefit a large number of families through state purchase or other mechanisms (Participant Interview with Wilmer Vanegas). The six currently constituted ZRC have a population of 74,864 people on 831,111 hectares, which would rise to 2,554,095 hectares if all those under consideration are legally constituted – this includes 380,000 for Montes de María ZRC 1, and 78,000 for Montes de María ZRC 2 (García Reyes 2013). As the concern about individualising

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[26] 'porque es que la Unidad Agrícola Familiar está en 22 hectáreas entonces ellos ahora lo que van a hacer, digamos con la medición de los topógrafos van a identificar cada una de las Unidades Agrícola Familiar y entregar los títulos individuales - Que es la formalización de predios, que la plantea la ley [¿Pero realmente están restituyendo otra cosa que la que había antes?] Que no estaba, exacto'
[27] 'Economía campesina es productiva por las relaciones sociales que existen – la restitución individual rompe estas. No sobreviva en aislación'.

land titles indicates, there is more to this than simply reassigning ownership. ZRC and proindiviso titles both aim to promote collective administration by families with deep connections to the land, and who have vocation, history and visions for a rural future (Expert Interview with Juan Ricardo Maldonado). ZRC is also seen as a manner of stopping or slowing the conversion of land to agroindustrial projects (Participant Interview with Wilmer Vanegas). It is difficult, nevertheless, to tell if it has been, or could be, successful in this endeavour.

This is a significant problem with ZRC, which needs to be considered alongside the romanticised vision that it offers of land for those who labour on it. Until this point, there has been little impact on shifting land ownership patterns or improving peasant access to quality agricultural land. One expert interviewee raised the issue of instrumental calls for ZRC by people who see it as manner of acquiring land – yet when they have land title they stop supporting ZRC (Expert Interview with Liliana Duica). Some knowledgeable peasant leaders acknowledge that creation of the ZRC will not solve the complex issue of land ownership or redistribution within the zone (Participant Interview with Esnaldo Jettar; Wilmer Vanegas). In part, this is because there is not enough land to meet peasant requirements in Montes de María. Analysis of land tenancy in Los Palmitos municipality based on a rural population survey found that land was extremely concentrated, and that peasants with land had very little (Expert Interview with Guido Huelvas; Researcher Observation; Agenda Rural 2016). ZRC Impulse Committee President Alfredis Tovar, for example, has only three hectares to cultivate out of a total twenty-five for his entire extended family. Land fractioning is a big problem, caused mainly by inheritance leading to the sub-division of existing farms. Given a lack of land in Los Palmitos, the ZRC is regarded by many as a suitable land access strategy (Participant Interview with Alfredis Tovar; Elmis Samia; Equipo Agenda Rural 2014: 59-60; Researcher Observation).

The lack of land, and its concentration, is a particular problem in northern Colombia in contrast to the south or east where land exists but violence dynamics are worse (Expert Interview with Juan Ricardo Maldonado). Women interviewed in Coloso agreed that many peasants have insufficient land, and that this is even worse in gender distribution terms (Participant Interview with Bertilda, Luz Marina and

Kelly). Residents of Finca Europa in Ovejas have taken a different approach that respects the pre-existing proindiviso titles and traditions of working. Each family has 11.5 hectares – below the Montes de María UAF of 35-49 hectares (INCORA 1996), but held in a more equitable land-holding pattern that the community believes is better than one family having a UAF and two other families having nothing (Participant Interview with Argemiro Lara).

The issue of UAF, and the extent to which it promotes or hinders transformative dynamics in rural Colombia, is an important one. More equitable possession of land is necessary, and a key transformative justice measure, yet it raises a risk of granting unsustainable land plots. Public policies promoting thorough land reform could resolve this dilemma by redistributing land, something that has never happened in Colombia – a country where resource ownership inequities are almost unchanged since the colonial era (Jiménez Pineda 2018). It is in charting a different path for land ownership structures in the future that the ZRC has the potential to be transformative. Significant redistribution within the framework of semi-autonomous ZRC would bring Colombia closer to an ideal of 'land equalization' (Atuahene 2010: 86-89), even if it seems unlikely in the current post-conflict political and economic context. The Chief Government negotiator of the Havana Peace Accords supported the creation of ZRC and promoted their role in rebalancing the rural economy (de la Calle 2015). However, he was also very clear that they would not entail fundamental change in property or landownership and reiterated the government's firm commitment to agroindustrial expansion (de la Calle 2015).

The inclusion in Point 1 of the Havana Accords of a commitment to extending ZRC as a mechanism shows the success of the figure in penetrating state-level political discourse. This has given renewed hope to ZRC promoters, because 'the ZRC is what we believe and think; and we are more than sure that it is the prototype of the projects we want in Montes de María, because in this manner the peasant can assure their food sovereignty'[28] (Participant Interview with Liz Merlano). ZRC can be transformative of existing rural paradigms in Colombia if its role as regional

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[28] 'las ZRC y es lo que creemos y pensamos, y estamos más que seguro que es el prototipo de proyectos que queremos en MdM, porque de esta manera el campesino asegura su, tiene segura su soberanía alimentaria.'

prototype of the positive projects needed to strengthen peasant lifestyles and economies can be combined with an ability to guide future public policy. There is also a vision that sees the issue of land sales following restitution as a manner to fruitfully combine LRP and ZRC – with restituted land purchased and incorporated into the ZRC and redistributed among peasants in the zone (Participant Interview with Wilmer Vanegas). This would fit with the LRP's proclaimed aim to encourage return and the stimulation of peasant agriculture.

The dynamic interaction of different public policy initiatives in this way is of great import when considering their transformative potential. The SVRM, as an analytical tool, seeks to understand these dynamics, concluding in this section that the LRP and ZRC have not been particularly successful in democratising land access and ownership. While restitution and previous agrarian reform processes have transferred some land plots to peasants, the levels of effective peasant utilisation have been less convincing. This demonstrates the importance of the SVRM in drawing attention to material as well as judicial restitution and to sustainable return that can safeguard individual and community peasant economies. This chapter now proceeds to consider these peasant economies, and the potential of public policy initiatives to encourage, promote or stimulate economic development in rural areas.

7.3 Creation of Sustainable Peasant Rural Economies

The SVRM Outcomes Dimension considered the creation of sustainable livelihoods for marginalised communities and individuals a key indicator of transformation. The opening section of this chapter analysed ownership and access to land for peasant communities. This is a vital demand because land is the basic means of livelihood for peasants. It is, nevertheless, not the sole concern for peasants or for transformative rural initiatives. Land ownership will not resolve structural violence, particularly given the influence of global economic systems that can cause structural violence. Creating a more equitable economic structure within which peasant economies can thrive requires more than land. This section therefore examines how land is used, and whether there has been facilitation of peasant economies by

the ZRC and LRP. This begins at the most simple level with support for returning families, before going on to examine the possibilities for initiatives to act as catalysts for strong peasant-centred development. Running through the analysis is the question of access to credit and other inputs. Chapter Eight then examines other conditions necessary for improved peasant productivity such as infrastructure and education.

Restitution is to be accompanied with a productive project that allows the claimant to firstly survive the difficult initial period of return when land needs to be 'civilised', and secondly to thrive in the medium and long term. The need for inputs and resources to work the land is succinctly captured: 'each peasant has eleven hectares of which, due to the lack of state investment, we work one or two which is the maximum that a peasant can sustain with his own efforts'[29] (Participant Interview with Gilberto Perez). So while having land is obviously necessary, it is not sufficient to ensure viable rural and peasant livelihoods. This connects to the fetishisation of the hectare in Colombia, with success judged by the area of land handed over to peasants. Despite the Montes de María UAF being between thirty-five and forty-nine hectares, in reality ten or fifteen hectares should be sufficient if appropriate resources are available for small producers (Participant Interview with Elmis Samia; Wilmer Vanegas). The URT recognises this, arguing that 'the incentive to return has been the productive projects and the housing programme. People return if you give them a possibility, if not, there is an incentive to sell' (Sabogal 2018). A URT employee claimed the post-judgment phase was transformative, with the executive agency charged with implementation of land restitution claims, SNARIV, responsible for crafting individualised productive projects – at least in theory. This was supported by the differential gender focus and the creation of infrastructure that can be ordered by the judiciary (Expert Interview with Javier Soto). The Codhes Caribbean Coordinator believes these "Complementary Measures" could be transformative, and in practice represent the only viable opportunity for change within the LRP (Expert Interview with Marta Salazar).

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[29] 'Nosotros tenemos 11 hectáreas cada campesino y de los cuál por lo poco inversión del estado, se trabaja 1 o 2 hectáreas que es lo máximo que un campesino puede sostener con sus propios esfuerzos'

This transformative nature is, however, difficult to observe empirically, with one interviewee stressing that 'neither land nor individual project is going to trigger development'[30] (Expert Interview with Juan Ricardo Maldonado). One interviewee in Montes de Maria considered his project to be a small benefit to begin with, rather than deeply beneficial (Participant Interview with Francisco Acevedo). The projects established by SNARIV are very local, and do not truly consider peasants' needs or stimulate transformative with well-planned interventions that create economies of scale (Expert Interview with Javier Soto). Recent research has found 'problems in the development of the post-judgement stage, specifically the high level of non-compliance with orders closely related to guaranteeing housing and the generation of resources among restituted populations' (Bolívar Jaime et al. 2017: 48). This represents a serious failure to transform individual lives, as well as deeper community or societal transformation. Without basic rights and provisions, or the most minimum capacity to generate wealth amongst peasant communities, the only outcome will be renewed land sales and economic migration to urban or peri-urban zones; locations unsuitable for the skills, tastes and culture of peasants (Participant Interview with Argemiro Lara; Donadys Pérez; Climaco Agresot; Cecilia and Carmen Escobar; Pativaca 4).

These failures are due to the absence from the land restitution programme of links with public land policies and rural development programmes that could slow the inequitable distribution and concentration of land and create a rural model more geared towards small and medium landholders (Salinas 2014 and Bolívar 2014 in Blanco Cortina et al. 2017: 153). Instead the Colombian state is promoting ZIDRES (Special Agroindustrial Zones) and the establishment of "productive alliances" between small landholders and large companies. ZIDRES-enabling legislation runs counter to the democratisation of land ownership by alienating state land and leasing it in long-term contracts on a scale that only large agroindustrial companies could realistically tender for (Zerda Sarmiento 2016: 13-15; Oxfam 2016b: 60-61). "Productive alliances", meanwhile, are permitted on restituted land (Law 1448: Article 99; Participant Interview with Carmelo Agamez), and the state is keen to

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[30] 'Ni tierra ni proyecto individual va a potenciar desarrollo.'

promote them. These state strategies are incompatible with productive peasant land use, as well as glossing over corporate involvement in displacement.

Palm oil companies are widely considered to have caused displacement in Montes de María by encircling peasant land and cutting off access to roads and water sources (Ojeda et al. 2016; Ojeda et al. 2014; Participant Interview with Carmelo Agamez; Diego Pérez; Campesino de San Onofre). A large palm oil processing plant has been constructed in the municipality of María la Baja, and there has been sustained expansion of the area dedicated to cultivating palm in recent years (Researcher Observation; Participant Interview with Wilmer Vanegas). The problem of land usage is not being addressed by LRP, and 'there are peasants who choose palm as a productive project - many people in Montes de María now consider palm to be the future'[31] (Expert Interview with Juan Ricardo Maldonado). These people believe that having land returned with teak or palm – or being incorporated into a "productive alliance" based on these trees - will be more profitable eventually. However, these are long term projects which peasants may not have the knowledge or resources to continue; there is also no scope for them to simultaneously meet their subsistence needs. Restituting land with palm present has been described as 'the URT returning [land] with a blindfold – dispossession continues, as they are forced to sell – the *palmeros* control the irrigation system and do not permit them to use it'[32] (Expert Interview with Marta Salazar).

These productive alliances, as well as the wider environment of agroindustrial development, raise serious issues of peasant economic sustainability. Some interviewees in Montes de María believe that peasants will need to accommodate to agroindustry rather than resist or reverse it (Expert Interview with Guido Huelvas; Participant Interview with Carmelo Marquez), with the return of land to peasant economy seen as difficult (Participant Interview with Peasant from San Onofre). Resistance and return in the face of agroindustrial expansion is a particular concern given that teak and palm projects are currently determining the territory's

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[31] 'hay campesinos que eligen palma cómo proyecto productivo – muchos en MdM ya piensan que la palma es el futuro'

[32] 'Maria la Baja tiene palma – restitución con esa presente es la URT devolviendo con venda puesta – sigue el despojo, son forzados a vender – los palmeros controlan el distrito de riego y no les dejan utilizar'.

medium-term future (Expert Interview with Gabriel Urbano). Intensive monocropping also raises environmental considerations, with concern that soil will become arid and bleached of nutrients (Participant Interview with Elva Barrera; Carmelo Márquez). Parallels were drawn to a previous boom in cotton monocropping that resulted in intensive chemical and fungicide use deteriorating soil quality (Participant Interview with Alfredis Tovar).

The concerns with territorial development models and their economic and environmental implications reiterate the view that land usage rather than ownership is key (Participant Interview with Wilmer Vanegas). This can be seen in productive alliances that maintain smallholder ownership. In reality, the very structure of the contracts shifts the economic risk of "productive alliances" onto small landholders who would be liable if the project suffered losses (Zerda Sarmiento 2016: 13-15; Oxfam 2016b: 39; Participant Interview with Elva Barrera). Wilmer Vanegas describes how peasants are subsidised with seeds, chemical inputs and technical assistance, yet once production begins they have to repay these, and the continuing inputs. The companies dictate how much input needs to be used, as well as setting the prices of inputs and products, making it impossible for peasants to get out of debt, and effectively converting them into indentured labour on their own land (Participant Interview with Wilmer Vanegas; Elva Barrera; Jairo Barreto). All of this means that the room for peasant autonomy is reduced, with little ability to participate in decisions regarding the post-restitution use of land, whether these decision are made by the URT or by dominant agroindustrial companies (Expert Interview with Javier Soto; Juan Ricardo Maldonado; Participant Interview with Jesus 'Chucho' Pérez).

This lack of participation in deciding the conditions of return in the post-restitution phase mirrors the limited involvement throughout the entire LRP process. This is in contrast to the expectations that peasant activists have of the ZRC as a measure that can empower and ensure the autonomy of rural communities before development policies are introduced (Participant Interview with Duvan Caro; Carmelo Márquez; Wilmer Vanegas). In this way, peasant communities will have scope to select and shape development policies. An interviewee from Morroa showed great enthusiasm when proclaiming that 'the initiative we have now is the

ZRC, because we are talking of a ZRC that will, as they say, open the doors to development in the agrarian sector and benefit the peasant'[33] (Participant Interview with Medardo Ortega). The ZRC figure was certainly created with the intention of encouraging sustainable and equitable development for rural communities (Ministerio de Agricultura y Desarrollo Rural 1996 [Decreto 1777 de 1996]; ILSA 2012; Incoder 2013). Interviewees indicated that rural communities have visions for the future, and that the issue resides in the lack of opportunities to bring these to fruition (Participant Interview with Gilberto Pérez).

Peasants understand that their requirements go far beyond land possession, and that creating a solid territorial economy is vital to improve the lives of the next generation (ILSA 2012: 38; Acevedo-Merlano 2014: 52-53; Participant Interview with Gilberto Perez; Jesús 'Chucho' Pérez; José Miguel Cárdenas; Medardo Ortega). Previous agrarian reform processes failed because peasants acquired land, but not the resources needed to work it (Acevedo-Merlano 2014: 53; Participant Interview with Alfredis Tovar; Medardo Ortega). The ZRC aims to achieve the tools and inputs necessary for sustainable production, including in the culture of the region (Participant Interview with Alfredis Tovar). For the ZRC to represent a viable future for peasant agriculture in Montes de María it needs to transcend its subsistence production dynamic and engage the wider economy. Failing to do so would replicate the problems that persist in existing ZRC in other regions, which remain unsustainable because they are solely producers of primary produce (Participant Interview with Esnaldo Jettar). A large obstacle to sustainable peasant production and economies is the operation of dominant middle-men (*acaparadores*) who re-sell produce in urban markets or companies who process maize flour. In either case profits do not accrue to the peasant producer (Participant Interview with Campesino de San Onofre; Carmelo Márquez; Medardo Ortega).

One potential solution to this problem is basic processing to produce goods that can be sold for higher value – resulting in higher peasant incomes and the possibility to reinvest profits. Initiatives were afoot in 2016, with a corn processing plant near Sincelejo which would buy from peasant producers. The researcher was not able to

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[33] 'La iniciativa que tenemos ahorita es la cuestión de la ZRC, porque se está hablando de la ZRC que le van a abrir, como quien dice, la puerta al desarrollo en el sector agrario y ayuda al campesino'

ascertain the ownership and purchasing model utilised – key factors in establishing whether selling conditions and prices were more favourable to producers in the region. A first step is (re-)establishing selling cooperatives and farmers markets to cut out middle-men and ensure profits accrue to peasant producers (Participant Interview with Duvan Caro). This could then be scaled up into basic processing such as making juices and creams from the agricultural products (Participant Interview with Duvan Caro; Argemiro Lara; Elmis Samia). This is more realistic than starting with industrialisation, which would need careful consideration of the skills, organisation and funds required. These processing plants would generate employment for those without land, or who prefer to work in a factory or laboratory, in addition to providing opportunities for higher-educated youth in fields such as R&D or quality control testing (Participant Interview with Esnaldo Jettar). This shows the longer-term outcomes that ZRC could bring if properly implemented: bringing benefits to producers, allowing production and reproduction of those who wish to remain on the land and the cultural and social aspects of that peasant existence, while also providing non-agricultural opportunities.

While many peasants spoke of respecting traditional manners of working, there was also eagerness to incorporate innovative farming techniques and abundant criticism of prevailing cultivation techniques such as the habit of burning land to encourage regrowth and fertility (Researcher Observation; Comité de Impulso de ZRC Montes de María 2013: 106-110; Participant Interview with Alfredis Tovar). A growing realisation was that this had nefarious medium and long-term effects on the territory. There was desire for technological development and introduction of new farming techniques (Comité de Impulso de ZRC Montes de María 2013: 149), with a scythe constituting a simple labour-saving upgrade on a machete (Participant Interview with Elmis Samia). Others wanted tractors to decrease the physical workload and time, and increase productivity and yields: 'the peasant could cultivate three, four, five hectares of corn, yucca, yam; and this abundant, to also produce capital for the peasant, who would be better off'[34] (Participant Interview with Medardo Ortega). These tractors could be provided on a community level, constituting the integrated rural outreach and development needed to provide

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[34] 'el campesino pueda sembrar 3, 4, 5 hectáreas de maíz, de yuca, de ñame y eso abundante y también produce capital al campesino, y estaría mejor'

better living conditions for peasants and increased agricultural output. The president of the ZRC Impulse Committee likewise called for technological development in rural areas, which for him went hand in hand with the social development of people and communities, allowing work to be done less laboriously (Participant Interview with Alfredis Tovar).

Calls for technological development and engagement in the global economy were accompanied by emphasis on ecologically sustainable forms of agriculture (Participant Interview with Carmelo Márquez; Elmis Samia; Esnaldo Jettar). This is spelled out in the ZRC Development Plan (Comité de Impulso de ZRC Montes de María 2013: 276; 303-304), and featured in consultations between the ZRC Impulse Committee and Sucre Departmental government on the creation of an organic food brand for Montes de María that could be marketed and would raise agricultural payments in the region (Researcher Observation). This interaction with departmental authorities emphasises peasant demands for participatory development and the creation of a more equal relationship with the state. In fact a key demand is for the state to pay greater attention and invest resources in rural areas in order to improve economic opportunities (Participant Interview with Gilberto Perez; Researcher Observation). An active local organisation, OPDS, had contributed to an alternative development plan for Montes de María submitted to the Agriculture Ministry that included projects to be implemented as part of the Havana Accords, and were awaiting the state's response (Researcher Observation). The ZRC Development Plan calls for 'implementation of productive programmes that contribute to the sustainability and consolidation of the peasant economy, safeguarding food security and the environment, assisted by the construction and provision of infrastructure, tools and training appropriate for the peasant population' (Comité de Impulso de ZRC Montes de María 2013: 257).

This section has analysed in greater depth the rural development dynamics associated with the LRP and ZRC. The ZRC can be considered a more feasible manner of channelling state expertise, plans, and money in a transformative fashion. The potential is thus higher of more equitable and sustainable future rural development. In the context of rural Colombia land is an important resource, which must be accompanied by credit, technical assistance and other inputs. Providing

the necessary conditions for peasant communities to produce, market, and sell their products will be central to creating sustainable local economies, with adequate communication and transport infrastructure needed to improve commercial opportunities. These will be considered in chapter eight following a summary of this chapter's findings, and what they mean for the SVRM.

7.4 Conclusion

This chapter began by setting out the main Outcomes Dimension aspects that were identified in the researcher-created SVRM. As outcomes were comprehensively analysed across a range of distinct - albeit interlinked - spheres, the decision was taken to begin by analysing the economic aspects. This choice was made because these aspects are most directly related to the central remit of LRP and ZRC, which is to grant land to peasants and stimulate rural development. The subsequent analysis using the SVRM did not find substantial transformative outcomes related to either initiative. That is due partly to previously identified diagnostic and process flaws, while the limited time elapsed since implementation also played a role.

The LRP is falling short in its main task of returning dispossessed and abandoned land to victims; it has not been applied in a manner that effectively deals with the problems of marginalised peasant communities (Participant Interview with Jesus 'Chucho' Perez; Gilberto Perez). The rate of successful judicial and material restitution is significantly below state targets (Forjando Futuros 2017). In Montes de María, neither LRP nor ZRC has resulted in transformation of land tenancy structures in favour of currently marginalised peasant communities. ZRC advocates do, nonetheless, recognise the need to alter these structures. The shortcoming resides in its lack of power to grant land, the lack of land within the zone in comparison to the number of families soliciting land, and the presence of large-scale agroindustrial projects in the territory.

This thesis' intention is not simply to compare LRP and ZRC, and using the SVRM reveals spaces for transformation between the two. One interviewee emphasised that 'there are already some restitution claims within the ZRC. They are going to

complement and/or cross more'[35] (Expert Interview with Juan Ricardo Maldonado). While this could entail legal challenges to ZRC constitution by restitution claimants, it may also present the opportunity for ZRC and LRP to transcend their internal limitations and promote more transformative change in rural Colombia (Expert Interview with Javier Soto; Marta Salazar; Participant Interview with Duvan Caro; Wilmer Vanegas). Constitution of Montes de María ZRC 2 in June 2018, for example, was regarded as an opportunity to further the restitution of rights and land to displaced persons as well as the formalisation of rural property (Agencia Nacional de Tierras 2018). This emphasises the importance of coordination among transitional measures to benefit from positive feedback loops and combine them to increase the general potential for transformation during transition. The potential synergies between LRP and ZRC will be commented on at greater length in chapter nine.

A major reason for LRP shortcomings is the lack of political will at national and local level to adequately fund and implement restitution, with the URT budget being cut in 2016 (Bolívar Jaime et al. 2017: 36). The resulting financial constraints would serve to limit transformative outcomes even if design and process dimensions were more transformative, constituting a gap in implementation. LRP relies on mayors for implementation at the local level, and this has resulted in a lack of progress (Participant Interview with Esnaldo Jettar). Felipe Aguas spoke of mayors buying back land from those who bought it, to settle peasants instead; mentioning two million hectares nationally, with six thousand hectares in Bolívar and Cordoba Departments. Yet this relies on the state compensating current landowners which may be fiscally difficult, especially as Law 1448 has a clause related to financial feasibility. In any case, this could result in the transfer of public resources to already wealthy individuals, including those who colluded in past land dispossession.

The lack of funding applies also to the post-judicial sentence phase of restitution and has translated into lack of change in large economic structures. Transforming historically constituted inequity requires creation of a robust peasant economy that can improve the lives of future generations, beginning with the recognition that a

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[35] 'Hay algunos casos ya contra ZRC en proceso de constitución. Se van a complementar/cruzar más'

diversity of peasant cultures, and therefore modes of production, exist in Colombia (Participant Interview with Gilberto Perez; Acevedo-Merlano 2014: 51). The ZRC is a potential mechanism to catalyse the strength in this diversity by permitting autonomous development based on local agricultural and environmental knowledge (PBI Colombia 2017a: 133). Yet there remains a pressing need for the state to create an enabling framework that gives value to peasant processes, puts human needs at the centre of development, and facilitates more equitable integration into prevailing global trade and production systems (PBI Colombia 2017a: 139). The requirement is for land accompanied by technical assistance and credit, which were promised by Law 160 of 1994 but never materialised (Acevedo-Merlano 2014: 53). The return to state promotion of ZRC after 2011, which then stalled during the Havana Peace negotiations, must be renewed and supported with financial, political, and technical backing if it is to prove transformative. The newly created ZRC, Montes de María 2, is the first in sixteen years (Agencia Nacional de TIerras 2018), while Montes de María ZRC 1 and Sumapaz ZRC in rural Bogotá are close to official final approval. Research in coming years could use the SVRM to evaluate whether its existence has had transformative economic outcomes.

Considering possible future application helps return the analytical focus to the matrix. As noted, the economic outcomes of initiatives proved to be the most difficult dimension to measure. This was foreseen to an extent given that changes in economic structures like landownership patterns are a long-term process. It is also the area that has been most often measured in the Colombian case. The URT has robust processes to monitor the numbers of restitution claims received and settled, and the quantities of land to which these apply. In this respect it contains significant transformative potential, as knowledge of the mechanism's progress and its pinch points should facilitate improvements. Analysis using the SVRM did not reveal much new data here.

The analytical contribution was considered more likely to emerge from linking outcomes of land titling pursued by LRP and ZRC with outcomes relating to wider rural economic processes which will dictate the success of measures intended to improve peasant livelihood opportunities. Comparing the mechanisms in the matrix suggested that the ZRC had more potential as it linked peasant land, peasant

community, and peasant economy in explicit manners in the Sustainable Development Plan. The LRP, on the contrary, tended to view agricultural projects through an individual lens. The SVRM emphasis on connecting dimensions and concepts was able to identify the difference in approach in this regard.

Data availability proved more difficult in the outcomes dimension, and this affected the operationability of the matrix. One factor is time, given that the Montes de María ZRC was not constituted when field research was carried out; this meant that outcomes could not be evaluated to the same extent as diagnostic and process dimensions. Data gaps were also caused by the fact that the LRP was only half-way through its ten-year mandate when data were collected. The possibility should also be considered that the analytical categories of the outcomes dimension are wider than they are deep. The outcomes examined ranged across multiple issues and it was difficult to engage deeply with each one given the time and resource constraints on acquiring data. The type of data gathered also proved less satisfactory in this chapter than in the diagnostic or process dimension and in comparison to the wider outcomes. More use could have been made of state-level statistics and reports, bearing witness to the importance of multi-method research designs. On a personal reflective level this requires additional research methods training on the part of the researcher. The wider recommendation for research conducted from a transformative perspective is to operate with openness to alternative data collection and analysis strategies.

While more data may have given a more complete picture of the situation, the SVRM has helped illuminate the complex interlocking economic considerations that need to be analysed when evaluating transitional initiatives. The failure to properly fund restitution, for example, reorient analysis back to the previously identified flaws in diagnosis, with the underlying problems in rural Colombia not correctly identified. Utilising the SVRM helps to widen the analytical frame of research in transitional settings and indicate the connections that exist among the different dimensions. Chapter eight deals with the outcome aspects of political participation, socioeconomic rights, public services, and direct violence and so these connections will probably be even more apparent.

Chapter 8: Evaluating the Wider Transformative Potential of Public Policy Initiatives

8.1 Introduction

The first Outcomes chapter dealt with the economic aspects of most direct relevance to the LRP and ZRC initiatives to which the SVRM is being empirically applied. As initiatives intended to grant land and stimulate rural development, considering these was central to evaluating outcomes. This chapter will engage with other LRP and ZRC outcomes because the SVRM suggests that transformative initiatives should have impact outside their immediate sphere of action. These wider impacts can help fulfil the transformative justice principles of democratising decision-making, improving access to public services, and strengthening political, economic and social participation (Gready and Robins 2014). This derives from the aforementioned aim of building empowered citizenship and engaging with underlying process of social change (Hickey and Mohan 2004). In transitional societies that calls for analytically linking outcomes at the local level to wider processes of structural societal transformation. Establishing the causal relationships between initiatives' top-down governance and local operation will be an important part of measuring transformative potential (McAuliffe 2017a: 31-32).

Local context is vital in analysing the wider outcomes of public policy initiatives, as the issues of most importance vary in each transitional society. The SVRM is a useful analytical tool because it can be adapted to evaluate the most relevant issues - and measure the most relevant indicators - in each transitional society, appreciating that 'the nature of a transition matters' (Williams and Nagy 2012: 2). This resolves the problem of transitional justice, peacebuilding, development and other initiatives being imposed from the outside (Nagy 2008). For the empirical application in rural Colombia it was considered important to begin by analysing socioeconomic factors outside those strictly related to the agricultural economy. These are social rights such as effective access to health, education, social security, and public services in an equitable, non-discriminatory manner. This chapter begins therefore by examining the main shortfalls in providing these rights and services, and whether the LRP or ZRC have contributed to any positive change. Construction

of road, telecommunication and sanitary infrastructure, and expansion of health and education provision are long term programmes requiring sustained budgetary and political support, so substantial impact is unlikely. The main intention is thus to evaluate the potential for ZRC and LRP to catalyse improved provision based on their commitments and actions, as well as any changes already apparent.

SVRM analysis of these socioeconomic aspects finds that the major contribution of both initiatives is to strengthen the confidence and capacity to make social and political claims to services based on citizenship. This leads on to the next section which evaluates the role of LRP and ZRC in creating empowered citizenship. Use of the SVRM permitted analysis of increased political participation and organisational activism, especially by previously marginalised societal sectors. This was based on the hypothesis that enhanced confidence, capacity and knowledge produced by involvement within LRP and ZRC could contribute to a changed political environment. This new environment could allow transformative participation to challenge established hierarchies of power in agenda setting and decision making.

The final section considers the existence of direct violence, a key concern in conflict or post-conflict societies, and thus required in any analysis of transformation or transformative potential. Considering the dynamic interaction of initiatives in areas of violent conflict is vitally important, and so the relation of LRP and ZRC to direct violence was evaluated. The extent and type of direct violence associated with each initiative was found to be different, with land restitution in recent years being the more dangerous to be involved in. Interestingly, the differences were related to the nature of the political conflict - and identity of antagonists – unleashed by processes, showing the central importance of analysing social and political mobilisation. The chapter concludes by summarising the key, at times interlocking, outcomes of the three sections and relates these to the SVRM to establish what was discovered about the transformative potential of public policy initiatives in conflict to peace transitions.

8.2 Socioeconomic Aspects: Creation of Dignified Rural Living Conditions via Provision of Human Rights and Public Services

The previous chapter began by evaluating LRP and ZRC outcomes in securing access to land, before analysing their role in creating robust peasant economies. This section moves on to analyse other factors that contribute to dignified living in rural areas. These were identified in the SVRM as Socioeconomic Aspects and include access to adequate housing, education, and health services along with construction and maintenance of road and transport infrastructure. Adequate provision is considered necessary for dignified peasant living: 'you need land that is the basic element, you need an access road, you need education for the children so they do not miss out on academic preparation … you need this social development, public services, electricity, water, development, the social component' (Acevedo-Merlano 2014: 52-53). Failures to adequately provide equitable access to services constitute violations of human rights and constitutional protections (Equipo Agenda Rural 2014: 9). They are also key indicators of structural violence in rural areas. This section will first set out some of the shortfalls in socioeconomic rights provision in Montes de María. It subsequently investigates the road infrastructure, closely related to the creation of sustainable rural economies, before examining the issues of education, health, and housing.

The creation of dignified living conditions is very closely linked to improving the socioeconomic conditions in which people live, and which pertain to them as fundamental human rights. In Montes de María there is consistent failure to meet acceptable standards. ZRC Sustainable Development Plan statistics indicated that 82.2% of the population surveyed in 2011 had an income below one legal minimum salary and only 1.4% had an income above two legal minimum salaries; while 30% suffered from deficient nutritional access - evidence of peasant precariousness substantially higher than state estimates of a 64% poverty rate and 35% extreme poverty rate (Comité de Impulso de ZRC Montes de María 2013: 34). Low incomes are a major component of structural violence, and are closely associated with multidimensional poverty and structural violence (Sumner and Mallett 2013; Farmer 2003).

Colombian state policy has, however, generally failed to resolve these structural issues or to close the gaps in service provision or incomes in a meaningful or sustained manner. This is because they tend to follow an assistance-based paradigm of hand-outs rather than workable policies for more structural change. Ironic reference was made of 'Families in Action', a welfare programme for low-income families run by state agency Bienestar Social as 'Families in the Sun' (Participant Interview with Carmelo Márquez). Concerns were expressed about the clientelistic nature of such programmes, with individual payments to certain families considered a less constructive and transformative use of resources than the universal provision of health or education that would bring deeper benefits (Participant Interview with Carmelo Márquez; Medardo Ortega). Central to this critique is that subsidising certain families for specific activities is neither beneficial to the majority, nor does it challenge underlying social problems. Transformative initiatives will need to demonstrate more structural outcomes.

A major obstacle to the creation of sustainable peasant economies in Montes de María is the deficient state of road and transport infrastructure (Participant Interview with Alfredis Tovar; Argemiro Lara; Francisco Acevedo). The road to Finca Europa (Ovejas) was described as 'a bad, bad road, completely bad; only motorbikes can travel, and there are holes everywhere; the internal roads in the zone are very bad'[36] (Participant Interview with Argemiro Lara). Some roads are no more than paths passable only on foot or donkey (Participant Interview with Felipe Acevedo; Donadys Pérez), with Donadys describing how her father spends six hours daily commuting by donkey to reach his land parcel in Coloso. The researcher's experience confirms that roads were often unpaved, and even those asphalted had numerous potholes – with rain often turning roads into muddy quagmires that were difficult to traverse. Poor roads destroy peasant economies, with product transportation costs often higher than profits, and so farmers leave food rotting in the fields (Participant Interview with Blanca Sierra; Carmelo Agamez; Consejo Comunitario Eladio Arriaza). Road infrastructure improvements would make a big difference to living conditions, as peasants could more easily and affordably

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[36] 'En carretera mala, mala, completamente mala; únicamente transitan los motos, y eso tiene huecos por todos partes; son muy malas las vías de penetración en la zona'

transport produce to market, storage points, or processing plants (Corporación Desarollo Solidario 2017b).

Such infrastructure improvements require substantial and recurrent financial commitment from the state. The researcher observed work taking place to widen one of the principal highways between Cartagena and the Montes de María, constituting some evidence of the government's publicised $47 billion investment in a road building programme intended to connect all Colombian cities and large towns by 2035 (DNP 2015: 32-41). This programme responds to the general consensus that improved road infrastructure is needed, and could improve peasant livelihoods by eliminating much wasted time and produce (Corporación Desarollo Solidario 2017b). One interviewee demonstrated positivity in this regard, especially because national highways administered by the national government tend to be significantly better maintained than the terrible internal roads that local government are responsible for (Participant Interview with Alfredis Tovar). A returnee with judicial restitution was convinced that the construction of access roads and bridges in Montes de María was vital to improve production and living standards (Participant Interview with Francisco Acevedo).

A note of caution was sounded about the purposes and strategic interests behind road network upgrading, however, with Duvan Caro warning that new transversal roads in Montes de María aim to open up new zones to agroindustry. There is also suspicion that land was being bought up along the new roads before details of the road-building projects were officially released – an abuse of insider knowledge to profit before the land values were raised by the improved connections (Participant Interview with Duvan Caro; Diego Pérez). This is one example of the complex relationship between infrastructure development and big business, with complaints that many roads are eroded by the heavy industrial machinery utilised by large agricultural and mining macroprojects (Participant Interview with Elva Barrera; Peasant from San Onofre; Corporación Desarollo Solidario 2017b). On the other hand, some roads only exist because they are used by companies (Participant Interview with Pativaca 1) – although it should be considered whether the companies provide the resources for these roads, or persuade the state to pay for the roads, in which case it constitutes the use of public funds for private business

interests rather than for public provision. The SVRM was correct to identify infrastructure development as a transformative concern, but data collection limitations precluded greater investigation. A useful empirical study could map land sales in relation to road construction to see how these evolve together, and whether systematic patterns exist among road financing, use and construction.

Even roads that have been repaired prove impassable soon after as authorities fail to maintain them, and this seems to apply to national as well as departmental and municipal roads (Participant Interview with Liz Merlano). Accusations of corruption abound regarding the tender processes for infrastructure projects and their subsequent incompletion (Participant Interview with Pativaca 2; Felipe Aguas; Blanca Sierra). It should furthermore be noted that the destruction and blocking of roads continues to be utilised as a strategy to pressurise and displace peasants in the region (Participant Interview with Carmelo Agamez; Ojeda et al. 2016). This is achieved by surrounding and penning in smallholdings and denying passage to water sources, markets and other community members.

A recent study found that El Salado, Carmen del Bolívar, and many communities in Ovejas had seen improvements in road infrastructure and access to basic goods (USAID and Fundación Semana 2014: 10). Yet the collective reparation plan for El Salado – following an infamous massacre in 2000 – has only been partially completed; the road linking El Salado to El Carmen de Bolívar was upgraded, yet health facilities were still lacking, and overall only eight of the twenty ordered reparation measures have been fulfilled, without even judging whether they have been successful (Expert Interview with Marta Salazar). Researcher experience showed that the ordered road upgrade was taken extremely literally, connecting the towns of El Carmen and El Salado, but not extending to paving the roads in El Salado. While collective reparation plans do mandate the construction and improvement of roads, for example in El Salado or Mampujan, this is outside the LRP. The post-judicial projects implemented by SNARIV are individually-focussed, with little to no attention paid to infrastructure development and its role in ensuring sustainable return for those restituted.

The ZRC Development Plan, in contrast, is cognisant of the importance of improving roads to foster efficient regional intercommunication and a strengthened peasant economy, thus overcoming a serious structural problem (Comité de Impulso de ZRC Montes de María 2013: 256-257). Despite the prevailing criticism of roads in Montes de María, there were references to recent improvements in Los Palmitos and Morroa (Participant Interview with Jesus 'Chucho' Pérez; Jose Matildo Flores). It is impossible to attribute this to the ZRC, but it can be said that these municipalities have some of the strongest and most closely articulated peasant community movements (Researcher Observation; Equipo Agenda Rural 2014; Participant Interview with Elmis Samia, Alfredis Tovar). Contributions were made by the ZRC Impulse Committee to the infrastructure component of the Plan Contrato Paz presented in conjunction with the Sucre Departmental Government (Participant Interview with Liz Merlano, Alfredis Tovar; Researcher Observation). This aligns closely with the Sustainable Development Plan's advocacy of a rural road improvement programme that would contribute to peace and development in Montes de María (Comité de Impulso de ZRC Montes de María 2013: 279).

The interrelatedness of many socioeconomic issues is seen in the effects that poor roads have on rural communities' access to education and health. In Coloso, children from rural communities travel to school by bus, but when it rains they are forced to walk for thirty or forty minutes through the mud (Participant Interview with Bertilda, Luz Marina and Kelly). Transport problems are one contributory factor to poor education coverage in Montes de María, which state statistics put at 39% in Bolívar and 40% in Sucre for median education ie that intended for fifteen and sixteen year olds (DNP 2015: 24). Survey data collected in 2011 from communities forming part of the proposed ZRC gave even lower figures for education coverage and quality. According to this, only 33% of 16-40 year olds had completed secondary education while 42% had left school with their studies incomplete (Comité de Impulso de ZRC Montes de María 2013: 231). Deficiencies in education coverage may therefore be deeper than measured by state statistics. Modest recent improvements in coverage are, in any case, not being matched by improvements in the quality of education as measured by PISA test scores (Clavijo 2014). The ESAP survey data indicates that only 0.2% of inhabitants within the

proposed Montes de María ZRC had access to quality education while only 5% of the Montes de María ZRC population were considered to have good reading and writing abilities (Comité de Impulso de ZRC Montes de María 2013: 231).

The poor educational outcomes are considered to result from the existence of a deficient education model that does not correspond to the sociocultural dynamics of peasant communities in the Montes de María (Comité de Impulso de ZRC Montes de María 2013: 37, 238; Participant Interview with Adalberto Flores; Liz Merlano; Medaro Ortega). This constitutes a structural problem in the region, and low labour competitiveness will continue unless and until a fully inclusive and relevant education model is installed in the region (Comité de Impulso de ZRC Montes de María 2013: 256-257). The ZRC demonstrates some transformative potential by collating evidence of the educational deficiencies in Montes de María, The detailed survey data cited above came from the Participatory Socioeconomic Environmental Evaluation (ESAP, *Evaluación Socioeconómica Ambiental Participativa*). This study conducted by and among local communities shows the importance of the participatory processes analysed in chapter six. It also comprises the evidentiary basis for proposing programmes to improve education provision in the Montes de María.

Identified as the most fundamental education reform is the adoption of more diversified school curriculums in the region that include agricultural education in accordance with local necessities (Comité de Impulso de ZRC Montes de María 2013: 280-281). In terms of higher education, the ZRC advocates the creation of a public university in Montes de María with an agricultural and agroecological focus where young people from the region can undertake academic and vocational courses (Comité de Impulso de ZRC Montes de María 2013: 149-150). ZRC studies and proposals regarding education in Montes de María were another input accepted by the Sucre Departmental government in the Contrato Paz application (Participant Interview with Alfredis Tovar). These claims are deeper than a campaign to increase the education budget or the rate of school construction. They instead question the dominant assumptions underlying the existing education model in a way that seeks to render the system more relevant to currently marginalised communities.

The LRP has not had comparable influence in education provision. The micro-focalisation stage does not investigate the social necessities in areas subject to restitution, and no regional or community level proposals are made to improve education coverage or quality. The lack of strategic thinking and coherent and continuous state policy translates to the continuation of historical systemic weaknesses even when education is included within restitution judgments (Noguera 2017). This is despite Article 51 of Law 1448 mandating measures in relation to education (Acción Social 2011: 27-28). Once again, the non-transformative nature of individual-focussed approaches can be seen, as this article seeks to provide preferential access for victims, rather than the provision of education as a social right. This is a clear example of reparations being used to make up for state deficiencies in a manner that appears to create a hierarchy of access to public services and social rights.

This dynamic is observable in a recent state initiative allowing victims to apply for loans to complete higher education courses in a process that has previously benefitted forty-eight victims (Unidad de Víctimas 2018). Examination of the programme reveals a number of issues that reduce its potential for societal transformation. The loans are made to individuals already enrolled in higher education and who have sufficient access to, and familiarity with, the internet to register. Both of these presuppose some acquisitive capacity as well as benefitting students who have previously benefitted from a higher standard of secondary education. The loans can foment division among victims seeking to benefit from the opportunity, and can be used in private as well as public universities. This results in the transfer of large proportions of the state's education budget to private business interests, rather than expanding and improving the public education system. A similar financing programme for university applicants is being questioned precisely for this transfer of money – and the brightest students – from the public to the private sector (Herrera Prada and Kugler 2017).

In reference to health and wellbeing, there have been modest rises in life expectancy at birth from 74.21 to 74.53 in Sucre and from 73.85 to 74.44 in Bolívar for the periods 2005-2010 and 2015-2020 respectively (DANE 2017). Nevertheless, 16% of the proposed ZRC's population do not have access to health services, while

half perceive the quality to be regular (Comité de Impulso de ZRC Montes de María 2013: 231). Most interview respondents agreed that health provision was poor, citing a lack of health centres, lack of medical personnel, long transport and waiting times, lack of supplies, and a lack of available appointments as the factors – in-line with the findings of the ZRC Development Plan (Comité de Impulso de ZRC Montes de María 2013: 41). SNARIV and the Victims' Unit should be improving access and provision of health and education in rural areas, especially those that are experiencing restitution. Despite this, interview participants did not perceive improvement, and many complained that they could not return to land because it would complicate their children's school attendance, and isolated from medical assistance if they suffered from an emergency or a chronic illness. And this is without suggesting that the situation in municipal centres is particularly positive, with residents of San Onofre complaining of the need to travel for appointments and x-rays to Sincelejo (Participant Interview with Cecilia and Carmen Escobar).

The contributions of ZRC and LRP in reference to health and wellbeing are broadly similar to those in education. The ZRC has documented health system deficiencies and the effects of poor health in communities, and utilised the data to make programmatic proposals that could be implemented by the ZRC when constituted or used to influence the destination of national, departmental and municipal health budgets. Law 1448, for its part, sets out the right to preferential access to health services for victims (Acción Social 2011: 28-30). One interviewee referenced the willingness by women in her community to threaten appeals to judicial recourse if health services were denied (Participant Interview with Bertilda, Luz Marina and Kelly). This may have been influenced by increased awareness of, and capacity and confidence to claim, rights brought about by Law 1448 – or the 1991 constitution.

The lack of suitable housing provision is another serious issue in Montes de María, where there is a quantitative housing deficit of 15.7% in Bolívar and 20.2% in Sucre, compared to the national figure of 12.7%. The qualitative housing deficit of 46.4% in Bolívar and 44.6% in Sucre is significantly higher than the national figure of 25.8% (DNP 2015: 29-30)[37]. The Victim's Law is clear that registered victims' whose

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[37] Quantitative Deficit refers to households living in housing that is inadequate, built of unstable materials, or unredeemably overcrowded. Qualitative Deficit refers to households living in housing

housing has been affected by dispossession, displacement or abandonment should be prioritised in housing programmes, whether through improvements, construction or acquisition of housing stock (República de Colombia 2011 [Decreto 4800 de 2011: Article 131). An elderly woman displaced in 1997 from the rural area of San Onofre to the municipal capital was grateful to the government for the house she currently lived in (Participant Interview with Cecilia and Carmen Escobar). Yet this was not provided until 2016, prior to which the family had lived in a house that flooded during rainstorms, and the family had to provide the construction labour.

Despite this, housing provision remains substandard in many aspects, with the flooring of the Escobars' house seemingly inadequate (Researcher Observation). Another displaced woman in San Onofre complained of her family's deplorable living conditions and the expense of renting a house given the irregular and low-paid work available to her husband and her (Participant Interview with Dina Luz Baron). Cecilia Escobar's son described how his family of six live under plastic on a small patch of land, with no support from any state institution beyond a recent outreach programme from SENA (Open University) related to rearing hens (Participant Interview with Eliecer Escobar).

One interviewee complained that housing provided for return in her community in San Jacinto was swiftly, cheaply and shoddily constructed, meaning that returnees had to perform additional work to make the houses habitable (Participant Interview with Blanca Sierra). She furthermore indicated the existence of a tangled web of construction subcontracts that complicate the search for responsibility and appear to be open to abuse and corruption. Such corruption can be inferred from cases such as Villacolombia where a programme to construct twenty-six homes resulted in the construction of eleven low-quality houses (Participant Interview with Felipe Aguas). The interviewee with material restitution has returned to cultivate the land, but not to live, necessitating a long walk every day (Participant Interview with Francisco Acevedo). This is due to the lack of housing provision, and to the low level of restitution among members of his Montecristo community.   Given

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that is overcrowded, or has inadequate floors, no adequate place to prepare alimentation, or inadequate access to services (DANE 2005).

continued insecurity in the region people are unwilling to return to live in isolated areas without the support of a larger community.

The land where the Montecristo community now live - off the main María la Baja to Cartagena road - was granted to them by a local priest, and the houses constructed through a self-construction project by Caritas, with municipal, departmental, and national authorities not assisting in any substantial way. The overall record of the LRP in providing adequate housing for people in Montes de María is very poor, presumably related to the slow progress of restitution in the area. In the wider Colombian context, only 247 houses had been constructed and delivered through the land restitution process as of January 2016 (Bolívar Jaime et al. 2017: 66). This slow progress and the existing deficiencies of housing help explain why 81% of the restituted population consider there is currently a lack of dignified housing (Bolívar Jaime et al. 2017: 67).

The ZRC recognises that housing is a serious issue, with all three subzones characterised as suffering from a housing deficit (Comité de Impulso de ZRC Montes de María 2013: 284-286). Deficient management and implementation of rural housing programmes is considered a structural problem within the area that constitutes the Montes de María ZRC (Comité de Impulso de ZRC Montes de María 2013: 238), and quality of life in rural areas will only worsen unless a proper public policy for rural housing is put in place (Comité de Impulso de ZRC Montes de María 2013: 256-257). House construction to cover the deficits is included among the projects and programmes established for the ZRC through participatory processes (Comité de Impulso de ZRC Montes de María 2013: 279). However, until the ZRC is legally constituted and operational it can have very little impact on ameliorating the housing deficit. Even if the state is willing to devolve these competencies, the zone has to establish a governing council capable of administering resources and implementing the policies, programmes and projects wanted by the communities of Montes de Maria. This applies to all social policies proposed by the ZRC, which explains why the Impulse Committee has been keen to get their programmes onto the political agenda through dialogue with departmental authorities.

The ZRC Development Plan is influencing departmental policy, with many of its tenets and proposals being incorporated into the Contrato Paz (Researcher Observation) – evidence of the spillover effects that can emerge from initiatives, and which are necessary for them to have a transformative impact. The Researcher attended a meeting at which the synergies were explored between Regional Development Plan, ZRC Development Plan and Contrato Paz. This is a large-scale plan to direct additional resources to areas of Colombia that have most directly experienced armed conflict, and requires contribution from the state at national, departmental and municipal level, as well as channelling international development and peace-building funds. On this occasion elements of the ZRC Sustainable Development Plan were incorporated into four of the five Contrato Paz elements for Montes de María (Researcher Observation; Participant Interview with Alfredis Tovar). The Sucre Department representative showed keen interest in the themes of discussion and great openness to incorporate ZRC programmes (Researcher Observation). Of course it is difficult to know to what extent this woman was representative of the administration, and a more in-depth evaluation of local decision making processes could be carried out to analyse who has voice and vote in the adoption of measures. Such an investigation of local political power dynamics would of course link back into the Diagnostic Dimension of the SVRM demonstrating its usefulness as an iterative analytical tool.

The LRP also has the transformative potential to catalyse improved socioeconomic outcomes through the political sphere. The LRP can strengthen rights' claims to education, health and housing as social rights and entitlements. While these rights already existed in the Colombian constitution, Law 1448 has had the effect of increasing marginalised communities' knowledge, capacity and confidence to demand fulfilment of rights' in what they now perceive as an inclusive social State governed by the rule of law (Daniels Puello et al. 2017: 165-166). This actually goes beyond the legal realm and allows the LRP to play a part in state-building in regions where the state often did not truly exist. In this situation, inhabitants of isolated regions may identify URT actions with the state finally arriving to help improve their living conditions (Noguera 2017). This allows political engagement with state bodies, political parties and others in ways that often were not previously possible.

The social and political mobilisation of communities, and interactions with local political structures, are the subject of analysis in the following section.

8.3 Political and Sociopolitical Aspects: The Creation of Empowered Social and Political Citizenship

Infrastructure and service provision are one area where peasant communities are trying to improve access. Underlying this is a struggle to democratise decision-making in society more widely, and this is dealt with in this section. Gaventa describes how analyses of participation often replicate neo-liberal conventions by separating its economic and political manifestations, rather than exploring how participation challenges intersecting inequalities (Gaventa 2016: 5-7). Recognising this, the SVRM stressed the need for participation in particular initiatives to spill-over into participation in other fora or processes if it is to be considered transformative. While ZRC and LRP are conceived as a land ordering and victims policy respectively, they represent much more to proponents and opponents. They are inherently political processes, and reflect for example, the decisions taken around problem framing; beyond initiatives, they are arenas for competing visions of the rural future in Colombia. Nor are LRP and ZRC self-standing political processes, but ones that exist alongside, within and around other processes taking place at different state levels and in dynamic interaction with a variety of actors, goals and methods (ILSA 2012; Participant Interview with Alfredis Tovar). It has been noted, for example, that ZRC and LRP would strengthen and extend each other if properly conceptualised and implemented (ILSA 2012; Agencia Nacional de Tierras 2018; Expert Interview with Javier Soto; Marta Salazar; Juan Ricardo Maldonado; Participant Interview with Duvan Caro; Wilmer Vanegas).

Analysing the political content of initiatives is an important contribution of the SVRM. The Diagnostic Dimension examined the ideologies and mobilisations that shaped the initiatives, while this section focuses on the subsequent outcomes. Beginning with the ZRC, four main components are considered to determine sociopolitical influence: influencing official policies and programmes at different state levels; building capacity and empowerment in members; carving out an

increased sphere of, and opportunities for, participation by women through the adoption of a gender focus; and acting as a forum to link a diverse range of social organisations and struggles, especially relevant to improving links with indigenous and Afro-Colombian communities.

The Havana Accord's inclusion of ZRC within the Comprehensive Rural Reform Chapter supports past claims of state interest in making ZRC 'a privileged instrument of the Santos government's land policy' (ILSA 2012: 42). Santos' speeches in favour of ZRC, particularly in Montes de María, were highlighted by activists as a manner in which they had influenced political discourse (Participant Interview with Alfredis Tovar). A warning is nevertheless given to ensure that consensus on ZRC promotion is not misused by the government to legitimate other actions which are clearly contradictory to the historic interests of peasant struggles (ILSA 2012: 49). Evidence for this can be seen in the simultaneous promotion of ZIDRES and the suppression of existing land-holding limitations contained in Article 72 of Law 160 of 1994 (Oxfam 2016b: 61), with one analysis claiming that this neoliberal rural development model runs against both the ZRC and the promises of the Havana Accords (Zerda Sarmiento 2016). While bearing in mind the existence of opposing forces, the peasant movement is a strong actor that has previously mobilised to shake the Santos government and can influence the political agenda (Acevedo-Merlano 2014: 50).

The dynamics of government-ZRC interactions, particularly regarding which side is influencing the other, are relevant at all state levels. INCODER requires ZRC projects to consider the Development Plans adopted by Municipal Rural Development Councils or alternative participatory bodies. The question resides in whether the ZRC is able to affect these plans, and establishing in what direction influence run. There is constant danger of authorities maintaining their centralisation of control and dominance of processes, while devolving implementation – effectively outsourcing the 'rowing' but very much retaining the 'steering' of government (Shearing and Wood 2005: 107-108). Researcher observation of the ZRC Impulse Committee and key interviews highlighted enthusiasm for the idea of articulating the ZRC Development Plan with both the Municipal Development Plan and the Contrato Plan Paz previously mentioned. This is an opportunity for the ZRC to set

the agenda because the participatory studies have already been conducted, and the Sucre Departmental government is willing to adopt those relating to roads, water, education and technical assistance (Participant Interview with Alfredis Tovar). The ZRC is thus impacting on wider policy, in a manner that scales-up impact and influence to the wider context rather than having great policies and programmes on paper that are asphyxiated by this wider context. There is also an opportunity to link horizontally to other ZRCs - and other initiatives - by setting strong regional examples that are replicable in other Plan Paz priority areas.

An important component of processes like ZRC is how they have allowed inhabitants of Monte de María to change the narrative about their region, which had in recent decades been one of massacre and conflict. The stigma of Montes de María as a nest of guerrilla was used by paramilitaries to justify their violent campaign in the 1990s. The perception of danger further contributed to the area's lack of investment and integration into the wider Caribbean region, with cultural festivals in Montes de María and beautiful beaches on the region's fringes barely visited by external tourists (Researcher Observation). The role of peasant movements in altering these negative perceptions, and the sense of agency that it inculcated in local communities was made clear by an interviewee: 'Another important thing we have seen is that we have been forgotten for decades: if there had not been 104 massacres in Montes de María then nationally and internationally no-one would have visited or known Montes de María. I believe we have made Montes de Maria visible not for what has been done to us, but rather for what we can contribute to the world, to our territory, to our region, to our country, the families that are natives of the territory and live here today'[38] (Participant Interview with Esnaldo Jettar).

Constituting the peasantry as an active agent in regional development and politics is a central component of the ZRC vision. A report on the Cabrera ZRC near Bogotá was clear that its effectiveness in catalysing beneficial transformations would

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[38] 'Otra de las cosas importantes que nosotros hemos visto es que nosotros hemos sido olvidados de décadas: si no hay las 104 masacres que se dieron en MdM nacional e internacionalmente nadie vinieran ni conocieran los MdM. Creo que nosotros no hemos visibilizado a MdM por lo que hicieron, si no por lo que pueda aportar al mundo, a nuestro territorio, a nuestra región, a nuestro país MdM, las familias que hoy vivimos y que somos nativos del territorio'

depend on peasant communities identifying with the figure (ILSA 2012: 5). Community leaders in Montes de Maria have been empowered in skills and confidence through involvement with ZRC, with one speaking of 'a complete change, personal, social, political, administrative, yes, this is a learning process'[39] (Participant Interview with Alfredis Tovar). The capacity acquired by peasants demanding ZRC has seen many become important leaders at the municipal level, with one becoming mayor of Coloso, others municipal councillors, and various others are involved in local institutions for social services, for women and youth and as representatives of Victims' Tables (Participant Interview with Alfredis Tovar; Wilmer Vanegas). This derives from a grassroots strategy of building an organic base for political mobilisation outside the traditional power structures in Montes de María.

Concern remains that these new leaders could reproduce clientelistic relations, with the tentacles of local corruption and established manners of working able to reassert themselves and drag in the new entrants. This issue was raised with Liz Merlano, who claimed that the background, education and manner of collective working within peasant organisations and associations should preclude this. This collective style of working was being recuperated after the damage done to the social fabric by direct violence and intimidation (Participant Interview with Jose Miguel Cárdenas; Sofia Carrasquilla). It was also gradually replacing an individualistic, clientelistic manner of resolving local issues, in a way that could better ensure 'comprehensive development in health, in education, in the economic, in roads, in the environment'[40] that peasant communities have been calling for (Participant Interview with Liz Merlano). Participatory styles of working are a good thing, and remain a necessity for peasants to enter politics or have influence – or even just to get basic services and repairs (Participant Interview with Medardo Ortega; Ubaldo Mesas). This can be contrasted with richer and more influential local elites who can easily have political involvement and influence (Participant Interview with Donadys Pérez; Gilberto Pérez). This discrepancy is not merely rich and poor, but also manifests in an urban-rural divide, with many

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[39] 'hay un cambio total, tanto personal, social, político, administrativo, sí, esto es un aprendizaje'
[40] 'desarrollo integral en salud, en educación, en lo económico, en vías, en ambiental'

interviewees stating that political decisions, and investment, are heavily concentrated in municipal capitals.

The disparity that continues to exist in opportunities to influence the political agenda explains why working collectively is favoured by peasant communities and individuals. The Sustainable Development Plan calls for social organisations in the territory to be strengthened and become more involved in defining regional public policies, including consolidating municipal Impulse Committees and working with victim's organisations towards the reconstruction of historical memory (Comité de Impulso de ZRC Montes de María 2013: 279). The capacities of regional organisations have been strengthened through involvement in designing and executing projects, and through advocating at social and political levels. Jose Matildo Flores considers that the mobilisations and demands for ZRC already constitute a success, and that momentum must be maintained to ensure that it becomes an empirical reality. ZRC is seen by some as a strategy among many, rather than an end in itself – something that has been used alongside other strategies (Participant Interview with Esnaldo Jettar; Elmis Samia). And this has been a fertile process of learning, with many activists having become ZRC advocates after having worked for change in other organisations (Participant Interview with Elmis Samia; Bertilda, Luz Marina and Kelly).

While the main feeling was that the ZRC was a positive figure in the region, a number of concerns were expressed, and weaknesses certainly existed. Some peasants voiced frustration that the Impulse Committee was remote, with most meetings taking place in Sincelejo rather than with communities within the region (Researcher Observation at OPDS Meeting). Researcher observation confirmed this, and that meetings were not being organised by the local associations or impulse committees – even when taking place there they were organised by the central Impulse Committee in Sincelejo. One interviewee stated that local organisation had more influence in the past, with meetings taking place in Ovejas and discussion points then spread by attendees to their home communities. The arrival of armed conflict had broken the social fabric, making people more wary of travelling and trusting, and this has not yet been totally recuperated (Participant Interview with Jose Miguel Cárdenas). The same interviewee claimed that the ZRC concept is

latterly spreading in the region, even if it has still not reached all communities. Concentration of Impulse Committee activities in Sincelejo raises questions not just about the local base of ZRC, but also about the potential discrepancy arising from differences between Sucre and Bolívar Departments. Some tension, as well as sub-optimum communication, was noted between organisations in the two departments (Researcher Observation). Incorporation of ZRC Sustainable Development Plan elements into the Sucre government's agenda has some potential to aggravate discrepancies between Sucre and Bolívar Departments, and could be an interesting site for further investigation.

While the issues highlighted above could prove problematic, the principal obstacle to evaluating political impacts of the ZRC in Montes de María was its legal non-existence. When fieldwork was being conducted in late 2016, the ZRC was being discussed less, seemingly overtaken by the peace process and other proposals: 'in the last two years I have not even seen it spoken of, since the peace process began, we stopped speaking about the ZRC in Montes de María'[41] (Participant Interview with Carmelo Marquez). The vice-director of CDS emphasised that recent demonstrations in the Alta Montana were related to the death of the avocado crop and the need for transformative reparations, with no calls for a ZRC despite being in the centre of the proposed zone (Expert Interview with Gabriel Urbano). Nevertheless, the signing of the Havana Accords and societal mobilisations to support them have encouraged renewed calls for ZRC implementation by peasant organisations (Researcher Observation). This was borne out by legal recognition of the smaller Montes de María ZRC 2 in June 2018 (Agencia Nacional de Tierras 2018).

Inclusion of women, women's organisations, and gender issues is highly important to securing transformative change in rural Colombia, which continues to exhibit highly patriarchal structures, behaviours, and ideologies (Gutiérrez Sanín et al. 2014: 111-112; Weber 2017). The Havana Accords acknowledged these difficulties, and made clear commitments to integrating a differential gender focus, especially for rural women (Participant Interview with Liz Merlano). Courses on new masculinity have been organised across the Caribbean region of Colombia, and

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[41] 'de esos últimos dos años no he visto hablar de esto incluso, desde que comenzó el proceso de paz, se dejó de hablar de ZRC en MdM'

these were positively evaluated by one leader (Participant Interview with Elmis Samia). The overall perspective is that gender analyses are being incorporated into ZRC and women are participating (Researcher Observation), with gender issues increasingly mainstreamed rather than dealt with in separate forums or commissions (Participant Interview with Liz Merlano). Members of AMOCOL, a women's association in Coloso, acknowledged that the ZRC had made progress in including women and gender issues, while calling for the framework to be more deeply developed (Participant Interview with Bertilda, Luz Marina and Kelly).

A community leader in Los Palmitos spoke not only of the strong women's movement in her municipality, but also of support among local men for gender equity and for women to take more leadership within the ZRC (Participant Interview with Elmis Samia). Such support is demonstrated by calls for women to be granted land by right as well as due to their participation in rural struggles (Participant Interview with Jose Miguel Cárdenas). This community leader maintained that the state is trying to short-change peasant families by refusing to grant land to women, and advocated more equitable gender distribution, even if it entailed male peasants receiving smaller parcels. It is unclear, however, what the gender implications of land titling within ZRC would be in the case of a couple. Whether a UAF would be titled only to one person, or contain both names, or whether the UAF would be divided in half and each person given a title to half of the total (Participant Interview with Bertilda, Luz Marina and Kelly). Double titling of land was regarded as a just and viable solution (Participant Interview with Liz Merlano). Yet there are questions regarding the future implications of these arrangements, for example if one of the couple wanted to sell, and the other refused. Alternatively in the case of half a UAF individually titled, would it be permissible to sell, given that the UAF is supposed to constitute a minimum landholding. And what would be the wider societal and community reaction to a family in which both members of a couple receive land titles, while another couple receives nothing?

Peasant women's involvement in ZRC meetings, workshops and assemblies was seen as a powerful tool in mobilising women in process in Montes de María by normalising female participation - helping to decrease the tensions that still arose, particularly as women had traditionally been expected merely to look after their

husband and family and not attend public events (Participant Interview with Liz Merlano). The ZRC has broken with these exclusionary dynamics, instead encouraging female participation in workshops and assemblies (Participant Interview with Liz Merlano; Elmis Samia; PBI Colombia 2017a: 132-137). A recent women's encounter in Cimitarra Valley ZRC, for example, was considered to have challenged gender roles, by creating a participatory space of empowerment and discussing change in the underlying patriarchal culture as well as specific actions to be taken to prevent men from blocking their wives' participation (PBI Colombia 2017a: 133-134). This type of encounter shows the importance of creating strategic alliances and networks of organisations. Through activism in the ZRC the women of AMOCOL had established connections with women's organisations in other regions, as well as with other social organisations in Coloso with whom they can promote initiatives for gender equity. Through this, they even discovered an access point to local formal politics and direct interlocution with the mayor's office (Participant Interview with Bertilda, Luz Marina and Kelly).

Using the SVRM as an analytical tool was able to demonstrate that the ZRC was an important arena for political contestations as well as a key forum to bring different organisations together. Another important set of alliances have been made between peasant organisations and communities in the region identified as indigenous or Afro-Colombian. The Colombian Constitution requires consultation with ethnically-identified communities on any processes that affect them, and this applies to the ZRC. Disputes have occurred in the Perijá ZRC in Cesar Department between peasants and the Yukpa indigenous group (Corte Constitucional de Colombia 2017 [Sentencia T-713/17]), and the Montes de María ZRC has been delayed by previous failures to properly consult with indigenous and Afro-Colombian communities (Expert Interview with Guido Huelvas; Esnaldo Jettar).

Nevertheless, the claims of peasantry and ethnically-defined communities can be harmonised and reconciled judicially (Olaya Díaz 2017). The Sustainable Development Plan recognises the necessity of harmonising peasant claims with ethnic identities and histories, achieved through the concepts of sustainable development and good living (Comité de Impulso de ZRC Montes de María 2013: 262-266). Joining together in a single movement is considered vital, particularly as

the underlying issue for all is the struggle for land and inclusive rural development (Participant Interview with Jairo Barreto; Elmis Samia; Duvan Caro; Esnaldo Jettar). An Interlocution and Agreement Table (*Mesa de Interlocución y Concertación*) was created to improve discussion and consultation with the diverse identities in Montes de María, and this is positively regarded (Participant Interview with Esnaldo Jettar; Carmelo Márquez; Melvis Arriza; Expert Interview with Guido Huelvas). An Afro-Colombian leader stated his community of San Cristobal are happy to participate in ZRC as long as their unique identity and culture is respected, describing the optimal relationship as being 'together but not mixed up'[42] (Participant Interview with Melvis Arriza).

Collective titling, predominantly granted to ethnically defined communities, and ZRC are considered to be complementary avenues to create collective rather than individual dynamics that empower communities and safeguard their ways of life (Participant Interview with Duvan Caro). Recent campaigns in Latin America have advocated the recognition of peasantry as a collective identity that would place it on a par with ethnically-identified communities (Via Campesina 2009; Coordinador Nacional Agrario 2014; Duarte 2016) – with a series of implications for collective land claims, reparations, and cultural rights. The ZRC can be understood as an attempt to materialise such a collective identity and collective rights on a regional scale (Expert Interview with Javier Soto) – a micro-example of the conceptualisation of the peasantry as a collective identity.

Establishing and strengthening rights claims is also a prime objective of transitional justice reparation efforts. Restitution is considered to be a positive TJ measure because it asserts the right to land of people who have been dispossessed, constituting a stronger base for claims than those based on government fiat or charity. A recent study asserted that LRP implementation had contributed strongly in this regard by affirming that dispossession constituted a serious human rights violation, and through the establishment of victim-centred jurisprudence and institutions to resolve claims in a reasonable timeframe (Blanco Cortina et al. 2017: 148-149).

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[42] 'juntos pero no revueltos'

While these institutional and judicial advances are important, they are victim-centred and top-down rather than citizen-led and bottom-up. Of more import to the SVRM in this aspect is therefore the extent to which the LRP contributes to the creation of more engaged and empowered citizenship, with transformative justice theorising that the benefit of reparations processes may reside primarily in instigating mobilisation for change (Gready 2011; Gready and Robins 2014). The Colombian LRP has had some moderate success in this respect, providing a measure around which rural communities and civil society have rallied. Within Montes de María, Mesas de Víctimas, NGOs like Corporación Desarrollo Solidario and processes like the Mesa de Interlocución y Concertación have constituted spaces for discussion, formation, organisation and formulation of common policies for peasant, indigenous and Afro communities. The Observatorio de Restitución y Regulación de Derechos de Propiedad Rural, for example, has conducted collaborative research with peasant communities through the agency of these organisations (García Reyes et al. 2015: 25-26). An OPDS leader, Nayibe Mercado, detailed her participation in nationally-coordinated legal disputes and direct action in protest at LRP judicial decisions. Dissatisfied with the lack of attention being paid to vulnerable populations, and to the lack of response to their concerns, they were finally able to dialogue with decision makers after threatening to occupy embassies in Bogotá. This shows the effectiveness of popular mobilisation, but also the manner in which Colombian political elites refuse to communicate properly unless such direct action is used.

According to the SVRM encouraging increased social mobilisation and citizen empowerment to demand further change is a key outcome requirement, and the LRP is deficient in this aspect. Analysis conducted in the process chapter argued that the process was non-transformative as it was primarily passive rather than agency generating. This is supported by a recent study highlighting the low level of participation among the dispossessed in organisations related to the land restitution process (Gutiérrez Sanín et al. 2014: 93). Far from transformative, one peasant describes the LRP as sophistry designed to distract peasants (Acevedo-Merlano 2014: 56).

An important element in this distraction is the manner in which restitution is increasingly 'judicialising' social strategies of direct action to occupy land by peasant organisations. This weakens mobilisations by removing them from the collective or societal realm, and from social or political strategies, towards the individual realm and to legal or administrative strategies. This judicialisation, and accompanying social passivity, is encouraged by the stipulation that anyone participating in land recuperation or other direct action before being granted judicial restitution will lose all benefits (Acción Social 2011 [Law 1448: Article 207]). It has been asserted that restitution has changed the nature of political activism, encouraging a change in identification from agent to victim, in order to fit the criteria for restitution (Expert Interview with Camilo Sanchez). So rather than strengthening and extending rights' enjoyment, the LRP has circumscribed them to those meeting the criteria of victimhood. These rights as victims of direct violence are narrower than those derived from 1970s agrarian reform laws, the 1991 constitution and natural justice that interviewees used to legitimise land recuperations (Jiménez Pineda 2018; Participant Interview with Climaco Agresot; Jesus 'Chucho' Pérez; Jose Matildo Flores; Jose Miguel Cárdenas).

Restitution is also causing fractures to emerge in peasant movements in recent years, with the largest peasant association, ANUC, having manifested its opposition to land restitution in Montes de María (Participant Interview with Esnaldo Jettar; Paticava 1; Pativaca 3). There is considerable concern that restitution is damaging social relations within communities, and this increased tension is not conducive to effective political mobilisation (Expert Interview with Etel and Veronica; Juan Ricardo Maldonado; Participant Interview with Gilberto Pérez; Pativaca 2). While it is impossible to say this is a deliberate attempt to divide-and-rule, the creations of such divisions weakens the capacity for sustained political mobilisation or the creation of intra-territorial solidarity. Powerful corporate interests have proven adept at exploiting these fractures, with Fedegan (the Colombian Federation of Cattle Farmers) considered by some second occupiers as an ally against land restitution (Participant Interview with Pativaca 2). This is despite the fact that cattle farming and large-scale agroindustrial projects are major drivers of land concentration throughout Colombia (Ojeda et al. 2015: 117) and that some large

cattle farmers are heavily implicated in land seizures and financing of paramilitaries (Acevedo-Merlano 2014: 57-58; García Reyes et al. 2015: 37). The complex relationship this reflects between structural and direct violence in rural Colombia is examined in the following section.

Contributing to the creation of empowered citizenship is an important outcome of transformative initiatives. The SVRM's sociopolitical aspect aims to evaluate whether and how initiatives played a part in changing wider social and political dynamics. In this way initiatives could have transformative outcomes beyond the specific sphere in which they operate, with the changed political environment potentially creating positive feedback into the diagnostic dimension of future initiatives and policies to generate transformative dynamics. This section applied the SVRM to the LRP and ZRC to evaluate whether, and how, they contributed to enhanced confidence, capacity and knowledge to participate politically. The LRP is the Colombian state's most significant transitional justice measure, and has constituted a rallying point for claims. The nature of participation, however, has limited its contribution to creating more empowered citizenship. Neither collective nor individual participation has been stimulated, and there is no challenge to dominant decision-making structures. The ZRC has had a larger impact on regional political dynamics in Montes de María, with elements of the sustainable development plan contributing to departmental governmental programmes and national peace plans. The ZRC has also promoted participation by women and Afro-Colombians in political processes, and created closer alliances between Afro, indigenous and peasant groups.

Using the SVRM as an analytical tool facilitates evaluation of public policy initiatives' deeper political outcomes and ramifications. Doing so draws attention away from the technicalities of initiatives in transitional societies and back to the arena of power in which they are enacted. The contribution of this section has been to show that different initiatives generate different political dynamics. The SVRM has helped identify some of these differences which more sustained data collection could deepen. The importance of evaluating these outcomes is to maintain focus on the potential for transformation of different initiatives when they are being considered, by showing empirical differences between the LRP and ZRC in

Colombia. While the research design attempted to control for historical context to some extent, the existence of historical political mobilisation constitutes a major difficulty. Movements calling for restitution and ZRC, for example, are based on organisations and ideas that have developed over decades. ANUC, for example, had its strongest base in Montes de María and was fundamental in creating a consciousness and capacity for struggle in future leaders. In a circular process, newer initiatives such as the ZRC have sometimes proven capable of reinjecting vitality into existing movements and struggles. This is what makes the socio-political mobilisation aspect of the SVRM so important, with initiatives able to reignite popular inter-generational struggles against inequity and structural violence. Unfortunately, these struggles have always engendered violent opposition in Colombia and the next section proceeds to investigate the complexities of such direct violence.

8.4 Direct Violence Aspects: Disentangling Direct and Structural Violence in Transitional Settings

Transitional societies are often grouped into two categories - those in transition from authoritarianism to democracy and those in transition from armed conflict to peace. The SVRM is applicable to both, with transformative transition normally requiring economic, socioeconomic and sociopolitical change. In the case of conflict-peace transitions the issue of direct violence must also be carefully analysed. Internal armed conflicts tend to dominate domestic and international perspectives of countries' socio-political life by shaping agendas and spheres of potential action. The relationship between direct violence and structural violence is complex, and it is not the intention to claim that one causes the other. Rather they coexist in many contexts, with deaths in armed conflicts tending to be concentrated among poorer socioeconomic groups, marginalised societal sectors and poorer regions (Ball et al. 2003; Rooney 2017: 4).

Peacebuilding literature has found that the existence of direct violence reduces the sphere of civil society activity by destroying social networks and organisations, and replacing them with fear, distrust and intimidation. This effect is not momentary

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but structural, as political, criminal and economic violence forces people to adapt their behaviours and the targeting of independent journalists and HR defenders leads to increased isolation and fear (Paffenholz et al. 2010: 409-411). The dampening effect on solidarity and mobilisation makes it difficult for marginalised communities to make social and political demands. This is consistent with researcher observations in Montes de María, with the destruction of social bonds and inability to travel to, or build relationships with people from, other communities referenced (Participant Interview with Jose Miguel Cárdenas; Sofia Carrasquilla).

These concerns are in line with the connection between structural and direct violence posited in this study (Schnabel 2008). Again the objective is not to claim that solving one will resolve the other. During armed conflict attention is focussed on ending direct violence, and doing so can provide the space to dismantle structural violence. This is the perspective of the Havana Accords, which aim to end armed conflict and create the conditions to build sustainable peace in Colombia (Jaramillo Caro 2015). An alternative perspective is that the weakening of structures of exclusion and marginalisation (re)create the bonds of trust that increase the space for peaceful participation and the willingness to engage in non-violent struggle

A truly transformative initiative in a context of conflict-peace transition should reduce levels of structural and direct violence. Due to the more visible nature of direct violence, the SVRM proposed using its reduction as an indicator of transformative potential. This encompasses a general reduction in levels of violence in society, especially those linked to armed conflict. It must be considered, however, that direct violence is often not indiscriminate, but targeted at particular categories of individuals and groups. In conjunction with this, participation in initiatives may entail increased risk of suffering killings, kidnappings and threats. Violence is not necessarily random or senseless, but utilised strategically to prevent, contain, or destroy opposition and solidarity efforts. Therefore, it is important that transformative initiatives take appropriate measures to reduce killings, kidnappings and threats against politically active individuals. The SVRM therefore evaluates initiative outcomes by analysing the level of direct violence within rural

communities in general, and among land restitution claimants, land activists, environmentalists, community leaders, trade unionists and others. These are the categories of people who through their work in Colombia are often exposed to specific threats above the general level of danger.

It should be stated that the general level of direct violence is very high, with Colombia's 2016 homicide rate of 25.2 per 100,000 habitants being the sixth highest in Latin America (Fundación Ideas para la Paz 2017). While still very high there has been significant decrease in the number of violent deaths in the last fifteen years. Homicides in Colombia dropped significantly from 2002 onwards, when paramilitary demobilisation was initiated, and a new drop was seen from 2013, coinciding with the start of negotiations with FARC in Havana (Nussio 2016: 2-3; Fundación Ideas para la Paz 2017). This suggests that the opportunity for peace agreements to reduce violence is real, and is a positive trend to counteract scepticism and potential reversal of the peace accords. It will now be considered whether the LRP or ZRC had any influence on rates of direct violence.

Participation in LRP has seemingly led to more rather than fewer killings, kidnappings and threats against land claimants and community leaders. Over seventy land restitution claimants and leaders have been killed across Colombia since 2008, with thousands more receiving threats (Thomson 2017; CINEP/Programa Por La Paz 2018b: 79). State employees and members of organisations who support claimants have also been threatened for their work on land restitution (Thomson 2017; CSMLV 2017: 96-100). National level figures suggest that direct violence associated with land restitution is worsening: in 2016 there was one reported extrajudicial killing of a land claimant while six individuals and three collectives were threatened; the figures for 2017 rose considerably to ten extrajudicial killings, forty individuals and twenty-seven collectives threatened, and four people tortured (CINEP/Programa Por La Paz 2018a: 3). There appears to be an organised and concerted campaign to halt the restitution process through the use of violence, described as the greatest threat to the process (Thomson 2017: 36; Paticipant Interview with Jésus 'Chucho' Pérez).

The violent opposition occurs in areas of Colombia where land restitution is proceeding without proper conditions of security (Oxfam 2016b: 53; Baquero Melo 2015: 43). Montes de María is emblematic of these dynamics, with restitution processes and homicides closely linked in various municipalities (Daniels Puello and Rodríguez Sánchez 2017: 17-21). An interviewee, Argemiro Lara, was twice saved from assassination by the actions of his bodyguard, and has been repeatedly subjected to threats and intimidation (PBI Colombia 2017a: 125; CINEP-Programa Por La Paz 2017: 214-217; PBI Colombia 2016). The main threat of violence comes from demobilised paramilitary structures who have formed anti-restitution armies, and these are particularly strong in Montes de María (Particpant Interview with Wilmer Vanegas; Sofia Carrasquilla; Restrepo Tabares 2012; El Espectador 2012). The definite presence of armed groups was detected in San Onofre and Toluviejo, and rumours in El Carmen, San Jacinto and San Juan Nepomuceno which could not be confirmed, although definitely present were 'tensions, fears, and threats arising from pamphlets, especially around land restitution' (USAID and Fundación Semana 2014: 8). This violent opposition is linked to corporate agroindustrial interests whose land is subject to investigation (Particpant Interview with Sofia Carrasquilla; Carmelo Agamez; Restrepo Tabares 2012; El Espectador 2012). In the municipality of Ovejas alone two community leaders implicated large companies that consider restitution a threat to their interests in cases of pay-offs, threats and the burning of houses belonging to restitution claimants and returnees (Participant Interview with Carmelo Marquez; Argemiro Lara).

The other threat of restitution related violence arises from the fractures among peasants that are opened up by the process. Claiming land brings conflict with the second occupiers who are other peasants and feel aggrieved (Participant Interview with Campesino de San Onofre; USAID and Fundación Semana 2014: 8-9). Much land was sold by people who wanted to leave, due mostly to the climate of fear created by direct violence, to other peasants, sometimes neighbours or relatives (Participant Interview with Duvan Caro, Climaco Agresot, Martín Salgado; Carmelo Márquez, Pativaca 1; Expert Interview with Sembrando Paz). The desire to leave quickly and the depressed land market generated by the violence meant land was sold below its true value. While there is still uncertainty on the right to claim mis-

sold land in restitution (Participant Interview with Elva Barrera), the threat of direct violence comes at the hands of those who bought the land. There is considerable fear that current occupiers of the land, perceiving themselves to be treated badly, will take reprisals against claimants (Participant Interview with Climaco Agresot, Felipe Aguas).

The generation of violent conflict among peasants (Participant Interview with Pativaca 3, Pativaca 4, Carmelo Márquez, Gilberto Pérez) as well as at the hands of organised armed groups are the two major threats of direct violence in the LRP. The former threat was identified by the Diagnostic Dimension of the SVRM as a design flaw that was likely to have serious consequences, and unfortunately appears to be unfolding in that way. The utilisation of violent opposition groups, meanwhile, shows the reaction of powerful interests to change that they perceive to be against their interest. Analyses of power relations and power structures are once again central to further understanding of these violent dynamics. Specifically, state action to prevent and investigate cases of violence needs to be examined in evaluating the relationship between LRP and direct violence.

Violence against claimants, and the lack of action against those utilising violence, motivated one interviewee to explain that she, her family, and the entire community displaced from La Pelona are scared (Participant Interview with Dina Luz Barón). A high level of impunity exists for killings, threats and other human rights violations (Gallón Giraldo 2013; Amnesty International 2014; Garzón-Vergara 2016; Llorente et al. 2017). While this applies widely in Colombia, there is a preoccupying lack of attention paid to the violence surrounding LRP, with one government minister denying that killings of social leaders were rising or that they represented a systematic phenomenon or that they were related to land issues (Villegas 2017). The Director of URT maintains that only twenty claimants have been assassinated and that the land claim is not the motive for all of them (Sabogal 2018). This is despite numerous studies documenting a rise in violence against environmentalists and land claimants (Oxfam 2016a; PBI Colombia 2017a: 89; CINEP/Programa Por La Paz 2018a: 3-4). This is borne out by a recent Oxfam report that highlights the 'contradiction between government land restitution policies, and the promotion of areas for agro-industrial development and large-scale mining has heightened the

risks for community leaders working to defend territorial rights' (Oxfam 2016b: 56). At the very least the state is turning a blind eye to the direct violence that accompanies land restitution, while there are credible claims that state security forces participate in threats and killings (Gallón Giraldo 2013; CSMLV 2017; CINEP/Programa Por La Paz 2018a: 17-20).

URT processes and personnel have also been linked to the occurrence of direct violence. Confidential information is allegedly being revealed that constitutes a risk to land claimants (Participant Interview with Carmelo Marquez, Carmelo Agamez), while there is suspicion that threats of violence have caused URT employees not to investigate cases of dispossession (Participant Interview with Elva Barrera, Sofia Carrasquilla). Criticism is also made of the security accompanying the restitution process. When the URT arrives to measure and demarcate the land, there is a security detail with presence of police and military, but they all leave after completing their tasks. In April 2018, eight members of the police were killed in the conflictive Úraba region when accompanying URT and judicial employees to return restituted land (Semana 2018; El Tiempo 2018). That is not generally the moment of greatest danger for land claimants, however, and they are subject to threats and intimidation after state security forces have left (Participant Interview with Wilmer Vanegas, Campesino de San Onofre). The poor conditions of security – linked to aforementioned aspects like the isolation caused by poor road and transport infrastructure – puts claimants and leaders at considerable risk of assassination (Participant Interview with Elva Barrera, Carmelo Agamez; PBI Colombia 2017b). Yet the state is ignoring the risks to claimants and leaders, with one interviewee having his security detail reduced from a car and two guards to a single guard which significantly raised his risk (Participant Interview with Carmelo Agamez; Researcher Observation). This is not an abstract danger, as seen by the case of Argemiro Lara whose life was twice saved by the actions of his bodyguard (PBI Colombia 2017a: 128-129; PBI Colombia 2016; CINEP-Programa Por La Paz 2017: 214-215).

Argemiro Lara is an established community leader and land rights activist so it is difficult to attribute the attempts on his life to any particular process, even if another well-known peasant leader and ZRC promoter was adamant that it is much more dangerous to be involved in land restitution (Participant Interview with Jesus

'Chucho' Pérez). This was reiterated in the assertion that the majority of Ovejas' victims' table members felt too intimidated to investigate land restitution (Participant Interview with Carmelo Marqúez).

There have also been incidents of violence and intimidation associated with the ZRC in recent years. In August 2017, an armed group identified as paramilitaries entered a ZRC in Putumayo Department, southern Colombia, to affirm their rejection of coca substitution efforts and support for coca cultivation and resource extraction (CINEP/Programa Por La Paz 2018b: 35). It is noteworthy that they demonstrated support for narcotics cultivation and extractive projects, which constitute the antithesis of the peasant economy promoted by ZRC development plans. November 2017 witnessed threats against a peasant leader in Cauca Department who was told to stop supporting the ZRC and the peace process if she valued her life (CINEP/Programa Por La Paz 2018b: 37).

The connection of ZRC and the peace process with FARC is a common one, and important for two reasons. The first is that promotion of the ZRC was included as a measure in the Comprehensive Rural Reform chapter of the Havana Accords. The second is more sinister, comprising a reiteration of the argument used by political and violent opponents that characterises the ZRC as creations of, or fronts for, the FARC (Expert Interview with Javier Soto; Juan Ricardo Maldonado; Participant Interview with Jose Matildo Flores). The success of this stigmatisation is seen in the previous reluctance to participate in ZRC processes expressed by a female activist from Coloso (Participant Interview with Bertilda, Luz Marina and Kelly). While there has been an improvement in this regard, it remains an ongoing struggle to convince other community members to become involved.

During the mandate of President Uribe there was a clear strategy to weaken peasant organisations through stigmatisation, arrest, assassination, and the militarisation of rural regions, and this was particularly pronounced in the existing ZRC (ILSA 2012: 39). Seen as FARC strongholds, ZRC members were treated with suspicion and liable to be targeted by state security forces or paramilitaries (Participant Interview with Felipe Aguas, Elva Barrera, Sofia Carrasquilla, Pativaca 3; CSMLV 2017: 210-215). One expert interviewed maintained that opposition to the

ZRC is more akin to a political conflict between organisations, in comparison to the opposition to the LRP which is often intra-community (Expert Interview with Juan Ricardo Maldonado). This would suggest that there is less likelihood of ZRC as a process being accompanied by a rise in general levels of violence. On the other hand, community leaders and activists promoting the figure could be exposed to direct violence if the political conflict turns violent.

The possibility of violent opposition is part of the rationale for prioritising collective leadership within the ZRC in Montes de María. One interviewee considered this a key security consideration that would make it more difficult for violent actors to cut the visible head of an organisation or community (Participant Interview with Liz Merlano). While collective leadership here is enacted for negative reasons, it also has potential positive implications in engendering greater internal democracy within organisations and preventing the co-option of individuals who emerge from the grass-roots to interact at more institutional levels. So the response to threats of violence could in turn generate more transformative dynamics in rural processes.

A more positive link between ZRC and the construction of peace in Colombia sees the zones playing an important role in stabilising the peasant economy, overcoming the causes of violent conflict, and reconstructing the social fabric (INCODER 2013). ANZORC and the ZRC's in Montes de María and César took a leadership position in promoting the peace process and its ratification in the 2016 plebiscite (Researcher Observation; Participant Interview with Elmis Samia, Duvan Caro, Esnaldo Jettar). Most specifically, the contribution to a society with less violence was the granting of land to make a dignified livelihood (Participant Interview with Adalberto Flores, Liz Merlano). In the words of a leader from Ovejas 'the ZRC will generate confidence, will generate respect, and will generate peace in the territory, because people will have their autonomy'[43] (Participant Interview with Carmelo Márquez).

For the transitional opportunity that processes of peace, reconciliation and justice present to positively transform rural Colombia it will be necessary for the paradoxes of direct and structural violence to be resolved. While this section has been mostly pessimistic, some positive developments were observed in Montes de María. A

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[43] 'ZRC te generaría confianza, pero te generaría respeto y te generaría paz en el territorio, porque tú tendrías tu propia autonomía'

community activist in Ovejas reported recent journeys in the region that enabled reconstruction of the social fabric, with people in other communities beginning to better recognise and trust him (Participant Interview with Jose Miguel Cárdenas). Another respondent says that state presence was negligible in the past, but now the army is present and conditions of security have improved; with the continuity of this presence considered necessary to reactivate the countryside (Participant Interview with Campesino de San Onofre). Further evidence of improved relationships with state military was seen in the presence of Armada and Police at an *Encuentro de Campesinas y Campesinos de Montes de María* in Finca Europa, Ovejas (Researcher Observation). The positive reaction to this state military presence, as one of protection rather than intimidation, indicated the existence of higher trust in state forces than in the past (Researcher Observation).

The Direct Violence Aspect of the SVRM was tested in this section against the outcomes of LRP and ZRC in Colombia. The most relevant finding was the empirical observation of the previously diagnosed risk of direct violence arising from the LRP's design. In this sense the LRP was not transformative as it failed to challenge the basis of either structural or direct violence in Colombia. This is seen in the increased threat to land activists of all type, many of them restitution claimants, and with the state apparently failing to take appropriate preventative or investigative measures (Garzón-Vergara 2016; Llorente et al. 2017; CINEP-Programa Por La Paz 2018a). The need for action is particularly acute in the present context, because 'with the murders of 122 rights defenders, 2015 was the worst year in the recent history of Latin America for the defense of human rights. More than 40 percent of the cases were related to the defense of land and territory, the environment, and indigenous rights' (Oxfam 2016a: 7). Improvements in rates of direct violence – killings, threats, displacements and others – will be a key factor in transformative change in transitional settings. The SVRM has provided an analytical framework to disentangle direct and structural violence in post-conflict. Further refinements would assist in this goal, and the conclusion will set out the strengths and weaknesses of the approach in evaluating the wider transformative potential of public policy initiatives.

8.5 Conclusion

The continuation of direct violence in many rural areas of Colombia is one of the main obstacles to transformative change. The threat of reprisals against land claimants and activists for ZRC make it difficult for the initiatives to have positive impacts on lived realities in Montes de María and similar zones. This can be seen in rates of land restitution claims far below state estimates, and far below what should be expected given the scale of land dispossession and displacement in Colombia (Thomson 2017). The LRP and ZRC are not transformative in accordance with the SVRM's operationalisation of direct violence as they fail to reduce direct violence. In fact, they are more likely to have increased direct violence. One potential explanation is that the SVRM's operationalisation of transformative potential in this regard was not totally accurate, and that reduction in direct violence does not necessarily indicate a reduction in structural violence. This was the most serious flaw in the SVRM as applied in the pilot study on rural initiatives in Colombia.

Future attention should be paid to the interaction of direct and structural violence by further unpacking and analysing the political economy of violence, conflict and peace. Proposals to reform the structures of land ownership and political participation, for example, have historically been violently opposed in Colombia. Sociopolitical mobilisation in Colombia that advocates for more democracy - in land ownership, in resource utilisation, or in politics – is a high-risk activity (Researcher Observation; CINEP/Programa Por La Paz 2017: 17; Oxfam 2016b). Three hundred and fifty-five social and community leaders were killed between January 2016 and July 2018 in Colombia (Las 2 Orillas 2018), and this chapter has indicated the presence of fatal and non-fatal violence against land activists in Colombia. The same is likely true in other transitional societies, and more careful conceptualisation and data collection is needed to consider the hypothesis that more transformative initiatives are more likely to cause violent push-back. I suggest that network analysis that examines relationships among direct violence, resource concentration, political behaviour, and policy outcomes (and among the actors responsible) could strongly contribute to improving evaluations conducted using a transformative perspective.

The use of direct violence to uphold inequitable social, economic, and political orders and power structures emphasises that these structures and their legitimating institutions require transformation rather than simple reform or re-adoption (Muvingi 2009: 178-179). Such transformation fits with Madlingozi's assertion that the ultimate goal of transitional justice processes and interventions is 'to contribute to the transformation of the political subjectivity of victims in ways that enable them to engage as active citizens, whose capacity to think, to speak, to act, and to revolt is acknowledged and respected' (2010: 209). The most important analytical element of any public policy initiative's outcomes is thus its contribution to sociopolitical change. This was operationalised in the SVRM as the encouragement of increased political and social mobilisation that contribute to transforming the prevailing social, economic and political power structures. The matrix successfully identified this sociopolitical outcome aspect of transitional mechanisms and distinguished the transformative potential of different approaches.

Empirical application to the LRP and ZRC indicated that the latter contributed more to sociopolitical mobilisation in Montes de María. Peasants associated with ZRC have been elected or appointed to municipal positions in the region, especially in Los Palmitos and María la Baja. This has diversified the social base of regional authorities away from traditional local elites based in municipal capitals. There is continued suspicion of the true democratisation under way, however, particularly in a region rife with corruption and clientelism where vote selling is common practice. The references to corruption within the local political system by twenty-seven of thirty-six participant interviewees indicates the scale of the problem, or at least of perceptions of the problem. The existence of corruption is increasingly recognised at the highest levels in Colombia (Marcos 2017; Contreras 2018; El Espectador 2018; Gallego Suárez 2018). New political movements struggle to gain traction due to the existence of entrenched political clans which remain in control through bribery and influence trading, in addition to their ability to utilise violence if needed. While advances have been made, SVRM analyses need to be repeated to evaluate whether the changes are sustainable and transformative.

The best response to political corruption was considered to be collective leadership that can counter the twin threats of violence and co-option (Participant Interview

with Liz Merlano). This was the normal working manner for the ZRC Impulse Committee and groups that advocated the figure, potentially indicating the growth of a more democratic culture from the bottom-up. This would constitute a transformation in political subjectivities and manners of making claims and engaging with politics. The limited time and resources available for data collection made it impossible to engage more deeply with this aspect. Future research is needed that can examine these patterns of engagement and claim-making. The network analysis previously mentioned could provide opportunities to analyse these developments more closely, as well as to explore patterns of vote-buying, clientelism, and other corrupt practices.

Political influence can be exerted also through consultation and negotiation with the state at its different levels. Elements of the ZRC Development Plan were adopted by the Sucre Departmental government into their Contrato Paz submission after a process that included sustained intervention by ZRC Impulse Committee members. OPDS, many of whose leaders played a critical role in elaborating and disseminating the Development Plan in Montes de María, also served as interlocutors between peasant communities and state bodies. These activities indicate that a building of capacity and confidence to participate politically had occurred, and that ZRC involvement had contributed.

The same contribution was not observed in relation to the LRP. The individual dynamics of land claims tended to impinge upon the associated political processes, neither building claimants capacities nor engendering collective action or mobilisation. There were some exceptions in communities that had experienced mass displacements and were trying to return collectively. The strength of these, however, depended on the strength of pre-displacement relationships rather than on involvement with the LRP. The strongest evidence of community mobilisation encouraged by the LRP in Montes de María was actually seen among the second occupiers of Pativaca. This is potentially problematic for several reasons. Firstly, it could impede material restitution; secondly it creates fractures among peasants; thirdly, it could trigger direct violence if instrumentalised by opponents of the land restitution process.

The LRP has not contributed to building capacity or confidence for peasant political mobilisation. This can be seen in individual representative terms as well, with the peasants recently elected or appointed at municipal level not emerging from restitution processes or movements advocating for restitution. This applies in general, and it can furthermore be stated that female participation is not being encouraged. Women interviewed in this study were quite passive, hoping for change from the LRP but neither actively seeking it nor displaying deep knowledge of restitution or wider political processes. Some women do lead restitution processes in their communities, for example Elva Barrera. Again, these women were already leaders rather than becoming so through involvement with the LRP, so the SVRM analysis was unable to find real potential for transforming gender relations.

The ZRC was trying to instil more transformative gender dynamics. Swissaid and Equipo Agenda Rural were strong supporters of gender workshops and women's empowerment in Los Palmitos municipality. Female participation was more robust there, and the example set appeared to be having an influence in ZRC processes across the Montes de María (Researcher Observation). One interviewee even claimed that men in Los Palmitos were actively encouraging strengthened female leadership (Participant Interview with Elmis Samia). Recent national level gathering of women ZRC members and proponents have taken place (PBI Colombia 2017a: 130-137). Approximately one third of participants in municipal impulse committee meetings were female while two women were important members of the regional Impulse Committee leadership (Researcher Observation). Despite this, the participation rate of women at the regional impulse committee meetings tended to be lower (Researcher Observation).

Another issue is the lack of a strongly articulated gender component in the ZRC Sustainable Development Plan. The evaluation is that the ZRC has contributed to female political inclusion but needs to improve this further to have stronger gender impacts. The inclusion of LGBTI persons was mentioned (Researcher Observation; Participant Interview with Esnaldo Jettar), but the available fieldwork period did not permit further exploration. Overall the SVRM was able to detect some useful data

on gender dynamics in sociopolitical life in Montes de María, especially in ZRC processes.

The individual nature of the LRP tended to divide rather than unite struggles, and the same was true of ethnic relations. The restitution process for indigenous and Afro-Colombian communities is distinct from the standard one, being done collectively based on ethnic identification. This creates silos that complicate common sociopolitical mobilisation and can cause intra- and inter-community fractures in ethnically-identified groups. The potential benefits that could potentially accrue from claims made through a bounded ethnic identity rather than through a peasant or smallholder identity risk splitting and weakening common movements. The SVRM did not indicate the existence of any mechanism within the LRP to resolve or reconcile these competing claims.

The same concern exists with the ZRC, which could constitute a threat to ethnic identity and territory. Political and violent clashes have occurred between peasants of the ZRC Serranía del Perijá in Cesar Department and traditional authorities of the Yukpa indigenous community. Recent indications are that these are gradually being resolved. Montes de María also witnessed tensions, and it was alleged that the necessary prior consultations were not adequately carried out by state or impulse committee (Participant Interview with Esnaldo Jettar, Wilmer Vanegas). More recently, an Intercultural Commission was created as a space of dialogues among indigenous Afro and peasant communities, partly to improve understanding of ZRC actions and implications. The transformative potential this brings is further strengthened by state involvement, for example the National Land Agency recently convoking a prior consultation process for the ZRC in Cauca (Villamil Villamil 2018).

The matrix identified a potentially divisive element in the success of the ZRC Impulse Committee consultation with the Sucre Departmental government. The programs implemented would presumably only apply to that department, which is problematic in the Montes de María region that straddles Sucre and Bolívar. The division of programmes - and movements - along administrative boundaries could decrease the level of solidarity and organisation. This division was noted on various occasions, with one large peasant gathering featuring attendees almost exclusively

from Sucre, while all Impulse Committee meetings were in that department there during the period of fieldwork (Researcher Observation). The SVRM emphasises the importance of common mobilisation to create social and political transformation, so future analysis should focus on administrative fractures or the introduction of divide-and-rule strategies.

At the time of fieldwork, such fractures were not too pronounced. Widespread support existed for ZRC among peasant communities, and allies were present in academia, civil society and some state institutions. Constructing these networks of activism and support are an important outcome that may prove transformative in the medium and long-term. LRP was also regarded as constituting a rallying-point for victims and their advocates to use to push for more transformative change. This was understood by one interviewee as an opportunity to put victims on a stable economic footing that would enable them to subsequently mobilise more strongly (Participant Interview with Jose Matildo Flores; Robins 2013). This creation of constituencies for change indicates transformative potential for the ZRC and LRP. As stated previously, the most transformative changes are not necessarily the most obvious ones such as land transfer, but the creation of active or empowered citizenship among formerly marginalised communities. A contribution of the SVRM is integrating transformative perspectives to the analysis of transitional mechanisms so that the transformative potential of these outcomes can be detected.

This active citizenship requires detailed future analysis. As in all such investigations it is difficult to establish whether participation in the initiatives is cause or consequence of increased socio-political mobilisation in the region. The reality is that groups advocating the initiatives in Montes de María form another strand in a network of social struggle, especially because both LRP and ZRC are strategically deployed figures, rather than regarded as end-points in themselves. This raises the possibility that they could clash, with success for one initiative potentially constituting a setback for the other, with one expert interviewee saying 'there will be a legal, political and community problem; it could destroy the proposed ZRC - there are already some restitution claims within the ZRC. They are going to

complement and/or cross more'[44] (Expert Interview with Juan Ricardo Maldonado). It is the cross-over, however, which will allow the ZRC and LRP to transcend their own limitations and promote more transformative change in rural Colombia (Expert Interview with Javier Soto; Marta Salazar; Participant Interview with Duvan Caro; Wilmer Vanegas).

The network of social struggle in Montes de María can be seen in the confluence of pressure for stronger rights protection, peasant-centred rural development strategies, and improved service provision for rural communities. The existence of socio-political mobilisation is vital to all of these, witnessed in political authorities' consultations with the ZRC Impulse Committee on adopting their technical studies and proposals for social policy areas like housing. This has occurred thanks to the creation of capacity by ZRC alongside academic and international development partners, and their ability to make political rights' claims at the municipal, departmental and national level.   These are the most significant outcomes discovered through the SVRM analysis.

This discovery supports the assertions of transformative justice that processes are important in building the confidence and capacity of empowered citizens (Gready and Robins 2014; Gready 2015). It also reiterates the transformative perspective adopted in this thesis that stressed the need to examine transitional initiatives across the three dynamically interlinked dimensions of diagnosis, process, and outcome. The concluding chapter summarises the links between these dimensions and what they entail for the case studies of LRP and ZRC in Colombia. It then reflects in depth on what pilot application to these initiatives has revealed about the matrix and its usefulness as an evaluative analytical tool. I then finish by making some observations on possible directions for future research using the matrix approach as well as on the potential for transformation in searching for synergies among different types of transitional mechanism.

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[44] 'Habrá problema legal, político y comunitario. Podría tumbar la propuesta de ZRC. Hay algunos casos ya contra ZRC en proceso de constitución. Se van a complementar/cruzar más'

Chapter 9: Reflections on the Analytical Tool and its Empirical Application in Colombia

9.1 Introduction

This thesis has explored the possibility for transformation in transitional societies with deeply entrenched structural violence. Transitional justice and structural violence theory were rigorously explored to integrate their insights in a usable theoretical framework. This initial investigation of the literature found transformative justice to be an appropriate framework to proceed. Transformative justice has functioned mainly at the level of critique to expose shortcomings in transitional justice approaches. I considered that these critiques had to be conceptualised rigorously if they were to provide a useable framework for analysis in transitional scenarios. On this basis, the structural violence reduction matrix (SVRM) was created, an analytical tool that could be applied to evaluate the transformative potential of initiatives implemented in transitional societies. This tool's central premise is that an initiative should be subject to analysis and evaluation across three different dimensions, diagnostic, process, and outcome. The SVRM's combination of the three dimensions facilitates deeper analyses of initiatives' transformative potential i.e. the extent to which they could challenge structural violence. This constitutes the major theoretical and methodological contribution of this research project.

The SVRM was then piloted through application in Colombia. To control for extraneous factors as far as possible in researching during periods of change in complex societies it was decided to consider state-sanctioned public policy initiatives in a single country. Two rural initiatives in Colombia were thus selected for analysis using the SVRM, the land restitution programme (LRP) and peasant reserve zones (ZRC, *zonas de reserve campesina*). Analytical chapters were consequently devoted to evaluating their transformative potential across the diagnostic, process and outcomes dimensions. A multi-method research design facilitated triangulation of data from multiple sources. The main sources were: participant interviews with Colombian peasants; expert interviews with academics, state officials, and NGO workers; legal and policy documents related to the

initiatives; national and international data-sets; academic research papers; and researcher observation during fieldwork.

This conclusion is structured in three main sections. The first section will summarise the analytical chapters' main findings in relation to the LRP and ZRC which showed that ZRC contained more transformative potential as measured by the matrix. This includes setting out factors that facilitate and limit initiatives' transformative potential. The second section evaluates the contribution of the SVRM, engaging in an audit of its usefulness as an analytic tool. This reflective lens will identify SVRM strengths and weaknesses - a vital step in creating a useable analytic tool that can be applied to a diverse range of public policy initiatives in different transitional societies. The third section will consider some final reflections on the contribution made by this research as well as suggesting manners in which these could be carried forward theoretically and empirically. Tying these strands together, I briefly consider the current interactions between LRP and ZRC, and whether a closer integration of the two approaches could maximise the scope for transformation in rural Colombia.

9.2 Summary of Empirical Findings on the Transformative Potential of ZRC and LRP

One recent theorisation maintains that the essence of transformation is that 'something qualitatively different and better, not simply something quantitatively bigger or more of the same, can emerge from old or existing structures when they are challenged, broken up and re-imagined around a different operating system' (Edwards 2013). This is not to say that the existing paradigm would be, or could be, completely overthrown – to claim so would be fundamentally ahistorical. It would also overestimate the potential for change that exists in transitional societies with deeply entrenched social divisions and power structures (McAuliffe 2017a; Muvingi 2009). These tensions are a reminder to heed the existence of continuities as well as change in post-transitional societies (Gready 2011). Elements of the previous system will remain, yet the process of transformation should entail some fundamental changes that ensure 'some boundary constraint is crossed or some

deep-seated blockage is removed that facilitates a permanent shift in direction' (Edwards 2013).

It cannot be currently stated that the land restitution programme or peasant reserve zones have facilitated such a permanent shift. Given the historically rooted nature of the direct and structural violence in Colombia, however, it is unrealistic to expect fundamental transformation in their limited time of operation. The SVRM was created to evaluate initiative's transformative potential, recognising that this would probably involve contributing to wider processes of social change and aware that significant transformation is more likely to result from the cumulation of numerous small-scale processes of change. It is imperative to bear this in mind in any evaluation of transformation – the reason why this thesis has evaluated transformative potential.

Analysis of the diagnostic dimension found that ZRC had greater transformative potential than LRP. The ZRC was conceived to resolve long-standing concerns with unequal land ownership, usage, planning, and management structures. While these have evolved over time with expansion of the agricultural frontier and changes in agricultural commodity cycles, high rates of inequality and marginalisation have been a constant in rural Colombia (Jiménez Pineda 2018). The basic process involved landless peasants occupying virgin lands and bringing it into agricultural production after which more powerful actors would seize these lands and displace the original peasants or their descendants - thus causing the cycle to continue (Reyes Posada 2016). These cycles of concentration and dispossession had the further effect of mainly mestizo peasants encroaching further onto lands occupied by indigenous peoples or Afro-Colombian communities previously established by escaped slaves – giving a significant ethnic dimension to subsequent displacements and dispossessions. The ZRC's diagnosis of context furthermore recognised that unequal power relations were a key driver of these displacements, and these are evident in the social, political and economic spheres. Evidence of popular peasant mobilisation influencing the initiative was seen in the fact that the legal figure of ZRC emerged from political demands for land by colonists and small-holders starting in the mid-1980s (ILSA 2012: 17-18). The ZRC Montes de María's Sustainable Development Plan indicates the widespread participation of organisations and

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communities and their channels for dialogue with the state (Comité de Impulso de ZRC Montes de María 2013: 13-14). As was emphasised repeatedly in the SVRM, the participation of marginalised or excluded communities, groups, and individuals is important in ensuring initiatives correctly diagnose the problem and construct solutions.

The SVRM contends that this wide and deep participation in creating initiatives should be sustained throughout the process dimension. Observational and interview data found that ZRC exhibited transformative potential in this regard. The figure had been widely consulted upon with rural communities and peasant organisations involved in diverse manners. There was widespread support for ZRC creation across the region (Participant Interview with Duvan Caro; Bertilda, Luz Marina, and Kelly; Esnaldo Jettar; José Matildo Flores; Jesus 'Chucho' Pérez), and peasants made up the leadership group within the Impulse Committee (Researcher Observation; Participant Interview with Alfredis Tovar; Liz Merlano). Technical documents and studies for the Montes de María ZRC were heavily based on data collected from communities in the region (Comité de Impulso de ZRC Montes de María 2013). Community activists often collected these data, demonstrating how involvement in processes can help build skills and capacity for future social and political mobilisation.

In terms of the social aspects of the process dimension, there was significant overlap in the sphere of action of the ZRC with other initiatives, and with a diverse range of social movements and processes. The ZRC was conceptualised by many as a vehicle for peasant demands, some of them long-standing. The Impulse Committee's president saw the ZRC not as an end in itself, but as a tool for peasant development (Participant Interview with Alfredis Tovar), while many saw its achievement as one contemporary manifestation of a longer history of peasant struggle (Participant Interview with José Miguel Cárdenas; Gilberto Perez; Jose Matildo Flores). Underpinning many of these concerns was an appreciation that strengthening peasant autonomy in Montes de María would be a major ZRC contribution (Participant Interview with Carmelo Márquez). Matching these considerations to SVRM categories, the ZRC demonstrated transformative potential

by helping build capacity and confidence among marginalised groups to participate in wider social processes.

The integration of ZRC advocacy within deeper currents of peasant activism is perhaps its main source of transformative potential. Analysis of the outcome dimension demonstrates how it builds on strong peasant movements and in turn contributes to their reproduction. This is seen in the increased involvement of individuals linked with the ZRC in higher spheres of municipal social and political affairs (Participant Interview with Wilmer Vanegas; Alfredis Tovar), as well as in the willingness of the Sucre Departmental government to accept the criteria and data of ZRC studies and adopt programmes and projects set out in the Montes de María ZRC Sustainable Development Plan (Researcher Observation).

Excepting the sociopolitical mobilisation and influence aspect, however, the transformative outcomes of ZRC have been slight in Montes de María. The smaller ZRC 2 was approved for establishment by the National Land Agency in June 2018 while the much larger ZRC 1 remains subject to official approval. This means it was impossible to distinguish any transformation in land ownership, usage, or management patterns, which continue to be highly unequal in Montes de Maria. Nor have productive projects or more coherent rural development policies been implemented in the region to improve peasant farming techniques, productivity, or livelihoods. While many of the ZRC programs adopted by the Sucre departmental government in Contrato Plan Paz were related to socioeconomic outcomes, there has not yet been any tangible impact on living conditions in the region. Direct violence meanwhile continues to be closely associated with peasant and community activism. ZRC promoters have adopted a collective leadership strategy to reduce the chances of visible leaders being targeted, yet this is a concession to violent opposition that shows activism in rural areas remains a dangerous activity (CINEP/Programa Por La Paz 2018b). Bearing these constraints and conditions in mind the SVRM analysis finds that the transformative potential suggested by ZRC diagnostic and process dimensions has not been seen in outcomes on the ground in Montes de María. Obviously deeper studies of longer-established ZRC may come to different conclusions, and that would be an obvious candidate for further SVRM application.

Using the SVRM to analyse the diagnostic dimension of the LRP finds very little consideration given to local context or the existence of structural violence at local or national level in Colombia. The political economy in which restitution will operate is barely considered, nor is attention paid to exclusions and inequities. The LRP instead has the aim of returning land to peasants dispossessed of their land due to direct violence linked to the armed conflict in a particular time period. This failure to investigate societal inequalities in access to land, as well as to social and political power dynamics means that the proposed solution and intended beneficiaries are narrowly specified. The LRP is thus initiated on behalf of individual claimants in 'a context where no significant political or social change has occurred' (Summers 2012: 220), and the initiative itself does little to instigate such political social or economic changes. The community of Palo Altico, for example, was displaced prior to 1991 by the construction of a dam, making them ineligible for restitution, even though community members suffer from the scarcity of land or alternative employment opportunities and deficient public services (Participant Interview with Sofia Carrasquilla).

Limiting beneficiaries has undermined the LRP's effective operation as well as its transformative potential. People suffering from generalised structural violence, low living standards, and social exclusion swell the numbers of registered victims as people without prior access to land hope for the same opportunities as "valid" restitution claimants (Participant Interview with Esnaldo Jettar; Expert Interview with Liliana Duica). Another major controversy that has delayed restitution and created opposition is the presence of second occupiers who are peasant smallholders rather than large landowners and who are being displaced by restitution (Participant Interview with Ubaldo Mesas; Pativaca 1, 2, 3, 4, 5). The analysis suggests that these problems are direct consequences of the LRP's shortcomings in the diagnostic dimension, particularly in framing the sphere of action and establishing aims and beneficiaries. Transformative potential is constrained by the incapacity to constitute the problem as one of entrenched structural violence, hence failing to instigate an inclusive land access and rural development policy that adequately reconciles the rights of land claimants' and second occupiers.

The diagnostic shortcomings of the LRP have effects throughout the other two dimensions. The process dimension analysis encountered little connection between restitution and wider social, economic, or political change. As resolving entrenched structural violence and inequalities was not considered an aim, processes contain little transformative potential. These processes revolve mainly around the making of a claim which is then investigated by the Land Restitution Unit (URT) in an administrative phase that determines the claim's inclusion in the land register. If included in the register, the claim moves into a judicial phase and eventually a decision to restitute is taken accompanied by the award of a productive project and possibly additional measures such as house construction. The only subsequent post-claim claimant involvement is attendance to confirm the land plot's extension and choice of a productive project from among SNARIV's list of options.

From the SVRM perspective this process can be regarded as a shallow type of individual involvement. Participation as administrative claimant does not inculcate a sense of rights or citizenship, nor does it build individual's capacity and confidence to participate more fully in society. Some outreach events are organised by the URT but these are more akin to information sessions and do not enable significant citizen participation or oversight (Researcher Observation).

While analysis of diagnostic and process dimensions suggested the LRP contained limited potential for transformation, there was still potential for transformative outcomes. This was because the LRP was the flagship state policy for dealing with past victimhood, and the Santos administration invested significant political as well as financial resources into its creation and implementation. The latest URT statistics indicate that as of 31st July 2018 313,129 hectares of land have been judicially restituted (URT 2018). Nevertheless, the 7834 claims resolved in judicial decisions is a fraction of the 114,788 claims presented, with 40,253 having been rejected during the administrative phase (URT 2018). The analysis of chapter seven found that provision of productive projects, housing, and necessary public services was severely lacking.

One expert claims that the added value of restitution is the multidisciplinary investigation of historical dynamics undertaken to discover who has the right to

land titles (Expert Interview with Juan Ricardo Maldonado). This would entail state recognition of land dispossession as an act of victimisation that acknowledged suffering, while helping reconstruct historical memory of land usurpation dynamics and causal factors (Blanco Cortina et al. 2017: 148). Bringing to light such narratives connects the LRP with TJ imperatives to discover truth and challenge the basis on which truth-claims are made. That could indeed encourage a deeper transformation if used to repudiate victimisers and alter the conditions in which victims find themselves. Nevertheless, there is a dispute over the role and importance of LRP in investigating relations with armed conflict and its promoters, fighters, beneficiaries, with an interviewee maintaining that 'the unit only does superficial investigations and does not worry about investigating the relation with the conflict, if the promoters of conflict are telling the truth'[45] (Participant Interview with Duvan Caro). In reality widespread scepticism was expressed within Montes de María over the true effectiveness of Law 1448 and its true extension of citizenship rights (Participant Interview with Jesus 'Chucho' Perez; Gilberto Perez).

Having summarised the main empirical findings, attention is now given to reflecting on the contribution made by the SVRM. This reflection is aimed at establishing whether it is an appropriate analytical tool for evaluating the transformative potential of initiatives adopted during times of transition. Ensuring that it collected the correct type of data is one component of this. Of more fundamental concern, however, is whether it is sufficiently rigorous to distinguish the degree of transformative potential contained in different mechanisms and process, while also being able to contextualise these in their wider societal dynamics. Empirical application in Colombia was the method by which the analytical tool's utility could be audited.

9.3 Auditing the SVRM as an Analytical Tool

It has been repeatedly proclaimed that transformative justice must move from critique to action (Gready and Robins 2014; McGill 2017; McAuliffe 2017a). This

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[45] 'la unidad solamente hace investigaciones así por encima y no se preocupa por investigar la relación que tuve con el conflicto, si los promotores del conflicto me están diciendo la verdad'

realisation prompted the creation in this work of the Structural Violence Reduction Matrix (SVRM) to function as an analytical tool to apply to initiatives being designed or implemented in transitional societies. The SVRM was created to bring a deeper analytical perspective to initiatives conceived and implemented in transitional settings. The earliest, and seemingly simplest, decisions taken by initiatives can substantially affect their subsequent transformative potential. The LRP's restriction of beneficiaries to those who could prove land dispossession due to armed conflict, for example, has clearly undermined its transformative effects. The lack of transformative outcomes for the LRP is fundamentally linked to the fact that it envisages return to the land ownership structure that existed in 1991, even though this was highly inequitable and undemocratic (Reyes Posada 2016; Jiménez Pineda 2018). The SVRM represents an operationalisation of transformative justice principles that advocates transformation of these highly unequal structures and relations of economic, political, and social power. With this in mind, due consideration had to be given to diagnostic, process and outcome dimensions of public policy initiatives. This section will thus reflect upon the contribution that the SVRM made as an analytical tool in this study. SVRM strengths and weaknesses can be evaluated, and modifications suggested that would improve its application in future use.

In creating the SVRM I advocated the need to combine ontological realism and epistemological constructivism. Doing this allows analysis of structural violence's objective existence in transitional societies while also affording space for its multiple manifestations to be explored. Official policies, reports, and statistics were used as data sources, supplemented with academic and civil society documents, some of these in turn based upon analysis of state-provided data. In a context of structural violence close attention must be paid to the dynamics of power in determining what is written, when, by and for whom. This is especially important in Colombia where large individual and corporate landowners hold considerable social, economic, and political power and influence the introduction of rural public policies and programmes (Oxfam 2016b). In order to investigate these dynamics, much of the data collection took part among rural communities to evaluate and analyse their involvement with the initiatives in question. Individuals and groups

were interviewed about their degree of participation in LRP and ZRC and whether this had an impact on sociopolitical mobilisation in a manner that could be transformative. These interviews allowed a diversity of epistemological perspectives to be investigated, and widened the analytical frame of research into structural violence in transition.

The SVRM proved capable of analytically distinguishing the different frames of reference utilised by the initiatives on which it was applied. This is clearly an important analytical insight as the problem framing has ramifications for all subsequent strategic and design decisions. The contribution was in providing a tool that would successfully evaluate whether initiatives enacted in transitional societies acknowledge the existence of structural violence as a problem to combat. A focus on direct violence as the problem to be resolved could be distinguished analytically from a focus on structural violence. It was also possible to identify the causes that were ascribed to the problem. These constitute major successes of the SVRM as an analytical tool. They could also have policy relevance given the hypothesis that structural violence will only be reduced by an initiative that accurately diagnoses the central problem to resolve and its main causal factors. This suggests a possible SVRM contribution to the design of future transitional initiatives with greater transformative potential.

This is seen also in the section investigating the stakeholders and participants in designing initiatives. Analysis of the social and political context in which initiatives were created was seen to be an important element in establishing the problem framing, type of solution advocated, and defining the beneficiaries. Using the SVRM to evaluate the evolution of demands from affected communities was very important. This can help establish whether initiatives are created at the behest of these communities, or whether they are promoted by other actors. Evidence was found that showed the ZRC initiative emerged from long-standing peasant mobilisation and was based upon a local mechanism in La Macarena (ILSA 2012). Restitution was also a social demand, but emerged as a more top-down approach initiated by the Santos administration. To be clear, the majority of peasant organisations and individuals indicate support for restitution, although the influential ANUC organisation is split and many second occupiers feel threatened.

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The relevance of these differences to the SVRM resided in evaluating the extent to which marginalised groups and sectors of society shaped the development of transitional initiatives. Specifically, was it sufficiently attuned to differentiate between an intervention carried out on behalf of victims and marginalised communities and one developed in conjunction with these sectors. The analysis of the pilot suggested that the SVRM proved capable of identifying variation in stakeholder participation in instigating, designing, and implementing initiatives. This makes it an appropriate mechanism to investigate and evaluate the emergence of empowered citizenship that is theorised to be an important ingredient in transforming situations of structural violence (Hickey and Mohan 2004).

Analysing this empowered citizenship is the central contribution of the SVRM's process dimension. This is supported by theories that see participation in mechanisms and processes, and the confidence and capacity that results from this participation, as more important for transformation than the concrete outcomes (Robins 2013: 209-210; Gready and Robins 2014; Williams 2004). With this in mind, the SVRM granted considerable weight to socio-political indicators of increased political participation and organisational activism, including the widening of political representation to include previously marginalised societal sectors, groups or communities. Increased socio-political mobilisation, related to the initiatives in question, as well as in the larger movements to which they contribute, are the key to further social and political change in society. This work began by theorising that enhancing marginalised rural communities' confidence, capacity and knowledge through involvement within LRP and ZRC can contribute to a changed political environment.

The empirical work in Chapter Six was able to identify different degrees of empowerment arising from the different initiatives, supporting the theory that the type of participation matters (Gready and Robins 2014: 357-358). The more transformative initiative, ZRC, encourages deep participation throughout initiative design and implementation in such a way as to build participants' capacity and confidence to be more deeply involved in social and political life. This was closely linked to openness to a wider universe of participants rather than a narrowly defined set of beneficiaries, and the facilitation of collective mobilisation rather

than simply individual involvement. The SVRM therefore helped to analyse different levels of empowerment among participants in ZRC and LRP initiatives. As transformative justice assigns great importance to initiatives' process dimensions this is a key contribution of the SVRM, and a demonstration of its usefulness in future empirical application in alternative locations and policy sectors.

Improving opportunities for involvement in a changed social and political environment will be a key indicator of transformation. The SVRM did see some developments in this regard allowing analytical insights into social change dynamics in addition to the comparison between different types of initiatives. Peasant leaders, lawyers and community activists were mobilised around the question of restitution (Researcher Observation; Participant Interview with Carmelo Agamez). This further supports the theory that it is the process of participation within initiatives that holds transformative potential. This was seen even more clearly in the ZRC, with former and current members of the Impulse Committee being important leaders in their communities and interlocutors with state entities. Evidence of wider change in Colombia's social and political environment is seen in the closer alliances between Afro, indigenous and peasant groups for peace, land and social reforms (Colectivo Agrario Abya Yala 2016). ANZORC is a key member of this alliance at the national level, while there is a generally good integration of the ethnic groups within organisations and associations in Montes de María (Researcher Observation). The stipulation of prior consultation with ethnically defined communities was considered to have slowed initial progress in constituting the ZRC (Participant Interview with Esnaldo Jettar, Liz Merlano). However, it encouraged joint action in the area that has built a stronger foundation for future action and increased mutual support for Afro-Colombian and peasant zones (Researcher Observation; Participant Interview with Esnaldo Jettar, Duvan Caro, Consejo Comunitario Eladio Arriaza).

The SVRM approach of placing initiatives in context facilitated seeing this wider social and political mobilisation. Appreciation was given that this included initiatives in many different spheres, some of them modest small-scale initiatives. Representatives of a women's association in Coloso indicated the role of sport and cultural activities in overcoming isolation and depression among community

members (Participant Interview with Bertilda, Luz Marina, and Kelly). Similar initiatives to reconstruct trust, culture, and community cohesion were considered important by various interviewees (Participant Interview with Adalberto Flores; José Miguel Cárdenas). It was by building upon these foundations that more explicitly political demands could be made, and this had been achieved by some communities. One interviewee was clear that her community should learn from the example of Mampuján's unity and organisation that had enabled it to attract external attention and become one of the first cases of collective restitution (Participant Interview with Sofia Carrasquilla). The SVRM's appreciation of the wider context was important in evaluating transformative potential, by examining more carefully how it emerged within communities and associations. Future work could usefully extend this to investigate the micro-processes by which community cohesion, solidarity, and mobilisation were created and evaluate the role of transitional initiatives. Turning the question on to the matrix, further investigation could be carried out to ensure this measurement of community mobilisation was not inherent to land or reparation initiatives. This would involve auditing the SVRM's capability of evaluating different types of programme, such as those more firmly in the realms of justice, truth, or GNR.

It was in the Outcomes Dimension that the SVRM struggled most to provide important analytical insights. This is due in large part to the complications of obtaining data related to on-going initiatives, especially in areas experiencing the aftermath of massive direct violence, with widespread displacement of individuals, families, and communities and lack of reliable censuses and registers. The SVRM operationalisation, for example, considered the narrowing of wide disparities in public service provision between regions, between the urban and the rural, and between social classes in Colombia to constitute a central marker of structural violence reduction. Improved socioeconomic indicators mean better standards of living in communities that often lack basic services like electricity, running water or sewerage; and the existence of healthier and better educated populations. Yet the analysis uncovered scarce evidence of LRP or ZRC having any sort of impact, even when claiming it. Land restitution is supposed to be accompanied with housing and infrastructure improvements that broaden the beneficiary to the wider community,

thus allowing dignified collective return. Yet, this had not occurred in 2016 (Researcher Observation; Participant Interview with Blanca Sierra, Francisco Acevedo). The ZRC likewise had not had any tangible impact, and the claimed outcome was to have introduced infrastructure improvement onto the departmental agenda and into post-conflict development programmes (Researcher Observation; Participant Interview with Alfredis Tovar).

Examining direct violence was another aspect where the SVRM demonstrated some weakness. It had been theorised that direct violence rates would positively correlate with structural violence rates, and transformative transitional initiatives would facilitate a reduction in both. However, this was not seen in national or regional trends (CINEP/PPP 2017; CINEP/PPP 2018b; Oxfam 2016b). It should be considered that they may be negatively correlated, as those benefitting from existing structures and relations utilise direct violence to stymie reform. That is likely to be overly simplistic in the other direction so a more sophisticated interrelation between direct and structural violence will have to be theorised and operationalised in future iterations of the SVRM.

Providing peasants with land and sustainable peasant livelihoods were the empirical indicators of the SVRM contention that transformative initiatives would facilitate the achievement of more equal and equitable economic opportunities in transitional society. It was important to evaluate the initiatives in respect of their opportunity to do so, bearing in mind that LRP is the flagship state transitional justice policy. Yet the LRP has fallen short of its own stated objectives, whether measured by number of claims, land area restituted, or deadlines for completion. This is well-known, and so the more useful contribution of the SVRM was in evaluating the successful provision of rural development, infrastructure, and productive projects to those being restituted and their wider communities. The shortcomings here were even more pronounced, indicating the utility of an analytical lens that examines tangible impacts rather than the issuing of legal land titles.

The SVRM found the ZRC similarly deficient in promoting rural development or providing land for peasants in Montes de María. Proposals to promote peasant-

centred rural development did exist in the region, detected by SVRM Outcome Dimension questions (Montes de María ZRC Impulse Committee 2013; Participant Interview with Esnaldo Jettar; Researcher Observation). Yet, these had not been applied, and land was not assigned. Here the limitation of collecting data in an area where the zone was in the process of establishment was apparent. While efforts were made to find data on other existing zones, it was difficult given the reduced time available for fieldwork. It is clear from ANZORC and Montes de Maria ZRC documents that land is to be assigned in accordance with Family Agriculture Unit stipulations on plot size, while each zone has introduced its own limitations on crop type and cultivation methods in accordance with local social, ecological, and environmental conditions. The smaller Montes de Maria ZRC 2 was approved in June 2018 which should facilitate future research on land assignments and restrictions, as well as the rural development policies adopted there.

Transitional rural issues cannot be reduced to simply returning land, however, and it is incumbent upon the initiatives that they provide substantive access to rights to people who have never truly enjoyed them. The limited transformative potential identified by SVRM analysis of the LRP's diagnostic dimension has the subsequent effect of utilising unsuitable frames of reference when evaluating outcomes. This leads to the dominance of impact assessments overly focussed on institutional and legal objectives rather than societal or political ones, such as one recent study that enumerated seven positive advances of LRP implementation (Blanco Cortina et al. 2017: 148-149). The first two acknowledged suffering caused by land dispossession (albeit failing to accept state responsibility through commission or omission) while reconstructing the historical memory and causal factors of land usurpation. The next were related to the creation of administrative and judicial institutions to lead the process and make the judicial field more suitable for the specificities of Colombian transition through adopting pro-victim, pro-human dignity principles, presumption of victims' good faith, and reversal of the burden of truth. The fifth continued the theme of institutional creation, this time for the post-judgement phase to ensure fulfilment of judicial remedies. The final two revolved around the generation of innovative jurisprudence that guarantees respect for victims' rights,

incorporates international standards, and resolves victims' claims in a reasonable timeframe (Blanco Cortina et al. 2017: 148-149).

Yet, these outcomes focus on the judicial realm, rather than positive advances for peasant farmers and rural communities. A strength of the SVRM is to engage in deeper analyses that counteract the often narrow understanding of public policy outcomes that relate to internal institutional targets rather than to outcomes experienced by individuals and communities. This focus on people rather than on the success of judicial or administrative reforms themselves makes clear that the tools and measures of success cannot be the same for transformative justice as for transitional justice (Evans 2013; Evans 2016). That was the main motivation for creating the SVRM.

Use of the SVRM suggests that the most transformative outcomes dimension aspect identified by Blanco Cortina et al. is the provision of post-judgement instruments that reinforce the fulfilment of judicial remedies. The ultimate effectiveness of these instruments will depend on their scope and capacity to instigate, encourage or promote deep-seated change. Bearing the foregoing in mind, their initial two points on acknowledging victimhood and exploring causes of dispossession have the potential to create positive feedback loops that affect the diagnostic dimension of future initiatives by changing political and public discourse (Blanco Cortina et al. 2017: 148). This changed discourse would be apparent when the SVRM is reapplied to subsequent initiatives. These changed sociopolitical dynamics may be the most significant outcome of judicially-inspired restitution programmes. This is supported by Sánchez's analysis which suggests that the LRP's direct instrumental effects have been negligible, and that the real innovation and potential comes from its indirect instrumental and symbolic effects (2016: 185-188 in Blanco Cortina et al. 2017: 149-150), thus ratifying Gready's assertion that the most transformative element of reparation programmes is their effects on mobilisation and attitudinal change (2015). Increased academic, judicial and social mobilisations around these questions would likewise be expected – the data collected in this project did unearth the existence of various allies of peasant movements within academia, civil society, and social movements.

Returning to the creation of new institutionality, the SVRM analysis suggested that this was often a distraction from substantive impact or transformation. Law 1448 created the *Unidad Administrativa Especial de Gestión de Restitución de Tierras Despojadas* (Special Administrative Unit for the Management of Restitution of Seized Land, often simplified to *Unidad de Restitución de Tierra*, URT) linked to the Ministry of Agriculture but with administrative, legal, and financial autonomy. Overall responsibility for rural development was transferred from Incoder to three new entities, with the most important being the National Land Agency (*Agencia Nacional de Tierra*, ANT). This marks the latest change in rural entities that is the standard state "solution" in Colombia, but that has rarely led to more substantive change, due to either loss of institutional capacity or to more nefarious attempts to obstruct reform (Jiménez Pineda 2018; Expert Interview with Liliana Duica; Participant Interview with Liz Merlano; Wilmer Vargas; Jose Miguel Cárdenas, Consejo Comunitario Eladio Arriaza). If anything, the successive institutional name changes suggests the approach to rural affairs is becoming ever less activist and ever more technocratic. The Colombian Institute for Agrarian Reform (*Instituto Colombiano para la Reforma Agraria*, INCORA) was created in 1961, changing in 2003 to Colombian Institute for Rural Development (*Instituto Colombiano de Desarrollo Rural*, INCODER) before becoming the National Land Agency in 2016. Using the SVRM to evaluate the impact of initiatives' outcomes on people's lives and livelihoods rather than their impact on the creation of institutions or jurisprudence is another key contribution.

Analysing the impacts on people's lives was a motivating factor for the inclusion of interview participants without direct contact with LRP and ZRC, facilitating investigation into whether the characteristics, changes and continuities observed in Montes de María were attributable to alternative causes. Outcomes are clearly affected by wider societal dynamics, and it is important to see the differences between engaging with these initiatives, engaging with other initiatives and not engaging in the social and political arena. The SVRM facilitated these deeper analytical framings by exploring social and political mobilisation patterns in the region of study. Despite this, the vast array of issues being examined at the national and subnational level made it difficult to expand the research very much into

looking at these other initiatives or looking as deeply as desired into aspects of sociopolitical mobilisation. The concluding section will set out some additional reflections and suggest directions for future theoretical and empirical work.

9.4 Final Reflections and Future Directions

While this research project has been focussed narrowly empirically, any evaluation of transformative potential must consider initiatives' wider context. This is especially true in the economic aspects given that trade and production take place in highly globalised transnational systems (Bernstein 2010). As Chapter Three made clear, the political economy of transition needs to be clearly theorised at the local, national, and international levels. Transformative potential can easily be stymied if localised changes are not accompanied by change in wider socio-political and economic dynamics. The international political economy of Free Trade Agreements, transnational finance, and global tax and production competition must be carefully considered. This is especially apparent in the rural production sector where peasant smallholders will struggle to thrive economically even if granted land, and even if provided with a small-scale productive project. So while the ZRC aims 'to promote, stabilise and sustain the peasant economy, to democratise land ownership, regulate its uses and overcome the causes of social conflicts affecting it and, in general, to create the conditions to achieve democratic peace and social justice' (Comité de Impulso de ZRC Montes de María 2013: 262), it struggles against the countervailing macro-economic environment. Agricultural commodity production is highly concentrated horizontally and vertically by a small number of global conglomerates into which peasant smallholders are unequally integrated (United Nations Conference on Trade and Development 2016: 2-3; Bernstein 2010).

So while ZRCs are an example of territorial resistance that promote food sovereignty and sustainable rural development, they remain based on the logic of the global market and therefore dominated by large agribusiness (PBI Colombia 2017a: 139). Further investigation could examine the interaction of this type of small-scale initiative with currently dominant global economic paradigms, and the impact of global structural violence and inequities. The SVRM analysis shed some

light on these larger economic dynamics, in addition to a power analysis of Colombia's rural political economy. These could be extended with more detailed work at higher and lower levels of abstraction, with maps tracing changes in land tenancy and usage at the local level, investigation of state development policies, and analysis of global trade and investment patterns. This would transcend the scope of any single initiative and require national and international debate. As has been reiterated throughout this work, the transformative potential needs to be contextualised and linkages to these higher levels rigorously analysed. This thesis has piloted the SVRM and one of its strengths was analysing initiatives' spheres of action and the groups and ideas driving them. Extension and refinement would allow similar analyses to be conducted on the local-national-international intersections of policies, programmes, and projects.

The same detailed investigation needs to be applied to examining the flows of power, which were theorised as central to the design and implementation of initiatives. The limited space for empirical application in such a wide topic as structural violence precluded a fine-grained analysis. I would suggest that one particular sphere that is often neglected is research into power-holders: the relations among them and their relations with non-elite groups. Like most elites, those in Colombia are not homogeneous, with former president Álvaro Uribe and his supporters constituting a different elite despite their self-portrayal as representing a non-elite alternative to the traditional Bogotá-based political and social elite. Rather there is a divergence of interest between central and regional elites in many regions of Colombia (Baquero Melo 2015; El Espectador 2018). Uribe and out-going president Juan Manuel Santos represent two distinct 'elite families', both inextricably linked to economic interests with different emphases. The former represents traditional economic interests who want land as land, held for cattle, social power and speculative purposes, and have benefitted from the armed conflict as a manner to occupy new lands. Santos, despite hailing from a traditional elite family, regards peace as an opportunity to open the Colombian economy to further extractivism, as can be seen in increase in logging and mining post-Havana Accords and the approval of Free Trade Agreements almost immediately upon assuming presidency (Oxfam 2016b: 31-32; Zerda Sarmiento 2016). Even with this in mind,

one expert maintained that Santos would prioritise peace over continuation of neoliberal economic policy if the two entered into conflict (Expert Interview with Javier Soto).

Deeper analysis of the ebbs and flows of power among and between different elites, as well as between elites and non-elites, would be highly beneficial in transformative justice research. The relevance of such analysis is particularly apparent in the choice of initiative and its diagnostic dimension, while it also continues to shape processes and outcomes. Adopting such analyses would be valuable, for example, in charting the stop-start nature of ZRC establishment. They may also help explain why restitution is spatially and temporally patterned. There is a strong likelihood that both of these are caused by shifting coalitions of, or other alterations in the balance of forces among, elite actors.

Turning to the receiving end of initiatives, it should be noted that frustration was expressed at the perceived unfairness of restitution and the wider reparations programme. The analytical chapters devoted considerable attention to the complaints of second occupiers who felt they were being displaced by the state (Participant Interview with Pativaca 2, Pativaca 4). Frustration was also expressed by claimants who saw restitution advancing in other areas while their processes did not advance. Admiration of Mampuján's strong advocacy of its rights to collective reparation, for example, was mixed with a perception that the majority of attention and resources was overly focussed there (Participant Interview with Sofia Carrasquilla). This is state financial resources, but also civil society, media, and international attention; and it is noteworthy that the days prior to Peace Accord signing saw a UN and Victims Unit delegation visit that community in particular (Researcher Observation). Clearly there is nothing untoward about this, and Mampuján is upheld as a successful test case of collective reparations. It is important that the negative effects of these reparations programmes be resolved or ameliorated. Some of these improvements would be as simple as maintaining better communication with restitution claimants to assure them that claims were being dealt with (Participant Interview with Cecilia and Carmen Escobar, Ubaldo Mesas). This would be an easily implemented change to the URT's operating

procedures that would help claimants, and in turn strengthen support for, and legitimacy of, the LRP.

An important reflection that emerges from SVRM application in Colombia is upon the interactions among different initiatives in transitional societies, as they influence each other, as well as being shaped by and in turn helping to shape the context. The participant interview and observational data were collected during immersion in Montes de María, and a variety of interesting socio-political dynamics and interactions were observed. It is hoped that future work will build on this fieldwork, the data, and relations developed, especially in regards to analyses of peasant social movements and their alliances and relations with stakeholders from the judicial, political, and civil society realms. For now though, I shall restrict commentary to the links between LRP and ZRC, and how an integration of the two initiatives could go some way to overcoming their limitations.

The state has traced some direct connections between LRP and ZRC, with the Montes de María ZRC 2 established in June 2018 considered to be an opportunity to further the restitution of rights and land to displaced persons (Agencia Nacional de Tierras 2018). It should also be pointed out that the Comprehensive Rural Reform Point of the Havana Peace Accords defended the promotion of ZRC as a land ordering and rural development strategy (Participant Interview with Wilmer Vanegas, Liz Merlano, Sofia Carrasquilla). The overlap of agendas between LRP and ZRC has been noted (ILSA 2012; Expert Interview with Marta Salazar, Juan Guillermo Ferro, Lorena Pineda), while one expert claims they could be complementary policies if more thought was given (Expert Interview with Javier Soto). Peasants are conscious of the potential of combining the initiatives, with one young leader claiming that land titling, restitution, and ZRC are complementary approaches to guaranteeing rights and territory for communities in Montes de María (Participant Interview with Duvan Caro). Other peasant leaders maintain that establishing the ZRC would improve land allocations in the zone and create a framework within which the Land Agency could assign land parcels to those eligible , with those who are willing able to join collectively into the ZRC (Participant Interview with Esnaldo Jettar, Wilmer Vanegas). Creating links between initiatives and learning from effective approaches to either scale-up to the national level or replicate in other

areas is an important element of transformative justice (Gready and Robins 2014: 360-361).

Another rationale for creating links between the processes of restitution and ZRC is that they face the same opposition from right-wing and from large landowners, especially large cattle farmers (Expert Interview with Juan Ricardo Maldonado; Participant Interview with Liz Merlano, Jose Matildo Flores). There has been a conscious attempt by this opposition to mobilise common people with the discourse that they will also lose their land, portraying restitution as an attack on legitimate small farmers (CONtexto Ganadero 2016; Reyes Posada 2016). The success of these campaigns was seen during researcher visit to Pativaca where some second occupiers extolled the support they received from the Colombian Federation of Cattle Farmers, Fedegan (Participant Interview with Pativaca 2). The establishment of a ZRC would generate a climate of more security than returning isolated families in a hostile environment where they may face social ostracism or violent reprisals. Even more importantly it could reassure second occupiers that currently feel victimised by the LRP to engage positively with the process, and with other initiatives in the region. By removing a major schism among peasants in Montes de María this would improve the prospects for peasant socio-political mobilisation, equity-oriented rural development policies and sustainable peace. These are vital elements in overcoming direct violence and structural violence in Colombia, and key to maximise the transformative potential of initiatives undertaken in transitional societies.

Overall, the SVRM has shown considerable capability in evaluating the transformative potential in transitional initiatives. A number of the weaknesses were related to the inexistence or incompleteness of data, such as in tracking rates of malnutrition or health-adjusted life expectancy. Greater access to such data, especially at the micro-level, would allow more fine-grained analysis. Administrative statistics were used, but these could be usefully supplemented by survey data among communities affected by transitional initiatives. It should nevertheless be clear that greater use of statistics and quantitative data collection and analysis should not crowd out research based on in-depth contextual study. A further problematic issue involved the incorporation of overly simplistic

assumptions, such as that reductions in direct and structural violence would occur in a linear fashion. Further theorisation will be needed to strengthen these aspects. Ultimately any new analytical tool will have weaknesses and limitations - discovering these was an important goal of piloting the SVRM in Colombia.

Acknowledging weaknesses is central to charting out the next steps for the SVRM. The analytical categories could be strengthened through closer integration of their quantitative and qualitative aspects, allowing the matrix to contribute to research into the design, implementation, and outcomes of future transitional initiatives. This research would give insights into various lacunae in current knowledge by comparing different types of processes and across differing contexts. Recent developments in Colombia offer the possibility to compare the Special Jurisdiction for Peace mandatedin the Havana Peace Accords with the Justice and Peace Process created to try demobilising insurgents in the mid-2000s onwards. Or focus could be broadened from a single transitional justice process to compare the transformative potential of the various mechanisms established by the Havana Peace Accords. This would constitute a particularly interesting study as they emerge from the same source but will be implemented in different manners by different agencies. The national-level context and starting point would be the constant, so this could help establish which types of mechanism tends to contain more transformative potential. Alternatively, it could illuminate differential patterns of support, resistance, and opposition attached to mechanisms. The SVRM analyses of power and participation in the design and process dimensions would be highly relevant in such cases.

Another possible utilisation of the matrix could take a very different approach, for example, cross-comparative international research that could lead to better understanding of how contextual factors impact TJ mechanisms. This could entail research into initiatives that seem similar but that resulted in drastically divergent outcomes. The specific dynamics of their creation, and differences in processes' participatory and empowering elements, could have led to more or less transformative outcomes. Using the analytical categories presented in this thesis could provide some additional analytical insight in this regard. In all of these cases it is important to stress the transitional context of initiatives being evaluated, an

important feature of transformative justice. In this regard, the SVRM approach is in line with recent innovations in peace research using everyday peace indicators generated within communities (Firchow and MacGinty 2017). Such approaches are vital to the development of transformative justice by creating a frame for transformation that can increase participation in transitional justice mechanisms and empowerment beyond transitional justice mechanisms. Adequately developed and refined, the SVRM is an analytical tool that can evaluate transformative potential and impact. This thesis has thus made a strong theoretical and empirical contribution to developing the field, as well as pointing the way to future improvement in the analytical potential of transformative justice.

Appendices

Appendix I: List of Interviews

Participant Interviews (Alphabetical)

- Adalberto Flores, 25 October 2016. Morroa (Los Flores), Sucre

- Alfredis Tovar, 29 October 2016. Los Palmitos, Sucre

- Argemiro Lara, 27 October 2016. Ovejas (Finca Europa), Sucre

- Bertilda Rosa Lambrano, Luz Marina Meza Parra, and Kelly Peña Canchilla, 07 October 2016. Coloso, Sucre

- Blanca Sierra, 26 October 2016. San Jacinto, Bolívar

- Campesino de San Onofre, 2 October 2016. San Onofre, Sucre

- Carmelo Agamez, 30 September 2016. San Onofre, Sucre

- Carmelo Márquez, 16 September 2016. Ovejas (Finca Villacolombia), Sucre

- Cecilia and Carmen Escobar. 20 October 2016. San Onofre (La Pelona), Sucre

- Climaco Agresot, 01 October 2016. San Onofre, Sucre

- Diego Perez, 2 October 2016 San Onofre, Sucre

- Dina Luz Barón, 21 October 2016. San Onofre (La Pelona), Sucre

- Donadys Pérez, 29 October 2016. Coloso, Sucre

- Duvan Caro, 27 September 2016. María la Baja (Playon), Bolívar

- Eliecer Escobar, 4 October 2016. San Onofre, Sucre

- Elmis Samia, 25 October 2016. Los Palmitos (Comunidad de San Jaime), Sucre

- Elva Barrea, 27 September 2016. Maria la Baja (Los Bellos), Bolívar

- Esnaldo Jettar*, 17 September 2016. Ovejas (Finca Villacolombia), Sucre

- Felipe Aguas, 17 September 2016. Ovejas (Finca Villacolombia), Sucre

- Francisco Acevedo, 19 October 2016. Maria La Baja (Monte Cristo), Bolívar

- Gilberto Perez, 29 October 2016. Ovejas (Finca Europa), Sucre

- Jesús 'Chucho' Pérez, 25 October 2016. Los Palmitos (Palmito), Sucre

- Jose Matildo Flores Carmona, 20 August 2016. Morroa, Sucre

- José Miguel Cárdenas, 6 October 2016. Ovejas (Bajo La Palma), Sucre

- Liz Merlano , 24 October 2016. Morroa-Sincelejo, Sucre

- Martín Salgado, 4 October 2016. Morroa (Sabanas de Cali), Sucre

- Medardo Ortega, 22 October 2016. Morroa (El Rincón), Sucre

- Oscar Acosta Paternina, 1 October 2016. San Onofre, Sucre

- Pativaca 1: Original Peasants, 4 August 2016. El Carmen de Bolívar, Bolívar

- Pativaca 2: Peasants in Processes of Restitution (As 2nd Occupiers), 4 August 2016. El Carmen de Bolívar, Bolívar

- Pativaca 3: Peasants with Restitution Decision against Them, 4 August 2016. El Carmen de Bolívar, Bolívar

- Pativaca 4: Enuar Redondo, 4 August 2016. El Carmen de Bolívar, Bolívar

- Pativaca 5: Peasant Women, 4 August 2016. El Carmen de Bolívar, Bolívar

- Sofia Carascilla, 20 October 2016. María la Baja (Palo Altico), Bolívar

- Ubaldo Mesas, 19 September 2016. Ovejas (San Francisco), Sucre

- Wilmer Vanegas, 23 September 2016. María la Baja, Bolívar

Expert Interviews (Chronological)

- Javier Soto, URT Bogotá, supporting the office in Montes de María – Bogotá, 12/07/2016

- Lorena Pineda, ANZORC, Coordinator of Investigation and Documentation – Bogotá, 12/07/2016

- Liliana Duica, Doctoral Investigator at Uni Andes, former URT worker, supporting the office in Montes de María – Bogotá, 13/07/2016

- Camilo Sanchez, Associate Professor of Law at Universidad Nacional – Bogotá, 19/07/2016

- Juan Ricardo Maldonado, Human Rights Consultant in the Land and Peace Team at OHCHR, Colombia - Bogotá, 21/07/2016

- Juan Guillermo Ferro, Professor in School of Environmental and Rural Studies at Universidad Javeriana – Bogotá, 22/7/2016

- Gabriel Urbano, Subdirector of Corporación Desarrollo Solidario – Cartagena, 2/8/2016

- Marta Salazar, CODHES - Cartagena, 2/8/2016

- Jairo Barreto, leader of Ovejas Victims' Table and member of *Organización de Personas Desplazadas* - El Carmen, 5/8/2016

- Etel Salas, Good Living Economic Coordinator at Sembrandopaz - Sincelejo, 8/8/2016

- Veronica Montaño Chamorro, Legal Adviso at Sembrandopaz – Sincelejo, 9/8/2016

- Guido Huelvas, Member of Montes de María ZRC *Comité de Impulso* – Sincelejo, 9/8/2016

- Esnaldo Jettar*, OPDS leader - Finca Villacolombia, Ovejas, 16/8/2016

Notes

* Esnaldo Jettar features in the list of participant and expert interviews. After meeting at an OPDS event I arranged to meet him before returning to Bogotá – this led to an invitation to return at a later date during which we conducted a full participant interview. This is an important reminder that the peasant participants are experts in their own lives, livelihoods, and relations. It also illustrates the interview strategy's evolving focus from the initial reliance on experts for contextual knowledge to being participant focussed.

+ Additional data were collected from the Afro-Colombian community of San Cristóbal (Bolívar) during a stay in the community and through a collective interview with its governing body, the Consejo Comunitario Eladio Arriaza, conducted on 23 September 2016.

Appendix II: Interview Schedule - For interviews with peasants in Montes de Maria

Have you got access to/use of land?

What is the status? E.g. Owner, renter …

How and when did you gain access?

Is it sufficient for a basic livelihood?

Is it sufficient to save money?

How & Why has your economic situation changed in recent years?

Do you have electricity?

When did you obtain this?

How did you obtain this?

Do you have sewerage?

When did you obtain this?

How did you obtain this?

Do you have running water?

When did you obtain this?

How did you obtain this?

Do you have irrigation?

When did you obtain this?

How did you obtain this?

Are you able to access education?

What level?

Are you able to access health care?

What standard?

Are you able to participate in social/cultural life?

Do you participate in social/cultural life?

Why/Why not?

Are you able to participate in political life?

Do you participate in political life?

Why/Why not?

Do you have close relationships with neighbours?

Do you have close relationships with local community?

Have you had contact with political authorities?

Are they responsive?

Do they address your needs?

Have they improved in this regard?

Have requests had tangible results?

How are local priorities established?

Are you able to influence the agenda?

Are any organisations able to influence the agenda?

Who decides on local issues?

What do you feel are important local issues?

Are they debated?

Have you attempted to raise them?

Who have you approached?

Describe your interaction with rural initiatives (restitution, ZRC, other, none)

Was it significant?

Was your input respected?

Have your interaction led to any changes to your life?

Have your interaction led to any changes in your community?

Appendix III: Information Sheet for Participants in the Study

"An Investigation into whether the Land Restitution Programme or Peasant Reserve Zones reduce Structural Violence in Colombia"

You are invited to take part in a research study. Before you decide whether or not to take part, it is important that you understand what the research is for and what you will be asked to do. Please read the following information and ask any questions if it is unclear. Make sure that you are happy before you decide what to do. Thank you for taking the time to consider this invitation.

Name of Researcher: Daire McGill
Name of Chief Investigator: Professor Cath Collins

What is this study about?
Structural violence is about how different people have different levels of income, education, opportunities and power. I want to know how structural violence affects people's lives in this area, and how they feel about it. I especially want to know whether government policies help to reduce structural violence, and so want to know what you think about the land restitution programme and/or peasant reserve zones.

What is this study for?
I am a PhD student at Ulster University in the United Kingdom. This research is part of my doctoral studies, and will be submitted to my university in October 2017.

What do I have to do?
I would like to talk to you about your experience of living in a rural area of Colombia. I will ask you whether you own or use land for farming, your economic situation and if it has changed, and what you think of the schools and hospitals. I will also ask about your relationships with neighbours and local authorities, and your experience of the land restitution programme and/or Peasant Reserve Zones. Your information will tell me how these function and what they achieve.

If you do not want to talk about those things, that is fine. If you are willing to talk about those things, we will have a conversation about them – you can choose the time and place. During the conversation you do not have to talk about anything you do not want to, and can take a break whenever you want.
If you later change your mind about participating, you can withdraw your information until the thesis is submitted in October 2017.

Are there any benefits in taking part?
No one is being paid to carry out this study. No one is being paid to take part. If you had to spend money to get here today, I can help with that. I can also buy you a refreshment if you would like one.
The benefit of the research is academic knowledge. We hope that your experience can help us understand how people live here. This might help improve future policies to enable more people to have land.

What will happen to the information you give me?

I will use the information to see whether the Land Restitution Programme or Peasant Reserve Zones reduce Structural Violence in Colombia.

I will submit a 100,000 word thesis in English to Ulster University in October 2017. This will be kept in the university library.

Some of the work may be published in publicly available academic journals and books, and/or shared with rural NGOs and researchers in Colombia to increase its impact.

Copies of our conversation will be held securely for ten years by Ulster University, then destroyed.

What do I need to know?

- To participate in the study, I will ask you to read and sign the *Informed Consent form*. This confirms what we have just discussed. If you wish, I can read this to you and you can answer verbally or by marking the form.
- You can use your own name, or I can change your name if that will make you feel more comfortable. I can keep what you tell me 'off the record' ie I will know it but will not include it in the thesis.
- I would like to record the interview. Alternatively I can write notes. You decide. If I record, I will transfer these to a password protected computer, and type a transcript of our conversation. If I make notes, I will type these into a password protected computer to recreate our talk, and destroy the handwritten copy.
- You can choose to pause or stop the interview at any point.
- If you want to read the transcript I can email you a copy if you provide your address. In that case, you can propose changes or clarifications.
- You can choose to withdraw some or all information from the interview up until thesis submission in October 2017.
- Your data will remain confidential. I will not give your information to anyone, unless the authorities in Colombia or the UK use legal powers to ask for it for a legitimate reason. I will follow Ulster University legal advice, and protect your information from undue intrusion.

Contact Details

If you have any questions or concerns about the research or about what we talk about today, you can contact me (Daire McGill) directly or alternatively my academic supervisor (Professor Cath Collins). You can write to or call either of us in Spanish or in English.

Contact details for the Researcher:

Daire McGill, PhD Student at Transitional Justice Institute, Shore Road, Newtownabbey, Northern Ireland, United Kingdom. BT39 OQB

Email: McGill-d5@email.ulster.ac.uk

Telephone: (0044) 7542211140 (UK) or _____ (Colombia)

Contact details for Chief Investigator:

Professor Cath Collins, Transitional Justice Institute, Shore Road, Newtownabbey, Northern Ireland, United Kingdom. BT39 0QB

Email: c.collins@ulster.ac.uk **Telephone**: (0044) 28 903 66604

Appendix IV: Informed Consent Form for Participants in the Study:

"An Investigation into whether the Land Restitution Programme or Peasant Reserve Zones reduce Structural Violence in Colombia"

Name of Researcher: Daire McGill, PhD Student
Name of Chief Investigator: Professor Cath Collins

Initial

1. I have received information about the study, and my questions about the study have been answered	
2. I agree to participate in the study	
3. I understand that I can pause or stop the interview at any time. I also understand that I can withdraw some or all of the information at any time before October 2017.	
4. I understand that all information will be stored safely and confidentially ie it will only be released if authorities in Colombia or the UK use legal powers to ask for it for a licit purpose.	
5. I want my name to be recorded as _____ If I am mentioned, I want to be mentioned as _____	
6. I agree that the interview can be digitally recorded	
7. I agree that handwritten notes can be taken during the interview	

_____   _____   _____

Name of Participant   Signature   Date:

_____   _____   _____

Name of Researcher   Signature   Date:

Contact details for the Researcher:
Daire McGill, PhD Student at Transitional Justice Institute, Shore Road, Newtownabbey, Northern Ireland, UK. BT39 OQB
Email: McGill-d5@email.ulster.ac.uk
Telephone: (0044) 7542211140 (UK) or _____ (Colombia)

Contact details for Chief Investigator:
Professor Cath Collins, Transitional Justice Institute, Shore Road, Newtownabbey, Northern Ireland, UK. BT39 0QB
Email: c.collins@ulster.ac.uk **Telephone**: (0044) 28 903 66604

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