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# Thomas Hobbes, John Locke, and Champeta: The Colombian Conflict as Case Study in Sovereignty

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Claremont McKenna College

Thomas Hobbes, John Locke, and Champeta:  
The Colombian Conflict as Case Study in Sovereignty

Submitted to  
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And  
Professor Jonathan Petropoulos  
By  
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For  
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## Abstract

I will argue that a discussion of sovereignty as it relates to internal conflict deepens our understanding of the Colombian conflict, and in turn, the Colombian conflict deepens the ongoing discussion on sovereignty. Internal armed conflict is a tool to free and dominate populations, to save and kill individuals, and to destroy and build institutions. Thomas Hobbes and John Locke set an initial framework for understanding sovereignty. Armed actors use violence to create a sphere of influence that overlaps with the state's legal jurisdiction: armed actors use violence as a strategy of hegemonic state building. Overlapping territorial claims challenge the integrity of Colombian sovereignty. I will argue in this thesis that the Colombian example demonstrates that a government's sovereignty can be threatened by an ideological competitor (FARC), outlaws -- whether state created (AUC) or independent of the state (drug cartels) -- and by foreign nations (US). If the collective actions of these actors can effectively contest the state's legitimacy, comparative advantage in violence, and territorial claims, armed actors can effectively undermine the state's sovereignty. In this way, the Colombian example is a rich case study in domestic sovereignty.

Contents

I: What Can We Learn About Sovereignty from Colombia?.....	4
II: Legitimacy.....	16
III: Comparative Advantage in Violence .....	38
IV: Territory.....	56
V: Conflict and Sovereignty.....	76
Bibliography .....	79

## **I: What Can We Learn About Sovereignty from Colombia?**

Colombia has experienced the longest civil war in the Western Hemisphere. The conflict has involved a variety of major actors. The Revolutionary Armed Forces of Colombia (FARC) is a leftist guerrilla insurgent organization that seeks to overthrow the government. The United Self-Defense Forces of Colombia (AUC) is a far-right paramilitary group that has ties to multinational corporations like Coca Cola and Dole, and has been supported by aid from the US government. A powerful drug cartel headed by Pablo Escobar has also vied for political control within Colombia. The conflict has resulted in hundreds of thousands of deaths and resulted in 7 million internally displaced people. The conflict has eroded state institutions, undermined trust in the government, and exaggerated economic inequality. At some points in this conflict, Colombia was close to becoming a failed state. In 2002, “the CIA’s agents concluded that the country, due to its predilection for violence [and] the absence of state authority in rural areas... risked ...genocide or chaos.”<sup>1</sup>

Today, Colombia appears to be emerging from the violence. In 2016, President Juan Manuel Santos received the Noble Peace Prize for brokering a peace agreement with the FARC. While this agreement was not ratified at first, the fact that it was negotiated gives some basis for hope that the conflict will end. While poverty, violence, and lack of government control is still characteristic of substantial sections of Colombian territory,

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<sup>1</sup>Sweig, J. (2002). What Kind of War for Colombia?

urban centers like Bogotá are increasingly peaceful and inhabited by a growing middle class.

The struggle for sovereignty in Columbia pushes us to re-examine sovereignty and has important implications for how we conceptualize internal conflict in political philosophy. The Colombian conflict shows us how multiple actors can fight for power and overlap within a defined territory. Although much has been written on the Colombian conflict, its implications for the concept of sovereignty is less studied. Sovereignty is a slippery concept that is hard to pin down in the first place, which makes it a hard concept to trace in complicated historical case studies. We encounter discussions of sovereignty most often in the news about undemocratic states and military intervention between states. The argument often is that a state without a formal democracy or that abuses human rights is not considered sovereign by the international community. Another argument is that a state that invades another has compromised the invaded state's sovereignty. However, this treatment does not capture the complexity of Colombia's conflict and the concept of sovereignty in general.

I will argue that a discussion of sovereignty as it relates to internal conflict deepens our understanding of the Colombian conflict, and in turn, the Colombian conflict deepens the ongoing discussion on sovereignty. Internal armed conflict is a tool to free and dominate populations, to save and kill individuals, and to destroy and build institutions. The *Atlas del Impacto Regional del Conflicto Armado en Colombia*, published by the Office of the President and USAID, sets up my initial inquiry well. Armed actors use violence to create a sphere of influence that overlaps with the state's legal jurisdiction:

armed actors use violence as a strategy of hegemonic state building.<sup>2</sup> Overlapping territorial claims challenge the integrity of Colombian sovereignty. I will argue in this thesis that the Colombian example demonstrates that a government's sovereignty can be threatened by an ideological competitor (FARC), outlaws -- whether state created (AUC) or independent of the state (drug cartels) -- and by foreign nations (US). If the collective actions of these actors can effectively contest the state's legitimacy, comparative advantage in violence, and territorial claims, armed actors can effectively undermine the state's sovereignty. In this way, the Colombian example is a rich case study in domestic sovereignty.

Thomas Hobbes and John Locke set an initial framework for understanding sovereignty, but there are intellectual gaps in space and time that we must fill and address before we can get to conception of sovereignty that illuminates the Colombian situation. After all, Hobbes and Locke are writing in 17<sup>th</sup> century England and we want to discuss 20<sup>th</sup> and 21<sup>st</sup> century Colombia. Hobbes and Locke assert protection of property as the foundation of the state. Hobbes describes the initial problem of statelessness well: in the condition of the state of nature or total war, "there is no place for industry, because the fruit thereof is uncertain."<sup>3</sup> This statement reflects Locke's claim that the main purpose of government is to protect private property.<sup>4</sup> Ultimately, he believes, the purpose of the sovereign is to organize chaos and violence into productive civic life. Hobbes argues "during the time men live without a common power to keep them all in awe, they are in

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<sup>2</sup> *Atlas del Impacto Regional del Conflicto Armado en Colombia*, 16.

<sup>3</sup> Hobbes, Thomas, and A. D. Lindsay. *Leviathan*, 78.

<sup>4</sup> Locke, John. *Two Treatises on Government*.

that condition which is called war; and such a war as is of every man against every man.”<sup>5</sup>

Harry Hinsley, an English historian and cryptanalyst during the World War II, summarizes Hobbes’ and Locke’s conceptions of sovereignty well. He explains, “the idea of sovereignty was the idea that there is a final and absolute political authority in the political community [within a specific territory]; and everything that needs to be added to complete the definition is added if this statement is continued in the following words: ‘and no final and absolute authority exists elsewhere’” in that territory.<sup>6</sup> Sovereignty is *supreme* authority within a certain boundary.<sup>7</sup> The importance of sovereignty to our conception of the nation-state is highlighted in the Charter of United Nations: the “norms of sovereignty are enshrined in the Charter of the United Nations, whose article 2(4) prohibits attacks on ‘political independence and territorial integrity’.”<sup>8</sup>

While the framework that Hobbes and Locke posited in in the 17<sup>th</sup> century establish the importance of sovereignty, they do not perfectly capture the characteristics and roles of contemporary nation states. There is obviously room here for a very long discussion, but I will address only the points that I believe are central to the discussion of sovereignty and, more importantly, are necessary to understand fully the Colombian situation.

A prominent difference between the states that Hobbes and Locke were describing and the realities of the Colombian state, and of many post-colonial states, is the difference

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<sup>5</sup> Hobbes, Thomas, and A. D. Lindsay. *Leviathan*, 77.

<sup>6</sup> Hinsley, F. H. 1986. *Sovereignty*. London: Watts.

<sup>7</sup> This is not the same as stating it in the only authority. I will return to this point later.

<sup>8</sup> Philpott, Daniel. "Sovereignty."



between a Nation-State and a National-Popular-State. This difference was explained to me by José Francisco Puello-Socarrás, a political science professor at The School for Public Administration in Bogotá, and Colombian historian and politician, Luis Castellanos Tapias has written extensively on this topic.<sup>9</sup> Hobbes and Locke, like many political philosophers in the Western tradition, were describing a Nation-State. Underlying this conception of political organization is the Treaty of Westphalia in the mid-1600s in Europe and the kinds of states that emerged from the Treaty. A nation is a group of people that, for the most part, already identified as a community.<sup>10</sup> The central “concept of a nation is the notion that people having commonalities owe their allegiance to the nation and to its legal representative, the state.”<sup>11</sup> The unified society predates its territorial boundaries. This was largely true for the English and French in the 17<sup>th</sup> century. The authority of the state, then, is imposed by the people upon themselves to create formal, political unity in one society.

This all sounds intuitive and uncontroversial to most students of political philosophy. I want to contrast this view of the Nation-State, however, to the concept of a National-Popular-State. A National-Popular-State is a governing body that controls a territory but the people within the boundaries of it are not unified or connected by a common identity. Many African states are National-Popular States, as indicated by the variety of lingual, ethnic, and cultural communities within their boundaries. In the case of the National-Popular-State, the territorial boundaries predate the unified community.<sup>12</sup> Thus, the

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<sup>9</sup> “ José Francisco Puello-Socarrás.”

<sup>10</sup> “The State.”

<sup>11</sup> *Ibid.*

<sup>12</sup> As an important disambiguation, cultural unity here is not necessarily meant as cultural assimilation, although cultural assimilation is often associated with political unity.

project of the state is to create a society in which many different societies can exist and to manage the alternative sources of power so that they do not threaten the sovereignty of the state. For further explanation of this model, the reader can refer to works by Guillermo O'Donnell.<sup>13</sup>

The Colombian Constitution of 1991 structures Colombia as a National-Popular State. The Constitution describes Colombia as a multi-ethnic and multi-cultural nation and states that the political project of the state is to protect Colombia's status as a multi-societal nation.<sup>14</sup> The different societies within the Colombian state include diverse peasant communities, indigenous tribes, and ethnic communities. This diversity preceded the armed conflict in Colombia that began in the 1950s, but the fragmentation facilitated the geographic splintering of political control that has characterized the conflict. The areas controlled by FARC, for example, consist of scattered FARC settlements rather than a clearly defined

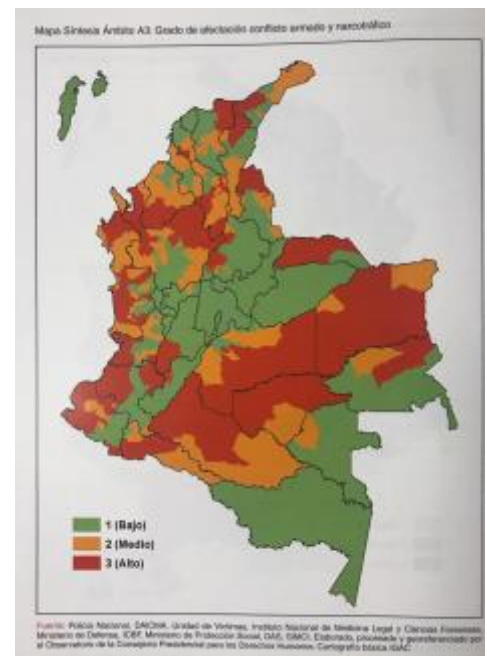


Figure 1

and

contiguous “nation”.<sup>15</sup> The FARC ‘nation’ is interspersed with the Colombian nation.

The geography of internal conflict and drug trafficking, as demonstrated in *Figure 1*<sup>16</sup>, is a visual demonstration that there is not one unified Colombian society, but rather many

<sup>13</sup> O'Donnell, Guillermo A.

<sup>14</sup> Colom. Const. art VII.

<sup>15</sup> An example of nations with clearly defined boundaries existing in a single state could be North and South Vietnam.

<sup>16</sup> *Atlas del Impacto Regional del Conflicto Armado en Colombia.*

societies that are not currently woven together in a common political project by the sovereign.

Hobbes and Locke probably would not have advocated for, or at the very least not thought of, the existence of separate societies within a Nation-State. The difference between Nation-State and National-Popular State is subtle, but important for how we define sovereignty. The project of the sovereign in a National-Popular State is to allow for existence of other systems of rule while retaining its supremacy. This does not mean the sovereign is less powerful—it is still supreme and sets the rules of political interactions—but *how* power is legitimately applied is different. I will revisit this difference in the conclusion.

Whether the political entity is a Nation-State or a National-Popular State, the sovereignty of the state depends on legitimacy, comparative advantage in violence, and territorial control. These are the categories I will use to analyze the Colombian situation and the chapters of this thesis. In economics, the state is often described as an entity with comparative advantage in violence over a territory.<sup>17</sup> Comparative advantage in violence is state control of the means for coercion. Hobbes would call this the ‘Sword’ and Locke would point to state enforcement of private property. In laymen terms, it is law enforcement. Finally, territory is the boundaries of where these other two concepts exist. I will discuss territory as geography defined by the existence of robust, public institutions. Territory is important because the entire geographic space of a state must be *governed*. While this good start, it does not address our belief that power should be accountable to the governed people, if the authority is to be legitimate. If we left

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<sup>17</sup> North, Douglass C.

legitimacy out of the definition of sovereignty, our discussion would be less potent because it could rationalize tyrannical government. While some economists may find a state's legitimacy less relevant to the conception of the state, political philosophers consider legitimacy as central. Hobbes called legitimacy adherence to a covenant and Locke called it adherence to a social contract. Legitimacy is the concept that animates discussions of democratic accountability. Putting these three concepts together, sovereignty is the integrity of the state's legitimacy, comparative advantage in violence, and control over territory.

Before I launch into my full discussion of sovereignty, I want to clarify the differences and connections between the terms 'state', 'government', and 'sovereignty'.

A state is an abstract concept:

A state is the means of rule over a defined or "sovereign" territory. It is comprised of an executive, a bureaucracy, courts and other institutions. But, above all, a state levies taxes and operates a military and police force. States distribute and re-distribute resources and wealth.<sup>18</sup>

The government is a component of the state and can change while the state endures. A government is a more concrete, tangible concept. Government, for the purposes of this thesis, are the specific ways in which "lobbyists, politicians and revolutionaries seek in their own way to influence or even to get hold of the levers of state power."<sup>19</sup> A corrupt government, for example, can hinder the state's ability to operate a military force effectively. A capable government, on the other hand, can facilitate the redistribution of wealth in a way that maximizes welfare. Sovereignty is a characteristic of a state. The

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<sup>18</sup> Paul, James. "What Is a 'State'?"

<sup>19</sup> *Ibid.*

topic of this thesis is *failing* states, meaning states that have their sovereignty undermined, threatening their ability to protect “extensive rule of law, citizenship rights, and broad economic and social responsibilities.”<sup>20</sup> In order to discuss the state, I will investigate governmental policy and action because it is the concrete and tangible presence of the state. For example, a government policy to cut funding for the police force and the judiciary could threaten extensive rule of law, sparking domestic instability and leading to a violation of domestic sovereignty. Distinguishing between these levels of analysis is important because, while the Colombian government suffers from varying levels of corruption, bad government does not necessarily debase the state. This distinction helps explain why citizens of corrupt, tyrannical, or inefficient governments can still feel immense pride in their nationality. We can hold that a government should reform and believe that the presence of the state should also be extended across the territory.

The purpose of this paper is to show the importance of legitimacy, comparative advantage in violence, and territory by demonstrating how sovereignty is compromised or violated when they are not present. Sovereignty can be compromised in either passive or active ways. If the sovereign is passive, it cannot impose governmental order in the society and, as a result, the state practically doesn't exist on a citizen level. A passive sovereign is characterized by low state discretion and autonomy and can fail as a sovereign even without sustained active resistance from those it might govern. Venezuela is an example of a state plagued by a passive sovereign, resulting in chaos. If a sovereign's power is actively contested, there is at least one alternative source of power

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<sup>20</sup> *Ibid.*

that challenges the state's sovereignty. The alternative source of power claims its own sovereignty or supreme, legitimate rule, thus challenging the state's sovereignty. The American Civil War or Fidel Castro's Revolution is an example of an *active* challenge to sovereignty. In Colombia, both kinds of sovereignty violations occurred.

I want to pause here to discuss my methodology, the timeframe of my analysis, and the analytical advantages and disadvantages of my approach. I began research for this thesis in the summer of 2016. The inspiration for this thesis sprouted from long talks late at night with friends in Bogotá, sweltering hot vans rides cruising through the farmland of Bolívar, discussions with Colombian politicians of the best recipes for hot chocolate, and silent moments overlooking the Caribbean Sea in Cartagena. From this fabric of experience, I began to understand what sovereignty and the lack of sovereignty meant to Colombians. As I formalized my investigation, I conducted interviews with Colombian policymakers in several executive branches: Colombia Joven, Municipal Office of the High Counselor for Human Rights, National Office of the High Counselor Peace, and the Agency for Reintegration. I met with numerous civil society organizations, including the City of Women in Turbaco, Foundation Juan Filipe Escobar, and Fundación Escuela Nueva. I interviewed a human rights lawyer, a psychologist who specializes in conflict, and a political science professor. I met with 30 victims of the civil war in Patio Grande, Montes de María. I spent a day in Palenque, a community of Afro-Colombians who are descendants of escaped slaves. I attended a weeklong workshop on indigenous education, discussing the challenges facing communities in the Amazon. I interviewed

representatives from indigenous tribes. While I cannot integrate everything that I learned in these encounters, they all have shaped the conclusions presented in this thesis. In the beginning of each chapter, I have attempted to frame discussion with the very real human consequences of sovereignty violations.

By organizing my thesis around the conceptual categories rather than chronologically, I have lost some ability to analyze how Colombian sovereignty has changed over time. I am comfortable with this sacrifice because this is not a policy paper. My primary aim is not to identify good or bad policies, although an implication of this paper for policymakers could be that a central question of policy is “what policies maintain and expand state sovereignty?”. The purpose of this paper is to add to the body of work on sovereignty in political philosophy. By organizing this paper in conceptual categories—and not by the various entities contesting sovereignty or chronologically—I think I have done something that most other writers have not. I can look at a breadth of actors and focus on the questions that really matter: is the government accountable to the people; is there rule of law that punishes transgressors; and does everyone have access to institutions that guarantee basic rights. The organization of this thesis directly addresses the questions with which policymakers, academics, and victims of the conflict are concerned.

I have also chosen to focus my analysis on the period beginning in 1980 and ending with the failure of the 2016 peace agreement that would have ended the war between the FARC and the Colombian government. This period includes the time during which the drug cartels of Medellin and Cali were most powerful, the time in which FARC reached the peak of its military power, the decade in which billions of dollars of American aid

flowed into Colombia, supporting the growth of the AUC paramilitary, and a period in which multinational corporations both brutally exploited Colombia's resources and supported the growth of Colombia's middle class.

Colombia contains many opposites. Colombia exports both drugs and Latin America's top-selling soap opera.<sup>21</sup> Colombia is "a place where democratic practices coexist with the mass murder of hundreds of thousands of citizens, especially outspoken activists and thinkers, and this schizophrenic national life is becoming more and more difficult to sustain."<sup>22</sup> The situation is delicate in Colombia. While the power of the drug cartels has diminished, Colombian sovereignty is still in a precarious place due to the powerful influence of the FARC, the paramilitary, and multinational corporations challenging a still-weak Colombian government.

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<sup>21</sup> Sweig, Julia E. "What Kind of War for Colombia?"

<sup>22</sup> *Ibid.*



## II: Legitimacy

*Palenque is a small town in Bolívar, a department in Northern Colombia. Its residents are Afro-Colombians who are decedents of escaped slaves. In the town square, a large statue of a man stands; his arms are outstretched and his hands are shackled and chained. The statue is a visual reminder of Palenque's history.*

*We went to Palenque with a nonprofit, Tierra Grata. The homes in Palenque mostly have dirt floors and tin roofs. Many of the residents graciously welcomed us into their homes and we sat around drinking soda. As we casually talked, some of the women in the community shared some of their experiences with us. In these Northern regions, the AUC have a strong presence. Furthermore, Bolívar is a particularly corrupt department. One woman told us about her relative who had been raped by an AUC soldier and became pregnant. Once the child was born, the AUC soldier had continually contacted this woman for sex and to see his son. When she refused to have sex with him or let him see her son, he came to Palenque and murdered her. The young boy could not bathe for a whole year because the sound of running water reminded him of the sound of his mother dying.*

*The AUC soldier was eventually jailed on drug trafficking charges. Before he landed in jail, he murdered his whole combat unit, and killed his superior by dragging him through the jungle tied to the back of truck until he was skinless, covering him in salt, and leaving him to die. The existence of excessive violence indicates that the Colombian government cannot fully protect its citizens. The proliferation of the AUC, furthermore, was partially the result of governmental policy.*

While Colombia has been formally organized as a democracy since 1886, the influence exerted by the paramilitary, the United States, and the FARC has undermined the government's legitimacy and transferred power from the superficially democratic government that represents the citizen to these non-public interests. The legitimacy of Colombia's government is compromised on three fronts: the Colombian government has ceded its legitimacy to paramilitary groups that now have enormous influence in Colombian politics. The government also compromised its legitimacy by enacting Plan Colombia that provided the basis for US intervention in the country and fueled AUC power, creating a rightwing military unaccountable to the government and undermining citizen confidence in the Colombian government. On the left, FARC's claim to legitimacy as political force has challenged the Colombian government's legitimacy.

Legitimacy is conferred when a group of people has consented to be ruled, and enters a social contract with those who govern. Thomas Hobbes and John Locke both explain why citizens enter a social contract with an authority. While they differ on the duties of the authority and reasons for entering a social contract, they agree that the legitimacy of a sovereign rests on the consent of the people as embodied in the social contract. In the *Leviathan*, Hobbes describes government's authority as justified by "consenting voices" of the group of ruled people.<sup>23</sup> Hobbes calls a social contract a Covenant. The sovereign has power because the people have consented to the sovereign's authority. Hobbes explains that a Covenant exists "when men agree amongst themselves, to submit to some Men, or Assembly of men, voluntarily on confidence to be protected

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<sup>23</sup> Hobbes, Thomas, and A. D. Lindsay. *Leviathan*.

by him against all others.”<sup>24</sup> The social contract is the foundation of a legitimate sovereign. In Colombia, no such Covenant exists between Colombians and the various forces competing with the government for power.

### **The Power and Influence of the AUC**

The film *Impunity*, a documentary that tells the recent history of Colombia’s transitional justice and drug extraditions to the US, shows a member of congress speaking from his seat, admonishing other congressional representatives for being beholden to the paramilitary. In an emotional speech, he explains that his whole family is in exile to protect them from the paramilitary.<sup>25</sup> This scene shows how paramilitary influence undermines the legitimacy of Colombia’s representative government. The AUC started in the 1980s as an extension of the government’s anti-FARC policy, but grew to a force far beyond the purview of the government as a result of the US aid funneled to it with the approval of the Colombian government and its alliance with drug traffickers.<sup>26</sup> As the power of the AUC moved beyond government control, it became an alternative power source to the government: “the continued growth in numbers and scope of operations of Colombian paramilitary groups threatens the ability of the civilian government to govern.”<sup>27</sup> By the turn of the century, the AUC was a powerful military force aligned with wealthy landowners and in control of many government officials.

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<sup>24</sup> *Ibid*, 72.

<sup>25</sup> *Impunity*. Directed by Uan José Lozano and Hollman Morris. *Impunity* (2010)

<sup>26</sup> *Ibid*.

<sup>27</sup> Tate, Winifred. "Paramilitaries in Colombia."

The government authorized the operation of paramilitary organizations in Columbia in the 1960s. In response to growing rebel violence, the Colombian Congress passed Law 48, establishing a “legal basis for state sponsorship of paramilitary organizations.”<sup>28</sup> Law 48 legalized civilian militias and mobilized “the population in activities and tasks” to restore public order.<sup>29</sup> This law led to the creation of multiple militarized groups and the names ‘paramilitary’ or ‘self-defense group’ “have been used to describe a range of different armed groups active in Colombia during the past 40 years.”<sup>30</sup>

The armed groups aligned themselves with powerful drug cartels, supporting the cartels and profiting from drug trafficking. “In contrast with counterinsurgencies in other countries, in Colombia the role of the state in [the AUC’s] creation was evident, but it dramatically diminished over time, particularly with the political strengthening of the narco-traffickers in the late 1980s.”<sup>31</sup> After aid from the United States was channeled to the paramilitary organizations in the 1990s (with the approval of the Colombian government), the armed civilian militias became more organized, labeling themselves the United Self-Defense Forces of Colombia (AUC).

Although the power of the drug cartels diminished in the late 1990s, the AUC continued to be a powerful economic force in Colombia by contracting with wealthy landowners. The paramilitary is, in effect, the hired army of the rich. These wealthy landowners “successfully contested the authority of the state with regard to taxation,

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<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Richani, Nazih. "Caudillos and the Crisis of the Colombian State: Fragmented Sovereignty, the War System and the Privatisation of Counterinsurgency in Colombia."

centralization of its administration, and the allocation of resources.”<sup>32</sup> By aligning themselves with the caudillos (political or military leaders), the paramilitary groups placed themselves at the nexus of economic power. By the time of its demobilization in the early 2000s, the AUC was highly organized, with national conferences and its own Constitution, having “developed a highly regimented military command structure, which incorporates the regional organizations.”<sup>33</sup> The paramilitary organizations had become a semi-autonomous governing body, and it was widely recognized that the AUC controlled many Colombian government officials.

The AUC has sought and achieved political power in Colombia through illegitimate means. Top paramilitary leaders sought to control regions in Colombia, and indeed the whole country. They attempted to be the sovereign. According to Hobbes and Locke, if they were to be the legitimate sovereign, Colombians would have to consent to their authority.<sup>34</sup> Because Colombians have not consented and cannot hold the AUC accountable, the power exerted by the AUC resembles tyranny. By contracting with politicians for political power, the AUC transgresses the fundamental tenet of legitimate government by consent. By contracting with the AUC, the government undermined its own legitimacy.

While the Colombian Congress authorized militarizing civilians with Law 48, the AUC is more organized and powerful than the architects of that law could have foreseen. Now, “these paramilitary groups were originally inspired by the military as an

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<sup>32</sup> *Ibid.*

<sup>33</sup> Tate, Winifred. "Paramilitaries in Colombia."

<sup>34</sup> "Tomarse el poder en la Costa e incluso en el país era plan de 'Jorge 40' con congresistas detenidos."

aid in counterinsurgency efforts, but have become synonymous with death squads.”<sup>35</sup>

Despite being outlawed in 1989, AUC’s activity still “occurs outside or underneath the law”, and therefore avoids the risk of being held accountable.<sup>36</sup> Law 48 opened the door for illegal political and military activity.

The legitimacy of sovereignty in Colombia is undermined in two ways by the cooperation of the government and the AUC. First, the Colombian government broke its social contract with the people by sanctioning the AUC, thereby compromising the government’s legitimacy. Second, the AUC became a powerful governing force that is not a legitimate sovereign because it is not accountable to the people through a social contract.

While there was a formal demobilization of the AUC in the 2000s, it continues to exercise power outside the law and has effectively undermined governmental legitimacy. The AUC controls many politicians and has worked with them to undermine the legitimacy of the democratic government. In 2001, AUC leaders and elite politicians signed a secret document called "Pact of Rialto". The purpose of the pact was to re-found Colombia, giving the paramilitary political and economic authority, and effectively reordering power without the consent of the governed.<sup>37</sup> This is not a legitimate exercise of sovereign power.

The influence of the paramilitary still reaches the highest levels of Colombian government, suggesting that a paramilitary presence can be enduring and powerful. In 2012, eleven years after the Pact of Rialto, 139 members of Congress were under

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<sup>35</sup> Johnson, Stephen. "Helping Colombia Fix Its Plan to Curb Drug Trafficking, Violence, and Insurgency."

<sup>36</sup> Kapferer, Bruce. *State, Sovereignty, War: Civil Violence in Emerging Global Realities*.

<sup>37</sup> Ex Congresista dice que ninguno fue obligado a firmar.

investigation for connections to the paramilitary. Thirty-two lawmakers and five governors, one of them the sitting president's cousin, have been convicted for connections with the paramilitary.<sup>38</sup>

Locke believed that even a legitimate authority that came to power by creating a social contract could become illegitimate. The cooperation between government officials and the AUC certified in the Pact of Rialto threatens the legitimacy of the Colombian government because it would renegotiate sovereignty between the government and the AUC without the consent of the citizens. Both Hobbes and Locke believed that a sovereign's legitimacy is built on the consent of the governed people and that tyranny, or authority without consent, is illegitimate. The Colombian government, in secretly cooperating with the AUC, operated without the consent of the people and violated the social contract with them by purposefully ceding political influence to the extralegal paramilitary. Because the government became beholden to the illegitimate actors—unelected authority figures—the Colombian government has embraced tyrannical policies and become less legitimate.

The AUC, in concert with elected officials, essentially attempted to re-found Colombia. In political philosophy terms, the AUC and the cooperating politicians, working outside the Constitution, attempted to re-negotiate the allocation of power in civil society between the citizens and the government without the consent of the people. Colombia is formally a democracy, but as the AUC has grown more powerful, it has been able to control the Colombian government outside of the established electoral system. This is a breach of the social contract between the Colombian citizens and the

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<sup>38</sup> "37 Colombian congressmen, 5 governors convicted for ties to paramilitaries." Colombia News.

government. The AUC is constantly “adjusting [its] ... 'war system', and ... [in becoming more integrated in the Colombian government the] long standing political setting [is] best described as 'fragmented sovereignty'.”<sup>39</sup> Political activity of the paramilitary undermine Colombia’s sovereignty.

### **The Power and Influence of the United States**

Plan Colombia was a package of military aid from the United States to Colombia negotiated between the US and Colombian governments in the early 2000s. The purpose of the package was to support Colombian efforts to destroy the blossoming narcotics trafficking industry and the leftist rebel group, FARC. The United States has a deep interest in stopping Colombian drug trafficking because the United States is the number one consumer of Colombian cocaine and heroin.<sup>40</sup> Many American officials saw the narcotics trafficking as connected primarily to FARC, overlooking the AUC’s deep integration in drug markets.<sup>41</sup> Plan Colombia began in 2000 as a “\$1.3 billion [aid package] ..., approved under President Clinton, that strengthened the [Colombian] police and the military.”<sup>42</sup> American and Colombian officials agreed that military aid was appropriate in targeting “the guerrilla-controlled coca fields in the southern provinces.”<sup>43</sup> Again, the justification for this aid, much of which flowed to the AUC, ignored the

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<sup>39</sup> Richani, Nazih. "Caudillos and the Crisis of the Colombian State: Fragmented Sovereignty, the War System and the Privatisation of Counterinsurgency in Colombia."

<sup>40</sup> Johnson, Stephen. "Helping Colombia Fix Its Plan to Curb Drug Trafficking, Violence, and Insurgency."

<sup>41</sup> *Ibid.*

<sup>42</sup> Gill, Lesley. "War and Peace in Colombia."

<sup>43</sup> *Ibid.*



AUC's role as a titanic figure in the Colombian drug trade. After the September 11<sup>th</sup> attacks in New York, Plan Colombia was rebranded as anti-terrorism.

Many on the left, in arguing that Plan Colombia is a watered-down form of neo-liberalism might also interpret Plan Colombia as a violation of Colombia's Westphalian sovereignty. That line of argument, however, ignores the fact that Plan Colombia did not limit the state's discretion or ability to implement plans the government decided were optimal. Plan Colombia, while deeply flawed, is not the same kind of American foreign policy exercised in other Latin American countries like Honduras, El Salvador, and Nicaragua. Plan Colombia threatened the social contract between Colombian citizens and the state because Plan Colombia was built primarily for American interests but supported by the Colombian government.

Plan Colombia materialized in the US as a blend between the war on drugs and the war on terror. In support of Plan Colombia in 2001, Senator Joe Biden explained that never "before in recent history has there been such an opportunity to strike at all aspects of the drug trade at the source. Helping Colombia fight narcotics trafficking is squarely in America's national interest. It is the source of many of the drugs that are poisoning our people."<sup>44</sup> In support of continuing funding to Colombia after 9/11, Attorney General John Ashcroft stated, "the State Department has called the FARC the most dangerous international terrorist group based in the Western Hemisphere."<sup>45</sup> In the wake of 9/11, President George W. Bush committed another \$514 million to Plan Colombia, further

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<sup>44</sup> Gill, Lesley. "War and Peace in Colombia."

<sup>45</sup> *Ibid.*

developing “a counter-terror orientation ... within US policy.”<sup>46</sup> In 2003, another \$700 million was committed as “an extension of [the American] international 'war on terror'.”<sup>47</sup>

The Colombian and American authors of Plan Colombia wrote in the plan itself that American involvement in Colombian was crucial. The architects of the policy write, “It is common wisdom that little of magnitude happens in this hemisphere without leadership from Washington.”<sup>48</sup> Plan Colombia allowed the United States to control leadership decisions in Colombia. Under Plan Colombia, “the U.S. president is ... required to certify ... intense U.S. stage-managing of a regional response to Colombia's troubles.”<sup>49</sup> Not only does the United State intensely stage- manage the region, the American president is in control of policy and its effects on foreign citizens to whom he is not accountable. In the United States and Colombia, it is well understood that “United States [has] substantial leverage on Colombia to push it in the right direction.”<sup>50</sup> This evidences points to the fact that “Plan Colombia was written with a North American audience in mind.”<sup>51</sup>

The effectiveness of Plan Colombia in reducing drug trafficking and combating FARC is uncertain. Ultimately,

Through continued initiatives, billions of dollars have been spent fighting Washington's war on drugs and its subsequent war on terror. Colombia, however, remains one of the top three cocaine-exporting countries in the world. Its internal armed conflict between state forces and right and left-wing armed groups continues to rage.<sup>52</sup>

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<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> "Plan Colombia"

<sup>49</sup> Stokes, Doug. "Why the End of the Cold War Doesn't Matter: The US War of Terror in Colombia."

<sup>50</sup> Sweig, J. (2002). What Kind of War for Colombia?.

<sup>51</sup> Johnson, Stephen. "Helping Colombia Fix Its Plan to Curb Drug Trafficking, Violence, and Insurgency".

<sup>52</sup> Council on Hemispheric Affairs. "The U.S. War on Communism, Drugs, and Terrorism in Colombia."

Nonetheless, Colombia became folded into the American wars on terror and drugs, an involvement that invited American intervention in its governance.

Probably the most obvious question of sovereignty here is whether Plan Colombia threatened Colombia's Westphalian sovereignty. It is not clear that American involvement compromised Colombia's sovereignty by controlling its government structures and authorities. In fact, Colombian authorities played a central role in soliciting American aid and writing Plan Colombia. Some scholars have argued that "the fundamental norm of Westphalian sovereignty is that states exist in specific territories, within which domestic political authorities are the sole arbiters of legitimate behavior" and are able to exclude foreign actors from domestic authority structures.<sup>53</sup> For example, if the IMF gives loans to countries in exchange for control over or influence in economic policies and decision-making bodies, the state is less sovereign.

Plan Colombia was not clearly a violation of Westphalian sovereignty. It is important to note that policy in support of overlapping interests of two nations is not necessarily a violation of Westphalian sovereignty. If it were, sovereignty would amount to such a flimsy concept that it would be hardly useful. Many would argue that Plan Colombia is an example of an invited foreign intervention and actor compromised the sovereignty of the state. Because, some theorists explain, "the norm of autonomy [is] the core of Westphalian sovereignty," Colombia's sovereignty was not compromised through Plan Colombia.<sup>54</sup> The authors of Plan Colombia even stated in the text of that the package "was authored by a Colombian— Jaime Ruiz, Chief of Staff for Andrés

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<sup>53</sup> Krasner, Stephen D. "Sovereignty : Organized Hypocrisy".

<sup>54</sup> *Ibid.*

Pastraña”, the Colombian president in 2001.<sup>55</sup> For Pastraña, Plan Colombia was central to his strategy to save the nation. Alvaro Uribe, who was elected in an unprecedented majority and running on a hardliner platform promoting militarization, continued the plan during his two terms as president. For Uribe, Plan Colombia was the fuel he needed to fight militarized drug cartels and the FARC.

Nonetheless, the effect of ceding power to the AUC on Colombians is profound: “[D]ue to Plan Colombia, [the AUC] has undermined the ability [of Colombia] to govern.”<sup>56</sup> For example, civilians do not sign up for important government programs, like the initiative to compensate victims, fearing that the list will end up in possession paramilitary leaders. Their fears are not misplaced as “Colombian military and paramilitary networks carry out the vast majority of abuses against Colombia's civilian population.”<sup>57</sup> The government is not able pursue programs that would ensure peace and greater prosperity because of the pervasive doubt governmental legitimacy.

Probably most importantly, many Colombians *perceive* the government as not being accountable to the citizens. Even if the government were accountable to its citizens, if citizens do not perceive that to be true, the social contract has diminished value. As mentioned earlier, a social contract, or a “Covenant” in Hobbes’ words, “is when men agree amongst themselves, to submit to some Men, or Assembly of men, voluntarily on confidence to be protected by him against all others.”<sup>58</sup> Notice that confidence is key

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<sup>55</sup> "Plan Colombia" Internet Archive. Accessed April 19, 2017.

<sup>56</sup> Tate, Winifred. "Paramilitaries in Colombia."

<sup>57</sup> Stokes, Doug. "Why the End of the Cold War Doesn't Matter: The US War of Terror in Colombia."

<sup>58</sup> Hobbes, Thomas, and A. D. Lindsay. *Leviathan*.

element of the definition of social contract. Colombians have lost confidence in their social contract with the government.

This is clear in the much of the graffiti that covers Bogotá. Graffiti is often a window into the thoughts and sentiments of a community. This is particularly true in Bogotá where the city has laws allowing graffiti and a thriving culture of graffiti as political expression. Many of the graffiti in Bogotá depict the United States and American presidents exploiting Colombian peasants and homeless Colombians. Many artists combine imagery of weapons and tropical fruit (as indicated in *Figure 2*), indicating how embedded and common place military operations were for rural



*Figure 2*

Colombians.<sup>59</sup> *Figure 3* show mass spraying of farm land with herbicides —again a program greatly expanded under Plan Colombia— a practice that destroyed peasants’ lives.<sup>60</sup> The central theme of much of the graffiti in Bogota is that the American involvement and a complicit Colombian government has harmed the Colombian people. *Figure 4* even depicts Ronald Reagan as some sort of demonic pig.<sup>61</sup> Even if Plan Colombia did not violate Colombia’s

<sup>59</sup> Graffiti of Homeless, Bogotá.

<sup>60</sup> Peasants and Spraying Agriculture, Bogotá.

<sup>61</sup> Exploitation, Bogotá.

Westphalian sovereignty, it did contribute to the weakening confidence Colombians have in their government. While this is not a clear violation of sovereignty, it does undermine the legitimacy of the Colombian government.

Plan Colombia can be considered as more tragic than a simple violation of Westphalian sovereignty by the United States: sometimes

policies written by people with good intentions can have bad outcomes. It is undeniable that Plan Colombia is a controversial policy that in many ways created more violence in the country. In some ways, it is easier to categorize a policy that had horribly adverse effects as the product of an neo-liberal American state exerting power over a vulnerable Latin American country. There are too many cases where this is true. But this



Figure 3



Figure 4

characterization of Plan Colombia erases the agency of Colombian officials, gravity of the policy choices facing a failing state, and the plight of Colombians. Colombian officials were “constrained, sometimes severely, by the external environment, but they

[were] still free to choose the institutions and policies they regard as optimal.”<sup>62</sup> Pastraña

<sup>62</sup> Krasner, Stephen D, “Sovereignty : Organized Hypocrisy”. Princeton, US: Princeton University Press, 1999. ProQuest ebrary. Web. 12 January 2017.

and Uribe implemented policies that they believed were optimal. Plan Colombia, instead, stands as an indicator of how dire Colombia's situation was.

When I asked High Counselor of Victims in Bogota whether Plan Colombia was a good policy, she explained that we just do not know what would have happened without Plan Colombia. There is no counterfactual. Colombia was becoming a failed state and the Colombian government had to employ extreme measures to save the country.<sup>63</sup> Looking at Plan Colombia seriously through the eyes of policy makers forces us to confront an uncomfortable truth about political philosophy that often is obscured when we quickly jump to attribute policies that damage citizens of Latin American countries as the result U.S. post-colonial policies. Colombia, a nation embroiled, was struggling to maintain order. Policy makers were faced with a terrible trade-off between legitimacy and defending against FARC and the narco-traffickers.

### **The Power and Influence of the Rebels**

The most notorious challenge to the Colombian government is the one posed by the Revolutionary Armed Forces of Colombia (FARC). The FARC was born in the turmoil of widespread riots in the 1940s prompted by the murder of a popular liberal politician.<sup>64</sup> The government responded to the growing political unrest by establishing a system in which the two moderate liberal and conservative parties exchanged control of the government every four years. The hope was that this power sharing would quell political unrest. Power shifted from party to party, prohibiting either from establishing

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<sup>63</sup> "High Counselor of Victims in Bogota".

<sup>64</sup> Gillin, Joel. "Understanding the Causes of Colombia's Conflict: Political Exclusion".

effective governance. Both of the ruling parties were politically moderate, pushing radical ideologies to the fringes of politics. This system contributed to the government's failure to resolve the political, social, and economic problems affecting the country and fostered the rise of groups espousing radical ideologies, including Marxism. Because Marxists were denied access to political power, militarization became their only method to express non-establishment ideas.<sup>65</sup> In the 1960s, after the assassinations of prominent liberal politicians by far-right parties, the FARC realized the exclusivity of Colombian politics, adopted guerilla warfare tactics, and retreated into the rainforest to start in earnest their war against the Colombian state. The FARC "emerged in 1964 from a peasant movement [that sought] to establish rural self-governing communities" with the ultimate goal of dismantling the Colombian government.<sup>66</sup>

Despite FARC's long history of indiscriminate violence, many rural populations consider FARC to be the legitimate sovereign in their communities.<sup>67</sup> John Locke, in the *Second Treatise on Government*, explains that, because legitimate governments are founded on the consent of the people, they protect people's rights to property and preserve the common good.<sup>68</sup> In northwestern Colombia during the mid-1990s, the FARC

initially maximized its legitimacy among those peasants loyal to it by providing them services, such as protection against the harsh policies of some large landowners and education in exchange for food and supplies. The group also investigated human-rights abuses perpetrated by its own cadres against the local communities it served.<sup>69 70</sup>

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<sup>65</sup> *Ibid.*

<sup>66</sup> Petras, James, and Michael M. Brescia. "The FARC Faces the Empire."

<sup>67</sup> "High Counsel on Human Rights in Bogota".

<sup>68</sup> Locke, John. *Two Treatises on Government*.

<sup>69</sup> Metelits, Claire. "From Jekyll to Hyde: The Transformation of the FARC".

<sup>70</sup> I want to clarify here that many Colombians stopped viewing FARC as a legitimate actor when the rebels became more involved in the drug trade. This is a point that is largely breezed over in this chapter and is an important historical point.



The FARC served peasant communities by protecting their property, a powerful indicator that the government was not protecting peasants and that FARC had assumed basic governmental duties. Furthermore, investigating human rights abuses legitimized FARC as a respected authority in many rural areas. As the Colombian government struggled to control rural regions, FARC served as the replacement government.<sup>71</sup> At its peak, the FARC was “the dominant political force in over 50 percent of the country's municipalities, fielding a guerrilla army of approximately 18,000 mostly peasant fighters.”<sup>72</sup>

FARC's legitimacy inherently undermines that of the Colombian government. The sovereign authority originates from a “some mutually acknowledged source of legitimacy—natural law, a divine mandate, hereditary law, a constitution, even international law.”<sup>73</sup> Legitimacy unifies a group of people because all abide by one common power equally. Hobbes explains that when a sovereign is recognized as legitimate, it is “as if man should say to every man ‘I authorize and give up my right of governing myself ... to this assembly of men, on this condition, that thou give up thy right to him and authorize all his actions in like manner’.”<sup>74</sup> While it is important to note that there can be overlapping jurisdiction, one authority must be supreme. For example, in the United States, the Constitution and federal law have *supremacy* to state constitutions and laws. Two supreme sovereigns cannot co-exist: in Hobbes' words, when citizens enter into a “Covenant, it is to be understood, they are not obliged by

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<sup>71</sup> Metelits, Claire. "From Jekyll to Hyde: The Transformation of the FARC".

<sup>72</sup> *Ibid.*

<sup>73</sup> Philpott, Daniel. "Sovereignty".

<sup>74</sup>Hobbes, Thomas, and A. D. Lindsay, 72

former Covenant repugnant.”<sup>75</sup> Furthermore, citizens “cannot lawfully make a new Covenant, amongst themselves, to be obedient to any other, in anything whatsoever.”<sup>76</sup> Once a social contract between a group of people and an authority is made, another cannot be made that overrides it and no other social contracts are superior to the first. If a covenant is made between a people and an authority, its existence excludes the possibility that another supreme legitimate authority can exist at the same time within that community. Thus, FARC’s claim to legitimacy as an actor independent of and opposed to the legitimacy of the Colombian state, challenges the state’s sovereignty.

The tension over competing claims to legitimate authority in Colombia is evident in the most recent peace process. The peace process has involved bargaining over legitimate rule and influence regarding state structures and procedures, with each party demanding recognition as a legitimate political actor. The language in the agreement of *reincorporating* FARC militants rather than *reintegrating* them reflects government’s recognition of FARC as a legitimate actor. While FARC was not successful in toppling the regime, FARC was able to cement its claim to legitimacy by forcing the government to negotiate with it as an equal. The 6-point peace agreement signed in the summer of 2016 in Havana, Cuba by Timoleón Jiménez, the leader of FARC, and Juan Manuel Santos, the Colombian president, is historic because it may be the closest the country has ever been to the end of fifty years of conflict. It is also significant because two organizations competing for sovereignty were each forced to recognize the power of the other.

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<sup>75</sup> *Ibid.*, 73.

<sup>76</sup> *Ibid.*

Despite the clear fact that the negotiation itself recognized that neither side was victorious, both the government and FARC each asserted that the agreement demonstrated their victory over an illegitimate actor. Santos, speaking at a military event, explains, “If we reach a peace agreement it is your victory and nobody else’s... This peace will be your victory and you will go down in history as the members of our armed forces responsible for this historic moment to end the war that has spanned over 50 years.”<sup>77</sup> Santos categorizes the peace deal as a military victory rather than as political negotiation with a legitimate force.

FARC’s language suggests that its violent rebellion caused a paradigm shift in Colombia, ushering in democracy and social justice, a victory for the Colombian people. In a post on FARC-EP’s website called “The Most Beautiful of all Battles,” an official FARC journalist writes,

Today we are handing over to the Colombian people the transforming power we have been building for over half a century of rebellion, so that with it, and with the strength of the union, the people can begin to build the society of the future, our collective dream, a sanctuary dedicated to democracy, social justice, sovereignty and relations of brotherhood and respect with everyone.<sup>78</sup>

The language is celebratory and highlights that the ‘society of future’ is direct result of FARC’s rebellion against the government’s longstanding opposition to brotherhood, democracy, and social justice, the cornerstones of legitimate government. Each statement counts the peace deal as proof of their legitimacy and a military win as a legitimate actor.

The compromise actually required to reach agreement is also reflected in the language of the peace treaty, specifically the choice to replace the word *reintegration*

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<sup>77</sup> Bradshaw-Smith, Alice. "Santos Begins Military Base Tour to Seek Support for Peace Talks."

<sup>78</sup> "The Most Beautiful of All Battles." *FARC-EP*

with *reincorporation*. “Reintegration” is well-established language to describe the process used for the treatment of demobilized rebels. The government agency long tasked with demobilization is called the Colombian Agency for Reintegration. It has existed since 2011, therefore predating the recent peace talks. Its job is to ensure “the commitment and involvement of Colombian society in the *reintegration* of the demobilized population”<sup>79</sup> (italics mine). “Reintegration”, however, does not appear in the peace agreements even though the process of de-mobilizing the FARC military is similar to the process used since 2011 for demobilized soldiers. The relevant clause reads, “Reincorporation of the FARC-EP into civil life...”<sup>80</sup> The switch to *reincorporation* was deliberate. Indeed, disagreement over the word *reintegration* delayed negotiations during the part of the peace process focused on DDR—Disarmament, Demobilization and Reintegration.<sup>81</sup> *Reincorporation* and *reintegration* have different rhetorical implications for FARC’s political standing and the agreement to use FARC’s preferred term reveals FARC’s ability to leverage its legitimacy for favorable political language.

Use of the word *reincorporation* in the Colombian Peace agreement suggests both sides’ equal ability to affect the language of agreement, because it denies the other a political advantage. *Reintegration* would connote FARC’s *disunity* with the Colombian people, placing them at a disadvantage, while *reincorporation* suggests that FARC was *excluded* from the Colombian people, whom it argues it represents. While this difference

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<sup>79</sup> "Agencia Colombiana Para La Reintegracion."

<sup>80</sup> Scott, Courtney. "Text of Deal between Colombia’s Government and Rebel Group FARC to End Armed Conflict."

<sup>81</sup> "Agencia Colombiana Para La Reintegracion."

is politically crucial for FARC because it does not imply that FARC's tactics and ideology are inconsistent with the general will of the people, the difference in language is subtle enough that it does not threaten the legitimacy of the government. If the language had been more blatantly favorable to FARC, it would have given FARC a political advantage and would have been rejected by the government. Instead, Jiménez's representatives' challenge to *reintegration* seems to have been effectively equaled by Santos' representatives' counter-challenge; neither gained a clear political advantage. By agreeing to the use of the word *reincorporation*, instead of *reintegration*, the Colombian peace agreement reveals that the Colombian conflict resolution process has followed emerging international norms of legitimizing rebels.

The negotiation over the word *reintegration* follows an emerging norm in peace processes of treating the armed insurgents as equal in negotiations and the more longstanding trend of both sides trying to use the processes to verify their own legitimacy. Since the 1990s, when many states and armed rebel groups entered peace negotiations (Burundi, Mozambique, South Africa, and the Philippines, for example), "a common approach to conflict resolution emerged that involved direct negotiations between governments and their armed opponents, who were treated for these purposes as equals."<sup>82</sup> The Colombian government conferred upon FARC the same level legitimacy they would confer on another government. This opens a line of political bargaining were both sides need "assurances that the [peace] talks will not be used by the other side to gain military and/or political advantage."<sup>83</sup> By attempting to prevent the other from using

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<sup>82</sup> Bell, Christine. "Peace Agreements: Their Nature and Legal Status."

<sup>83</sup> *Ibid.*

the peace process to gain political advantage, both admit that the other has a claim to considerable political power and legitimacy.

The challenges posed to the government's legitimacy by FARC, the AUC and the US reveal a state struggling to legitimately govern in the context of a multi-society citizenry characteristic of a National-Popular-State. The AUC, representing wealthy interests, present an active compromise to Colombian sovereignty by actively using violence to force political will. Plan Colombia was a passive contest to state legitimacy because while it did not challenge the legitimacy of the government by asserting a new paradigm, it weakened state accountability and civic trust in the government. FARC was the most direct challenge to sovereignty because the FARC asserted its own legitimacy as a government in rural regions. All these challenges exemplify the issues faced by a National-Popular-State as it attempts *to manage* the existence of preexisting societies while maintaining supremacy.

### III. Comparative Advantage in Violence

*La Ciudad de Las Mujeres is a peace community in Turbaco, Bolívar. While Colombia's war is fought mostly by men, the survivors are mostly women and children. Often overlooked, women make up a disproportionate number of the displacements. A few women whose families had been murdered by combatants, in a true testament to their resilience and need for survival, built 500 homes by themselves for female victims of the conflict and their children. They called their town La Ciudad de Las Mujeres, or City of Women.*

*In the presence of the leaders of La Ciudad de Las Mujeres, it is hard not get the impression that one is observing a fortress of human defiance and courage. The leaders are dressed humbly, laugh easily and are tough in their compassion. I have never met group of people, bound together by the shared audacity to punch back at an unjust world, fighting with such tenacity for a peaceful Colombia.*

*We sat in a small concrete room with Yajaira Mejía Pinta and Eidanis La Madrid, among other leaders. As always, the heat was oppressive. Small children scampered through the dusty streets outside. We asked the leaders a variety of questions about their organization and challenges. When asked if they receive push back from surrounding communities, they told us that just a few days ago the paramilitary had come rolling through La Ciudad, burning down their community center and threatening rape and murder if La Ciudad did not close. By chance, my delegation and I had missed bumping into the paramilitary and their guns by 72 hours. Of course, the leaders of La Ciudad experience this violence on a regular basis. One of the leaders moved to Cartagena after her husband was killed in La Ciudad. The paramilitary opposes human rights policy and threaten those who preach its philosophy to protect its power and system of social order. Violence and the threat of violence enforce the norms and forward a political agenda. As the residents of La Ciudad are all too familiar with, violence is a political act in Colombia.*

State formation and preservation is a process of war and strategic utilization of violence. Karl Marx and Thomas Hobbes, not surprisingly, have different views about the root of war. Hobbes believes that war is part of human nature, and consumes human life when there is no state present. Marx, on the other hand, takes a structural approach. Marx believes that war “‘of all against all’ was itself a creation of the state formation.”<sup>84</sup> In both views, “The very institution of the state is widely conceived of as inseparable from war.”<sup>85</sup> For Hobbes, the state ends war. For Marx, the state depends on war. Paradoxically, in both cases, the state secures peace by threatening violence. Violence and peace are interconnected because, as political philosophers argue, “the state is peace-making by virtue of its appropriation and monopolization of the wherewithal for violence. But this direction toward peace is a protective function organized to the benefit of citizens of the state who surrender their capacity for violence to the state.”<sup>86</sup>

Sovereignty is valuable because coordinated, supreme power facilitates collective and complex political communities. Hobbes explains that a sovereign is necessary to improve communal living and solve collective problems. Without a common power able to enforce its law, humans live in the state of nature, and are constantly embroiled in war. Life in the state of nature, as Hobbes famously pens, is “solitary, poor, nasty, brutish, and short.”<sup>87</sup> The fundamental problem of collective living is leaving the state of nature: “The final Cause of...men... in the introduction of that restraint upon themselves, ... of getting themselves out from that miserable condition of Warre, [which is inevitable] when there

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<sup>84</sup> Kapferer, Bruce, ed. *State, Sovereignty, War: Civil Violence in Emerging Global Realities*, 2.

<sup>85</sup> *Ibid.*, 1.

<sup>86</sup> *Ibid.*

<sup>87</sup> Hobbes, Thomas, and A. D. Lindsay, 78.



is no visible Power to keep them in awe, and tye them by feare of punishment.”<sup>88</sup> The sovereign’s control over violence, or ‘feare of punishment,’ is what enforces peace. Only a common power can, as Hobbes describes, “defend [a community] from ... the injuries of one another, and thereby to secure them in such, as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly”.<sup>89</sup> The threat of violence that the state employs to maintain peace is what allows for flourishing human economic, political, and civic activity. Without the strong centralized control, the society descends into the state of nature.

The Colombian state has a responsibly to protect the peace and common good of the people if it is legitimate. In the words of Hobbes, yhe state uses violence “in those things which concern the common Peace and Safetie” and as “he shall think expedient, for their Peace and Common Defense”.<sup>90 91</sup> The purpose of the state is to facilitate peace. The Colombian state has been unable to secure peace through its control of violence. Instead, “between drugs, paramilitaries, guerrillas, and a collapsing state, Colombia's condition is steadily worsening.”<sup>92</sup> There are three pertinent examples of this: Colombia abandoned its comparative advantage on violence by sanctioning the AUC; FARC used its comparative advantage in violence to push a political agenda in the recent peace process; drug cartels armed themselves, causing violence that mirrors guerrilla warfare, to control the trading of valuable goods.

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<sup>88</sup> *Ibid*, 69.

<sup>89</sup> *Ibid*,71.

<sup>90</sup> *Ibid*.

<sup>91</sup> *Ibid*, 72.

<sup>92</sup> Sweig, Julia E. "What Kind of War for Colombia?"

## **FARC and Control over Violence**

The state is the field “on which the battle for control of its decision-making power is fought.”<sup>93</sup> The FARC embody this idea. As Colombia lost its comparative advantage in violence, other groups could use violence as a bargaining tool against the state to push a political agenda. Because the state cannot immediately destroy the opposition, the state is forced to bargain with the opposing violent group, the FARC. The FARC was, and to some extent still is, a powerful political, military, and economic organization, amassing wealth from the drug trade. While it is unclear if some of these practices still exist, because the FARC protected “coca growing peasants and taxes the dealers who purchase the leaf in their zones of influence”, the FARC has accumulated \$600 million annually from the illegal drug trade.<sup>94</sup> <sup>95</sup> Additionally, FARC was a sophisticated fighting machine. FARC soldiers are armed with AK-47s, Dragunov Sniper Rifles, grenade launchers, as well as anti-tank and anti- aircraft rockets. In 2000, the Colombian National Police seized 45,000 firearms from the FARC.<sup>96</sup> On the military front, the FARC was powerful organization able to successfully confront the Colombian government.

The concept of comparative advantage on violence in the context of FARC’s rebellion is a thought experiment but can also be quantified. Comparative advantage is meant as a thought experiment, intended to answer the question if a state can enforce its

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<sup>93</sup> North, Douglass C. "A framework for analyzing the state in economic history."

<sup>94</sup> Sweig, Julia E. "What Kind of War for Colombia?"

<sup>95</sup> "The Guerrilla Groups in Colombia." RSS.

<sup>96</sup> Byrne, Matt. "Rumbles in the Jungle: FARC-EP."

writ over territory. In 2000, the Colombian defense budget was 2.5 billion dollars.<sup>97</sup> FARC's revenue from drugs is about a quarter of that. Currently, the Colombian government fields about 445,000 active front line personnel.<sup>98</sup> Again, FARC at its peak fielded 18,000 soldiers. For every four Colombian soldiers, there was one FARC fighter.

In traditional war, where there is a clear frontline, these odds may seem unfavorable to the FARC. After all, the FARC had roughly  $\frac{1}{4}$  the military resources available to the government. However, guerrilla warfare changes the equation. For example, the Viet Cong, who were a considerable threat to Vietnamese government even in the early years of the conflict when they were outnumbered by government soldiers 10 to 1 in 1961 and 5 to 1 in 1962.<sup>99</sup> The FARC's military inferiority suggests that it could not actually overthrow the Colombian government. But it demonstrated that it could evade the government forces by withdrawing into the country side and could inflict considerable damage.

War occurs when there is a comparable amount of damage that two parties can conflict on each other. Using force, nations, can repel and expel, penetrate and occupy, seize, exterminate, disarm and disable, confine, deny access, and directly frustrate intrusion or attack. It can, that is, if it has enough strength.<sup>100</sup> The word 'enough' implies an inherent comparison of strength. If a state has a huge comparative advantage in violence compared to its opponent, its opponent would surely fall into line and obey the state's decree without war. That is why we have hard time calling the Athenian slaughter

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<sup>97</sup>" The Colombian Armed Forces." Rand Corporation.

<sup>98</sup> "Colombia Military Strength." World Military Strengths.

<sup>99</sup> Zhai, Qiang. *China and the Vietnam Wars*.

<sup>100</sup> Schelling, Thomas C. *Arms and Influence*, 1.

of the Melians a war, and call it a massacre instead. What ‘enough’ is in war, however, requires the adversaries to deliberate how much harm and damage they can incur before they concede. Civil war is a kind of bargaining. Violence is the currency in the bargaining between warring political entities; “Coercion requires finding a bargain arranging for him to be better off by doing what we want—when he takes the threatened penalty into account.”<sup>101</sup> Each party must decide what, or whether, they are willing to pay in damage and resources in order to realize his writ over his adversary’s territory. Damage could be deaths, loss of money, harm to reputation, infrastructure damages, loss of territory, or challenges to legitimacy.

Despite its apparent disadvantage in military power, the FARC wields considerable bargaining power against the government because it prevented the government from controlling resources and territory through violence. In conversation with Eric Helland, former Senior Staff Economist on the Council of Economic Advisors, he described that armed actors make it more difficult for governments to control territory and have a functioning economy, giving the armed actor considerable bargaining power to push a political agenda. Hobbes would corroborate the point that a functioning economy requires a level of safety and protection. If that level of safety is reduced beyond certain point, the state loses its ability to promote and control a productive economy, losing domestic sovereignty.

War with the FARC humiliates the government and wastes government resources, as FARC continued to bomb resource necessary for production and distribution. Central

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<sup>101</sup> *Ibid*, 4.

to the FARC's terrorism is bombing of power lines and oil pipes, causing pervasive blackouts and stalling industry.<sup>102</sup> The state cannot secure control over access to resources, and state surplus is lost as oil is wasted and blackouts stall industry. For example, in 2015, FARC bombed a rural oil pipeline in Nariño, "causing 10,000 barrels of oil to contaminate waterways. The water contamination resulted in 150,000 people losing access to water and the Colombian government speculates that the environmental damage resulting from this attack is the worst environmental disaster in Colombia's history."<sup>103</sup> The FARC is waging a costly war in reputation and resources, which allows it to bargain against the government for political ends.

After serious military defeats, the group shifted its focus to extending its political influence rather than toppling the government.<sup>104</sup> FARC's strategy of destroying state infrastructure "is part of the FARC's total war approach, meant to cripple the state and force a settlement on the FARC'S terms."<sup>105</sup> The FARC's tactics are meant to increase its bargaining power, forcing the Colombian government to weigh the high cost of continued conflict against the cost of a political settlement. The government could not defeat the FARC militarily or prevent the FARC from inflicting damage, so the government was constantly weighing how much damage it was willing to incur in order to bar FARC from a political victory.

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<sup>102</sup> Cassman, Daniel. "Revolutionary Armed Forces of Colombia - People's Army." Revolutionary Armed Forces of Colombia - People's Army | Mapping Militant Organizations. Accessed April 19, 2017.

<sup>103</sup> *Ibid.*

<sup>104</sup> InSite Crime notes that "Following the military defeats suffered during Álvaro Uribe's presidency (2002-2010), and the 2008 death of the FARC's longtime spiritual and military commander, Pedro Antonio Marín, alias Manuel Marulanda, the rebel group has focused less on controlling territory and more on guerrilla warfare tactics combined with building up its urban networks and increasing its political outreach."

<sup>105</sup> Sweig, Julia E. "What Kind of War for Colombia?" *Foreign Affairs* 81.5 (2002): 122-41.

The most recent Peace Deal represents a stalemate between the government and FARC—each side has decided that the marginal influence it gains through violence is not worth the marginal cost in violence it will incur from the other. Both sides are forced into negotiation by the threat of violence against the other. As the Peace Deal indicates, war must end at a certain point because “war cannot perpetuate itself”.<sup>106</sup> War burns up resources—lives, money, and commodities, making each unit of a resource more valuable. War cannot last forever because the cost of waging war is high. While civil war lasts for a long time when the intensity of fighting is low, sheer exhaustion of both sides means that war must end and “turn into its opposite.”<sup>107</sup> The Peace Deal signed in fall of 2016 between FARC and the government represents war’s transformation into peace. The Peace Deal represents a military draw—both adversaries recognized they could not destroy each other, “nullifying the original reasons for war.”<sup>108</sup> It is less costly in reputation and resources to end the war.

The Peace Deal reveals the bargain that both the government and FARC made, and what compromises each side made. Noted in the previous chapter, they were both able to claim a victory after the peace agreement, thereby protecting their reputations. In the peace deal, FARC gained substantial political influence, as well as relatively liberal DRR regulations.<sup>109</sup> It agreed to sacrifice its ability to continue that war and turn over all its weapons. The government, on the other hand, traded victory over FARC for reducing

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<sup>106</sup> Luttwak, Edward N. *The Logic of War and Peace*. 68.

<sup>107</sup> *Ibid*, 57.

<sup>108</sup> *Ibid*.

<sup>109</sup> Scott, Courtney. "Text of Deal between Colombia’s Government and Rebel Group FARC to End Armed Conflict."

the substantial skepticism over the legitimacy of the government, for Santos' legacy and for ending an incredibly costly war.<sup>110</sup>

### **Drugs and Control over Violence**

Hobbes' theory of a commonwealth requires that the state have a comparative advantage in violence. If an organization does have a comparative advantage in violence, it cannot facilitate the accumulation of wealth or guarantee the protection of private property and therefore cannot offer the basic functions necessary for a state. Some of the most notorious drug cartels in Colombia, including Pablo Escobar's Cartel of Medellin, built a comparative advantage in violence in its areas of influence, enabling trade in illicit markets and developed state like characteristics. This made the political violence associated with drug trade look like guerrilla warfare.

Violence is an important characteristic of states because the comparative advantage in violence protects capital accumulation and markets. As Locke might argue, states should protect private property and facilitate the transfer of goods. Some economists embrace the definition of a state as "organization with a comparative advantage in violence [extended] over a geographic area."<sup>111</sup> This is a very bare definition but it does hit two of the fundamental tenants of sovereignty: violence and territory. Under this conception, some kinds of organized crime organizations adopt many characteristics of states. The economists' definition of state reflects some of the same themes that Hobbes expresses in the *Leviathan*. Hobbes believed that the violent enforcement of law allowed for complex

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<sup>110</sup> Casey, Nicholas. "Colombia and FARC Sign New Peace Deal, This Time Skipping Voters."

<sup>111</sup> North, Douglass C. "A framework for analyzing the state in economic history."

organizations and governments to form. Using the basic economics definition and inspiration from Hobbes, drug cartels use violence to exert the control over territory we associate with a state. Drug trafficking is an incredibly lucrative industry, and its profitability depends on producers and consumers having a guarantee that their transactions will be protected. Protecting transactions assumes the existence of property rights and property rights undergird the existence of states because “an organization which has a comparative advantage in violence is in the position to specify and enforce property rights.”<sup>112</sup> The need for protecting goods is the impetus for consumers and producers to arm themselves. When drug cartels have a monopoly on violence that enables them to protect their property and transactions from others, the cartels pose a serious threat to the sovereignty of the Colombian state.

A helpful allegory for understanding the escalation of violence in drug cartels is an arms race in classical war theory. Each nation has a rational response to every increment of strength their adversary gains. War theorists have explained that “a prerequisite of a successful attack is some ability to defend against retaliation or counterattack. Defense against retaliation is a close substitute for offensive power.”<sup>113</sup> Defense is basically offense. The first party perceives each incremental increase in destructive capabilities by the other as an offensive move. This then provokes the first party to do the same, and the cycle of incremental increases in arms capabilities continues. This is the framework I am using to analyze cartel violence.

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<sup>112</sup> *Ibid.*

<sup>113</sup> Schelling, Thomas C. *Arms and Influence*, 249.



Illegal activities do not benefit from the state's comparative advantage in violence, but are the object of it. While the state protects lawful market transactions, actors in illicit markets must provide their own protection to facilitate bargaining and trade. Cartels have an incentive to incur the cost of arming themselves due to the valuable nature of the goods they trade. I will run through an example to demonstrate how violence escalates in drug deals. Imagine A is selling a kilo of cocaine to B. A may fear that once A sells the drugs to B, B will threaten A, and take the money and the cocaine. On the other hand, B may fear that once A hands over the cocaine, A will threaten B, and take the money and the cocaine. So, to protect against theft, both A and B bring arms to the trade. When the other sees the arms that the other brought, they interpret the other's arms as an offensive move. In following transactions, each will bring more arms as a defensive move. The capacity to inflict violence increases incrementally with each transaction, presumably until the cost of the arms equals the profit earned from the transaction.

Drug trafficking "is an old, highly lucrative - and for a time, even socially acceptable - business."<sup>114</sup> In 2012, Pablo Escobar was the richest drug lord ever by 1983 with wealth valued at \$30 billion (2012 dollars). In 2016, if Escobar had been still active, "If Escobar was included on the Forbes Billionaire rankings ... he'd be tied for seventh."<sup>115</sup> After the sharpest increase in growth of the market in the 1980s (40% growth), Pablo Escobar controlled 80% of the cocaine market. Escobar was killed in

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<sup>114</sup> Siddhartha Baviskar. "Colombia: Drugs and Democracy".

<sup>115</sup> Berlinger, Joshua. "Drug Dealing Can Make You A Billionaire".

1993, ending one of the most profitable criminal organizations that ever existed and leaving the Colombian cocaine trade to smaller traffickers.

Cartels invested some of their profits in real estate to increase profits. To grow the prerequisites for cocaine, cartels needed to buy more land to expand their business. They invested millions of dollars to purchase more than 2.5 million acres of land in Colombia between 1983 and 1985, amounting to more than one-twelfth of Colombia's productive farmland.<sup>116</sup> With so much wealth and property, security became paramount: Colombian drug cartels became formidable military powers in order to protect their economic interests: "Pablo Escobar, the Ochoa brothers, and José Gonzola Rodríguez Gacha—created private armies to guarantee their own security and protect the property they had acquired."<sup>117</sup>

As the cartels escalated their comparative advantage in violence, Colombia's war on drugs came to resemble guerrilla warfare against the state. For the purposes of this discussion, guerrilla warfare is war with no frontline and involves concerted attacks on government. When there two parties that can inflict violence, have opposing economic interests and have overlapping territorial control, they will battle for economic profits. Indeed, as political economics theorists have noticed, "The ruler will always have potential rulers from within the state that compete for the monopolization of the profits of rents."<sup>118</sup> This violent competition for economic profit mirrors a civil war for political control. The origins of drug cartels' organization and accumulation of the means of

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<sup>116</sup> Tate, Winifred. "Paramilitaries in Colombia."

<sup>117</sup> *Ibid.*

<sup>118</sup> North, Douglass C. "A framework for analyzing the state in economic history."

violence are in the desire to protect economic profit, but “economic organization has... [a] close kinship with political organization.”<sup>119</sup> Indeed, drug cartels have political dimensions. Pablo Escobar held elected public office and even aspired of being the president of Colombia.<sup>120</sup> Furthermore, the Cartel of Medellin and Pablo Escobar are infamous for political murders. Most infamously, in 1985, Pablo Escobar contracted with the M-19, a communist guerrilla group, to kill the Supreme Court judges and burn all evidence that could be used to extradite him to United States. While this attack has since achieved mythic status inside and outside Colombia, political murders had marked Colombian politics before long before 1985.

A turning point in the Colombian consciousness of cartel-based violence was the assassination of Luis Carlos Galán, a popular presidential candidate in the 1980s. He ran on the platform of eliminating drug cartels. To protect their economic interests, the Cartel of Medellin organized his murder. The political assassination of Galan has an important implication for Colombian sovereignty: cartel’s comparative advantage in violence, rooted in trade of illicit products, exert political influence on the state. If the government cannot protect itself against cartel violence, it surely does not have a comparative advantage in violence. Moreover, if the cartels have a greater comparative advantage in violence, they have a much greater ability protect their influence and system of law.

### **AUC and Control over Violence**

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<sup>119</sup> *Ibid.*

<sup>120</sup> *Sins of My Father*. Directed by Nicolas, Entel.

Plan Colombia was an abdication of state's responsibility to maintain a monopoly in violence. The Colombian government gave up its monopoly when it allowed the militia it had authorized under Law 48 to be funded and influenced by the United States. A characteristic of sovereignty is the monopolization of the use of violence. In other words, the sovereign is the arbitrator for when violence will be used. Violence is important to a sovereign's power because the possibility of violence influences peoples' behavior in obeying the sovereign. The control of violence is what empowers the sovereign. Social contracts depend on violence: "Covenants, without the Sword, are but Words, and no strength to secure a man at all."<sup>121</sup> Covenants, and the rules that substantiate them, are empty without the guarantee of violence to enforce them.

Without a comparative advantage in violence, the AUC violence mirrors the Hobbesian state of nature. The state has an obligation to maintain a comparative advantage in violence. Violence can be used to ensure law and order that ultimately secures the longevity of the state, which supports domestic sovereignty as described as by many international relations scholars. Domestic sovereignty "refers to the formal organization of political authority within the state and the ability of public authorities to exercise effective control within the borders of their own polity."<sup>122</sup> Violence can be a tool to achieve control within a territory. Without control over violence, the sovereignty of the state control is impotent.

The violence that the sovereign inflicts is legitimate because the sovereign's authority is legitimate. A sovereign's monopolization over violence is not the

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<sup>121</sup> Hobbes, Thomas, and A. D. Lindsay. *Leviathan*, 68.

<sup>122</sup> Krasner, Stephen D. "Sovereignty : Organized Hypocrisy", 4.

sovereign's ability to influence the behavior of subjects alone. Control over violence "the right to command and correlatively the right to be obeyed." What is most important here is the term "right," connoting legitimacy."<sup>123</sup> The sovereign is legitimate in inflicting violence on its subjects, because according to Hobbes, the act of establishing a sovereign legitimizes the enforcement of laws it is supposed to uphold. In a Hobbesian Commonwealth, people have created a covenant, or social contract, with the authority, meaning that each is "author of his own punishment, as being by the Institution, Author of all his Sovereign shall do: And because it is injustice for a man to do anything, for which he may be punished by his own authority."<sup>124</sup> A legitimate sovereign exerts legitimate control over violence. This means that the people dictate their own punishment by accepting its supremacy. As noted earlier, the paramilitary are not legitimate, and thus the violence they inflict is also not legitimate. Without a legitimate control of violence, the illegitimate violence of the AUC perpetuates the state of fear: It "establishes and perpetuates a state of fear through its clandestine nature and in the paradox of its uncertainty."<sup>125</sup> Hobbes might describe a Colombian person's life led in perpetual fear of ones' controlling authority and neighbors as "solitary, poor, nasty, brutish, and short."<sup>126</sup> This hopeless insecurity defines the state of nature.

The United States developed Colombia as military state through Plan Colombia. The reorganization of the Colombian military solidified linkages between the Colombian military and narco-paramilitary networks that in effect further consolidated a "secret

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<sup>123</sup> Philpott, Daniel. "Sovereignty."

<sup>124</sup> *Ibid*, 73.

<sup>125</sup> Kapferer, Bruce, ed. *State, Sovereignty, War: Civil Violence in Emerging Global Realities*, 2.

<sup>126</sup> Hobbes, Thomas, and A. D. Lindsay. *Leviathan*, 61.

network that relied on paramilitaries not only for intelligence, but to carry out murder.”<sup>127</sup> In 1991, “US military advisors travelled to Colombia ...to reshape Colombian military intelligence networks.”<sup>128</sup> Under Plan Colombia, the Colombian government reordered its military branch and developed more sophisticated counter-terrorism departments. This reorganization was supported by “the massive levels of post-Cold War US funding of the Colombian military.”<sup>129</sup> Due to corruption in the Colombian military, US military aid was, in effect, going directly to the major terrorist networks throughout Colombia, who traffic cocaine into US markets to fund their activities.<sup>130</sup> Human Rights Watch termed the link between American aid and the paramilitary as a “sophisticated mechanism . . . that allows the Colombian military to fight a dirty war and Colombian officialdom to deny it.”<sup>131</sup> Colombia’s “‘militarization of internal security’ reflects the decreasing resources available to the government to control opposition.”<sup>132</sup> The proliferation of the paramilitary, as a product of US funding, has only further weakened the Colombian state’s control over who exacts violence and at whom violence is directed.

The Colombian government lost its comparative advantage in violence as the paramilitary proliferated outside its control. This is clear because the paramilitary used violence against the state. In the last 50 years, many journalists and human rights organizations have noted,

paramilitary groups have targeted their attacks on civilians who promote political reform and public participation in Colombian politics and on those institutions

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<sup>127</sup> Stokes, Doug. "Why the End of the Cold War Doesn't Matter: The US War of Terror in Colombia."

<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*

<sup>132</sup> Kapferer, Bruce, ed. *State, Sovereignty, War: Civil Violence in Emerging Global Realities*, 92.

trying to encourage democracy, transparency, and human rights. Paramilitary gunmen have threatened, kidnapped, and killed non-governmental and government authorities investigating human rights violations and drug trafficking cases<sup>133</sup>

Top government officials were not immune: “the paramilitary leader Carlos Castaño was responsible for the abduction of Colombian Senator Piedad Cordoba, president of the Colombian Senate's Human Rights Commission.”<sup>134</sup> If the state had a comparative advantage in violence and was able to make a credible threat of violence to control competing groups, the paramilitary would not be so powerful. By wielding violence against the state, the paramilitary indicates that the Colombian state has lost some of its domestic authority.

Colombia lost its comparative advantage in violence because it had competition from the FARC and because it lost control over some of its own forces, the AUC. This means that the state can lose its comparative advantage on violence due to an ideological competitor (FARC), or by outlaws, whether state created (AUC) or independent of the state (Drug Cartels). FARC's rebellion happened first, and then drug cartels created a parallel industry and the AUC was created as a response to FARC. Through this cycle of retaliation and offense between the government and outlaws and an ideological competitor, the state lost its comparative advantage on violence. These examples represent active examples of the state's compromised sovereignty. These groups actively challenge the government with violence. However, the cycle of retaliation and offense means that the state's ability to control the inevitable chaotic violence that war produces and the state's military forces in general. This means that the state's comparative

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<sup>133</sup> Tate, Winifred. "Paramilitaries in Colombia.

<sup>134</sup> *Ibid.*

advantage on violence is also lessening due to passive means as well—the state's forces are weaker due to active attacks.



## IV. Territory

*After hours on a dusty road, framed by farmland and banana trees, our van pulled off the highway into the Town Square of Patio Grande, Montes De Maria, Bolívar. Montes De Maria, only 2 hours away from Cartagena one of Colombia's biggest tourist cities and home to over 1 million people. Patio Grande was a FARC stronghold in 2002 and the site of one of the bloodiest massacres in Colombian history. Patio Grande, now a town of about 25 families, is also the only successful effort to relocate of displaced persons in Colombia. As an indication of the diversity of people that relocated there, it is called 'Little Colombia'. In many ways, Patio Grande represents a fragile hope for Colombia's future and the gritty resilience of Colombians bred by decades of war.*

*The citizens had hung a welcome sign for us on the giant tree in the town square and arranged 35 white plastic chairs in the tree's shade for our discussion. The town matriarch explained to us that the citizens know their rights, but there is no guarantee for their rights. Education is a perfect example, she explains.*

*Access to education is a continual problem in areas affected by conflict. The school in Patio Grande has underdeveloped infrastructure and only receives students until the fifth grade.<sup>135</sup> The school employs the Fundación Escuela Nueva (FEN) model, an internationally acclaimed pedagogical model based on flexible promotion. Should students want to continue their education, they have no choice but to travel to the next town on foot, on a bike, or on the back of someone's motorcycle. Because taking a motorcycle is prohibitively costly for these families, many students choose to bike or walk along the highway. For some, this decision is deadly. Students have been killed by cars and other motorists while walking or biking to school. The state simply cannot guarantee the right to life or education without funding, infrastructure, and institutions. As I will explain in this chapter, this failure leads to statelessness across the Colombian territory, opening the door for internal conflict.*

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<sup>135</sup> "Patio Grande in Montes De Maria."

Territoriality, another crucial element of sovereignty, defines the geographic scope of legitimate control over violence and gives membership to its subjects. Most scholars recognize that sovereignty is defined as “exclusive authority within its own geographic boundaries” due to the Treaty of Westphalia.<sup>136</sup> <sup>137</sup> <sup>138</sup> The treaty was signed after the Thirty-Year War and “under the terms of the peace settlement, a number of countries received territories or were confirmed in their sovereignty over territories.”<sup>139</sup> Until this point I have discussed the meaning of exclusive authority (supremacy of legitimate control over violence), and now I will discuss what territory means. People, by nature of their location, “within geographic borders ... belong to a state and fall under the authority of its ruler.”<sup>140</sup> If a person falls within a set of boundaries, they are subject to the supreme authority.<sup>141</sup> Territoriality is relevant to sovereignty because, for example, the inability to regulate the flow of goods, persons, and ideas across its own territorial boundaries has been described as a loss of sovereignty.<sup>142</sup>

Control over territory is embodied in the state’s ability to build and maintain a robust system of institutions. Institutions are the bedrock of states because, as many scholars have explained, the “first and most important institution that fragile or failing states lack

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<sup>136</sup> *Ibid.*

<sup>137</sup> Krasner, Stephen D. "Compromising Westphalia."

<sup>138</sup> *Ibid.*

<sup>139</sup> "Peace of Westphalia."

<sup>140</sup> Philpott, Daniel. "Sovereignty".

<sup>141</sup> While the idea of territoriality may seem obvious for political communities, territoriality is not how all polities are arranged. Authority could be exercised “over people, as would be the case in a tribal form of political order.” Religious supremacy could also be an example of authority that does not have boundaries—like the decree of the pope.

<sup>142</sup> Krasner, Stephen D. "Compromising Westphalia".

is an administratively capable government.”<sup>143</sup> Administratively capable government, and its ability to manage political, civic, and economic institutions, is an essential prerequisite for democracy and rule of law across a region.

Institutions are key to the discussion of territory. Institutions are what we are really discussing when we discuss territory.<sup>144</sup> All states have borders but it seems that we need more than a set of invisible lines to demarcate the state. Many would argue that it has to do with how people identify and who has official papers indicating that they are a citizen of a specific state. While this is important, self-identification is abstract and a robust understanding of states requires physical indicators of existence. Consider the counterfactual: If someone was plopped down in the middle of nowhere with no food or water, it would not matter if they were in a state that guaranteed basic rights. As the members of Patio Grande know too well, basic rights are a hollow promise without institutions to guarantee them. If the state has no impact on people’s basic needs, the state is essentially invisible to them. Viable states require institutions with which all citizens can interact. Without the physical presence of state institutions or the possibility of state intervention, there is very little distinguishing a state from the Hobbesian state of nature. Institutions are integral to transforming *terra nullius* into organized space fit for public and private operation. Colombia lacks these institutions and therefore lacks the

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<sup>143</sup> Fukuyama, Francis. *Political Order and Political Decay from the Industrial Revolution to the Globalization of Democracy*, 50.

<sup>144</sup> Institutions are the ‘rules of the game’ which “include formal rules, written laws, informal norms, and shared beliefs about the world, as well as the means of enforcement.” The problem with this definition is it is not clear what is not an institution. For my purposes, I will stick with this definition, while it is incredibly vague, but add that an institution must be backed up and enforced by violence.

ability to exact economic surplus and secure rights for citizens in rural regions. This statelessness allows FARC and the drug cartels to play a state-like role in rural areas. In addition, Colombia's statelessness makes it vulnerable to coercion from multinational corporations.

### **The State and Control over Territory**

Colombia lacks basic infrastructure, which means the state cannot extract resources from its territory or extend state institutions across its territory. This means the state is less present in some regions, making space for armed actors to control large areas within the state. The Colombian state's capacity is suboptimal. Capable states have a wide scope with many resources at their disposal.<sup>145</sup> State capacity is state autonomy or the scope of things that state can do. The Colombian state does not have wide scope, indicating it cannot perform state-like duties. On the most basic level the armed conflict in the 1990s meant that "Colombians were forced to confront the hard reality that, despite some impressive achievements, their state had great difficulty carrying out perhaps its most basic function: protecting its citizens."<sup>146</sup> For example, in August of 2002, at the beginning of former President Uribe's term, the national police were absent from 158 municipalities.<sup>147</sup> Accepting that a comparative advantage in violence is a cornerstone of state sovereignty, the lack of police—the institution that regulates violence—is particularly compromising to state sovereignty. In the absence of state institutions, there

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<sup>145</sup> Fukuyama, Francis. *Political Order and Political Decay from the Industrial Revolution to the Globalization of Democracy*, 38.

<sup>146</sup> Shifter, Michael, and Vinay Jawahar. "State Building in Colombia: Getting Priorities Straight."

<sup>147</sup> By the end of 2003 that number had dropped to 18.

is no effective control over this territory: In Colombia, “the slide into rampant lawlessness and insecurity was no doubt related to the state's weakness, inefficacy and, in some cases, even absence.”<sup>148</sup>

Colombia has some of the worst infrastructure in the world. More developed state institutions are predicated on infrastructure, so the expression of the state is limited by the lack of infrastructure. The most basic kind of institution is state infrastructure including roads. Hypothetically, no one would care about the post office, an example of a state's information services, if there are no roads to transport mail. The lack of roads is a problem that will prove difficult to fix. In Colombia, the environmental licensing agency, the governing body that approves new development projects, only has a staff of 27 employees for a country a quarter the size of the USA (which has hundreds of federal employees in its analogous department). Even if the state had the raw materials to build roads, this bottleneck would paralyze building. The state does not have even the human capital, indicating a lack of state capacity, to extend state institutions across its territory.

The lack of infrastructure stalls Colombia's economy. World Economic Forum, in the Global Competitiveness Index for 2013-14, compared 148 countries and documented that “Colombia ranks 130 in quality of roads, 110 in port infrastructure, and 96 in airport infrastructure.”<sup>149</sup> The quality of Colombia's infrastructure just outranks Haiti and Venezuela, both of which have suffered environmental and humanitarian disasters in recent years.<sup>150</sup> <sup>151</sup> Lack of intrastate hurts average Colombians and depresses the

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<sup>148</sup> *Ibid.*

<sup>149</sup> Glickhouse, “Colombia Update”.

<sup>150</sup> “Colombia - Infrastructure.”

<sup>151</sup> Glickhouse, “Colombia Update”.

economy. The country is simply not accessible to most people: “Car rides between Colombia’s main cities take between 7 and 18 hours, but just 30-60 minutes by plane.”<sup>152</sup> Because many Colombians do not have the means to take airplanes, the country is effectively a much larger place where communities are isolated in their respective geographic locations. This has serious economic implications; for example, “it is still cheaper to ship a container from Shanghai to the [Colombian] port of Buenaventura than to ship a container from Buenaventura inland to Bogota.”<sup>153</sup> The Colombian state is attempting to address this problem by partnering with private companies to build roads. While this a clever and possibly very effective solution, it further indicates Colombia’s lack of internal capacity.<sup>154</sup> An economy handicapped by poor infrastructure hinders the state’s ability to control territory.

Lack of infrastructure means lack of institutions across the territory. Political theorists argue that rights, the written promises of a state in its social contract, require taxation and have real budgetary costs. Rights are costly “because all rights presuppose taxpayer funding off effective supervisory machinery of monitoring”.<sup>155</sup> <sup>156</sup> Taking this rights-have-costs argument one-step further, institutions guarantee rights enumerated in a state’s social contract. For these rights to be translated into visible protections, the state requires actors to translate the concept of rights into a concrete presence over a territory. The argument that rights require taxation, in fact, presupposes the presence of

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<sup>152</sup> "Colombia - Infrastructure."

<sup>153</sup> *Ibid.*

<sup>154</sup> Glickhouse, “Colombia Update”

<sup>155</sup> Rights are not defined here as the moral principles that human beings are naturally entitled, in Kantian sense.

<sup>156</sup> Holmes, Stephen, and Cass R. Sunstein. *The Cost of rights: Why: Liberty Depends on Taxes*, 44.

institutions. In fact, “to claim a right successfully... is to set in motion the corrective [power] and machinery of public authority. This machinery is expensive to operate.”<sup>157</sup> The ‘machinery of public authority’ is undoubtedly institutions, the muscle needed to translate policy and money into action.

A lack of functioning institutions indicates the state’s lack of control over territory. Despite the scale of conflict and the dearth of basic infrastructure, Colombian schools, especially in rural areas, are incredibly proficient. Colombia’s literacy rate is 94.7%, the which is incredible considering the length of the conflict. The quality of rural schools, however, is not due government intervention, but rather mostly due to Fundación Escuela Nueva (FEN)—a Bogota based nonprofit run by 30 people.<sup>158</sup> While FEN is an impactful organization, the fact that the government outsources its most basic responsibilities further indicates a lack of internal governmental capacity. Furthermore, Colombia has been unable to extract the taxes it is owed by its citizens. In 2012, the World Bank partnered with the Colombian government on tax collection overhaul, which yielded \$35 billion increase in tax payments.<sup>159</sup> This suggests that Colombia was missing out \$35 billion of revenue, which surely limited the scope and capacity of the government. As a point of comparison, this increase in tax collection was more than the GDP of Bolivia in 2013.<sup>160</sup>

Moreover, the geographic variation in the standards of living within Colombia indicates a limited geographic presence of the state. The urban-rural divide is

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<sup>157</sup> *Ibid.*, 44-46.

<sup>158</sup> FEN was once part of the government but now is not.

<sup>159</sup> Meacham, Carl Elliott, Douglas Farah, and Robert D. Lamb. *Colombia: Peace and Stability in the Post-Conflict Era*.

<sup>160</sup> “Bolivia GDP 1960-2017” Forecast News.

pronounced. While 85.2% of the urban population has access to sanitation facilities, only 67.9% of the rural population does. Similarly, 81.1% of the urban population has access to clean drinking water and only 73.8% of rural population does. Rural poverty leads to a decreased emphasis on democratic participation. For example, in some Northern regions where drought has lowered many into poverty, one can trade a vote for an arepa (a cheesy deep fried snack). This demonstrates that multidimensional poverty sustained by the lack of effective government institutions limits regional democratic legitimacy. Due the civil war, and compounded by drought, there are 7 million internally displaced Colombians—the largest internally displaced person (IDP) population in the world. At the rate government agencies are able to handle their caseloads, it would take 400 years for all the displaced Colombians to be relocated.<sup>161</sup> The Colombian government does not have the capacity to address the burgeoning humanitarian crisis resulting from the conflict.

Lack of institutions across a territory means the state cannot extend its social contract, protecting the rights of citizens or the fair allocation of goods across its citizens. Implicit in the state's social contract with its citizens is the basic provision of living standards. Improving infrastructure and other basic institutions is “crucial to boosting the competitiveness of the country's hard-pressed manufacturers, who have suffered from the strength of the currency, and the isolation that is at the root of the country's socioeconomic inequalities.”<sup>162</sup> Institutions across territory are central to the social contract. Within the social contract is the state's right to regulate commerce within its boundaries and the individual's right to fair accumulation and protection of property. If

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<sup>161</sup> "Colombia's war has displaced 7 million. With peace, will they go home?" The Washington Post.

<sup>162</sup> "Taking the slow road." The Economist.



the social contract cannot be extended throughout a territory, neither the state nor individuals can guarantee and protect their wealth. Realization of the social contract is necessary to extract economic surplus from a territory. In the absence of effective economic management, the state cannot extend economic or social rights to citizens. Ultimately, “statelessness spells rightlessness.”<sup>163</sup>

The lack of economic presence and a dearth of rights protection across a territory enables armed conflict. The lack of state institutions causes instability.<sup>164</sup> Without robust institutions, the state cannot enforce its writ over territory. When governmental “institutions fail to control violence, [this] produces poverty, which further weakens the ability of the government to govern.”<sup>165</sup> We can see this cycle in Colombia due to failing institutions. The consequence of failing institutions is a “very inefficient state, including a...dysfunctional judiciary that no one [trusts]. The state had lost its monopoly on violence and its ability to enforce contracts and protect property rights.”<sup>166</sup> Continuing this vicious cycle, the “state faced a ‘deep delegitimation crisis’ evidenced by the relative lack of capacity compared with the drug industry” owned by cartels and the FARC.<sup>167</sup> As a consequence of and reason for “the weakening of state structures”, armed actors used violence to increase their profits, resulting “in a severe human rights and humanitarian crisis.”<sup>168</sup> This theory of the importance of institutions explains why “a central premise of [Former President] Uribe's policy of democratic security” is the “strengthening of the

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<sup>163</sup> Holmes, Stephen, and Cass R. Sunstein. *The Cost of rights: Why: Liberty Depends on Taxes*.

<sup>164</sup> Fukuyama, Francis. *Political Order and Political Decay from the Industrial Revolution to the Globalization of Democracy*, 48.

<sup>165</sup> *Ibid*, 49.

<sup>166</sup> Shifter, Michael, and Vinay Jawahar. “State Building in Colombia: Getting Priorities Straight.”

<sup>167</sup> *Ibid*.

<sup>168</sup> *Ibid*.

rule of law” and “its is... gradual consolidation over the whole of Colombian territory.”<sup>169</sup>

This brings us to a sobering realization: strengthening the rule of law in order to exercise institutional control over territory may require sacrificing a degree of democratic legitimacy. In fact, many functioning democratic societies today were once authoritarian: authoritarian governments create strong institutions. So, when authoritarian governments democratize, they leave in their wake strong institutions and rule of law.<sup>170</sup> In response to effectively ungovernable territory, the Colombian government has done this in reverse. Starting with a weak democracy facing growing lawlessness, the government embraced more authoritarian policies to strengthen institutions. In fact, under Uribe’s presidency, “One of the major concerns ... [was] that improvements in security accompanied by the introduction of potentially non-democratic measures, anti-terrorist legislation and practices such as mass arrests and rolling back the judiciary [left] wide swaths of territory devoid of any effective governmental accountability” , which compromises democratic legitimacy.<sup>171</sup> Here, I will take a realist position. Many will and should criticize Uribe for his restriction of democratic rights. Nonetheless, Uribe’s policy choices suggest that there is a tension between rule of law and the democratic accountability that underpins a state’s legitimacy. Forfeiting some legitimacy may be a politically necessary sacrifice to build institutions that bolster sovereignty in the long run: there is nothing to be legitimate if

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<sup>169</sup> *Ibid.*

<sup>170</sup> Fukuyama, Francis. *Political Order and Political Decay from the Industrial Revolution to the Globalization of Democracy*, 42.

<sup>171</sup> Shifter, Michael, and Vinay Jawahar. " State Building in Colombia: Getting Priorities Straight."

there are no institutions. Thus, the tenants of sovereignty may not be mutually enforcing: Colombia is forced to trade legitimacy for control over territory.

### **FARC and Control of Territory**

Without the extension of government institutions across its territory, other organizations intent on creating economic profit can assume control. Without governmental institutions and organizations to limit violence and organize productive economic behavior, there is an opportunity for huge economic gain by exerting violence, filling the power vacuum created by the absence of the state. Rents, in this context, are excess economic profits taken by the arbitrating authority. In a power vacuum, various armed actors' battle for the ability extract rents from their overlapping territories. In this sense, FARC's drug dealing practices are opportunistic: the lack of government institutions facilitated the development of illicit economies and subversive political organization. In the rural regions, the FARC were able to create a relatively uncontested authority outside the reach of governmental institutions: 'the dominant coalition [FARC] creates a way to generate and distribute rents,' such that both members in and outside the coalition have incentives to adhere and support FARC's policies.<sup>172</sup> In this way, the economic organization of FARC and of many drug cartels spurred political organization: Economic scholars argue that 'political and economic organization appear to have gone hand-in-hand.'<sup>173</sup>

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<sup>172</sup> North, Douglass C. "A framework for analyzing the state in economic history."

<sup>173</sup> Ibid, 3.

FARC extracted surplus in the absence of the Colombian state. At its height, the FARC controlled 45% of Colombian territory.<sup>174</sup> While FARC's territorial control has considerably decreased, its influence is still large.<sup>175</sup> This indicates that the root problem of statelessness is still rampant. Most of FARC's money is made from drug dealing and gold mining. Profit from mining and drug trafficking preceded FARC's initial territorial gain. The combination of statelessness and the ability to protect peasants growing coca, despite FARC's decreasing legitimacy due to its status as a central player in drug trafficking, fueled territorial gains. Money from trafficking became important to propel the FARC's war against AUC fighters—battling over fertile land to grow coca, to protect their unique interests, and control territory. The interplay between economic profits and territory powered FARC's economic expansion. By the August of 2016, during the Havana peace talks, "Colombia's FARC rebels [controlled] more than 60 percent of the Andean nation's drug trade, including cocaine trafficking overseas."<sup>176</sup> The scale of FARC's profits is not completely clear, mostly because the group's finances are clandestine: "Estimates of the FARC's annual income at the time range from \$200 million to \$3.5 billion."<sup>177</sup> It is not just that FARC is rich. Its money impedes the government from achieving peace throughout the state. An important part of the peace process in Havana was discussing victim's reparations. In the peace talks, the government tried to extract some of FARC's profits for reparations for victims "of the FARC's

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<sup>174</sup> Sensamaus, Sarah. "Non-State Actors in Colombia, Guatemala and Nicaragua."

<sup>175</sup> "Colombia: FARC and ELN areas of influence."

<sup>176</sup> Murphy, Helen, and Luis Jaime Acosta. "FARC controls 60 percent of drug trade - Colombia's police chief".

<sup>177</sup> "Unfunny money." The Economist.

crimes. After more than a year of wrangling, the FARC agreed to ‘contribute to the material reparation of the victims’ but said it was broke.”<sup>178</sup> While this seems like a boldfaced lie, without the FARC’s fortune and given the state’s weak capacity it is unclear that victims will receive reparation. Without just reparations for victims, the state’s ability to fulfill its social contract is ultimately questioned.

Due to its economic organization, FARC had and probably still has political organization over territory: FARC created illicit economies, and then political institutions to distribute rents from economic profit. To back up these institutions and protect its profit, FARC militarized, creating a comparative advantage in violence. FARC’s ability to tax those living under FARC’s jurisdiction and its use of violence to enforce its taxation indicate its economic and political sophistication. The FARC taxed farmers in their territory who grow coca, taking a portion of their revenue in taxes and taxes “each piece of machinery entering its territory, earning about \$240,000 a month” through just taxing machinery. Taxation presupposes a set of property rights. The FARC specified “a set of property rights designed to maximize [its] monopoly rents for each separable part of the economy.”<sup>179</sup> Property rights require enforcement because “the essence of property rights is the right to exclude.”<sup>180</sup> Indeed, “As the FARC grew in wealth, it also grew more violent.”<sup>181</sup> While FARC’s armament is often interpreted as a tool to battle the Colombian state, at least a portion of its military organization was intended for policing its territory. The combination of political, economic, and military organization made the

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<sup>178</sup> *Ibid.*

<sup>179</sup> North, Douglass C. "A framework for analyzing the state in economic history."

<sup>180</sup> *Ibid.*

<sup>181</sup> Cassman, Daniel. "Revolutionary Armed Forces of Colombia - People's Army."

FARC a formidable ideological and military competitor to the state. Assuming control in areas in which there is a power vacuum is arguably as subversive to state governance as total war.

The state or the sitting ruler “always has rivals: competing states, or potential rulers within his own state.”<sup>182</sup> FARC is a rival because its political sophistication and huge economic profit make it an alternative power source to the state. This constrains the autonomy of the state. Political and economic scholars argue that,

the state is constrained by the opportunity cost of its constituents since there always exist potential rivals to provide the same set of services. . . . The degree of monopoly power of the ruler therefore is a function of the closeness of substitute for the various groups of constituents.<sup>183</sup>

This means that those living within and on the fringes of FARC’s territory make a calculation about the opportunity cost of adhering to the state’s political and economic institutions or FARC’s. In practice, enough people have chosen to side with FARC because the opportunity cost has been favorable to that choice. Not only does this inhibit the state from capturing economic surplus, it also precludes the state from asserting political control and legitimacy in rural areas.<sup>184</sup>

## **Multinational Corporations and Control Over Territory**

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<sup>182</sup> *Ibid.*

<sup>183</sup> *Ibid.*

<sup>184</sup> It is key to note here that a large proportion of FARC fighters are recruited under the age of 18. They are not able to give consent and are not considered fighters by the Colombian UN Delegates. Furthermore, the topic of this discussion is less the fighters and more the other non-militarized members.

Due to the lack of capital, many developing countries, such as Colombia, must rely on external forces to supply services. Reflecting this public-private relationship, “the presence of [Multinational corporations(MNCs)]...underwent a very rapid expansion” in many Latin American countries.<sup>185</sup> MNC output comprises a massive proportion of national GDP and thus MNCs can exert influence within Colombia’s territory. This is detrimental to state sovereignty because, instead of the state, it is MNCs that mediate control of territory, ultimately, structuring political and economic relationships between citizens: “the emergence to sovereign power of corporations ... is major factors in subverting the sovereign power of other states.”<sup>186</sup> As Colombia moves out of the shadows of conflict, MNCs continue to pose a threat to creating a sustainable peace and a just state presence. MNCs make Colombian sovereignty vulnerable.

MNCs are deeply woven into Colombian civic life. In many ways, MNCs have contributed to the health of the Colombian middle class. Many kinds of MNCs exist in Colombia—technological, agricultural, and automotive firms. These firms employ a growing middle class. MNCs, however, also wield incredible political and economic power. We should be skeptical of MNCs involvement in Colombia, particularly because the government must rely on them for services. This is particularly problematic because of MNC’s recorded human rights abuses. Ultimately, this could become a coercive public-private relationship because the government relies on MNCs for services but they fuel the conflict and commit human rights violations. Due to Colombia’s inability to

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<sup>185</sup> Salehizadeh, Mehdi. "Multinational Companies and Developing Countries: A New Relationship."

<sup>186</sup> Kapferer, Bruce, ed. *State, Sovereignty, War: Civil Violence in Emerging Global Realities*. Berghahn, 4.

extend institutions, and most fundamentally infrastructure, over its vast territory, the government must rely on MNCs to provide infrastructure.

In many ways, it is important to note, the Colombian middle class has benefited from capitalist policies and integration in international markets brought by the MNCs. In contrast with many other countries in Latin America, Colombia is becoming a middle-class country. The Colombian middle class is a “well-educated labour force, [and has a] strong business” ethic.<sup>187</sup> In fact, the Colombian middle class grew by 50% from 2003 to 2009.<sup>188</sup> The MNCs’ involvement contributes to the relative wellbeing of the Colombian middle class. For example, “Google, Facebook, and Microsoft have opened offices in Bogota in recent years. Between 2007 and 2012, Colombia's tech industry grew 177% to \$6.8 billion.”<sup>189</sup> These economic changes reflect the growing wealth of many Colombians. Eric Farnsworth, the vice president of the Council of the Americas explains, “The Fords, the GMs, Mitsubishis see Colombia as a growth market. People have money to spend.”<sup>190</sup> Many Colombians are able to enjoy more luxury products, pointing to their economic wellbeing in a capitalist economy. The existence of MNCs in Colombia’s economy and civic life contribute to and reflect the growth of the middle class. Nonetheless, we should be skeptical of what the MNC’s presence in Colombia means for the sovereignty of the state.

MNCs control a large share of Colombia’s GDP: “Today, four hundred multinational corporations create an annual income of about \$15 billion, which constitutes 15% of

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<sup>187</sup> Chan, Szu Ping. "Colombia: From Failed State to Latin American Powerhouse."

<sup>188</sup>"Colombian Middle Class Grows over past Decade."

<sup>189</sup> Chan, Szu Ping. "Colombia: From Failed State to Latin American Powerhouse."

<sup>190</sup> *Ibid.*



Colombia's GDP."<sup>191</sup> MNCs' integration in the Colombia economy indicates that the government could be beholden to international interests and not domestic needs.<sup>192</sup>

MNCs have been manipulative in the past. "MNCs, in general, have manipulated both import and export prices through their intra-firm transfer pricing policies so that their actions have hurt attempts made by some Latin American countries at improving their respective balance of payments positions."<sup>193</sup> Colombia is vulnerable to this exploitation.

MNCs' political influence further amplifies their economic influence. MNCs have historical roots in Colombia and can cater to political ends, causing illegitimate political involvement. MNCs began "oil exploration...[in the] commercial 1920s, [deeply affecting] the peasant economy in areas of oil exploitation."<sup>194</sup> By the 1990s, corporations, due to market pressures, "uproot[ed] peasants from their lands areas", even though the state had entitled that land to peasants.<sup>195</sup> By forcing peasants from their land, MNCs entered in a political and civic conflict with the state.

The political power of MNCs should not be surprising because corporations have political characteristics. In Colombia, where there are very few state institutions in the rural areas, the political influence of MNCs is exaggerated. MNCs mirror states in some interesting ways. Scholars have recently started studying the political behavior of MNCs and argue that MNCs

have large resources at their disposal, they command the loyalty of large numbers of employees to whom corporate identity is often more important than national identity,

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<sup>191</sup> Richani, Nazih. "Multinational Corporations, Rentier Capitalism, and the War System in Colombia."

<sup>192</sup> *Ibid*

<sup>193</sup> Salehizadeh, Mehdi. "Multinational Companies and Developing Countries: A New Relationship".

<sup>194</sup> Richani, Nazih. "Multinational Corporations, Rentier Capitalism, and the War System in Colombia".

<sup>195</sup> *Ibid*

they have their own spheres of influence as a result of the division of world markets among themselves, and they engage in diplomacy and espionage.<sup>196</sup>

It is obvious that corporations can wield political power over Colombian territory. Thus, MNCs can wield illegitimate political influence in Colombia's territory.

Possibly to protect their economic and political influence, MNCs have expanded into military operations, capitalizing on the lack of state presence across territory. Because conflict has economic implications, scholars have argued that "violence [presents] opportunities for the formation, accumulation ...and investment of capital."<sup>197</sup> This suggests that MNCs have an investment in the lack of stability and control in Colombia. That the MNCs have a vested interest in continuing the conflict is indicated by the fact MNCs funding and agreements with both the FARC and the paramilitary, maintaining the balance of forces and continuing the war. MNCs "and paramilitary groups went further and began a political extermination campaign of the country's left, killing unionists, leftist thought leaders and human rights defenders."<sup>198</sup> Over 50 companies, including Dole, Chiquita, and Coca Cola, have been sued for making payments to the paramilitary to protect their land with violence. A former paramilitary commander notes, "We would also get calls from the Chiquita and Dole plantations identifying specific people as 'security problems' or just 'problems.' Everyone knew that this meant we were to execute the identified person."<sup>199</sup> Chiquita has also been accused of providing arms to insurgent groups. Because "the mindset of multinationals was that cooperation with

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<sup>196</sup> Osterberg, David, and Fouad Ajami. "The Multinational Corporation: Expanding the Frontiers of World Politics".

<sup>197</sup> Richani, Nazih. "Multinational Corporations, Rentier Capitalism, and the War System in Colombia".

<sup>198</sup> "Chiquita still fighting to withhold docs on Colombia paramilitaries".

<sup>199</sup> *Ibid.*

guerrillas and paramilitaries was simply how business was done.”<sup>200</sup> Companies encouraged and profited from the Colombian conflict.

While it is unclear exactly to which specific incentives MNCs are responding, it is not unfair to assume that they are making a rational calculation that they are better off funding paramilitary groups than they would be by submitting to or supporting the rule of law. This suggests that MNCs have made a calculated choice that the Colombian conflict, at least in certain regions, is more profitable than peace or government intervention and control. MNCs’ political and economic influence is increased by their ties to nongovernmental military groups.<sup>201</sup>

Multinational companies’ involvement in armed conflict points to the significance of the private sector in political authority structures. If the paramilitary undermines the states’ legitimacy and authority, surely the paramilitary’s benefactors do as well. This is significant because in classical political philosophy, the private sector is largely ignored. If scholars do discuss the private sector, it is mostly to think about how the political systems affect the private sector. The Colombian example demonstrates the reverse. The private sector affects the state by undermining the rule of law and control over territory. Multinational companies have a large degree of influence in Colombia due to their relationship with the paramilitary. Thus, multinational corporations undermine peace and political stability in Colombia.

While most political philosophy does not discuss corporations’ effect on political systems, and rather focus on how political systems effect private enterprise, “The

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<sup>200</sup> *Ibid.*

<sup>201</sup> Of course, it is important to clarify that not all MNCs behave this way. For the sake of political philosophy, it is necessary to look at examples and make assumptions about systems.

emergence of the multinational corporation in world politics poses important and fundamental challenges to both the current structure and process of the world political system and to the study of the world political system itself.”<sup>202</sup> The Colombian experience with multinational involvement questions “the bias of traditional political science to study only governments and their institutions, and to assume that all significant political activity occurs therein.”<sup>203</sup> Multinational corporations, acting in the stateless rural regions of Colombia, have taken on many functions that effective states would perform and are deeply important to Colombia’s economy, raising questions about multinational influence on the Colombian sovereignty.

In Bogotá, the exhibits in the Museum of Memory, Peace, and Reconciliation, the first museum in the world dedicated to a conflict that has not ended, is focused on the idea of land. Land and territorial control are central to the conflict. In many ways, territory sums up many of the themes I have already discussed. Because the state is not considered the legitimate ruler in some areas where the FARC is considered legitimate, the government cannot govern FARC controls territory and collects tax surplus. Because cartels have ratcheted up their advantage in violence, they are able to impose their system of rule and institutions, while the government is largely absent.

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<sup>202</sup> Osterberg, David, and Fouad Ajami. "The Multinational Corporation: Expanding the Frontiers of World Politics".

<sup>203</sup> *Ibid*

## V: Sovereignty and Conflict

In Colombia, there is a common concept, *convivencia*. There is no direct English translation, but it is loosely defined as peaceful interactions between people. I heard references to *convivencia* in federal conference rooms, municipal offices, rural villages, and between friends. The ubiquity of the concept of *convivencia* has cultural significance: peace is valued precisely because *it does not exist* throughout Colombia. If the state structures civic relationships between citizens, the state has a stake in *convivencia*. Outside the major cities, there is no state, inducing the Hobbesian state of nature. Many Colombians live in statelessness and violence.

The Colombian example demonstrates that a state's sovereignty can be undermined due to an ideological competitor (FARC), or by outlaws, whether state created (AUC) or independent of the state (drug cartels). These are all examples of active violations of sovereignty. These active violations of sovereignty weaken the state, further compromising the state's sovereignty. The FARC claimed legitimacy, increased their advantage in violence, and governed territory. Drug cartels and organized crime, driven by protecting and accumulating economic surplus, increased their advantage in violence and affected politics. The AUC, fueled by Plan Colombia, compromised the government's legitimacy and the state's advantage in violence. The government ceded control to the AUC, compromising its own legitimacy and abandoning its comparative advantage in violence. The conflict could fester because the government was not able to create a robust system of institutions to govern. Finally, multinational corporations

represent the next frontier of sovereignty concerns, especially in countries plagued by conflict. A weak state means comparatively stronger rebels, which in turn means a weaker state as surpluses are syphoned off.

The FARC developed first, and then drug cartels became a parallel industry and the government legislated and fueled AUC as a response to FARC. Conflict and competing systems of rule made it difficult to govern rural areas and populate rural communities with effective institutions that structure social relationships. This only increased the need for alternative systems organization, whether they be the FARC or Dole. The conflict with the FARC—the longest civil war on the Western Hemisphere—has diminished and hopefully will come to an end because there are not enough resources to devote to war (bodies, money, ammunition) on either side. The peace deal was a *stalemate*—a declaration that war is not worth the costs in resources to prolong it.

A dichotomy that I have posited throughout this paper was active or passive violations of sovereignty. The lines between these two categories are not always clear because they ultimately boil down to chicken-or-the-egg reasoning. Was the government weak first or did the FARC weaken the government first? To be clear, the dichotomy between active and passive threats is an important analytical tool for assessing the interplay between the government and other powerful actors. By analyzing active attacks on and passive concessions of sovereignty, we can see how conflict perpetuates. War burns through resources, eventually extinguishing itself. As resources are depleted, burned, and replenished, the state's sovereignty—its legitimacy, comparative advantage in violence, and control over territory, are in flux. When the resources are gone, the war cools into a new political, economic, and civic order that defines the state's sovereignty.

This leads us to deep and unsettling paradox about the Colombian conflict and sovereignty threats more generally. Often, the only way that state ever reaches conflict zones is by actively fighting the FARC. Once the FARC take a village, government troops come marching in to reassert control and hospitals are built, roads are paved, and public services are provided. In an odd way, the extension of state rule is led by the FARC. Paradoxically, the sovereignty of the state is extended by the conflict and competition.<sup>204</sup> Without a competitor—ideological, political, or economic, the state would never reach these rural communities. In other words, without an active challenge to sovereignty, the state would compromise its own sovereignty passively.

This paradox—that the state relies on semi-sovereign competition—seems especially true for National-Popular State. The project of the Popular-National-States is to weave together many societies with in its territory. In Popular-National-States, like Colombia, war with armed actors is how the state reaches and connects societies. In a Nation-State, the sovereign does not have to weave together disparate communities because there are none—all citizens are unified due to a common fact about their self-identification (Franco-phones, for example). The Colombian example demonstrates that conflict, by challenging the National-Popular State's sovereignty, forces it to actively make good on its social contract.

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<sup>204</sup> José Francisco Puello-Socarrás." Personal interview.

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