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Addressing Past Injustice, Empowering for the Future? Reparation Policies and ‘Victim’ or ‘Survivor’ Identities in Tolima, Colombia

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ABSTRACT

Colombia’s Victims and Land Restitution Law of 2011 (Law 1448) has established an ambitious reparation framework. Using primary data from six municipalities in Tolima, we highlight how the limited realisation of Law 1448’s transformative aspirations has contributed to a complex co-existence of ‘victim’ and ‘survivor’ identities. We argue that this pattern reflects the ambiguities of a reparation framework that emphasises the transformation of victims into empowered agents but struggles to fulfil its promises due to insufficient resources. To fully understand pitfalls and opportunities of transformative justice, researchers need to pay closer attention to its impact on people’s everyday survival strategies.

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1. Introduction

Widespread recognition of transitional justice as a distinct field of study did not take hold until the early 2000s, but writings by anthropologists, political scientists, theologians and legal scholars have mushroomed since then (Sharp 2013, Anders and Zenker 2014). Empirically, amnesties have been the most commonly used transitional justice mechanism worldwide between 1970 and 2007 (Olsen *et al.* 2010). Academically, much has been written about the performance of trials and truth commissions (Olsen *et al.* 2010, Thoms *et al.* 2010). Reparations, by contrast, are frequently lauded for their victim-centred, remedial approach and have received increasing attention amongst policy makers, as evident e.g., in the UN’s 2005 proclamation of a ‘right to reparation’ (Sperfeldt and Hughes 2020, p. 547). In academic circles, however, there

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are still relatively few empirical studies that systematically assess their effects (Moffett 2016, Firchow 2017).

Our analysis contributes to the transitional justice debate by using primary data from Tolima, Colombia, to illustrate everyday effects of the transformative reparation framework established by Law 1448. The data on which we base our analysis has been collected by a team of researchers from Colombia and the UK, using a survey, focus groups, semi-structured interviews and informal conversations. The research team was composed of both university-affiliated researchers and practitioners (the latter including teachers and representatives of community organisations in Colombia), in order to enhance knowledge exchange between them. Our field sites were in the municipalities of Ataco, Chaparral, Ibagué, Lérida, Planadas and Rioblanco between August 2016 and November 2020.

Our findings show the co-existence of victim and survivor identities in our research participants' narratives, whose salience (i.e., emphasis with which they were invoked by research participants) differed depending on conversational context: Research participants tended to emphasise their identity as survivors with relevant political agency when discussing Tolima's or Colombia's post-conflict future. Yet, when conversations turned to their personal experiences with Colombia's reparation framework, self-descriptions as victims became more prominent. We argue that the reparation framework established by Law 1448 has contributed to this complex co-existence of 'victim' and 'survivor' identities in research participants' narratives, by emphasising agency and participation in its design, but lacking the funding, staffing and institutional capacity to turn its transformative promises into a tangible reality. These deficiencies in the implementation of Colombia's reparation framework have created incentives for reparation applicants to stress their suffering in interactions with reparation-providing institutions, despite Law 1448's aim to empower those whose human rights have been violated during the civil war.

We contribute to the existing academic debate on transitional justice in three key regards: First, we provide new empirical insights into the effects of reparation programmes, which – especially when compared to trials and truth commissions – have been a relatively understudied mechanism of transitional justice (Firchow 2017). Second, we use original data from the state of Tolima which – despite its strategic relevance during the Colombian civil war – rarely features in the English-speaking literature on transitional justice in Colombia (cf. e.g., Prieto 2012, Dixon 2016, Sanchez Parra 2018). Third, we contribute to the literature on transformative justice (see e.g., Gready and Robins 2014, De Waardt and Weber 2019), by highlighting how research participants' self-descriptions as victims or survivors reflect the discrepancy between Law 1448's transformative aspirations and their limited realisation in practice. This focus on expressions of victim and survivor

identities is a worthwhile endeavour, as it gives voice to those whose human rights have been violated and deepens our understanding of people's everyday experiences in societies emerging from war. By discussing how research participants use 'victim' and 'survivor' narratives, we foreground the relevance of these terms in their own discursive practice. In doing so, we highlight how research participants' emphasis on either their agency or their suffering depends on the power dynamics that they discuss, and what matters most to them when they talk about reparations, redress, reconciliation and peace. This analytical focus, in turn, illustrates that the ability of transformative justice mechanisms to re-construct victim as survivor identities depends fundamentally on the resources that are available to fund them. As our analysis shows, insufficient resources perpetuate victim identities and thus present a major obstacle to realising actual transformation.

In the following sections, we review key arguments in the academic debate on reparations as part of peacebuilding endeavours; provide relevant background on our case study; outline our methodology; and discuss our key findings before some concluding remarks.

2. Reparations for Peace and Justice

Over the past three decades, transitional justice has become an increasingly prominent item on the (liberal) peacebuilding agenda (cf. Mendeloff 2004, 2009, Lekha Sriram 2007, Anders and Zenker 2014, Kerr 2017). According to Olsen *et al.* (2010, p. 805), 'the five main mechanisms most commonly recognised by scholars and practitioners as transitional justice' are amnesties, trials, truth commissions, lustration policies and reparations. They are mechanisms of 'justice', as they seek to address human rights violations that have been committed during times of violent conflict or autocratic rule, with the aim to prevent them from recurring (Olsen *et al.* 2010, Sharp 2013). They are 'transitional', as they are typically employed – individually or in combination with one another – during a country's political transition from dictatorship and/or large-scale violence (Lekha Sriram 2007, Olsen *et al.* 2010, Anders and Zenker 2014).

So far, much of the transitional justice literature has focused on the effects of trials and truth commissions (see e.g., Hayner 2010, Thoms *et al.* 2010, Vinjamuri and Snyder 2015), while less has been written about the impact of reparations (García-Godos 2008a, 2008b, Firchow 2017). This relative lack of academic attention is surprising, as reparations have generated considerable interest among policy-making circles due to their victim-centred approach: The very purpose of reparations is to provide redress for those whose human rights have been violated, by restoring them to their status prior to the occurrence of the violation (Moffett 2016, 2017, Weber 2018, Sperfeldt and Hughes 2020).

Financial awards and the restitution of property (which, in the case of Colombia's reparation framework, includes the restitution of dispossessed land) arguably 'remain the two most prominent forms of reparation in domestic proceedings'. (Sperfeldt and Hughes 2020, p. 547) Yet, reparations can take on a number of additional forms, such as employment support, access to medical services, memorials, public apologies or public reports (Murray and Sandoval 2020). Some of these provisions (such as finance and services) constitute material reparations, while others (such as public apologies and the creation of memorials) are of a more symbolic nature (García-Godos 2008b, Dixon 2016, Moffett 2016). They may either be awarded as individual reparations to separate people, or as collective reparations to entire groups on the basis of a common identity marker, e.g., widows or indigenous people (García-Godos 2008a, Dixon 2016, Moffett 2016).

Like all transitional justice mechanisms, the design and implementation of reparations are deeply political, as they require the definition of typically contested concepts, aims and benchmarks of success. This includes, *inter alia*, the (formal) definition of the 'victims' that are meant to be restored and their distinction from other categories such as 'perpetrators' or 'bystanders' of violence (García-Godos 2008a, 2008b, Madlingozi 2010, McEvoy and McConnachie 2013, Moffett 2016, 2017). Two aspects make the definition of 'victims' and 'victimhood' particularly difficult: the broader and often convoluted political dynamics in the aftermath of large-scale violent conflict (see e.g., Nagy 2008, Madlingozi 2010, Vinjamuri and Snyder 2015, Moffett 2017); and the existence of so-called 'complex victims' who – because of their own contributions to acts of violence – defy clear-cut labels of innocence, blamelessness or moral superiority (Bouris 2007, Moffett 2016).

The recognition of complex victims ties into the acknowledgement that 'victims' are not a monolithic entity. Rather, individuals who fall under a particular definition of victimhood are likely to differ not only in their lived experiences, but also in their personal objectives, political or otherwise (Greenwood 2019, Rudling 2019a, 2019b, Jamar 2021). It is with these qualifications in mind that the emphasis of transformative justice (as a particular type of transitional justice) on the agency of victims becomes particularly relevant (Gready and Robins 2014, De Waardt and Weber 2019).

Following the conflict transformation paradigm (Lederach 2003, 2008, Galtung 2007), transformative justice highlights the need to address not only human rights violations, but also the underlying causes for why political violence occurred in the first place (Firchow 2014, Weber 2018). In doing so, it seeks to empower those whose human rights have been violated and to support their agency as active, rights-bearing citizens (Gready and Robins 2014, De Waardt and Weber 2019). Transformative reparations – i.e., reparations that not only seek to restore those whose human rights have been violated, but also address structural conditions which may have contributed

to the occurrence of violent conflict – arguably are a particularly well-suited mechanism of empowerment. This is because they can be used to provide both corrective and distributive justice, and thus enhance, at least in theory, victims' individual- and collective-level agency (cf. Firchow 2014, Weber 2018, De Waardt and Weber 2019). If executed successfully, transformative reparations have the potential to re-construct victim as survivor identities (cf. Gready and Robins 2014, Weber 2018, De Waardt and Weber 2019), and to help achieve negative *and* positive peace in both the direct and structural dimension: In the structural dimension, transformative reparations may help to achieve negative peace by reducing the suffering caused by patterns of exclusion and inequality, and positive peace by contributing to systems of equity and equality (cf. Galtung 2007). This, in turn, may reduce the risk of armed confrontations (i.e., help to achieve negative peace in the direct dimension) and enhance prospects for cooperation (i.e., positive peace in the direct dimension) (cf. Galtung 2007).

As we discuss in the following section, Colombia's reparation framework following Law 1448 contains explicit transformative aspirations.

3. Colombia's Transitional Justice Framework

Colombia has experienced more than 50 years of large-scale intrastate violence since the end of World War II. Its violent conflict history includes armed confrontations between state and non-state forces during *La Violencia* (1948–1960) and from 1975 onwards (Ballentine and Nitzschke 2003, González González 2016).

Labelling these armed confrontations as a particular type of conflict is complicated due to the complex interplay of criminal and political violence (Vargas 2011, Firchow 2014), and the use – especially in elite-driven discourse – of normatively charged terms such as terrorism to describe guerrilla and paramilitary groups (Ballentine and Nitzschke 2003, López 2016). According to sources such as the Political Instability Task Force (2018), however, both *La Violencia* and the intrastate conflict since 1975 qualify as civil wars, as there were at least 1000 battle-related fatalities over the whole course of each conflict episode, one year with at least 100 battle-related fatalities, and each conflict side mobilised at least 1000 armed and non-armed supporters. We henceforth refer to the second civil war since 1975 as 'the civil war' at the centre of our analysis.

Different attempts to end armed confrontations have ranged from all-out war to peace initiatives at the national, departmental and municipal level (Diaz and Murshed 2013, Beltrán Villegas 2015, González González 2016, López 2016). The results of these efforts have been mixed, as they contributed to the demobilisation of insurgent groups such as the April 19 Movement and Quintín Lame (López 2016), but did not succeed

in bringing outright negative (or positive) peace to the country. Instead, state and non-state actors continue to engage in episodes of physical violence, and concerns persist about the likely outcome of the current peace process, given the recent increase in political killings and the manner in which the government under President Iván Duque (2018–2022) had sought to ‘modify’ the 2016 Havana Accord (Aguilera Peña 2014, Beltrán Villegas 2015, International Crisis Group 2018, Ávila 2019, Hurtado *et al.* 2019). The government of President Gustavo Petro (2022–) has emphasised its commitment to peace and transitional justice in Colombia (see e.g., UN 2023), but – at the time of writing this article – the effectiveness of its policies to reduce different types of violence remains to be seen.

Peacebuilding efforts in Colombia have been accompanied by a prominent transitional justice component since the passage of the Justice and Peace Law (Law 975) of 2005 (Meertens and Zambrano 2010, Dixon 2016). While not the first law to address victims’ rights and needs, Law 975 was a crucial step in codifying the country’s reparation framework and in signalling political commitment to deal with gross human rights violations committed during the civil war (Firchow 2014, De Waardt and Weber 2019). Its implementation, however, was fraught with problems and led to numerous complaints about its ineffectiveness in uncovering the truth about war-related human rights violations (Ávila 2019). The Decree Law 1290 of 2008, which was later annexed into the Justice and Peace Law, sought to address some of these shortcomings by creating a more comprehensive reparation programme based on the principle of solidarity with victims (Salamanca and Uribe 2019). The Victims and Land Restitution Law of 2011 (Law 1448) – whose effects stand at the centre of this article – built on these preceding frameworks, and expanded as well as refined the government’s reparation policies (Dixon 2016, De Waardt and Weber 2019).

Law 1448 ‘is often seen as an example of best practice in transitional justice’ (Weber 2018, p. 88) for three key reasons: the comprehensiveness of its victim-centred provisions (Weber 2018); the high level of victim participation in its design (De Waardt and Weber 2019); and its transformative aspirations (Weber 2018, De Waardt and Weber 2019).

Law 1448 establishes a comprehensive reparation framework that includes individual and collective, material and symbolic reparations, based on five key principles (Ministerio del Interior y de Justicia 2011, Firchow 2013, 2017, Sommer 2015, Moffett 2016): restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Article 3 of Law 1448 promises material reparations for those who experienced violence related to the civil war from 1 January 1985 onwards, and symbolic reparations for those who experienced violence related to the civil war before this date (Ministerio del Interior y de Justicia 2011, art. 3).

The provision of reparations following Law 1448 is based on a complex institutional framework that requires intersectoral, interdepartmental and regional coordination, and created new entities such as the Unit for Land Restitution (*Unidad Administrativa Especial de Gestión de Restitución de Tierras Despojadas*) and the Unit for Victim Support and Reparation (*Unidad para la Atención y Reparación Integral a las Víctimas*, UARIV) (Ministerio del Interior y de Justicia 2011). The latter coordinates the National System for Comprehensive Care and Reparation for Victims, and administers the Single Registry of Victims (*Registro Único de Víctimas*, RUV), a database that collates information on victims and violent acts in order to ‘document the magnitude of human rights violations [during the Colombian civil war] ... and to determine and specify the list of beneficiaries of the reparation programmes’. (Rivas 2016, p. 116)

The UARIV defines victims of Colombia’s civil war as those who have experienced at least one out of 12 formally specified acts of harm during the armed conflict, such as for example homicide, sexual violence or forced displacement (Dixon 2016). To ensure that victims are recognised as such and can receive reparations, they must submit a victims’ declaration at the regional Federal Attorney offices, the Ombudsman office or to the Municipal or Regional Centres for Victim Support and Reparation to be considered for entry into the RUV (Salamanca and Uribe 2019). Those who are registered in the RUV receive a so-called letter of dignity from the UARIV ‘in which the state officially recognises their suffering and status as rights holders’. (Dixon 2016, p. 97) The types of (largely material) reparations provided by the UARIV include individual reparations such as cash payments, psychosocial support, access to housing or employability support, and collective reparations such as provision of education and health-care services.

Law 1448 allows reparation claims to be made against state forces while assigning overall responsibility for victims’ redress to the state and its (state-based) administrative reparation programme (Dixon 2016, Moffett 2016). In doing so, it marks a historic rupture from previous transitional justice efforts, as it recognises the role of the state as an agent as well as enabler of direct violence during the civil war. Its political significance is further augmented by the integration of land restitution in its provisions, which addresses land dispossession caused by the civil war (García-Godos and Wiig 2018). By specifying systems for the restoration of land-related property rights, Law 1448 ‘go[es] straight to the heart of the distribution of power and economic resources’ (García-Godos and Wiig 2018, p. 41) and, in doing so, has the potential to affect issues of structural violence that were a driver of the civil war itself (cf. Ballentine and Nitzschke 2003, López 2016).

Linked to this point are the transformative aspirations of Law 1448, as it explicitly seeks to ‘transform’ the lives of those whose human rights have been violated during the Colombian civil war (Ministerio del Interior y de Justicia 2011,

art. 25). This includes the law's stated aims to address the negative effects of direct violence committed during the war (Ministerio del Interior y de Justicia 2011, art. 3), and of structural violence caused by long-standing patterns of socio-economic inequalities (Ministerio del Interior y de Justicia 2011, art. 1, 60 and 74). Colombia's reparation framework thus goes beyond 'mere' redress, as it seeks to engage with factors that contributed to the occurrence of armed conflict, in order to enhance prospects for sustainable peace – making it, in its design, a prime example of a transformative reparation framework (Firchow 2014, Weber 2018, De Waardt and Weber 2019).

In line with its aims to ensure 'an effective "peace infrastructure"' (Firchow 2014, p. 367) and to make a meaningful difference for those whose human rights have been violated (Robins 2009), a transformative reparation framework lends itself to high levels of victim participation (Gready and Robins 2014, Weber 2018, De Waardt and Weber 2019). Law 1448 is frequently lauded for the extent of victim participation in its design, as it provided various opportunities for those whose human rights had been violated during the civil war to participate in decision-making about the reparation framework (Firchow 2017, De Waardt and Weber 2019).

Given its comprehensiveness, intention to address the negative effects of both direct and structural violence, and high levels of victim participation in its design, the transformative potential of the reparation framework established by Law 1448 is considerable. In practice, however, this potential remains curtailed, as a low rate of reparation provision has contributed to disappointment about what the law has tangibly delivered (García-Godos and Wiig 2018, Zulver 2018, Weber 2020). According to the latest available figures, just over ten percent of victims registered in the RUV have received reparations by 2021 (Global Survivors Fund 2021). Implementation rates of reparation measures tend to be low across different countries (Murray and Sandoval 2020). Issues in the provision of reparations in Colombia, however, seem to be exacerbated by a problematic combination of administrative complexity and lack of capacity, the latter of which is driven by insufficient resources and institutional overload in the day-to-day operation of the reparation framework (García-Godos and Wiig 2018, Global Survivors Fund 2021).

In subsequent sections, we discuss how the discrepancy between Law 1448's transformative aspirations (in its design) and their limited realisation (in practice) have contributed to a complex co-existence of 'victim' and 'survivor' identities in our research participants' narratives.

4. Field Site and Methodology

The findings presented in this article are based on data from two research projects that were carried out in the municipalities of Ataco,

Chaparral, Ibagué, Lérica, Planadas and Rioblanco (all in the state of Tolima). We chose Tolima as our field site, as it is an area of great relevance to Colombia's violent conflict history, but tends to be under-researched in the English-speaking debate on the country's transitional justice process (cf. e.g., Prieto 2012, Sanchez Parra 2018). With the exception of Ibagué (the capital of Tolima), the municipalities where we conducted our fieldwork are of relatively small size. All sites were intensely affected by the civil war, due to the department's geopolitical relevance in Colombia.

The department of Tolima has been a central location for several episodes of political violence in Colombia, including armed confrontations between landowners and land workers; liberals and conservatives; guerrilla, state, paramilitary and self-defence groups; and indigenous and non-indigenous movements (Aponte and Andrés 2019, Barros and Uribe 2019). It is the birthplace and former stronghold of the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) before the latter officially disarmed and demobilised following the Havana Peace Agreement (McNeish 2017, Center for International Security and Cooperation 2019). In the 1960s, paramilitary groups that had the support of the Colombian army emerged in southern Tolima to combat the nascent FARC guerrilla. These groups grew in strength during the 1980s and 1990s, but were largely demobilised between 2003 and 2006 (Aguilera Peña 2014, Ocampo 2016, Ávila 2019). In the 1980s and 1990s, poppy cultivation was prevalent in the department and provided funding for the continuation of fighting (Ballentine and Nitzschke 2003, Barros and Uribe 2019). Even after the 2016 Havana Peace Agreement, Tolima continues to be regarded as a 'red' (i.e., unsafe) zone by the Colombian government (Barros and Uribe 2019). More than 300,000 people who have been displaced by the civil war reside in the department, and poverty is widespread (Barros and Uribe 2019).

Fieldwork for the first project took place from August to December 2016 and February to June 2017 in the municipalities of Chaparral, Ibagué and Lérica. Fieldwork for the second project took place from January 2019 to November 2020 in the municipalities of Ataco, Ibagué, Planadas and Rioblanco. The two projects directly built on each other, as both sought to understand: i.) individuals' and communities' experiences of violent conflict; ii.) attitudes towards peace and reconciliation; and iii.) experiences with transitional justice efforts, including the reparation framework established by Law 1448. The main difference between the two projects lay in the inclusion of further field sites and expansion of the research team (and funding) from the first to the second project. Ongoing conversations between researchers and research participants during the two research cycles (and beyond) helped to substantiate the validity of our findings.

The research team in the first project consisted of university lecturers and research assistants in Colombia. In the second project, researchers based in Colombia and the UK worked closely with school teachers and representatives of community organisations in Tolima, in order to increase the project's policy-making relevance. The community representatives stemmed from a diverse set of youth organisations, women's networks, farmers' associations and environmental groups.

Both projects used a qualitative research design to gather 'thick description' data on how research participants construct the meaning of their environment and own identity (cf. Weiss 2017). The findings reported in this article are based on data that – following ethical clearance from the universities involved – was collected through a written survey (held in person) and focus group discussions in the first project, and semi-structured interviews and informal conversations in the second project.¹ All survey, focus group and interview questions were cross-checked by the entire team and piloted with research participants to ensure their clarity and reduce the risk of possible biases in the question phrasing. By triangulating data from the different project strands and sustaining conversations with research participants to confirm preliminary findings, we sought to minimise the potentially confounding effects of each researcher's positionality.

The survey was conducted first (between August and December 2016) and combined closed- and open-ended questions to ascertain research participants' experiences with the reparation framework established by Law 1448. It was distributed via pre-existing links between members of the research team and organisations supporting victims of war-related violence in Chaparral, Ibagué and Lérida. Representatives of these organisations agreed to ask their beneficiaries whether they would be willing to participate in the survey and put us in contact with further victim-supporting entities. Overall, 238 individuals (156 women and 82 men, whose ages ranged from 18 to 80) across the three municipalities answered the survey. They all had been registered in the RUV, with 80 per cent of them identifying as internally displaced people.

Focus group participants in the first project were self-selected from the survey respondents. After the completion of the survey, 100 of the survey respondents agreed to join our focus group discussions to further explore their experience with the reparation framework. Two focus groups were carried out in Ibagué (with 38 participants in total, in February and March 2017), two in Chaparral (with 45 participants in total, in April and May 2017) and one in Lérida (with 17 participants in June 2017). Of the 100 focus group participants, 57 were women and 43 were men (between 25 and 62 years old).

The second project involved a total of 50 research participants from the municipalities of Ataco, Ibagué, Planadas and Rioblanco. Members of the research team recruited participants in the second project via pre-existing

links in the four municipalities. After a scouting trip to present the research plan and its objectives, 20 men and 30 women from different community organisations volunteered to join the project.

The primary data from both projects were analysed on an ongoing basis, by classifying information from the survey, focus groups, interviews and informal conversations into four broad categories (definitions of ‘reparation’, ‘justice’ and ‘peace’; levels of satisfaction with the reparation framework and peacebuilding processes; experiences with reparation-providing institutions; and representation of victimhood in peacebuilding processes). These categories were used to discuss, develop and critically assess theoretical assumptions amongst the research team throughout the projects’ duration. We discuss central findings from our data in the following two sections.

5. Transformative Potential and Survivor Identities

At its heart, transformative justice seeks to empower those whose human rights have been violated, and to enhance their agency as survivors (rather than passive victims) of these violations (Greedy and Robins 2014, De Waardt and Weber 2019). Arguably, reparations are a particularly well-suited mechanism of transformative justice, as they can give substantive voice *and* tangible benefits to those they are meant to restore. If victims of human rights violations are directly involved in the development of a transformative reparation framework, it can give them ownership of the systems that are meant to heal them, and help to re-construct their identity as rights-bearing, active citizens (Greedy and Robins 2014, De Waardt and Weber 2019).

Given ongoing debates about the connotations of ‘victim’ and ‘survivor’ labels (see e.g., García-Godos 2008a, David 2017, Idreck 2018, De Waardt and Weber 2019), it is worth pointing out that we use these terms in line with our research participants’ discursive emphasis: Research participants tended to challenge the passive connotations of the victimhood label whenever our fieldwork sessions turned to questions of Colombia’s post-war development, going as far as some participants asking the research team to describe them as ‘survivors’ instead of victims in recognition of their political agency and civic engagement. By contrast – and as we will describe in further detail in [Section 6](#) –, research participants tended to embrace the victimhood label and its connotations of being oppressed when they told us about their experience in applying for material reparations.

Our research participants tended to emphasise their political agency whenever our fieldwork sessions turned to questions of how to achieve peace and reconciliation following the civil war. In our focus group discussions, interviews and informal conversations, a common theme across gender, age and geographic location was that research participants saw themselves as pro-active citizens who could have a positive impact on

Tolima's and Colombia's post-conflict development. Research participants frequently mentioned their engagement in different grassroots or civil society activities, and the individual contributions they could make to supplement government-led initiatives such as Law 1448. One research participant, for instance, compared the work of his local coffee production association with that of a phoenix 'rising from the ashes of war to build peace' when he noted: 'We arise through the process of cultivating coffee and taking it into the world. Today we are building a new country, a new reality. . . . For us, building peace is not to get weighed down by the past but to learn to be thriving, which is what has characterised us as farmers'. (man, 44, Chaparral, September 2019) Another criticised the limitations of government-led initiatives and argued that it was down to each individual 'not to let them [the government] take away what we have dreamed of [peace in Tolima]' (female, 37, Chaparral, October 2019).

By emphasising their civic engagement, research participants challenged the passive connotations of the victimhood label. In doing so, they questioned political narratives that present them as 'problem-subjects' and highlighted their role as agents for Tolima's (and Colombia's) social, economic and political development.

This challenging of the victimhood label became even more explicit in research participants' requests to call them 'survivors' or 'resistentes' (for having 'resisted' the violence they experienced) rather than 'victims' when they talked about their contributions to Tolima's and Colombia's post-war development. In these conversational contexts, most research participants were keen to emphasise that it would be too narrow – and possibly insulting – to label them simply as victims (cf. also Madlingozi 2010). As one research participant said:

I lead a **victim** organisation. We manage projects in spaces such as these [the Municipal Bureau of Victims], but many times I feel offended when officials call me victim, as the government describes this as a suffering person, or as a beggar. That is why I say and insist that I am a survivor of the armed conflict. (man, 46 years old, Ibagué, March 2017, emphasis added)

As the preceding quotes illustrate, several of our research participants described their participation in local women's networks, farmers' organisations, indigenous associations and youth or environmental groups as a vital component of peacebuilding efforts. To them, grassroots and civil society activities are crucial for the country's post-war future, as they provide material and emotional wellbeing support, address gender and youth violence, and help to reconnect people to their territories. As one participant from a coffee production association mentioned: 'What we are doing is building a force, a power through peace. Because whatever

it is, we are survivors of the war'. (man, 52 years old, Ataco, February 2019)

Depending on their particular identity, research participants put different weight on the role that especially women and young people may play for prospects of sustainable peace. Echoing essentialist stereotypes on women's 'natural' inclinations for peace (Pankhurst 2003), one participant, for instance, emphasised the relevance of women's networks: 'In some way, I believe that as a mother, as a wife, as a daughter, there comes a time when they say "it's time to do something", yes'. (woman, 45 years old, Chaparral, May 2017) Two others, involved in youth organisations, argued that younger generations have a pivotal role to play:

We, who are sons and daughters of war, will be fathers and mothers of peace. . . . Our fathers and our mothers have gone through the war and now we are the children of the fathers who have suffered the war, the entire armed conflict in the territory. We are going to be the ones who are going to do our part, to change, to demonstrate that peace is possible, that we can build peace despite what we have been through. (woman, 23 years old, Ataco, February 2019)

Let's not wait until we are older and see what has happened. What this means then, is that between us, we have said, let's get together so that things happen for ourselves. . . . So it is . . . the action by young people that marks a starting line for a new way of life for the youth, not just waiting for it to happen. (man, 22 years old, Planadas, November 2019)

Echoing the forward-looking sentiment of the latter two statements, several research participants in Ataco, Chaparral, Planadas and Rioblanco in 2019 told us that they had been involved in a social movement that seeks to 'free' Tolima from the 'stigma' as birthplace and former stronghold of the FARC. This included their desire to 'stop talking about our memories of the war' (woman, 17 years old, Ibagué, July 2019), 'to live in peace . . . and that my children will live without fear, anxiety and frustration, and that the war won't be normal to them' (woman, 26 years old, Rioblanco, October 2019).

Overall, the engagement in grassroots and civil society activities was a prominent theme in our research participants' narratives. It was used to express their discomfort with the disempowering connotations of the victimhood label, and to highlight their identity as relevant agents in Tolima's and Colombia's path to peace. Since multiple identities co-exist within each individual and result from a number of interacting factors (see e.g., Gurr 2000, Wood 2008, Demmers 2012, Jacoby 2015), it would go beyond the scope of this paper to explore their origins in detail. Based on the primary data that we have gathered, however, the discourse of transformative justice surrounding Law 1448 seems to have enhanced research participants' self-understanding as survivors with political agency (cf. also Gready and Robins 2014, De Waardt and Weber 2019).

Of course, Law 1448 had to formally codify victimhood in order to define entitlement for reparations and, as such, has contributed to the social construction of victim identities (Nagy 2008, García-Godos 2008a, 2008b, Madlingozi 2010, Meertens and Zambrano 2010, Moffett 2016, Sanchez Parra 2018). Yet, as a tool of *transformative* (and not ‘just’ transitional) justice, Law 1448 has been based on multiple agency-enhancing strategies, including a comparatively high level of victim participation in its design (Firchow 2017, De Waardt and Weber 2019, see also Section 3) and a political discourse of empowerment. Led by the Colombian government and disseminated by a range of local as well as international actors, this discourse not only presented reparations as a form of redress, but emphasised the role that those would play for a peaceful future whose human rights had been violated in the past (Firchow 2013, 2014, De Waardt and Weber 2019, Sanchez and Rudling 2019). While we acknowledge the multi-causality of identity formation in societies emerging from war (Bouris 2007, Madlingozi 2010, Moffett 2016), we were nonetheless struck by the extent to which our research participants’ narratives about their own peacebuilding agency mirrored the government-led discourse surrounding Law 1448.

To be clear, we do not argue that the reparation framework established by Law 1448 has managed to de-construct victim identities and re-construct them as survivor identities. Instead, we argue that the official discourse of transformative justice is reflected in research participants’ verbal descriptions of themselves as survivors with relevant agency – descriptions that were particularly prominent when conversations addressed Tolima’s and Colombia’s post-war future. Victim identities, by contrast, were especially salient in research participants’ narratives when they talked about their personal encounters with reparation-providing institutions and their frustrations about the difficulties to obtain material benefits. In these conversational contexts, research participants emphasised the harm that they suffered from the civil war, and how the failure to provide reparations in a timely and straightforward manner exacerbated their feelings of victimhood.

6. Limited Reparation Delivery and Victim Identities

In an even lower number compared to the just over ten percent registered victims nationwide who had received reparations by 2021 (Global Survivors Fund 2021), only eight percent of our survey respondents in 2016 stated that they had been provided some form of material reparation as stipulated by Law 1448. Most participants in the focus groups in 2017 likewise claimed not to have received any individual material reparation, despite having waited and followed up on their reparation application multiple times.

Insufficient funding, under-staffing and low levels of institutional capacity are the main obstacles to realising the material reparation promises of Law

1448 (Sikkink *et al.* 2015, García-Godos and Wiig 2018, Sanchez and Rudling 2019, Weber 2020). In its current state, Colombia's reparation framework is unable to work effectively, due to the sheer number of (often complex) reparation requests; management issues, coordination problems and corruption within reparation-providing institutions; and limited political will to make the investments needed to improve reparation provisions (Sikkink *et al.* 2015, García-Godos and Wiig 2018, Zulver 2018, Salamanca and Uribe 2019, Sanchez and Rudling 2019, Weber 2020, Global Survivors Fund 2021). Taken together, these factors help to explain not only the low rate of material provisions so far, but also the administrative burden narrated by our research participants, i.e., their frustrations about often cumbersome processes to apply for reparations (Moreno Camacho and Díaz Rico 2016).

Despite some commendable accomplishments in the speed and vision with which Colombia's reparation framework was designed (Sikkink *et al.* 2015), our research participants expressed a strong sense of disillusionment about its practical operation (see e.g., Firchow 2014, Weber 2020 for similar findings in other parts of Colombia). Responses in our 2016 survey described the bureaucratic system meant to provide reparations as slow, inefficient and non-transparent, with 42 per cent of survey respondents stating that they did not receive clear guidance from state-sponsored sources on how to access the RUV, and 52 per cent that they have resorted to legal action (most commonly the *derecho de petición*²) to follow up their reparation application (see also Mejía 2017). Similarly, several participants in our focus group discussions in 2017 mentioned that they had to seek guidance from friends, neighbours, employers or other sources because the state-provided information on the reparation system was not clear to them, and that they had approached several institutions (such as the Ombudsman's Office, UARIV and Prosecutor's Office) about their pending reparation claim. Some focus group participants said that they ended up paying an intermediary to accelerate their reparation application, as they urgently needed material reparations – especially in the form of monetary compensation – to pay off debts, rent and provide healthcare or educational opportunities for their children.

It was in these discussions about their encounter with reparation-providing institutions that research participants' self-description as victims was particularly prevalent. This self-description took three main forms, which referred either to the harm they had suffered during the civil war, the oppression they felt during their interactions with reparation-providing institutions, or a combination of the two.

Research participants tended to emphasise the physical and psychological harm that they had suffered during the civil war when they explained how the provision of individual, material reparations could enhance their everyday survival strategies. In the focus group discussions, interviews and informal conversations, most of our research participants told us that they live in

conditions of physical and psychological vulnerability, as they either experienced or observed different forms of direct violence (such as homicides, kidnappings or sexual violence), have been displaced from their place of origin (with no option for a safe return in the foreseeable future) or lost belongings due to the war. When discussing research participants' experiences with Colombia's reparation framework, there was widespread agreement that material reparations are an important means to reinstate their and their families' rights, dignity, socioeconomic security and mental wellbeing as victims of the civil war. For example, 22 research participants (eight men and eight women in Ibagué, and four women and two men in Lérida) explicitly stated during our focus group discussions in 2017 that redress means the provision of proper housing, education and material wellbeing for those who have been harmed by violence. At the same time, it is important to note that this emphasis on material provisions does not mean that research participants focused on the tangible benefits of reparations only. On the contrary, several participants acknowledged the symbolic relevance of recognising their experience as victims of violence. As one research participant noted: 'Reparation is not just about the money. (...) There is no gold or silver in the world to repair what was done to me'. (woman, 23 years old, Ibagué, March 2017) Another participant in a different municipality concurred and elaborated further:

I believe that it is not about asking for financial compensation only. In the case of my people, Puerto Saldaña, we want to know the truth. We were working people, we had nothing to do with the conflict, but it came and swept us away and nothing has happened [to compensate us for it]. (man, 23 years old, Chaparral, May 2017)

In the preceding two quotes, the phrases of 'what was done to me' and being 'swept ... away' by violence indicate an understanding of victimhood as a passive identity. A similar narrative of being victim to others' oppressive actions was prevalent when research participants described their interactions with reparation-providing institutions. Several research participants noted how the failure to provide reparations in a timely and straightforward manner made them feel 're-victimised' in their treatment by officials (woman, 51 years old, Lérida, June 2017), as they had to 'beg' for their reparation application to be processed (man, 46 years old, Ibagué, March 2017).

This feeling of being at the mercy of reparation-providing institutions that 'treated [them] like beggars' (woman, 45 years old, Chaparral, May 2017), in turn, seems to have led some research participants to emphasise their identity as victims of the war in order to deal with their identity as victims of an ineffective reparation system: Several participants noted that they would stress the suffering that the civil war had caused them in their interactions with reparation-providing institutions, based on an explicit awareness of the

asymmetric power relations that exist between these institutions and themselves. In an attempt to speed up the reparation-providing process, they argued that they felt encouraged to present themselves as particularly poor, sick or vulnerable. One participant described her observations of how people tried to increase their chances to obtain reparations as follows:

It [the reparation framework] generated more conflicts than it should have, increased victimisation and subjected people to totally irregular procedures, because the officials have led them to victimise themselves. People belittle themselves in front of public officials, saying in interviews that they have not been able to eat more than once a day, that they do not have enough money for their children's education, that they owe months of rent, and they excuse themselves by saying that they are peasants who do not know how to do anything. (woman, 36 years old, Ibagué, June 2017)

To explain why they felt encouraged to emphasise their victim identity, multiple research participants mentioned their perceptions of competitiveness and bias in the implementation of Law 1448: Some claimed that the low rate of reparation provision was a message by the state that – because of limited resources – only those who present themselves as particularly suffering would obtain tangible benefits. Others argued that the reparation system favoured those who were part of clientelistic networks.

Taken together, these narratives illustrate how, on the one hand, those whose human rights have been violated are likely to put a premium on the fulfilment of their everyday survival needs in the aftermath of systematic political violence (Robins 2009). On the other, they demonstrate how Colombia's reparation framework encourages the expression of victim identities and failed to de-construct them: Of course, Law 1448 had to define victimhood in order to specify entitlement for reparations (García-Godos 2008a, 2008b, Meertens and Zambrano 2010, Sanchez Parra 2018). Beyond this, however, the ineffective implementation of material reparation promises increased incentives amongst our research participants to highlight the violence that was done to them during the civil war. This became evident in the emphasis that research participants put on their harm and suffering when they explained why Law 1448's promise of 'tangible' justice mattered to them, and which difficulties they encountered when applying for material reparations.

7. Conclusion

The transformative potential of Colombia's reparation framework established by Law 1448 is considerable, given the framework's comprehensiveness, high level of victim participation in its development, and aspirations to address negative effects of both direct and structural violence (Firchow 2014, Weber 2018, De Waardt and Weber 2019). The flipside of Law 1448's ambitious

aspirations, however, is that it requires extensive resources and strong institutions to turn its promises into a tangible reality for those whose human rights had been violated during the civil war. These conditions are not currently met in Colombia, as funding, staffing and capacity levels of reparation-providing institutions have been insufficient, leading to a low rate of reparation provision and high level of administrative burden on reparation applicants (Sikkink *et al.* 2015, García-Godos and Wiig 2018, Zulver 2018, Sanchez and Rudling 2019, Weber 2020).

As our findings show, the discrepancy between Law 1448's transformative aspirations and their limited realisation in practice has contributed to a complex co-existence of survivor and victim identities in our research participants' narratives. We argue that the salience with which research participants tended to invoke their identity as either victims or survivors under different conversational contexts reflects the current tension between Law 1448's promises and the reality of its implementation: Our analysis of primary data from six municipalities in Tolima (gathered between August 2016 and November 2020) shows a notable pattern in the verbal expression of victim or survivor identities across gender, age and geographic location, whereby research participants tended to emphasise their identity as survivors with political agency when discussing Tolima's and Colombia's post-conflict future, and their identity as victims when discussing their personal experiences in applying for individual, material reparations. In their self-descriptions as survivors, research participants mirrored the government-led discourse of transformative justice, as they presented themselves as empowered, pro-active citizens who are making valuable contributions to peace-building efforts (cf. Gready and Robins 2014, De Waardt and Weber 2019). Yet, when discussions turned to research participants' personal experiences with the reparation framework, it became clear that the limited realisation of Law 1448's promises not only failed to de-construct victim identities, but on the contrary seems to encourage their continued expression: It was common for research participants to emphasise the harm that they had suffered from the civil war when conversations addressed reparations' underlying promise to provide justice in a tangible form, the difficulties that research participants had in trying to obtain reparations, and why individual reparations mattered to them. This emphasis was coupled with an explicit recognition by multiple research participants that they felt encouraged – because of the limited provision of reparations so far – to stress their suffering, based on the hope that this might increase their chances to obtain individual, material benefits.

Given the complex reasons for the underperformance of Colombia's reparation framework – ranging from issues of political will to institutional strength –, there is no easy fix that we can recommend. By foregrounding research participants' discursive practice, however, we have shown the relevance of the *de facto* implementation, not just *de jure* promise of

material reparations in order to empower those whose human rights have been violated during the civil war. To fully understand what a transformative justice framework may (or may not) be able to achieve, academics and policy-maker should pay closer attention to its tangible impact on people's everyday survival strategies. Future research may want to build on our findings, by critically assessing the promises and realities of transformative reparations in other parts of Colombia, and how they have affected victim and survivor (and possibly other) identities in different localities. The transformative justice literature itself would benefit from greater engagement with the material realities of those who are meant to be empowered, and why agency cannot be fostered with discourse alone.

Notes

1. The second project also employed participatory videography and social cartography to gain a deeper understanding of people's experience of the civil war and their visions of the future. As these methods were concerned with a different research angle that emphasised research participants' connections with their physical and emotional environment, their findings are not reported here.
2. The *derecho de petición* is the constitutionally guaranteed right for any Colombian citizen to use state bureaucratic channels in order to obtain information, request a service, log a complaint or make suggestions relating to a public entity, private company, association, organisation or professional authority figure (see also Art. 23 of the Colombian Constitution and Ministerio de Justicia y del Derecho 2022).

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