

**Local Justice and Security Programming  
in Selected Neighborhoods in Colombia**

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## **Executive Summary**

This report initiates the second phase of a larger, three-step, Clingendael Institute research project into the role of local justice and security providers and non-state actors in the delivery of justice and security as public goods and services. Specifically, the report examines how, in Colombia, local justice and safety networks deliver services to citizens when a significant percentage of the population in a given community do not have confidence in the country's centralized state agencies (national police service; judiciary and the courts) and/or where the services provided by those centralized agencies are scarce and have limited effectiveness for those living in that community. The report outlines a series of practical entry points and programmatic alternatives that donors can consider, from which a concrete and operational justice and security program(s) could be designed. Furthermore, it is suggested that in the short- to intermediate-term, donors may have few options but to support initiatives that work with these local neighborhood providers.

While it is acknowledged that strengthening the performance of Colombia's centralized justice and security institutions is crucial, the report argues that an over-emphasis on the systems and structures of the centralized state does not take into account the crucial day-to-day role local networks play in the delivery of justice and safety. It appears that, in Colombia, the ministries and agencies of the centralized state have, in many neighborhoods, effectively delegated service delivery to local providers, such as *Jueces de Paz* (Justices of the Peace), *Juntas de Acción Comunal* (Community Development Councils), and the Indigenous Administration, all of which are, in fact, integral parts of the state with legal jurisdiction and authority to provide the public goods of justice and safety. It needs to be noted, however, that none of these local providers have been appropriately integrated into the state's overall governance systems and have been consistently deprived of the needed resources to enable them to deliver effective service to the detriment of access to justice and safety for many.

The report also notes that one of the keys to effective donor support and programmatic success may depend upon local leadership. Leadership, however, differs from local ownership in that it rests upon the actions and persona of an individual or small coterie of individuals in whom the community and neighborhood believes and looks up to for guidance and direction.

Despite its potential centrality, leadership, for donors, remains an, essentially, capricious quality, one for which programming is tenuous. The report, therefore, offers concrete and practical proposals by which local leadership can be empirically analyzed and, perhaps, accounted for in programming.

# 1. Introduction

This report, based upon research carried out in Colombia in April 2010, is the second phase of a larger, three-step, research project into the role of local justice and security providers and non-state actors in fragile states.<sup>1</sup> The principal objective of the overall research project is to examine methods by which donors can include these actors into wider Security Sector Reform and Development (SSR) efforts, which, typically, involve questions of state and institutional capacity building.<sup>2</sup> This objective of this part of the larger project, however, was designed to look at how, in Colombia, local justice and security networks deliver services to citizens when a significant percentage of the population in the community do not have confidence in the country's centralized state agencies (national police service; judiciary and the courts) and/or where the services provided by those centralized agencies are scarce and have limited effectiveness within the area. It should also be noted that the research was, largely, limited to these communities and neighborhoods and, therefore, to the roles, structures, and operations of the local justice and security networks that exist in them.

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<sup>1</sup> The research project was originally based upon the premise that local justice and security providers are, primarily, 'non-state actors.' Subsequent research, however, suggests that this presupposition is, in many instances, incorrect, for which this author assumes a significant degree of responsibility. The legal reality is that these allegedly 'non-state' justice and security providers are, very often, fundamental parts of the state. In countries as diverse as Colombia, Sierra Leone, and Yemen; Sudan, Nepal and Bolivia; Timor Leste, Namibia, and Guatemala many of these local justice and security providers are as integral to the state and its governance systems. It turns out that the main issue is one of legal pluralism and how the multiplicity of systems and institutions that provide the public goods and services of justice and security are coordinated, despite their offering differing forms of jurisprudence. 'Non-state actors' may still provide justice and security services in a number of countries, but their role may be more circumscribed than had been previously believed.

<sup>2</sup> The larger research project is being carried out by the Conflict Research Unit of the Clingendael Institute in the Netherlands. The project consists of a desk-study into the conceptual and policy issues surrounding supporting non-state and local actors as part of SSR – published in July 2009; three case studies examining the practical and programmatic challenges and opportunities for supporting local justice and security providers and non-state actors in Colombia – for which this is the report-; Eastern DRC; and Burundi (to be carried out in fall 2010); and a synthesis report which will look into more general lessons that can be learned as regards programmatic challenges and opportunities (to be carried out in Spring 2011). The project is carried out under a subsidy agreement between the Dutch Ministry of Foreign Affairs and the Clingendael Conflict Research Unit.

In cooperation with Centro de Recursos para el Análisis de Conflictos (Conflict Analysis Resource Centre, CERAC), data was collected mainly in urban areas, with limited time devoted to rural settings -- in Bogotá, Soacha, Cali, Sincelejo, and Cartagena and surroundings.<sup>3</sup> More than 45 interviews were held, which forms the raw material upon which the report's analysis is based. The support of CERAC and its in-depth knowledge of the Colombian context notwithstanding, a three-week data collection period is inadequate to develop a thorough understanding of the complexities and intricacies when it comes to justice and security service delivery by local networks.

The three-weeks is also too short a period to form the basis from which a justice and security program can be fully fleshed out and designed.<sup>4</sup> Nevertheless, this report recommends a series of practical entry points and programmatic alternatives, from which a concrete and operational justice and security program(s) can be designed, for the neighborhoods where research was conducted and where the populations are most marginalized and vulnerable. These pragmatic entry points and programmatic alternatives are recommended in full knowledge of the implicit tensions they generate. The tensions produced are irreducible, if donors wish to support better justice and security delivery in the types of neighborhoods where the Colombian research was conducted. The best donors can do is make a political decision and choose which justice and security initiatives they want to undertake, recognizing that tensions will exist and that the risks associated with their choice of initiatives made will need to be politically managed.

The tensions and challenges exist on multiple levels. First, donor support for initiatives to strengthen the performance of Colombia's centralized justice and security institutions is crucial, but an over-emphasis on these centralized structures of the state, does not take into account the crucial day-to-day role local justice and security networks play in the delivery of public goods and services. These local community providers are vital, particularly when, as in Colombia, they are integral parts of the state, legally no different from the Supreme Court, the national police, or the tax authority.<sup>5</sup> In fact, it appears that, in Colombia, the centralized structures of the state have, in many neighborhoods, effectively delegated service delivery to local providers, such as Jueces de Paz (Justices of the Peace), Juntas de Acción Comunal (Community Development Councils), and the Indigenous Administration.

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<sup>3</sup> The rural areas in which field work was conducted were outside Bogotá, Sincelejo, and Cali. In the case of Cali, the rural areas were those under Indigenous Authority.

<sup>4</sup> It should be noted that this phase of the project was not intended to design a justice and security program in Colombia, see ToR, *Non-state/local security and justice networks and Security Sector Reform, Terms of Reference for Phase 2* (Clingendael Institute, September 2009). It should be noted that, given the specific focus of the research and the limited period of time in Colombia, it was impossible to examine the spectrum of Colombian NGOs to determine which ones might be suitable for working with donors in support of the delivery of justice and security to the local areas, individuals, and groups that are currently underserved. It is presumed that such NGOs exist, but who they and how donors can work with them will require additional research

<sup>5</sup> Scheye, *Redeeming Statebuilding's Misconceptions: Power, Politics and Social Efficacy and Capital in Fragile and Conflict-Affected States*. *Journal of International Peacekeeping*. Vol. 14, (2010).

Second, while donors, typically, prefer to undertake efforts to improve the performance of the centralized justice and security ministries and agencies, more than a decade of lessons learning suggests that donors have limited capacity to do so in the short- to intermediate-term. Furthermore, to build the local population's trust and confidence in the state's centralized justice and security apparatus where little exists is a generational undertaking, particularly in Colombia given the legacies of endemic civil strife and war. Consequently, if donors wish to support the improvement of justice and security in Colombia in the short- to intermediate-term, they may have few options but to work with these local neighborhood providers. There is no reason, however, why 'parallel' support programs cannot be initiated, depending upon donor funds and commitments -- long-term institutional capacity building initiatives with the centralized justice and security ministries and agencies and short- to intermediate-term support for service delivery initiatives with local providers. If such a choice were to be made by the donor(s), it would be optimal to attempt to knit the service delivery and institutional capacity building components together. Regrettably, such sustainable donor programming is in its infancy and there are few, if any, lessons learned so that there is little knowledge on how to proportion the levels of support.

In Colombia, however, these local providers and networks are constitutionally and legally institutions or agencies of the state, albeit at the local level. Despite their legal status, none of them are appropriately integrated into the state's overall governance systems. Moreover, they have been consistently deprived of the needed resources to enable them to deliver effective service. The tension that arises is that donors have limited leverage to sway the political decisions that have been and will continue to be made by the Colombian government(s), choices that have historically deprived the local justice and security providers of necessary resources. Such limited leverage implies that donors are compelled to choose how best to funnel their assistance to Colombia's local providers, in full knowledge that the centralized ministries and agencies of the state have historically not resourced local providers appropriately and are, in the communities and neighborhoods where the research was conducted, frequently, not trusted.

Fourth, despite its implications, donor support to invigorating the local Colombian networks and actors that exist and coordinating their activities better with Colombia's centralized justice and security system is a narrow-gauged enterprise.<sup>6</sup> With five armed actors in 'conflict' with one another -- state security services (military and police); paramilitaries and their successor organizations, illegal armed groups; narco-traffickers; guerrilla groups; and youth gangs -- each of whose motivations and alliances are obscure, at best, local providers who may be legitimate and effective in one geographic area or community may be neither in another. The principal reason can be attributed to the country's persistent history of civil war and armed conflict, the degree to which urban and rural communities have been violently uprooted and fragmented, and how balances of power shift within the respective communities. As a result, even though donor

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<sup>6</sup> It should be noted that this report does not discuss donor support for non-state justice and security networks, given the constitutional and legal status of the local service providers under examination. Consequently, there is no discussion of the 'linkages' between the state and the non-state. Rather the focus is on the integration within and coordination between the centralized and local levels of Colombia's justice and security sector.

assistance to local providers has national implications, effective programming demands that it to be contoured to meet the necessities and realities of local circumstances, which may require differing approaches.

The micro-nature of support to communities and their local networks raises a fifth challenge, one that has been largely overlooked in justice and security development. In Colombia, above and beyond the violence of civil war and internal conflict, it is the vitality of local community leadership that appears to distinguish neighborhoods capable of responding to their justice and security needs from those who are unable to organize themselves and provide public goods and services to their residents. The data collected in this project suggests that the presence and actions of one or two leaders, embedded within a community, is the intervening and pivotal variable. In other words, programmatic success may depend upon leadership. For donors, however, leadership is a highly personalized and, essentially, capricious quality, one that can flit away. On the other hand, in Colombia, there may be methods to ascertain and test how certain local initiatives have created leaders, individuals to whom their communities and neighborhoods adhere and follow. While the research is seemingly scientific, it is, in fact, a question of aid effectiveness, as, if not more, important than questions of political will and national ownership. For example, if there are proven methods of creating local leaders, the empirical evidence would be invaluable for donors, who could, thereafter, design their future justice and security programming in Colombia and around the world with the knowledge of how to build local leadership.

Finally, it is important to note that the research methodology used during the three weeks is relatively unique for justice and security development endeavors. The research methodology focused explicitly on ‘what works/happens’ within local communities. Although some interviews were conducted with state agencies, such as local municipalities and the community police, interviews were primarily conducted with the residents and representatives of selected local communities who did not receive sufficient service from the centralized state justice and security agencies because of their limited presence and effectiveness in these neighborhoods or a lack of citizen confidence and trust in them. Furthermore, while NGOs and civil society organizations were consulted, it was not because they were deemed important in their own right, which they, unquestionably, are. Rather they were used principally for the access and introductions they could provide to local communities and their justice and security networks and beneficiaries. The purpose of these choices was to test whether this methodology could produce a portrayal of how justice and security functions in local communities, one that was more accurate than traditional donor justice and security techniques and approaches with their ‘state’ and institutional development biases. Furthermore, the question was whether this methodology could generate the requisite information upon which a more systematic program design phase could be grounded and a program more attuned to the needs of local communities developed.

This report is divided into six sections. The first highlights the legacies of Colombia's history as they pertain to justice and security service delivery, while the next outlines how the performance of the centralized agencies of the country's justice and security sector are perceived in selected neighborhoods and communities. The third section discusses the mandates of the local justice and security networks that provide service in these neighborhoods, emphasizing that these providers are integral institutions of the Colombian state, legally authorized to deliver justice and security. The subsequent section analyzes the service provided by these networks and how the centralized state justice and security sector does not appropriately integrate them into its governance structure or system. The fifth section suggests a range of donor-supported justice and security programs, all of which concentrate on strengthening the performance and service delivery of the local justice and security networks, as well as their integration into the state's centralized structures and systems. This section also emphasizes the important role one of these actors, justices of the peace, has in addressing gender inequities. This programmatic section also explores how donors can support initiatives that focus on leadership and social efficacy, one of which concentrates on women leaders and all of which may have significant implications on the effectiveness of donor-supported justice and security programs.



## 2. The Colombian Historical Legacy

### **Endemic Civil Conflict and Armed Violence**

From the outside looking in, Colombia's current spasm of civil war and armed conflict -- whose death toll began to accelerate in 1988 through 2002-03 -- appears unique. In fact, armed violence has been endemic and is the historic norm, for Colombia has experienced only brief interludes of peace throughout its history. Between 1820 and 1879, for instance, approximately 3.5% of the country's population died in civil strife. Renewed bouts of armed conflict raged between 1899-1902 (The Thousand Days War) with up to 100,000 killed and, again, in the 1940-50s (La Violencia) with approximately 300,000 dead. Thereafter, a twenty-year hiatus ensued due to a non-democratic political arrangement between the warring Conservative and Liberal parties, who agreed to alternate the office of the presidency. In the 1970s, a stolen election renewed the simmering flames of political violence with the main protagonists being the national security services pitted against the armed political movements, M-19, Fuerzas Armadas Revolucionarias de Colombia (FARC), and the Ejército Nacional de Liberación (ELN).

In 1984, M-19 and the FARC signed a cease-fire with the government. Although M-19 ended its armed resistance, the cease-fire, consistent with Colombia's historical traditions, did not halt the armed violence. Instead, over the next two decades, political reconciliation did not occur, as the ELN and elements of the FARC continued fighting. In response, paramilitary, 'self-defense,' groups, which had first emerged in 1981-82, took root, often with the spoken and unspoken collaboration of state security services. In April 1997, these paramilitaries united into an umbrella group under the name of Autodefensas Unidas de Colombia (AUC). During this period, the drug trade also burgeoned, burying its tentacles deeply within the activities of all armed groups.

By the turn of the century, local political and economic elites had, effectively, acquiesced to their own subversion and the 'state' had been 'captured' to promote private interests rather than delivering public goods and services.

The result was a transformed and highly volatile security situation with five competing actors -- state security services (military and police), paramilitaries and their successors, illegal armed groups; narco-traffickers; guerrillas; and youth gangs -- where the distinctions between state security, political conflict, and criminal violence were and, often, continue to be obscure, at best.

Violence peaked in 2003 and was progressively reduced thereafter, in part because of the political and municipal leadership successive mayors exercised, especially in Medellin and Bogotá, in response to urban crime and with an emphasis on reducing the number of murders. Additionally, the Uribe presidency, elected on a platform to reduce armed violence, signed an agreement with the AUC to disband and initiated a national Disarmament, Demobilization and Reintegration (DDR) programme. More active military operations were also launched against the FARC and ELN. As part of these military operations with the state seeking to re-establish its control over areas of the country which it had effectively ceded sovereign authority, public policy in education, healthcare, public administration, etc., became increasingly militarized, particularly in areas where armed conflict has been and continues to be most intense. The fact that the Colombian National Police operates under military command and the security services have committed gross human rights violations, including widespread wiretapping of civilians and politicians only complicates the 'security' picture further.

Despite notable successes and contrary to government's claims, civil conflict and armed violence persist and appear to be on the upswing. Although significantly pushed back, the FARC and ELN are active in large areas of the country and, given the observed number of helicopters departing daily from Cali military installations, the civil war, fuelled by the drug trade, remains hot. According to Human Rights Watch's 2010 report, the demobilization of the AUC has been less successful than advertised and uprooted communities have, largely, been unable to regain possession of the land from which they were displaced. Violence attributed to 'AUC successor groups' -- such as the 'Rastrojos', 'Aguilas Negras,' and 'Paisas' -- is climbing and their capture of the state in parts of the country persists. The drug trade has also retained its potency and its infiltration of other actors has not appreciably lessened. Youth gangs flourish across the country, serving their own parochial interests, as well as those of the other actors. Consequently, the blurring of the motivations and interests of the five competing armed actors has not abated and it continues to be problematic to distinguish between state security, political conflict, and criminal violence.

### **The 'Security' and 'Conflict' Legacy at the Neighborhood Level**

One of the legacies of Colombia's history of endemic conflict, particularly in its current incarnation, when distinctions between state security, political conflict, and criminal violence are blurred, is the debasing of the concepts 'security' and 'conflict' for development purposes. Given that the five armed actors in 'conflict' with one another are experienced, in one way or another and to differing degrees, as threatening the 'security' of Colombia's citizenry, individually and/or collectively, the two concepts have no fixed meaning in Colombian politics and common parlance. At one and the same time, the terms appear to refer to the state security

services; the paramilitaries and their successor, illegal armed groups; the guerrilla movements of the FARC and ELN; narco-traffickers. The only constant appears to be a consistent perception of insecurity and a lack of safety. This fluidity is not inherently contradictory.

Rather it accurately reflects the history and nature of the Colombian situation and suggests the difficulty of donor involvement in the area. It also suggests the high degree of historical sensitivity and political acumen donors need to exercise when they support ‘safety and security’ initiatives at national and/or local levels. It is an awareness that suggests that one of the principal skills required by donor personnel is the ability to engage, successfully, in complex negotiations, to conduct patient mediations, and, meticulously, to disentangle intricate webs of political relationships.<sup>7</sup>

During interviews when the terms ‘security’ and ‘conflict’ were used, they, frequently, inspired fear and confusion. The first reaction was invariably hesitation followed by the assumption that the interview was heading toward a discussion of the connections between and among the Colombian military, illegal armed groups, and the FARC and ELN, a topic into which few wanted to delve. Once it was understood that the intended subject of the interview was ‘personal safety’ interviewees breathed more easily. However, when practical activities communities could undertake to advance their own security were broached, the level of fear climbed again and for good reason.

In Ciudad Bolívar,<sup>8</sup> for example, when a local Junta de Acción Comunal (JAC – local development council, see below) attempted to conduct ‘security’ activities, which it is legally authorized to do, the association had to stop because its members had “received threatening notes not to continue to organize” from an illegal armed group. The leader of another JAC in Bogotá was denounced as a former ‘guerrilla’ leader (accused of being, allegedly, a member of M-19) shortly after his council had initiated a ‘security’ project. Officials of other councils explained that they would not undertake ‘security’ activities within their neighborhoods, because of the likelihood that they would receive threats from illegal armed groups, as there is a known history of community associations being co-opted and/or victimized by such organizations and their predecessors, the paramilitaries.

Even if no threats were issued, community organizations seem reluctant to undertake safety and ‘security’ activities. Their fear appears to be that, inevitably, their engagement would lead down a slippery slope toward being associated with illegal armed groups, narco-trafficking gangs and/or the guerrillas. That it is rumored that some community councils within Bogotá and elsewhere are involved with the former AUC or one of its ‘successor groups,’ the *Aguilas Negras*,<sup>9</sup> only reinforces the hesitation of community associations to become engaged with security issues.

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<sup>7</sup> This research did not attempt to ascertain the skill sets of donor personnel.

<sup>8</sup> A neighborhood in Bogotá.

Fear also seems to exist that threats may originate from within state security services. As officials of two Ciudad Bolívar JACs stated, “people think that the police are friends of the criminals and gang members.”<sup>9</sup> The apparent aversion local community leaders have for becoming involved extends to their passive participation in the installation of neighborhood alarms, a project promoted by the police. For them, even endorsing a police project that does not require active community participation, often, seems to be a step too far. In some neighborhoods in Ciudad Bolívar and Aguablanca, the police’s ‘community safety’ projects are known as “frogs,” because they are perceived as mechanisms for neighbors “to inform” on neighbors and make few attempts to build community-police partnerships.

It appears that this rupture in trust and confidence is, in urban and rural areas, one of the principal legacies of Colombia’s endemic violence. The complexity of differentiating the motives and interests of the country’s five types of armed groups adds to this sense of fear and uncertainty. Building that trust and confidence may be one of the keys to improving the daily lives of residents within the neighborhoods referred to in this report. But that must begin, first, within neighborhoods and communities and, therefore, is an issue of social cohesion. Questions of social cohesion, typically, are not susceptible to government intervention, except on the local level and, then, only when there is vigorous local leadership, topics which are broached later in this report.

At the same time, it also suggests the extent of the difficulties and the tensions donors confront in supporting ‘safety and security’ programs. From the perspective of a number of local communities, it appears that direct donor support to Colombia’s security sector, including the Colombian National Police, may be problematic, especially when residents of the neighborhoods are the intended beneficiaries. This suggestion does not imply that donor support should, necessarily, avoid the centralized ministries and agencies of Colombia’s security sector. Rather, to support justice and security service delivery to marginalized and vulnerable neighborhoods and their residents, such as Ciudad Bolívar and Aguablanca, it may be more appropriate to support localized and community-driven initiatives, and that the centralized structures of the security services are, most likely, the secondary or tertiary stakeholders rather than the primary ones.

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<sup>9</sup> The constant rotation of police personnel to lessen the possibility of their being suborned by local political and/or criminal enterprises and engaging in corrupt activities has the negative consequence of undermining attempts at strengthening community trust and confidence in the police.

### **3. The Centralized Agencies of the Colombian State in Selected Communities**

Colombia is not a ‘fragile state;’ nor is it a post-conflict one. Nevertheless, it appears that in some parts of the country the structures of the centralized state are incapable or unwilling to deliver the public goods and services expected by the population. Thus, as one interviewee admitted, some urban and rural areas of Colombia “suffer from the absence of the state.” According to another interviewee, despite the fact that Colombia is a “rich state,” it “does not want to deliver basic public services. The state has the resources, but does not care...”<sup>10</sup> For example, in the poor urban neighborhoods of Colombia (Ciudad Bolívar in Bogotá or Aguablanca in Cali), the police are often absent or barely present. A third respondent noted that “the justice system in Colombia does not provide justice. It helps only 10% of the population... [and that] 80-90% of the population must take justice into their own hands.” In a similar vein, it was insisted that the state “courts are for those with money” and, at best, they do not deliver timely justice. For example, according to a number of interlocutors, a lawsuit to regain custody of one’s apartment from a delinquent renter, reputedly, could take up to 4 years or a domestic violence case may languish for 2-3 years.

While there appears to be a notable lack of trust and confidence in state security structures and agencies in certain neighborhoods of Bogotá and Cali due to Colombia’s history, the situation is worsened by the performance of the centralized security services. In Ciudad Bolívar, local neighborhood leaders said that they have “seen nothing of the new community policing” initiative of the Colombian National Police.<sup>11</sup> They claimed that police patrols are infrequent, at best, and that the recurrent rotations of police personnel undermine whatever little trust can be

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<sup>10</sup> This interviewee alleged that the principal reason that the state does not deliver services is “because of corruption.”

<sup>11</sup> It would appear that many of the initiatives of the Colombian National Police with regard to ‘community policing’ have withered. One of the projects would have required civilian authorities to meet twice monthly, but according to a municipal official in Bogotá, “there is no political will all the way down the line... It was never implemented... even the local mayors don’t want them.” The municipal official claimed that the major stumbling block was budgetary. Another municipal official insisted that he did not have sufficient administrative personnel to implement the initiative. While both assertions may be accurate, budgets and assignment of personnel are political decisions made by the Mayor of Bogotá and it is clear that political decisions have been made not to deliver adequate safety and security to the city’s poor and vulnerable groups.

established.<sup>12</sup> The police are young and inexperienced, these leaders asserted. More problematically, when the local community members did provide the police with information concerning criminal activity in their neighborhood, the information, often, seemed to be conveyed to the members of the criminal enterprises and youth gangs about whom the original complaint had been lodged. In other instances, the police did not patrol “hot spots,” although they had been informed of the specific areas that required close scrutiny. Frequently, the police insisted that they were too busy and had no transport to conduct the patrol. The result, all too often, is that there is a “total lack of trust in the police.”

The perspective of officials from a religious NGO in Aguablanca, Cali, mirrored that of other local community leaders. A nun suggested that, from the perspective of many barrio residents, particularly youths, there was little to distinguish police behavior from criminal activity. This appears to be especially true for women, given that, according to an interviewee, “all the police [in the neighborhood] are men and when women go to the police, they are treated very, very poorly.” In Cartagena, representatives of an African-Colombian neighborhood repeated the adage. Even though the police had trained the neighborhood’s watch group, the officials said that “the bottom line is we don’t trust the police. It is a matter of convenience that we use the police to train our people. But we have to defend ourselves against the police.”

A comparable security situation exists in Cali. Although there are police stations in Aguablanca, where 60% of Cali’s population lives, it is reported that many neighborhoods are not patrolled by the police and/or are ‘off-limits’ to them. As one interviewee said, “the gangs will never let the state institutions into the neighborhoods, especially not the justice system... [as they believe] that the state is thoroughly corrupt from narco-trafficking.” The challenge, however, is not limited to the gangs, who have an inherent interest in repulsing state intrusion into the barrios. Reputedly, when the police did recently attempt to conduct a ‘community policing’ initiative, it was repulsed because it was perceived as an attempt “to recruit” neighborhood residents members as informers, which the community itself appears to reject.

Unlike residents of poor neighborhoods and other vulnerable groups, Colombia’s elites may display a modicum of trust and confidence in state security services. However, if the deployment of police personnel in Bogotá is indicative, the reason for elite sentiment is not surprising. Police do not appear to be deployed according to need, which would imply assignment to the neighborhoods where armed violence is most prevalent, such as Ciudad Bolívar (Bogotá) where the preponderance of the cities’ population lives.<sup>13</sup> Instead, police deployment seems to be largely dedicated to ensuring ‘elites’ safety and security’ in the neighborhoods in which they live and work.

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<sup>12</sup> The constant rotation of police personnel is intended to lessen the possibility of their being suborned and corrupted by local criminal enterprises or illegal armed groups, but has the negative side effects.

<sup>13</sup> In Ciudad Bolívar, for example, there are only 250 police deployed during the working week, while more affluent neighborhoods are assigned many more officers even though the area’s population is significantly lower.

## 4. Mandates of Local Justice and Security Networks

In the absence of adequate and trusted public goods and services delivered by the centralized structures of the state, local Colombian communities and neighborhoods have, often, sought to provide for their own access to justice and security through the instruments and institutions to which the state has, effectively, delegated a significant percentage of its activities at local levels. In Colombia, the research indicates that there are, at a minimum, five different types of local service providers: Juntas de Acción Comunal (JACs); Jueces de Paz (justices of the peace); Conciliadores en Equidad (mediators); neighborhood watch groups; and Indigenous Administration. With the exception of the neighborhood watch groups,<sup>14</sup> all of these actors are enshrined in the Colombian constitution and/or specific legislation. All are legally authorized to deliver justice and/or security, thereby, ensuring their legitimacy and accountability. Therefore, all are integral components of the state, no different from the Supreme Court, the tax authorities, or public school teachers and administrators.

At the same time, however, these local systems and organizations, in urban and rural areas, are not provided adequate resources by the state and do not appear to be appropriately coordinated with the activities of the centralized state authorities. As a result, they, often, have great difficulty performing the responsibilities they are mandated to fulfill. It is important to note that the underlying challenge is not one of ‘linking’ local providers to state structures, given that the local providers are integral components of the state. The issue is more of the centralized state authorities appropriately utilizing the local providers, which is an inherently political challenge, one requiring political decisions to be made regarding questions of appropriate resourcing, delegation of authorities, and coordination of activities. It is also an issue around which donors may have little direct leverage.

The mandates and characteristics of each of these actors are briefly introduced below, and examples of their specific activities in security and justice delivery are discussed in the subsequent section.

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<sup>14</sup> Although JACs may be legally authorized to undertake security initiatives – one of which could be setting up neighborhood watch groups – these neighborhood watch groups themselves are not enshrined in the constitution nor legally mandated to exist.

### **Juntas de Acción Comunal (JAC)**

Legislated in 1955 and incorporated into the 1991 Constitution, JACs are local development councils. They are set-up for specific areas, and anyone living in this area can choose to become a member of their local JAC.<sup>15</sup> Their officials are elected by popular vote of their members – either in a General Meeting or by paper-based vote – every four years. In this sense, JACs are the most grassroots democratic polity within Colombia’s governance system. The number of JACs in Colombia is estimated to be upwards of 52,000.<sup>16</sup>

Within the neighborhoods for which they hold responsibility, JACs are authorized to undertake work on health, education and infrastructure, amongst other activities, including youth and women’s issues. They are also legally entitled to mediate local disputes and organize neighborhood security. Neighborhood safety and security endeavors can include such projects as organizing neighborhood watch groups, hiring private security firms to patrol car parks, and establishing systems by which the neighborhood can respond to alarms and emergencies.

Although public entities and part of Colombia’s governance system, JACs are not funded by the national or municipal governments. The JACs are responsible for their own revenue streams, some of which may be derived from local housing assessments. Other sources of income are voluntary, such as donations, block parties, raffles, etc. Despite not being funded by the government, the national government regulates the activities of the JACs through the Instituto Distrital de la Participación y Acción Comunal, (IDPAC). IDPAC is also supposed to support their initiatives, although such support appears to be minimal. Instead of providing appropriate oversight and training, the IDPAC, according to interviewees, checks to see how JACs spend their funds, verifies that they do not overstep their legally authorized limits, and ensures that they do not engage in rent seeking activities. The IDPAC does not provide support to the JACs for undertaking safety and security initiatives.

The elected leaders of the JACs are unpaid. For some, however, election to their JAC is perceived as a first step in a political career and political parties are known to be, often, keenly interested and involved in the results of JAC elections. As a result, some JACs have been politicized. Additionally, given their access to local resources and power, some JAC officials have been accused of abusing their leadership position and misappropriating funds, which undermines their legitimacy. In a number of instances, as well, the leadership of some JACs has been suborned by criminal organizations and/or armed groups, which also has a deleterious result on a JAC’s legitimacy and ability to exercise its authorities.

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<sup>15</sup> They were subsequently regulated by Law 743 of 2002. This law sets out the principles of community action, a classification of the minimum number of bodies and tasks of a JAC, the way geographical areas are divided per JAC, the minimum number of members for a JAC to be operational, the qualifications that people need to have to become a member, and members to run for an office, election procedures etc. See: Alcaldía Municipal de Soacha (2008). *Normativa de Acción Comunal*. p. 30-44

<sup>16</sup> Alcaldía Municipal de Soacha (2008). *Normativa de Acción Comunal*. P. 11. One of our interviewees, however, estimated the number of JACs much higher, at 1.600.000.

### **Neighborhood Watch Groups**

Neighborhood watch groups are communities organizing themselves to enhance their safety and security. Often, these groups conduct regular foot and/or bicycle patrols of their neighborhoods with identifiable t-shirts worn for recognition and whistles to raise alarm. Watch groups, frequently, work under the auspices of JACs and also have established mechanisms by which to raise funds such as voluntary contributions from neighborhood residents and collecting fees for their services from neighborhood households. Watch groups may have an association with the police, although such links vary tremendously and relations are, often, strained. There are occasions when these groups may arm themselves for self-defense, when in the physical process of apprehending alleged criminals, but this occurs in a minority of instances.

### **Jueces de Paz (Justices of the Peace)**

Existing throughout Colombia in accordance with the Constitution of 1991,<sup>17</sup> Justices of the Peace are elected every four years by popular vote in their local neighborhoods. There is no obligation for the justices to be lawyers or conversant with the law prior to their election. Similar to the officials of the JACs, the justices are volunteers, receiving no remuneration from the national government. As a result, many of the Justices of the Peace are retirees; those who are not retirees hold full or part-time paid jobs.

Falling under the jurisdiction of the Ministry of Justice, the justices of the peace are authorized by law to hear, adjudicate, and render decisions on minor civil issues and disputes. Under any circumstances, services are provided free-of-charge to those who frequent their offices. Decisions reached by a justice are binding and, therefore, can be appealed.

According to the interviews, the enforcement rate of cases adjudicated by the justices of the peace may be as high as 90%. A justice can ‘summon’ a defendant to appear and if he/she does not respond, the case can be referred to the formal state courts. There is also an internal justice of peace appeals mechanism, whereby two justices sit to hear the appeal and, usually, come to a common decision. Thereafter, cases can be appealed into the formal state court system.

### **Conciliadores en Equidad (mediators)**

The fourth type of provider was created by the Chamber of Commerce in response to the observed need for alternative methods of dispute resolution. It is a private system, authorized by legislation.<sup>18</sup> The Chamber of Commerce selects mediators based on the individual characteristics and position of leadership within their local community. The selected individuals receive a four-month training, which consists of 5 hours, twice weekly. Once they complete their

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<sup>17</sup> The justices of the peace are regulated by Law 497 of 1999, which sets out the principles this type of local justice, the objectives, jurisdiction and competences of the justices of the peace, as well as the methods of election, serving terms, and prerequisites of persons standing for election. See: [http://www.secretariassenado.gov.co/senado/basedoc/ley/1999/ley\\_0497\\_1999.html](http://www.secretariassenado.gov.co/senado/basedoc/ley/1999/ley_0497_1999.html)

<sup>18</sup> Mediation is recognized as a method for alternative dispute resolution in article 41 of the 1991 Constitution, and further developed in Laws 446 of 1998 and 640 of 2001.

training, the individuals can function as mediators. They work from Chamber of Commerce offices and in some cases from *casas de justicia* (neighborhood ‘houses of justice’) most of which are located in poorer and middle-class neighborhoods. Some mediator offices are in private homes.

Unlike the Justices of the Peace, mediators do not adjudicate, but act as facilitators to support the parties to reach a mutually acceptable solution. Once the parties reach an agreement, the agreement has legal standing. If the agreement is breached by one of the parties, the aggrieved can seek redress in the formal state courts.

### **Indigenous Peoples Administration**

On territory recognized by Colombia as belonging to indigenous peoples, often in rural areas, indigenous communities have their own autonomous civilian administrations, which are authorized by the Constitution and enshrined in legislation. These administrations possess police powers, have jails, and are entitled to order the lives of their communities according to their own laws, so long as they do not violate the Constitution of Columbia.

## **5. Service Delivery of Local Safety, Security, and Justice Networks**

### **Local Systems for Safety and Security**

According to the interviews, a number of neighborhoods of Colombia have organized themselves to undertake local safety initiatives, despite fear of illegal armed groups and the police. For example, in a rural community outside Bogotá, the state security services had been active in the 1980-90s. However, these services were not welcomed by the local community as they became a principal source of insecurity in the area, and, as a result, were eventually removed by the state. For the past few years, there has been no police presence at all. The absence of state-provided security services, however, does not imply that the area is crime free. To the contrary, there is cattle theft. In response, the community organized its own ‘neighborhood watch patrols,’ which were conducted independently of the local JAC. At first, the patrols alerted the police to thefts and, if they seized an alleged thief, turned him over to the authorities. According to the interview, prosecutions were not pursued and the alleged perpetrators were released. In response, with their JAC’s imprimatur, though retaining their independence from their local association, the community reorganized their patrols, equipping them with whistles and walkie-talkies. When questioned if the patrols were armed, the interviewee answered yes, but that weapons would be used only if the neighborhood watch group was shot at by the thieves first. If fired upon, however, the patrols would protect themselves and attempt to seize the assailant, who would, subsequently, be handed over to the police.

Similar ‘neighborhood watch groups’ exist elsewhere. In Cali, for example, neighborhoods have organized themselves to establish bicycle patrols conducted by ex-gang members. The President of a local JAC observed that a nearby community had instituted a neighborhood watch group and, consequently, called an open meeting within her community to explore what could be done. The meeting was held in the street, but very few residents attended. A second meeting was called, but, this time, she ensured that a local neighborhood leader was consulted ahead of time and, with his participation, a patrol was initiated, with the policing conducting rudimentary training. Once a week each participating household pays \$2,000 COP (Colombian pesos, approximately € 0.85) to cover the costs of having 6 ex-gang members working in two-person

teams, bicycle around the neighborhood, Monday through Friday.<sup>19</sup> Interestingly, patrols are not undertaken during the most contentious period of the week, Saturday nights.

Indigenous communities around Cali have their own security services and jail houses as integral elements of their autonomous civilian administrations (the Indigenous Peoples Administration), as authorized by the Constitution and Colombian legislation. Comparable to tribal systems in Africa, each of the 78 indigenous governors of the Valle del Cauca has about 20 persons (approximately 50/50 male and female) serving as *Guardía Indígena* (Civil Guards), who are responsible for all safety and security on indigenous territory. Although the Guards are volunteers, they are organized into ranks. At the regional level, there is one Guard who can coordinate the activities of the individual governorship units, if necessary, but there is no established training regime.

### **Local Justice Providers**

Comparable to these local safety and security systems, legally authorized local justice mechanisms flourish to serve local needs and expectations not met by the centralized state agencies. While there are a number of local justice systems, the most prevalent are the justices of the peace. As one justice of the peace noted, we exist because we are “free, rapid and effective,” none of which remotely describes the state court system. Another justice suggested that those who avail themselves of their service do so because they “want to come in to talk, to talk to someone they trust. They come in because they will be paid attention to, confident that the cases will be dealt with effectively, done quickly.” It was also suggested that justices of the peace are patronized because they live in the neighborhoods they serve and are culturally accessible, unlike the formal state courts. Accessibility is more than physical proximity, for, as one justice of the peace claimed, “we are liked because we don’t use legal terms” and, therefore, “people understand us.”

Cases come to justices of the peace through many different means. In Cali, as one justice mentioned, formal state court congestion encourages court clerks to refer cases to the justices of the peace. In an office visited in Bogotá, however, cases do not originate in the courts, but rather 30% of them are police referrals. The difference between Cali and Bogotá may have more to do with the fact that the visited justice office in Bogotá is located next to a police station and the justices who work there have good personal relations with the police. JACs may also refer cases to justices of the peace.

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<sup>19</sup> A similar effort to establish a neighborhood watch group did not succeed in Ciudad Bolívar for a number of reasons, one of which was that neighborhood residents were unable or unwilling to pay the weekly costs. Residents may not have had the resources to contribute weekly and/or believed that they could be ‘free riders,’ gaining the benefits of a neighborhood watch group without having to pay for it. It may also be the case that community leaders were not sufficiently respected or able to mobilize sufficient neighborhood support, as happened in Cali the second time the initiative was broached. The lack of leadership in Ciudad Bolívar may be accidental, but it may also be the result to a more widespread erosion of the neighborhood’s social cohesion.

Other differences exist, such as, in Cali, the justice of the peace may have desks within local municipal administration buildings. This is not true in Bogotá, where the office of the justices visited in the neighborhood, El Restrepo, is in a shopping mall and paid for by the justices themselves.

As already suggested, many of the cases brought to justices of the peace are ‘minor’ civil issues and small business agreements, from which serious and long-running conflicts can arise if left unresolved. According to the justices of the peace interviewed that is precisely the situation, as they handle such cases as small debts for which there is no written documentation, unpaid rents, family disputes, paternity and child support issues, utility bills, etc. While many of these issues may appear to be minor, they are anything but ‘minor’ to those directly affected. This is especially true for those with low incomes, who, according to the interviews with the justices of the peace, are the demographic who, most often, avail themselves of the services provided by the justices of the peace.

It is also true for women, which brings an important gender perspective to the goods and services provided by local justice providers.<sup>20</sup> In a society, like Colombia, with a large number of female headed households, especially among the lower income groups, women’s access to justice is, frequently, problematic. The opportunity to have ‘minor’ civil cases such as rental disputes, child support and domestic disputes adjudicated is of great importance and this may be one of the primary services provided by the justices of the peace. Even though the justices of the peace who were interviewed steadfastly denied that more women than men availed themselves of their services, observational evidence suggests that more than 80% of the individuals/litigants in the offices of the justices of the peace, while the team was present, were, in fact, women.

It should also be noted that justices of the peace have a role to play with regard to domestic violence. In Bogotá, for example, the justices interviewed suggested that approximately 25% of the workload is comprised of domestic violence cases. In Cali, the justices indicated that domestic violence comprises a significant percentage of their workload. Rather than seeing themselves as an integral component of the criminal justice system, however, these justices suggested that their primary role was to provide a space in which women can talk and discuss their situation and what has happened to them. This is not to suggest that the justices do not refer domestic violence cases to the appropriate state authorities, but that they also serve a decidedly different function.

The JACS are another local justice system, in that they are legally authorized to mediate disputes between and among neighbors. Similar to the justices of the peace and the mediators, the types of disputes include land/property disagreements, fights, small debts, etc., the problems with

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<sup>20</sup> This dimension relates to how gender inequalities and inequities are experienced in day-to-day life, which may involve a range of family, property, and administrative law concerns that are, often, overlooked when donor-supported programs, justifiably, concentrate on criminal justice and crimes of sexual and domestic violence.

which state agencies do concern themselves.<sup>21</sup> More serious disputes may also be brought to the attention of JACs, ones that affect the entire neighborhood such as gang related activity, drug use, and the possession of firearms. In some neighborhoods, football clubs are a cause of youth violence and JACs try to ameliorate the tensions they unleash through dialogue. Unfortunately, most JACs do not appear to be successful in lessening tensions between rival gangs or between gangs and the neighborhood.

Afro-Colombian and the indigenous communities have their own functioning systems of local justice, both of which follow variations of customary law, which is better understood as a type of common law.<sup>22</sup> For the Afro-Colombian community in Cartagena -- in addition to a Committee on Security that is elected, deals primarily with break-ins, stolen fishing property, and child abuse, and conducts patrols at night -- the community's elders gather together to pass judgment of cases. If a member of the community is caught breaking into a house, he/she is tied to a stake for a few hours so that all members of the community can see who the alleged culprit is. Thereafter, in the community house, the elders led by the President of the Council, question the alleged perpetrator to determine the cause(s) of the 'theft.'<sup>23</sup> The President ensures that the rules are maintained during the questioning of the suspect and then renders a decision. If the perpetrator is deemed guilty of a transgression, he/she is sentenced, most often, to community service. If the guilty party has committed the transgression more than once, the community may call in the police and refer the case to the formal state court system.<sup>24</sup>

### **Weak Integration of Local Networks within Centralized State Governance System**

Even though JACs and justices of the peace are integral components of the Colombian state, as essential as is the Supreme Court or the Ministry of Defense, neither institution receives the resources (financial, logistical, and human capital) required to fulfill its mandated activities. Neither the justices of the peace nor JACs is appropriately integrated into any Ministries or other governmental agencies to ensure that the public goods and services of justice and security can be effectively delivered. The same lack of coordination applies to the activities undertaken by the Afro-Colombian and indigenous communities.

Official government support for the JAC sponsored neighborhood watch groups varies. In Cali, the police initially provided training courses and uniforms, but the local neighborhood mayor has been uninvolved and uninterested, according to one neighborhood leader. The absence of involved local municipal political leadership weakens the effectiveness and legitimacy of the

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<sup>21</sup> One of the justices of the peace to whom the team was referred had been President of his JAC.

<sup>22</sup> Three of the characteristics of many common law systems are: (1) development of law through accretion; (2) the centrality of precedent to that accretion process; and (3) the 'law' is unwritten and based upon 'common' practice.

<sup>23</sup> If the alleged perpetrator claims that the theft was due to a lack of money and was intended to feed his/her family, the members of the council will seek a way to provide assistance to the family.

<sup>24</sup> This process applies only if the alleged thief is a member of the community. If he/she is not a member, the indigenous community hands him/her over to the police.

groups.<sup>25</sup> Equally problematically, the police have not maintained an ongoing relationship with the groups, thereby, undermining whatever initial support had been given.

With regard to the Afro-Colombian community in Cartagena and surroundings, police have conducted periodic training sessions for the community's neighborhood watch groups. Some of these groups have received regular biannual training. Nevertheless, the Afro-Colombian community seems to continue to believe that they "have to defend [themselves] against the police," as they are "instruments of force to apply persecution against the community." Therefore, any cooperation between the two actors is limited. Only when there is violence are the police alerted. As far as the indigenous community is concerned, coordination between their Civil Guards and the Colombian National Police is almost non-existent.<sup>26</sup> The local indigenous government may negotiate with the national police with regard to particular cases, but the main connection between the two security services is the transfer of alleged perpetrators. For instance, when a non-indigenous person commits a crime within the territory of an indigenous people or vice-versa, the perpetrator is turned over to the corresponding service and system to serve his/her sentence.

As far as the justices of the peace are concerned, even in cases where the local municipal government supports their activities, as in Cali, they are not provided with the requisite resources to fulfill their obligations by the Ministry of Justice. None of the justices of the peace visited by the team were provided with appropriate office space or supplies. While justices of the peace are supposed to have regular training courses, such sessions, customarily, take place in Bogotá and justices are not provided with per diems or transportation costs so that they can attend. Last year, there were reputedly no training courses offered for the justices of the peace from Cali or Bogotá and newly elected justices of the peace were given no training at all.

Integration of the justices of the peace into the country's state judicial system is also inadequate, even though their cases can be appealed into the formal state courts. For example, law schools do not mention the role of justices of the peace in their curricula, which is a clear gap in the country's legal education system. More practically, in Cali, when justices of the peace need to make 'house calls' to convince litigants who have received a summons to appear, the police do not cooperate and provide the necessary physical security. "Many times the police do not go into certain dangerous barrios." While the justices insist that they "don't have many problems with the chief of police..." they do "with the patrol officers. The patrol officers 'delegitimize'

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<sup>25</sup> The police did much the same for the Afro-Colombian community in Cartagena.

<sup>26</sup> While it is true that the indigenous communities have autonomy within their territories with regard to policing, such autonomy does not preclude 'coordination' with the national police. For example, there should be regular contact between policing services so as to forestall confusion and mishaps, if and when instances of public disorder occur that require the participation of both services. If both services are to operation jointly, it would be prudent for them to conduct coordinated training exercises. More expansively, this could mean bringing their operational protocols and procedures closer together, not to mention the skill sets of their respective officers. Additionally, various types of information should and could be exchanged between services, which might also entail reconciling record keeping and other managerial processes. (It is likely that the indigenous Civil Guards require upgrading of all their operational and managerial systems, procedures, and processes.)

[the justices of the peace] by saying that [the justices] are below the police, but, by law, [the justices] are above the police.” The police also claim that “justices of the peace have no authority over” them, when they are the litigants in a case. In Bogotá, on the other hand, the justices of the peace are “discredited by the local mayors, who sometimes campaign against us. For the mayors, it is an economic and monetary thing. In the courts, the state gets the money and the courts are for those with money.”

Perhaps most problematically, there is almost universal agreement that most citizens of Colombia do not know what the role of justices of the peace is or what justice of the peace do. Repeatedly, justices of the peace admitted that “no, no people don’t know about us.”

Across the board, the state’s unwillingness to resource local justice and security providers appropriately or coordinate their activities into a unified system of service delivery is not haphazard. Nor is it a lack of political will. Rather various governments of Colombia have, actively, made political decisions not to appropriate the necessary funds and to coordinate service provision. It is clear that the political preference has been to concentrate on the centralized ministries and agencies of the state rather than local service providers.

## **6. Entry Points and Potential Donor Supported Initiatives**

Given the justice and security situation in Colombia, there are a number of concrete and practical entry points for donors with which to initiate programs to support better local justice and security service provision. It should be noted, however, that, while these recommendations are pragmatic and operational, further exploration and analysis is required, as the three-week research upon which this report is written was never intended to be sufficient to draft of a fully fleshed out program design.<sup>27</sup>

Nevertheless, as highlighted in the previous section, donors can underwrite and undertake the various types of systematic and comprehensive training regimes for the justices of the peace, the JACs, and the indigenous peoples' administrations, as the mechanisms already exist. Donors can also supply the rudimentary administrative resources required for these service providers to function effectively, such as adequate and accessible offices, office supplies, etc. These activities would be donor-initiated programs and would directly target local service providers. Given that these support activities fall under the rubric of "institutional capacity development," the ability of local providers to absorb them is relatively high.

At the same time, while recognizing that they have little leverage, donors may wish to build demand for better coordination of the legally authorized local justice and security providers with the centralized state structures. It is important to note that this is about coordination rather than incorporation and integration and that the process will have to be built from below, given the political decisions that have been made by successive Colombian governments. For the Afro-Colombian community, for instance, it would entail supporting the community's efforts to pass legislation that would give the community comparable rights to those currently held by the indigenous peoples, as espoused in the 1991 Constitution. It would also involve projects to sensitize a range of actors to the importance and effectiveness of local service providers within

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<sup>27</sup> It is acknowledged that the ToR called for the identification of local implementation partners for a justice and security program, but, as already mentioned, a three-week research period is simply insufficient time to be able to discern which local organizations may be suitable and which not.

the overall justice and security system. Local mayors, municipal officials, and police officers would need to be made aware of their role in supporting local provision of justice and security by justices of the peace, JACs, and neighborhood watch groups. The deans and provosts of the country's law schools, as well as the senior officials of the Bar Association, would need to be made familiar with the benefits of supporting the justices of the peace through the establishment of courses for law students and associated law clinics. Once again, the ability of Colombian organizations and associations to absorb this level of support is relatively high.

It is conceded that for these efforts to be sustainable in the long-term a political decision by the Colombian government will need to be made to alter its strategic policies and budgetary allocations of how justice and security is provided. This would be a fundamental shift in Colombian politics and the way in which the public goods and services of justice and security have been delivered through the centralized ministries and agencies of the state. Donor leverage may currently be minimal, but, by directly supporting local service providers and building demand from below, donors may be able to encourage the Colombian government to re-evaluate its strategic direction. Additionally, to facilitate the change in policy, donors may consider initiating projects that would strengthen the Colombian bureaucracy so that it has sufficient human capital to alter its policies when the time comes. Such capacity development initiatives, however, could be used as negotiating carrots to stimulate the Colombian government's change of policy.

### **Strengthening the Justices of the Peace and Gender Inequities**

The probability of the Colombian government embarking on a new strategic policy or re-allocating its justice and security budgets appears to be low and in the very least will be a long-term process. As a result, to have a direct impact on the safety of local people in the short-term, donor-supported programming should provide direct support to local providers and their communities. Donor-supported activities could make a difference by concentrating on enhancing delivery of local service and, to ensure that, it would be best if assistance were given directly to the local systems, such as justices of the peace, and not routed through the centralized national ministries. Only minimal levels of logistical support would be required to improve the offices in which the justices work and meet the judges' most basic administrative needs. As previously mentioned, the judges require thorough training, which donors can support either directly or within and/or through the Ministry, which is preferable over the long-term. To supplement this endeavor, it could be considered to launch a media campaign advertising the roles, functions, and services of justices of the peace. It would be beneficial if such a campaign were complemented by comparable efforts to strengthen the linkages between the justices, local municipal officials, and the police.

This support to justices of the peace, however, should have a pronounced gender component, particularly if it were verified that women patronize the justices more than men. Verifying this could be done by supporting a Colombia NGO to research and analyze the number of female litigants, the types of cases they bring to judges, and the rulings in cases that involve women.

Undertaking the empirical work would be relatively easy given that the records exist, as evidenced by the ledgers the justice of the peace in Bogotá kept in their office. The existence of these ledgers makes it possible to determine who the claimants and respondents of cases brought to justice of the peace are, the types of cases, and range of resolutions achieved. It will also be possible, therefore, to analyze whether women constitute the majority of the litigants and whether women are involved in specific types of cases. After these empirical questions have been resolved, it would be possible to assess the ruling to determine if they were inequitable and, if not, what programmatic interventions could be designed to rectify the gender inequities.

### **Indigenous Peoples and Afro-Colombian Communities**

With regard to the indigenous and the Afro-Colombian populations, many of whom live in rural areas, directed donor support could improve the performance of their local policing services, though it will be necessary to comprehend the communities better before initiating a support program. Rudimentary training and mentoring for their ‘safety and security services’ would be one of the first components, so long as efforts were undertaken to embed these elements within larger support to building their overall policing structures and management. This would need to be a slow, measured initiative, given absorptive capacities, and could, ideally, be combined with components that work directly with the civil administration of indigenous peoples’ under the auspices of the Governor and with local councils for the Afro-Colombia communities. Strengthening their policing services without bolstering the administration within which it resides is a recipe for unsustainable development. A more regional component to work with the indigenous peoples umbrella groups might also prove beneficial, but is intended only to complement the efforts to improve local services.

Finally, it would also be beneficial to fortify the relationship between the local Colombian police and those of the indigenous and Afro-Colombian communities. This could be done as part of the Colombia National Police’s ongoing development, potentially integrated as a component of their ‘community policing’ endeavors. However, taking into account how the police are organized, it would be important to devolve operational activities to local levels, which may be problematic given Colombia’s historical legacies and how the national police are structured. It is also, most likely, the element that requires the most political leverage on the part of the donor, as it cuts to the core of the security sector.

### **Neighborhood Watch Groups and JACs**

Working with neighborhood watch groups sponsored by JACs is more challenging than programs for justices of the peace or indigenous/Afro-Colombian safety initiatives, with, most likely, require working with Colombian NGOs and will be a long, patient process of engagement and methodical, measured support. Part of the difficulty is due to the number of JACs throughout Colombia and the dual ‘justice’ and ‘security’ roles they are authorized to undertake. For example, in Ciudad de Bolívar there are 265 JACs and not each one will be amenable to development and not every one will be appropriate for support. Of particular sensitivity is the

nature of the JAC itself, given how they can be politicized. The Colombian legacy of armed violence and how a number of JACs have been tainted with and/or compromised by their associations with paramilitaries or other illegally armed or criminal actors poses further challenges. With additional analysis and careful distinctions support to the JACs may be possible.

With regard to security concerns, after the analysis has been conducted, the next step would entail detailed discussions with the involved neighborhoods, JACs, and local youths (ex- and current gang members). Included in those discussions would need to be a careful process of bringing in the local municipal officials on board. In Cali, for example, that may be less onerous than might otherwise be envisioned, given the current work being done by Programa de Desarrollo y Paz (Desepaz), who should, for that reason, be considered as programmatic partners. Once again, the centrality of municipal officials cannot be underestimated. An additional challenge would be to link the activities of the neighborhood watch groups into the operations of the national police, though, at first, the question would be more of non-interference than active collaboration. Eventually, if the initiative were to be successful and sustainable, the police would need to be actively involved.

### **Micro-Programming**

For each of the offered initiatives, it is suggested that additional analysis is required to situate the activities that are to be supported within their wider environment. For example, supporting JACs requires subtle and nuanced knowledge of the local situation in order to identify potential cautionary red flags. As ought to be expected with any elected office, some budding politicians use the JACs as vehicles to launch and further their careers. In itself that is not problematic, though it may be if the elected JAC official is merely using the association to leverage his/her political access or has organized the JAC as a personal fiefdom. As one interviewee conceded, “juntas have sometimes become too political and are used for political purposes.” Another bluntly described the possibility that JACs can “be mafias... As president of a junta you have a lot of power you can use. Also for yourself.” Such JACs may not be suitable for donor support.

Furthermore, some JACs may not be respected by the neighborhoods they are meant to serve. In part, this may have to do with past government initiatives that “promised to deliver public goods through the juntas,” but did not, as one interviewee claimed. As a result the credibility of these JACs has eroded and the neighborhood may perceive them as “too institutionalized.” Of particular importance, as the interviewee noted, is the “disillusionment of the youths” with such JACs. Finally, as has occurred to parts of the Colombian state, it is alleged that some JACs have been ‘captured’ by the AUC and its successor groups. It is essential, therefore, for donors to be able to identify which JACs have been ‘captured’ so as not to support the “safety and security” activities of these JACs, a process that will, most likely, need to be lead by local Colombian NGOs, working under the overall close guidance of the donor.

Similarly, support for justices of the peace also needs to be contoured to the local environment and, as already suggested, donor assistance ought to begin with an analysis of their case ledgers. However, in Colombia, knowledge of the case ledgers may not be sufficient. There are some communities where justices of the peace cannot function because of the violence the community has experienced. The region around Sincelejo, particularly in the more rural areas, may be one such example. With the second highest degree of inequality in Colombia, this department, Sucre, has, over the years, experienced extensive violence at the hands of the FARC, paramilitaries, and the state's security services. The violence appears to continue unabated. It is reported that 80 individuals were selected for training to be justice of the peace since 2008, 40 graduated, and 10 have already been killed. As one interviewee noted, "the violence was so severe, there is little to nothing that [at the local level that] persisted or persevered." Social structures have been destroyed and the social fabric rendered asunder. Referring to justices of the peace and mediator, this interviewee argued that "without a community or social structures [they are] a waste of time."<sup>28</sup>

Perhaps because of the high level of armed violence, interviewees indicated that the local mayors seem not to want justices of the peace or mediators, believing that "they would not work," a sentiment, apparently, echoed throughout the general population. Whether due to the violence and/or combined with the region's cultural norms, residents "do not believe that two people can resolve their conflicts without the presence of an official member of the state court." Consequently, it would appear to be unproductive for donors to venture into Sucre with the intention of supporting justices of the peace or local mediators.<sup>29</sup> The larger lesson learned, however, is that, in Colombia, no two contexts can be assumed to be the same, in part because the violence and armed conflict differs from area to area, and that micro-knowledge of the context is imperative.

The need for micro-knowledge is not limited to JACs or justices of the peace. Because potential entry points and possible initiatives focus on strengthening service delivery, it is suggested that each have a local municipal government component. Once again, that requires micro-knowledge and careful programming, for it is not only the mayors of the municipality as a whole, but the administration at the local level to which linkages need to be fortified in light of existing absorptive capacities. The challenge of Cali is instructive in that the city mayor of Cali and the chief of police tend to favour justices of the peace and are supportive of JACs, but their encouragement does not appear to trickle down to the neighborhood level. The same can be said

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<sup>28</sup> In a similar vein, in Ciudad Bolívar, representatives of two local JACs claimed that there is "no civic culture" and that violence can ensue from "out of every little thing." As a result, in these neighborhoods it is "too hard for the community [sic] to do anything" and residents "stay inside and close the door."

<sup>29</sup> Where there is little local appetite for undertaking either 'justice' or 'security' initiatives or where donor-supported initiatives have little probability of success, the donor community can still engage in relevant activities that may have long-term benefits, even if they are not directly related to 'justice and security activities.' For example, discrete local projects may be undertaken in an effort to help rebuild local social cohesion, as well as identify local leaders and fortify their social efficacy. The provision of social services (education, health, sewage, recreation, etc.) can be supported and by the involvement of the beneficiaries in the delivery of those services social efficacy and cohesion may be supplemented as well.

in Bogotá, where community policing initiatives were not implemented because, among other things, of local municipal resistance.

It is unlikely, that donors will be able to acquire such fine-toothed understandings of local contexts. This is not meant to suggest that donors should not attempt to obtain the knowledge, but rather, that it will be very difficult if not impossible for foreigners to attain the requisite level of micro-knowledge. Consequently, many local community justice and security initiatives will have to be channeled and implemented through local NGOs and other organizations, which have or can acquire the micro-knowledge. Admittedly, this is an additional level of complexity for programme management and could require additional donor staff for whom managing the program – managerially and politically -- is their primary responsibility. At first blush this may seem to increase the administrative overhead of a program without reference to associated outcomes, but, on the contrary, there are few more important skills than programme management in overseeing local NGOs and, when done properly, the work of a competent programme manager may be decisive in the effectiveness of a justice and security initiative.

### **The Role of Leadership and Programmatic Effectiveness**

One of the more pronounced findings arising out of the three weeks of research is the role of local leadership, particularly with regard to questions of security. A youth representative of the Afro-Colombian community, who organized an anti-gang project that has reduced violence, modestly claimed “respected elders are the reason for [the initiative’s] success.” Leadership is a largely forgotten subject in justice and security development, but, in Colombia, it appears that when ‘security activities’ were undertaken by communities they were initiated because of the presence and activities of one or two leaders. On the other hand, communities that did not possess strong internal leaders had a much more difficult time engaging in ‘security activities.’ In other words, leaders and leadership may be the crucial variable for justice and security programmatic success.

Through the force of their personality, strong leaders, living in their neighborhoods, seem able to overcome the fear that derives from Colombia’s endemic violence and bind their neighborhood together to undertake dangerous work. This appeared to be the case in the rural community outside Bogotá, where local leaders took it upon themselves to institute the neighborhood watch initiative. In Cali, in the barrio of Aguablanca, the recruitment of a local neighborhood leader by the president of the JAC seemed to be the difference between establishment of the ‘neighborhood watch group’ and previous neighborhood apathy. In the Afro-Colombian neighborhoods of Cartagena, the availability of a set of leaders with strength of personality also appeared to differentiate periods when ‘security activities’ could be sustained from those intervals when such activities dwindled.

Leadership exists within gangs, as well, and can produce positive results in slowly evolving gang membership into less violent group activities. In Cali two gangs have come together to establish an evening and night-time ceasefire. Leaders of the gangs have also agreed to create two for-profit private businesses, recycling and janitorial services companies, one for each gang. This initiative is supported by the Mayor of Cali and backed by a local university, which advises the company management, who are gang members, on business strategies and techniques. It appears that both companies have had some success.

Unfortunately, leadership is a capricious and volatile variable upon which to ground justice and security programs. It is not only a high risk proposition to rely on leadership -- the personalities and actions -- of one or two individuals for the success of a donor-supported program. It requires a degree of micro analysis that is customarily not conducted by donors.

Nevertheless, leadership is, most likely, a key element of programmatic success with more explanatory persuasiveness than traditional understandings of 'local ownership' 'donor coordination;' and 'political will.' It may even be justifiably claimed that leadership is the crucial variable upon which donor-supported programming depends, spelling success or failure. Consequently, for donors to be able to implement effective justice and security programs, they need to investigate more seriously what leader and leadership entails. This may appear to be 'scientific' work, but, to the contrary, it is a hard-core program implementation and aid effectiveness issue.

Leadership largely adheres to the individual. Still, there may be a relationship between the social efficacy of individuals within their neighborhoods and leadership. Social efficacy is the individual's belief in his/her ability to affect change within a defined community. At the local level and in their neighborhoods, those with higher social efficacy may be beacons for and of change. Through the force of their personalities and the success of the activities that they have undertaken, they may be able to attract and motivate others in their neighborhood to join with them in propelling change. Leaders, therefore, may not only possess higher social efficacy, but also be capable of producing greater social efficacy among others.

In this sense, there may be an implicit relationship between leadership and the social efficacy of individuals within the larger group,<sup>30</sup> which is important given the known relationship between an increase in individual and group social efficacy and a reduction in crime and violence within that community. The implicit relationship may also offer an opportunity for programming, if leaders do possess higher social efficacy than others and donor-supported activity can be shown to increase an individual's social efficacy. Because the necessary demographic data is likely to be available, Colombia offers an exceptionally rare opportunity to test and verify whether and how it is possible to program for social efficacy and, therefore, highlight a way for donors to bolster local leadership and, consequently, programmatic effectiveness.

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<sup>30</sup> It is not known whether social cohesion is an intervening variable that influences the relationship between leadership and the social efficacy of individuals with the larger group.

One such groundbreaking opportunity can be found in Cali, where over a period of years, a religious NGO has trained approximately 150 mediators to help resolve local disputes and serve as neighborhood mentors and counselors. These mediators, therefore, are leaders and most of them are women. It may be feasible to evaluate, empirically, whether the NGO's programming centered on the leadership of these neighborhood mediators has had a positive effect on the safety and wellbeing of its beneficiaries. It may also be possible to measure this cohort of mediators across a number of variables, including their social efficacy, and compare them to a control group, who has not undergone similar training. A positive assessment would suggest that the mediators' high social efficacy scores are associated with -- if not causal with respect to -- programmatic effectiveness. Furthermore, such an empirical study would suggest techniques and definable projects that donors can support to enhance leadership and social efficacy within a given community. Such programming would also have particular resonance for women.

Similar pioneering evaluations can be conducted in other Cali neighborhoods, particularly those in which 'neighborhood watch groups' exist. Once again, these groups appear to operate where local leadership exists, which suggests that the social efficacy of the leadership and of the neighborhoods themselves can be studied. Moreover, with suitable control groups in communities where neighborhood watch groups do not exist, a neighborhood's social cohesion can be measured and analyzed to determine if it is an intervening variable, modifying the relationship between leadership, social efficacy, and programmatic effectiveness.

Finally, with careful preparation and consultations with stakeholders, it may be possible to evaluate the leadership of the two gangs that have established the for-profit private businesses and analyze whether and how they differ from a control group. If evidence were to be developed to show that these gangs' leadership possesses higher social efficacy than the leadership of gangs that have not been able to establish ceasefires and/or form for-profit companies, it may suggest activities that donors could support to encourage and stimulate the possible transformation of gang activity.

Conducting these empirical evaluations and analyses would break new ground in justice and security development and could lead the way toward more effective donor-supported programming. Showing that, at the local level, there is a causal relationship between leadership, social efficacy and effective programming would suggest that donors ought to support the design of initiatives that seek to strengthen local leadership and social efficacy as an integral element of their efforts to pursue results-driven and measurable justice and security programming.