

# Capital punishment: the fragmentation of Colombia and the crisis of the nation-state

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*ABSTRACT* *The Colombian nation-state is in its worst period of crisis since the infamous Violencia of the late 1940s and 1950s. State power is being contested by a number of groups: paramilitaries, the revolutionary Left, drug cartels and corrupt high-level officials. But these latest challenges must be set in a wider historical context: a 200-year history of failed attempts by the oligarchy to forge a stable modern nation-state without undermining their dominant position in the Colombian polity. The writing of a new constitution in 1991, the first since 1886, was an attempt to address many of the above problems, including the granting of special powers to the executive to deal with civil unrest, the need for a decentralised and pluralised political landscape and constitutional guarantees for minority and indigenous representation and rights. However, constitutional change has also taken place in the context of the consolidation of the globalisation project and the practical effects of the new constitution have been its provision of legal and administrative measures to facilitate the neoliberal restructuring of the economy, a process which, over the past 10 years, has been a devastating form of 'capital punishment' for the Colombian underclasses and has contributed to the further fragmentation of the nation.*

In the past two to three years in Colombia there have been several major national strikes against the government's economic policies. Public sector and private sector labour unions have been agitating for a moratorium on the payment of foreign debt, a change from the dominant neoliberal economic model of the past 10 years and a rejection of IMF preconditions for loans. Suffering under the weight of its worst recession in 70 years, the Colombian economy is witnessing an unprecedented wave of bankruptcies and company failures: in the first half of 1999, over 70 major companies and 3600 small businesses went to the wall. With very little growth in gross domestic product over the past three years and an official unemployment level over 20%, the signs are definitely not good. In addition, Colombia owes more than \$17 billion to foreign creditors, and debt servicing alone (more than \$2 billion annually) accounts for nearly 40% of the national budget. National economic statistics, however, very rarely indicate the regional and class variations of the full impact of the economic crisis. They throw little light on the living conditions and despair among poor Colombians (the

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majority), who have to deal on a day-to-day basis with chronic shortages of all the basic necessities, while their communities are shattered by generalised violence—whether guerilla warfare in the countryside, its paramilitary backlash, or the everyday street violence—all of which have left virtually no community untouched. Weber's idea of the nation as defined, in part, by the monopoly of violence held by the state no longer obtains in Colombia. In the first half of 2000, the National Police (*Dijín*) reported close to 13 000 killings throughout the nation, with Medellín and Cali continuing to be the most violent cities in the country. Included in these sad statistics are the regular massacres of indigenous and *campesino* peoples. It is also estimated that, in the past 15 years, two million people have become internal refugees fleeing from the violence, an exodus only eclipsed by the African continent taken as a whole. Colombians are leaving in record numbers to seek either refuge or a better way of life in other countries. Since 1999 alone, more than 50 000 have arrived in Spain.<sup>1</sup> How did things get this bad?

Just as many commentators misinterpret the recent emergence of democratic regimes in the previously militarised societies of the Southern Cone and Central America as a return to, or a restoration of, the ostensibly democratic national development projects of an earlier era, so too do they misinterpret the current institutional crisis in Colombia as driven primarily by drug cartels or revolutionary groups, the suppression of which will somehow usher in national stability and prosperity. They fail to see that the contemporary crisis in Colombia is but the latest manifestation of the historic inability of the Colombian oligarchy to forge national unity and stability ever since independence from Spain in the 1820s. Even if Colombia manages to emerge from the civil war presently tearing the country apart, it will find a world that has fundamentally changed. What we are now actually witnessing with the rise of the globalisation project is a withering away of nation-states based upon the notion of a 'national social contract', under which citizens, in theory, identified with the constitutional order and national administrations designed and implemented nationally orientated social and economic development projects.

In the Colombian case state sovereignty and national identity are now challenged from without by multiple transnational links—global telecommunications and entertainment media, global capital flows, multinational financial institutions which shape economic investment and strategy—and from within by alternative or parallel power structures—local mafias, revolutionary groups and paramilitaries. The long-term crisis of the nation-state has created a vacuum of legitimacy into which have flowed military and paramilitary forces and the drug industry, especially over the past 15–20 years, all of which have virtually destroyed the successful functioning of electoral politics and the rule of law. It was in this climate that a new Colombian constitution, the first for over 100 years, was adopted in 1991. It was a constitution intended to address many of the above problems: the need to break the 150-year long 'duopoly' of the Conservative and Liberal Parties; the need to institutionalise minority rights and devolve power to the regions; and the perceived need to arm the executive with constitutional powers strong enough to deal with unprecedented levels of civil strife. Globalisation, in its current but not necessarily permanent neoliberal

variant, which got underway in the decade before the collapse of the Soviet Union, has exacerbated and deepened the crisis by depriving the national government (and that of most other Latin American countries) of the resources necessary to maintain the country in a state consistent with that of a manageable civil society. In fact the new Colombian constitution has written into it provisions which are explicitly aimed at facilitating neoliberal restructuring. Before turning to an examination of the impact of the new constitution, however, let us look briefly at the history of the Colombian national trajectory since independence.

### **The origins of the Colombian crisis 1886–1930**

The fiction of an official nation was first established via the 1886 Constitution written after the 1885 coup by Rafael Núñez. Throughout the 19th century, whether in its initial expanded form as Gran Colombia—Colombia, Venezuela, Ecuador and Panama—or much later when it comprised what is now Colombia and Panama, the independent republic had been divided by an internecine struggle between centralists and federalists over questions of political power, national boundaries and protection of interests, a struggle reflected in the 15 constitutions drafted between 1811 and 1886. These years can be divided into four periods, each marked off by constitutional change, the re-drawing of national boundaries and the changing fortunes of particular fractions of the political elite. They are the war of independence (1810–19); Bolívar's alliance of *Gran Colombia* (1819–30); *Nueva Granada* (1830–58); and the period of liberal hegemony and radical reform (1858–86).<sup>2</sup> The formation of the Colombian nation-state can thus be said to have passed through two key stages. First, the succession of civil wars and constitutional charters beginning in 1810 and extending to 1886, when an enduring constitution was finally settled upon. Second, the subsequent consolidation of the nation-state during the commodity-export boom of the final decades of the 19th century and the first three decades of the twentieth century. But according to Hernando Valencia Villa, the history of the Colombian constitutional charters and their various amendments, both before and after 1886, indeed the very framing of the new 1991 Constitution, must be regarded as stages in an ideological 'battle', rather than some benign incremental evolution towards disinterested Enlightenment ideals of justice and civic harmony.<sup>3</sup> The process displays certain broad similarities with the rest of Latin America, especially as regards the liberal-conservative struggles and the near-continental hegemony of liberalism in the latter half of the 19th century, although specific national histories often exhibit crucial distinguishing factors.

The 1886 Constitution marked the first major expression of political, military and administrative centralism, as well as the institutionalisation of Catholicism as the only officially recognised religion, and the introduction of a centralised education system.<sup>4</sup> But this was a nationalism that was unaccompanied by popular enthusiasm or socialisation into national consciousness.<sup>5</sup> Thus began the process of ignoring the sometimes quite different political, economic, cultural and social aspects of each region as *La Regeneración*, as the 1886 turning point became known, solidified into an overbearing centralism. While, at the time, the

dominant language was Spanish and the dominant religion was Catholicism, this in no way encompassed the linguistic, social, cultural and religious heterogeneity covered by the 'national' territory: 'The presence of 81 indigenous peoples, with their languages, traditions, cultures and forms of political administration; the existence of Afro-Colombian communities; the frontier regions; all made the Westphalian concept of nationalities difficult to apply in our region'.<sup>6</sup>

The Conservatives dominated politics for 40 years after the *Regeneración*, their hegemony temporarily challenged by the Liberal uprising known as The War of a Thousand Days (1899–1902), which resulted in the historic Treaty of Neerlandia in 1902. The Treaty was a defining moment in national-bourgeois consolidation and a prelude to neocolonial penetration. The 40-year Conservative rule brought a period of relative peace and prosperity with the accelerated growth of coffee production and manufacturing industries and with textiles leading the way, but the same period also witnessed the expansion of the foreign-dominated areas of oil and bananas. The outward appearance of relative social and economic harmony was shattered, however, by the arrival of the Great Depression, the growth of more militant labour unions and the infamous massacre of banana workers by government troops in 1928 after a strike on a United Fruit plantation. The combined effect of economic slowdown and social unrest, Conservative complacency and a split in the Conservative Party itself all contributed to a Liberal victory at the polls and the beginning of the so-called Liberal Republic (1930–46). This period was dominated by the figure of the two-term president, Alfonso López Pumarejo (1934–38; 1942–44).

### **From the Great Depression to the National Front 1930–78**

The centrepiece of Pumarejo's *La Revolución en Marcha*, a Colombian 'New Deal' that paralleled Roosevelt's efforts in the USA and Lázaro Cárdenas's policies in Mexico, was an agrarian reform law which, like that of Cárdenas, sought to alleviate rural poverty and quell peasant unrest. Although the reforms were hardly radical, they did mark a new era for labour legislation and paved the way for the formation of major trade union organisations. In addition, the López Administration raised taxes on foreign companies and amended the national constitution in some key areas, including 'spelling out ... the doctrine that property rights must be limited by social rights and obligations'.<sup>7</sup> When he returned to the presidency in 1942, however, the climate had changed and reform was much more difficult within the context and economic problems of World War II. Indeed, many of López's policies now worked against the interests of peasants and labour generally. When an abortive military coup narrowly failed, López resigned in despair. The following elections saw victory go to the arch-conservative, Laureano Gómez, after a bitter split in the Liberal ranks brought on by the popularity of Jorge Eliécer Gaitán, a Liberal radical who sought to institute much more radical social and economic reforms than López. Gaitán's subsequent assassination in 1948 gave rise to the now infamous period in the late 1940s and 1950s known as *La Violencia*, when Liberals and Conservatives proceeded to murder each other throughout the country. The eventual death toll was 300 000. This period also saw the growth of rural self-defence units, the

precursors to the current guerrilla organisations, which set up virtually autonomous regions, sometimes with their own currency and laws.

In 1953 Gómez was overthrown in a bloodless coup led by General Gustavo Rojas Pinilla. The coup seemed to have been welcomed by the majority of Colombians as the only way of halting the violence. But, when Rojas also proved unable to stop the bloodshed, a general strike, along with firm prodding from the military itself, forced Rojas into exile. In the wake of his resignation the Liberals and Conservatives decided on a historic pact, a power-sharing arrangement whereby both would take turns at ruling the country for the next 20 years (1958–78). The arrangement was primarily designed to diminish the 10-year long, widespread political violence, much of which was generated by inter-party hatred. Although the *Frente Nacional* (National Front), as the period of bipartisan rule came to be known, managed to curb the worst of the political violence, it also served to exclude third parties from government representation. In addition, it bred a self-contented and complacent political class and further entrenched clientelist politics and state corruption. Bipartisan rule in the 1960s was accompanied by policies of social and economic modernisation derived from the US-sponsored Alliance for Progress, designed to negate the support for the Cuban Revolution among many sectors of Latin American society that emerged in the 1960s. Another agrarian law reform was enacted in 1961 and a national agency, the *Instituto Colombiano de Reforma Agraria* (INCORA), was set up to appropriate idle land and redistribute it among the landless. Although 250 000 families benefited from the initiative over a 17-year period, the practical outcomes seemed to do little to alleviate overall poverty or change the basic structure of land tenure.<sup>8</sup>

During the National Front period, import-substitution policies, which had their origins in the era of the Liberal republic (1930–46), were intensified and yielded significant results in the areas of car and steel production. By the 1970s Colombia had also begun to develop export industries, flowers being one of the most successful. During the late 1960s and into the 1970s, then, Colombia was able to achieve consistently high levels of growth in GDP. But spectacular macro-economic figures often obscured the more enduring statistics of underclass poverty (especially in rural areas) and huge disparities in income distribution. It was in this climate that a now hardened guerilla movement began to make its presence felt. The most significant grouping, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), the oldest guerrilla force in the Americas, grew out of the rural self-defence organisations formed by Liberals during *La Violencia*. During the 1960s the FARC modulated into a well armed and well organised army, complete with a Marxist–Leninist discourse calling for a radical restructuring of the national economy and a halt to foreign exploitation of Colombia's natural resources. In the 1970s other guerrilla factions, such as the ELN and the M19, inspired by the Cuban Revolution, began to make their presence felt in daring urban guerrilla raids and kidnappings. It was also during the 1970s that the drug trade began to gather pace. Originally involved in the marijuana trade, the drug traffickers soon saw the enormous profits to be made from cocaine. They formed well oiled organisations, with Pablo Escobar's Medellín Cartel boasting a military wing used to kill off opponents, whether

those of rival cartels, or politicians and government officials, especially left-orientated ones. From the early 1980s onwards there was a growing level of drug-related violence against public officials, including the assassination in 1984 of the Justice Minister and four presidential candidates in the run-up to the 1990 elections. The loss of these four major leaders was a severe blow for Colombian democracy, especially since they each represented different aspects of a substantial *apertura* (opening) in the electoral system and provided a real alternative to the establishment political parties. Their deaths left the political field to neo-liberal technocrats.

### **The neoliberal structuring of the Colombian economy**

Throughout Latin America by the late 1980s and beginning of the 1990s, practically all governments had agreed to the stabilisation and structural adjustment programmes prescribed by the IMF and the World Bank. These programmes included the drastic reduction of tariff protections for local industries, a reduction of government spending and the privatisation of state-owned corporations. But the 'modernisation of the state' has generally meant the selling of public utilities and other government corporations to foreign investors beholden only to their shareholders. Such neoliberal policies in Colombia have gone hand in hand with increasingly authoritarian state structures and the partial rollback of 100 years of hard-won social welfare protection for the average Colombian worker. Neoliberal policies were first introduced by the Barco Administration (1986–90), were subsequently consolidated and expanded under Cesar Gaviria (1990–94), and then deepened during the Administration of Ernesto Samper (1994–98). Economic policy development and implementation since the Gaviria Administration has become an affair restricted to presidents, their coterie of technocrat advisers and representatives of lending institutions like the IMF and the World Bank. The present government of Andrés Pastrana has continued in the same vein, although Pastrana himself has promised to address social problems in the last two years of his mandate.

During the first two years of the Gaviria government, import taxes were reduced from an average of 43.7% to 11.4% and the list of forbidden imports was abolished, exposing local industries to a flood of cheaply manufactured goods. The financial sector became the principal motor and beneficiary of the national index of economic growth in 1994–95 (5.7 in 1994; 5.28 in 1995), with agriculture and traditional industries such as textiles, clothing manufactures, leather goods and iron and steel being significantly weakened. Meanwhile, Colombian industries progressively lost national market share to the flood of foreign imports arriving under reduced tariff regimes: during the Gaviria administration, the textile sector lost between 30% and 40% of the national market and experienced 25% job losses because of imports and contraband.<sup>9</sup> As a result, many Colombian companies are now reduced to assembling or distributing foreign products.

One of the most striking examples of the Gaviria administration's new policy direction was the restructuring of the *Caja Agraria* (a government-run agricultural development bank). Part of the *Caja Agraria's* capital came from a 1948 law (Law 90) obliging the private banking sector to provide a certain amount of

capital at low interest rates to the *Caja* for use in low-cost agricultural loans to stimulate agricultural expansion and growth. The Gaviria administration abolished the law, in effect scuttling a mechanism for social investment that still exists even in countries like the USA, one of the intellectual heartlands of neo-liberalism. The Gaviria administration also transferred the underwriting arm of the *Caja* to private enterprise, thus jeopardising the ability of struggling farmers to weather the increasingly rapid fluctuations of global commodity markets. Finally, it sold off the 452 *agropuntos*, government entities that functioned as mediators between the market place and individual farmers for the sale of produce and for the regulation of prices. The administration also abolished a similar mechanism in the *Banco de la República*, which provided low-cost or interest-free loans. These mechanisms were *social* investments in the country's growth and thus not to be judged by the same criteria of efficiency and profitability that apply in open-market competition.

When the Samper Administration took over from Gaviria, its vision statement, *El Salto Social*, planned to maintain and strengthen the policies initiated by the previous administration by adopting a more aggressive strategy of internationalisation. It set out to finance the new policy by increasing taxes and by taking on more short-term foreign debt. It also undertook an aggressive round of privatisations of several state-owned entities: banks, housing-loan corporations, airports, electricity generating facilities, and the partial sale of some gas and mineral extraction industries. In order to redress the enduring social problems aggravated by the previous administration's neoliberal restructurings, it set up the *Red de Solidaridad Social* (Social Solidarity Network), which was meant to soften and alleviate the impact of the *Salto Social* on the poorest members of society. The *Red de Solidaridad Social*, however, like so many other such palliative entities throughout recent Colombian history, became, in the words of Consuelo Ahumada, 'an enormous clientelist apparatus, highly inefficient and fraudulent'.<sup>10</sup>

The Samper administration also established a development plan (*Pacto de Productividad, Precios y Salarios*), based around a tripartite socioeconomic agreement between government, business and labour unions, in which consumer prices, goods and services charges and wages would be indexed to inflation rates. But to add further insult to injury as far as the Colombian worker was concerned, the accord had so many exceptions for both the government, in relation to the freedom to increase certain key utility and fuel charges above inflation rates, and for business, in relation to products linked to the fluctuations of the international commodity markets, that the only party that was strictly pegged to inflation rates were Colombian wage earners, who saw their real buying power further eroded. In addition, the IMF pressured the Samper government into a sizeable reduction in public spending, which manifested itself, among other things, as drastic cuts to public works and social programmes. Instead of investing capital in productive areas within Colombia, thus stimulating employment growth, the government opted to leave a large portion of foreign reserves generated from the sales of oil and coffee in foreign banks for investment purposes and to hedge against inflation. This led to the absurd situation of the government spending upwards of 38% of GDP servicing foreign loans (especially from the IMF), while enacting welfare programmes to aid the same poor who would have benefited more appro-

privately from government investment in productive industries like agriculture and manufacturing.

### **Oligarchic capitalism and the myths of democracy**

One of the great myths of Colombian history is the frequent observation that Colombia ranks as the second-oldest (non-continuous) parliamentary democracy in the Americas, directly behind the oldest continuous democracy in the Americas, the USA. The statement conceals more than it reveals: since its initial period as a violent, wartime state immediately after the winning of independence, Colombia has been a republic based on authoritarian rule, controlled since the mid-19th century by a rigid two-party system dominated by Liberals and Conservatives, both representing the Colombian oligarchy. Whenever this situation has been threatened, democracy has gone out the window and assassinations and repression of civilians replaces the comforting image of a modern nation-state based on the rule of law and fair and open electoral politics. This has historically bred contempt for constitutional laws and human rights among the more ruthless and self-serving elements of Colombian society and has fostered a mentality according to which violence is the most effective way to win power and silence one's critics. It has also bred apathy, despair and abstentionism among the general populace, only too well aware that their political leaders, indeed practically the whole political class, speak with forked tongues and view public office as a chance to enrich themselves at all costs.

The push to write a new constitution, unsuccessfully attempted twice in the late 1970s, was revived in the late 1980s in the context of deep public distrust of the congress, which had come to be seen as a corrupt institution and long overdue for reform. The Gaviria administration set up an *Asamblea Constituyente* (a constitutional assembly) at a unique juncture in Colombian history. First, the Colombian state was under massive pressure from a generalised wave of violence, including attacks by guerrilla groups, the assassination of politicians, magistrates, police, union leaders and journalists by the cocaine Mafia, and a wave of mass kidnappings. Second, with the collapse of the Soviet Union and considerable revulsion towards the somewhat questionable tactics of guerrilla groups, which had contributed to the climate of fear and violence, the Left had lost credibility in Colombia and beyond as articulators of an alternative to oligarchic capitalism. The previous Barco administration had energetically lobbied for a new constitution as a cure for all the ills assailing the country—political violence, high-level corruption, institutional weakness, administrative inefficiency and so forth—but was blocked on three occasions by the Supreme Court as unconstitutional, the Court reconfirming that only the congress had the right to reform the constitution. Barco persisted, however, and, under the cover of special powers granted by a state of siege (the country was in a virtual civil war), forced through a referendum asking the Colombian people if they approved of the setting up of a body to write a new constitution. The referendum question was expressed in terms guaranteed to win the support of the majority of Colombians, including many on the disenchanted Left increasingly leaning towards forms of political action that focused on 'civil society' and the 'politics of difference'.

Under extreme pressure, the Supreme Court approved, by a narrow margin, the right of the president to set the terms of the constitutional debate.<sup>11</sup>

The Constitutional Charter that emerged in 1991 marked a new era in Colombia, institutionalising for the first time minority political rights for women and indigenous Colombians, rights for the elderly and the young, and so forth. It also allowed for proportional representation and thus paved the way for minority political participation in the national congress. While admirable on the surface, the practical effect of these progressive measures, designed more than anything as a sop to indigenous groups and Leftists, was merely to serve as a smokescreen for the profound economic and political implications of the new constitution, which were not slow in manifesting themselves. What the new constitution did, in effect, was to weaken the social functions of both the congress and the myriad state enterprises, from social security agencies to public works to government credit and banking institutes, the latter being vital to low-cost credit for businesses and public housing. While this amounted to a frontal assault on the previously constitutionally guaranteed social functions of the state, it also invested the presidency with extraordinary powers to abolish or merge public enterprises, to change their juridical status, to change the structure of ministries without congressional consultation, and to exercise almost total control over the national budget. As far back as 1990, before the formation of the Constitutional Assembly, at least one commentator warned of the spectre of 'presidential Caesarism as an institution and as form of governmental practice'.<sup>12</sup>

The changes to the constitutional charter were tailor-made for enacting the new economic policies. Neoliberal restructuring of the economy was written into its very text: Article 336, for example, grants the state the right to liquidate what it considers to be monopolistic state enterprises and 'grant to third parties [private industry] the development of such activities when said state enterprises do not meet the requirements of efficiency in accordance with the terms defined by the state'.<sup>13</sup> Furthermore, the new constitution also makes provision for zones of 'free commerce' or industrial parks: 'the law can establish in border zones, whether territorial or maritime, special legislation for economic or social initiatives which promote development' (Article 337).<sup>14</sup> Twelve such zones already operate in Colombia and offer, among other things, tax concessions, customs streamlining, exchange-rate flexibility, and the possibility of repatriating profits with little or no red tape. Orientated towards the export market, they are often just off-shore platforms for the cheap assembly of goods with cheap non-unionised labour, similar to the function of the *maquiladoras* in Mexico.

Other tactics used by the Gaviria government to enact these changes, now part of 'world best practice', were the sale of part of the social security system to private companies, the abolition of retroactivity with regard to superannuation, and legislation on the right of an employer to operate a company 24 hours a day, seven days a week, without paying penalty rates for night shifts or weekend work. These measures were meant to free up capital and to create more jobs, and no doubt did so in many cases, but most of these positions were part-time or temporary. In addition, loopholes were written into the new labour reform programme: if a company establishes a new branch, subsidiary or production plant, 10 years must pass before the new entity can be considered an integral part

of the main company (Article 32). This allows companies to take advantage of the new labour laws that came in to existence after 1991 by setting up phony subsidiaries ('new companies'), which come under the post-1991 guidelines and which can thus avoid offering appropriate wages and conditions.

The new economic restructuring has also affected government social security and health insurance systems. Both have been opened up to private enterprise via the mechanism of 'free choice', meaning in practice that the majority of workers, rather than remaining with the government schemes, are attracted to the much larger private companies which seem to offer a better hedge against national economic uncertainty and inflationary pressures. The new arrangement for social security cover is not totally negative (a choice between private and state-run systems), but it invites the citizen to gamble on the, sometimes volatile, international financial markets. Thus enormous sums of money, which would otherwise have been available for investment in socially useful development projects internal to the country, are now available for private investment in global financial markets in which the primary beneficiaries are the shareholders of large private health insurance and social security companies. Like other neoliberal measures, such as the privatisation of state entities involved in banking, credit and housing finance, telecommunications, transport, public works and agriculture, this amounts to a massive transfer of public wealth into private hands (both nationally and internationally) by stealth.<sup>15</sup>

Before neoliberal restructuring, Colombia could fairly boast one of the best performing economies in Latin America; today it has arguably the worst. According to José Amado, Colombia's insertion in the global economy over the past 10 years 'didn't produce the modernisation of industry, nor an increase in our exports, but it did contribute to the deterioration of our balance of payments, to 5 per cent negative growth in GDP, to excessive growth of foreign debt and to the deindustrialisation of the country'.<sup>16</sup> The reduction of tariff barriers has predictably led to the surrender of the internal market to foreign-made products, severely contracting local industry and thus making it difficult to meet the export challenge: 'Exports can't become the motor force of industrial policy because Colombia lacks the technology and capital to compete in a protectionist international economic environment against gigantic competitors. Its rachitic national industry must be strengthened in its internal market first.'<sup>17</sup> For Amado, the export-orientated model currently being promoted flew in the face of the national development model used by the most industrialised countries, in which the state was a central and active force in development: 'Industrialised countries have constructed their capitalism on the basis of their internal markets. Even in the United States foreign commerce still accounts for barely 20 per cent of GDP'.<sup>18</sup> But Colombia is not the USA and industrial development models must function in a radically different global context. Amado's calls for the creation of more tariff barriers and for the country 'to take sides with its own productive sector'<sup>19</sup> (in effect, a return to a state-mediated import-substitution model), would be difficult, if not impossible, to achieve with global financial institutions controlling investment capital. For, whether one agrees or not with the neoliberal restructuring of the world's economies, the national is no longer the most important arena of political and economic activity.

### The national or the global?

In *El Modelo Neoliberal*, Consuelo Ahumada offers insightful analysis into the impact of neoliberalism on Colombia, from the Barco to the Samper administrations. She highlights the failures of successive development plans which have surrendered the Colombian economy to international financial speculators and which have created a crisis in the functioning of the welfare state much worse than that which preceded neoliberal restructuring. Her concluding remarks, nevertheless, are part of the problem: 'an authentic development plan must respond to the national interest of those countries and not that of those who control the prevailing economic and political order in the world'.<sup>20</sup> But what exactly is the 'national interest'? The national interest is never properly definable since the nation is only a whole in the imagination.<sup>21</sup> Any effort to come to grip with an increasingly global market economy must adopt a more nuanced approach to the possibilities of engagement on a more localised or decentralised scale, since national approaches to economic (and social) development in Latin America have generally failed the underclasses.

From the very beginning, the formation of the Colombian nation-state did not obey in any sense the idea of a homogeneous social or natural geographical space, nor did it obey any linguistic, ethnic, popular or even official impulses towards an 'imagined community'.<sup>22</sup> Successive administrations, especially conservative ones, have tried unsuccessfully via an overbearing centralised power structure to unite the regions (renamed *departamentos* in the 1886 Constitution), but have had only limited success. This centralism has contributed to the fact that the regions, instead of being semi-independent state actors, became quasi-feudal dominions of bipartisanship, controlled by state sinecures for the purpose of maintaining power. In this way Colombia's now famous bipartite political system was overlain by a centralising juridical and administrative discourse of the nation. This centralising national vision disregarded the regional diversity of cultural, popular, ethnic and linguistic nationalities, forsaking its real communities, the regions, in favour of an imaginary nation, removed from everyday reality. The survival of these regional loyalties and cultural and linguistic distinctions, however, may provide the only point of departure for engaging with global society in a way the dysfunctional nation-state cannot.

The energetic projection of the regions and regional cultures into the debate in the Constitutional Assembly in 1990–91 is reflected in the first article of the new constitution, which does not refer to the nation, but rather to a decentralised republic of law, a pluralistic and participatory democracy, one which explicitly recognises the rights of the regions to function juridically, politically and economically with a degree of autonomy never before officially sanctioned. This breaks with the previously rigid model whereby Bogotá, politically and economically, exercised massively centralised control over the rest of the country. It also means that, in the post-new-constitution era, the recognisable macro-regions of Colombia—the Eastern flood plains and the Amazon basin, the Caribbean coast, the Pacific coast and the Andean region—could in theory each adopt a more outward focus, while functioning according to their geographical,

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historical and economic orientation, and integrate into the international or global economic and social space on their own terms and with a much larger degree of autonomy.

One way forward would thus be to separate out the different needs, in terms of development assistance, administrative needs, social welfare provisions, and so forth, of the various sub-regions of current nation-states within globalisation and thus to tailor development projects to achievable outcomes and manageable checks and balances. This would replace the current dissipation of international aid via state clientelism, in which the massive bureaucratic apparatus and tortuous circuits of funding leave the system open to corruption. Less-developed regions like Vaupés, Vichada, Caquetá and Chocó, for instance, could be the prime beneficiaries of international development aid, responding to international organisations directly and thus bypassing national administrative bodies. Similarly, dynamic industrial and agricultural regions like Antioquia and Cundinamarca, for example, should be able, via devolution of taxation regimes and local engagement with global markets, to shape their development according to their own vision and their own economic traditions, free from having to answer to national directives or imperatives. Issues of political violence—drug trafficking, guerilla and paramilitary activity—could be broken down into smaller units of analysis, management and negotiation and tackled region by region, according to local conditions, needs and possibilities, instead of being funnelled through the perspective of a thoroughly discredited national government and its corrupt political class. Instead, the current Pastrana administration seems bent on solving the national crisis by recourse to a massive escalation of the conflict. In June 2000 the US Congress voted to grant Colombia a \$1.3 billion package of mostly military assistance, ostensibly to fight drug traffickers. The money is part of the Plan Colombia, an ambitious attempt to inject into the country up to \$3 billion-worth of international aid from Europe and North America designed to stimulate the economy, eradicate coca and heroin cultivation, and radically reduce the destabilising effect drug trafficking has on Colombian national life. But the aid can just as easily be channelled towards fighting the guerrilla forces and promises to send the situation spiralling further out of control, putting additional strains on regional ties and possibly dragging Colombia's neighbours into the conflict as guerrilla combatants and drug traffickers, not to mention another mass exodus of *campesinos*, try to take refuge from the conflict. Perhaps it is too early to say what the outcome will be, but the signs are not good.

Our contemporary global anxieties arise in large part from a crisis of the nation-state in its dual political and cultural dimensions: that of the 'state' as the legal, administrative and military expression of the cultural 'nation' as the body politic.<sup>23</sup> When either enters into crisis—a crisis of identity for the body politic or of legitimacy for the state—it inevitably also draws the other into crisis as well. The globalisation of contemporary capitalism means that neither ordinary workers and their trade unions, who previously sought to secure their objectives primarily through compacts with national governments, nor their opponents, the shareholders and executives of global corporations, are meaningfully served by the nation-state in its traditional 'modern' form. Voter apathy in the West reflects

a loss of faith in these ways of doing politics, which no longer seem to have any organic link to the people themselves. Meanwhile, many prominent theorists of nationalism still maintain that national problems can only be solved by more nationalism.<sup>24</sup> But surely only a global civic culture and global regulatory agencies working beyond a hamstrung United Nations can serve to protect the interests of low-income workers, still the vast majority of the world's population, against migratory global capital? Such global organisations would have to provide protection not only to existing national communities linked to a definite territory, but also to sub-national minorities persecuted by the likes of Pinochet or Milosevic. If required to choose between the UN conventions on national sovereignty and on cultural genocide, we should be educated to choose the latter. As John Gray sees it, 'The real need of the postmodern age is for common institutions within which different cultures, communities and ways of life can coexist in peace.'<sup>25</sup> Nation-states have proven largely incapable of providing this without resort to some form of authoritarianism.

The second alternative is a radical popular nationalism, a postmodern Popular Front, of the kind suggested in Ernesto Laclau and Chantal Mouffe's theorisation of 'new social movements'.<sup>26</sup> It is precisely the idea of the displacement of the nation-state as the locus of labour/capital relations under globalisation, the nation-state's loss of effective control of the economy, which may lead it to re-functionalisation as a radical popular nationalism. The reasoning behind this suggestion is that the nation-state still lends itself to political mobilisation, whereas capital and its global structures do not. Of course, any such 're-legitimisation' of the nation-state would require a radical re-fashioning of its identity, in contradistinction to its traditional 'homogenising' tendencies. It would thus mean the abandonment of previous attempts at integrative 'populist' ideologies. It would seem that the global civil society alternative is therefore perhaps the more achievable alternative in the current climate. But it would need to be one that does not take the form of a global coterie of former 'national' elites, merely seeking to perpetuate the existing relations of domination and exploitation under the guise of the new global civil society.

The push to decentralise and bypass failed national structures, however, is fraught with dangers. The current model pursued by the government of Colombia seems to be merely an exercise in cutting national public spending by pushing responsibility onto the regions and municipalities in areas where they can least cope, given the severe contraction in the national economy. Some sort of creative balance is needed between devolution and the ongoing role that the national government must play in a transitional period, between engaging creatively and flexibly with globalisation, while providing social welfare protections for those punished by the self-same global market forces. These ideas imply huge and difficult legal and constitutional questions, not forgetting the psychological barriers to be surmounted in the idea of radical autonomy. The new constitution, however, besides indirectly facilitating the implementation of neoliberal models of economic restructuring, has the capacity and flexibility to experiment with decentralisation. Given the history of 200 years of national failure as far as the inability of successive Colombian administrations and their development programmes to lift the underclasses out of poverty goes, not to mention the

consequent violent destruction of the social fabric of a nation unable to reconcile its fragmented parts, the time for solutions linked to the global arena has come.

### Conclusion: capital punishment

This essay has attempted to trace the rise and fall of nationalist aspirations in Colombia since independence. It has charted this history with a focus on the oscillation between different faces of oligarchic capitalism (Liberal and Conservative) in Colombia. Through constitutional change, the state has attempted to manage the economy and population to provide the needed stability for capital accumulation and expansion. In the wake of a devastating civil war in the late 1940s and 1950s, the subsequent growth of narco-terrorism, and the neoliberal restructuring of the Colombian economy since the late 1980s, the Colombian nation-state is now on the verge of collapse. The drafting of a new constitution in 1991 has only hastened the insertion of Colombia into export-orientated global market systems, exposing the underclasses to the predations of an increasingly unfettered global capitalism. The future development of global civil institutions and engagement therewith, appear to hold out the only viable solution to the chronic economic, social and political crises in Colombia.

### Notes

- <sup>1</sup> 'Opini3n—Editorial', *El Tiempo*, 28 August 2000 (online version).
- <sup>2</sup> H Valencia Villa, *Cartas de Batalla: Una Cr3tica del Constitucionalismo Colombiano*, Bogot3: CEREC, 1987, p 34. See also H Delpar, *Red Against Blue: The Liberal Party in Colombian Politics, 1863–1889*, Birmingham, AL: University of Alabama Press, 1981; and J Jaramillo Uribe, *El Pensamiento Colombiano en el Siglo XIX*, Bogot3: Editorial Temis, 1974.
- <sup>3</sup> Valencia Villa, *Cartas de Batalla*.
- <sup>4</sup> M Borja, 'La regi3n y la naci3n en la sociedad global: entre comunidades reales y comunidades imaginadas', in IEPRI (ed), *Colombia: Cambio de Siglo. Balances y Perspectivas*, Bogot3: Planeta, 2000, p 185.
- <sup>5</sup> A similar situation obtained all over the ex-Spanish colonies in the Americas. Argentina is also exemplary in this sense. According to El3as Jos3 Palti, when the Argentine patriot, Mariano Moreno, confidently declared that, having broken definitively with Spain, 'la soberan3a retrovert3a en el pueblo' ('sovereignty devolved to the people'), he failed to clarify 'to what "people" he was referring: to the people of Buenos Aires? To that of the Viceroyalty? To the Spanish Americans? Or, finally, to the totality of the subjects of the monarch, including the European Spanish, or to the "gente decente"? To the lower-class whites? Or to the mestizos, the indigenes and the slaves? What appears impossible to imagine is that he was referring to something which today we call the "Argentine people"'. El3as Jos3 Palti, 'Imaginaci3n hist3rica e identidad nacional en Brasil y Argentina: un estudio comparativo', *Revista Iberoamericana*, LXII(174), 1996, p 49 (my translation).
- <sup>6</sup> Borja, 'La regi3n y la naci3n en la sociedad global', p 184.
- <sup>7</sup> D Bushnell, *The Making of Modern Colombia: A Nation in Spite of Itself*, Berkeley, CA: University of California Press, 1993, p 189.
- <sup>8</sup> *Ibid.*, pp 232–234.
- <sup>9</sup> C Ahumada, *El Modelo Neoliberal y su Impacto en la Sociedad Colombiana*, Bogot3: El 3ncora Editores, 1996, p 110.
- <sup>10</sup> *Ibid.*, p 19
- <sup>11</sup> *Ibid.*, p 181.
- <sup>12</sup> R S3nchez, 'El presidencialismo y la reforma constitucional', in *FORO*, October 1990, p 11. The new constitution not only invested the president with more power than ever before, it also undermined the separation of powers, a fundamental tenet of modern Western democracy. Gaviria himself showed his contempt for what he regarded as an anachronism: 'If there is one thing that goes against the principle of political responsibility, it is the separation of powers. In the past I have affirmed that the creation of

three separate branches was not sufficient to guarantee rights and liberties. The principle of the separation of powers dilutes responsibilities ... for this reason, the separation of powers should be reconsidered'. Cesar Gaviria, Presidential speech upon the inauguration of the Constitutional Assembly, 5 February 1991, quoted in LC Sánchez & J Vidal, *La Constituyente de 1991*, Bogotá: Cámara de Comercio, Tomo 1, 1991, p 276

<sup>13</sup> *Constitución Política de Colombia, 1991 con Reforma de 1997*, Georgetown: Georgetown University Online Database for the Americas.

<sup>14</sup> *Ibid.*

<sup>15</sup> In the most recent move to deepen the restructuring of the economy, the Pastrana administration has entered into a loan agreement with the IMF. The logic behind the agreement is to correct the disequilibrium in Colombia's balance of payments in order to fend off large devaluations of the Colombian peso. This is to be done by further deregulating the Colombian financial sector to allow the free flow of capital unhindered by government control or regulation. The principal beneficiaries and the real targets of the stabilisation programme, however, are not the Colombian people but foreign investors nervous about being able to reconvert their investments into strong foreign currencies like the US dollar, and thus to repatriate profits. This can be gathered from the conditions of the proposed IMF agreement, which, according to Cesar Giraldo, refer to the suspension of the agreement if the government 'is late with payment of public sector external debt', or if it 'imposes or intensifies restrictions on debt repayment or foreign currency transactions or transfers'. Quoted in Cesar Giraldo. 'El acuerdo con el Fondo Monetario Internacional: un ajuste que llevará la economía al colapso', *Deslinde Online*, 27, 2000. The loan will thus function as a sort of overdraft, 'available for covering the country's financial obligations, but not for financing the government expenditure ... [such as] the national budget, or to finance productive programs against poverty, hospitals, water supply, schools, etc'. *Ibid.* Colombia's financial crisis is therefore, in part, a manufactured one, since the country has US\$8 billion in foreign reserves and is thus in no need of such a restrictive IMF loan. In fact, unfairly portraying Colombia as a financial basket case by entering into such an arrangement with the IMF actually creates a crisis where none exists. What international financial organisations 'won't accept is that which is dysfunctional is the economic model itself adopted by the region under the auspices of these self-same organisations'. *Ibid.*

<sup>16</sup> José Amado. 'La ilusión exportadora', *Deslinde online*, 27, 2000, p 4.

<sup>17</sup> *Ibid*, p 9.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid*, p 12.

<sup>20</sup> Ahumada, *El Modelo Neoliberal*, p 290.

<sup>21</sup> B Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, London: Verso, 1991.

<sup>22</sup> The supposed 'naturalness' of nation-states has been challenged by many critics, among the most acerbic of whom is Ernest Gellner. 'Nations as a natural God-given way of classifying men, as a coherent ... political destiny, are a myth', he writes. 'Nationalism which sometimes takes pre-existing cultures and turns them into nations, sometimes invents them, and often obliterates pre-existing cultures: that is a reality'. The emphasis here is on the nation as a term applied to a known culture or ethnicity (in the anthropological sense) that has formed into a political entity, leading to the conclusion that nationalism is 'primarily a principle which holds that the political and national unit should be congruent'. E Gellner, *Nations and Nationalisms*, Oxford: Basil Blackwell, 1983, pp 48–49. This implies that an individual who falls within such a national polity owes primary allegiance to it, above and beyond any other loyalties.

<sup>23</sup> One of the keys to understanding the acceptance of national consolidation is the felt need for a unifying authority in the absence of either monarchical–feudal structures or unifying religious world-views. The Enlightenment triggered two movements towards national consciousness, respectively political and cultural. Both have influenced, in one way or another, most subsequent nationalist movements. Aspects of both surfaced respectively in the 19th-century formation and twentieth-century consolidation of the Latin American nation-states. Political nationalism, where Enlightenment principles of rationalist, liberal individualism encouraged the demands of ordinary people for democratic freedoms and rights within a suitably abstracted framework, is based on the concept of the 'citizen' and rule by 'rational' as opposed to 'natural' law (hence the twin notions of personal autonomy and responsibility). Cultural nationalism, most important in the German Romantic movement, centred on the uniqueness of Germanic culture as an antidote to the expansionist, military–political tendencies of French nationalism. But for 'national' belonging and this new institutional arrangement to take hold among the lower classes, it needed 'ontological depth', that is, a deeply felt loyalty to the national project on the part of all. Nationalism thus draws on a pool of recognisable sentiments, historical memories, myths, customs, traditions, and so forth. Out of these the nation develops collective symbols in the form of a flag and anthem, commemorative ceremonies,

national days and monuments, a national currency and, more importantly, a national history—in other words, a common culture and civic ideology. At bottom, however, this is an invented tradition since, in the beginning, the idea and the abstract structure of the nation is cast like a net, as it were, over disparate elements that are then claimed to be ‘national’. As Hobsbawm points out, even as late as the 1840s there was a lack of truly national consciousness among the largely illiterate Europeans, outside the progressive, industrialising nations of France, England and the USA. EJ Hobsbawm, *The Age of Revolution*, New York: Mentor Books, 1962, p 168. See also Hobsbawm, *Nations and Nationalisms Since 1780*, Cambridge: Cambridge University Press, 1995.

<sup>24</sup> Anthony Smith has been one of the most consistent and engaging theorists of nationalism. He displays a much sharper appreciation of the role of cultural identity in nation-state formation than most other commentators, focusing more specifically on the collective cultural phenomenon of national belonging and its basis in ethnic identity: ‘what we mean by national identity comprises both a cultural and political identity and is located in a political community as well as a cultural one’. A D Smith, *National Identity*, London: Penguin, 1991, p 99. In a later formulation, he draws a useful distinction between ‘ethnic categories’ and ‘ethnic communities’. The former term refers to collective groups with limited self-awareness of their singularity, while ‘ethnic communities’ are communities sharing consciously held beliefs about their uniqueness. Smith, *Ethnicity and Nationalism*, New York: EJ Brill, 1992. The notion of ‘ethnic community’ thus becomes a proto-nationalism in its politically active stage. According to Smith, both groups are to be distinguished from the biological concept of ‘race’. The dominant ethnic group in political–military control of a state may be the ethnic majority or it may be a minority controlling a massive ethnically/racially dominated sector (Peru and Guatemala, for instance). But in his latest offering on the national question, Smith’s final appeal to the necessity and justification of nation-states, as they wither away under globalisation, is to the transcendental, religious attraction that nation-states offer, the desire for immortality: ‘a global culture seems unable to offer the qualities of collective faith, dignity and hope that only a “religion surrogate”, with its promise of a territorial culture-community across the generations, can provide’. Smith, *Nations and Nationalism in a Global Era*, Cambridge: Polity Press, 1995, p 160. While there is no doubt some truth in this, the ability to put food on the table and the desire to live without violence are much more powerful tools for centring consciousness. How else to explain the massive flows of refugees around the world willing to turn their back on the glorious nation in search of a more dignified way of life?

<sup>25</sup> J Gray, *Endgames: Questions in Late Modern Thought*, Cambridge: Polity Press, 1997, p 160.

<sup>26</sup> E Laclau & C Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, London: Verso, 1985.