Culture of fear and armed conflict.
A study on the Colombian Context

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Cultural del miedo y conflicto armado. Un estudio sobre el contexto colombiano

Resumen
The objective of this article is to reflect theoretically and epistemologically on the category of fear in the context of the Colombian armed conflict. In this regard, the Colombian transitional justice process involving different sides and factors. One of them, which is rarely mentioned is the "Culture of fear", the same that is rendered under-registered not only due to the repercussions of armed conflict, but also, as a result of the imprecise outcome of the Special Peace Justice. One of the theses developed implies that, when it comes to Colombia, the debate has focused on transitional justice while forgetting, in the author' opinion, about different factors that render crime and fear invisible as essential categories in the context of armed conflict. The article concludes that the atmosphere created by constant fear disguises inadequate measures and validates them democratically. Colombia's horizon is therefore stained by "fright", not only as part of the aftermath of armed conflict, but also because of the unknown result offered by the Special Justice for Peace institution.

Abstract
El objetivo de este artículo es reflexionar teórica y epistemológicamente sobre la categoría del miedo en el contexto del conflicto armado colombiano. Al respecto, el proceso de justicia transicional colombiano involucra diferentes bandos y factores. Uno de ellos, que rara vez se menciona es la "Cultura del miedo", la misma que se inscribe no solo por las repercusiones del conflicto armado, sino también por el resultado impreciso de la Justicia Especial de Paz. Una de las tesis desarrolladas implica que, en lo que respecta a Colombia, el debate se ha centrado en la justicia transicional olvidándose, a juicio de la autora, de diferentes factores que invisibilizan el crimen y el miedo como categorías esenciales en el contexto del conflicto armado. El artículo concluye que el clima creado por el miedo constante enmascara medidas inadecuadas y las valida democráticamente. Por tanto, el horizonte de Colombia está matizado por el "medio", no solo por las secuelas del conflicto armado, sino también por el resultado desconocido que ofrece la institución de Justicia Especial para la Paz.

Palabras clave
Armed Conflict. Criminality. Colombian Transitional Justice Process. Fear. Victims
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Introduction[1]

The Colombian transitional justice process involving different sides and factors. One of them, which is rarely mentioned is the "fear" factor, the same that is rendered under-registered not only due to the repercussions of armed conflict, but also, as a result of the imprecise outcome of the Special Peace Justice. This being said, having an open conversation about fear and crime in the context of armed conflict allows for a much-needed reflection considering these are related matters affecting the political, legislative and the economic spheres. Not to mention they preclude higher welfare standards, with transitional justice at the core.

Credible calculations from the *Centro Nacional de Memoria Histórica* (CNMH, 2013) [National Center for Historical Memory] show that over 220,000 people have died during the course of the conflict and millions have been displaced. Pervasive atrocities, including massacres and torture of civilians, have been committed during the course of the conflict (Weiner, 2016).

Colombia's conflictive past dates from the late 40's and still prevails. Armed conflict has seen different shapes and degrees of intensity. However, Colombia has also experienced serious setbacks in terms of ESCR, which are parallel to conflict and not necessarily a consequence of it. The country focus is rather one that allegedly gravitates towards peace, it pursues the extinction of armed conflict. Unfortunately, though, peace cannot possibly be attained by a state that does not meet minimum living standards. Consequently, Colombia continues to struggle in several fronts: economic, political, social and cultural; where, in short, armed conflict is used as a pretext, in a state of crime, fear and barbarism.

The article is based on a qualitative methodology associated with the phenomenological-hermeneutical approach, which consists on reviewing and understanding these phenomena in order to fully grasp them, far from relying solely on simple occurrences and popular opinions. The goal is, then, to ensure the scientific nature of the subject under investigation is regarded to the extent where the researcher is able not only to "listen to a message" (León, 2012), but also to understand it from an interpreted reality.

All in all, there are several approaches to qualitative analysis according to the design or the given reference framework (Hernández; et. al, 2014, p. 494). In this case, the phenomenological-hermeneutical approach is a product of the dynamic interaction between the following investigation activities: a) the researched phenomenon or issue, with a focus on the explanation as to how the dynamics of armed conflict in Colombia are permeated by different nuances and elements, which overlap at the same time, with organized crime; b) Studying and reflecting on the logic behind the way armed conflict has triggered fear and its fundamental role in creating a State that fights the "enemy"; in order to later understand how forgiving the "enemy" is also a choice there is, even though this doesn't imply the suppression of justice. In this process, c) essential categories and themes around this phenomenon are developed; one of them being, transitional justice, which is, at the same time d) described and e) interpreted via several different frameworks.

One of the theses developed implies that, when it comes to Colombia, the debate has focused on transitional justice while forgetting, in the author' opinion, about different factors that render crime and fear invisible as essential categories in the context of armed conflict. Significant victims have come forward who are associated with the fear factor.

These include but are not limited to the members of the population who were displaced by armed factions and the thousands of people who disappeared presumably by force, there's also the sectors of the civil population who were geographically affected by drug cartel wars in the 80's and 90's. The reader is also offered an angle where an economy fuel by drug trafficking and armed conflict, seems to cause everything to be built from fear, even at the legislative level.

Therefore, a key conclusion stands out where it is feasible to talk about setbacks in terms of rights acquired through social struggles, which are generated by the fear factor. Setbacks that are

later associated with emerging phenomena affecting the economy, and of course, exacerbating the violation of human rights. This allows for a final reflection and explains how fear, in turn, becomes a state control device and its silent operation in the fight against crime.

Armed conflict as triggering factor of fear and the "enemy" culture

Extant work has assumed, either implicitly or explicitly, that transitional justice is offered and put in place once violence has ended, but this is not the case (Loyle, 2017). Colombia's armed conflict has been studied multiple times from sociology, anthropology, law, psychology, and although somewhat less so, also from an economic standpoint. All of which, equally agree on armed conflict as a leading cause for murders, kidnappings, forced displacement and disappearance, not to mention, torture, both from a psychological and physical perspective. In this regard, it is worth noting that,

> The dead and the missing are not the only reference there is to show the magnitude of the suffering caused by war in Colombia. There is a type of non-lethal violence, which is equally destructive. Sexual violence, anti-personnel mines and property destruction are profound consequences of conflict. Most of them continue to happen (National Center for Historical Memory, 2013).

Conflict has focused and brought horror and pain particularly to the peasant "periphery" and has had no regard for the provisions of the Colombian political system. "Belligerence" –which has undoubtedly decreased dramatically in recent years– was nevertheless decisive in shaping the character and ways of all illegal armed groups, which tells us a potential solution to conflict is related to the understanding of all phenomena outside the law (Gomez, 2003). The type of terror conflict has brought about, differed in magnitude and intensity throughout the years. It goes back to the height of the so-called "La violencia" era [*The violence*], between 1948 and 1958 -although not all historians agree precisely in this time range.

The world is unfortunately all too familiar with the details and devastating human cost of Colombia's sixty-year-old armed conflict, often described as the world's longest-running civil war (Weiner, 2016). Armed clashes have been woven by different sides over decades. This includes state-generated violence, which represent, at the same time, serious violations of international humanitarian law and massive human rights violations of the civil society. This said, different sides started to gradually emerge, during and after the 60s, bringing about the confrontation between guerrillas, paramilitary factions, drug traffickers, and the State itself. Surprisingly, however, there's only a small number of studies covering "the logic behind the actions of all sides at war", which minimizes, as Lair (2000) proposes, the role of armed groups in the evolutions of war modalities and give it a particular temporality.

With the surge of armed conflict throughout the Colombian territory, independent armies have emerged not only to protect the interests of drug traffickers but also those of various political parties, as was recently proved by extensive investigations on "Parapolitics". This phenomenon is associated with paramilitarism, which dates from the 60's and originated in the right granted to civilian groups to legally arm themselves and counteract insurgencies. This power was provided via State of Siege Decree No. 3398 of 1965. People were then urged to defend themselves, supporting a set of measures, provisions and non-aggressive orders, aimed at avoiding, eliminating or reducing the negative impact inflicted by the "enemy" upon the population.

These circumstances allowed the Government - under the Guillermo León Valencia administration - to act under a prerogative that used people and resources according to the needs that would arise from the national defence agenda. Ironically enough, these groups spread all over the country and ended up causing as much trouble as the guerrillas did until their legal status disappeared. Over the years, rather recently, *neoparamilitarism* officially arose with the appearance of a new criminal figure: The "Bacrim", also known as, Emerging Criminal Bands.

With this background in mind, "widespread armed confrontations, the positioning of drug trafficking, a disruption caused by the interests of capitalist development models and the existence of

widely illegitimate state institutions have had destructive effects on the social tissue and local's agendas" (Restrepo & Rojas, 2004). This may be seen to a greater extent in populations displaced by force.

> Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (Commission on Human Rights, 1998, p. 5).

The thousands of displaced victims - Afro-descendants, indigenous and tribal, peasant men and women - who suffer the regression of ESCR are, in short, direct agents of fear, not only because of the horror they have experienced after leaving their territories and their typical ways of life, but also due to other dynamics intensifying this phenomenon, structural racism, among other things, is one of them. In addition to bringing the historical bias of the colonial era to life, marginalization and poverty are stigmatized, therefore naturalizing domestic and labor exploitation of peasant, Afro-descendant and indigenous women, who have had obstacles to equal access to land and protection of their rights.

This is why it can be said that displacement, "contrary to an unexpected and sudden event, is the result of an exacerbation process of an environment of terror, of accumulated fears, from an already long history of population control by the armed groups" (Castillejo, 2000). Direct victims, which in addition to suffering the ravages of war, are also classified as "enemies", flood the streets under suspicion, per se, of being criminals, an alleged imminent danger, when at the end of the day they're really just struggling with poverty and, in the worst-case scenario, homelessness.

It is the same enemy Agamben (1998) once described; where politics is not one based on the friend-enemy notion, but on political life-existence, *zóé-bíos,* exclusion-inclusion (1998, p. 8). This line was followed by Primo Levi (2002), when he stated that, "there would be many individuals and communities, who would more or less consciously, think that "every foreigner is an enemy" (2002, p. 4). Which, in turn, turns displaced people into foreigners. In other words, in the terms of Silva (2007), the unwanted become enemies, whose status personae as human beings is taken away. Silva also clarifies that,

> The notion of exclusion came to be, in fact, associated with deprivation and poverty. Therefore, there are forms of exclusion that do not necessarily imply the consideration of the excluded as an enemy, nor as a "non-person"; although they certainly drastically reduce, where appropriate, the materiality of the citizen or person status understood as "alter ego" (Silva, 2007, p. 3).

All of these, as it will be shown below, are triggers that have gradually gained unique political and social relevance provided the silent emergence of a disruptive fear culture, which has a legislative and economic impact.

Displacement and enforced disappearance of people as essential factors within the fear culture

One consequence, perhaps, the most visible one in Colombia currently, together with the enforced disappearance of people, associated with armed conflict is the forced displacement phenomenon. The Constitutional Court itself reinforced this theory when they declared it an unconstitutional state of affairs in 2004, due to the amount of human rights violated as a result of this phenomenon, which unfortunately, persists to date.

UNHCR explained in a recent statement that "there are more victims of forced displacement in Colombia than there are people in Costa Rica" (UNHCR, 2018). Therefore, it is not absurd to state that fear, according to Villa (2006), plays a key role both in uprooting and in the possibilities of

insertion and restoration of this population. In this regard, as expressed by Escobar (2004), "horror and displacement are intended to disrupt community projects, break their resistance and probably bring about extermination" thanks to the war "business". In this respect, the situation can be characterized with a phrase that's attributed to the Salvadoran poet Roque Daltón: "War is economy's continuation by different means" (Escobar, 2004).

Fear, according to the elements outlined by Paz (2013), both in his objective presence statements and in the daily perception psychic system, is becoming the routine of men and women of the most diverse nature and context worldwide. It is also true that when fear exceeds a certain threshold, the people freeze and become unable to react in an appropriate way according to the events (Nardone, 2003).

Note also, in this respect, that fear has constantly permeated cultures and is part of Hellenic, Celtic or Indo-Iranian and Judeo-Christian myths that is dating back to mankind's origin. Fear has been described in the very relationship between men and the divine (Korstanje, ME 2010). The term has been approached by different authors and in various political, cultural, social and economic contexts. Philosophers such as Aristotle, Thomas Hobbes and Robert Castel, at different times, have treated this subject as a binding element of man with nature and civility.

What could be inferred from this approach is, that fear, as Aristotle poses, corresponds to the world of passions, or perhaps, as Thomas Hobbes presents, assuming that "extermination" is a possibility arising as a consequence of nature, has made men equal in their physical and mental faculties, which translates into rivalry and clashes among them. Therefore, fear is regarded as a consequence of the confrontations originated in their common desires and the enjoyment that may derive from them.

On the other hand, it is essential to consider Robert Castel's viewpoint on the matter. He found a starting point for his analysis in the excessive need of modern societies to constantly achieve high levels of security, which, according to him, paradoxically increases instability levels, due to the emergence of new "insecurities", which arise every time the expectations raised by societies are faced with some of these concerns that assail them (Kortanje, 2009). In addition to security as a social necessity, there are other elements that influence the naturalization of fear, as

> the media, the cultural industry and political instrumentalization have managed to impose and use fear and insecurity as a "state of natural existence" on people's psychic, genetic and biological structures, claiming a conception of "man against man", which not only encourages the struggle, suspicion, doubt, estrangement, distance and latent danger among human beings, but validates and legitimizes the existence of a supreme power that must be brutally imposed on people, to subdue them and, supposedly, protect them (Paz, 2013).

Other authors offer a clearly political approach to fear analysis, as is the case of Michel Foucault, who initially does not speak directly of political fear, but rather of risk and / or danger. On the other hand, Corey Robin claims fear creates an environment that is conducive to the indoctrination of man, which goes against his own freedom. These approaches allow the understanding of fear as an instrument to achieve cohesion or control (Korstanje, 2010). An inherent relationship between fear and politics can also be found in the work of Nicolás Maquiavelo. The expression "better be feared than loved" used in "The Prince", contains a fundamental element based on which the State power should be framed. The same that should always see fear as a weapon that impedes the development man's perversions and the actions resulting from them (Taussig, 2000).

Along the same lines, Lefebvre contributes to the analysis from the "panic" concept, based on the analysis of situations experienced by French peasants in their daily lives (hunger, homelessness), and the problems from which their fears were addressed (spreading threats). These contributed to the construction of fear in the industrial revolution's society and perhaps also had to do with the emergence of movements that were capable of responding to complex and difficult situations people went through then (Leone, 2015).

Consequently, there is no doubt fear has always been a factor in society throughout time, not-withstanding the changes in meaning and connotation over time, and the wide array of experts that have taken it upon themselves to analyse it. However, as long as fear continues to be a conversation topic, there will always be a chance to reach a consensus in an attempt to understand it, control it and continue to make it relevant for societal and state affairs.

Therefore, as far as Colombia is concerned, the current situation continues to be worth looking at from the perspective of people's fears, and this is why some of the most characteristic elements guiding the study hereby addressed are described below. Let's remember the sense of insecurity caused by armed conflict has been at the core of Colombia's main public concerns since the 60s. This makes it harder to counteract the many difficulties caused by war. In other words, the fear of crime instills a constant perception of insecurity that conceals the measures taken and legitimizes them "democratically."

Armed clashes started in the middle of a landscape where these phenomena was naturalized, while at the same time spreading social apathy. Nevertheless, the Colombian society was and is still consumed by fear. The forced disappearance of people, among other things, configures a phenomenon, which, along with the type of serious human right violations it represents, degrades and frightens people. This is a deeply rooted struggle in Colombia.

It is worth noting that, to date, the National Historical Memory Center (2016), has documented a scenario typical characteristics and nuances of forced disappearance were accounted for. They were able to determine 60,630 people disappeared within the last 45 years in Colombia. This unfortunate fact illustrates forced disappearance as a mostly unacknowledged political, legal and social problem contributing to social apathy around the topic (National Center for Historical Memory, 2016). Even though this crime involves the systematic violation of several different rights, an even worse factor is associated with it: this type of crime is typically very complicated to investigate as there's usually no corpse left to back up the victim's death or disappearance claim (Ferrándiz, 2010). Consequently, the aforementioned report by the National Center for Historical Memory is right to determine that:

> The gradually recurrent nature of people's forced disappearance in Colombia (when armed conflict was at its most frequent, from 1996 to 2005, one person was believed to disappear every two hours) requires a very uncomfortable recollection exercise as an initial measure to counter. It also involves actions aimed at recognizing what has been taken from us, not only the excessive number of people and the community leaders who disappeared along with the causes they battled for. These communities were transformed by fear, so it is really up to us to take responsibility for one another's human character (National Center for Historical Memory, 2016, p. 24).

It is also important to acknowledge the fact that any governmental entity needs to encourage and protect people's right to testify and speak out against perpetrators and not have to fear the potential repercussions this might entail. It is the government's duty to guarantee people's possibility to safely call out a state official should that be the case and for the state itself to be unbiased when it comes to holding anyone accountable regardless of their political affiliation (National Center for Historical Memory, 2016, p. 72).

Nevertheless, the situation has been further aggravated if we consider that those who don't disappear are forcefully bound on both sides of isolated and delimited territories in a sort of advanced deprivation purgatory where only "society's waste" would accept to live (Wacquant, 2007).

A new discourse is standardized through social stigmas. One created "to discredit victims, deliberately intensified and laid out around them, both "from below", in the ordinary interactions of everyday life, and "from above", in the journalistic, political and bureaucratic scenes" (Acquaint, 2007). These very strong stereotypes label displaced civilians as a potential source of danger or discomfort for others, associating them, also, with poverty and sometimes even based on their

ethnic origin, which is often known as invisible structural racism. In short, the language that was once used to refer to victims as such no longer vouches for them. It is now used to point at them as drifters, strangers, perhaps even as the enemy. The Jacobian matrix explains, however, how this public "enemy" construct represents in fact the usual factions at war as opposed to those affected by them.

Going from fighting the "enemy" to transitional justice

Recently, the Colombian government has been no strange to the Jakobian take on the "enemy". The "enemy" is a theory that was developed by the German, Günther Jakobs (2006), in his model of the enemy's criminal law –*Strafgesetzbuch*– as a foundation for the creation of state models, where the latter does not have an open conversation with the population, but threatens his enemies instead, thereby reacting to a security problem against especially dangerous individuals (Günther & Meliá, 2006). This trend involves a disconnect with the Social State Model of Law, provided anyone who disregards such a model is no longer treated as a person, but as an "enemy", for being allegedly a source of danger.

The system then reacts in virtue of a right to security demanded and legitimized by society to counteract criminals in the middle of a fight against organized crime. The archetype of the "enemy" emerges and it is named that, among other things, because it goes against the legal assets that are being protected (Palacios, 2010). This logic may be put into practice from a political standpoint as a way to justify any form of repressive measures, from economic sanctions to internal or external warfare, thus maintaining policies applied to national security established to protect the country's sovereignty (Ambos, 2006).

However, the author deviates from the Jakobian thesis as far as this specific scenario is concerned in light of a need to respect the foundational principles of our constitutional state, understanding compliance with the law as a key element to securing people's rights as Palacios (2010) explains. This conduct is often distorted in a "cynical" way as there is no need to make up reality. The predominant philosophy - in response to the so-called emergency culture (Pérez, 2007) - is the promotion of reactive measures to face the alleged risks and threats where law comes in the picture, as long as it be possible to annihilate or manipulate those who are of no use to the system, that is, the "enemy" (Palacios, 2010).

The foregoing point was, for example, the foundational component of the state of siege decree N° 3398 of 1965, which validates, as it was previously explained, non-state armed defence of the population in the 1960s, thus countering the effects the "enemy" could cause and pursuing national security. Another very clear example of this form of struggle against an internal enemy, which is validated by the constitution itself, is the "faceless judge" figure. It was created as a response to drug trafficking and terrorism in the 90's. It was an emergency measure contemplated in state of siege decree 2790, officially referred to as Statute for the Defence of Justice.

It is worth noting that even though the law by which a state of exception is declared "a political act, subject to considerations of necessity, opportunity and convenience, it is also a legal act attached to formal and material regulations and requirements aimed at guaranteeing its legitimacy and avoid arbitrary use" (Constitutional Court, 2009). However, Colombia continues to fight the enemy by means of a constant legislative tide backed by the exacerbated use the state of exception.

This constitutes one of the main characteristics of the so-called enemy criminal law, which is not exactly mindful of human rights. The surge of mechanisms and measures aimed at removing terrorists, drug traffickers, paramilitaries from social life as well as sending them to prison for long periods of time became a priority provided the type of dangers associated with them.

Now, going back to Jakobian thesis, these historic enemies of national security - drug traffickers, terrorists, guerrillas, paramilitaries – in our country's context, constitute important ingredients for a much-needed change, especially given the designation of the Special Justice for Peace in 2012. The same that was created as a method that requires transformation in the political doctrine, the urge to move from war to peace, to be mindful of the protection of human rights and international standards to support victims' rights in societies that suffer or have suffered conflict. That being said, measures such as justice, truth, reparation and non-repetition are also necessary.

Along these lines, a peace treaty with the FARC signed in Havana, Cuba, in an attempt to bring armed conflict to an end.

However, transitional justice[2] –understood as the set of measures, whether judicial or political that victims of armed conflict or repressive dictatorial regimes have demanded as a form of reparation for massive human rights violations and serious international humanitarian law violations– is a pending subject in Colombia, because in spite of the Havana treaty, there are splinter groups of the FARC and ELN that continue to commit crime, not to mention paramilitarism which prevails to date.

Transitional justice process requires a comprehensive set of policies and approaches that must "deal with the events of the past but also look to the future in order to prevent a recurrence of conflict and abuse. Because transitional justice strategies are often crafted in situations where peace is fragile or perpetrators retain real power, they must carefully balance the demands of justice with the realities of what can be achieved in the short, medium and long term" (Zyl, 2011, p. 45).

This, in turn, calls for a different language around the topic, considering the use of a "war" policy as a basis for attacking the enemy is transformed from the ground up, prioritizing the victim's clamor, giving way to justice transitional.

> The discourse of transitional justice has not only been used in a manipulative way in Colombia. It is also possible to identify democratic uses of transitional justice, which have been promoted by a minority but which, nonetheless, have produced very important effects. Human rights organizations, victims' movements, the Constitutional Court, the Supreme Court of Justice and the Inter-American Court of Human Rights mainly compose the minority that has used the transitional justice discourse in a democratic way (Saffon & Uprimny, 2007, p. 19).

Transitional Justice embodies an attempt to build a sustainable peace after conflict, mass violence or systemic human rights abuse. Transitional justice involves prosecuting perpetrators, revealing the truth about past crimes, providing victims with reparations, reforming abusive institutions and promoting reconciliation (Zyl, 2011, p. 45). However, one of the essential and most demanding challenges for Colombia today is to correct the problem of impunity that attends serious human rights violations and breaches of International Humanitarian Law.

At the same time, other elements have emerged from this alternative model of justice, which along with fear complicate even more Colombia's scenario. Along with armed conflict, the massive violation of human rights and the retreat of economic, social and cultural rights (DESC) brought

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[2] *Cfr:* Frances Carmody, M. (2018). *Human rights, transitional justice, and the reconstruction of political order in Latin America,* Switzerland: Palgrave Macmillan; Iosif, K. (2017). *Grassroots activism and the evolution of transitional justice: the families of the disappeared*, Cambridge University Press; Tibori-Szabó, K. & Hirst, M. (2017). *Victim Participation in International Criminal Justice: Practitioners' Guide*, The Hague: T.M.C. Asser Press; Mihai, M. (2016). *Negative emotions and transitional justice*, Columbia: University Press; Loyle & Davenport. (2016). Transitional Injustice: Subverting Justice in Transition and Postconflict Societies. *Journal of Human Rights,* 15(1), 126-49; Chappell, L. (2015). *The politics of gender justice at the International Criminal Court: legacies and legitimacy,* New York: Oxford University Press; Gow, J. (2014). *War and war crimes: the military, legitimacy and success in armed conflict,* New York: Oxford University Press; Aponte C, A. (2008). Colombia: un caso *sui generis* en el marco de la justicia de transición. En Almqvist J. & Espósito C. (Coords.). *Justicia transicional en Iberoamérica*, Madrid: Centro de estudios políticos y constitucionales, (83-114), 119, 2008; Uprimny, R. & Botero, C. (2006). *¿Justicia Transicional sin Transición? Verdad, justicia y reparación para Colombia,* Bogotá: Centro de Estudios de Derecho, Justicia y Sociedad; Arthur, P. (2011). Cómo las "transiciones" reconfiguraron los derechos humanos: una historia conceptual de la justicia transicional. En: Reátegui, F. (Ed.), *Justicia transicional: manual para América Latina*, Brasilia: Comisión de Amnistía, Ministerio de Justicia, pp. 73-134; Elster, J. (2004). *Closing the books: transitional justice in historical perspective*, Cambridge, UK; New York: Cambridge University Press.

about an undeniable crisis, but also, different crises that have permeated the state model with the rise of drug trafficking.

From the very moment the economy was first conceived as the engine, source and system of development, mankind began to walk the earth through "economic models of development". Capital appears at a certain moment and with it, the capitalist systems of production come to be as well (Gonzalez, 2009). It is worth looking at this from the fear economy theory, in order to finally understand the fact that armed conflict is not just a matter of victims, provided its effects have also included the country's economic evolution, even though drug trafficking is an invisible factor impacting the economy as well.

What is the economy of fear?

This term, coined by Estefanía (2011), can be understood as an adaptation of important economic variables to the consequences generated by fear, fright or panic in society, in the face of certain situations, be it natural or not, which are oftentimes created by the State or the ruling powers in society, such as: religion, politics, industry and, in general, an of them with the capacity to dictate people's destiny's. This brings about crises, economic predicaments permeating the population almost by association, people who don't usually have a grasp on the impact macroeconomic factors may have on them.

It is clear then that the current approach used to understand fear, its origins and consequences, at different times, in the words of different authors, societies and times, has also proved to be useful in the process of maintaining order and control in different scenarios, stages or historical processes. However, reflecting upon an economy of fear that explains the current circumstances defining the use of power in local and global agendas, or determines the direction of global geopolitics, is crucial when it comes to explaining those who control and dominate the world today, as well as the weapons used by the State to instil control, energize the economy and create the necessary cohesion necessary to rule today's world.

According to Estefanía (2011), who has developed a major proposal for this study, in what she has called the economy of fear, "it is not possible to study and understand contemporary economics without considering this variable", that is, fear. Based on her theory, economic policies since the Great Depression of the 30s, are aimed at presenting the renewing prescriptions of economic science in providing solutions to situations of chaos or panic around industrial, financial or market policy (Estefania, 2011).

Another take on the economy of fear could be one resulting from a new understanding of demand and supply derived from the growing fear and insecurity generated over long periods, but especially in the late twentieth century and early twenty-first century, whose memorable global effects set the tone in the development of new markets relying on the need to produce and consume yet again, as a result of fear and insecurity originated in the government itself as well as in insurgent groups with the capacity to influence global politics and economy. As far as Colombia is concerned, for example, drug trafficking and terrorism have been substantial elements in what Estefania defines as the economy of fear. Some elements I deem necessary for this analysis are outlined below.

Drug trafficking and terrorism in the economy of fear

With the rise of multiple global interests, it is safe to say fear became a global economic variable, disguised by terrorism. It became a true workhorse to increase panic levels worldwide, the media turned into the perfect vehicle to carry the powerful message of insecurity to all citizens, businesses and states.

Scholars made an attempt to explain fear as an ideological tool for control but the media, on their part, had a lot to do with the transformation of insecurity into fright, panic and the spread of collective terror due to their need to protect their business from the country's more powerful sectors, (Reig, 2010). As a conclusion, as Estefanía articulates "the fear factor is an important variable within today's socioeconomic equation" (Estefanía, 2011).

One variable in the fear economy that can be reviewed is demand. People from all over the world feared the threat of potential terrorist attacks. Entire nations were undermined by panic, and this is where the security industry found a "golden" opportunity born in the panic the media delivered through their message: An undeniable "threat". The enemy was everywhere and the state was unable to control it, pushing its way to the privatization of security and the use of the state's force monopoly (Sáez, 2015).

Likewise, looking at Mattelar's proposal (2009), and his work "A world under surveillance", other factors show up from behind this phenomenon: at the base of this surge, there is an eminent and feisty market ideology. That is to say, society is governed from a perspective of progress towards full-on market. This dynamic is transformed into a market struggle, to which all spheres of society must be subjected. Thus, the image of a fabricated market enemy comes into play, while society plunges into a world guarded by the Panopticon figure. The genesis of the monitored society as Mattelar explains (2009), and also according to Foucault, is in what he would call surveillance and punishment in 1975, to explain the rise of the disciplinary society where everything must be subordinated to obedience. This reveals the paradigm of the disciplinary society with the indoctrination of the masses under the national security doctrine, while fighting terrorism, whatever that is.

Nonetheless, in addition to the market struggle, the development of the security industry boosted others, such as technology, which increasingly came up with surveillance devices capable of creating a sense of security for users, as well as the arms industries, dominated by countries that benefited from this new era of fear, as their buyers' needs for any amount of products suddenly jacked up all over the planet (weapons, aircrafts, ammunition, communications and everything else they could use to face the enemy). To make a long story short, new fears created more demand for products and services meant to meet their needs.

This explains Colombia's part in fighting terrorism and armed conflict as a whole, international military cooperation, highlighting the US role in the 90's through its commitment to the so-called Plan Colombia - also called the Plan for Peace and Strengthening of the State -. At this point, it is safe to say "the commitment to a modernization of the country's military forces caused a significant increase in military spending, which added to the transfers that were made on the occasion of Plan Colombia" (Carreño, García, & Otero, 2017). That is to say, that along with this resource package Colombia went on to receive more military "aid" from the United States than Latin America and the Caribbean together, and replaced Turkey as the main recipient of US aid, after Israel and Egypt did together (Chomski, 2002, p. 81; Quoting, 2015, p. 67).

A second major variable in the economy of fear has to do with the resources needed to sustain terrorism. Controlling the ongoing global flow became a priority and the laws were up for the challenge. Money laundering and the financing of terrorism were soon under the magnifying glass of global financial organizations (Becerra; Gómez; & Sandoval, 2014). Having assumed the implications for countries committed against drug trafficking, this variable became a state issue of legal, economic and social implications.

In Colombia, among other things, it meant that "producers of raw materials such as coca (200,000 hectares), poppy (1,500 hectares) and marijuana (approximately 1,000 hectares)" sought to enter the global market as important suppliers for the drug's market growing demand (Soberón, 2011). This brought about very complex internal implications in terms of security, spreading fear on the road, production fronts and alliances of illegal agents linked to this type of activities.

Let's not forget the crisis the country experienced because of the rise of drug cartels, an era where armed conflict was no longer the exclusive protagonist, but also, the war for drugs embodied by the contending Medellín Cartel, led by Pablo Escobar and the Cali Cartel, commanded by the Orejuela brothers (Miguel and Gilberto Rodríguez Orejuela). These were primarily responsible for drug trafficking and its industrialization in the country. As a business, to date, it continues to be profitable enough to guarantee things will stay that way for a long time.

As the Inter-American Commission on Human Rights has explained, "in that context, the illegal armed groups –both guerrillas and paramilitaries – created a confusing combination of alliances

and clashes with drug-trafficking interests and even government forces" (2013, para, 49). at the moment, "drug-trafficking continues to have an impact on the use of violence, and the illegal armed groups continue to be involved in committing acts of harassment and violence against indigenous peoples, Afrodescendant communities, social leaders, and human rights defenders" (Human Rights Committee, 2010, para. 12).

Supply is the third variable it needs in order to understand an economy of fear, which becomes even more important from the perspective of fear. Suppliers have obligation to provide everything that's necessary to meet demand. The consequence of fear, in this case was a sense of insecurity among communities, companies and States. That is, everything was at risk and it required an industry that was capable of adapting as well as eliminating or reducing it.

This is further confirmed by statistics on the growing insurance industry and its sales, its tentacles reached all segments of the population and turned fear into a great ally in selling security and prevention solutions (Pinzón, 2012). All of a sudden, everything could be insured, life, death, property, health, illness, etc. It was the same all over the world.

Legal industries weren't the only ones projecting themselves as great market players. Illegal industries also turned fear into a powerful weapon, the drug trafficking business was an important component of underground economy around the world. Parallel business was created as a response to conflict. Weapon supply, money laundering globally, people trafficking, among others (Escribano, 2009). That is to say, the transnationalization of organized crime became a state problem that threatened and created even more panic globally, while at the same time, fuelling large capital flows, which were difficult to track and stop, as they filtered through the most traditional economic channels in the world.

The aforementioned scenario applies to Colombia as a drug producing and exporting country, provided local drug trafficking has played an important role in the global configuration of a business with global dimensions such as this one. Fear as a tool originated in drug trafficking to control markets, territories, routes and individuals has forced the Colombian State to seek cooperation strategies that actively link resources from important countries such as the US (Soberón, 2011). The aforementioned Plan Colombia with the influence and active participation of the US is, in short, a clear example of this.

Concluding Thoughts

It is true that the insecurity drama due to the fear of armed conflict since the 60's generated the need for a course of action that eventually became the core of public concerns in Colombia. It turned into one of the main issues to tackle when it came to dealing with post-war impact on society.

The system reacts based on a right to security people demand and validate. This, in order to counter all potential emerging enemies (Criminal groups, drug dealers, guerrillas, paramilitary factions). This is how the "enemy" comes into play in Colombian history, given the dynamics of the armed conflict, which despite its weakness, has mutated with new factors, including the phenomenon known as neoparamilitarism.

Paradoxically, along these lines, victims are now considered "enemies". This is justified through the labelling or social stigmatization of deprivation and poverty and its unfair affiliation with criminal habits. Displaced people are purposely estranged and alienated by host communities as if being forcefully removed from their own land and home were not difficult enough to endure.

Additionally, parallel to the conflict and not necessarily as a consequence of it, Colombia has also experienced serious setbacks in terms of ESCR, as it focuses on peace as a way out of the terror they are faced with, thus losing track of State's need to meet minimum welfare standards.

This reflection allows us to conclude that it is feasible to talk about a negative impact on people's hard-fought rights because of fear. These setbacks may be associated with an emerging phenomenon affecting the economy, and of course, exacerbating human rights violations.

Finally, it is obvious that the atmosphere created by constant fear disguises inadequate measures and validates them democratically. Colombia's horizon is therefore stained by fright, not only as part of the aftermath of armed conflict, but also because of the imprecise results

offered by the Special Justice for Peace figure. Consequently, there's a negative impact on the economic and political landscapes which continue to careless about looking at it from the approach of the economy of fear.

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