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Abstract

This paper proposes to analyze these state security policies through two frameworks: first, their instrumentalization through the civil-military relations, the ideologization and their repercussion on the institutions. Second, their outcomes on the subject of fundamental rights violations and legal proceedings, and the dichotomy between country and city.

Finally, the aim of this investigation is to identify how the lack of a new national security concept, to be suggested primarily by the Colombian state institutions, not only has weakened the respect for human rights and civil freedoms, indicators of the quality of democracy, but has also hindered the understanding of the Colombian intern conflict complexity.

I. Introduction

The security is a fundamental element for the stability, quality and effectiveness of the democratic political system. The transition processes that have settled down in different countries and regions from the world with the purpose of it Cold War, have put emphasis not only in the decontamination of the “authoritarian enclaves”, but in the necessity to foment compatible practices with the operation of the democracy, as well as the creation of a weave of institutions that can operate the mediation between the interests, identities and conflicts of the society (O’Donnell, 1998).

The weakening of the authoritarian elements has had many-colored results in Latin America. Although the Armed Forces no longer are the main actor against the security of their citizens, the socio-economic transformations that have lived the region in the last twenty years, have made other problematic ones visible that affects the security of their society in this way and the stability and legitimacy of their institutions.
The problems of security related to social, economic or cultural aspects, have eroded planning classic and militarized that the States did on the security, especially of the conception of State of National Security, having to redefine it years in the last, according to the internal and international demands, and affecting the construction of efficient state policies for the resolution of these problems.

In the case of Colombia, the prolongation of a conflict armed internal by more than forty years, has done of the security, a structural variable from where they study, analyzes and constructs the diverse state policies that do against complex Colombian sociopolitical dynamics. This situation, has allowed that the armed forces take part of continuous form in the political development of the country, through norms and policies that incline by the order and the stability. Thus, one of problematic the most urgent ones than follows faced the Colombian State, it is the creation and implementation of efficient policies of security to solve the internal conflict, and, that guarantee the respect of the Human rights as well.

Therefore, this paper will try to explain through three variables, the complex and tense relation between the implementation of the security policies and the weakening of the protection and respect of the human rights in the Colombian case. The variables used for this first research result, are a bold principle of explanation of this sociopolitical phenomenon and at no moment they can be considered unique and conclusive.

II. Theoretical elements

From the structural perspective - functionalism of Parsons, the social systems have characteristics of order and interdependence, that goes of the most elementary relation between I - another one, until highly complex the social configurations, that also cause that the system works of balanced and stable form, including certain consensus on the values. The presence within the system of a conflict long play, tends to deepen and to radicalize the action of the actors, the insufficient participation of its members and the presence of a potentially disintegrator conduct, that makes difficult the solution of the conflict through the conciliation of the interests of the parts. (Bilbao and Dauder, Mentioned by Ropers: 2008)

Conflicts long play, as it is the Colombian case, can from approach of dynamics of systems of Forrester (1968), to be explained like factor that is not developed of linear form within the system, but is frequently “balanced” or “controlled” by factors (pressure ideological, symbolic, economic, military, political or cultural), that they look for to order and to conserve the order through a social control, by means of the appearance, taken care of and maintenance of regulations and laws which they cause, they orient or they lead to the order. The emphasis in the negentropic factor to balance the tensions that the conflict generates in the system, prevents to analyze and to modify the interactive patrons who can assure, that the change and the social control do not make the system sustainable. (Coleman, Mentioned by Ropers: 2008).

Thus, the security becomes the negentropic factor to analyze the Colombian case, and planning on security and human rights, as well as the public policies that have been implemented, are inputs of the system. However, the effects (outputs), of the interrelation of these policies, have demonstrated that this not being fulfilled the equifinalidad principle; that is to say, the capacity of the systems to arrive at a same aim from different starting points: the overcoming of an internal armed conflict long play.

The traditional concept of security is constructed from three components (Rockwell and Moss: 1990). First of all, it is conferred to him to the State, the agent paper who provides the security to the colectivity, the nation or the society, legitimizing itself like the unique one that have the monopoly of the force and to who is incumbent on to him to safeguard the individuals that are part of him. Secondly, the effective intention of the state action is the protection of the legitimate
national interests and last, the threats to the national interests arise from other States that act with the conviction to protect what their own interests consider.

In this order of ideas, the security this combined to the scope of the defense and both to the one of sovereignty; nevertheless, it is necessary to clarify that these concepts present/display differences: defense is concept more restricted, since it talks about the maintenance of the conditions that allow the country to assure their interests and threats in front of an external enemy, in other words, the defense is the outer face of the security.

Of this form, the military forces instituted like the state organization in charge of the national defense and the security that agrees with a tendency maintained to the militarization of the international policy, during the cold war. From which the elaboration of the concept of “State of national security” acquires force, with the intention of increasing to the military defense and the internal, objective power station of this planning and supported security in the principle of the containment (Leal: 1994).

Thus, the armed forces become the “last ratio” of the power of the State and usually are used them for all type of missions, being predominant those that talk about the care of the internal order (Rial: 2004). In the Colombian case, the military’s have been the ones in charge to maintain the “internal public order” through security policies that protect the legitimate national interests. One of the problems that the interpretation of the security presents/displays from the concept of public order, is the legal and political imprecision of this concept, and its more moral, symbolic and valuing categorization; since from the international right, this it is understood like the set of inspiring principles of the organization of the State and the family, who according to the moral order and moral convention, it assures the accomplishment the fundamental human values (Kaller de Orchansky: 1997).

The notion of public order has a significant weight, because it marks the presence of the public, than belongs to the exclusive means of the State and who according to it only the State can define, without the individuals have neither interference nor autonomy no of decision (Assef: 2003). This definition gives to the State the paper of main agent of the security of its society and compares the security of the State with the national security (Rockwell and Moss: 1990) and in itself the one of its society. However, in countries with institutional weaknesses, as the Colombian case, the Armed Forces have affected and justified the construction of security policies to face internal questions, politically fortifying to the military (Pion-Berlin: 2008).

The Colombian Armed Forces unlike others of the region, have tended to compare national security with public order, classifying within this last category, to all those actions that can be a potential danger for the institutional stability; nevertheless, the moral definition of this concept and its operationalization on the part of the military, has catalogued all political action from different actors from the society, as a threat, fortifying a reading exclusively military man of a conflict that direct or indirectly jeopardizes all the population and that tends to vanish the border between civilians and combatants (Romero: 2003).

Thus, the policies and norms that the Colombian governments have emitted with respect to the national security, traditionally are denominated of conservation of the public order, and have been implemented under the figure of the exception or states of siege. The correlation of these three categories has delineated through these policies not only an enemy definition, but the actions and sanctions of which it must be object, to the being a constant defied to the national values.

The execution of this type of security policies appears in countries with important degrees of institutional weakness and absence of state presence, as well as one lowers incidence of the civil elites in the design of this type of public policies. This situation gives to the military the possibility of extending its prerogatives through maneuvers and calculations within the political system, tensing other scopes that the State must legitimize and also protect, as they are the human rights.
The invention of the human rights meant the philosophical and political affirmation of which there are rights of the individual which they are inviolable and that prioritize on all the others (Bobbio: 1984); Despite the individual attributes of these rights, these only can be exerted and be legitimized in a state context, in which the exercise of the state power, must subject a certain rules that define the scope of their power and the construction of mechanisms for the protection and guarantee of the human rights (Nikken: 1994).

From an institutional perspective, the individuals yield to the State leaves from their attributes or sovereignty to him (Bobbio: 1984), of this of form, the state being reaches of progressive form the communal property. In that order of ideas, the governmental regimes are forced and are responsible to respect, to guarantee and to satisfy the human rights, and, on the other hand, in strict sense, he only can violate them (Nikken: 1994). The serious consequences that World War II left, with respect to this subject, justified the design on the part of the international system, of a standardization that will guarantee universality, transnationality, irreversibility and progressiveness of these rights. The Latin American case, the human rights became a political value that had to protect independent of any ideology or political system, with the purpose of them military dictatorships and the beginning of the redemocratización processes, at beginnings of the Eighties.

The weakening of the hegemonic models of the cold war throughout the Eighties, demonstrated the existence of tension or structural fractures that harmed the interests of enormous sectors of the population; the infringement of the human rights, including those of second generation (economic, social, cultural) and groups, increased the sensation of injustice, and caused the participation of the individuals in social movements that demanded the governments, and to the international system, the solution of their demands through an effective protection and respect of these. Of this form, the human rights became the paradigm of the human reason (Roth: 2006).

This affirmation, legitimate the importance that it has for the right states, an effective enjoyment on the part of its citizens of the human rights; nevertheless, the constant presence of collective actions, mobilizations and public opinion with respect to this demand, in countries with different degrees from development, is an answer to valuing and ideological deficiencies (Ibarra: 2000) that their political systems have not been able to solve.

In the Colombian case, the guarantee and protection of the human rights on the part of the State, throw a discouraging balance in front of other countries of the region. The presence to a large extent of the territory, a armed conflict and its transformation in last the two decades, have justified the actions of the Armed Forces, to take part and to reestablish the public order; Although from the government of Cesar Gaviria in 1990, it increased the degree of intervention of political control on the part of the civilians in the military institution, the political decision makers of the following governments, have been attempted to give the commanders, too many discretionary faculties when allowing them to operate of independent way (Pion - Berlin: 2008), as well as conceptualize and to ideologize the situation and sociopolitical actors of the country.

Consequence of this paradox, is the tension to the interior of the governments between the effectiveness of the security policies either public order and the respect and protection to the human rights of its citizens, which are not a concession of the society, nor depend on the recognition of a government (Nikken: 1994). This tension has turned the problem of the effectiveness of the security and a reasonable violation of the human rights, like a problem of first order for diverse organisms and institutions of the international community.

In the analysis of this problematic one an institutional vision prevails, because the human rights can only be affirmed against the public power, represented in this case, by the actions of the state institutions in charge of the security; for this reason, although the offenses to the dignity of the person can have diverse sources, or is the mere work of individuals, all do not form, technically, violations to the human rights (Nikken: 1994); that would be the case of violations on the part of the criminal groups or self-defense that consolidated in many regions of Colombia from 1982.
However, in the exercise of the political violence, the armed insurgent groups that control of a stable way territorial areas or, in general terms, exert in fact authority on other people, own a germ of being able public who are forced, just like the government to regulate, to maintain within the limits imposed by the human rights and the humanitarian international right (Nikken: 1994). This order of ideas, the deepening in the last years of the political violence in Colombia on the part of multiple actors, affects not only in the increase of the violation of the human rights, but in the fortification of the security policies, when not being recognized on the part of the political elites and the society generally, the existence of an internal conflict.

The complexity of that situation, since it has been said in previous lines, debilitates the political capacity of the State and its institutions, as well as the construction of one poliarquy with acceptable minimums in three interrelated areas: electoral decision, mechanisms to demand responsibility to its governors and adoption of public policies (Levine and Molina: 2007).

The admission of public policies is one of the tools that the State has to favor and to guarantee the fulfillment and the respect of the public goods who considers constituents of a society (Roth: 2006); in addition, they are public so that it includes/understands the dimension of the human activity and this requires of a regulation or intervention (Parsons: 1995). In this order of ideas, the security and the human rights register in this dynamics and is the State the one in charge to legitimize it.

However, the institutional optics from where the security policies have been constructed, has been product, of the bipolar confrontation, for this reason, deeply they are militarized and ideologized; example of it, was the incorporation of the doctrine of the national security in the majority of countries of Latin America. The construction of these policies, responded more to a calculated maintenance of a structure of being able, that to a political design that it included in his formulation, to multiple demands of diverse sectors of the society, which electoral or administrative public do not count on a representation conformed by agents. (Roth: 2006).

The end of the cold war, structured the opportunity so that the States redefined the security, framed in new social demands like majors income, work, justice, medical aid, education, equality of opportunities and individual and collective security (Pion-Berlin: 2008), product besides the transformations that generated the globalization and the internationalization of the economy. Thus, the design of the state policies of national security must specify the set of conditions - political, economic, social, military and cultural - necessary to fortify the components of the national project and to reduce to the minimum the weakness or the inconsistency (Herrera Lasso and Gonzalez, Mentioned by Leal 1994). This way, the militarist vision of the security became blurred, but it did not disappear, of the political systems.

The reformulation of the conception of security on the part of the States, offered the groups, organizations institutional and non institutional, and divided politicians, the opportunity to institutionalize the human rights not only in constitutional charters, as it were the case of Ecuador, Guatemala, El Salvador or Colombia; but in the implementation of pertinent public policies to this scope, like the rights of the women, children, adolescents, youth, Indigenous population and of the third age.

The promotion of these policies by the system of the United Nations, helped not only to grant a political legitimacy to him to this discussion, but to create oriented efforts to operate the ethical conceptions that Doctrine (Guendel: 2002). Another reason by that this has been possible, is that the international community defends the democracy with greater decision than ever, and its institutional and legal machinery (Pion-Berlin: 2008), this best one prepared to fulfill of effective form with these demands, avoiding the risk of a rupture of the democratic legality.

Although the effectiveness and fulfillment of this type of public policies look for of explicit way the complementariness been, society and person; the attacks of the 11 of September of 2001, decelerated the development of the human rights in the institutional scope and normative
international national and. The definition of the fight against the terrorism like the central point of the state policies of security, on the part of the government of George W Bush, revitalized the speech of the containment and the incidence of the military forces like political decision maker.

The impact of these facts allowed the government of Alvaro Uribe Velez, under the declaration of the state of inner commotion, to emit the policy of defense and democratic security in August of 2002; this policy contains five strategic targets: state consolidation of the territory, protection of the population, illicit drug elimination in Colombia, maintenance of a dissuasive capacity and the promotion of the efficiency, transparency and surrender of accounts (Presidency of the Republic - Ministry of National defense: 2003). Between February and March of 2003, three actions hardened the position of the State: the car pump in Bogota, the house pump in a district of Neiva and to demolish of an airplane of American intelligence and the kidnapping of three of its crew.

The answer to these facts within the framework of the policy of security of president Uribe was a diplomatic offensive in the United States and at regional level to declare to the CRAF like terrorists, under resolution 1373 of the UN and the Inter-American Convention on terrorism, while in the country, the Antiterrorist Statute in 2003 was implemented. With the declaration on the part of the government of Uribe like terrorism to all type of violent act, a new one (input) enters the system.

With, not only the existence of an internal conflict armed long play and its objective or purpose of overcoming are not known, but the factors “adjusters” or “controller” (from the point of view of Forrester), has contained that it or invigorated, tend to be not known, as they are the principle of noncombatant distinction between combatants and, the applicability of the humanitarian international right or the enjoyment of the human rights. In addition, it radicalizes to the set of the society implied in the system, when demanding to him to the population close up around the Armed Forces and to cooperate with them to defeat to the terrorism (Zuluaga: 2003).

We can conclude, that the presence in the political system of an internal armed conflict long play, has legitimized and legalized through inputs (laws, norms and policies on security and human rights a negentropic character of the system, in which the control and not the social change is the natural tendency of this. In order to verify if the set out theoretical elements can be applied to our analysis, we worked three variables: states of emergency, emergency situation, militarist conception of the conflict and state policies; besides offering a brief context of the case.

**III. Contextualization of the Colombian case**

The time of the Violence (1946-1953) sank to the country in one of the episodes bloodier than the Colombians remember. The political parties, fighting by the power in logic of extreme bipartisan polarization, mobilized good part of the society and its institutions in violent actions, leaving to an incalculable number of deaths and a deep sociopolitical crisis. The Armed Forces, even acting separately Army and the Police, had register in that dynamics of partisan loyalty also affecting their institutional cohesion.

Against the possibility of a civil war and to the coup d’etat of Rojas Pinilla and the restoration of the Military junta that governed the country from 1953 to 1957, the leaders of the parties initiated an approach proposing the national reconciliation and the creation of a known interpartisan front like In front National. A politico-institutional design of sixteen years (1958 - 1974), where the traditional political parties (liberal and preservative), agreed to a model of partisan rotation in the presidential power, as well as the equitable participation in the state apparatus, to the second divided in votes; that is to say, a balance of the Colombian sociopolitical system.

During the frentenacionalista period, the country reached certain institutional stability and a macroeconomic balance, compared with other countries of the region. Nevertheless, the spaces of conventional political participation were limited and the nonconventional ones, were understood on
the part of the political class, like a subject of public order, handled exclusively on the part of the military (Leal: 1994).

The Colombian military obtained a depoliticisation against the traditional parties, acquiring political autonomy with respect to the handling of the subjects of prevented security and the acquisition of institutional. With respect to the human rights, these were not object of discussion in spite of the persistence of a conflict armed internal from the Fifties, and to the almost permanent use of the figure of the state of siege; that is to say, of exception. (Roth: 2006).

However, the beginning of ideological, political and economic a structure bipolar, created specific norms on the behavior and the political action (inputs), that had to take the States and each from their instances, if they wanted to maintain that force irresistible that it can be identified like the conflict and to the controlled existing forces; of that form the observance of safety requirements of the members, social La Paz and the territorial defense is guaranteed, three functions that are part of the state competition. (Sanchez Cano: 1999). To this conception of security on the part of the political establishment, the incorporation of some principles of the doctrine of the national security, on the part of the Colombian Armed Forces during the Seventies, characterized by strong economic and political tensions between the political class united and the labor social organizations, farmers, civic and student who inclined by an opening of the Colombian system.

The answer to the increasing tension of the system was the creation of the Statute of Security under the presidency of Julio Caesar Turbay Ayala (1978 - 1982). First policy of security, conformed by 16 articles that reinforced the existing penal law, increased the pains in the actions related to the public order, gave to attributions and judicial faculties to the inspectors of Police, Mayors and Commanders of Police and allowed to the judge of civilians on the part of military courts through the verbal advice military. In addition, it extended the military competitions in the national observance of safety requirements as much internal, with the consequent excess of governmental attributions, upsetting of legal norms and violation of the judicial guarantees and the human rights.

The information of diverse international organisms on the Colombian and regional situation, demonstrated the importance that had reached the subject of the protection of the Human rights in the world-wide agenda, explained by the processes of transition and the consolidation of the human rights like fundamental political value after the democracy.

During the eighty, the sociopolitical and institutional situation of the country eroded of important form; the drug trafficking and its infiltration in the society, the slow growth and consolidation of semi-official groups, the peaking of violent actions on the part of different guerrilla detachments as the taking of the Palace of Justice and murder of several political leaders like: Loyal Brown Jaime in 1987, Luis Carlos Gallant in 1989, Carlos Pizarro Leongomez and Bernardo Jaramillo Ossa in 1990, consolidated to the security like the factor fundamental to balance, if he were wanted to maintain the stability institutional.

To this situation, the absence of an institutional policy of protection of the human rights is added during great part of this decade. Organizations like Amnesty International, assured in the conclusions of their report of 1984, “that the country had not taken in serious the defense of the human rights” (Vazquez: 1986) or the information of diverse organizations like Washington Office on Latin America WOLA or the Commission the International of Judicial Observation of 1989 where they gave to information critics on this matter.

Before the deep instability and degradation of the conflict, the answer of a part of the Colombian society was the creation and use of the seventh problem in the elections of March of 1990, with the aim of summoning to a Constituent National Assembly that will conform a more open and participating, agreed system political to the internal transformations and international that the aim of the cold war meant. The approval of the new Political Constitution in 1991 is an important point of flexion (input) in the Colombian political process.
The new constitution represented a renovation in political matter; in the case of the security, it especially renewed some elements with respect to the Armed Forces in the subject of the autonomy of the military in front of the civilians. With respect to the human rights, it facilitated the institutionalization and legitimate appropriation between the population of his political, social, economic and cultural rights, and the perception of which the State had important obligations and responsibilities in that field (Roth: 2006).

Although great hopes were deposited in this political letter, the Nineties present/display discouraging and bleak results with respect to the elements that we are analyzing. As far as the human rights, it increased the activity paramilitary in the great majority of the zones of the country, with collaboration in some cases, of the public force, intensified the violent actions against the civil populace on the part of the subversive groups, increase the number of forced disappearances and violation of rights and judicial guarantees, and, lifted the number of displaced interns as they affirmed to diverse information of the Inter-American Commission of Human rights and Amnesty International to it. (CIDH: 1994 and Amnesty International: 1996).

With respect to the security policies that have been implemented in the system on the part of the different governments, Belisario Betancourt (1982 - 1986), Virgilio Barco (1986 - 1990), Cesar Gaviria (1990 - 1994), Ernesto Samper Pizano (1994 - 1998), Andres Pastrana (1998 - 2002) and Alvaro Uribe Velez (2002 - 2006) (2006 - 2010), they have maintained the militarization of the national security like the central point of its policies; of this form, the answer of the society before the contradictions of the neoliberal reforms in the matter of social, economic and cultural rights, is faced from a logic military and to deslegitimar of their demands, as well as those that talk about the defense and security that have not incorporated of active and pacific form the civil society (Loyal: 2002).

Of all these governments, the one of Alvaro Uribe Velez has been characterized to eregir from its presidential campaign to the security with authority, like the main body from where all the institutional policy of the Colombian system articulates. Within the framework of this state policy (input), the existence of the conflict armed internal when considering was not known all type of violent action like terrorism. Because of the negentropic character of the policy of democratic security, a controverted process of demobilization of some of the paramilitary groups has begun some of the military and economic structures of the subversive groups and to show the victims of the Colombian conflict were struck for the first time.

In spite of a military control of the territory and certain sensation of security, the results as far as the protection and respect of the human rights are discouraging: According to numbers of the Committee the International of the Red Cross (CRIC), in the 2007 1684 presumed violations were documented to DIH, 379 correspond to disappearances, 345 to summary executions and 44 to taking of hostages. (CRIC: 2007). Other data as the one of the Colombian Commission of Jurists speaks of a total of 1,492 victims between July of 2007 to June of 2008, at the hands of agents of the state, paramilitary, guerrilla and cases with presumed identified authors.

The success of the policy of Democratic Security (2002 - 2010), can be measured not only by the symbolic and financial support on the part of the political and economic elites, as well as of a part of the Colombian society, but in the military profits, when obtaining the weakening and control of violent actions of the diverse actors who operate in all the national territory; in other words, this policy has introduced the social control, like the nodular element of the system. With the negentropic tendency of the Colombian sociopolitical system, the implementation of the protection and guarantee of the human rights that are progressive, universal, transnational and irreversible, require of an entropic disposition of the set to make possible changes of articles of incorporation and to diminish the incidence of the armed conflict internal.

Next, we will work three variables that can explain negentropy of the Colombian sociopolitical system.
IV. Variables of work

a) States of emergency or siege

In the systems that tend to negentropia; that is to say, to the social control, the manifestation and persistence of laws that incline to the order, once established in the system, are complex to change. It is in this frame where it has importance the states of emergency, emergency situation, to explain the tension between security and human rights in the Colombian system.

The figure of the states of emergency, emergency situation is understood like “exceptional circumstances”; that is to say, those situations that due to temporary factors, of character generally practitioner, in diverse measurement involve internal or imminent a danger that the organized existence of a town, that is to say the political and social system threatens that this arranges like State (Questiaux: Mentioned by Zovatto: 1990). It is important to as much indicate, that during these circumstances in the internal right as in the Right Humanitarian International, the possibility is allowed of suspending the exercise of certain rights, with the aim of restoring the situation, without they are suspended the protection of the most fundamental human rights. Three are the causes accepted generally by the doctrine, to declare this state according to Daniel Zovatto:

a) First of all, political crises of serious character, that put in danger the life of the nation, product of an international or internal conflict armed or as a result of situations of inner disturbances and internal tensions.

b) Secondly, cases of Greater Force (natural Cataclysms or disasters).

c) Thirdly, economic circumstances related to under-development.

In the case of Colombia, the states of siege and later called of exception under the 1991 constitution, have been a constant to guarantee the institutional stability of the political system. Of this form, the figure was used from the formation of the National Front, with the purpose of to give the executive, capacity to issue decrees without a control on the part of the legislative one or you cut judicial. However, the same construction of this consociationalist pact prevented the creation and implementation of a state or public policy of security, because of the model of partisan rotation in the executive authority, the equitable participation in the state apparatus and the concession of benefits to the Armed Forces not to affect this model.

The aim of the National Front did not mean the aim of the use of the states of emergency, emergency situation, especially those of the type of political crises of serious character. Under this figure, President Julio Cesar Turbay emitted the first policy of called security Statute of Security, that operated from 1978 - 1982. The creators of this instrument, the Armed Forces, understood and assumed any problem of security like exclusive product of the subversion that fed the political violence that destroyed to the country. The initiative and amplitude of the military to handle the national security as much internal, are explained not only by the absence of formulation of military directives against the violence, on the part of those who has directed the national policy (Leal: 1994); that is to say, the political elite, but by the incorporation of elements of the doctrine of the national security on the part of sectors of the Armed Forces.

Under the government of Belisario Betancourt (1982 - 1986), a change against the treatment of the subject of the security was demonstrated, at the beginning a peace process that included a cease of action on the part of the guerrillas, especially the FARC and the Armed Forces, as well as to recognize the political character of the subversion. This process included the organization of a political party (Patriotic Union) and a political dialogue who included changes and real solutions to the diverse demands that the Colombian society raised. This initiative failed in 1984, not only by the lack than we called “political will”, but so that they woke up the opposition of the military who did not recognize this political characteristic the subversion.
Despite the attempt of Betancourt to modify the tendency of the system, some of the measures that had been taken from the security statute, persisted through the justice penal specialized, that consolidated at the end of the eighty and throughout the nineties, which first justice of public order was denominated and later regional justice, with restriction of guarantees of fundamental rights (Iturralde: 2003); in other words, it is the use of justice to defeat the enemy, which deepens negentropic or social control of the system. In that order of ideas, the use of the states of emergency, emergency situation has been the mechanisms more used by unstable political regimes, to obtain the order, that nevertheless, did not find support in a society that struggled between the apathy and the fear (Iturralde: 2003). This was only the reflection of the crisis of the representativeness of the bipartisanism and it increased of the sociopolitical and economic crisis.

The government of Virgilio Boat (1986 - 1990) and To stop Gaviria (1990 - 1994), had to face an unusual increase of the violence in the country, consequence of the drug trafficking, paramilitary, subversion and other institutions. The massacres, disappearance of people, threaten of the posters of the drug the institutionalism, the public discussions on military inefficiency and the entailment of some military with paramilitary groups, was the characteristic of the Colombian system. Both governing they resorted to this figure, in the case of the government of Boat, 48 months and in the one of Gaviria, 11 months of 1990 - 1991 (Uprimny : 2006).

Since it has been said in previous lines, the 1991 constitution, was input that allowed to certain opening and democratization of the political system and affected the use of the states of emergency, emergency situation, when establishing an institutional limitation on the reach of these states for the human rights; in addition, it defined of clear and detailed form the commotion state (new denomination), guaranteeing his time of duration and reducing the powers of president (Iturralde: 2003). Although constitutionally the limitations of this figure were clear, the reality of the conflict was stronger; the Government of Ernesto Samper promulgated in August of 1994, the state of emergency or siege, agreeing with initiated of an investigation on the contributions to his campaign, of money products of the drug trafficking. These facts generated an enormous crisis of governability that was added to the military and economic fortification of the illegal groups (guerrilla and paramilitary).

A crisis of governability according to the doctrine is not a cause sufficient to declare the exception and the Supreme Court understood therefore it, declaring it inexequible; nevertheless, in November of 1995 and because of the death of the component and political leader Alvaro Gomez Hurtado, declared the inner commotion. Under this situation, a decree with measures was instituted like: the authorization to realize house searches without pertinent the judicial order, the reduction of the minimum age of criminal responsibility to 14 years, the partial censorship to the press and the leave authorized to the civilian authorities and military to come to the forced evacuation of civilians of the zones where counter-insurgent operations were developed. Measures that they had like object to recover the security, finished debilitating the principles of protection and defense of the human rights; again the factor computer and of social control in the system.

The use and abuse of this measurement, have constructed political of security conjuncture’s that have affected a militarization of the security, debilitating the incorporation to these policies of other interpretations of the Colombian conflict. In addition, it shows lost a gradual one of the regulative capacity of the State by means of ordinary legal norms. The normalization of the exception demonstrates the landslide of the state of Right (Garcia: 2001).

During the government of Andres Pastrana (1998 - 2002), the figure of the commotion state was not used but until the end of its mandate, when the Government decided to end the negotiation with the guerrilla whom he had initiated in San Vicente of the Caguan, convinced that obtaining the demobilization he had to come to make concessions from the democratic legitimacy of the State and probably finish between all founding a new constitutional organization.
It is against this background, when the consequences of the 11 of September place to the security like the substantial value for the stability of the democracy and its values. The then candidate Álvaro Uribe Vélez proposes in his electoral campaign the security with authority with the intention of ending the guerrilla violence, the corruption and politiquería. With the fresh memories of the failure of the Caguan, the electorate chose to Uribe like president for period 2002 - 2006.

The first measurement that realized was to declare the state of inner commotion, with the intention of implementing a tax to the security, the conformation of informant networks, rewards by information, stimulus to the desertion and creation of zones of rehabilitation and consolidation in areas of guerrilla influence, levellings and interceptions without judicial order and the faculties of judicial police to the Armed Forces, completed the scheme than I am called antiterrorist Statute, embryo of the Policy of democratic security (Leal: 2006).

The persistent figure of the exceptional nature or inner commotion that the diverse Colombian governments have adopted, presents/display deviations, understood actually these, like the promulgation of numerous dispositions that take the form of laws of the common right, in spite of being effective only within the framework of the state of emergency, emergency situation, that in spite of being suspended extends through this legal framework. These dispositions suspend generally exercise of a high number of rights and guarantees, debilitating what the same institutionality tries to defend: The state of Right.

Thus, then, the constant declaration of states of emergency, emergency situation responds to a central objective on the part of the Colombian political establishment, the maintenance of the institutional stability, (electoral calendar, division of powers, economic development) like guarantee of the democracy. Nevertheless, the inadequate use of this tool, demonstrates the incapacity of the State, to assume the existence of an internal conflict that must be dealt with an integral strategy, considering all the structural lines in which the society register.

In addition, the same interpretation of the democracy on the part of the political decision makers, has not incorporated the demands with which almost all at the moment associate the quality of the democracy eg: the subject of the rights and how these rights work in the society and institutions keys (electoral, judicial and administrative), as well as the open access and in clear and relatively equal terms to the political activity for individuals and organizations, formal and informal freedom of information and organization, and mechanisms to assure the surrender accounts and responsibility governors (Levine and Molina: 2007).

It is evident that under the figure of the exceptional nature or inner commotion, the simultaneous execution of these inputs, policies of security and measures protection and defense of the human rights on the part of the Colombian State, has had disappointing and painful results. For example, during the instrumentalization of the statute of security of Turbay, the repressive activities under the argument of the defense of the national security and the control of the public order turned in daily fact the haltings, levellings, tortures and disappearance of integral people of specific groups. The violators degrees to the had process were identified in two spaces, the procedures and respect to the judicial guarantees at the time of the halting and in the Verbal Councils military.

The violation to the human rights followed in increase in the eighty and ninety because of drug trafficking and territorial and military control of diverse zones of the country, on the part of the paramilitary and guerrilla groups, as I affirm to the Report of Amnesty International 1996¹ to it of.

¹The prolonged civil conflict broke out again in several zones of the country with the offensives that sent the paramilitary forces, supported, often, by sectors of the army, to extend its control. During I complete year, the guerrilla forces also seem to have increased considerably their warlike capacity, and have committed numerous abuses against international the humanitarian right, including hundreds of deliberate and arbitrary homicides and the kidnapping and the retention of hundreds of hostages. All the main Colombian guerrilla detachments have committed deliberate and arbitrary homicides of civilians. Extract of the Report of Amnesty International of February of 1996.
One of the situations that worried the national and international organizations more, was the implementation of norms on defense and national security, conjunctural and militarized, that within the framework of the exceptional nature, were added to the existing standardization, debilitating the effectiveness who the State and its institutions must give the human rights, inclining by negentropic’s factors of ordering of the system.

Consequence of this situation was the increase from half of the Nineties, of impunity against the crimes of sociopolitical type, as well as the forced disappearance, extrajudicial executions, murder, among others. We must emphasize, that the state institutions and the non state ones, handle to different methodologies situation that has made difficult the creation of a reliable data base.

Although the Government of Uribe also resorted to the declaration of inner commotion for the instrumentalization of the policy of democratic security in the 2002, the legislature of the following Congress, approved the measures of the Antiterrorist Statute, in spite of the express restlessness of Mary Robinson, commissioned Discharge for the human rights of the United Nations, for that the measures adopted by the States to maintain or to restore the public order within the framework of the states of emergency, emergency situation must adjust to the commitments derived from the international instruments (United Nations, ref. COL 1:2002)

The implications that the operationalization of this statute reached in the matter of human rights, alerted to the international community and national sectors, that celebrated when the Constitutional Court declared inexequible in August of 2004, waking up critics on the part of the President and his nearer collaborators, on the function and commitment of the judicial power in the war against the terrorism. In spite of the limitations that the Constitution of the 91 tried to do to the figure of the exceptional nature, the standardization emitted under them continued operating through ordinary laws and the culture of the emergency and the crisis (Iturralde: 2003), debilitating the legislative and judicial power, with the consequent erosion of the institutionalism and legitimacy of the State of Right.

This institutional deterioration is related of substantial form to the one of the human rights. Thus, between July of 2002 and June of 2006, that is to say, approximately in the four first years of the government, 11,292 people assassinated or disappeared by out of action registered themselves (that is, in its house, the street or the work), by political reasons. More of 75 of these disappearances and deaths they were attributed to state responsibility by direct perpetration or support to paramilitary groups, the 25 is attributed to guerrilla detachments. With respect to the right to the personal freedom, 6912 people were stopped arbitrarily, as well as she increased of the forced displacement (Gallon: 2007).

Against these data, those of the Observatory of the Presidential Program of human rights and DIH present/display opposite results; the methodology of this organism consisted in the data summary reported by the National Police, in particular by the Research center Criminology and that as secondary source of resistance, in order to validate data the Observatory has developed its “Weekly Binnacle of Press”, which, is product of a national and regional newspaper daily inspection and the consulted radio stations in Internet. This type of measurements does not consider the historical and sociopolitical context of the victims, which prevents the analysis and correlation of indicators more objectives for the elaboration of a serious analytical panorama on this temática².

We can conclude that the variable one on the persistence of the use of the states of emergency, emergency situation in the Colombian political system, has debilitated and blurred not only their

² To see these data it is recommended to see the report: Indicating on Human rights and DIH, Colombia, 2007, Observatory of the Presidential Program of Human rights and DIH. Available in line: www.derechoshumanos.gov.co/observatorio_de_DDHH/derechos/Indicadores/obs_indicadores_dic2007.pdf
legal and institutional system, but the responsibility of the State in front of the defense and protection of the human rights. The incorporation and instrumentalization in the system of policies and norms that tend to the social control, have caused that this is become ordained from negentropic’s factors, making difficult their joint with the one of human rights; that is to say, the breach of the principle of equifinalidad of the social systems.

Table 1

<table>
<thead>
<tr>
<th>PRESIDENTS</th>
<th>TIME OF GOVERNMENT</th>
<th>LAWS ABOUT STATES OF SIEGE</th>
<th>DURATION</th>
</tr>
</thead>
</table>
| Frente Nacional     | 1957 - 1978        | 1963 First declaration of State of siege  
1965 declares the State of siege  
1969 declares the State of siege  
1970 declares the State of siege  
1971 declares the State of siege  
1975 declares the State of siege  
1976 declares the State of siege | 7 years and four months |
| Julio Cesar Turbay Ayala | 1978 – 1982  | 1978 declares the State of siege                                                                 | 4 years            |
| Belisario Betancur  | 1982 - 1986        | 1984 declares the State of siege                                                                 | 2 years and 3 months |
| Virgilio Barco      | 1986 - 1990        | The State of siege declared in 1984 continue in this government                        | 4 years            |
| Cesar Gaviria       | 1990 - 1994        | 1994 declares State of Interior Commotion                                                    | 2 years            |
| Ernesto Samper      | 1994 - 1998        | In August and November of 1995, is declared State of Commotion, but the Constitutional Court declares inexequible. | 9 months           |
| Álvaro Uribe Vélez  | 2002 - 2010        | 2002 declares State of Interior Commotion  
2008 declares State of Interior Commotion                                                                 | 7 months 3 months |

Elaboration of the researchers from information of Rodrigo Uprimny

b) Conception of the conflict

The persistence of a conflict armed internal in Colombia, has allowed that the social control to which it tends the system, it overvalues the crisis, the fear and the insecurity, like necessary the symbolic resource so that the ideas of authority, social control, order and unanimity, tend to prevail in driving of the State (Iturralde: 2003).

From this premise, it is possible to be explained like the elaboration of policies and norms on security on the part of the institutional estates, tend to see the violent actors - and all State is it always in power, able to use under certain circumstances, like the states of emergency, emergency situation, any means to obtain the stability. Under this approach, the theory of the political
decisionism of Carl Schmitt, affirms that the essence of the policy as human activity is the distinction between the friend and the enemy (Schmitt: 1996). Therefore, the policy is superior to any sphere of values because it approaches the same survival of a political organization (Iturralde: 2003); of this form, the policy is the space where the war is developed and this is the last form and carries far of the political action, that in addition needs the definition that is the enemy (Schmitt: 1996).

This definition of the decision of the actions of the State, and the use of the violence to maintain this control, can explain not only the persistence of the exceptional nature, but the incorporation of negentropic principles to the security policies, on the part of actors, ideologies or symbols. In the Colombian case, the Colombian Armed Forces, were the institutional actors, ordered from the time of the National Front of the defense and security of the nation, due to the absence of a civil control against this problematic one.

The appropriation on the part of the Colombian military forces (police and I exercise), of the doctrine of the national security, besides a deep anti Communism, legitimized the expedition of norms, policies and action that they identified and they fought to that they questioned the values of the political community denominated nation. Praxis replacement the reflection (Leal: 1994). This vision of friend/enemy, sustained the operationalization of policies like the statute of security, and in this way, the entrance in the symbolic and ideological system of inputs exerted by the military institution; example of it, is the publication in the magazine of the article Armed Forces in which it makes sure that the revolutionary phenomenon in Colombia has their origin in the action buried or semiabierta of the Colombian communist party (Magazine of the Armed Forces, mentioned by Leal: 1994).

In this sense, the confrontation between the civil leadership and the military leadership, known like “structural distrust”, show to the existing inharmonic relation between the military estate and the political power, and like corollary the confrontation between the policy and the strategy; of this form, the ideological security and components that are in the system, are subordinated to the political confrontation/strategy, political power/military cupola, in a process in which the armed component desire space, force and power (Machillanda: 2005). This legitimate situation the negentropic character of the system and presents/displays the defense and protection of the human rights like a strategy of the subversion; in fact, the public force has tended to consider the existence of a direct relation between the legal and popular social organizations, considering to these like enemies or allies of the enemies (Roth: 2006), debilitating nonconventional the political participation and radicalizing the collective action.

After promulgated the 1991 constitution, the government of Cesar Gaviria initiated a reform of the military institution, naming to a civilian in the Ministry of Defense, for the first time in Colombian history, with the intention of institutionalizing the relations civic - the military and limiting the autonomy of these with respect to the security and the public order. This input in the Colombian system, inclined to try to transform the tendency of the control to the change of articles of incorporation, betting by the opening of the political system through fortification of the participation of the civil society.

Nevertheless, the degradation of the conflict at regional level, during the governments of Ernesto Samper and Andres Pastrana, because of the actions of the drug trafficking and the other violent actors, worsened the militarization and ideologization of the norms and policies of security; while the structures of the cold war were debilitated in other parts of the world; in words of Francisco Leal: “All this is part of the tendency to militarize everything what it has to do with the security, in the belief that the military activity constitutes the solution of that problematic one”.

A fact that contributed to fortify the militarist interpretation of the security and to its enemy potentials was the approval in the 2000 on the part of the North American Congress of the call Colombia Plan. This plan consists of an economic aid for 860.3 million dollars. Of these explicitly
the 75% are destined to the Armed Forces, and rest 25% is into the hands of the own State for different welcomed social aims in as ambiguous budgetary chapters as alternative development, peace or State of right. (Palacios: 2002)

The financial and symbolic resources that received the Armed Forces, allowed them to modernize their armament and to fortify their speech against the enemies of the security. However, the failure of the negotiations between the government of Pastrana and the FARC, as well as it increased of the violent actions; it woke up the idea of the necessity of strong measures to obtain order and security. Again the social control balanced the system. With the collaboration of the military institution, the government of Uribe Velez has been in charge to incarnate this necessity.

Two components in which we see clearly a radicalization of the vision exclusively military man of the conflict and its actors on the part of president Uribe, within the framework of the policy of democratic security, have been the negation of the existence in Colombia of a conflict, when affirming that: the guerrilla organizations are articulated terrorist organizations to the drug trafficking, reason why it is not possible to be spoken of armed internal conflict. “Here there is no a conflict”, has affirmed repeatedly; what there is they are terrorist bands against the State and the society (Zuluaga: 2003). This negation of the conflict has consequences not only in the procedures to annihilate this enemy, if not in which it is tried to construct as the political community and the institutional forms (Romero: 2003) that reflects who are the recognized ones in this composition.

The second component is the same use of the terrorism concept, which like other forms of political violence, not only affect the individual security directly, also it increases the originating threats of the own state and of others (Buzan: 1991). This concept has been used to even disqualify to its contradictors, or the nongovernmental organizations who work by the human rights. Example of this, was the speech that the President did the 8 of September of 2003, in the possession of General Edgar Alfonso Lesmez like Commander of the Colombian Air Force, when it described and the defenders as human rights like: “politiqueros to the service of the terrorism, that cowardly is shaken in the flag of the human rights, to try to give back in Colombia to the terrorism, the space that the public force and the citizenship have cleared to him”.

This type of signalings on the part of the executive and the military, constructs before the national and international public opinion, a particular image of the armed groups and social activists; still more tensing the relation between the negentropic and entropic factors, which moves away the possibility of some type of legitimacy (Iturralde: 2003), that allows a negotiation like exit to the conflict armed internal in Colombia.

The stigmatization of which the opposition or the contradictors of the reaches of the policy of democratic security has been object from the 2002, is an indicator of the degree of consistency of the militarization of the conflict on the part of the state agents. The impact of this speech in the system, deslegitima the actions and social mobilizations of the groups and organizations. Besides turning them into possible victims of the sociopolitical violence, this type of interpretation of the actors of the conflict in key friend/enemy, the impact falls who must also have in the system, the policies and programs on the human rights.

The results of this situation have been the extrajudicial persistence of crimes like the forced disappearance, executions, arbitrary haltings or the forced displacement, with different degrees from intensity in countryside and urban, demonstrating that the violent defense of the state order also is terrorism, as it affirmed president to it Uribe in numeral 33 of his democratic manifesto, and that in the incentive to gain medals by determined number of captured losses or, is more than paradoxical.

The things do not seem to improve in the 2008; according to the annual report of the High Commissioner of the United Nations for the Human rights, emitted the 19 of February of 2009, the General Office of the public prosecutor of the Nation had initiated 112 investigations on presumed
cases of happened extrajudicial executions in 2008. Additionally to other 473 cases, the majority happened in 2006 and 2007. The National Unit of Human rights and Humanitarian Right the International of the General Office of the public prosecutor of the Nation, investigates at the moment near 716 cases with more than 1,100 victims than they confirm that these executions are not done isolated, but a practice very extended committed by an important number of military units throughout all the country, especially that the disarmament and demobilization of the paramilitary groups, was “successful” within the framework of the law of justice and peace.

We can conclude, that the weakness of the Colombian state and the uncertainty of the civil society, have facilitated that in the Colombian state corpus, prevails a militarized interpretation of the conflict and the social participation; that is to say, the peaking of factors of social control in the system, has justified and legitimized the use of repressive activities. Of this form, the function not only of the Colombian institutionalism, but the one of the armed forces is debilitated, tending the present factors and processes in the system, to an ordering from the control.

Finally, the conflict must be analyzed according to the transformations of the international system, prioritizing that this must be solved through a political solution that involves and empower a civil society, able to solve problematic the own ones of its political process, without eroding the respect to the human rights.

Table 2

<table>
<thead>
<tr>
<th>YEARS</th>
<th>ARBITRARY DETENTIONS</th>
<th>POLITICAL HOMICIDES AND EXECUTIONS</th>
<th>DISAPPEARANCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1983</td>
<td>1,325</td>
<td>525</td>
<td>130</td>
</tr>
<tr>
<td>1984</td>
<td>1,783</td>
<td>542</td>
<td>122</td>
</tr>
<tr>
<td>1985</td>
<td>3,409</td>
<td>630</td>
<td>82</td>
</tr>
<tr>
<td>1986</td>
<td>1,106</td>
<td>1,387</td>
<td>191</td>
</tr>
<tr>
<td>1987</td>
<td>1,912</td>
<td>1,651</td>
<td>109</td>
</tr>
<tr>
<td>1988</td>
<td>1,450</td>
<td>2,738</td>
<td>210</td>
</tr>
<tr>
<td>1989</td>
<td>732</td>
<td>1,978</td>
<td>137</td>
</tr>
<tr>
<td>1990</td>
<td>1,102</td>
<td>2,007</td>
<td>217</td>
</tr>
<tr>
<td>1991</td>
<td>1,392</td>
<td>1,829</td>
<td>180</td>
</tr>
<tr>
<td>1992</td>
<td>961</td>
<td>2,178</td>
<td>191</td>
</tr>
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### POLITICAL VIOLENCE 1998 - 2008

<table>
<thead>
<tr>
<th>YEARS</th>
<th>ARBITRARY DETENTIONS</th>
<th>POLITICAL HOMICIDES AND EXECUTIONS</th>
<th>DISAPPEARANCES</th>
<th>KIDNAPPINGS</th>
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<tbody>
<tr>
<td>1998</td>
<td>786</td>
<td>490</td>
<td>164</td>
<td>3,300</td>
</tr>
<tr>
<td>1999</td>
<td>52</td>
<td>209</td>
<td>114</td>
<td>3,380</td>
</tr>
<tr>
<td>2000</td>
<td>292</td>
<td>276</td>
<td>112</td>
<td>3,572</td>
</tr>
<tr>
<td>2001</td>
<td>652</td>
<td>880</td>
<td>133</td>
<td>3,706</td>
</tr>
<tr>
<td>2002</td>
<td>172</td>
<td>842</td>
<td>126</td>
<td>2,964</td>
</tr>
<tr>
<td>2003</td>
<td>1,181</td>
<td>1,338</td>
<td>135</td>
<td>1,225</td>
</tr>
<tr>
<td>2004</td>
<td>788</td>
<td>818</td>
<td>117</td>
<td>2,000</td>
</tr>
<tr>
<td>2005</td>
<td>524</td>
<td>508</td>
<td>64</td>
<td>2,500</td>
</tr>
<tr>
<td>2006</td>
<td>491</td>
<td>279</td>
<td>100</td>
<td>1,745</td>
</tr>
<tr>
<td>2007</td>
<td>125</td>
<td>246</td>
<td>18</td>
<td>569</td>
</tr>
<tr>
<td>2008</td>
<td>103</td>
<td>308</td>
<td>16</td>
<td>225</td>
</tr>
</tbody>
</table>

Source: database of the CINEP.

### c) State norms and policies

In the modern societies, the public under the paradigm of the state reason, has become a synonymous one from the state thing, fortifying the idea of a powerful State; in this order of ideas, the state policies correspond to the carried out determined actions authorized and by the State (Roth: 2006). The interpretation of these policies from a centric-state perspective, allows to give a predominant value us to the State, like person in charge to assume the diverse demands that the society requires, in our case: the security and the human rights.

However, the state or public policy interprets and processes explicitly and participatingly the tacit and manifest demands of the society, incorporating them in the state sphere and the dynamics of the policy; it is in addition, an instrument of application of institutional the legal and political statements (Guendel: 2002). This frame of analysis allows to demonstrate, that to the norms and the policies us of security that have been implemented in the country, have been taken in its great majority, under the special ordering of the state of emergency, emergency situation reason why they have been conjunctural and they do not respond to the demands and structural needs of the Colombian society.

In addition, exclusive the state vision gave to the non state groups a very little margin of incidence in the formulation, implementation and institutionalization of norms and policies of security and human rights him, not knowing or debilitating the definition of a public policy that makes specific what a State or society, considers of public interest or general interest, and that they are the connection between the state, the society and the citizen, (Roth: 2006) preventing the construction of more assertive, articulated and respectful policies of our sociopolitical dynamics.

From the implementation of the state policy of security of president Turbay in 1978, the subsequent governments have emitted, normative of all type to control the public order as well as those that talk about to the activities and regulation of the scopes of action of the military and police forces. These
norms inserted in the system, a complex legal frame - politician who demonstrates the juxtaposition and mutation of different legal systems, as well as the militarization of the police and the policivización of the army when confusing the functions between these institutions.

In addition, the existence within the system of a military penal justice, ordered by the civil governments during the National Front through decrees to state of siege or exception, to advance processes to judge to civilians by political crimes, and, that the direct administration of aspects of ordinary justice had in the state policy of security of Turbay, is a negentropic factor that tenses the relation between the security and the human rights. This military penal justice, has been object of criticisms on the part of international organisms of defense and protection of the human rights, due to: that the military courts are integrated by the same commanders in charge within the framework to order combat operations of which violations to the human rights have been able to take place, which is in contradiction with the principle of independence and impartiality of the military judges and constitutes a impunity factor (United Nations: 1995)

However, the state policy of security of Uribe, is perhaps the first attempt to construct a normative model with certain cohesion with respect to this problematic one, that has achieved success with respect to a security sensation and territorial control of the State; nevertheless, the militarization of this policy understood in the investment in armament and professionalization of the Armed Forces through Colombia Plan, as well as the incidence of the United States in this policy with the aim of facing the drug trafficking, has it upgrades in power the decision-making power of the military forces and having internationalized the Colombian conflict. This type of normative and political models has made difficult the creation of a state policy to include security; that is to say, a coherent corpus that inclines to the entropy of the system so that the reality of the war with the search of La Paz articulates and that since it has said in previous lines, it actively incorporates to the civil society and the international community (Leal: 2002).

With respect to the human rights, from the administration of Virgilio Barco (1986 - 1990), the governments have come creating institutions that respond to this demand; thus, the creation of the Presidential Council for the Defense, protection and promotion of the human rights, had the difficult work to institutionalize the importance of this thematic one within the state organisms, including the Armed Forces. Nevertheless, as it affirms to Professor Andre Roth “the institutionalization of the problem of the human rights focused essentially from the armed conflict, of the antisubversive fight and the individual guarantees, leaving during most of the process in the shade the component of the human rights regarding the economic, social and cultural rights.”

Input that allowed the correction of this situation, was the incorporation in the Constitution of 1991 of a whole normative one on the guarantee and protection of the human rights. For the first time, the Colombian society, demonstrate the fundamental value of the human rights for the consolidation of the democracy. Of this form, the intention of this standardization was to contribute to the construction of an ethical frame centered in the human rights, that allow of legitimate way, to put under the systematic critic, the structural inequality and to possibly foment controlled exchanges to cause one more a more egalitarian society in a global sense (Guendel: 2002).

However, the intensification of the violent actions on the part of the diverse actors of the Colombian conflict, the corruption and the deepening of a perverse political clientelism, has eroded the instrumentalization of the policies of the human rights during the decades following to the promulgation of the new constitutional charter. The vision centric-state of the policies of human rights, demonstrates to the disarticulation between the society and the State, characteristic of the Colombian political system; since, the public policies are a sociopolitical construction, and must be the result of a fight between different carrying actors from conceptions and I interest, diverse visions of the world or paradigms on the subject (Muller and Surel, Mentioned by Roth: 2006); that is to say, a system where the change of articles of incorporation is the tendency and the entropy makes possible the fulfillment of the principle of the equifinalidad.
In addition, the ideologization and stigmatization of the popular organizations, have prevented who their symbolic, socio-economic and political needs can affect of important form, not only in the design of the state policies, but in diverse types of institutional activities and the exercise of accountability horizontal and vertical; that is to say, in a context of “social responsibility”, where the efforts of the citizens, movements and organizations (civil society) that makes new subjects excellent, changes the public agendas, presses for the solution of problems, organize manifestations, and occasionally they provide alternative means to watch or to recruit officials government. (Levine and Molina: 2007).

In this order of ideas, the policy of human rights under president Uribe (2002 - 2010), has characterized by its weakness with respect to the inclusion and the construction of the heterogeneity of the Colombian society, due to the conception of a policy of human rights as a secondary and subordinate task in relation to the military fight. In spite of to have bet by a decentralization of the promotion of the human rights to departmental and municipal level, incorporating this directive to the plans of territorial development and the search of resources for its operationalization (Roth: 2006).

In order to conclude, the public or state policies of security and human rights that have been implemented in last the three decades in Colombia, are characterized for being weak, insofar as instead of tender to change the behaviors of the social actors, reason of being of and main target of the public policies, tends to the control, potentialising the negentropic factors, besides an excessive valuation of a vision centric-state in the conception, design, implementation and state evaluation of the norms and policies, deslegitima the resources and voice of non state the political actors. The formulation of policies that tend to a control and a homogenization prevents the coordinated mobilization of political, economic, social, cultural, or symbolic resources that strengthens the creation of a share capital, necessary for the structuring, quality and effectiveness of the democracy and a social state of Right in Colombia.

Table 3

<table>
<thead>
<tr>
<th>PRESIDENTS</th>
<th>PERIOD</th>
<th>REGULATIONS AND SECURITY POLICIES</th>
<th>REGULATIONS AND DDHHH POLICIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlos Lleras Restrepo</td>
<td></td>
<td>There are created the military councils of war that there consider to be civil for crimes relative to the public order, there is created an Organic Statute of the national defense. From 1965 also there are dictated decrees that restrict the right of assembly, to prohibit publications that “incite to subvert the public order ”, preventive detentions are realized, there are elaborated list of suspects of subversive.</td>
<td>Ratification in 1973de the American Convention on human rights &quot; San Jose's agreement &quot;</td>
</tr>
<tr>
<td>Misael Pastrana Borrero</td>
<td></td>
<td>There are created the military councils of war that there consider to be civil for crimes relative to the public order, there is created an Organic Statute of the national defense. From 1965 also there are dictated decrees that restrict the right of assembly, to prohibit publications that “incite to subvert the public order ”, preventive detentions are realized, there are elaborated list of suspects of subversive.</td>
<td>Ratification in 1973de the American Convention on human rights &quot; San Jose's agreement &quot;</td>
</tr>
<tr>
<td>Alfonso López Michelsen</td>
<td></td>
<td>There are created the military councils of war that there consider to be civil for crimes relative to the public order, there is created an Organic Statute of the national defense. From 1965 also there are dictated decrees that restrict the right of assembly, to prohibit publications that “incite to subvert the public order ”, preventive detentions are realized, there are elaborated list of suspects of subversive.</td>
<td>Ratification in 1973de the American Convention on human rights &quot; San Jose's agreement &quot;</td>
</tr>
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</table>
Decree 666, 670 and 724 of 1984, declaration of the State of siege and jurisdictional extension of the penal military justice to crimes of drug trafficking.  
Decree 2092 of 1985 planning, conduction and preparation of military operations.  
Decree 2157 creation forces elite Anti subversion.  
Decree 2144 of 1978 the army controls the customs.  
Decree 0070 of 1978 extension of powers to interrogate and to detain suspects.  
Decree 2482 of 1979 military courts with aptitude to judge civilians and to suppress the procedure of reading process to the attorneys and in the hearing.  
Decree 666, 670 and 724 of 1984, declaration of the State of siege and jurisdictional extension of the penal military justice to crimes of drug trafficking.  
Decree 2092 of 1985 planning, conduction and preparation of military operations.  
Decree 2157 creation forces elite Anti subversion.  

Regulations for the process of peace, project of law of amnesty and recognition of the political character of the guerrilla warfare’s.  
Acceptance of the Colombian government of the competition of the Inter-American Court. |
| Virgilio Barco | 1986 - 1990 | Legislative decree 180, antiterrorist statute or of defense of the democracy and creates a jurisdiction for the public order.  
Decree 1857, 1858, 1859, 1860, 1895, and 1896 on regulation of public order.  
Judgment Cuts Supreme of Justice end adjudication of civilians on the part of military.  
Authorizes military to do searches without a judicial order.  
Legislative decree 8134 of 1989 Commission advises and coordinator of plans to attack squadrons of the death and groups of Autodefensa.  
Creation of the Presidential Council for the Defense, protection and promotion of the human rights. |
| Cesar Gaviria | 1990 - 1994 | The constitution of 1991 is promulgated under the procedure of exception, but under which the States of siege are restricted in the country.  
Creation of the “national strategy against the violence” in 1991. Including the politics of submission to the justice.  
Decree 1874, creation presidential Council for the defense and the security.  
Decree 115 of 1992 - risks of a massive liberation of dangerous prisoners.  
Decree 1793 of 1992 - State of Interior Commotion and expedition of 23 decrees on immunity to informers for apprehensions, grant of functions of court officers to the military forces and sanction to the civil servants who counter  
Laugh the exclusivity of the presidential one in the managing of the public order.  
Political constitution of 1991.  
Development of the Presidential Council for the human rights.  
Functioning of defend to the People.  
Project of statutory law of human rights.  
Approval of the Protocol the II of Geneva on protection of the victims of the armed conflicts, law 171 of 1994. |
<table>
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<tr>
<th>Period</th>
<th>President</th>
<th>Initiatives</th>
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Plan Antidrugs.  
Approval of legislative act where military can judge the members of the Military Forces and the State police.  
Decree 1410 of 1995. Presidential program for the living together and the civil security.  
Law 282 of 1996 creates the national council of fight against the kidnapping. |
| 1998-2002 | Andrés Pastrana | On May 26, 1999, is opened a crisis without precedents in the Army for the resignation of 14 personal details and colonels, with the minister of Defense to the head, in protest for the demilitarization of a part of the country in altars of the process of peace.  
Priority of search of the peace, establishment zone of expansion.  
Law 684 of defense and safety, approved in August, 2001, initiated implementation as soon as the government of Pastrana gave finished the zone of freeing and the process of peace that was justifying it, to improve the military recovery of the area known by the public opinion as the Caguán.  
Formulation of an anti-drug strategy with strong military elements: Plan Colombia. |
Decree 2002 of 2002 - control of the public order and define the zones of rehabilitation and consolidation.  
The Antiterrorist Statute is approved. |
| 2002-2002 | | National plan of development where the violation to the human rights was because of the armed conflict, the weakness of the justice and the impunity.  
Program of attention to internal displacement.  
Decree 1290 of 1995 creation of commission advises for the application of the international organizations' recommendations.  
Ley 288 of 1996 recognition of the obligatory nature of the decisions of the Inter-American Commission of DDHH.  
Decree 0372 of 1996 creation of the administrative special unit for the DDHH salean on the Ministry of the Interior.  
Creation of the Network of Social. |
| 2002-2010 | | Initial formulation of the program "policy of promotion, respect and guarantee of the DDHH and the application of the DIH.  
Decree 489 of 1999, presidential Council for the attention of the population displaced by the violence.  
Decree 1636 of 2000, creation of the presidential program of DDHH and DIH.  
Creation observatory of DDHH and of anti-personnel mines.  
In August, 2002 the agreement is ratified on the CPI, with an exception of seven years during which the CPI will not have competition to treat war crimes in Colombia. |
| 2002-2010 | | Decentralization of the policies of prevention, promotion and protection of the DDHH.  
Policy of Democratic Security with regard to DDHH's point, prevention of violations and infractions to the DIH, attention and prevention of the forced displacement, particular impulse to the DIH and to the administration of justice |
Elaboration of the researchers from the Sources of Boaventura de Sousa Santos and Villegas García Mauricio, Leal Francisco and Roth André.

### IV. Conclusions

The presence of a conflict armed internal in Colombia, has done of the security, a structural variable from where they study, analyzes and constructs the diverse state policies, that do against complex Colombian sociopolitical dynamics. One of the problems more urgent than follows faced the country, it is the implementation of efficient policies of security to solve the internal conflict, and, that guarantee the respect of the Human rights as well.

We argue that the Colombian conflict, can be explained by the presence within the dynamics of the system, of factors like ideological, symbolic, economic, military, political pressure or cultural, that balance frequently it or control, by means of the appearance, taken care of and maintenance of regulations and laws that they cause, they orient or they lead to the order. The emphasis in the negentrópico factor, that is to say the social control to balance the tensions that the conflict generates in the system, affects inputs which they have been inserted with respect to the security, human rights and public policies, worsening the implementation of the human rights to the system, since to the being progressive, universal, transnational and irreversible, require of an entropic disposition of the set, to make possible the change of articles of incorporation and to fulfill the equifinalidad principle; that is to say, the capacity of the systems to arrive at a same aim from different starting points: the overcoming of an internal armed conflict long play.

With respect to the three variables that we used for this analysis, we concluded that the persistence of the use of the conjunctural states of emergency, emergency situation has constructed normative and political of security, which they have debilitated and blurred not only the legal and institutional system, but the responsibility of the State against the defense and protection of the human rights, when justifying for reasons of State, the incorporation and instrumentalization of policies and norms that injure the principles of the State of Right, making difficult the fulfillment of the principle of equifinalidad of the social systems.

The weakness of the Colombian state and the uncertainty of the civil society, have facilitated that in the Colombian state corpus, prevails a militarized interpretation of the conflict and the social and popular participation; that is to say, the peaking of factors of social control in the system, has justified and legitimized the use of repressive activities. Of this form, the function not only of the Colombian institutionalism, but the one of the armed forces is debilitated, inclining to the factors and present processes in the system, to an ordering or balance from the control. In addition, conflict must be analyzed according to the transformations of the international system, prioritizing that this
must be solved through a political solution that involves and empower a civil society, able to solve its problematic ones without eroding the respect to the human rights.

Finally, the state policies that have been implemented in Colombia, are characterized for being weak, because, instead of tender to change the behaviors of the social actors, it tends to the control; this way, they potentials a state centric vision, as well as the negentropic factors in the conception, design, implementation and state evaluation of the norms and policies, debilitating the voice of other political actors of the system, debilitating the consolidation of a political culture that can affect the equifinalidad between the policies of security and the human rights in Colombia.

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