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# **Citizen participation in Colombia's peacebuilding process**

**Analysis of the mechanisms for the participation of the victims of the armed conflict**

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## ***Abstract***

This research analyzes from a qualitative perspective, the mechanisms of participation of the victims of the armed conflict in Colombia, in order to determine the type of participation that these mechanisms favor. The main collection technique used is the semi-structured interview with an official of the Unit for the Attention and Integral Reparation of Victims (Victims Unit), in charge of managing the participation of this population at the territorial level. The analysis technique used consisted of thematic analysis, using some of the theoretical categories proposed by Cornwall. It is concluded that participation spaces promote the empowerment of victims, strengthens the State-victims relationship and enhance the relevance of public policies. However, participation is mainly of a consultative nature and not necessarily permeate decision-making. Among the obstacles identified are the exclusion of part of the victim population, lack of resources, politicization and weak monitoring.

*Key words:* conflict, participation, public policy, State, victims.

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## 1. INTRODUCTION

Since the end of the 1990s, much of the theoretical discussion within peacebuilding studies has pointed out that the local sphere is a fundamental space for overcoming conflicts and that the participation of local communities plays a fundamental role in this process (Lederach, 1998; Paffenholz & Spurr, 2006; Van Tongeren et al., 2005). The interest in the role of local actors in peacebuilding has been described in the literature as the "turn to the local" (Milesi, 2015; Vélez, 2019) and it has inspired an important number of academic works, which focus on two main topics. On the one hand, the discussion between the liberal approach to peacebuilding and the perspective that proposes a shift towards the local (Leonardsson & Rudd, 2015; Mac Ginty & Richmond, 2013; Milesi, 2015); and secondly, the implications of the territorial approach in peacebuilding and the role of citizen participation in it (Ahmed & Malik, 2021; Debiel et al., 2016; Habib, 2020; Mustasilta, 2019; Paffenholz, 2015).

According to the two perspectives, the participation of local communities is crucial, not only because they have been affected by the conflict, but also because their involvement strengthens the legitimacy of peacebuilding processes, validates the relevance of the actions adopted to overcome the conflict, and stimulates accountability for the programs implemented (Leonardsson & Rudd, 2015; Rettberg, 2013). In addition, there is more receptivity and co-responsibility when local communities are involved in decision-making processes (Mac Ginty & Richmond, 2013). Despite this, authors such as Paffenholz (2015) and Debiel et al. (2016) have drawn attention to the need to analyze the role of local civil society critically.

Paffenholz (2015) points out that the participation of civil society alone does not automatically contribute to peacebuilding; it is necessary to take into account the functions it performs and the stage it is in. She also states that the role of the state is equally important and that there is a limited understanding of the local and the international, which leads to an ignorance of local elites or provides an idealistic interpretation of hybrid peace governance structures. Likewise, Debiel et al. (2016) warn that an idealized view of the participation of local actors may end up ignoring the importance of national institutions, domestic politics, formal institutions and the State.

At the same time, a great part of the research on the participation of local stakeholders is theoretical and conceptual, while empirical studies are scarce. As Debiel et al. (2016) mention, there is a need to go beyond the theoretical debate in peacebuilding research and address more transcendental issues that allow confirming or denying the advantages attributed to citizen participation. In this context, studies that analyze citizen participation in real peacebuilding processes are of great relevance, since they can broaden knowledge about the role of civil society and the conditions under which participation can be successful.

Therefore, analyzing the spaces of participation for the victims of the armed conflict in Colombia can contribute significantly to this discussion. Although the creation of these spaces is not something recent, the Peace Agreement signed between the Colombian State and the Revolutionary Armed Forces of Colombia (FARC), based on a territorial peacebuilding perspective, has given a great impetus to this participation.

According to this, this article contains the partial results of a research piece which aims to qualitatively describe the participation mechanisms for the victims of the armed conflict in Colombia, trying to establish what kind of participation they favor. For this, the theoretical approach proposed by Cornwall (2008) is used. At the same time, this article is part of a broader research that seeks to analyze the mechanisms of citizen participation developed in the municipalities that were prioritized in the Peace Agreement signed in Colombia in 2016.

## **2. CORNWALL'S APPROACH OF PARTICIPATION**

This work relies on the theoretical approach developed by Andrea Cornwall (2008) regarding citizen participation, particularly of marginalized and disadvantaged groups. She emphasizes the importance of recognizing the diverse forms of participation and the power dynamics that shape it, challenging the notion of participation as a universally positive concept and arguing for a more critical and nuanced understanding of participation processes.

Cornwall analyses different meanings and practices regarding participation and highlights the need to consider issues such as inclusion, voice, and agency when evaluating participatory initiatives.

She explains that participation is a political process in which it is necessary to consider who participates, what they participate in, and who benefits from participation. Thus, she differentiates between the participatory spaces that are created by an external agency, such as the State or an NGO, which she calls participation by invitation, and those that arise from the community. Participation by invitation can be exclusionary, as it does not convene all interested members of the community, only some leaders or representatives. Moreover, for Cornwall (2008), these spaces of participation are frequently designed and controlled by those who offer them, regardless of their intention to be participatory. Transferring ownership of these spaces to the participants themselves is a challenging task. In some cases, participants view these spaces primarily as a means to gain access to benefits or improve their access to services, showing a pragmatic and instrumental perspective.

Although it is important that the State offers spaces to participate, it is not enough. "Much depends on how people take up and make use of what is on offer, as well as on supportive processes that can help build capacity, nurture voice and enable people to empower themselves" (Cornwall, 2008, p. 275). Thus, participation per se is not enough. In order for voice to become influence, that is, for participation to become tangible actions, efforts are required from above and from below, i.e., from the State and from society. Institutional changes and political will are needed to translate the commitment to participation into tangible actions, at the same time, participants must be empowered to push for the changes required.

For Cornwall (2008), it is also important to consider what is being participated in, the "depth" of the participation, as well as its "breadth". While a deep participatory process involves participants in all phases of a given activity, from identification to decision making, a broad process involves members from different interest groups. While an ideal participatory process may be characterized as deep and wide in an abstract sense, it often becomes practically unattainable or excessively burdensome to be implemented. Participation through representatives implies segmenting the convened population into categories with which they do not necessarily fully identify. In addition, this practice can lead to consider homogeneously large and heterogeneous population groups. Therefore, it is more reasonable to consider the concept of "optimum"

participation, which entails finding the right balance between depth and inclusion based on the specific purpose at hand.

According to Cornwall (2008), it is also necessary to bear in mind that being heard does not necessarily guarantee the achievement of concrete actions and the conveners of participatory processes do not always have control over the results that will be obtained. Also, some community members exclude themselves from participatory processes for numerous reasons, including: i) they perceive that their participation is not relevant; ii) in practical terms, they cannot take part in the activities; iii) lack of confidence; iv) negative experiences in the past; v) meetings or activities are carried out in spaces with which people are not familiar; vi) people associate these activities with groups to which they do not belong; among other reasons for self-exclusion.

Another argument mentioned by Cornwall is that the increasing number of spaces for invited participation has brought about a growing sense of illegitimacy associated with traditional forms of participation, such as popular protests used to voice dissent and assert demands. Consequently, there has been a shrinking space for individuals to independently set their own agendas, as they are often compelled to fit within the agendas set by those in positions of power (Cornwall, 2008).

Cornwall's analysis is of great importance insofar as it draws attention to the need to consider citizen participation critically, emphasizing that participation alone may not be enough. It is necessary to examine in depth the characteristics of that participation and to make efforts to ensure that the involvement of citizens is effective. Although Cornwall does not delve into the idea of optimum participation, the criteria that she proposes provide an important theoretical framework for the analysis of participation spaces with vulnerable populations, such as the one carried out in this work, allowing for a more in-depth and realistic analysis.

### **3. METHODOLOGY**

This research has a qualitative design. Qualitative research is considered “a way of learning about social reality” (Leavy, 2014, p.2) using diverse methods and approaches that allow for a deep

understanding of social phenomena. As explained by Taylor et al. (2006, as cited in Deakin University, n. d.), qualitative research methods can be highly effective in providing nuanced insights into specific social contexts or situations, however they may not be as suitable for establishing direct cause-and-effect relationships or generating statistically significant results, especially in comparison to quantitative research methods. According to Hernández Sampieri and Fernández Collado (2014), the qualitative research approach is characterized by its flexibility and holistic nature, allowing for a broader vision of reality.

In this context, the research method used is the case study, which is commonly characterized as a flexible qualitative approach that is well-suited for conducting thorough, all-encompassing investigations of complex subjects within their specific contexts. It is particularly useful when the line between the context and the issue under study is blurred and involves multiple variables (Harrison et al., 2017). Thus, this study analyzes the Colombian case in relation to the mechanisms for the participation of victims of the armed conflict.

In addition, this research is descriptive in scope. As defined by Hernández Sampieri and Fernández Collado (2014), descriptive studies seek to specify the properties and characteristics of individuals, groups, or any other phenomenon under analysis, but without indicating how the variables and concepts to which they refer are related to each other. Thus, the aim of this work is to identify the main characteristics of the spaces of participation for the victims of the conflict in Colombia.

The sources of information used in this work are mainly official documents produced by the Colombian government and its agencies, which define the characteristics of the participation mechanisms for the victims of the armed conflict. The last follow-up report on the implementation of the normative framework for attention to victims in Colombia is also taken into account. In addition, this article is based on the testimony of a professional in charge of coordinating citizen participation processes with victims of the armed conflict.

The primary data collection technique used in this research is document analysis of the materials described above. This technique involves the review and analysis of documents in order

to extract meaning, gain understanding and build empirical knowledge about a topic (Bowen, 2009). The other technique used is semi-structured interviews. In this type of interview, the researcher has a predefined set of questions, but also has the flexibility to explore emerging topics and allow participants to deepen their answers. According to Johnson et al. (2007), the advantages of semi-structured interviews include the possibility of obtaining detailed and rich data, the ability to adapt to the individual characteristics and perspectives of the participants, and the opportunity to capture nuances and subjective experiences.

The information collected was analyzed using thematic analysis. This technique involves identifying patterns in data and using emerging themes as categories for analysis. It implies carefully reviewing and analyzing selected data and using coding and category construction to reveal themes related to a particular phenomenon (Fereday and Muir-Cochrane, 2006, as cited in Chanda, 2021). This thematic analysis was also based on the elements proposed by when analyzing citizen participation, they are: convening process, participants, participation topics and type of participation (consultative, decision-making, monitoring and follow-up).

According to the above, the research followed these steps:

- i. Literature review and selection of materials, including the norms that regulate victim participation in Colombia.
- ii. Preparing the interview. This step includes approaching the participant and elaboration of the interview instrument.
- iii. Conducting the interview.
- iv. Thematic analysis of the interview and the materials collected, considering the theoretical approach mentioned by Cornwall (2008).

#### **4. INITIAL RESULTS**

The participation of victims is described and analyzed according to the following categories:



**Table 1.***Categories for the analysis of victim participation*

<b>Participation of Victims</b>	Participation by invitation	• Delegation
		• Relationship with the State
		• Scope
	Participation as a right	• Guaranties
	Potential for achieving tangible actions	• Strengths
		• Weaknesses

#### **4.1 Participation by invitation**

Using the theoretical approach proposed by Cornwall (2008), the participation of the victims of the armed conflict in Colombia can be classified as participation by invitation, that is, the State has created mechanisms for the involvement of this population in public affairs. However, these mechanisms bring together representatives of victim organizations, so that they constitute a combination of participation created by external agency and participation that arises from the community. These mechanisms of participation are regulated through different norms. The most important among them is Law 1448 of 2011, known as the Victims and Land Restitution Law<sup>2</sup>. The law was created in order to contribute to the peacebuilding process that was underway, with the aim of restoring the rights of the victim population and overcome the conditions that make them vulnerable, based on the principles of truth, justice and reparation. Specifically, the law seeks to guarantee victims' access to education, health, housing, employment, income generation and economic reparations. It also includes provisions that seek to restore the dignity of this population, learn the truth, preserve the memory and prevent the repetition of the victimizing events.

The norm also recognizes that the achievement of these objectives requires the active participation of victims and therefore, creates different instances of participation and establishes the conditions

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<sup>2</sup> The implementation of this law has been done through Regulatory Decree 4800 of 2011 and resolutions 0388, 0588, 01448 of 2013 and 0828 of 2014, which were subsequently repealed by Resolution 01668 of 2020, among other complementary norms and jurisprudence.

for victims to make effective use of them. Among these instances, Victim Participation Tables (*Mesas de Participación, in Spanish*) stand out, as they are the ones that enable the direct involvement of victims in the design, implementation and monitoring of public policies. Additionally, these tables are the space in which the victims' representatives that take part in other participation mechanisms are defined<sup>3</sup>. The Participation Tables operate around themes and have a differential and inclusive approach, as they consider the different victimizing events that have affected victims (crimes against life and liberty, crimes against physical or psychological integrity, sexual violence, forced displacement) and different population groups that have been damaged by the conflict (Children and adolescents, young people, women, people with disabilities, elderly, LGBTI population and ethnic population).

This regulatory framework has allowed victims' participation to develop in an organized manner, since it defines in detail the conformation and functioning of the Participation Tables. As explained by a professional of the Victims Unit: "It [the participation] is already very well organized. It is done through Resolution 01668 of December 30, 2020, which establishes how these victims will be elected, at the municipal, departmental and national levels" (Personal communication, April 27, 2023). Following the stipulations of this resolution, the participation of victims takes place under a scheme of territorial elections, with a defined number of representatives and pre-established dates.

### **3.1.1 Delegation**

This model of participation relies on delegation for its operation. Victims elect a certain number of representatives at the municipal level, who in turn can nominate and elect the members of the Departmental and subsequently, the National Participation Table. In this way, a principal-agent relationship is established, insofar as victims (principal) delegate to a certain group of people (agents) the representation of their interests. However, this delegation, as explained in the literature about the principal-agent model, can be problematic to the extent that the interests of victims and

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<sup>3</sup> Other mechanisms of participation are: The Board of Directors of the Special Administrative Management Unit for the Restitution of Dispossessed Lands, The territorial committees of transitional justice, The Follow-Up and Monitoring Commission, The Executive Committee for the Attention and Reparation to Victims, The Board of Directors of the Historical Memory Center, The technical subcommittees

their representatives may not be aligned. In addition, there are problems of asymmetric information that hinder accountability (Bovens et al., 2014). As mentioned by Cornwall (2008) and related to the above, this model of participation is exclusive, to the extent that only elected representatives are those who effectively participate.

In the case of Colombian victims, those who do not belong to any organization are at a disadvantage, as well as victims living abroad. According to a recent diagnosis of the National Council for Economic and Social Policy (2021) there is a lack of strategies to enable the participation of victims who are not organized into groups or associations and to guarantee an inclusive approach to the participation of the population that is abroad. This latter group faces particular difficulties to participate and to get representation of differential approaches (Consejo Nacional de Política Económica y Social, 2021), hindering the ability to collaborate and reach consensus that benefits the victim population as a whole.

### **3.1.2 Relationship with the State**

The participation of victims can be seen as a tool for legitimizing the actions of the State. This has been evident since the Peace Agreement with the FARC, whose negotiations and the agreement document itself give a priority role to the participation of victims as a way of compensating for the damages suffered during the conflict. In addition, the Peace Agreement seeks to overcome the causes that gave rise to the conflict and it requires to take into account the affected population, both in the identification of the sources of conflict and in proposing solutions to get over them. At the same time, victims' representatives are supported and qualified to take part of the participation exercises, which can lead to better outcomes regarding public interventions.

It can be also said that the participation of victims is a mechanism of focalization for the actions of the State and can improve the relevance of public policies. The Tables of Participation allow for the identification of beneficiaries of the different programs offered by the State and bring the State offer closer to the needy population. There is a certain articulation and concurrence of the different entities of the State to solve the needs of victims.

### **3.1.3 Scope**

The participation of victims is mainly consultative and only to some extent, oriented to decision-making. This is observed in the fact that victims' representatives communicate their needs and make requests to the corresponding State institutions, with the intermediation of the Victims Unit, that is, they are consulted for the realization of a diagnosis. In some cases, this participation goes further and victims propose concrete solutions and manage to include their demands in the design of public policies. However, further research is required to know to what extent these proposals materialize. On the other hand, little evidence of follow-up and monitoring processes in which victims participate was found:

“The Protocol (Protocol for the effective participation of the victims) contemplates that the Participation Tables must submit annually to the municipal council, a follow-up report to the application of Law 1448 of 2011, obligation that is not fully fulfilled, because only one of the six municipalities prioritized for this analysis, Tumaco, performed this task, which represents the loss of an important victim impact scenario, because this is a fundamental space for the discussions and validation of proposals.” (Comisión de Seguimiento y Monitoreo a la Implementación de la Ley 1448 de 2011 “Ley de Víctimas y Restitución de Tierras”, 2022).

In relation to the above, the CONPES Document 4031 of 2021, which updates the policy guidelines for attending and repairing victims, identifies that the success of victim participation mechanisms has been limited due to insufficient monitoring to such participation and the difficulties in establishing the impact and incidence of the proposals generated through these mechanisms (Consejo Nacional de Política Económica y Social, 2021). As a result, there is a lack of focus or clear direction regarding the content of public policy designed to meet the needs of the victim population. This, in turn, can affect the coherence in the implementation of public policy and lead to difficulties in meeting the needs of victims. Consequently, public policy may not be able to fulfill its purpose of providing comprehensive support and reparation to the population victim of the armed conflict.

### **3.2 Participation as a right**

The participation of victims is considered a right that must be guaranteed by the State and it is a fundamental axis of the reparation to be made by the State for the damage suffered by this population during the conflict. It is clearly stated in Law 1448 of 2011, which is the basis for all other regulations on victim participation.

According to this, the Colombian State is compelled to offer guarantees so that victims' representatives can participate. These include financial and in-kind compensation for attendance at meetings, as well as technical assistance and training for members of the participation roundtables. Thus, public institutions must allocate resources from their budget to finance the involvement of victims in various activities. However, sometimes these institutions do not have in real terms the resources required, generating delays in the implementation of participation mechanisms or hindering their operation, so that in some municipalities or departments the creation of the Participation Tables is not carried out or the number of sessions stipulated in the regulations is not met. (Comisión de Seguimiento y Monitoreo a la Implementación de la Ley 1448 de 2011 “Ley de Víctimas y Restitución de Tierras”, 2022).

It is also important to mention that although the norms establishes a series of guarantees and incentives to encourage effective participation, in many cases the benefits granted to the members of the Participation Tables and representatives of the victims, have a negative impact, as expressed in Document CONPES 4031 of 2021. According to it, these benefits can condition not only their attendance at meetings, but also their willingness to make critical or important proposals and comments in coordination and decision-making bodies, both national and territorial. In other words, the granting of supports or incentives to representatives can lead to representatives feeling conditioned in their participation, either by fear of losing these benefits or by restrictions imposed by those who grant such support. As a result, the participation of victims is limited and the possibility of their voices being heard and considered effectively is also affected (Consejo Nacional de Política Económica y Social, 2021).

### **3.3 Potential for achieving tangible actions**

The mechanisms established by the State for the participation of victims can be an effective channel for implementing concrete actions in favor of this population, but there are some limitations that must be overcome. Their main strengths and weaknesses are analyzed below.

### **3.3.1 Strengths**

One of the main strengths of the participation spaces created by the State for victims is related to advocacy. These mechanisms give victims a voice, allow them to be heard and highlight their demands and the affectations they suffered as a result of the conflict. They also contribute to the dignity of the victims by recognizing their rights and the responsibilities of the State towards this population. The professional of the Victims Unit interviewed, explained it as follows:

“Another advantage is that the victim feels recognized and that they are part of a society, because in one way or another, because of the situations they have experienced, which are very different in each one, they move away a little or feel discriminated against or feel far from those benefits that they can receive.” (Personal communication, April 27, 2023).

Another strength is that the design of the participation mechanisms promotes the empowerment and strengthening of the capacities of the victims. Thus, they can not only express their demands, but they are also better able to manage them. Additionally, the relationship between the State and a part of the society, the victim population, is strengthened through participation, increasing its legitimacy and in part, the quality of public policies.

### **3.3.2 Weaknesses**

Despite these strengths, the participation of victims has limitations that affect its effectiveness. One of the weaknesses identified is the limited scope of participation. The large number of victims, approximately 8 million people, equivalent to 16% of the Colombian population (Ministerio de Salud y Protección Social, 2020), and their territorial dispersion, since registered victims are found in 90% of the country's municipalities, mainly in rural areas, (Guarin et al., 2023), diminish the ability of the State to communicate and convene this population, as well as its capacity to provide

the goods and services that they demand. In addition, participation is affected by the insecurity problems that affect part of the country and poor transport infrastructure, which make it difficult for the victims living in remote areas to travel and attend participation spaces.

In connection with the above, public resources to assist the entire victim population are limited and sometimes, victims must have their own resources to participate. This shortage of resources is particularly tangible when we look at the financial reparations that the Colombian State must give to victims as compensation for the damage suffered during the conflict. Around 7,4 million victims are eligible for the payment of such financial compensations; however, by August 2021 only 1,1 million victims had received this money (Guarin et al., 2023).

It is worth mentioning that, according to recent research (Guarin et al., 2023), economic reparations allow families to make significant investments and enhance their overall well-being. Victims tend to use the money they receive in income-generating activities and the education of their children, ultimately leading to improved work and living conditions, as well as better health outcomes. Consequently, it is considered that reparations programs can help victims to overcome poverty and narrow the gaps resulting from their victimization. As mentioned by Guarin et al. (2023), the reasons that explain it are multiple and include: i) the compensation amount is substantial enough to bring about meaningful changes in the lives of recipients<sup>4</sup>; ii) the beneficiaries of reparations often belong to poor families, making the payment a significant portion of their overall income; iii) the institutions in charge of the reparations disbursement have managed them efficiently and address the specific needs of victims; iv) favorable macroeconomic conditions.

Despite these positive results, many victims have not yet received this compensation. Moreover, this financial compensation largely determines the level of satisfaction of the victims with the participation mechanisms created by the State. According to the official of the Victims Unit, those people who have not received monetary compensation do not feel satisfied with participation mechanisms, despite the fact that the participation spaces as such, may work properly. In the words of the official: "If you ask a victim who has not yet been compensated... how did it go? how

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<sup>4</sup> The financial reparation is a lump-sum payment that depends on the type of damage suffered. According to Guarin et al. (2023) this payment corresponds in average to three times the annual income of the family.

satisfied do you feel? so she will say no, hey, I don't feel satisfied, it's just that I haven't been compensated.” (Personal communication, April 27, 2023).

Another difficulty is that the spaces of participation of victims can sometimes be politicized. Since it is a large population with numerous social demands, some politicians have an incentive to approach it for electoral purposes so that the Participation Tables are used by politicians as a platform to get closer to victims and even use the state's offer as a tool to win votes.

Finally, it is not clear to what extent the representatives of victims in the Participation Tables, communicate the relevant information to their constituents and effectively represent their interests, given that no follow-up is carried out in this regard. This can be an additional obstacle to the inclusion of all victims and the greater coverage of the benefits that participation brings for the victim population. In a similar way, the National Council for Economic and Social Policy (2021), has pointed out that there is inequality in the treatment given to the representatives of the victims in the Participation Table at national level, compared to the departmental and municipal tables. This situation generates breaks in the internal communication channels between the different levels of representation, which inhibits effective collaboration and coordination.

#### **4. PRELIMINARY CONCLUSIONS**

The analysis carried out allows us to preliminary conclude that the participation of victims is a cross-cutting issue throughout the policy of attention to this population and a central axis in the restitution of their rights and therefore, of the country's peacebuilding process. This participation takes place in a solid regulatory framework and with an institutional infrastructure that is in the process of consolidation, particularly at the territorial level.

These mechanisms of participation mainly favor consultative participation and partially, the involvement of victims in decision-making. Although participation has a wide regulation and the State has provided tools to ensure that participation is effective, there are obstacles related to the inclusion, shortage of resources, accountability, security problems and poor infrastructure, which limit the scope and depth of this participation. However, these reflections should be analyzed in



more detail and include other sources of information in the analysis, such as the victim population, so that it is possible to have a more accurate view of the participation of victims.

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