

Charting Uncharted Waters: Participatory Budgeting as a Novel Transitional Justice Guarantee of Non-Recurrence of the Conflict in Colombia?

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Abstract

After fifty years of war, Colombia is about to start the implementation of an ambitious peace deal between the Government and the FARC-EP guerrilla. The final Peace Agreement between the parties surpasses transitional justice measures implemented before, to embrace guarantees of non-recurrence that are non-usual suspects in the transitional justice scenario. One of these instruments is participatory budgeting. Yet, although the Peace Agreement regards participatory budgeting as a guarantee of non-recurrence, the national and international transitional justice theory has no previous conceptualization of participatory budgeting as a transitional justice mechanism. In this scenario, the paper explores and discusses the theorization of participatory as a transitional justice mechanism in Colombia. To do so, the article places participatory budgeting in a wider theoretical debate regarding transitional justice, to lay the foundations for a further systematic analysis of empirical data. The chapter is based on a review of the literature on transitional justice, democratic innovation, participatory budgeting, and citizen participation. Overall, the studies suggest that more research is needed to understand the nuances of citizen participation and the role of technology in changing institutional environments in post-conflict scenarios, and that the label “guarantee of non-recurrence” requires more conceptual elucidation. Furthermore, the paper identifies four strands in the transitional justice literature that should be weighed in more detail with an evidence-based research, to explore the conceptualization of participatory budgeting under a transitional justice lens: (i) the inclusion of participatory approaches to transitional justice studies; (ii) the relationship between transitional justice and economic, social and cultural rights; (iii) the links between transitional justice and development; and (iv) the theorization of the guarantees of non-recurrence.

Key words

Peace; Colombia; Postconflict; participation; participatory budgeting.

Introduction

During the last four years, Colombia has been immersed in a peace process between the Government and the FARC-EP guerrilla to end more than fifty years of war. Two main features differentiate this negotiation from previous experiences (Bouvier 2014; García-Durán 2004; Sarmiento 2011). First, it places citizen participation at the centre of the endorsement and implementation of the agreements (Arévalo 2014; Pfeiffer 2015a; Pico 2015). Second, besides agreeing on traditional transitional justice mechanisms for truth, justice and reparation—which are usually agreed in similar peace processes (Thoms et al 2008; Olsen et al 2010; de Greiff 2015a; de Greiff 2016; Roht-Arriaza 2016)—, the parties have also included a broad range of guarantees of non-recurrence to prevent the repetition of the conflict (Colombian Government & FARC 2016).

In the words of the Peace Accord, one of the guarantees of non-recurrence agreed to encourage citizen participation is participatory budgeting, which is a process that allows citizens of a locality to directly decide how to spend part of the local budget. According with the parties, participatory budgeting is a key component to strengthen democracy that might prevent the rise of new conflicts (Colombian Government & FARC 2013a; FARC 2013). Likewise, parallel to the peace process, Law nº 1757 of 2015—recently sanctioned in Colombia to regulate participatory mechanisms—includes guidelines regarding the implementation and enhancement of participatory budgeting at the local level.

Transitional justice is a dynamic field in constant transformation (Arthur 2009; Teitel 2014; Fletcher & Weinstein 2015; Lawther 2015). However—and maybe precisely due to its dynamism—, despite the rich literature that has emerged around this area in the past twenty years, it is still under-theorized (Hansen 2011; de Greiff 2012b; de Greiff 2013; Fletcher & Weinstein 2015), and requires more empirical research (Thoms et al 2008; Olsen et al 2010; Dancy & Wiebelhaus-Brahm 2015; Pham et al 2016).

Hence, the purpose of this chapter is to explore and discuss, according with the current literature on transitional justice, participatory budgeting could be theorized as a transitional justice mechanism in Colombia. Thus, the chapter places participatory budgeting in a wider theoretical debate regarding the nature and boundaries of transitional justice mechanisms in Colombia, to lay the foundations for a further systematic analysis of data to produce a medium-level thorough grounded theory (Glaser & Strauss 1967; Strauss & Corbin 1990).

In the last decade some exercises of participatory budgeting worldwide have been complemented with the use of digital tools (Peixoto 2008; Peixoto 2009; Matheus et al 2010; Sampaio et al 2011; Sampaio & Peixoto 2014;). In this context, the chapter also suggests that empirical research of digital exercises of participatory budgeting in Colombia, may also allow a deeper understanding of the relation between information and communication technologies and transitional justice.

The chapter has two sections. *Section One* provides a brief background of the Colombian armed conflict, together with a succinct summary of the peace negotiations with FARC guerrilla, and describes the role of citizen participation in the peace process. Mainly, the chapter concludes that, although citizen participation plays a pivotal role in the current agreements, there are many challenges that peacebuilding participatory initiatives face—such as a lack of trust and institutional response—, and more research is needed regarding the relationship between citizen participation and peacebuilding in transitional justice contexts.

Likewise, *Section One* briefly reviews the main transitional justice mechanisms that have been implemented in Colombia. In particular, the section asserts that in the last ten years the transitional justice legal framework in Colombia has slowly shifted from relying solely on mechanisms to guarantee the victims' rights to justice, truth and reparation (Rincón 2010; Aponte 2011c), to embrace guar-

antees of non-recurrence that are non-usual suspects in the Colombian transitional justice field (Chavarría 2012; Duque & Torres 2014). Yet, the recent Peace Agreement is the first instrument in Colombia and worldwide that deems participatory budgeting as a transitional justice guarantee of non-recurrence.

Finally, *Section Two* introduces participatory budgeting as a case study to research the relationship between citizen participation, peacebuilding and technology in a transitional justice scenario, by briefly discussing the origins, evolution and trends of participatory budgeting worldwide and in Colombia. This section also digs deeper into the literature about the use of digital tools in participatory budgeting exercises.

During the summer of 2016, I conducted exploratory fieldwork to discuss the strengths and challenges of participatory budgeting in the city of Medellín, Colombia, the role that technology could play to enhance the process and what could peace mean in this context. In particular, I engaged in a preliminary participant observation exercise of the 2016 participatory budgeting process of Medellín. Likewise, I conducted 34 semi-structured interviews with citizens, delegates in the process, community leaders, staff of the Town Hall and the National Planning Office, academics and members of NGO's, and three focus groups with eighty participants in Medellín's participatory budgeting process. Based on this exploratory research, the section also suggests four strands in the transitional justice literature currently being discussed by different authors in the field, that should be weighed in more detail with an evidence-based research, to explore the conceptualization of participatory budgeting under a transitional justice lens.

First, how can bottom up or participatory approaches to peacebuilding be integrated to transitional justice studies (Wierzynski 2004; Lundy & McGovern 2008; McEvoy & McGregor 2008; Denhardt et al 2009; Brewer 2010; Hoogenboom & Vieille 2010; Charbonneau & Parent 2013; Gready & Robins 2014; Selim 2014; Pfeiffer 2015a)? Second, what is the relationship between transitional justice and economic, social and cultural rights (Arbour 2007; Hecht & Michalowski 2012; Şahinkaya 2013; Duthie 2014; Roht-Arriaza, 2014; Cahill-Ripley 2015; Dancy & Wiebelhaus-Brahm 2015; Szoke-Burke 2015)? Third, what are the possible links between transitional justice and development (Aguirre & Pietropaoli 2008; Mani 2008; Duthie 2008; de Greiff 2009; Huggins 2009; Duthie 2014; Dancy & Wiebelhaus-Brahm 2015)? Lastly, what is a transitional justice guarantee of non-recurrence, and what are the main differences, tensions, similarities and synergies between the guarantees of non-recurrence and the other elements of a transitional justice approach (de Greiff 2015a; Roht-Arriaza 2016)?

War and peace in Colombia: The war with no name and participation as the name of peace?

To understand why participation is at the core of the Colombian peace process, and the chain of thought behind the Colombian Government and FARC to include participatory budgeting as a transitional justice mechanism in the agreements, this first chapter intends to provide a general overview and background of the Colombian armed conflict to set out the context for the specific research focus. Additionally, it reviews the main features of the Final Peace Agreement with FARC and the role of citizen participation in it, together with some challenges that citizen participation faces in the Colombian peacebuilding context.

Disentangling the Colombian conflict: Main origins, causes, actors and effects of the violence.

Two elements have characterized the construction of the Colombian State since its independence from Spain in 1810: violence and democracy (Pizarro 2015; Waldmann 2007). Not only did it have eight civil wars and fourteen regional armed conflicts, but at the same time it also has had periods of relatively calm democratic stability (Pizarro 2015)¹.

Contested roots of a prolonged war

In this scenario, the conflict's origin is an issue of debate amongst different experts. As Pizarro acknowledges (2015), while some historians such as Vega (2015) and Wills (2015) trace the origins in the XIX century, with different conflicts that emerged while Colombia was consolidating as a State, others favour a more contemporary view and trace the origins in the Twentieth Century.

Within this last view, there are three main trends. On the one hand, Fajardo (2015), Molano (2015), de Zubiría (2015) and Giraldo (2015) claim that the conflict originated with the calls for an agrarian reform in Colombia during the 1920's (Pizarro 2015). On the other, Pécaut (2015) traces the origin particularly in the period called *The Violence* (in Spanish, *La Violencia*), which was a cruel struggle between the conservative and liberal parties that took place from 1946 to 1964. Lastly, Gutiérrez (2015), Duncan (2015), Giraldo (2015) and Torrijos (2015), sustain that the current conflict initiated in the 1960's, after the creation in 1958 of the National Front in Colombia².

According to Pizarro (2015), this last period can also be divided in two main historical phases. A first phase took place from 1964 until the eighties, when communist oriented guerrilla groups emerged after the Cuban revolution, such as the FARC³ and the ELN⁴. Afterwards, a second period started, when existing guerrilla groups got stronger, and some new guerrillas also emerged, together with

¹ There are a plurality of visions around the origins, actors, causes, victims and impact of the violence in Colombia (Moncayo, 2016; Pécaut, 2015; Pizarro Leongómez, 2015; Restrepo & Aponte, 2009). Precisely due to this circumstance, the Colombian Government and FARC created in August 2014, an *ad hoc* commission called the Historical Commission of the Conflict and its Victims (in Spanish *Comisión Histórica del Conflicto y sus Víctimas*), comprising twelve experts and two rapporteurs selected by both parties, with the objective of contributing to the understanding of the complexity of the Colombian armed conflict. Each expert produced a report about three issues (i) the origins and causes of the conflict; (ii) the principal factors that have contributed to the persistence of the conflict; and (iii) the most notorious effects and impacts of the conflict on the population. In turn, the rapporteurs synthesized the consensus, dissents and plurality of visions of the experts (Colombian Government and FARC, 2014). Yet, the rapporteurs produced two final reports instead of one, given the wide number of voices contained in the twelve narratives (Moncayo & Pizarro Leongómez, 2015). Thus, in the next paragraphs I will briefly recapitulate the main features of the Colombian conflict in terms of origins, causes, actors and effects, comprised in the twelve reports and the two final briefings of the rapporteurs. I will particularly emphasize the relevant narratives enclosed in the reports regarding the impact of the conflict on civil society participation, given that this is the core issue that inspired the inclusion of participatory budgeting in the peace agreements with FARC. Additionally, I will finish this section reviewing the main features of the current peace process with FARC and the role of citizen participation in it.

² During the National Front (in Spanish *Frente Nacional*), which lasted between 1958 and 1974, the Liberal and Conservative parties created a coalition to alternate power every four years in Colombia (Palacios, 2003).

³ The Revolutionary Armed Forces of Colombia (in Spanish *Fuerzas Armadas Revolucionarias de Colombia*, FARC) are a communist guerrilla founded in the early sixties after a battle with the military in May 27, 1964 (Sánchez & Sánchez 2004). The operation took place in the municipality of Marquetalia in Tolima, a zone that was taken by a group led by Manuel Marulanda Vélez, alias "Tirofijo", who considered pressing the realization of an agrarian reform and restructuring of the State (Valencia, 1997), and had links with the Communist Party (Pécaut, 2008). In July 1964, the group held the First Guerrilla Conference of the South Block of Colombia, around the issue of land reform in the country, and the goal of taking power (Pizarro, 1992). Two years later, a second Guerrilla Conference took place in April 1966, in which the Revolutionary Armed Forces of Colombia were instituted (Buenaventura et al, 1985). For a detailed account of the creation and evolution of FARC, Cf. Pécaut, D. (2008). *Las FARC: ¿Una guerrilla sin fin o sin fines?* Grupo Editorial Norma.

⁴ The National Liberation Army, (in Spanish *Ejército de Liberación Nacional*, ELN), was founded in 1964, inspired by the Cuban revolution. It has a Marxist ideology and has also had a strong influence from the theology of liberation. For a detailed account of its creation and evolution Cf. Arenas, J. (1971). *La guerrilla por dentro*, Ediciones Tercer Mundo.

drug trafficking and paramilitary groups (Pizarro, 2015). Within this broader picture, this chapter shares the view of Gutiérrez (2015), Duncan (2015), Giraldo (2015) and Torrijos (2015), and traces the origins of the contemporary conflict back to 1964, when the FARC and ELN guerrillas emerged.

Who are the parties and why are they fighting?

Within this background, several experts agree that there is not a unique cause of the conflict, but a sum of different triggers (Moncayo 2015; Pizarro 2015). Amongst them, the most prominent issues at the core of the origins and persistence of the conflict have been: (i) a lack of agrarian development and a deeply unequal distribution of land (Giraldo 2015; Molano 2015; Gutiérrez 2015); (ii) a dangerous use of violence and arms to pressure citizens to vote—either in favour of guerrillas, paramilitary or legally constituted political parties—(Wills 2015; Gutiérrez 2015; Giraldo 2015); (iii) the lack of State presence in some parts of the country (Giraldo 2015), which in turn sparked the creation of self-defence groups that later evolved in paramilitary forces (Gutiérrez 2015); (iv) a closed democratic system combined with the killing of political and social leaders (Moncayo 2015); (v) a clientelist and corrupt political system (Pizarro, 2015); (vi) the illegal drug dealing (Pécaut 2015; Molano 2015; Duncan 2015; Gutiérrez 2015); (vii) the impact of violence that generated more violent responses (Giraldo 2015; Duncan 2015); and (viii) extortion and kidnapping of civilians (Gutiérrez 2015; Duncan 2015).

In this scenario, the main actors of the conflict have changed depending on the historical time. As Pizarro (2015) notes, during the first phase of the conflict two main actors were the protagonists: the first guerrilla groups that emerged in the sixties, and the Colombian Military Forces. Yet, from the eighties onwards, and particularly due to the emergence of drug dealing gangs and paramilitary groups, these new actors became also leading characters of the conflict⁵ (Pizarro 2015).

However, during the presidency of Álvaro Uribe Vélez (2002-2010), a peace process was held with paramilitary groups, with the aim of demobilizing paramilitary combatants in Colombia (Centro Nacional de Memoria Histórica 2013). The negotiations were complemented with transitional justice measures, such as the creation of the *Justice and Peace Law*, which offered the combatants the possibility to reduce the punishment for the crimes they committed to a period from 5 to 8 years (Ambos 2010).

Even though some paramilitary combatants demobilized and the main paramilitary leaders were extradited to the United States for crimes related with drug dealing, other former members created new illegal armed groups, this time with the purpose of controlling the business of drug dealing that was left with a vacuum of power (Pérez & Montoya 2013). These bands are now called *emergent criminal bands* or BACRIM⁶. Likewise, since 2015, some former paramilitary groups have started to take arms again, as a reaction to the peace agreement with FARC (Molano, 2016).

⁵ For a more detailed account about the creation of paramilitary groups in Colombia and the interaction between drug dealing, drug cartels, paramilitary groups and guerrillas in Colombia Cf. Duncan, G. (2015). *Los señores de la guerra*, DEBATE.

⁶ For a more detailed explanation about the emergent criminal bands (in Spanish *bandas criminales emergentes* or BACRIM), Cf. Valencia, L. (2016). "Las bandas criminales y el postconflicto". In L. Valencia, & A. Ávila (Eds.), *Los retos del postconflicto: Justicia, seguridad y mercados ilegales*, Ediciones B.

Given how blurred the causes of the conflict are after decades of violence, and how difficult it is to categorize it, some historians claim that Colombia has *a conflict with no name*⁷ (Sánchez et al 2006; Pizarro 2015).

The impact of the conflict on civil society

As Pizarro (2015) recognizes, there is more consensus amongst the experts regarding the negative impact of the conflict on civil society (Colombian Government and FARC 2016). In the view of Gutiérrez (2015), this impact, in turn, weakened the legitimacy of law, and increased the transactional economic costs of participation (Velásquez & González 2003). Additionally, Gutiérrez (2015) highlights three aspects that harmed citizen participation in Colombia: (i) the murder of social and political leaders; (ii) the entry of illegal actors and illegal practices into the political system and institutions; and (iii) the combination of guns and arms to pressure citizens to vote. In the view of de Zubiría (2015), the conflict generated a process of collective victimization of participatory movements and political projects.

Accordingly, the Final Agreement between the Colombian Government and FARC highlighted the need of boosting participatory practices to guarantee that the conflict is no longer repeated. This is precisely why, as a theory of change behind the inclusion of participatory budgeting in the peace agreements, the parties considered pervasive to strengthen citizen participation as a guarantee of non-recurrence. Hence, the parties declared in the Accord that fostering citizen participation would lead to build trust and nurturing a culture of tolerance, respect and peaceful coexistence (Colombian Government & FARC, 2016).

The peace process between the Colombian Government and FARC-EP guerrilla

The background and framework of the 2016 Final Accord

After several months of secret negotiations, the Colombian Government and FARC announced the start of a peace process in 2012. Three failed attempts of talks with this guerrilla group precede the current process (González 2004). Additionally, several peace processes with other guerrillas and paramilitary groups⁸, that demobilized combatants, and aimed at integrating them to civil life, have taken place in Colombia in the past thirty years (Bouvier 2014; García-Durán 2004; Sarmiento Santander 2011).

Based on the lessons learned from past experiences, the parties designed the current peace negotiations as a process of three phases intended to be accomplished in the short, medium and long term (Jaramillo 2013). At the *first stage*, the parties negotiated an agenda for the talks, called the *General Agreement for Ending the Conflict and Building a Stable and Long Lasting Peace*, dated August 26, 2012 (Colombian Government & FARC 2012).

⁷ The categorization has been so polemic, that even during the eight years of presidency of Álvaro Uribe Vélez, the Government denied the existence of an internal armed conflict and, conversely, declared FARC guerrilla as a terrorist group. However, the identification of this group as a political actor was relevant to start political negotiations with them (Otálora & Machado 2012).

⁸ The most recent of these negotiations is the peace process between the Colombian Government and paramilitary groups.

The agenda incorporated six issues to be discussed by the spokespersons of the Government and the FARC guerrilla. The topics are directly related with the Colombian armed conflict and its causes, and comprised the following matters: (i) comprehensive agrarian development policy; (ii) political and citizen participation; (iii) the end of the conflict; (iv) the solution to the problem of illicit drugs; (v) victims; and (vi) the implementation, verification and endorsement of a Final Agreement.⁹

In October 2012, the spokespersons of the Government and FARC, agreed on the public installation of a dialogue table in charge of negotiating the General Agreement. With this act, the *second phase* of the peace process started. During this stage, all six topics of the agenda were discussed, to settle agreements between the parties. This period finished with the announcement of a Final Agreement in August 24 of 2016, which intended to create the basis to make a transition in Colombia from an armed conflict to a social conflict. This is, from a fight with arms to a dispute with ideas and words-founded on democratic and legal grounds. This is the basis and end point of the demobilization of FARC guerrilla included in the agreements, and its expected conversion into a political group (Colombian Government & FARC 2016).

The process' design incorporated a popular endorsement of the agreements through a plebiscite on the 2nd of October 2016, in order for a *third phase* of the process to begin, consisting on the implementation of the agreements. This third stage aims to build a stable and long-lasting peace amongst all Colombians, with an emphasis on what the Government called *territorial peace* (in Spanish, *paz-territorial*) (Office of the High Commissioner for Peace 2014); i.e. the implementation of the peace agreements at the local level with an active participation of citizens (Guarín 2016; Maldonado 2016).

From a legal perspective, according with the Constitutional Amendment nº 1 of 2016, if Colombian citizens had endorsed the Final Agreement, it would have had a constitutional status without being formally included in the Constitution. Under the Colombian legal framework this feature is called *bloque de constitucionalidad*. In particular, the parties agreed that, following its popular ratification, the Accord would become a special agreement according to the Common Article 3 of the Geneva Conventions of 1949 and the Additional Protocols I and II (Colombian Government & FARC, 2016). Thus, all the agreements, including the participatory budgeting arrangement discussed in this chapter, would have been legally binding.

Still, since the Colombian citizens did not endorse the Agreement, the content of a Final Agreement negotiated by the parties shortly afterwards was endorsed by the Colombian Congress, after a judgement of the Colombian Constitutional Court permitting this procedure. This new and Final Agreement is now being applied (Colombian Government & FARC, 2016). Yet, its successful implementation needs the enactment of multiple legal bills presented by the Government to the Colombian Congress. Some of these laws are already sanctioned, but many of them are still under discussion in the Parliament.

Territorial peace and citizen participation: Overarching goals of the current agreements

⁹ It is also relevant to note that in March 2016, the Government and the ELN guerrilla announced an agenda of six issues for a peace process that is expected to start on the second semester of 2016. The agenda also emphasizes citizen participation as key for peace-building. For instance, the first two points are (i) citizen participation in the negotiations and implementation of the agreements and (ii) the boost of democracy to boost peace. The remaining points include: (i) transformations for peace; (ii) end of the conflict; (iii) victims' rights; and (iv) implementation of the agreements. For more information, Cf. Colombian Government & ELN, *Acuerdo de diálogos para la paz de Colombia entre el Gobierno Nacional y el Ejército de Liberación Nacional*, 2016, in: <https://goo.gl/X6YZKe>

In a nutshell, the agreements aim to build a complementary system to satisfy the victims' rights to truth, justice, reparation and non-recurrence, while creating the necessary conditions for FARC guerrilla to disarm, demobilize and reintegrate to society (Colombian Government and FARC, 2016; Goebertus 2016). Two issues at the core of the Final Agreement are determinant to understand the role of citizen participation under its' scope.

First, as it was noted previously, the agreements emphasize the need for *constructing peace at the local level* through the concept of *territorial peace* (González et al 2015). This is explained by the fact that the conflict has impacted with more intensity specific municipalities and regions of the Colombian territory (Jaramillo, 2014). Second, the agreements ambition to create *an alliance for peace between the citizens and the local and regional authorities and communities*, to unify their efforts towards the same objective: building a long and stable peace (Jaramillo 2014; Arévalo 2014; Colombian Government & FARC 2016)¹⁰. Participatory budgeting is one of the mechanisms agreed by the parties to strengthen the aforementioned alliance.

Yet, the relationship between citizen participation and peace in Colombia is not straightforward. As it was previously emphasized, decades of violence have broken social cohesion, and destructively affected personal and institutional trust (Sarmiento & Sánchez 2011; Gutiérrez 2015; Colombian Government & FARC 2016).

In particular, as it is warned by specialized studies, a society deeply polarised and divided by the conflict (Gutiérrez 2015; de Zubiría 2015), whose cohesion has been fragmented after decades of violence (Velásquez & González, 2003; García-Durán 2011), and living in a country where the legal institutions have been replaced by the control of illegal groups in parts of the territory (Arjona 2014; García-Villegas & Espinosa 2014), faces many challenges in the road to build peace through participatory measures (Velásquez 2011; Núñez & Montoya 2016).

Nonetheless, more research is needed to understand these difficulties (García-Arboleda et al 2015). Participatory budgeting is a suitable case to explore this issue given two main reasons. On the one hand, it is a mechanism that has already been implemented in Colombia for over two decades (Santana 2009; Lara 2014; Red de PLYPP 2015). On the other, it will still be implemented notwithstanding the outcomes of the current Peace Agreement (Ministry of Interior 2015).

Participation as the name of peacebuilding: the known unknowns

Taking into account the pivotal role of citizen participation in the peace process between the Colombian Government and the FARC and ELN guerrillas, although the conflict in Colombia has no clear tag, the peacebuilding stage that will follow the peace negotiations does have a defined name: citizen participation¹¹. However, several authors consistently highlight that there is a gap in the analysis of the relationship between citizen participation and changing institutional environments in conflict and post-conflict contexts (Kalyvas and Kocher 2007; Blattman 2009; Bellows and Miguel 2009; Paffenholz 2010; Zamudio 2011; Voors et al 2012; Gáfaró et al 2014).

¹⁰ In the words of Sergio Jaramillo, Colombian High Commissioner for Peace: "[The] agreements only establish the 'what'. For the 'how', things will have to be done on the ground, with priorities that are not going to be decided on by the Government and the FARC, but by all the citizens in the regions in a later phase of transition in one great exercise of participation and joint construction of peace" (Jaramillo 2013).

¹¹ Definitions of civil society can be easily criticized and are often context-dependent (Cohen & Arato 1994). Paffenholz & Spurk (2006) studies the notion of civil participation in peacebuilding contexts, and often "uses the term civil society when referring to the general concept or to activities of groups, organizations, associations and movements, and civic engagement when referring to the activities of individuals or non-organized groupings" (Paffenholz & Spurk 2006, p. 3). This document adopts this perspective.

Research in Sierra Leone (Bellows & Miguel 2009), Uganda (Blattman 2009), Burundi (Voors et al 2012), and Nepal (Gilligan et al 2014) suggest a fostering relationship between the suffering of violence and the engagement on pro-social behaviours by individuals. The evidence also indicates that this behaviour promotes economic development and, thus, could be a positive consequence of violence (Bellows & Miguel 2009; Blattman 2009; Voors et al 2012; Gilligan et al 2014; Gáfaró et al 2014). Nevertheless, the findings do not explain the cause of the correlation (Gáfaró et al 2014). Only the study on Nepal (Gilligan et al 2014) implies that changes in institutions to nurture trust are related with an increase of citizen participation.

Exploring the role of civil society in peace negotiations, Paffenholz (2014) notes that civil society has played a limited role within the peace negotiation literature, and the focus generally lies on the various arguments for civil society inclusion or exclusion. To overcome this dichotomy, she categorizes and develops different models of civil society inclusion in peace negotiations with the goal of describing the full range of options for the involvement of civil society, from the most to the least direct form of participation. Likewise, Paffenholz (2009) asserts that the role of civil society in peacebuilding has often been supportive instead of protagonist, and it has mostly focused on the negotiation process, rather than on the actual implementation of the agreements. Thus, the peace process between the Government and FARC gives a role to citizen participation that could be considered a *black swan* from a comparative perspective.

In Colombian rural areas exposed to violence, the data shows successful examples of collective action to either promote agricultural cooperatives (Gutiérrez 2014), or engage in citizen and political participation endeavours (Gáfaró et al 2014). In fact, Gáfaró et al (2014) showed that the presence of armed groups raises overall participation in local organizations; yet, the population do not engage effectively in the decision-making process (Gáfaró et al 2014). In this example, contrary to the ones cited before, Gáfaró et al. found that a stronger individual participation could be associated with coercion exercised by armed groups and not with a vibrant civil society.

Taking into account that there are broad types of relationships at the local level in Colombia between the civil society and the armed groups, Núñez and Montoya (2016) affirm that understanding these interactions is key to identify the normative changes that need to be implemented in a post conflict scenario. Likewise, Barrera (2015) notes that civil societies in post conflict scenarios are usually highly diverse, which muddles social inclusion through political processes. In Colombia, the studies of Rincón (2012), Vásquez (2014), Arjona (2014), and McGee & Flórez (2016) amongst others, have shown that there are many vibrant and diverse civil society movements at the local level in Colombia; however, Velasco (2006), Arjona (2014) and García & Espinosa (2014) demonstrate that the institutional capacity of the municipalities most affected by the conflict is deficient and lacks the capacity to satisfy the demands of these movements.

Additionally, Barrera (2015) notes that the lack of institutional response to social demands has motivated that 60% of social mobilization activities in Colombia from 1975 to 2013 were directed against the State, whereas the remaining 40% aimed at protesting against armed groups, enterprises and international actors. However, the lack of institutional response to the demands increases even more the distrust of civil society towards the State (Barrera, 2015). Still, precisely as a proposal to strengthen citizen participation and at the same time institutional capacity at the local level in Colombia, López (2016) suggests to implement a participatory budgeting and planning system in the municipalities most affected by the conflict. This is precisely at the core of the inclusion of participatory budgeting in the peace agreements between the Government and FARC.

In the transitional justice arena, both international (Taylor 2014) and national (García-Arboleda et al 2015) studies suggest that the research of citizen involvement in transitional justice mechanisms is often limited to victims' participation. Although victims' participation in these mechanisms is not recent (Bonacker 2010), it has increased in the last decade and evolved from a passive to an active role of the victims (Bonacker 2010; Taylor 2014; García-Arboleda et al 2014). Nevertheless, the cited authors stress that frequently the benefits of victims' participation in transitional justice mechanisms is presented as positive *per se*, but there is not much research to understand its implications (Bonacker 2010; Taylor 2014; García et al 2014).

Overall, it can be noticed from the cited literature that, although citizen participation is currently stressed as a pivotal element of transitional justice processes worldwide (de Greiff 2015) and in Colombia (Colombian Government & FARC 2016), more research is needed regarding the effects of institutional capacity, illegal armed control over the territory, and trust in the advancement of peacebuilding objectives through citizen participation in transitional justice mechanisms. As it was noted before, exploring participatory budgeting in the Colombian peacebuilding scenario with a transitional justice prism might advance this research.

The Colombian transitional justice legal framework: A gradual shift towards guarantees of non-recurrence

As it is the case with participatory budgeting, transitional justice is not a novel issue in Colombia¹². More than ten years of implementation of transitional justice mechanisms precede the current peace talks. Four key transitional justice legal instruments can be distinguished¹³: (i) the enactment of the Justice and Peace Law in 2005, (ii) the creation of the Victims and Land Restitution Law, (iii) the Legal Framework for Peace, and (iv) the Law nº 1592 of 2012, which reformed the Justice and Peace Law. Yet, most of the transitional justice mechanisms contained in these laws are more associated with truth, justice and reparation, than with the guarantees of non-recurrence of the conflict. Still, gradually there has been a shift in the described instruments towards the inclusion of these guarantees.

First, the *Justice and Peace Law* in 2005 was enacted as a result of the peace process between the Government and paramilitary groups, and followed a peace process that started in 2002 and aimed mainly to demobilize paramilitary combatants in Colombia (Ambos 2010; Cote 2010; Aponte 2011a). This Law offered the combatants the possibility to reduce the punishment for the crimes they committed to a period from 5 to 8 years. The implementation of the *Justice and Peace Law* has posed diverse constraints related to the guarantee of the victims' rights to truth, justice, reparation, and non-recurrence in a scenario in which the armed conflict persists (Garzón 2011). Yet, originally this

¹²Nevertheless, a recurring debate in the literature on transitional justice in Colombia is the uniqueness of the Colombian case, which could be described as a *transition without transition*; i.e., although an armed conflict is still in place, a rich legal framework on transitional justice has been implemented in the country for more than ten years (Uprimny 2006). The debate of characterization of the Colombian case as transitional is not indifferent to the challenges of the conceptualization of transitional justice in other places. To give an example, Arthur (2009) discusses some challenges portrayed by the initial conceptual boundaries of transitional justice, such as whether and how the chosen end point of a transition may matter for the kinds of justice claims advanced, the applicability of transitional justice in contexts where there is no discernible transition, and the fact that some observers cast doubt on the transitions paradigm and reject the transitional framework altogether.

¹³ It is important to note that Rúa (2015) distinguishes three key moments in the process of adoption of transitional justice in Colombia: the enactment of the *Justice and Peace Law*, the sanctioning of the *Victims and Land Restitution Law*, and the constitutionalization of transitional justice with the *Legal Framework for Peace*.

Law only included the guarantees of non-recurrence as a particular component of the right to reparation and little attention was given to its implementation (Villa et al 2015; Duque & Torres 2015),

Second, the *Victims and Land Restitution Law* recognized that an armed conflict is taking place in Colombia and included different mechanisms to guarantee the victims' rights (Summers 2012; Aponte 2011b). Amongst others, this regulatory framework created several public agencies specialized in the attention and reparation of victims, and established a process of land restitution for internally displaced people (Pfeiffer 2015b). In addition, one of the main features of this mechanism is the fact that it is detached of any peace process with armed groups (Aponte 2012).

Even though more than eight million victims are currently registered in the Victims Registry created by the *Victims and Land Restitution Law*, and the number of victims that the program includes is broader and larger than similar mechanisms in other countries (Pham et al 2016), several challenges have affected the implementation of this legal framework, like a lack of coordination between the local and national institutions that should provide attention to the victims, together with a lack of mechanisms to satisfy the right to truth (Plata 2012; Summers 2012; Bohórquez 2016). Additionally, although the *Victims and Land Restitution Law* also treated the transitional justice guarantees of non-recurrence as measures of reparation (Victims' Agency 2015), it included broader participatory mechanisms to attain this objective than the *Law of Justice and Peace* (Vargas 2014). However, these measures have faced many challenges, such as security threats against the victims (Inter-American Commission of Human Rights 2013).

Third, the *Legal Framework for Peace* enabled the creation of exceptional transitional justice instruments to facilitate peace agreements with armed groups and, at the same time, guarantee the rights of the victims (Suárez & Jaramillo 2014).¹⁴ Thus, the reform creates the basis for a strategy of prosecution grounded on prioritization and selection of crimes, to concentrate the efforts and resources of the attorneys and judges in the most serious crimes and the most responsible perpetrators (Ambos 2014). Likewise, the reform allows the creation of extrajudicial mechanisms to satisfy the victims' claims on truth and reparation, i.e. truth commissions and a program of administrative reparations (Uprimny et al 2014). The components of these mechanisms are not known yet, as the Framework only establishes the general guidelines and allows its creation (Ambos 2015). However, the Framework particularly included the guarantees of non-recurrence as one of the main aims of the Colombian transitional justice mechanisms (Orozco 2014).

Despite the benefits that the *Victims and Land Restitution Law* brought to the implementation of the *Justice and Peace Law* in Colombia, a new difficulty surfaced: the necessity of harmonizing and articulating the different Colombian transitional justice mechanisms (Aponte 2012). For instance, since the reparation under the *Justice and Peace Law* was different from the one under the *Victims and Land Restitution Law* (The OAS Mission to Support the Peace Process in Colombia 2013), the Colombian Congress decided to modify the former. The amendment eliminated the rules on judicial reparation applicable in the *Justice and Peace Law*, and restricted the possibility of compensation solely under the Program of Administrative Reparation of the *Victims and Land Restitution Law* (Aponte 2012). Yet, the constrains of harmonizing the different mechanisms for reparation under the Colombian transitional justice legal framework still persist, up to the point that several lawsuits against the

¹⁴For an evolution of the guarantee of the victims' rights to truth, justice and reparation in the Colombian Constitution, Cf. Aponte, A. (Dir.), (2011b). "Dinámica de la reparación en el proceso penal especial de Justicia y Paz. Elementos para discernir un sistema general de reparaciones en el marco de la justicia transicional en Colombia", in: *Observatorio Internacional de DDR y Ley de Justicia y Paz, Cuarto Informe*, CITpax, Madrid-Bogotá, 2011.

Justice and Peace Law Reform obliged the Colombian Constitutional Court to study its constitutionality (International Crisis Group 2013). However, this reform did not include measures to guarantee the non-recurrence of the conflict.

As it can be noticed from the previous account of the evolution of transitional justice mechanisms in Colombia, although different transitional justice mechanisms have been implemented in this country during the past ten years, most of them have been particularly related with the guarantee of the rights to truth, justice and reparation of the victims, and not with the guarantees of non-recurrence of the conflict. Participatory budgeting, however, is one of the broader guarantees of non-recurrence envisaged under the current peace agreements, to prevent new conflicts from emerging.

Participatory budgeting: a democratic innovation that can lead to peace?

Since the early experiences of participatory budgeting in Brazil in 1989, this mechanism of citizen participation has spread to more than 1700 cities worldwide (Cabannes 2015). In Colombia participatory budgeting has been implemented in municipalities such as Pasto, Medellín and Bogotá (Lara 2014). Similarly, over the past decade traditional offline tools to discuss, implement and evaluate participatory budgeting have been complemented with the use of information and communications technologies in various countries, such as Portugal, Brazil, Italy and Germany (Sampaio & Peixoto 2014; Matheus et al 2010; Peixoto 2009).

Definition and characteristics of participatory budgeting processes

But, what, exactly, is participatory budgeting? There are many definitions about participatory budgeting exercises that differentiate in the decision-making power given to cities to decide about the budget spending (Nesta 2010; Cabannes 2015). For instance, after a thorough literature review, Sintomer et al (2013) define participatory budgeting as a mechanism that allows the participation of citizens in the conception and/or allocation of public resources. Additionally, the authors consolidate five criteria to characterise the mechanism: (i) participatory budgeting discuss how a limited budget should be used; (ii) the city level has to be involved, or a decentralized district with an elected body and some power over administration and resources; (iii) it has to be a repeated process over years; (iv) some form of public deliberation must be included within the framework of specific meetings; and (v) some accountability is required so that the output reflects the public will (Sintomer et al 2013).

In Colombia, the Article 90 of the Law nº 1757 of 2015, which regulates participatory legal instruments in the country, defined participatory budgeting as a mechanism to foster the equitable, rational, efficient, effective and transparent allocation and management of public resources, and strengthen the relationship between the State and the civil society. To this end, the Law instructs regional and local governments to promote the development of participatory budgeting, as well as the monitoring and control of the management of public resources.

The spread and evolution of participatory budgeting processes worldwide

Dias (2014) identifies five major phases in the dynamics of the spread of participatory budgeting¹⁵. The *first phase* corresponds to a period of trials between 1989 and 1997, which highlighted the initia-

¹⁵ In contrast, in an earlier work, The Participatory Budgeting Unit (2010) distinguished three stages in the development and use of participatory budgeting: (i) from 1989 to 1997, when PB was invented in Porto Alegre and then spread to other cities such as Santo Andre (Brazil) and Montevideo (Uruguay); (ii) from 1997 to 2000, when a spread of the process emerged in more than 130 municipali-

tives in Porto Alegre in Brazil, and Montevideo in Uruguay. The *second phase* occurred between 1997 and 2000, when around 140 municipalities in Brazil adopted this approach, albeit with significant variations. The *third phase* emerged mainly after 2000, with the expansion of these experiments outside Brazil and with a broad diversification. It is during this period that numerous participatory budgeting initiatives emerged in Latin American and European cities. The *fourth phase* shows a trend that began in 2007, when an international participatory budgeting network was built, together with several national networks. Finally, the *fifth phase* corresponds to participatory budgets' increasing more rapidly and their integration into larger and more complex systems of citizen participation. In the words of Dias (2014), this phase is the result of the simultaneous recognition of the potential and the limits of participatory budgeting.

Parallel to the increase of participatory budgeting all over the world, individual and comparative participatory budgeting analyses in Asia (Fölscher 2007a; He 2011; Wu and Wang 2012; Traub-Merz 2013), Africa (Matovu 2006; Shall 2007; Fölscher 2007b; Heller 2012), North America (Lerner & Van Wagner 2006; Pinnington et al 2009; Castillo 2015; Cohen et al 2015); Latin America (Goldfrank 2007; Célérier & Cuenca 2015; Baiocchi 2015; Montambeault 2016), Europe (Allegretti & Herzberg 2004; Ryan 2014; Sintomer et al 2016; Kamal et al 2016), and Australia (Hartz-Karp 2012; Thompson 2012; Christensen & Grant 2016), have flourished in the last decades. Still, there is a gap in the participatory budgeting literature regarding the use of participatory budgeting to advance transitional justice objectives (Szoke-Burke 2015).

Participatory budgeting processes in Colombia

More specifically, the first experience of participatory budgeting in Colombia occurred in the municipality of Pasto in 1996, under the figure of Open House (Velásquez & González 2003), a broad mechanism of direct citizen participation defined in the Colombian Constitution as a "public meeting of district, municipal or local administrative parish Councils, in which the inhabitants are able to directly participate aiming to discuss issues of interest for the community" (Lara 2014, p. 192).

Since then, participatory budgeting initiatives have taken place in different municipalities of Colombia, many of them in territories where the armed conflict takes place. For instance, Samaniego—one of these municipalities—was awarded in 2004 a national prize of peace for the use of participatory budgeting in an armed conflict context (Lara, 2014). Additionally, in 2008 a network for participatory budgeting was launched in the country (Red de PlyPP 2015).

Sintomer et al (2013) note that the most visible experiments in Colombia today, related to participatory budgeting, occur in the country's largest cities, such as Medellín and Bogotá. In Medellín, the participatory budgeting process started in 2004 as a pilot project in the Commune One (Sánchez & Correa 2011). Nowadays, it is implemented in the whole city, with a capacity of investment of the 5% of the annual budget, which is around 50 million euros spread for all the 16 communes (85%) and 5 rural localities (15%). The distribution of the resources for every commune and rural locality attends three criteria: social inclusion, equity and participation (Town Hall of Medellín, 2015). Thus, the value of the budget to be decided through participatory budgeting according to these criteria depends on the number of inhabitants (equity), the quality of life index (inclusion), and the number of participants in the process (participation) (Town Hall of Medellín, 2015).

ties that adopted the model with regional variations; and (iii) from 2000 to present, when a stage of expansion and diversification to other countries, municipalities and towns started. For instance, in the United Kingdom participatory budgeting began in 2006.

However, there is not a clear national participatory budgeting legal framework in Colombia. As it was mentioned previously, only recently Colombia started to enact countrywide norms for this process through Law nº 1757 of 2015. The Law provides a definition of participatory budgeting and establishes some dispositions of the proceedings. Furthermore, it also creates incentives to foster exercises of participatory budgeting, like the establishment of the *National Prize in Support of Participatory Initiatives*, to the mayor or governor that stands the most for supporting participatory budgeting exercises.

In addition, the Judgement nº C-150 of 2015—issued by the Colombian Constitutional Court to assess the accordance of Law nº 1757 of 2015 with the Colombian Constitution—affirmed that the definition of participatory budgeting included in the cited law lacked the necessary precision to characterize the way that the process would be institutionalised and could function at the local level. However, the Court clarified that the regulation included aimed to materialize participatory democracy in the municipal budgeting process, by complementing the technical and representative components of public budgeting, with a process of identification and prioritization of necessities through participatory channels followed by spaces for social control.

Overall, the Court declared that the norm is in accordance with the Constitution given that it intends to boost democratic values, and the right of citizens to participate in the exercise and control of the political power and planning processes. Likewise, the Court highlighted that it was beneficial for democracy that the Law encouraged prioritization of resources, as a mechanism to optimise public spending and reducing information, and at the same time nurtured a public dialogue between the citizens and the State.

Parallel to the cited legal framework, as it was noted previously, the agreement in political and citizen participation between the Colombian Government and FARC includes specifically participatory budgeting, as a mechanism to promote peacebuilding at the local level by creating a more open democracy. Particularly, the agreement says:

Boosting participatory planning through good practices is crucial to strengthen democracy in Colombia in the context of the implementation of this Agreement at the local level, which will require the mobilization and active and effective participation of citizens. With the objective of strengthening citizen participation in the design, discussion and monitoring of the execution and evaluation of the processes of planning and budgeting, and to promote their incidence in administrative decision-making, the National Government commits to the following actions: (...) e. Strengthening and promoting the elaboration of gender-sensitive participatory budgeting processes at the local level with the aim of: promoting men and women participation in the prioritization of a part of the budget, so it reflects the conclusions of participatory planning exercises; creating incentives for the design and implementation of participatory budgets; and promoting mechanisms of monitoring, evaluation and accountability of participatory budgets (Colombian Government and FARC 2016, p. 43).

The negotiating process that led the Colombian Government and FARC to include participatory budgeting in the peace agreements is not public yet; nevertheless, it is reasonable to conclude that both parties had participatory budgeting in their internal agendas. On the one hand, on a document disclosed by FARC before the negotiation of the point on citizen and political participation started, they featured a hundred proposals for this issue. Amongst them, they included participatory budgeting (FARC, 2013). On the other hand, although in the agreement on citizen and political participation the Government committed to implement this issue, it had already obliged to it during the process

of creation of Law n° 1757 of 2015, which is previous to the agreement on citizen and political participation reached by the parties¹⁶.

A promise of empowerment and social justice at risk

After more than 25 years of participatory budgeting experiences worldwide, studies highlight both benefits and challenges. For instance, The Participatory Budgeting Unit (2010) and UNHABITAT (2008) stresses as benefits of participatory budgeting that they can help strengthening and renewing democracy, building stronger communities, empowering citizens, and improving services.

Overall, the literature highlights that participatory budgeting might lead to citizen empowerment (Fund & Wright 2001; Baiocchi 2006; Pagani 2012), social justice (de Sousa 2005; Allegretti 2010; Wampler 2012) redistribution (de Sousa 2005; Marquetti 2009; Marquetti et al 2012), development (Gómez 2007; Gonçalves 2013; Weber et al 2015; Husin 2016), an increased social trust and cohesion (Novy & Leubolt 2005; Velásquez & González 2003; Sorribas & Garay 2014), and transparency and accountability in public spending (Wampler 2004).

Still, the literature also warns about a broad range of challenges and constrains that could hinder the potential cited benefits of participatory budgeting processes. Some of these risks are capture and clientelism (Velásquez & González 2003; Pagani 2012; Montambeault 2012), poor process design and lack of political will to implement it (Goldfrank 2006; Sintomer et al 2008), clashes between representative and direct democracy (de Sousa 2005), barriers of access and instrumentalization of participatory channels (Gómez 2007; Gómez et al 2012; Ganuza et al 2014; Baiocchi and Ganuza 2014), and poor communication strategies and inadequate information sharing (Pagani 2012; UNHABITAT 2008; Nesta 2010).

Additionally, Cabannes (2004) notes that a topic of recurrent discussion in participatory budgeting exercises is when and how they should be regulated, and how far to institutionalize in order to preserve its dynamics and avoid instrumentalization, bureaucratization and political co-option. In a similar vein, Goldfrank (2006) suggests that participatory budgeting is not a neutral technical mechanism, and its success depends on factors such as the political will of the executive and legislative powers, the pre-existing conditions of the territory where it will be held, the degree of decentralization and the institutionalization of the parties in opposition.

As de Sousa (2005) highlights, often the confrontations between representative and direct democracy that might exist in participatory budgeting processes end in legal controversies. This is the case, for instance, of the current participatory budgeting process of Medellín, where the fieldwork research of this study is being carried out. The Decree n° 1205 of 2013 of the Town Hall of Medellín—which contains specific regulations about the participatory budgeting process in the city—was challenged in a legal action by the president of the Communal Action Board (In Spanish *Junta de Acción Comunal*) of the Commune Thirteen, arguing a lack of legislative powers by the Town Hall to regulate the participatory budgeting process. The judge of first instance ruled against the administration and now the second instance tribunal is revising the process. During the first semester of 2017, the City Council of Medellín agreed on a new regulation of the System of Municipal Planning of Medellín and the role of citizen participation and participatory budgeting in this context. The new participa-

¹⁶ It is relevant to stress that during the eighties, a mechanism similar to participatory budgeting called the National Plan for Rehabilitation, was implemented in Colombia as a way to boost trust and the legitimacy of the State at the local level in the municipalities most affected by the conflict (López, 2016).

tory budgeting process is expected to be regulated by a new decree issued by the Town Hall in 2017.

Yet, despite the rich scholarship on the potentials and pitfalls of participatory budgeting, there are only a handful of studies that comment particularly on the relationship between participatory budgeting and peacebuilding (Velásquez & González 2003; Allegretti 2007; Urán 2008; Bland 2011; Gómez et al 2012; Urán 2012; Szoke-Burke 2015; Anupindi 2015; Viva la Ciudadanía 2016). The study of Allegretti (2007) suggesting that the use of participatory budgeting in Pasto, Colombia, has been useful to reduce the power of illegal groups, the work of Bland's (2011) examining the US-led participatory budgeting efforts in El Salvador to advance local government development projects after the conflict, the paper of Szoke-Burke (2015) implying that participatory budgeting could be a mechanism to foster economic and social change in transitional justice scenarios, and the response of Anupindi (2015) to Szoke-Burke (2015)'s work, are some of the few examples.

Taking into account the gender perspective included in the participatory budgeting peace agreement between the Colombian Government and FARC, it is also relevant to note that there is also an emerging strand on the participatory budgeting literature that studies the role of women in the implementation of this mechanism. For instance, UNHABITAT (2008) highlights that in certain cities traditional norms and values could limit women participation in the participatory budgeting process. Similarly, Sánchez & Bou (2014) claim that the gender gap in conventional politics is often mirrored in participatory mechanisms; nonetheless, they clarify that this reality has changed in the last years through affirmative actions on gender issues. Still, Allegretti & Falanga (2015) stress that gender has not been at the forefront of the participatory budgeting debate, and the evidence-based research regarding the effects of inclusion of gender sensitive approaches to participatory budgeting is inconclusive.

Participatory budgeting and information and communication technologies

In the last decade, some municipalities worldwide have started to use information and communication technologies to enhance participatory budgeting processes. Under the scope of digital democracy or electronic democracy (e-democracy) studies, there is an emerging strand of literature regarding the effects of digital tools in these processes in countries such as Argentina (Matheus et al 2010), Brazil (Barros & Sampaio 2016), Germany (Pieper & Pieper 2015), Italy (Stortone & de Cindio 2015), and the United States (Smith 2015). Overall, as Sintomer et al (2013) stress, the use of digital tools to complement participatory budgeting offline processes can take a broad range of forms, such as supporting the collection of proposals, informing, engaging and mobilising citizens, assisting the discussion and interaction among citizens, and enabling online voting, monitoring and overview of the participatory budget development.

Originally the literature in this area enquired about the potential of the use of technological tools to enhance democratic processes (Salter, 2004). Yet, it is now widely recognized "that the design of digital tools and online participatory processes carries values and interests of the agents that offer them, impacting and being impacted by these processes themselves" (Sampaio & Peixoto, 2014, p. 414). Thus, as Sampaio & Peixoto (2014) suggest, the most relevant question to query regarding the use of technological tools in participatory budgeting procedures is how do the different designs of online tools and the different forms of use and ownership of them interact in diverse contexts, towards a final result. I call this query the *agent-technology-process-impact* question, since it asks about the agent's effect in the technology design and use.

For instance, Cunha et al (2011) show that the inclusion of digital tools in participation and decision-making processes around participatory budgets can take very different forms. In some cases, they can be used in a *subordinate manner*, within well-defined limits, as tools to monitor information or discussion and implementation phase of projects. In other cases, they can be used in a *coordinated manner*, to support the processes of political decision making, facilitating online voting. In this context, an *agent-technology-process-impact* question will critically assess the differences of using a subordinate or a coordinate technology in participatory budgeting processes, and the role that certain agent or agents may have in the final result given their influence in the design or use of the tool.

The use of digital tools in participatory budgeting processes can have a variety of results, posing both strengths and challenges. For instance, according with Cunha et al (2011) and Allegretti (2012), there are several factors that explain why most countries have so far tended to favour participatory budgeting spaces that offer direct contact between citizens and between them and the administration. For example, electronic technologies may seem impersonal and technocratic in some contexts. For this reason, the authors recommend to complement electronic interaction with face-to-face meetings and the use of technology already appropriated by the population, such as using radio and television. However, Cunha et al (2011) also note that sometimes technology can also encourage participation and inclusion of people who live far from where budgeting is done, or that are excluded in practice from the process due to various factors, such as illness, work or restricted mobility. In this context, the use of online participatory budgeting can help overcome some of the challenges of traditional offline participatory budgeting.

Even though in the last decade some participatory budgeting exercises worldwide have been complemented with the use of digital tools, in Colombia the use of online instruments to support participatory budgeting is not common. However, local governments are currently exploring the possibility of using these tools more actively to support offline processes (Viva la Ciudadanía 2016). Likewise, from a normative perspective in Colombia, Ángel (2015), Bocanegra et al (2016) and Viva la Ciudadanía (2016) highlight that digital tools could incentivise citizen participation in the Colombian peacebuilding processes, but warn about some limits such as the need of institutional transformation to provide an adequate response to citizens' participation through online tools, and a high digital divide that might hinder access of part of the population. In this context, exploring the uses of technology in participatory budgeting processes in the Colombian peacebuilding scenario might shed light on the differences, if any, between on-line and offline participatory budgeting processes to foster peacebuilding in Colombia. In this vein, I am currently engaging in a participatory research to explore the role of technology to foster peace outcomes in Medellín's participatory budgeting process.

Correspondingly, the study of the use of information and communication technologies for peacebuilding purposes has recently emerged as an evolving field of research (Stauffacher et al 2005; Puig & Kahl, 2013; Welch et al 2015a; Welch et al 2015b), encompassed in a term that has been coined as *peacetech* (Young & Young, 2016). Nevertheless, as Gaskell et al (2016) stress, the use of information and communication technologies for peacebuilding is still "under-researched and under-conceptualised" (Gaskell et al 2016, p. 2).

Towards an understanding of participatory budgeting as a transitional justice mechanism in Colombia

Although some experiences of citizen budgeting at the local level have taken place in Colombia before with peacebuilding purposes (López 2016), and more formal experiences of participatory budgeting have emerged in the country since 1996, they have not been theorized yet as transitional jus-

tice mechanisms. Thus, the purpose of Section 2.6 is to trace a framework to further explore with evidence-based research the conceptualization of participatory budgeting under a transitional justice lens.

According with de Greiff (2010, 2012b), the theorization of transitional justice serves the purpose of clarifying the relationship between its constituent elements and the nature and the full extent of its normative commitments. In his words, “in addition to clarifying *what* we commit ourselves to in adopting the notion, theorizing helps us articulate *why* we are so committed. That understanding can make a crucial difference to *how* we act” (de Greiff 2012b, p. 33). In turn, Corradetti et al (2015) comprehend the theorization of transitional justice as the provision of systematic conceptualization of its nature, aims and limitations.

In order to theorize participatory budgeting as a transitional justice mechanism, it is relevant to note that the peace agreements between the Colombian Government and FARC deem participatory budgeting as *a guarantee of non-recurrence*. One of the main sections of the final agreement between the Colombian Government and FARC creates a *System for Truth, Justice, Reparation and Non-Recurrence*, as a comprehensive and coordinated scheme to satisfy the victims’ rights to justice, truth, reparation and non-recurrence. In particular, the System includes five judicial and non-judicial transitional justice mechanisms: the design of a truth commission, the creation of a special agency to search victims of forced disappearance, the launching of a special jurisdiction for peace, the establishment of particular measures to guarantee the right to reparation, and the creation of a broad range of guarantees of non-recurrence. Regarding this last point, the agreement specifies that the guarantees on non-recurrence will be the result of the implementation of all the points of the Final Agreement. Under this logic, participatory budgeting is considered a guarantee of non-recurrence included in the agreement on citizen and political participation.

In this context, four strands of the transitional justice literature that were identified in the literature review that precedes this article, might be useful to explore the conceptualization of participatory budgeting under a transitional justice lens with an evidence-based research.

A first strand queries about the *inclusion of bottom up or participatory approaches to transitional justice studies* (Wierzynski 2004; Lundy & McGovern 2008; McEvoy & McGregor 2008; Denhardt et al 2009; Brewer 2010; Hoogenboom & Vieille 2010; Charbonneau & Parent 2013; Gready & Robins 2014; Selim 2014; Pfeiffer 2015a). In this vein, from the exploratory research carried out in Medellín during the summer of 2016, it is possible to reasonably conclude that participatory budgeting process is an exercise that may allow citizens to build a stronger *relation between the citizens and the State*. In the words of an actor in the process of Medellín, it is the only programme of Medellín’s Town Hall that runs in all the localities in all the different issues that the population cares about. However, this issue creates many demands for the local and national institutions, and problems can emerge when they are not responsive.

Similarly, it was also a recurrent issue during the interviews that participatory budgeting had strengthened community cohesion in some communes, by actively encouraging deliberation in the communities. This has been particularly positive in neighbourhoods that have a high amount of internally displaced population. Yet, more research is needed to understand this impact.

A second thread in the literature that enables to explore the conceptualization of participatory budgeting as a transitional justice mechanism is interested in mapping the *relation between transitional justice and economic, social and cultural rights* (Arbour 2007; Hecht & Michalowski 2012; Şahinkaya 2013; Duthie 2014; Roht-Arriaza, 2014; Cahill-Ripley 2015; Dancy & Wiebelhaus-Brahm

2015; Szoke-Burke 2015). Under this scope, a recurring issue that emerged from the focus groups and interviews in Medellín was the potential of participatory budgeting to enhance *social inclusion*, understood in terms of civil society, particularly marginalised groups, being taken into account by the local and national state and having their economic, social and cultural rights satisfied. For instance, though the legalisation of the property rights of internally displaced people, the satisfaction of public services, or the implementation of sports' programmes. In fact, most of the projects—such as scholarships for young adults—that citizens propose for the prioritization stage of the process and later vote, are directly related with the guarantee of economic, social and cultural rights.

A third strand identified is interested in mapping the possible *links between transitional justice and development* (Aguirre & Pietropaoli 2008; Mani 2008; Duthie 2008; de Greiff 2009; Huggins 2009; Duthie 2014; Dancy & Wiebelhaus-Brahm 2015). Under this scope, more than economic development, the exploratory research permits to identify a development approach closer to the human capabilities concept (Sen 1988; Sen 1989; Duthie 2008; de Greiff 2009; Duthie 2014). Thus, under this scope, some citizens interviewed claimed that they have had an experience of *empowerment* with the process given that they have benefited from programmes financed with participatory budgeting resources, and they have become leaders of the process in their communities.

However, from the participant observation and interviews carried out in Medellín, a challenge found was the possibility of co-optation of the votes in the process, which might prevent true deliberation and empowerment experiences from emerging in some localities. This could create a sentiment of apathy in some members of the community. Thus, during the focus groups, some participants suggested that digital tools could give more transparency to the process.

Lastly, a final strand of the literature on transitional justice that could enrich the study of participatory budgeting through a participatory budgeting lens, is precisely related with the *conceptualization of the guarantees of non-recurrence* (de Greiff 2015a; Roht-Arriaza 2016; de Greiff 2016). According to de Greiff (2015), although the international legal framework on guarantees of non-recurrence has significantly increased since 1993, there is still a need of theorizing and clarifying further what this concept entails, what guarantee means, its object, subject and duty bearers.

Yet, de Greiff (2015) asserts that the main conceptual difference between the guarantees of non-recurrence and the other three core transitional justice mechanisms—i.e. truth, justice and reparation—is that “while those three elements refer to measures, guarantees of non-recurrence is a function that can be satisfied by a broad variety of measures” (Greiff 2015, p. 7). In particular, he claims that this function is, by nature, to prevent new conflicts to emerge (de Greiff 2015; de Greiff 2016). Although the peace agreement between the Colombian Government and FARC acknowledges participatory budgeting as a guarantee of non-recurrence, more research is needed to understand if this mechanism could prevent new conflicts to emerge at the local level in Colombia and under what circumstances.

Conclusion

The inclusion of participatory budgeting as a guarantee of non-recurrence of the conflict in the current peace process in Colombia provides a novel case study to explore theoretical dimensions of transitional justice, the relation between citizen participation and peacebuilding, and the role that technology can play in these processes.

This document suggests that participatory budgeting was included as a guarantee of non-recurrence in the agreement on political and citizen participation between the Colombian Government and FARC, under the rationale that it is a mechanism that might boost participatory and democratic practices in the country. In fact, one of the main triggers of the Colombian conflict has been the lack of a democratic culture. Thus, under the view of the negotiators, creating a buoyant democracy will prevent new conflicts to occur.

In this scenario, the document is a preliminary effort to explore the conceptualization of participatory budgeting as a transitional justice mechanism in Colombia. Likewise, taking into account that there is a consistent call in the literature for more empirical transitional justice research, the document also argued that empirical research on participatory budgeting in Colombia could generate a better understanding of transitional justice as an evolving field, particularly regarding four areas: (i) the inclusion of participatory approaches to transitional justice studies; (ii) the relation between transitional justice and economic, social and cultural rights; (iii) the links between transitional justice and development; and (iv) the theorization of the guarantees of non-recurrence

Finally, the document also suggested that empirical research of digital exercises of participatory budgeting in Colombia, may also allow a deeper understanding of the relation between information and communication technologies and transitional justice. In future publications about the research that I am conducting on the relationship between participatory budgeting, peacebuilding and technology in Colombia, I will explore these issues with more detail, grounded on qualitative data. 🌐

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