

## THE 10 MARCH 2002 PARLIAMENTARY ELECTIONS IN COLOMBIA

### OVERVIEW

On 10 March 2002, little more than two weeks after the end of the peace process with the insurgent *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC), Colombians elected a new House of Representatives and Senate. Despite heightened apprehension among the electorate and the government about violent interference by the guerrilla and paramilitary organisations, the polls took place in an atmosphere of relative calm and good order. In part this was due to the large-scale deployment of military and police forces across the country to guarantee voter security.

Colombia has a long electoral tradition dominated by two parties, Conservative and Liberal. The 1991 constitutional reform introduced important formal changes to the electoral regime, such as the nationwide election of senators, regulations regarding party and campaign financing and the registration of candidates. However, these measures largely failed to modify traditional parliamentary practices and political structures. Patronage networks still exist on the departmental level, and representation in parliament is skewed to favour the two traditional parties and the most populous departments. Although the spectrum of political forces participating in elections has widened during the 1990s, the 10 March polls show that the Liberal and Conservative parties continue to have the strength to dominate parliament.

The novel situation today involves the split within the Liberal camp, the relative demise of the Conservative party and the rise of a number of strong independent candidates. Out of a total of 102 seats in the Senate, “official and dissident

Liberals” obtained 28 and 27 respectively, followed by 13 and 12 won by “official and dissident Conservatives”.<sup>1</sup> However, most “big winners”, i.e. those candidates who obtained the highest number of votes, are independents such as left-wingers Antonio Navarro and Carlos Gaviria; or Germán Vargas and former Minister of Defence Rafael Pardo, who are close to the “dissident Liberal” presidential candidate Álvaro Uribe. It appears that Uribe, who clearly leads the pre-election polls, would be able to rely on a sound majority in parliament if elected in the first round on 26 May.<sup>2</sup>

Much about the 10 March elections was, in effect, business as usual. That is both good and bad. It is encouraging that violence and threats of violence did little to impede the normal flow of the country’s democratic processes. Neither in the way candidates approached the elections nor in voter response, however, was there much sense of new politics of the sort that a national emergency might be expected to evoke.

Indeed, the new parliament is unlikely to have a major direct impact on Colombia’s most pressing problem: solving the long-standing internal armed conflict. Electoral campaigns have historically

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<sup>1</sup> Note that all results for the March 2002 elections presented in this briefing are preliminary since the final official figures have not yet been published.

<sup>2</sup> According to the latest pre-election polls, Uribe is leading with 51 per cent, followed by the “official Liberal” Horacio Serpa with 29 per cent. *Cambio*, 8-15 April 2002, p. 23. Since adoption of the new constitution in 1991, presidential candidates have been compelled to court parliamentarians for support in the period between the first and second rounds. Considering his apparent lead, Uribe might be able to score a first round victory and thus avoid this practice.

been focused on the individual candidate, who promises his voters to tend to their specific, local interests. These were no different. Only a few candidates campaigned on national issues such as peace/war and comprehensive political reform (e.g. a radical overhaul of the electoral regime and parliament). The next government's stance on peace or war thus depends on the presidential election, and against the backdrop of increased insurgent attacks since January 2002, the major candidates have all pronounced themselves strongly in favour of a tough policy *vis-à-vis* the FARC. The legislature's greater influence on the future of Colombian democracy, for good or ill, will probably be determined by the role it eventually plays with respect to the deep reforms the political system requires regardless of the immediate course of the armed conflict. But this is a parliament that is very much a part of the old system.

## I. HISTORICAL BACKGROUND

Since the early years of independence, Colombia has continuously and mostly successfully sought to establish by elections who governs and for how long. In 1856, the Conservative, Mariano Ospina, was the first president of what was then the Republic of Nueva Granada to be elected for four years on the basis of universal male suffrage.<sup>3</sup> The 1863 political constitution of the federalist successor, United States of Colombia, enacted by radical Liberals, stipulated that popular elections for the presidency and both houses of parliament (the chamber of representatives and senate), be

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<sup>3</sup> Female suffrage was introduced late, in 1957, during the administration of General Gustavo Rojas Pinilla. Colombian women tend to participate slightly less in elections than men (10 per cent difference) and vote more conservatively. *Constitución Política de la Nueva Granada* of 1853, in Carlos Restrepo, ed., *Constituciones políticas nacionales de Colombia*, Bogotá, 1995, p. 231; Patricia Pinzón, *Participación política de la mujer colombiana*, typescript, s.l., May 1974; Luis Plazas, *Presidentes de Colombia*, Bogotá, 1998, p. 99; Eduardo Posada, "Civilizar las urnas: conflicto y control en las elecciones colombianas, 1830-1930", in *Boletín Cultural y Bibliográfico*, no. 29, vol. XXXII, 1996, p. 3; Laura Zambrano, "Participación y representación femenina en el Congreso", in Ana Bejarano & Andrés Dávila, eds., *Elecciones y democracia en Colombia 1997-1998*, Bogotá, 1998, pp. 255-284.

conducted every two years.<sup>4</sup> A new charter, passed under President Rafael Nuñez in 1886, was reformed several times thereafter but basically remained in effect until 1991. It attempted to control Colombians' "fervent passion" for elections by introducing longer terms of public office – four and six years for representatives and president/senators, respectively – and restricting voting rights.<sup>5</sup>

Notwithstanding this constitutional revocation of the early, radical-Liberal approach to electoral democracy, Colombia has clearly stood out as the Latin American country with the most intense and continuous history of elections throughout the twentieth century. Between 1945 and 1998 alone, Colombians participated in twenty elections for parliament, one for a constituent assembly and thirteen for the presidency. The electoral cycle was interrupted only once, in 1953, when General Gustavo Rojas Pinilla took power by force with the acquiescence of the Conservative and Liberal parties.

Those two traditional political parties date back to the late 1840s.<sup>6</sup> In the context of economic recovery, particularly in the tobacco sector, and influenced by the 1848 revolution in France and the writings of Jeremy Bentham, Liberals began to oppose the power of the Catholic Church and the central state institutions controlled by Conservatives (or, as they were denominated then, *Ministerial*). Among other things, they demanded abolition of slavery and the army, establishment of a federalist system, free trade, religious freedom and expulsion of the Jesuit order. In 1849, José López was elected president, inaugurating more than 25 years of Liberal rule that was only interrupted by the Ospina presidency (1857-1861).

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<sup>4</sup> *Constitución de los Estados Unidos de Colombia*, in Restrepo, *Constituciones políticas*, pp. 302-331.

<sup>5</sup> The 1886 constitution once again made the right to vote dependent on the level of income. Posada, *Civilizar las urnas*, p. 3; Restrepo, *Constituciones políticas*, pp. 341-388. Until the constitutional reform of 1986, mayors were appointed by the president. Nuñez, although a Liberal, enacted the 1886 constitution with support from Conservatives and dissident Liberals.

<sup>6</sup> The founding Liberal and Conservative programs were formulated by Ezequiel Rojas and Mariano Ospina in 1848 and 1849, respectively. Alvaro Tirado, *El Estado y la política en el siglo XIX*, Bogotá, 1998, p. 23.

The first decade of the “Liberal Era” saw the consolidation of the two parties. In large part, this was due to the rise of highly competitive politics during the 1850s. The introduction of universal male suffrage in 1853 had increased the opportunities for political participation of numerous formerly disenfranchised segments of society. As one historian observed: “Now it became advantageous for political leaders to recruit rank-and-file adherents, and the more the better, not merely to exert pressure on opponents and in extreme cases to bear arms for the party but to vote in elections. And vote they did, in large numbers”.<sup>7</sup>

Although to a degree Conservatives and Liberals represented different economic and social interests and were inspired by different currents of political and religious thought, the dividing lines were by no means clear-cut.<sup>8</sup> For example, both groups harboured contempt for members of the afro-Colombian, indigenous and *mestizo* communities who, at the time, made up 50 per cent of Colombia’s population. The Liberals’ progressive stance on slavery, which was formally abolished in 1852, had less to do with an enlightened frame of mind than their own economic interests. Also, the two political parties were not monolithic and lacked discipline. As is still the case today, they suffered from frequent internal divisions that resulted in fractions of each party lending support to the opposition.

Notwithstanding – or perhaps precisely because of – this absence of marked political differences and of internal cohesion, the Conservatives and Liberals dominated the political landscape during the second half of the nineteenth and all of the twentieth centuries.<sup>9</sup> Since 1857, of Colombia’s 42 civilian presidents 22 were Liberals and twenty Conservatives. It is important to note, however,

that the two-party system proved unable to prevent the repeated upsurge of large-scale political violence. To the contrary, because of repeated electoral fraud, Liberals and Conservatives fought on numerous occasions.<sup>10</sup> Elections were moments of high tension that could easily lead to bloodshed.<sup>11</sup> The most brutal struggles between the two camps took place during the “War of 1000 Days” (1899-1902) and the first ten years of the “Era of Violence” (1948-1965).

The establishment of the National Front government in 1958, which represented a more or less stable power-sharing agreement between Conservatives and Liberals that lasted until 1986, succeeded in taking the sting out of inter-party competition. By the same token, it restricted the scope of Colombia’s democracy and gave rise to extra-party armed and political opposition.<sup>12</sup>

## II. DISAPPOINTMENT WITH THE 1991 CONSTITUTION

In July 1991, the Constituent Assembly (CA) that had been elected by popular vote and according to proportional representation seven months earlier passed Colombia’s new constitution. Liberal President César Gaviria, who had come to office in August 1990, thus achieved what he had been pleading for since his days as Minister of Government under President Virgilio Barco (1986-1990). Indeed, the new charter was widely celebrated in Colombia and abroad as a major step towards the democratisation and modernisation of the country’s ailing political and judicial institutions. The pluralistic composition of the CA, which besides the two traditional parties included representatives of indigenous and religious minorities as well as former insurgents, and a number of changes to the electoral regime, raised realistic hopes that politics would become more inclusive, competitive and efficient – and less

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<sup>7</sup> David Bushnell, *The Making of Modern Colombia*, Berkeley & Los Angeles, 1993, pp. 115-116.

<sup>8</sup> As a rough guide, it can be stated that Liberals had stronger economic interests in external trade than Conservatives and were intellectually somewhat more modern.

<sup>9</sup> The two parties have been described as “political subcultures headed by regional notables”. See Pierre Gilhodes, “Los partidos políticos, 1990-1995”, in Francisco Leal, ed., *En busca de la estabilidad perdida*, Bogotá, 1995, p. 65; Carlos Sánchez, *Derecho electoral colombiano*, Bogotá, 1998, pp. 81-82.

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<sup>10</sup> The historic practice of electoral fraud is expressed in the Colombian saying “He who counts elects”.

<sup>11</sup> See Posada, *Civilizar las urnas*.

<sup>12</sup> See also ICG Latin America Report No. 1, *Colombia’s Elusive Quest for Peace*, 26 March 2002.

determined by atavistic and undemocratic patron-client relations.<sup>13</sup>

The CA deputies were elected on the national, not departmental level. This innovation was incorporated into the new constitution for election of senators. (Representatives continued to be chosen in the 33 departments.)<sup>14</sup> It aimed at favouring, as it effectively did in the CA, minority representatives by limiting the power of the traditional parties' patronage networks in the departments. In addition, the new charter introduced special seats reserved for indigenous candidates running for the Senate and the legal possibility to create these for afro-Colombians, expatriates and political minorities running for the House of Representatives.<sup>15</sup>

Other important changes included the popular and direct election of the vice-president and departmental governors. Re-election of the president was prohibited, and a second round was introduced.<sup>16</sup> The National Electoral Council was granted constitutional status. A standardised single ballot-paper showing the photographs, names and

party affiliation of all candidates standing for parliamentary and presidential elections was introduced. Voting booths made the process more truly secret.

The 1991 constitution and subsequent legislation, moreover, contain novel provisions regarding institutionalisation of political parties and movements. For example, candidates must declare their party affiliation and indicate for which voting-district they are running. Candidates for the House of Representatives and departmental and municipal government without party affiliation are required to present a list of up to 50,000 signatures in order to register. They also have to deposit varying amounts of money, depending on the post.<sup>17</sup> The state subsidises political parties and movements as well as electoral campaigns.<sup>18</sup> According to Colombian electoral expert Carlos Sánchez, this last measure is aimed at "neutralising the political organisations' dependence on, and subordination to, private centres of power making available their economic support ... in exchange for opportunities to exercise harmful political influence".<sup>19</sup> Article 136 explicitly prohibits the discretionary use of public funds by senators and representatives, the so-called *auxilios parlamentarios*, to advance their electoral and political interests or to offer favours for votes. It also imposes controls on air travel to foreign destinations by members of parliament.<sup>20</sup>

In sum, the constitutional reform under President Gaviria attempted to enhance political participation and representation by making the electoral process fairer and more effective. It was expected that the new parliament, elected in October 1991 after the president dissolved the one established in March 1990, would be more pluralistic, and hence more legitimate. It was also anticipated that the senators and representatives would take their work more seriously, abstaining from traditional politicking and pursuit of personal gains. However, the results of the elections and the performance of the parties and parliament during the 1990s largely dashed these hopes. In 1998, Colombian political scientist Elisabeth Ungar gave a devastating, if somewhat polemic, verdict:

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<sup>13</sup> The 70-member Constituent Assembly was composed of 25 Liberals, nineteen representatives of the former insurgent organization M-19, eleven of the *Movimiento Salvación Nacional* (MSN), five of the *Partido Social Conservador* (PSC), two of the left-wing *Unión Patriótica* (UP), two each of protestant and indigenous movements and four independent Conservatives. Manuel José Cepeda, "¿Cómo se hizo la Asamblea Constituyente?", in Rafael Pardo, ed., *El siglo pasado*, Bogotá, 2001, p. 472.

<sup>14</sup> Hence, the 33 departments constitute multi-member voting districts. Each district is entitled to two representatives plus one representative for each 250,000 inhabitants and a further representative if it has an additional 150,000 inhabitants. The Capital District of Bogotá and Antioquia have the highest number of representatives. *Constitución política*, article 176.

<sup>15</sup> *Ibid.*, articles 171 and 176. Law 649 of 2001 established "special circumscriptions" for Colombia's afro-Colombian communities, expatriates and political minorities. A total of five seats in the House of Representatives are allocated to the winning candidates of the indigenous (one) and afro-Colombian communities (two), expatriates (one) and political minorities (one); two indigenous candidates are elected by "national special circumscription" to the Senate.

<sup>16</sup> A presidential candidate has to obtain 50 per cent plus one of all valid votes to be elected in the first round. If no candidate achieves this result, a second round is held three weeks later in which only the two candidates with the highest number of votes from the first round participate. The winner is the candidate who gets a simple majority. *Constitución Política de Colombia*, article 190.

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<sup>17</sup> Sánchez, *Derecho electoral*, pp. 189-193.

<sup>18</sup> *Constitución Política*, article 109.

<sup>19</sup> Sánchez, *Derecho electoral*, pp. 87-88.

<sup>20</sup> *Constitución política*, article 136, 4/6.

The reforms contained in the new political constitution, though formally substantial, have not been reflected in the political practices and procedures of parliamentary work.... Three elections after the revocation of parliament [in 1991] neither the composition, nor the capacity of representation, nor the political practices have been altered significantly; that is why parliamentary reform has fallen short of living up to the [early] expectations.<sup>21</sup>

### III. PARLIAMENTARY ELECTIONS 1991-1998

Between 1991 and 1998, three parliaments were elected: in October 1991, March 1994 and March 1998. Although the official figures indicate that average abstention rates went up, this “trend” has to be analysed carefully.<sup>22</sup> There are good reasons to believe that Colombians’ historic dedication to elections largely continues. One of the main problems associated with calculating abstention rates in Colombia has to do with the unreliability of the data. In March 2002, for example, up to four million “ghosts”, i.e. deceased voters, still appeared in the national registry.<sup>23</sup> Considering that the last up-date of the registry was in 1986, this is not surprising. Furthermore, up to three million citizens live abroad, of whom only a minuscule fraction voted (31,466 for the House of Representatives, 33,148 for the Senate).<sup>24</sup> In short,

between four and six million citizens should be deducted from the total number of technically eligible voters to arrive at a true participation rate. Clearly, this would bring abstention rates down considerably.<sup>25</sup>

In all three elections of the 1990’s held under the new constitution, the Liberal Party won majorities in both houses. However, while it got 55 per cent in 1991 and 1994, it received only 49 per cent in 1998. The Conservatives achieved the second-best results, but, after not participating in 1991, fell from 19.6 per cent (1994) to 15.7 per cent (1998). In contrast, the strong performance of the newcomer, *Alianza Democrática (AD) M-19*, in the elections for the Constituent Assembly – 26.9 per cent – turned out to be ephemeral.<sup>26</sup> In 1991, it got 8.8 per cent of the vote for the parliament, in 1994 only 2.7 per cent and not a single Senate seat. In 1998 it disappeared completely mostly because of infighting and the lack of a coherent and attractive platform. Other smaller political parties and movements, such as the *Unión Patriótica (UP)*, the *Alianza Social Indígena* and the Protestants, although by no means insignificant, were unable to improve their position.<sup>27</sup> In sum, despite constitutional reform and increased electoral participation of non-traditional parties, the Liberals and Conservatives continued to control jointly between approximately 73 per cent and 82 per cent of the seats in parliament during the 1990s, with the Liberals clearly taking the lead.<sup>28</sup>

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Colombian expatriates have to register at their respective consulate. It is not known how many expatriates are of voting age.

<sup>25</sup> In the 10 March 2002 elections, non-participation was officially 57.7 per cent. If one deducts five million voters (the four million dead but still carried on the rolls and one-third of the expatriates) from a total of approximately 24 million, one arrives at an electorate of nineteen million. Roughly ten million citizens participated in the 10 March polls. This means that the true non-participation rate was effectively below 50 per cent, a figure that compares favourably to other Latin American countries and the U.S.

<sup>26</sup> AD M-19 was composed of the M-19, *Esperanza, Paz y Libertad (EPL)* and the *Partido Revolucionario de los Trabajadores (PRT)*. See ICG Report, *Colombia’s Elusive Quest for Peace*.

<sup>27</sup> For the figures see Marco Palacios, “La solución política al conflicto armado, 1982-1997”, in Pardo, *El siglo pasado*, p. 507 and Ungar, *¿Hacia la recuperación del Congreso?*, pp. 198-199.

<sup>28</sup> Fernando Cepeda, “¿Qué pasó y qué no pasará?”, in *El Tiempo*, 19 March 2002, p. 1-14 and Francisco Gutiérrez, “Rescate por un elefante: Congreso, sistema y reforma política”, in Bejarano y Dávila, *Elecciones y democracia*,

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<sup>21</sup> Elisabeth Ungar, “¿Hacia la recuperación del Congreso?”, in Ana Bejarano & Andrés Dávila (eds.), *Elecciones y democracia en Colombia, 1997-1998*, Bogotá, 1998, p. 192. Ungar’s strong statement has to be qualified as regards the composition of parliament: the 1991, 1994 and 1998 elections did produce somewhat more pluralistic parliaments, witnessing the entry, for example, of indigenous and Christian parties or movements.

<sup>22</sup> Voting is not obligatory in Colombia. According to the National Registry, in 1991 voter turnout (as a percentage of voting age population) was 36 per cent. In 1994, it fell to 32 per cent; four years later, it rose to 44 per cent – a level of participation roughly average since 1945. Figures quoted in Ungar, *¿Hacia la recuperación del Congreso?*, p. 210.

<sup>23</sup> *El Tiempo*, 5 March 2002, pp. 1-1 and 1-2.

<sup>24</sup> Registraduría Nacional del Estado Civil, *Votación Cámara Especial en el Exterior* and *Votación de Senado en el exterior* at [www.registraduria.gov.co](http://www.registraduria.gov.co) In order to vote,

Table 1: Major party results in parliamentary elections in Colombia, 1991-1998

Party	1991	1994	1998
Liberal	55 %	55 %	49 %
Conservative	n.p.*	19.6 %	15.7 %
AD M-19	8.8 %	2.7 %	n.a.**
Partido Social Conservador	8.8 %	n.p.	n.p.
Nueva Fuerza Democrática	7.8 %	4.9 %	6.9 %

\* no participation; \*\* not available

Source: Palacios, *La solución política al conflicto armado, 1982-1997*, p. 507 and Ungar, *¿Hacia la recuperación del Congreso?*, p. 198.

A close observer of Colombian politics explains the continuing electoral strength of the traditional parties by pointing to the persistence of “political practices unfolding on the basis of patronage networks in which votes are obtained in exchange for bureaucratic and financial perks, and which have permitted the party machines to maintain their electoral predominance in many regions of the country”.<sup>29</sup> Furthermore, the logic of Colombia’s system of proportional representation, which allocates seats in both houses first on the basis of a quotient (“benchmark”) and then in descending order according to the number of residual votes obtained by any one candidate, produces what has become known as “Operation Wasp”.<sup>30</sup> Instead of competing with a single closed

multi-member list each, the political parties “branch out” and try to win as many seats with the smallest number of votes by promoting a multiplicity of individual, one-candidate “lists”.<sup>31</sup>

This proliferation works against the small parties.<sup>32</sup> An artificially high number of Liberal and Conservative candidates compete with, for example, minority UP candidates and hence stand a good chance of being elected with a fraction of the residual votes. This problem is particularly pertinent for national elections for Senate: the larger the number of residual votes to be siphoned off, the more candidates or “wasps” appear. It also undermines the equitable representation of all departments in the Senate; some of the least populous get no direct representation at all. In contrast, candidates based in the big urban centres such as Bogotá or Medellín have a clear advantage. Moreover, once parliament is established, the building of stable alliances and the disciplined work of the party factions become difficult owing to the individualist character and diverse goals of deputies, who continue to act as atomised “electoral entrepreneurs”.

#### IV. THE ELECTIONS OF 10 MARCH 2002

The 10 March parliamentary elections took place amidst high tension. Little more than two weeks earlier, President Andrés Pastrana had declared the three-year peace process with the FARC over.<sup>33</sup>

pp. 238-239. This observation questions the long-standing claim that Colombia’s traditional political parties are disintegrating. Of course, when compared to the mid-1970s and early 1980s, their parliamentary hegemony is less pronounced.

<sup>29</sup> Ungar, *¿Hacia la recuperación del Congreso?*, p. 201. Note that the above-mentioned *auxilios parlamentarios*, though officially abolished, never actually became unavailable to parliamentarians. See “Yo acuso” in *Cambio*, 17-24 December 2001, p. 19.

<sup>30</sup> See Laura Wills, *Elecciones parlamentarias 1991-1998*, unpublished thesis, Universidad de los Andes, Bogotá, July 1998, pp. 43-45. “Operation Wasp” refers to the large number of candidates fielded by the political parties in parliamentary elections. As explained in the next paragraph, these individual “electoral entrepreneurs” or “wasps” compete with each other for the great majority of seats that are obtained through residual votes since hardly any candidates obtain enough votes to meet the quotient. The quotient, or “benchmark”, is calculated by dividing the total number of voters nationally by the number of available seats in the Senate. For the House of Representatives, it is calculated by dividing the total

number of votes in the individual departments (i.e. voting districts) by the number of seats available for each district.

<sup>31</sup> Although Colombian “lists” contain just one candidate, they are referred to in this way because the individual candidates draw up a “list” of three or four people, the topmost of whom substitutes in case of the deputy’s death, physical incapacity or judicial investigation. These potential representatives do not figure on the ballot paper and hence are not elected. See “Acto Legislativo No. 03 de Diciembre 15 de 1993”, in Ministerio del Interior, *Compendio de normas electorales*, Bogotá, 2000, pp. 17-18.

<sup>32</sup> ICG interview, Bogotá, 15 March 2002. In 1998, 319 candidates registered for the elections for the Senate and 692 for the House of Representatives; in 2002, their number had grown to 326 and 905, respectively. Roughly half of all candidates were fielded by the Liberal and Conservative parties. See *El Espectador*, 9 March 2002, p. 5-A.

<sup>33</sup> See ICG Report, *Colombia’s Elusive Quest for Peace*.

After a near breakdown of negotiations in mid-January, Colombia witnessed an increase in insurgent attacks on civilian, military and infrastructure targets resulting in the deaths of well over 100 people and significant damage to the electricity network, roads and bridges. Although there is no evidence that violence further increased after the rupture of the peace process on 20 February, this guerrilla onslaught heightened apprehension among the population and the government that the electoral process would be disrupted.

In some departments candidates were indeed prevented from freely campaigning owing to intimidation from the guerrilla organisations or the paramilitary forces. In Cesar, a right-wing candidate was assassinated by a FARC unit, one registration officer was abducted, and seven candidates kidnapped earlier remained in captivity. A number of pylons were destroyed in the departments of Bolívar and Nariño. In Guaviare voting-papers were burned, and in Arauca the FARC's Front 10 blocked the roads in seven municipalities, and 250 polling-points had to be moved from rural to urban areas because the police and army could not otherwise guarantee security.<sup>34</sup> In addition, there were accusations and instances of less violent interference with the pre-election process by candidates, electoral officials, insurgents and paramilitaries. Voting papers were forged, and some campaigns were most probably funded by drug-money.<sup>35</sup>

However, despite these pressures and irregularities, the 10 March polls took place in an atmosphere of relative calm and good order. This was in part due to the deployment of 154,000 police and military personnel across the country – Operation Defence of Democracy.<sup>36</sup> Insurgents succeeded in interrupting the electoral process in only fifteen out

of a total of 1,095 municipalities.<sup>37</sup> Colombians historically have shown less interest in legislative elections than in presidential contests, and, as noted above, statistical problems probably artificially reduce the real rate of participation. However, the registered voter turnout – 42.3 per cent – was well within the range of other parliamentary elections over the past half-century.<sup>38</sup> Neither insurgent and paramilitary threats nor the cynicism and frustration produced by wide spread corruption within the party machines and parliament, in other words, seem to have kept unusually large numbers of citizens from voting.<sup>39</sup>

The proliferation of individual candidacies constitutes an element of continuity: 905 candidates competed for 166 seats in the House of Representatives and 326 for 102 in the Senate. The two traditional parties, Liberal and Conservative, fielded 481 and 110 candidates, respectively. The remaining 640 were either affiliated to one or more of 62 smaller political parties and movements with indigenous, afro-Colombian, Communist, Christian, Liberal and Conservative roots or ran as independents.<sup>40</sup> The results also point towards continuity: “official” Liberals (close to the Liberal Party and its presidential candidate, Horacio Serpa) obtained 28 seats in the Senate, followed by 27 “dissident” Liberals (affiliated to political parties or movements with Liberal roots and close to presidential candidate Álvaro Uribe). “Official” and “dissident” Conservatives got thirteen and twelve seats respectively and other political parties and movements 22.<sup>41</sup> The results for the House of Representatives roughly correspond to those for the Senate: the Liberals obtained 32 per cent, the “dissident” Conservative coalition 8.1 per cent, the

<sup>34</sup> *El Tiempo*, 10 March 2002, pp. 1-5 and 1-17.

<sup>35</sup> ICG interviews, Bogotá, March 2002. On 4 April, the head of the national registry, Iván Duque, publicly admitted that there had been fraud in three departments on the Atlantic coast. Between 30,000 and 90,000 (approximately 0.3 per cent and 1 per cent) tampered-with votes may have to be annulled. The Prosecutor General has initiated investigation against at least 249 electoral officials and candidates. *El Espectador*, 7 April 2002, p. 6A; *El Tiempo*, 13 April 2002, p.1-11.

<sup>36</sup> Soldiers and police officers are not allowed to vote while on active service.

<sup>37</sup> In perhaps the most severe case, the municipal council of Saravena, Arauca was destroyed and a number of ballot boxes and voting-papers were stolen or burned. According to the Ministry of the Interior, however, only 37,000 voters – 0.15 per cent of the total electorate (23,880,000) – were inhibited from casting a ballot. *El Tiempo*, 11 March 2002, p. 1-10.

<sup>38</sup> See footnotes 22 and 25 above.

<sup>39</sup> See Vicepresidencia de la República, Banco Mundial *et. al.*, *Corrupción, desempeño institucional y gobernabilidad: desarrollando una estrategia anticorrupción para Colombia*, Bogotá, March 2002.

<sup>40</sup> See Registraduría Nacional del Estado Civil, *Informe de votación*, 15 March 2002, at [www.registraduria.gov.co](http://www.registraduria.gov.co).

<sup>41</sup> *Ibid.* More than 750,000 “white” (no preference) and invalid votes were cast.

Conservatives 7.3 per cent. Other political parties and movements, including “dissident Liberals” gained 49 per cent.<sup>42</sup> Of the 268 new parliamentarians who assume their duties on 20 July 2002, only 30 are women.<sup>43</sup> Almost half have not held any previous legislative position.<sup>44</sup> This means that turnover is relatively high.

Independent candidates achieved the best results:<sup>45</sup> Luis Ramos (Senate: 217,952 votes), Antonio Navarro (Senate: 210,264), Gustavo Petro (House of Representatives, Bogotá, D.C.: 77,690), Gina Parody (House of Representatives, Bogotá, D.C.: 73,662), Carlos Gaviria (Senate: 114,886), Luis Gil (Senate: 80,585), Germán Vargas (Senate: 208,332), former Defence Minister Rafael Pardo (Senate: 72,543) and retired General Jaime Canal (House of Representatives, Valle: 82,057), among others.<sup>46</sup> This has been interpreted by various

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<sup>42</sup> *Ibid.*

<sup>43</sup> *Semana*, 18-25 March 2002, p. 34. According to bills No. 158 (House of Representatives) and No. 062 (Senate, with identical text) of 1998, a minimum of 30 per cent of the top posts in Colombia’s public administration have to be held by women in order to enhance gender equality. However, while article 14 acknowledges the need to strengthen the position of women within the political parties and movements, article 5 states that this provision does not apply to elected posts, i.e. seats in parliament.

<sup>44</sup> This is not uncommon. In 1991, for example, 51 per cent of parliamentarians were “new”. Ungar, *¿Hacia la recuperación del Congreso?*, p. 194.

<sup>45</sup> Only three candidates for the Senate obtained more than 200,000 votes. The remaining 99 received between 117,781 and 28,271 votes. Registraduría, *Votación de Senado a nivel nacional*, in [www.registraduria.gov.co](http://www.registraduria.gov.co).

<sup>46</sup> Registraduría, *Informe de votación*, at [www.registraduria.gov.co](http://www.registraduria.gov.co).

Gloria Polanco, who ran for the House of Representatives while held hostage by the FARC, won a seat for the department of Huila. Before launching his campaign, retired Army General Jaime Canal commanded the third brigade in Cali, Valle. He was in charge of the military operation against the ELN unit that abducted 40 people on a highway near Cali on 17 September 2001. When the government of Andrés Pastrana decided to make concessions to the rebels, he resigned. Carlos Gaviria is a renowned professor of law and Constitutional Court judge without prior political experience. Luis Gil formed part of the insurgent M-19 and was demobilised in 1990. He served as president of the teachers union in the department of Santander and, in 1997, founded the independent political movement *Convergencia Ciudadana*, which integrated former M-19 and EPL members as well as retired soldiers. Antonio Navarro was part of the leadership of M-19. After demobilising, he chaired the

Colombian analysts as an indication that the *voto de opinion* (independent vote) gained some ground over the *voto amarrado* (vote bound to one of the traditional parties). Conservative presidential candidate Juan Camilo Restrepo stepped down after the relatively poor results of the “official” Conservative candidates became known and discussion of defection to Uribe, the “dissident Liberal” presidential candidate, flared up within the party.

Among the presidential candidates, Uribe showed particular “coattails” strength in attracting votes for parliamentary candidates close to him. Claudia Blum and Gina Parody campaigned with his support from the beginning. Several big winners, however, such as Rafael Pardo and Germán Vargas, publicly attached themselves to Uribe only near the end of the campaign.<sup>47</sup> Carlos Gaviria achieved outstanding results because he was supported by left-wing presidential candidate Luis Eduardo Garzón. Liberal Horacio Serpa pulled in votes for Samuel Moreno and Jaime Dussán, among others.<sup>48</sup> Noemi Sanín, however, fared less well, appearing to hurt the candidates supporting her.

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Constituent Assembly, served as minister of health, mayor of Pasto, Nariño and senator (1998-2002). Rafael Pardo served as Director of the National Plan for Rehabilitation and Peace Councillor under President Virgilio Barco (1986-1990). He played an important role in demobilisation of the insurgent organisations M-19, EPL and Quintín Lame and the destruction of the drug cartels in the late 1980s and early 1990s. In 1991, President César Gaviria made him the first civilian minister of defence since the 1940s. Gina Parody, a 28-year old lawyer, worked as assistant to Parliamentarian María Rueda and has denounced parliamentary corruption. Gustavo Petro, a former leading member of M-19, was a member of the Constituent Assembly and parliament during the Gaviria and Pastrana administrations. Luis Ramos, originally a Conservative, served as mayor of Medellín, minister of external trade and ambassador to the Organization of American States (OAS). *Cambio*, 4-11 March 2002, pp. 18-29; *Cambio*, 18-25 March 2002, pp. 16-19; *El Tiempo*, 11 March 2002, p. 1-5.

<sup>47</sup> *El Tiempo*, 11 March 2002, p. 1-3. Claudia Blum began her political career in the western department of Valle, combining politics and journalism. In 1990, she was elected to parliament. Germán Vargas is the grandson of Liberal President Carlos Lleras Restrepo (1966-1970). He served as senator under the Samper administration (1994-1998). See *Cambio*, 4-11 March 2002, pp. 18-27.

<sup>48</sup> Samuel Moreno is the grandson of General Gustavo Rojas Pinilla. Jaime Dussán currently serves as senator.



The future president, whoever he or she is, will in all probability not have to court the new parliament with the same intensity as traditionally. Inter-party cleavages on the war/peace issue have considerably diminished over the last three months. Álvaro Uribe's astute reactions to the crisis, emphasising the need both for the state to assert its authority as well as for social and political reform, have gained him a clear lead. Those parliamentary candidates who followed his line benefited. Horacio Serpa, running second in the opinion polls, has like virtually all others in the race also toughened his stance, though he still advocates less radical measures for re-establishing state authority.<sup>49</sup>

## V. THE NEED FOR POLITICAL REFORM

The 10 March 2002 elections show that despite pressure from the insurgent and paramilitary organisations and obvious problems with the electoral regime and the performance of parliament, many Colombians do continue to vote and believe in the legitimacy of the democratic system of government. In part this is due to the country's long electoral tradition; in part it reflects the wish of a substantial number of voters to distance themselves from any extremes, be they political or military, and not to give in to intimidation.

While the Colombian state made strong efforts to guarantee the security of the 10 March elections, however, it did less to ensure their transparency and integrity. More and more evidence is becoming available that indicates there was fraud in several departments, including Bogotá. Such accusations have become commonplace in Colombia but this time the Prosecutor General has taken legal action, jailing one and suspending from service seven other electoral officers. To increase public and international confidence in the vitally important presidential election, the first round of which is only a little more than a month away, the government should consider inviting more foreign electoral observers.

The parliamentary elections also put on display two serious systemic obstacles to stronger democratic representation of the "general will" in Colombia: the funding of electoral campaigns by drug-money and the influence exerted by the paramilitaries on the electoral process. Drug trafficking and the funds derived from it have been discussed lately almost exclusively in terms of the involvement in the trade of irregular armed organisations and dealers. Precisely because of this, too little attention is being paid to the drug-money that many political analysts believe has been permeating parliamentary electoral campaigns and buying at the least considerable influence at key points within the Colombian state. Owing to the serious national and international implications of the scandal that surrounded Ernesto Samper's presidential campaign in 1994, the presidential candidates this year are handling campaign financing with care and under the scrutiny of public opinion and the state authorities. Unfortunately, this is not yet the case for parliamentary campaigns.

On 11 March the paramilitary leader Salvatore Mancuso claimed that up to 35 per cent of parliamentarians are close to the paramilitary cause and will work in its favour.<sup>50</sup> As unprovable as that assertion is, it raises uncomfortable questions as to the ability of the paramilitaries (the United Self-Defence Groups of Colombia, or AUC) to exert significant influence on the electoral and legislative processes. The weekly *Semana* reports that in AUC strongholds, such as the department of Córdoba, the paramilitary forces intimidated candidates they opposed and supported those they favoured.<sup>51</sup> Voter intimidation also took place.

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<sup>50</sup> Absent hard proof, the claim is open to question. It probably involves at least an exaggeration or a generous definition of interest/sympathy/support of the paramilitary movement by parliamentarians. One Colombian analyst said that the paramilitary presence in the new parliament possibly is not direct, i.e. through paramilitary deputies, but indirect. For example, figures sympathetic to the paramilitary movement might appear in the "lists" drawn up by some parliamentarians and so could, at some point, act as substitutes. Also, some parliamentarians might have an affinity to the paramilitary movement. ICG interview, Bogotá, 3 April 2002.

<sup>51</sup> In contrast, the insurgent ELN and FARC appear not to be interested in getting a foot into parliament. Particularly the ELN advocates the creation of a Constituent Assembly and wants to pursue political and institutional reform from there. ICG interview, Bogotá, 3 April 2002.

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<sup>49</sup> See ICG Report, *Colombia's Elusive Quest for Peace*.

Possibly reflective of this, in some municipalities a single candidate obtained more than 95 per cent of the vote. Turnout in Córdoba almost doubled from 1998.<sup>52</sup>

The Ministry of the Interior has announced an investigation into ties between parliamentarians and the AUC. If the accusations turn out to be correct, as they may well, the need for parliamentary and electoral reform will become even more pronounced, and the already deeply compromised prestige of parliament will suffer further. The “political institutionalisation” of the paramilitary forces would confirm the threat they represent to Colombia’s democracy. By the same token, it would provide the FARC with additional reasons to oppose any serious peace negotiations with the next government.

If such systemic problems are to be resolved, deep political reform needs to become a central goal of the next government, to include a ban on “private sector” party and campaign financing. Transparency and fairness is needed – one possibility would be for the state to become the only legal funder for parties and candidates. Reform also has to include the democratisation and strict regulation of parties, changes in the electoral regime, in particular regarding the national elections for the Senate, introduction of more women into parliament, and more civil society participation in decision-making at all levels. A number of these matters are being discussed by the presidential candidates and many sectors of political and civil society. How much of the discussion is translated into serious action and how quickly will tell much about Colombian democracy’s strength to overcome the challenges it faces from civil war and drugs.

In all probability, the new parliament, which will be controlled by Liberals, will not make life difficult for whoever becomes Colombia’s next president.<sup>53</sup> The new chief executive, particularly if it is the front runner, Uribe, can expect to be able

to rely on majority support for policies toward the FARC and the paramilitary forces. So far, 27 Liberal and thirteen Conservative senators have expressed support for Uribe,<sup>54</sup> and if he wins, a number of the 28 “official Liberals” are expected to follow suit.

Whether Colombia’s electoral democracy remains capable of withstanding serious threats to its very existence, however, depends upon achieving political reform and a re-legitimation of parliament. Both these objectives ought to be crucial elements of any strategy to strengthen the state which, in turn, is needed to enhance the chances of negotiating a solution to the internal armed conflict.<sup>55</sup>

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<sup>52</sup> *Semana*, 18-25 March 2002, p. 38.

<sup>53</sup> However, if Álvaro Uribe wins and attempts to reform Parliament by creating a one-chamber legislative branch, as he has promised, he is likely to encounter resistance. Therefore, he might well take up this particular proposition only at the end of his tenure. See María Rueda, “Revocar el Congreso: ¿será que sí?”, in *Semana*, 6-12 March 2002, p. 40.

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<sup>54</sup> On 10 April 2002, the board of the Conservative party officially declared its support for Uribe.

<sup>55</sup> A subsequent ICG briefing paper will examine the positions of the presidential candidates, especially with respect to war/peace issues, in advance of the 26 May first round.

## **ABOUT THE INTERNATIONAL CRISIS GROUP**

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The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

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