

Border citizenships: Justice and hospitality in the border region between Colombia and Venezuela

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Abstract

This paper looks at the relations between identities and citizenships in border territories, specifically when one of the countries of the border is in a state of crisis. Borders are understood not as lines with radical differences on either side, but as territories with social and symbolic rules that allow coexistence around them and, in many cases, question the standards instituted by their respective States. Secondly, this article points out the difference between identity and citizenship. In these territories, border identities are stronger than national citizenships. However, when a crisis begins, it exacerbates the differences of identity between the citizens of the two countries and, in the Colombian context, the legal vacuum concerning immigration strips the “others” of rights and opportunities, transforming immigrants into sacrificial victims.

However, countervailing actions are undertaken by civil society that allow immigrants (non-citizens) to participate in local dynamics with an effective social and economic integration. We might refer to theirs as “border citizenships”. This paper focuses on the Catatumbo region, a territory close to the border between Colombia and Venezuela. This is a region with a weak presence of the State, a permanent armed conflict and illegal economic activities such as coca plantations that provide jobs for the Venezuelan migrants, but it is also a region whose communities have a strong and resilient social fabric. The self-regulatory mechanisms of communities allow immigrants to integrate themselves within social and economic opportunities and protect them from the risk of victimization. Here the communitarian order helps construct a form of alternative citizenship.

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1 The border between Colombia and Venezuela: Crisis and Migration

It is often believed that people migrate to territories with better opportunities, or from territories in crisis to territories where there are none. For decades, Venezuela became host to many migrants attracted by its oil wealth, while Colombia was a country that expelled its population owing to violent crises. When the crisis began in Venezuela in 2015, the migratory flow was reversed. Many Venezuelans arrive in Colombia fleeing the economic and political crisis, some of them children of Colombians who migrated several years previously. The paradox is revealed when migrants arrive in places whose previous violent crises are still unresolved.

One of those territories in crisis which is, at the same time, a host to migrants is the Catatumbo, a region of Colombia very close to the border of Venezuela, and one historically affected by armed conflict. The absence of the State and the increase of the population owing to migration have left a propitious space for the generation of new conflicts and violence, as well as for the growth of the numerous illegal economies that fuel the armed conflict, such as coca plantations, illegal mining, and gasoline smuggling.

In the Catatumbo, the main economic activity is the cultivation of coca, reflecting high levels of poverty, an unresolved armed conflict and interaction between several illicit economies. Peace negotiations with the FARC² generated a strong dispute between other illegal armed groups for control of the territory, an increase in coca cultivation and, along with it, the growth of an informal employment source that attracted a large migrant population, working as collectors of coca leaves (*raspachines*).

Likewise, a large part of the Venezuelan population that has arrived in the Catatumbo is in an irregular situation, either because they do not have passports to migrate legally³, or because they do not have the economic resources to migrate

2 The *Fuerzas Armadas Revolucionarias de Colombia*, one of the principal guerrilla groups in the Colombian armed conflict from 1964-2017.

3 One of the effects of the crisis in Venezuela has been the difficulty in obtaining a passport. Many people must wait months to obtain a new passport that allows them to legally enter another country. See: Steve Hide, "Unobtainable work permits offer little hope for migrants in Bogotá." *The Bogotá Post*, April 18, 2019: <https://thebogotapost.com/unobtainable-work-permits-offer-little-hope-for-migrants-in-bogota/36940/>.

further afield. This has led them to establish themselves in border areas where State presence is low, but where there are high levels of violence and illegal activities.

Accelerated migration has created new conflicts in the host communities. However, in the peasant communities, forms of conflict management have also been generated that have facilitated the inclusion and participation of the migrant population and, along with these, offered protection against possible sacrificial violence. This article points to these communitarian mechanisms of justice that are a source of alternative law and which, in the face of the new reality, undergo adjustments to prevent other forms of sacrificial justice being imparted, thus generating identity dynamics and promoting hospitality. In this way, practices of communitarian justice allow us to understand the relationship with the “other” through the construction of their rights and the acknowledgment of the “other” as part of “us”.

2 Communitarian justice: Rivalry and conflict management

In territories with armed conflict and a low State presence, there are usually two informal types of the administration of justice and conflict management. On the one hand, there are territories with a strong presence of illegal armed groups, which manage justice through the imposition of rules and violent and arbitrary sanctions on those who violate them. This arbitrary justice coincides with the characteristics of sacrificial violence, where the punishment or sanction has an expiatory character, even if it does not completely contain the violence.

On the other hand, there are peasant communities that have generated forms of justice to regulate conflicts and to sanction infractions, from their own understandings of what is right.⁴ Many of these practices have existed for years, but the communities only reflect on them and formalize them when external actors appear to impose their own vision of justice. In some cases, community traditions have empowered community members to undertake civil resistance against the violent forms of justice imposed by illegal armed groups.

⁴ Rosember Ariza, *El derecho profano. Justicia indígena, justicia informal y otras maneras de realizar lo justo* (Bogotá: Departamento de Publicaciones Universidad Externado de Colombia, 2019), 38-39.

If we start with mimetic theory, justice is understood as the contemporary formal institution that inherits the restorative and expiatory role of sacrifice. Justice does not take upon itself the distribution of goods and the guarantee of rights, but rather the regulation of relationships mediated by desire, so as to control rivalry and prevent violence.⁵ Thus, the practices of communitarian justice can be understood as traditional ways of regulating how desire leads to competition, rivalries and the exacerbation of violent resolutions. *Manuals of communitarian coexistence* produced by some peasant communities give norms that correspond to forms of prohibition and ritualization, modulating the cultural patterns that, by controlling collective behavior, prevent violent social control by an external actor.

However, when there is a massive arrival of a migrant population, a new paradox is generated concerning the interactions of desire. The host communities, still immersed in a crisis of violence, begin to perceive themselves as having a desirable model or state of life: “We are better here than they are there”. Given that the source of this economic model is the production of coca, what has been established is a collective culture based on an illegal activity, one that generates high circulation of money. But new conflicts are also generated based on rivalry for access to employment, rural property and even affective relationships.

In this context, in a territory that has been historically affected by armed conflict, the migrant population easily fulfills the role of a scapegoat. In relations of rivalry, they are always at a disadvantage and, therefore, are more likely to be stigmatized, expelled or victimized. It is therefore necessary to find ways to manage conflicts with those who do not know the rules of coexistence as new inhabitants of the territory.

The most significant case in the Catatumbo is that of Pacelli. In this community, at the beginning of the century, paramilitary groups were present that had fought leftist guerrillas, leaving behind many victims. When the paramilitaries demobilized in 2004, the community carried out an exercise of civil resistance, preventing the entry of new armed groups. These resistance processes gradually consolidated until they developed an alternative coexistence process that has

5 Cf. René Girard, *Violence and the Sacred*, trans. Patrick Gregory (Baltimore: Johns Hopkins University Press, 1979), 15, and Roberto Farnetti, “A Mimetic Perspective on Conflict Resolution.” *Polity* 41/4 (October 2009): 544.

allowed them to keep the regulatory power of the illegal armed groups at bay, through the creation of a manual of coexistence and a committee that regulates it.

Since 2016, the massive arrival of Venezuelans has had an impact on both the coexistence and the conflict in the territory, which is why local armed groups have tried to control the arrival, transit, and residence of the Venezuelan population throughout the region. Arbitrary justice over the migrants was exercised through expulsion or execution, even when those in question had not committed offenses or crimes.

In Pacelli it became necessary to expand and adjust the manual of coexistence to name and recognize the new people who arrived in the territory. Likewise, a census and a kind of *sponsorship* system were generated, to register the people who settled down in their territory, in order to know who had arrived and thus generate commitments on the part of those who welcomed the migrants into their homes. This process of census and sponsorship has been replicated in several nearby communities, which has generated a greater rootedness on the part of migrants in the border territories where they have been received.

These social processes are considered to be popular or alternative law, where communities agree on rules of coexistence from their own understandings about what is fair and how to sanction⁶ those who violate them. This has, on the one hand, enabled a guarantee of minimum rights to be generated that ensure the survival and economic participation of the guest “other”; on the other hand, it has enabled migrants, the “non-citizens”, to strengthen an identity that commits them to respect the coexistence agreements and to remain in the territory that has hosted them.

The context of the Catatumbo shows us a paradox about justice. The communities regulate what the State was unable to regulate or would regulate in another way. For example, the production of coca crops, which is the main source of income in these communities, is an illegal economic activity and, therefore, a crime. However, the absence of the State allows normative interactions to be different. The coca growers know that they are carrying out an illegal activity and,

6 Initially, the community sanctions were exclusively economic. However, some communities have begun to apply sanctions of a pedagogical nature based on an understanding of the restorative nature of sanctions, which also generates changes in the cultural behavior of the community.

at the same time, that this economic activity is generating rivalry and violence; but often find that there is no other economic activity available to them to ensure their livelihood. So, in their understanding about what is fair for the community, the question of survival prevails over the standard set by the State (the liberal account of what is universally just). In the light of this, the community regulates the conditions of coexistence that ensure that said activity will not compromise the life or integrity of the members of the community.

Adapted social norms also become a way of protecting the “other”, who is often more vulnerable to the justice “provided” by illegal armed groups. Communities that carry out their own processes of self-regulation confront the regulatory power of armed groups that seek to impose their norms and ways of imparting justice. From the perspective of the migrant population, the norms and community mechanisms of conflict management ensure that they are not converted into sacrificial victims by arbitrary justice.

In these territories, then, three forms of justice co-exist and compete: State justice, which is often distant and inapplicable, but always remains a reference of what “should be”. The arbitrary justice of the armed groups that seeks to exert social control over the communities, even replicating the normative system of the State, but through violent sanctions proper to an archaic system of justice. Finally, the alternative justice of the communities that seeks to fill the vacuum of the absence of the State and to counteract the violent norm of the illegal groups.

It is worth saying that community forms of justice have developed through imitating arbitrary justice. They do not arise spontaneously but rather take as a model the forms of conflict management of the guerrillas and adapt them to their practices. However, this process of imitation is creative, reflective and non-violent, since it does not repeat violent phenomena, but seeks to avoid and resist them. That is to say, it imitates it and competes with it, but also seeks to move beyond it.

3 Border citizenship and understanding of the Other

The practices of communitarian justice, or alternative legal expressions that give life to the idea of “what is fair for the community” contribute to the exercise of citizenship, beyond the ownership or possession of a nationality. Citizenship here is understood not only as the enjoyment or access of rights within a guaranteeing State; but the active exercise of those rights, even more so if it is within the framework of an empowered collective that recognizes the difference and heterogeneity of its members, which deliberates on their problems and confronts them creatively.⁷

Now, the dynamics of the border territories reflect the paradox of identities and citizenships. The usual thing is that a person has a single nationality, although each one shares cultural features with the collective of the other country. Border territories tend to have shared identity traits, where the inhabitants of both sides of the border tend to have a social and cultural affinity, sometimes even stronger than they have with the rest of their compatriots.

However, *border citizenship* goes beyond shared identity traits. I call border citizenship a form of symbolic and normative interaction between subjects in border territories, an interaction that exceeds the laws of each country. It refers to the way in which citizens of two countries understand each other as part of a shared territory and, therefore, their identities are a source of agreements that regulate coexistence and interactions in the territory. Historically, the border between Colombia and Venezuela has been porous and flexible: cultural and commercial relations have been informal and even the laws of each country have adapted to these social interactions.

The peasant communities of the Catatumbo which self-regulate their coexistence have managed to overcome the crisis of constant conflict, through adapting their coexistence agreements to include the migrant population. The *social contract* is adapted to include the “other” as part of the “us”. For this reason, communitarian regulations go beyond the understanding of shared identity and

7 Cf. Navarrete, Angela. “Redes locales para la paz en los territorios,” in *Instituciones locales para la paz en Colombia: Esbozos teóricos, experiencias locales y desafíos sociales*, ed. Jefferson Jaramillo Marín, Fabio Saúl Castro-Herrera, and Daniel Ortiz Gallego (Bogotá: Universidad Nacional de Colombia. UNIJUS, 2018), 85-118.

generate forms of alternative jurisprudence that are appropriate to border citizenship. This is the ability to generate agreements that include the other in the shared vision of the collective.

Although border citizenship does not grant formal membership to the collective, it is the result of a process of communitarian reflection that has allowed its participants to overcome notions of violent and arbitrary justice. Furthermore, this process seeks the guarantee of civil, economic and social rights through the generation of agreements that ensure coexistence and respect for the life of the incoming “other”. This “other” who is welcomed, who understands the collective agreements of coexistence and abides by them, participates in community dynamics and exercises what I have called border citizenship.

4 Hospitality: Regulating what cannot be regulated

The issue of communitarian justice in the context of migration leads me to a question I asked myself many years ago: How does one regulate a right to hospitality, if hospitality can be regulated at all?

In times of massive global migration, Kant’s proposal for a right to universal hospitality has once again become valid. However, from a Girardian perspective, I believe that hospitality goes far beyond what Kant proposed, namely, “the right [of the migrant] not to be treated with hostility in a territory that is not his”.⁸ To paraphrase the poet Edmond Jabés, hospitality is beyond responsibility: “To welcome the other only because of his presence, in the name of his own existence, only for what he represents. For what he is.”⁹ It is at the level of *grace*, where I recognize myself in and with the other whom I welcome. Kant, by reducing hospitality to the requirement of “non-hostility” and putting it at the level of what can be regulated, diminishes what it is about and reduces its effectiveness.

Hospitality is to do with people who understand themselves as a construction shared with the “other” who receives. It is to do with those who do not compete

8 Immanuel Kant, *Hacia la paz perpetua*. Digital Library of Kantian Studies (Madrid: Ediciones Alameda, 2018), 90.

9 Edmond Jabés, *El libro de la hospitalidad* (Madrid: Editorial Trotta, 2014), 33.

with the other, who do not sacrifice what is “different”, but who welcome him/her as someone worthy of contributing to the construction of their own identity. Hence, hospitality converges with the Girardian concept of interdividuality; that is to say, the relational character of identity.¹⁰

Therefore, hospitality, if it can be understood as a right, is not claimed by those who ask to be received; it is exercised by the one who welcomes. That is, it can be understood as an alternative right within a civil society that demands that its right to receive and to be hospitable should be respected.

However, in an extremely violent social context where there are different actors who impede hospitality towards the migrant, a minimum number of social norms are necessary to protect the guest. The scenarios of regulation and conflict-management undertaken by the peasant communities are an example of how to generate a minimum regulatory space which addresses hospitality and defends the group’s right to receive and protect the migrant.

Likewise, these peasant experiences of coexistence, still full of paradoxes, also help us to reveal and understand the persistent paradoxes in institutionalized systems of justice where sacrificial dynamics persist and, nevertheless, civil society claims them to be foundational for collective order. As we come to understand the paradoxical character of communitarian justice, precisely in this space a horizon is opened up by which the dynamics of institutional justice may be humanized.

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10 Cf. Joao Cezar de Castro-Rocha, “Historia cultural latinoamericana y teoría mimética. ¿Por una poética de la emulación?” *Universitas Philosophica* no. 55 (December 2010): 112.

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