The Construction of Socioeconomic Policy, Institutional and Legal Arrangements in Colombia

I argue that poverty, in the way in which it has been conceptualized in Colombia in the last 30 years, has helped to advance and legitimise legal regulations and policies in line with the prevailing neoliberal trends. Poverty has been an important issue in public debates in Colombia since the 1940s. However, in the 1990s, simultaneously with the implementation of the Washington Consensus, poverty became a central topic in national development plans. I contend that in the 1990s, the discourse of poverty helped to legitimise a broad range of social and welfare regulations in line with the Washington Consensus. The Washington Consensus and the conceptualization of poverty that emerged from it also inspired the new 1991 constitution and the economic and social rights that it recognised. Even though the Constitutional Court has been progressive in adjudicating cases related to social and economic rights, its case law also holds to the restricted view of poverty introduced in the 1990s. In the 2000, social regulations were reformed in line with a conceptualization of poverty as a risk. Such idea opened new venues for financial capitals, while at the same time it reduced the state’s responsibility regarding poverty reduction and shifted the burden to the individual. To sum up, in this paper I illustrate how conceptualizations of poverty and their corresponding legal regulations have played a crucial instrumental role in the implementation and legitimation of economic policies inspired by neoliberal ideals.