



KROC INSTITUTE
FOR INTERNATIONAL PEACE STUDIES



Washington DC Seminar: The Colombian Peace Process After Two Years

An update from the University of Notre Dame's Peace
Accords Matrix Program in Collaboration with Caritas
Internationalis

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THE COLOMBIAN PEACE PROCESS AFTER TWO YEARS

Welcome remarks

David Cortright, *Director of Policy Studies and Director of the Peace Accords Matrix, Kroc Institute for International Peace Studies*

- PAM is not only a research project; it is also an active engagement for peacebuilding. It has developed an innovative way to monitor peace agreements engaging hundreds of relevant actors for implementation.
- Through the Barometer Initiative, the PAM methodology was adapted to provide real time monitoring of the Colombian Peace Agreement by following 578 stipulations as well as gender and ethnic transversal approaches in the Accord.

Panel 1: The Colombia Peace Process after two years

Emilio Archila, *High Presidential Councilor for Stabilization and Consolidation*

- It is important to keep in mind the sequencing of implementation. Some commitments, like disarmament and demobilization of former combatants can be completed in the short-term, whereas other commitments related to rural development can take up to 15 years.
- The government has shown the will to implement long-term commitments such as the Development Programs with a Territorial Focus (PDET). As of March 2019, all 16 Action Plans for Regional Transformation (PATR) have been signed.
- In addition, the government is promoting a Single Planning Roadmap for Stabilization to coordinate all rural development and crop substitution plans in the 16 PDET territories.
- The implementation of rural development requires a large amount of resources. The government has promoted normative adjustments, such as the “Works for Taxes” incentive and the Royalties Distribution Law, to ensure private and public investment in the PDET regions.
- The task of the Office of the High Councilor for Stabilization and Consolidation is not to achieve a peaceful society, but to support the provision of public goods and services for Colombians as if there had been no armed conflict. Many development issues were included as part of the agreement, but they are also part of broader public policies.

Monsignor Héctor Fabio Henao, *Director of the National Secretariat of the Pastoral Social-Caritas Colombiana*

- The Catholic Church in Colombia has been very committed to a negotiated solution to the armed conflict. During the peace negotiations between the government and the FARC-EP, the Church accompanied the group of 60 victims that were invited to Havana. This was a pivotal moment for the negotiation process.
- To support the future of the peace process in Colombia, the Church is focusing on reconciliation. During his visit to Colombia, Pope Francis insisted on building a culture of encounter.

- A key institution for reconciliation processes is the National Council for Peace, Reconciliation and Coexistence. A diverse array of civil society and government actors participate in this Council, which is currently working on providing the government with inputs for the national policy on reconciliation.
- There is a need to solve structural issues related to the armed conflict, especially inequality.

Pete Marocco, *Deputy Assistant Secretary of State, United States Bureau of Conflict and Stabilization Operations*

- The US government continues to support Colombia in the implementation of the peace accord. Since the signing of the accord, it has allocated more than 1 billion dollars in assistance.
- Kroc's analysis on implementation is extremely useful for identifying both advances and risks. This data contributes to prioritizing stabilization efforts in the regions. Stabilization is understood by the US government as a political endeavor to create conditions where local legitimate authorities and systems can manage conflict in a peaceful way.
- Measurable advances in implementation are substantial, mainly in terms of disarmament, demobilization and the FARC-EP's transition to a political party. The 2019 local election can be a risk but it is also an opportunity to consolidate the trend of more peaceful and inclusive elections in Colombia.
- Broader participation of women increases legitimacy of peace accord implementation as they bring a unique value to conflict resolution. Strategies to prevent violence against women are key for stabilization efforts.

Bernard W. Aronson, *Co-Founder and Managing Partner of ACON Investments LLC and former special envoy of the President of the United States to the Colombian peace process*

- It is difficult to assess progress without understanding the two broad goals of the process. The first, the disarmament and demobilization of the FARC and its transformation into a legal political party, has been achieved. However, the commitment to provide security guarantees has not been met. There was a lost opportunity to fill the power vacuum left by the FARC-EP in its areas of historic control. This vacuum has been filled by drug trafficking organizations, the ELN, and dissident FARC-EP.
- The second fundamental objective is bringing together the "two Colombias:" the Colombia of the cities where the State has a meaningful presence, and rural Colombia where the armed conflict was fought. The process of development in rural areas will take time, but it is not being fulfilled as agreed.
- Colombia is a democracy and hence criticism of the agreement is warranted. However, if the international community comes to believe the country is hopelessly divided and progress is not being made, it may lose interest and reduce its committed resources.
- Kroc's real-time monitoring, calibrating and assessing progress of implementation is unique.

Francisco Diez, *Latin America Representative, Kroc Institute for International Peace Studies*

- The purpose of the Barometer Initiative is not to judge implementation, but to provide knowledge and input for relevant actors to make decisions about implementation.
- Cultural transformations take time and it is necessary to promote peaceful conflict resolution mechanisms.
- Even though implementation is progressing, there are important challenges on security and stabilizing transitional justice mechanisms.
- To close the gap between rural and urban Colombia it is key to address the structural causes of the armed conflict.
- According to PAM, achieving 60% to 65% of peace accord implementation reduces the likelihood of returning to armed conflict.

Panel 2: Remarks on the status of implementation

Cynthia J Arnson, *Director of the Latin American Program, The Wilson Center*

- The peace accord provides a historic opportunity to link urban and rural Colombia and to achieve administrative control of the country's entire territory. The question is whether this basic achievement of territorial control, the pre-condition for everything else, is advancing or losing ground.
- The forces pulling away from consolidation appear stronger than movement toward consolidation. There are several reasons for this:
 - The proliferation of coca crops and other illicit economies, which have intensified the competition among illegal armed actors. This is the context of the current increase of the killings of community leaders and former combatants, which sap credibility from the process.
 - Colombia is experiencing high levels of polarization, reflected in the 2016 plebiscite. This continues to be fed by the government's challenges to aspects of the Special Jurisdiction for Peace (JEP).
 - Some policies have had unintended consequences, such as giving payments to coca farmers, which has led to their extortion by armed groups and reprisals against those who cooperate with the government.
 - The rapid, massive increase of Venezuelan refugees and insufficient international funding to assist them is taxing the capacity of the government.

Adam Isacson, *Director for Oversight Defense, Washington Office on Latin America (WOLA)*

- Point one of the agreement has the lowest levels of implementation. Some see it as a concession to FARC, but it should be conceived as an opportunity for the state to consolidate its presence in rural areas.
- The main challenges include:
 - Point one represents 85% of all implementation costs. The Colombian state does not have the resources needed and its budget deficit is very high.

- There are opposing sectors of society, such as landowners, political groups and people in the private sector who do not support the comprehensive rural reform.
- The presence of other armed groups and a recidivism rate of approximately 10% of FARC-EP ex-combatants.
- The activities of social leaders are being targeted by armed groups.

Jason Quinn, *Research Associate Professor, Peace Accords Matrix, Kroc Institute for International Peace Studies*

- The concept of implementation is complex. Each commitment has its own nature (timeline and targets). To monitor implementation, PAM introduced the concept of viability to assess, given the rate of progress in implementation, the likeliness that the commitment will be completed in the established timeline.
- For the Barometer Initiative, the distinction between implementation and intended outcome is key. Full implementation of a commitment might not have any effect, or even a counterintuitive effect.
- PAM research experience shows that implementation is an interdependent process and in some sense, it has mysterious properties. The benefits of implementation of comprehensive peace agreements are unexpected, and often the benefits are greater than intended.

Madhav Joshi, *Research Associate Professor and Associate Director of the Peace Accords Matrix, Kroc Institute for International Peace Studies*

- According to the PAM database, more than half (85%) of the peace agreements negotiated since 1989 have been successful.
- In the post-agreement period, violence perpetrated by either the government, rebels or paramilitaries, tends to depress the implementation success. In an analysis of 34 CPAs, when post-conflict killings by any of the actors reaches 100 in a given year, implementation success is lowered by at least 10% in that year.
- Women are increasingly participating in peace agreements and we can see this in Colombia.
- When there is elite reconciliation, we will see a trickle-down effect into other parts of implementation and the Colombian society. In Colombia, this is necessary for continuing with the peace process.
- The Colombian process is resilient but requires support. The government needs to communicate progress in implementation to the public regularly to create virtuous cycles of support for the peace process.

Raúl Rosende, *Verification Director, United Nations Verification Mission in Colombia*

- The commitment of the international community to the Colombian peace process is an asset. Full support from the Security Council is very important and gives legitimacy to the process. Colombia is important to the international community because it can be a key international precedent in terms of conflict resolution.

- It is important to highlight achievements in the process, such as the disarmament and demobilization of FARC-EP. After an almost faultless ceasefire, this process ended in a successful laying down of arms and the concertation of FARC in 26 cantonment zones.
- Similar to other experiences, there are dissent groups in the post-agreement phase. According to the UN Verification Mission, in Colombia dissidents amount to approximately 10%.
- Reincorporation is not a privilege granted to ex-combatants, but a necessary mechanism to prevent recidivism and stabilize conflict areas.
- Despite the challenges in reincorporation, approximately 10,500 former combatants are still part of the process, which shows the FARC's commitment to implementation. The government has shown political will to sustain reincorporation, among others, with a plan to address the future of the cantonment zones.

June 11th, 2019

Panel 3: Victims' Rights, Reconciliation and Transitional Justice

Douglas Cassel, *Professor Emeritus of Law, University of Notre Dame*

- The Special Jurisdiction for Peace (JEP) is a necessity for Colombia, but not a model for other countries. The JEP was the result of a negotiation process in a specific context in which the FARC-EP negotiators refused to accept prison sentences.
- Retributive justice does not provide full satisfaction for victims. Consequently, in addition to effective restrictions of liberty, the JEP focuses on truth, acknowledgement and non-repetition. This can be characterized as victims' justice.
- The JEP has been understood by many as a solution to the dilemmas of transitional justice. However, the JEP is not a model to be replicated in other settings because it can open the door for impunity.

James Meernik, *Professor of Political Science and Director of the Castleberry Peace Institute, University of North Texas*

- There are very high expectations regarding what transitional justice mechanisms can achieve in terms of reducing conflict, promoting peace, deterring human rights violations, promoting democratization, reconciliation and the rule of law. However, research has shown that there is no guarantee that transitional justice will be a sufficient condition for this.
- Long detailed agreements are generally associated with longer peace duration and Colombia's agreement is one of the most comprehensive. However, it involves many actors in its implementation and from a public administration perspective, there is a greater likelihood that it will face roadblocks.
- Research on transitional justice shows that when countries use a combination of trials, truth commissions and some form of amnesty, they will be better off than a society that focuses only on one mechanism of transitional justice.

- Colombia it is in better shape than other countries in transition such as in Rwanda, Bosnia or Cambodia given that it has a fairly robust economy and higher levels of governance. In this sense, there are favorable conditions for the implementation of transitional justice.
- It is important to educate people about the development of transitional justice. This is critical for gaining support from the wider population and fostering reconciliation down the road.

John Paul Lederach, *Professor Emeritus of International Peacebuilding, Kroc Institute for International Peace Studies, and Senior Fellow Humanity United*

- The Truth Commission has a three-year mandate to address a 50-year armed conflict. Before it started operating, its budget had a 40% reduction. It is possible to fulfill the commitments in the accord related to the truth commission, but qualitatively there will be a lot of nuance. PAM can observe actions, but does not account for what is aspirational in the accord.
- The title “Truth, Coexistence and Non-recurrence Commission” captures the dilemma of reconciliation, how do you conjugate the past, present and future in the same space? Truth refers to understanding the complexity of what happened in the past. *Convivir* (or coexistence) is about the present and answering the question of how to live together and cohabit spaces with those who caused harm in our communities. Non-recurrence addresses the future and the commitment of never repeating violence.
- There is a difference between knowing and acknowledging. Colombia has vast documentation on the armed conflict. However, how do we shift from just knowledge to acknowledgement? This requires greater responsibility over recognition and victims feeling truly acknowledged.
- There are three types of incentives that help build responsibility for recognition: incentives to obtain truth, incentives based on the legacy we leave for future generations and incentives to improve the place where we live.
- Reconciliation does not come immediately after the peace agreement. Although it has been largely overlooked, it has been practiced by local communities for years.

Panel 4: Security Guarantees, Reincorporation and Community Protection

Carlos Alfonso Negret Mosquera, *Colombian Ombudsperson*

- Colombia is in a moment of transition in which the increase of security risks reflects the disputes between armed actors, including Mexican cartels, to fill power vacuums left by FARC-EP’s demobilization. These territories share the following characteristics: presence of illegal economies, isolated and difficult access, neglected by the state and economically poor.
- Security guarantees and protection cannot be provided exclusively through the deployment of armed forces; it requires the comprehensive presence of the state with a human security approach, including social services, investigation and analysis of illicit

economies, as well as dismantling of armed groups and access to justice. An important step in this direction is enhancing the Comprehensive Security System for the Exercise of Politics (SISEP).

- Rigorous implementation of the peace accord, especially point one on the comprehensive rural reform and point four on the substitution of crops used for illicit purposes is key to address the main root causes of the armed conflict.
- It is necessary to strengthen institutional cooperation to improve implementation of security mechanisms such as the National Commission on Security Guarantees, SISEP, and the rapid response to early warnings.

Carolina Naranjo, *Representative of the Kroc Institute for International Peace Studies, Barometer Initiative in Colombia*

- The Colombian Peace Agreement includes a human security approach and commitments with a human rights-based perspective. This comprehensive approach seeks to prevent conflict relapse.
- In spite of the dire situation of social leaders, ex-combatants and communities in prioritized areas, Kroc has registered progress in the following areas: the creation of institutions and norms that reflect a long-standing agenda of human rights defenders, the strengthening of the Ombudsman's Office early warning system, innovative community policing pilots for rural areas and judicial investigation led by the Attorney General's Office and other institutions created by the accord.
- There is a new understanding of social leaders and human rights defenders as key actors for state-building at the local level. Increasingly social leaders are no longer viewed as guerrilla collaborators. It is important to understand the cultural transformation Colombia is undergoing, given that this new understanding might be the most effective way to protect them moving forward.
- Kroc groups destabilizing factors in six categories: presence of armed actors, illegal economies, electoral risks and weak governance, mobility (internal displacement, influx of refugees and transnational crime in the borders), emerging conflicts around land use and environmental issues and vulnerability of territories prioritized for implementation.
- Political will needs to be matched with practical coordinated actions to address short and mid-term issues. For this, it is important to sequence, prioritize and fund the strategic mechanisms.

Jennifer Schirmer, *Harvard University*

- One of the most important elements of this peace process is the inclusion of the armed forces and police. In the past, they have been marginalized or called spoilers. It is important to understand that these are not monolithic structures and they need to be considered for successful peace implementation.
- Ceasefire is a crucial part of the peace processes, as it seeks to stop the killing. Too often, its importance is underplayed and not enough time is spent training the military and illegal armed groups on its implementation.

- There is a will among some in the security sector to come up with new formulas to improve the security of social leaders and ex-combatants. The police needs new mindsets and skills to perform community policing in rural areas. One option focuses on measuring the evolution in each region instead of launching a national plan. Another option, which is not mutually exclusive, could be the recruitment of locals or former combatants for community policing.
- Stabilization per se has its limits, as the issue of legitimacy is not contemplated. The main question is not how to bring more of the state to the territories, but how to create a credible legitimate, permanent presence of the state there.

Panel 5: Land Reform, Territorial Peace, and Rural Development

Emilio Archila, *High Presidential Councilor for Stabilization and Consolidation*

- Implementation of the rural reform cannot move forward faster due to the lack of funding. It all comes down to one word: money. The issue is not the lack of will, but the lack of resources.
- The Constitutional Court ruled that the peace agreement has to be implemented in the next the three presidential terms. However, each government can interpret how to implement it and President Duque has laid out his vision in the public policy “Peace with Legality”.
- There is political will to implement point one of the agreement. Among other actions, the government has approved a public policy document CONPES 3951 that allocates 150 million dollars for the multipurpose land registry (there is information available for 6% of the land in Colombia). The Duque administration’s goal is to formalize 60% of municipalities including the PDET regions. In addition, the government has presented legislation to address irrigation issues in rural areas and is conducting pilots on alternative dispute mechanisms in PDET regions.

María Victoria Llorente, *Executive Director, Fundación Ideas para la Paz (FIP)*

- Funding for implementation is important but it is not the only relevant factor.
- There are competing visions and interpretations of implementation between the previous and current administrations but they are not mutually exclusive. FIP has identified two main differences. First, “Territorial Peace” focuses on building state legitimacy while “Peace with Legality” focuses on consolidating the rule of law. Second, “Territorial Peace” has a bottom-up approach to implementation, whereas “Peace with Legality” has a top-down approach.
- The intersection between implementation and polarization produces different scenarios that contribute to a better understanding of the current and future status of implementation. The goal is to reach a virtuous scenario of high implementation and low polarization. For this, there needs to be a shift from the binary question of compliance vs no compliance of the agreement, to a discussion on how, in a context of competing visions, common conversations can emerge.

Stephanie Burgos, *Government Affairs Associate Director for Latin America, Land Rights and Trade, Oxfam*

- Money is important but it is not the full answer. Implementation also involves setting priorities and enabling stakeholder participation. The comprehensive nature of the agreement, which includes the gender transversal approach, makes effective implementation particularly complex.
- The inclusion of the gender perspective in the agreement is a result of women's and other civil society organizations' mobilization. Women in rural areas face the most inequalities, and greater attention is needed to ensure full implementation of all provisions intended to address that problem.
- The biggest challenge ahead is materializing the commitments in the accord and moving beyond the stage of passing norms, particularly with regard to land issues. Access to land is a critical issue given that it is a prerequisite for the structural transformation sought.
- The accord includes commitments related to formalization and access to land. Although there is some progress on both fronts, there is more emphasis on formalization than on access. More priority should be placed on commitments affecting access to land in order to fulfill the agreement's aspiration to achieve greater inclusion, equality and eradication of poverty in rural areas.

Concluding Remarks

Monsignor Héctor Fabio Henao, *Director of the National Secretariat of the Pastoral Social-Caritas Colombiana*

- There are two critical challenges to building a sustainable peace in Colombia: developing a shared understanding of the future and rebuilding trust. It is particularly important to build bridges between historically marginalized communities and the national government. The implementation of the Peace Agreement is an invaluable opportunity to acknowledge these communities.

John Paul Lederach, *Professor Emeritus of International Peacebuilding, Kroc Institute for International Peace Studies, and Senior Fellow, Humanity United*

- There has been significant progress in the first 2 years of implementation, mainly in the process of demobilization. However, there is a lot of fragility due to the complexity of the process and the depth of what needs to be changed. Does this fragility put into question the capacity to reach minimal transformation? Do we have the ability to identify what is most challenging and mobilize? The future requires conversation in the midst of polarization and meaningful dialogue in spite of our differences.