

## The Colombian Peace Deal

### An opportunity for just and lasting peace?

For over four years the government of President Juan Manuel Santos negotiated a peace deal with the Revolutionary Armed Forces of Colombia (FARC). The goal of the government was to put an end to a 52 year old conflict that has taken thousands of lives. Peace talks were held with the endorsement of the international community and led to the signing of a peace agreement on 26 September 2016. Despite the criticism of a significant part of the population that saw the agreement as too benevolent and unable to bring justice to the victims of the conflict, the victory of the "NO" vote at the referendum celebrated on 2 October came as a great surprise. After new talks, the government of President Santos and the FARC announced a new peace deal on 13 November 2016. In spite of the changes in the text, former President Alvaro Uribe and other advocates of the "NO" quickly dismissed the new agreement, arguing that it did not address fundamental issues of concern for the majority of the Colombian people. The decision of the Santos Administration not to submit the new peace deal to popular consultation was also strongly criticized by the "NO" camp.

Hence, the question remains if the new peace deal will respond to the concerns of a fractured society, if it will be perceived as legitimate by the Colombian people and if it will be able to bring a just and lasting peace to the country. In order to assess the challenges associated with the implementation of the

peace deal, the Multinational Development Policy Dialogue of Konrad-Adenauer-Stiftung in Brussels hosted on 30 May 2017 the debate "The Colombian Peace Deal: An Opportunity for Just and Lasting Peace?". Senator Hernán Andrade, President of the Colombian Conservative Party, and Senator Alredo Rangel, representative of the Democratic Centre party, presented different perspectives on the peace deal and on the challenges ahead for Colombia and its citizens. The arguments introduced in the discussion are evidence of the complex dilemmas currently faced by the Colombian society. In turn, they also show that Colombian citizens are united by a common purpose and that the deal presents a clear chance for building a more secure, stable and prosperous country. In what follows, the key messages of this debate and some reflections on current developments in the implementation of the peace deal will be discussed.

It is evident that engaging in dialogue with the FARC was a necessity. However, the peace process led to a strong polarization within the Colombian society. It might be difficult to understand this phenomenon and comprehend how it is possible that a nation longing for stability and peace might reject an agreement conceived to put an end in decades of conflict and suffering. One should not ignore the feeling of hate and rejection that the FARC generates in the Colombian society though. For more than five decades the guerrilla group has been responsible for innumerable crimes, forced displacements and deaths. It is estimated that around 3,000

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children were abducted and illegally recruited by the FARC. Moreover, the organization has established direct links with illicit drug production and trafficking. In this context, although the rejection of the agreement cannot be explained by one single cause, it is directly related to the perception that the peace agreement is unbalanced and does not fulfill the purpose of providing a framework for just and lasting peace. According to the final text of the peace agreement, even serious war crimes perpetrated by FARC members might not be punishable with jail time. To be precise, FARC members who acknowledge their crimes might be fined but will not face imprisonment. Most Colombians see this as the establishment of an unconstitutional parallel legal system and as a sign of impunity. They demand prosecution according to law and jail time for FARC leaders, as its absence would convey a wrong message to the society.

Thus, on the one hand, a fundamental problem exists when the majority of the population is against the content of the agreement. On the other hand, there is also a problem relating to the implementation of the agreement from a legal and practical perspective. In December 2015 Colombia's Constitutional Court passed a so-called "fast track" to accelerate the implementation of the peace deal. However, after analysis requested by Senator Iván Duque from the Democratic Centre party, the Constitutional Court reviewed its understanding of some procedures, giving the Legislative branch the possibility to modify legislative initiatives associated with the implementation of the agreement without the previous consent of the Government. The decision taken on 17 May 2017 also rejected the idea that bills dealing with the imple-

mentation of the peace agreement must be voted as a single legislative package without the possibility of amendments. This decision certainly slows down the complex legislative effort that is needed for the implementation of several points agreed by the parties in the agreement.

It must be recognized that the agreement had the positive effect of enabling the demobilization, under supervision of the United Nations, of 7,000 FARC members, who have abandoned their weapons and moved to one of the 26 so-called "transitory normalization zones". However, this process has been slow and inefficient. On the one hand, critics of the peace deal call attention to problems in the process of arms surrender, claiming that the FARC has not been informing the authorities about all its weapons storages. This puts into question the guerrilla's commitment to full demobilization. On the other hand, FARC representatives complain about the lack of infrastructure provided by the government in the "transitory normalization zones". This has been leading to a situation where some observers report that demobilized FARC fighters are starting to leave the demobilization zones, engage in criminal activities and even remobilize.

Another challenging issue related to the agreement concerns its consequences for the huge Colombian drug problem. Drug cultivation, production and trafficking have been the main source of financing for the FARC in the last decades. Unfortunately, in this respect the peace agreement has been worsening rather than improving the situation. Colombia remains the world's largest producer of cocaine and coca leaves and unfortunately production keeps growing. The

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peace agreement envisages the substitution of illicit coca crops by licit activities and the introduction of measures to assist growers dependent on coca production in this transition. However, the agreement has been having the unintended consequence of increasing coca production. Many small farmers, who were previously not involved in this activity, are starting to grow coca leaves to be able to claim and profit from government policies and economic support which were conceived to eradicate these crops. Hence, it is clear that current policies to tackle the Colombian drug problem have been inefficient if not naïve and must be recalibrated.

It should also be stressed that the implementation of the peace agreement demands a huge financial effort from the Colombian State. Estimations calculate that the Government needs to invest around 500 million EUR in the next 15 years to put the agreement into force and avoid possible socio-economic negative effects related to its implementation. This presents a crucial challenge to a country already facing important fiscal problems. In this sense, the support from the international community is essential. Initiatives like the EU Trust Fund for Colombia are of great assistance but more financial resources will be needed for the stabilization of the country in this post-conflict phase. Increasing foreign direct investment will be fundamental in this process.

It should be said that the current Government of President Juan Manuel Santos is dealing with very low support rates in the aftermath of the entry into force of the peace agreement. And in a pre-electoral year where many aspects of implementation of the agreement are either progressing slowly or are still unclear, the possibilities for a

victory of the opposition in the upcoming elections are increasing and could have some impact on the implementation of the peace agreement. In any case, it is reassuring to observe the building up of a common view amongst all major Colombian political forces that the peace agreement is a reality and there is no turning back on it. It is said that two-thirds of the Colombian security problems are directly linked to the FARC. Thus, it is undeniable that the FARC problem needs an immediate solution. And even if the opposition wins the 2018 presidential elections the current process will unlikely be reversed. A new government led by the political forces which currently oppose the Santos administration would probably seek for readjustments in the agreement to address the current dissatisfaction and sense of impunity felt by the majority of the Colombian society. It is still too early to say if this will in fact occur. In any respect, it is important to stress the commitment of all major political forces to engaging the FARC in dialogue and to building a lasting peace.

The demobilization of 7,000 *guerrilleros* is a positive achievement and is the first step towards finding the path to stability and sustainable development in Colombia. It is clear that the road ahead will not be smooth, but it is important to highlight that some essential conditions for peace are present. At this point, it is up to Colombian political leaders to solve their disagreements, translate the expectations of the citizens into concrete solutions for the implementation of the deal and lead the country to a more peaceful and promising future.