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A Mixed Picture

Five Years of the Colombian Peace Agreement

Stefan Reith

2021 marks the fifth anniversary of the historic peace agreement between the Colombian government and the guerrilla organisation Fuerzas Armadas Revolucionarias de Colombia (FARC). The international headlines focus on the delays and setbacks obstructing the path to a stable, lasting peace. However, despite the widespread scepticism fuelled by these ongoing difficulties, positive steps are being taken to increasingly consolidate the peace process and make it irreversible. Colombia deserves the solidarity and support of its international partners as it continues this journey.

The Long Road to a Peace Deal

By signing the peace agreement on 24 November 2016 at the Columbus Theater in Bogotá, the Colombian government and the FARC officially declared an end to an armed conflict that had led to almost one million deaths and more than seven million displaced people over five decades. Key points underpinning the comprehensive deal were land reform, political participation for the former guerrillas, a ceasefire and disarmament on the part of the FARC, reducing drug production and trafficking, compensation for victims, transitional justice, addressing the past, and remembrance. In October 2016, however, Colombia's then president and subsequent Nobel Peace Prize laureate Juan Manuel Santos held a referendum on ratifying the final agreement. Surprisingly, it resulted in a narrow victory for its opponents. Supporters of popular ex-President Álvaro Uribe (2002 to 2010), who had massively weakened the FARC with his policy of "democratic security", were particularly critical of the agreement. They argued that the concessions made to the guerrilla leaders were too far-reaching and demanded that they be held legally accountable for their crimes. With a turnout of just 37 per cent, the opponents of the peace agreement won a very narrow majority over those in favour (50.21 per cent to 49.79 per cent). This result highlighted both: the Colombian people's indifference towards a key decision on the future of their country and the extreme polarisation and social division

existing between opponents and supporters of the peace agreement.

Following renegotiations and adjustments, particularly on rural development, compensation for victims, political participation of the FARC, and the reintegration of former guerrilla fighters, the agreement was not put to another referendum but was simply ratified by Congress. This undermined the legitimacy of the peace agreement from the start and is denounced by its opponents to this day. Although recent polls reflect how most of the public is in favour of implementing the agreement, the peace process remains the subject of fierce controversy and polarises Colombian politics and society in the run-up to the parliamentary and presidential elections in 2022.

Violence against the Civilian Population

One of the greatest challenges for the peace process is ongoing violence in many regions across the country. The Colombian government is only slowly managing to fill the power vacuum left by the FARC and guarantee public security. Particularly in peripheral areas beyond urban centres, criminal groups old and new are engaged in a bitter struggle for control of territory, drug smuggling routes, and illegal economies. The withdrawal of the largest guerrilla movement, which controlled huge swathes of the country, led to a fragmented conflict and large numbers of civilian casualties. In particular, the Ejército de

Liberación Nacional (ELN) movement exploited the peace agreement to expand its own influence. Then there are the splinter groups of the former FARC that either refused to join or abandoned the peace process. The most prominent example is known by the alias “Iván Márquez”. As the former number two in the FARC’s high command, he was a signatory to the peace agreement. Márquez was in fact supposed to take one of the seats in the Senate designated for the FARC’s political successor organisation, but he went into hiding in 2019 and has since formed a group of former FARC guerrillas under the name Segunda Marquetalia. Apart from the ELN and the dissident groups of the former FARC, there are at least a dozen other armed groups, but unlike the first two, they do not generally have a nationwide presence.¹

262 former guerrillas have been murdered since the final peace agreement was signed.

In the regions, the situation is extremely complex. Tactical and temporary alliances alternate with bloody turf wars. The state does not have the capacity to maintain a permanent presence in every region of the country, so the military and police usually conduct targeted operations to remove the leaders of the criminal groups. However, this often simply escalates the violence by triggering competition among would-be successors, or successors turn to violent acts in an attempt to consolidate their power. It is civilians who bear the brunt of this violence, along with the representatives of local people who dare to speak up and oppose the armed groups’ illegal activities. Human rights defenders, environmentalists, journalists, and representatives of ethnic groups are particularly often victims of assassination attempts. In Colombia, these people are called *líderes sociales* (social leaders). However, this generic term is not clearly defined, leading to deviations in the murder statistics provided by government institutions and civil society organisations.²

However, all the statistics reveal a similar trend. After a sharp decline in violence over the preceding years, there has been a dramatic increase in assassinations of *líderes sociales* since 2018. In its report for the first quarter of 2021, the United Nations Peace Agreement Verification Mission in Colombia recorded over 400 murders since the peace agreement was signed.³ The Colombian non-governmental organisation Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ) claims there were more than 1,000 murder victims during this same period.⁴ Most of the murders follow a similar pattern. According to the UN, 77 per cent of murders in 2020 occurred in rural areas. 96 per cent of murders were recorded in communities with illegal economies, particularly drug production and illegal mining. 45 per cent of murders occurred in the special development regions agreed in the peace deal. Geographically, the worst-affected regions are Chocó, Valle del Cauca and Cauca on the Pacific coast, Putumayo on the border with Ecuador and Norte de Santander on the border with Venezuela. The high incidence of murder and violence is thus geographically confined to peripheral regions strongly characterised by poverty, informality, illegal economies, and a lack of state presence. These regions are of particular importance when it comes to building a sustainable peace process.

In addition to the assassinations of the *líderes sociales*, the safety of former FARC fighters is also a major concern. Since the signing of the final agreement, the UN Mission for the Verification of the Peace Process has recorded the murder of 262 former guerrillas, 59 attempted murders and 21 former combatants who are missing.⁵ These are often caused by conflicts of interest between former FARC fighters and dissidents or attempts by criminal gangs to recruit the former combatants. The precarious implementation of the security guarantees under the peace agreement constitutes a particularly sensitive issue. This is because lack of personal security threatens the economic and social integration of former combatants. Despite their best efforts, the security agency responsible for protecting them has insufficient capacity to protect





Historic moment: The former Colombian President Juan Manuel Santos and FARC leader Rodrigo Londoño sign the peace treaty in Bogotá in November 2016. *Source: © Jaime Saldarriaga, Reuters.*

everyone who is at risk. According to the UN, there are currently more than 1,000 outstanding applications for personal protection.

The critical security situation in parts of Colombia is also reflected in the increasing number of “massacres” – a highly controversial term in Colombia since it has no legal definition. Government institutions avoid the term and speak of “collective murder”, whereas the non-governmental organisation INDEPAZ defines massacre as the simultaneous murder of more than three unarmed persons. In the pandemic year of 2020, the national police recorded 162 of these

acts of violence, up 42 per cent on the previous year (114), and the highest number since 2011 (171). There is a myriad of reasons for this. The murders are often linked to drug trafficking, illegal economies, and attempted forced recruitment, or are intended to serve as a deterrent to consolidate control over a territory. Until the beginning of April 2021, INDEPAZ has already recorded 43 assassinations of *líderes sociales* and human rights defenders, 14 of former FARC fighters and 26 massacres.⁶

These overwhelming figures need to be viewed in the context of decades of violence and conflict.

For example, the peace agreement led to a drastic reduction in the high numbers of dead and injured in fighting between the FARC and the Colombian security forces. Military hospitals are now comparatively empty as a result. The Colombian government also points out that murder rates have been falling for years. For example, last year the authorities registered the lowest murder rate in 46 years, at 23.8 murderers per 100,000 inhabitants. However, this is not distributed equally across the country. In the 170 municipalities in the special development regions, known as PDET_s (Programas de Desarrollo con Enfoque Territorial), the rate is over 50, while it is 18 murderers per 100,000 inhabitants in the rest of the country. Thus, one of the key challenges of the peace process remains

guaranteeing public security and enforcing the state's legitimate monopoly on the use of force in peripheral, rural areas. There can be no basis for a stable and lasting peace unless violence comes to an end in these regions.

Rural Development and Social Reintegration

Security and development are mutually dependent, so security is a prerequisite for sustainable development. Conversely, social and economic development also leads to greater stability and security. Therefore, the peace agreement defined 16 regions comprising 170 municipalities as PDET_s. These territories, which are especially marked by violence, poverty, illegal economies, and a lack of state presence,



Demobilised FARC fighter in the department of Caquetá: That most demobilised combatants have managed to return to a civilian life is one of the most successful chapters of the peace agreement. Source: © Luis Jaime Acosta, Reuters.



represent 36 per cent of the national territory and approximately 13 per cent of the whole population. According to the government, more than 200,000 citizens were involved in planning development projects as part of a broad consultation process aimed at reducing glaring disparities between urban and rural areas and initiating sustainable development processes in rural Colombia. More than 32,000 proposals and initiatives were collected and subsequently translated into concrete action plans with a 15-year timeframe. The latest report from the United Nations Verification Mission notes that 1,274 development programmes have already been completed and 151 are currently being implemented. These include infrastructure projects such as road building, electricity and water supply, and the construction of schools and clinics. Expanding the transport infrastructure to improve connections between Colombia's remote regions and urban centres is of crucial importance. After all, lower transport costs and times as well as improved market access make agriculture more profitable and build local value chains. This makes it more attractive and competitive to cultivate legal agricultural products compared to illegal coca cultivation. The voluntary substitution of coca plants with crops such as cocoa, coffee, avocado, and oil palm is a key element in the fight against cocaine trafficking and the associated violence.

Although visible progress has been made, critics point to the slow rollout of development programmes and serious underfunding of the PDET. The Peace Commission of the Colombian Congress has stated that implementation will take forty years at the current rate. Emilio Archila, the Presidential Counsellor for Stabilisation and Consolidation, responded by pointing to the government's massive investment to alleviate the economic crisis triggered by the pandemic. If we look at international examples, such as the slow process of creating equivalent living conditions in East and West Germany – which is still incomplete more than 30 years after reunification – Colombia still has a long road ahead after achieving the first milestones in the fifth year of the peace process.

Land is a key issue for sustainable rural development and a stable peace. The extremely unequal distribution of land and social injustice emanating from this, was one of the main reasons for the emergence of the FARC and other guerrilla groups as early as the 1960s. The conflict forced tens of thousands of small farmers off their land and land ownership became even more concentrated in the hands of a few large landowners. Studies show that one per cent of the population currently controls 81 per cent of agricultural land. The peace deal stipulated that the Colombian government should set up a fund to distribute three million hectares of arable land to displaced people, victims of the conflict, and landless small farmers. The fund currently holds 1.2 million hectares, with around 100,000 hectares having been distributed to 8,000 families.⁷ Critics bemoan the fact that a large part of the land registered in the fund is theoretically available but, in reality, has been settled and farmed for many years. Land ownership in Colombia is often not formalised because of its poorly developed cadastral system. The establishment and expansion of an integral cadastre is, therefore, an important element of rural development, and is gradually developing with international assistance.

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Progress has also been made in returning displaced families to their land. According to official reports, close to 400,000 hectares have been returned to the legal ownership of over 73,000 people dispossessed during the conflict. Another 3.5 million hectares have been registered for return to individual or collective landowners, such as displaced ethnic groups. Agricultural projects involving former FARC combatants are also receiving support. For example, the government is purchasing agricultural land for areas that have been provided for job training and reintegrating

demobilised FARC fighters (Espacios Territoriales de Capacitación y Reincorporación, ETCR). The ETCRs were originally intended as a temporary solution, yet almost one-third of the former guerrillas have settled permanently. This means that 24 former ETCRs around the country have now become permanent village communities. The restitution, distribution, and legalisation of land ownership is a lengthy and complicated process, but it is vital for achieving stable peace and development in the regions. Although good progress has been made, the land issue remains an urgent challenge.

The most tangible success in the peace process is the 13,500 plus demobilised FARC fighters, including more than 3,000 women, who are currently being reintegrated into the economy and society. Government figures state that 94 per cent of FARC members who have laid down their arms are complying with conditions under the peace agreement. According to Emilio Archila, when their families are included, a total of 55,000 people are directly or indirectly benefiting from government reintegration programmes and support services. The UN estimates that 47 per cent of former combatants are now involved in collective or individual business enterprises, along with 44 per cent having received support services stipulated in the peace agreement. The economic projects create legal, sustainable alternatives for earning income, and the government supports them with funding as well as technical advice. 135 cooperatives and production communities have been set up that play an important role in collective economic and social integration. The successful return to legality is also reflected in the fact that, according to government figures, 99 per cent of former combatants now have a bank account and are in the public health insurance scheme. What is more, 85 per cent also make pension contributions. That most demobilised combatants remain committed to the peace agreement, have developed stable businesses and income-generating opportunities, and have thus managed to return to a civilian life with prospects, is one of the most successful chapters of the complex peace process to date.

Special Justice, Reconciliation, and Historical Reappraisal

An important chapter in the Peace Agreement negotiated in Havana is the establishment of a “holistic” approach to achieve justice, truth, reparations, and non-recurrence. This is divided into three institutions: the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz, JEP), the Truth Commission, and the Special Unit for Searching for Persons Deemed Missing (Unidad de Búsqueda de Personas dadas por Desaparecidas, UBPD). The latter searches for and identifies mortal remains with the help of DNA samples to provide families with closure over the fate of their missing loved ones. It is possible to reunite living family members who were torn apart by displacement and expulsion in some cases. The UBPD is currently processing some 9,000 search requests and attempting to determine the identity of approximately 25,000 people whose remains have been found.

Former combatants who acknowledge their guilt and actively cooperate in resolving their crime may benefit from more lenient penalties.

Public discourse mainly focuses on transitional justice. The right-wing camp, and particularly supporters of ex-President Álvaro Uribe, level strong criticism against the JEP. They claim that judges sympathise with former guerrillas and give perpetrators of serious crimes lenient sentences such as house arrest or community service. They believe that the transitional justice system focuses more on the crimes committed by state security forces in the fight against guerrillas than on the crimes of those who in fact initiated the conflict. By contrast, the horrific crimes committed by paramilitary groups against alleged FARC supporters and civilians, and the well-documented tolerance or even

coordination between military and paramilitary groups, are treated as a mere side effect.

In theory, the JEP is to investigate and pass judgement on all crimes committed in connection with the armed conflict in Colombia from the 1960s until the peace treaty. However, it tends to focus on serious human rights violations. Former combatants who acknowledge their guilt and actively cooperate in resolving their crime may benefit from more lenient penalties. In January 2020, following three years of work, the JEP presented its investigative report on Case 001, the kidnappings committed by the FARC, and charged the guerrilla leaders with war crimes and crimes against humanity. This serious charge was quite a bombshell, as up to then, the FARC had always tried to legitimise the over 20,000 documented kidnappings between 1990 and 2016 as “arrests” and to downplay or deny committing torture (sometimes over many years) and the inhumane conditions in which people were held hostage. The JEP’s surprisingly clear and tough position on the issue of kidnappings initially increased acceptance of the special justice system, even among right-wingers in Colombian society. But, merely a few weeks later, another storm of criticism erupted when the JEP in Case 003 provisionally put the number of so-called *falsos positivos* – murdered civilians passed off by military personnel as guerrillas killed in combat – at 6,402. This was significantly more than the 3,259 victims recognised by the Ministry of National Defence and refutes the oft-touted claim among military circles that a few “rotten apples” in the troops were responsible for these serious crimes. Instead, the new figures from the JEP indicate a systematic practice of exaggerating military successes in the fight against the guerrillas. The finding that the majority of the *falsos positivos* were murdered between 2002 and 2008, i.e., during Uribe’s term, and coincided with his policy of “democratic security”, was a particularly bitter pill for supporters of ex-President Uribe to swallow. Because it is not only Uribe’s supporters who believe this is how Colombia avoided becoming a failed state, gradually pushed back the guerrillas and regained

government control over large parts of the country. Cases 001 and 003 highlight how the meticulous legal processing of crimes committed by all parties to a conflict is a lengthy, painful, and emotional process for all involved. Further judgments and social controversies will follow; but this process is indispensable for achieving lasting peace.

At the beginning of his final year in office, President Duque took two key steps towards advancing the peace progress.

The same applies to the work of the Truth Commission under Jesuit priest Francisco de Roux, whose report for November 2021 is awaited with bated breath. The Commission is conducting nationwide hearings with victims of the conflict, civil society organisations, and government representatives to establish a detailed picture of the conflict and contribute towards national reconciliation. In March 2021, the announcement by Rodrigo Londoño, former head of the FARC, and Salvatore Mancuso, former leader of the paramilitaries (Autodefensas Unidas de Colombia, AUC), that they would jointly give full testimony at a public hearing of the Truth Commission, attracted much public interest. We can assume that these testimonies and the Commission’s report will have an explosive impact on Colombian society and politics because they could lead to reappraising the Colombian government’s role and that of its security forces in the conflict. And the relationship of government and business with paramilitary forces is likely to come under even closer scrutiny.

Challenges and Prospects

Colombia’s next parliamentary election is scheduled for March 2022 and the next presidential election for the end of May 2022. President Iván Duque cannot run again because the constitution does not allow presidents to stand for a second term. Political parties and



candidates are already jockeying for position in preparation for next year's democratic power struggle. The balance of political power and the new president will have a major influence on the progress of the peace process.

The record of the Duque administration is a mixed one. Its critics at home and abroad accuse it of paying lip service to the Havana Agreement and being sluggish with its implementation, for example by failing to adequately finance key

elements such as the JEP and PDETs. It is true that the Duque government, under its national plan for *Paz con Legalidad* (Peace with Legality), has invariably focused on dealing with crimes committed by guerrillas and on victims of the conflict, for example by not classifying kidnapping and drug trafficking as political offences. The government has also stressed that FARC representatives who fail to declare illegally acquired goods or hand them over to compensate the victims should not benefit from more



Coca plantations near the city of Tumaco: Drug trade remains the main trigger for conflict in Colombia. *Source: © Luisa Gonzalez, Reuters.*

substantial funding and paid for integration programmes for former guerrillas that exceeded obligations laid down in the peace agreement; for example, by continuing to pay monthly allowances and finance house building. Remarkable progress has been achieved in compensating victims and reintegrating more than 13,000 former guerrillas. On the other hand, the PDET special development zones have had mixed results to date. Despite visible progress having been made, five years after the peace agreement, major challenges remain. This is particularly regarding security and fighting drug production and trafficking, as highlighted by a comprehensive survey recently conducted by the United Nations Development Programme (UNDP).⁸ 18 per cent of respondents said the conflict was still continuing despite the peace agreement. And 30 per cent said that one or more armed groups are still in charge in their community. Considering that some 6.6 million Colombians live in the PDETs, this means more than one million people still do not live in peace, despite the agreement, and nearly two million have to live under the control of armed groups. Future administrations will continue to face the ongoing task of guaranteeing public security and ensuring the long-term development of these regions.

lenient penalties under the JEP. Government representatives have also put pressure on JEP judges through public announcements that leave the JEP and international partners feeling constantly obliged to repudiate these statements as attacks on judicial independence.

However, the Duque administration has also made enormous efforts to promote the peace process. Even during the economic crisis triggered by the pandemic, the government provided

Recent polls show that a majority of the public is in favour of implementing the peace treaty.

In the first months of his final year in office, President Duque took two key steps towards advancing the peace process. First, in January 2021 he sent a letter to the UN Security Council asking to extend the mandate of the UN Verification

Mission. And second, at the invitation of the UN, in March he met with Rodrigo Londoño, former head of the FARC and president of Comunes, the new name for the FARC party, to discuss the future of the peace process. Well-informed sources later reported that Duque had stressed his government's firm commitment to the peace agreement. It was said that Londoño voiced his concerns about the precarious security situation of the ex-guerrillas, while also acknowledging the progress that had been made. The fact that the meeting took place is a positive sign for the future of the peace process.

The remaining armed groups have ceased to pursue ideological goals. They are primarily concerned with maximising profits from drug trafficking.

It is not yet clear who will take the reins in Colombia in mid-2022. In view of President Duque's low approval ratings and the declining popularity of his political mentor Álvaro Uribe, it seems unlikely that it will be a conservative candidate who could fundamentally challenge key elements of the peace process again, such as the JEP. This chimes with recent polls reflecting how the majority of the public is in favour of implementing the peace treaty. Despite all ongoing challenges, peace with the FARC seems to have reached the point where it has become "irreversible", as is regularly emphasised by Emilio Archila.

Nevertheless, the path to a stable, lasting peace remains rocky and will take many more decades. Although the FARC, one of the main protagonists, has withdrawn from the conflict, many other violent groups are still active alongside ELN and FARC dissidents. The current conflict is largely fragmented, regionalised, and no longer ideological. Political negotiations with the ELN, with a strength estimated at up to 5,000 fighters by security experts, hold

little chance of success. The Duque government broke off peace talks that began under President Santos after the ELN bombed a police academy in Bogotá in January 2019, leaving 21 dead and many injured. It seems unlikely that substantive talks will ever recommence. The various fronts of the ELN are entangled in extortion, drug trafficking, and other illegal activities and have long since ceased to pursue ideological goals; even though they try to preserve this narrative via their social media propaganda. The same applies to the FARC dissidents and other armed groups. They are primarily concerned with maximising profits from drug trafficking and exploiting the people and natural resources in the areas they control.

The government has still not found an effective strategy for combating the drug trade, which remains the main trigger for conflict. Despite vehement criticism, the Duque government has announced that it will resume aerial spraying of coca plantations with glyphosate. Studies show that this practice only has short-term effects, while it leads to replanting and cultivation being moved to new areas over the medium- and long-term. Critics also refer to the environmental and health costs for local people, along with the huge financial cost involved. They believe the money could be better invested in programmes to promote alternative agricultural products, transport infrastructure, and subsidies for farmers willing to give up coca cultivation. Close to 100,000 families are currently participating in the Integrated National Programme for the Substitution of Illicitly Used Crops (PNIS). Official figures for 2020 show a slight reduction in the land under coca cultivation, but also an increase in the production and export of cocaine. Curbing the drug trade remains a key challenge for future governments, whereas there seems to be no panacea if global demand and profits continue to soar.

The international context is also vital for achieving stable, lasting peace in Colombia. Nicolás Maduro's criminal regime in Venezuela maintains close ties with the Colombian drug mafia, provides the ELN with support and safe havens, and does its utmost to destabilise the situation

in Colombia. It also acts as a gateway for the region's organised crime and for authoritarian powers. The protests that erupted in Colombia in late April 2021 were an expression of the country's deep economic, social, health and refugee crisis. If a lasting political solution is not found, they threaten to destabilise a country that has long been a bastion of democratic stability in the region.⁹ Addressing the structural causes of conflict such as poverty, extreme inequality, corruption, and drug trafficking requires staying power and urgent support from its international partners.

As an OECD member and NATO's only "global partner" in Latin America, Colombia is an important ally for Germany and the EU because of its shared democratic values. Latin America's third largest country in terms of population and economy – after Brazil and Mexico – affords enormous future potential. Colombia's key geopolitical location on the Atlantic and Pacific Oceans, abundant natural resources, and an agricultural sector ripe for development makes it a sought-after international partner. China's economic influence is not yet as pronounced as in Colombia's Latin American neighbours but is clearly gaining momentum. Against this backdrop, Germany and the EU should continue to support the peace process and sustainable development in Colombia. They should view the financial cost of this as a wise investment in a partnership that is vitally important to the alliance of liberal democracies in a world where systemic competition is intensifying.

- translated from German -

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