

# Notes on the Implementation of the Peace Agreement in Colombia: Securing a Stable and Lasting Peace

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Allow me to introduce this note with a metaphor: a peace agreement is like a marriage. One thing is the signature on the documents, and a very different thing is the 30 or 40 years that (hopefully) follow.

On June 23, 2016, after more than half a century of armed confrontation between the Colombian government and the FARC-EP guerrilla group, the parties signed an agreement intended to end an armed conflict that left behind a trail of blood, poverty, and displacement: more than two hundred thousand people killed, a population of nearly seven million people displaced from their territories, and more than eight million victims.

The conflict itself dates back to 1964, when the FARC-EP was created as a Liberal Party political guerrilla group that fought to overthrow the Conservative Party, which had been in power for nearly 40 years. However, the conflict changed in nature and intensity as time went by. The FARC began as a provincial and political movement, then became a communist guerrilla group influenced by Cuba, Nicaragua, and the likes, and ended up being an armed group that exercised control in vast territories of Colombia utilizing intimidation; terrorist practices; and money acquired through kidnapping, extortion, and involvement in different levels of the illicit drug business. In the end, the conflict was in every sense unjustifiable. It did not have a cause that could serve to uphold it; there was no ideological, religious, ethnical, territorial, or nationalistic motivation behind it. Simply put, it was a conflict where poor Colombians killed poor Colombians, and nothing was won. While

the urban country followed a relatively normal development path, for some parts of Colombia the time for development stopped running while the conflict took place in the rural parts of the country, and half a century was lost in many regards. During that period, those regions of Colombia prioritized today as “most affected by the conflict” saw very little of the government, in the form of neither roads, schools, nor hospitals. Various armed actors—regular and irregular forces alike—made their presence known, however.

It is now June 2018, and President Juan Manuel Santos is about to leave government after serving two consecutive terms. He does so having reduced the poverty indices and inequality, turned education into the country's investment priority (not war anymore), modernized the country's infrastructure, and made Colombia a partner of NATO and a member of the OECD. Ah! And he also ended a 53-year armed conflict with the FARC-EP rebel group.

For that, of course, President Santos was awarded the Nobel Peace Prize, a token of the recognition by the international community for his efforts in bringing peace to Colombia. He will leave with a great deal of international recognition (79 percent of favorable opinion in the region), but the process also cost a lot of political capital: his favorability rating in Colombia is considerably lower at 20 percent. Things are clearer from a distance, it seems; Colombians are still struggling with the acceptance of the peace process, or at least some parts of it, preferring justice over peace. But it is my conviction that some might be resenting that

President Santos did what was right, and not what was popular. This meant being politically inclusive to gain the widest support for the process, or raising taxes when it was necessary to resist the effects of the global economic crisis on the fiscal balance that had already taken a toll from the falling oil prices. Above all, it meant resisting the ferocious opposition of his former bosses, former presidents Andrés Pastrana and Álvaro Uribe, who in their respective mandates attempted, but failed, to reach peace agreements with FARC-EP and the ELN, respectively. The latter is the other guerrilla group that remains active, but is also currently attending negotiations with the Colombian government in Cuba.

President Santos himself paved the way for the peace agreement since he began serving in government in the late 1990s. As a minister of finance in the Pastrana administration (1998–2002), he helped the government strengthen the armed forces, which had been humiliated, militarily and politically, by the FARC-EP on more than a few occasions. Pastrana's attempted peace process, with a 42,000-square-kilometer demilitarized zone granted to the FARC throughout most of his presidential period, was used by the rebels to rearm themselves and hide kidnapped hostages. During the Uribe administration (2002–2010), as a minister of defense, Santos used the newly strengthened armed forces, sharpened their strategy, and gave the FARC-EP the worst blasts that they had ever received, bringing down several of their top leaders, who until then believed themselves to be untouchable.

As president-elect of Colombia in 2010, Santos had the choice to either continue to try to annihilate the remains of the group, which still had around 12,000 persons in arms (which was what Uribe would have chosen), or open negotiations where he could work to end the 53-year conflict. He offered the leadership of the FARC-EP to exchange "bullets for votes." The attempt to take over government through armed revolution was simply impossible. Rather, he asked them to participate in the civil and political life of Colombia. This came with conditions: surrender their arms, demobilize their criminal group, cease all illegal activities, pay reparations to their victims, while being subject to

a specially designed justice system for peace that would guarantee justice, truth, reparation, and nonrepetition for victims of the conflict. He devoted a great deal of his energy to accomplish his goal, without neglecting his other responsibilities. Above all, however, he was facing a fierce and unfair opposition from a sector of society that had the political support of his predecessors. Despite having tried and failed to conclude any peace talks with FARC-EP in their respective governments, they warned that Santos's peace process would turn the country over to the FARC-EP, and that Colombia would in quick succession become a second Venezuela. Santos succeeded and reached a peace agreement with the FARC-EP after four years of negotiations in La Habana, Cuba.

Throughout the negotiations, and with the support of the Kroc Institute, the Colombian government delegation in La Habana consulted every peace process that had been concluded in the world in the last hundred years and it benchmarked every topic in a previously agreed list of topics that would be the subject matter of the agreement.

The initial peace agreement announced August 24, 2016, in La Habana, Cuba, was later signed in Cartagena, Colombia, and submitted to a plebiscite on October 2, 2016. As is well known, Colombians did not approve of the deal as it was. Despite the fact that President Santos was not obliged to submit the peace agreement to such a plebiscite, because he had the constitutional duty to obtain peace for the Colombians, he did so in a miscalculated attempt to reinforce the legitimacy of the agreement. This setback for President Santos, along with the opposition to the process and to anything that represented making any concession to the rebel group, ended up raising the bar for the government to carve a better agreement—an improved one that would be accepted by FARC-EP at the negotiation table, and one that would be palatable for the country as a whole. Above all, it had to resist Uribe's stringent opposition to any form of concession to the rebels. October's setback sent the government and the self-appointed representatives of the people who voted NO in the plebiscite, to a discussion forum where the concerns of the opposition were addressed, many of the terms adjusted, and then discussed with

FARC. This in turn led to an improved agreement, which was finally signed on November 24, 2016, in Bogotá, Colombia, and later passed the approval process of the entire Colombian Congress.

It is important to say that the Colombian peace agreement with FARC-EP is not the solution to all of the country's security problems. It was never intended to be. It does, however, address and solve what was until then the country's biggest security problem. Removing more than eight thousand rebels and nearly six thousand militias with their arms from the conflict has an unquestionable face value. Nearly 1.3 arms per capita were turned in by the FARC-EP rebels; a proportion that is much higher than that in any other known peace process. Today, Colombia has the lowest murder rate in the last 40 years, and many regions, which were out of bounds for tourists due to the armed conflict, are now seeing tourism flourish as an alternative source of income. The number of foreign tourists visiting Colombia has grown considerably in the last two years. However, as in the metaphor at the beginning of this note, the path to the construction of peace is not paved with roses. In fact, there are more challenges than anything else; Colombian society as a whole—not just its government—must address these challenges. These challenges that lay ahead for the people—and the next, and the next, and the next government—require that Colombian appropriate the terms “peace” and “reconciliation.” They cannot be government programs subject to electoral interests. Article 22 of the Political Constitution of Colombia provides that peace is a right and a duty of mandatory compliance. It is a necessary requirement for the exercise of every other right and guarantee in a democracy.

The Colombian peace agreement is unique in its kind. Unlike other peace agreements signed throughout the world in the last century, the scope of this agreement is not limited to the mere demobilization of the rebel group and the handing over of their guns in exchange for their participation in politics. This is where other peace agreements have exhausted themselves. Once the arms have been put to rest, and the FARC-EP rebel group has been allowed to transform itself into the FARC Political Party, the Colombian peace process intends to create the grounds for

a stable and long-lasting peace in Colombia. This can only be achieved by overcoming many of the conditions that were the root causes of the conflict and allowed it to last for half a century: inequality and the failure of the government to fulfil the basic needs of the population in marginalized areas. Along with reconciliation—the wounds of six decades of internal war may take one or two generations to heal—the implementation of such conditions for a stable and durable peace pose the biggest challenge for the Colombian nation. This is the part of what was negotiated in La Habana that is most important for the endurance of the desired peace.

The implementation of the agreement rests on three distinct pillars: the creation of a legal framework and the required institutional architecture; the assurance of the necessary security conditions for the demobilized members of FARC-EP, human rights activists, and social leaders; and the transformation of rural territories most affected by the conflict.

Since the approval of the peace agreement by the Colombian Congress more than a year ago, the government has engaged in the transformation of the regulatory framework and the creation of the necessary government agencies that will be responsible for the implementation of the agreement. More than one hundred norms have been issued to date, six of them containing constitutional reforms that were required by the agreement. Seventy-six of those norms have passed through a revision process by the Constitutional Court, and 91 percent of them have been declared to be in abidance with our constitution. One of the constitutional reforms passed by the Congress assures that the agreement itself may not be changed by future governments; for at least the next three presidential periods. Sixteen new agencies have been created; 12 of them form part of the national government, 1 of them is located in the National Prosecutor's Office, and 3 of them are part of the integral system for truth, justice, reparations and nonrepetition.

In addition to the above, 14 new institutions and organizations have been created to assure the proper articulation of the state's position in

the implementation of the agreement and the construction of peace. Among them, a Cabinet position for post-conflict, a commission that verifies the proper and timely implementation of the agreement, a high level instance that oversees an integral security system, a National Reincorporation Program, and a National Security Commission; to name just a few of them.

The FARC-EP ceased existing as a rebel group and created their own political party, which will have five senators in the Senate and five representatives in the Chamber of Representatives in the Colombian Congress for two consecutive terms. The recent elections for Congress, and the first round for presidential elections, have been the most peaceful in our recent history. For the first time, no candidates were killed or threatened, all the voting posts in the country were able to open and function at their original locations, and the participation of the voters grew by 5 percent.

After Afghanistan, Colombia has the most land mines planted in its territory. To date, and thanks to the demining program run by the Colombian military with former FARC-EP rebels as well as international and local NGOs, 225 out of 673 municipalities of Colombia have already been declared to be free of land mines.

In relation to security, while the peace agreement has brought tranquility to many parts of the territory, and some of the dividends of peace are already visible, there has also been a great deal of concern regarding those territories that were formerly dominated by the conflict and are now in need for the government security forces to take control. It is evident that many of the zones where the FARC-EP rebels had control over the illegal economy are in violent dispute today. Other criminal groups and the ELN guerrillas seek control over these territories and the illegal economies around farming coca leaf and cocaine production, as well as illegal mining. The Colombian government has deployed more than 345,000 men from the police and military forces to assure control over such territories, while implementing an illicit-crop-substitution program, as well as voluntary and forced eradication programs of coca plantations. The intention is to break the reliance of farmers on

growing illicit crops, the expansion of which was unintentionally incentivized during the peace talks as the expectation for social benefits and monetary government support for coca growers drew them to increase production. The connection to a lasting peace is self-evident. After all, drug trafficking has been the fuel of most of the violence in Colombia during the last decades.

The government has also put forward a program to protect the lives and the integrity of the demobilized members of FARC-EP, their families, and the members of their political party. Today, it is mainly the members of the Colombian police, who in the past confronted the FARC-EP rebels in the battlefield (and many of whom gave their lives to uphold our Constitution), who protect the lives of former rebels and their families. This is the essence of the peace agreement, regardless of who is against it or in favor of it.

Finally, the peace agreement has set a number of middle- and long-term goals, and obligations for the government to transform at least basic development indicators in rural territories of Colombia that were most affected by the conflict. This can only be done by giving access and formalizing the property relationship between the communities and the surrounding land; and by incentivizing the agricultural sector. It has the potential to contribute the means for prosperity and opportunities. The construction of country roads, the implementation of productive projects and the participation of the private sector alongside the government in fostering rural economies are key to transforming the face of the Colombian countryside and to nurture peace in the territories. The implementation of deep social changes is slow by nature, but since the signing of the agreement, the Colombian Ministry of Agriculture and Rural Development reports more than 2 million hectares of new agricultural products planted, more than 8,800 productive projects in the pipeline, with another US\$935 million committed, more than US\$30.5 million in loans, US\$58 million invested in infrastructure since 2014, and 3.7 million hectares of property granted to peasants that did not hold property titles to

their land. In addition, there are currently 85,774 requests in process for the restitution of lands that were lost as result of the conflict.

Now, many more challenges lie ahead, not only for the Colombian government but also for the demobilized fighters of the FARC-EP and for the whole of Colombian society. We have been fortunate enough to be able to count on the support of the international community, the United Nations, the Catholic Church, and all of our friends throughout the negotiation and implementation phases. What is clear now: there is no turning back. //