

PAZ Y SEGURIDAD

FIVE YEARS SEARCHING FOR PEACE AMID FRACTURES

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The implementation of the Peace Agreement has been full of ups and downs. After its first five years, the feeling for those who are its *raison d'être* is bittersweet: those most affected by the war are still waiting for what was promised to be fulfilled



The achievements are great, starting with the institutions created to attend issues of truth, justice, and reparation that, although with some difficulties, have worked on their objectives in the name of the victims.



The national government also presents results, especially in terms of the investment made for the accomplishment of the issues agreed on. But victim communities do not believe in those results and demand more political will.

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No one said it would be easy. Closing the wounds caused by an internal armed conflict that lasted more than half a century, settling the issues that unleashed it, and the violence it spawned, loomed on the horizon as a titanic task that would need the support of our whole society. However, the union the country needed to welcome the end of this prolonged armed confrontation was not achieved. The task of implementing what was agreed in Havana (Cuba) became much more difficult because of how different sectors intervened and halted said implementation, as if putting sticks in the path of a wheel that tries to go forth, with many difficulties, on a steep slope uphill.

The result of the plebiscite held on October the 2nd, 2016—which was intended to endorse the agreement reached by the delegates of both the government of President Juan Manuel Santos (2010-2018) and the former FARC guerrillas, after more than four years of intense negotiations—marked a breaking point where the future implementation began to crack. That day, with a minimal difference, what we call the “No” was imposed (50.21% of the votes were negative); the Peace Agreement was rejected. Right after that, the negotiators listened to their opponents and included several modifications in the Peace Agreement as a response to their demands. The resulting text was sanctioned in the Congress of the Republic.

On November the 24th, 2016, for the second and final time, President Santos and the former head of the FARC, Rodrigo Londoño, signed the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace. From then on, the process of implementation began through the issuance of laws and decrees that gave it constitutional protection, but

its legitimacy was shrouded, in the public’s opinion, in a cloak of doubts.

The opposition to the Peace Agreement, led by the Centro Democrático party [Lit. Democratic Center]—which has governed the country since August the 7th, 2018, and whose head is former president Álvaro Uribe Vélez (2002-2010)—, had been brutal with it and soon became one of the main obstacles to its implementation. The party’s animosity began ever since the negotiations were made public, and as a strategy to delegitimize the process. They instilled lies to arouse fear in Colombian voters to make them vote “verracos” (blindingly angry) in the plebiscite, as was eventually recognized by the manager of the “No” campaign, Juan Carlos Vélez, then a trusted man of the former president Uribe Vélez. Likewise, President Santos also had his share of responsibility in the rarefied and polarized atmosphere of the plebiscite. He did the same as his opponents and appealed to fear, qualifying the opposition and everyone who had objections to the negotiations as “enemies of the peace”, and warned about a possible transition from a rural war to an urban one if the Havana Pact was not fulfilled.

Once the Peace Agreement (consisted in 310 pages) started to take hold in Colombian reality through the issuance of norms in the Congress of the Republic, the opposition continued their hampering through obstacles and fears, recurring to various strategies such as breaking the quorum of the legislative sessions so that the necessary votes for its approval would not be reached. The main casualty of this strategy was the proposal for the creation of 16 seats in the House of Representatives for the victims of the conflict, which was sabotaged on November the 30th, 2017, alluding

that those seats would be managed by the illegal armed groups. It was only until May of this year (2021) that the proposal received the green light in the Constitutional Court, which established that, despite the political moves of the Centro Democrático, it did reach the number of votes needed, and so a promise to the victims was fulfilled.

On June the 17th, 2018, the Centro Democrático became the governing party after its candidate, Iván Duque Márquez, was elected President of the Republic. From that moment on, as they were at the head of the Executive Power, the opposition to the Peace Agreement had more weight. One of Duque's most drastic decisions was to object six articles of the Statutory Law of the Special Jurisdiction for Peace (JEP, for its acronym in Spanish), that was established to investigate and prosecute members of both the former FARC guerrillas and the Colombian Security Forces that were responsible for human rights violations during the armed conflict.

As it happened with the seats for the victims, in March 2019 the Congress of the Republic was the scenario for the strife between opponents and supporters of the Peace Agreement. Finally, after a couple of months that saw more polarization and a long process of erosion, and delegitimization of the institutions created by the Havana Pact, the Constitutional Court ended up burying the pretensions of President Duque and his coalition in the Congress.

These two attempts to reform sensitive points of the Peace Agreement, related to the victims of the armed conflict, show the adversities that its implementation has suffered from the political stance. To these adversities, the constant discourse of illegitimacy that the governing party preaches of the Agreement must be added. One of the most recent cases is that of former president Uribe Vélez, who failed to appear before the Truth Commission (CEV, for its acronym in Spanish), and instead talked to its president, Jesuit priest Francisco de Roux, in one of Uribe Vélez's farms and under his conditions, alleging that he did not grant legitimacy to the CEV because it was created by the very Agreement that the plebiscite of October 2016 rejected.

This position has permeated different sectors of society and has sharpened polarization, putting more obstacles in the implementation of the Peace Agreement. However, this disunity doesn't lie only on civilian society and the Colombian ruling class. Before it was signed, the Peace Agreement was also rejected by some members of the FARC guerrillas who later decided not to lay down their arms. Some of the most relevant exponents of this rejection are 'Gentil Duarte' and 'Iván Mordisco', who created the first FARC dissident groups and perpetuated armed violence in the Llanos Orientales region [Lit. Eastern Plains]. They were eventually joined by other dissidents in different parts of the country, but mainly in the southwest.

But the final blow that undermined confidence in the Peace Agreement came from 'Iván Márquez', 'Jesús Santrich', 'el Paisa', and other important former guerrilla leaders that participated in the negotiations in Havana. At the end of August 2019, they announced their return to arms alleging that the national government made serious breaches to the Agreement and, thus, forming the organization they called Segunda Marquetalia [Lit. Second Marquetalia]. With that name, they fostered the continuity of their founding principle of May 1964, when the guerrilla, that would later adopt the name Revolutionary Armed Forces of Colombia (FARC, for its acronym in Spanish), was born.

Along with these critical circumstances, the implementation has taken place in the midst of a race where criminality seems to be winning over institutionalism. The territories left behind by the former FARC, on their way to disarmament and reincorporation into legal life, were soon monopolized by both new and old armed groups. This has resulted in new cycles of violence and territorial control, and so the Agreement's promise of non-repetition of violence did not last more than a year.

Another "stick on the path of the wheel" is what some analysts and regional leaders call a gradual implementation in accordance to the interests of the national government, that has taken the legal provisions of the Peace Agreement more as government policies than State policies, which has distorted the spirit of the agreement. Some cases that exemplify this are, first, the creation

of the Plan for Timely Attention (PAO, for its acronym in Spanish), in detriment to the National Commission of Guarantees for Security (CNGS), which excludes civil society representatives from making decisions that guarantee the lives of human rights defenders. Second, the creation of the “Hecho a la Medida” [Lit. custom-made] crop substitution program, after the Presidency alleged there were no resources to fully comply with the Comprehensive National Program for the Substitution of Illicit Crops (PNIS, for its acronym in Spanish). And, third, the instauration of the “Paz con Legalidad” [Lit. peace with legality] policy when, in fact, the focus should be on the promotion and implementation of the Peace Agreement in a general manner.

On the other hand, although the Duque administration presents balance sheets with billions of dollars in investments and high management indicators, representatives of those communities strongly hit by the war warn that these figures do not correspond with reality. For example, leaders of Afro-descendant and indigenous communities argue that, in terms of land formalization and adjudication, although the Executive Power claims the delivery of thousands of hectares through the Fondo de Tierras [Lit. Land Fund] created by the Peace Agreement, the reality is that they correspond to claims that are not related to the Havana Pact. Thus, they argue that said indicator is impossible because after five years, the ethnic account has still not been created in the Fondo de Tierras in order to acquire land. Meanwhile, the national government considers that this is a “political and legal discussion”.

Nevertheless, despite the difficulties, the implementation of the Peace Agreement has seen some progress. For instance, most former FARC combatants remain firm in their reincorporation to legal life, despite the lack of security guarantees—more than 290 have been murdered—, and of the delays in the creation of their productive projects.

In addition, the Integral System of Truth, Justice, Reparation and Non-Repetition presents tangible results for the victims of the armed conflict, who are the reason and center of the Peace Agreement. Although it has not issued sentences to date, the JEP has issued 50 thousand judicial decisions and made significant progress in the areas of kidnapping, extrajudicial executions, and illegal recruitment. The CEV has heard a considerable amount of people in different regions of the country, in their work for reconciliation and to build its Final Report. Finally, the Unit for the Search for Disappeared Persons built its search plans together with the communities.

However, the false starts of some former FARC leaders has also contributed to fracture the trust in the implementation of the Peace Accord. While the sentences of the JEP are being issued, Sandra Ramírez and Rodrigo Granda have spilled derogatory phrases about the hostages they held for years in captivity. The former affirmed that the hostages had comforts, and the latter that they did jobs at their own request. In view of this, various social sectors are demanding truth, justice, and reparation.

In these five years, beyond the budgetary shortcomings and the difficulties of the State to have a comprehensive presence in peripheral Colombia, it has become clear that the biggest problems for the implementation of the Peace Agreement come from the lack of understanding of the Colombian ruling class. It has not been able to live up to the historical moment the country is going through, and has given more weight to its political calculations, exacerbating polarization and creating potholes in the path towards the construction of a stable and lasting peace.

To learn in depth how the implementation of the pillars of the Peace Agreement is progressing, we invite you to consult the articles in this special report.

ABOUT THE AUTHOR

VerdadAbierta.com is digital native medium dedicated to journalistic research of events related to human rights in an ample thematic framework. It was created in 2008 and is integrated by a team of journalists specialized in covering the Colombian armed conflict and peace processes. Since the 31st of January 2019, they're under the tutelage of the Verdad Abierta foundation.

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The Friedrich Ebert Stiftung Colombia (Fescol) has been present in the country since 1979. It aims to promote the analysis and debate of public policy, to support learning processes and interchange of international experiences, and to give visibility and recognition to peace building efforts.

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The Peace Agreement that was agreed on in Havana, Cuba, was the greatest news of the end of November 2016 in Colombia. The content of the document that recorded the promises made to end the armed confrontation between the FARC guerrillas and the State filled the hearts of every community thrashed by a fifty-year lasting war.

It was expected that the State would reach every region that would be abandoned by the FARC after they surrendered their arms and began their way to a legal life. This would in turn secure better life conditions for those communities, with equity in their development.



However, beyond the budgetary shortages and the difficulties the State had in reaching every region of Colombia, it has been made clear that the main problems the implementation of the Agreement come from the country's ruling class. They have not known how to handle the historical moment the country is going through, and have prioritized their political aims which, in turn, has polarized society and fractured the terrain needed for the construction of a stable and lasting peace.