

Colombia

Action on



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Anahkwet Guy Reiter of the Menominee Nation speaking at the CSN Annual Conference.

The Colombian Peace Accord: Historic Achievement, Daunting Obstacles

by Bruce Bagley

Background of the Peace Accord

Following two years of secret, behind-the-scenes discussions (2010–12) and four years of formal negotiations in Havana, Cuba (2012–2016), the government of President Juan Manuel Santos and the FARC-EP (Fuerzas Armadas Revolucionarias de Colombia–Ejercito Popular) signed an historic peace agreement on August 24, 2016, that promised to put an end to Colombia’s 52-year old armed conflict (1964–2016). As of year-end 2016, the country’s brutal internal war had left some 220,000 dead, 25,000 disappeared, and 5.7 million displaced Colombians. It had also cost the Colombian economy an estimated average of 1–2% of GDP growth over the previous half century.

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The Colombian Peace Accord continued

The Santos-FARC peace accord included five key elements:

1. Future political participation of FARC members; 2. FARC rebels' reintegration into civilian life; 3. Illegal crop eradication and rural development programs; 4. Transitional justice and victim reparations; and 5. FARC demobilization and disarmament and implementation of the peace deal.

This historic agreement was initially rejected by a razor-thin margin of less than one percent of Colombian voters in a public plebiscite that took place on October 2, 2016. The Santos government and most international observers were openly shocked by the intensity of the opposition to the agreement (led by former President Alvaro Uribe Velez) and by the Colombian voting public's unexpected, narrow defeat of the accord at the polls. Over the next two months the Santos government hurriedly introduced a number of modest modifications to the original agreement and the Colombian Congress then approved the revised version on December 16, 2016.

During the first eight months of 2017 (January-August), implementation of the final peace agreement in Colombia showed some important signs of progress, especially with regard to the FARC's demobilization and disarmament. According to United Nations monitors, the disarmament and demobilization of the FARC combatants as stipulated in the accord was finally completed in July 2017, only a few months behind schedule. Some 6,900 FARC members were relocated to the 20 Transitional Local Zones for Normalization and six Transitional Local Points for Normalization. In practice, FARC combatants surrendered 7,132 arms to the UN verification mission – more per demobilized member than in any other previous Disarmament, Demobilization, and Reintegration (DDR) process in the world. After the FARC completed their weapons handover in June 2016, the

U.N. Mission in Colombia has worked to extract weapons and explosives located in 779 hiding spots with the help of FARC members and the police force, but skeptics remain unconvinced. Indeed, prominent critics of the Santos peace deal have repeatedly expressed suspicions that the FARC leadership has held back substantial caches of arms that they believe remain hidden around the Colombian countryside.

Implementation Problems (January-August 2017)

While the initial success of the demobilization and disarmament process during the first six months of implementation of the accord unquestionably constituted a major initial achievement for the Santos government, as of mid-August 2017 there were ominous indications that other key aspects of accord implementation were not going well. Among the most significant of the looming challenges: 1. The Colombian state's capacity to deliver promised services and facilities in the demobilization zones; 2. The Colombian government's ability to provide credible security guarantees to the demobilized and disarmed FARC; 3. The Santos' government's difficulties in financing its multiple commitments to the FARC regarding income subsidies, training, job creation and access to land and credit; 4. The inability of the Santos government to control the upsurge in illicit drug production and trafficking and related violence in the countryside; and 5. The possibility that the 2018 Colombian presidential election will bring to office a new Colombian president opposed to the Santos-FARC accord who might seek to dismantle significant parts of the agreement.

1. Services and Facilities.

Since January 2017, the thousands of demobilized FARC members who have relocated to the 20 concentration zones

have repeatedly expressed concerns about the quality of key facilities such as housing (water, sewage, electricity) and other government services, especially food supplies. Delivery delays have cropped up from the start and have raised serious questions about the Colombian government's administrative/bureaucratic capacity to fulfill its basic commitments to the FARC. While short-term fixes have resolved some of the outstanding issues, the medium and longer term prospects of fulfillment remain problematic given the limited capacities of the Colombian state.

2. Security Failures.

FARC leaders have become increasingly worried about the security of their demobilized members in the 20 concentration zones as well as the security of residents in regions that the FARC previously controlled. The expansion of organized illegal armed groups, including successor paramilitary organizations (such as the Clan Usuga or the Urabeños) and the emergence of new illegal groups made up of FARC dissidents (estimated to be roughly 10 percent of total FARC members at the time of demobilization or approximately 1,000 combatants), along with guerrillas from the Ejército de Liberación Nacional (ELN), threaten security in large areas of the countryside. The new illegal groups have stepped in to fill the vacuum left by the FARC following demobilization, to establish control over drug trafficking routes previously dominated by the FARC, and to take over illegal mining operations formerly under FARC control. A steadily increasing number of human rights defenders and social leaders – 186 in 2016-17 – have been killed while making property claims under accord-authorized restitution procedures and/or while protesting major mining projects in their localities. Moreover, in July 2017 the ELN briefly kidnapped and then released members of a group of UN Peace

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CSN supports a nonviolent, negotiated resolution to the conflict in Colombia.

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Colombia Support Network
P.O. Box 1505
Madison, WI 53701-1505

email csn@igc.org
www.colombiasupport.net

phone 608.257.8753
fax 608.255.6621

Monitors who were in the country to facilitate the implementation of the peace accord.

The decline in homicides and kidnappings in Colombia – a reduction of 50 percent since 2002 and 6 percent in the first half of 2017 – unquestionably represents significant progress in reducing levels of violence in the country and is, at least partially attributable to the demobilization of the FARC. In fact, the Santos government created a Special Unit to dismantle irregular groups engaged in illegal activities as stipulated by the final agreement. Nevertheless, the government's consistent denials that violent attacks on social leaders and human rights defenders throughout the country are part of a systematic pattern (as the Colombian Ombudsman has affirmed) or that they are politically motivated has undercut the credibility of the Santos administration's commitment to full implementation of the peace accord. Moreover, the role of the Colombian armed forces in protecting the demobilized FARC, which experienced some initial start-up delays in early 2017, was originally scheduled to last for only six months. How exactly the government will undertake to guarantee the security of the demobilized and disarmed FARC communities after 2017 and their departure from the concentration zones remains very much an open and potentially troublesome question.

In early 2017, fast-track procedures to approve implementing legislation in Congress originally included in the final agreement were struck down by the country's constitutional court. This negative decision has forced the Santos administration to seek congressional approval for necessary implementing legislation and has produced significant delays in the passage of new laws on land reform, political participation and the creation of a truth commission by the Colombian congress, among other issues, thereby heightening uncertainty regarding the full implementation of the accord.

There has also been obstruction by Santos' political opposition that has long argued that the agreement was not tough enough on the question of punishment for the former FARC guerillas. Opposition forces have relentlessly mobilized protests and political resistance against the agreement

in Congress. Indeed, most public opinion polls conducted in 2016-17 indicate that a majority of Colombian citizens believe the process is on the wrong path.

The almost 7,000 former FARC fighters who have demobilized are currently in a holding pattern in the 26 rural camps set up by the government. Those FARC members, especially key commanders, suspected of war crimes are presently waiting for their cases to be processed by transitional courts. Most rank-and-file FARC fighters have been granted amnesty and could leave the camps by the end of August 2017. Nonetheless, there already are clear signs of dissidence among six FARC "fronts" or units and their commanders in coca-growing regions that have refused to accept the government's peace proposal or to lay down their arms. In July 2017 one of the dissident fronts attacked a Colombian military patrol, wounding two soldiers and injuring four civilians. Evidence from Colombia's previous armed group demobilizations suggests that a 15 percent to 20 percent FARC recidivism rate over the first five years of the accord's implementation is entirely predictable.

Negotiations with the ELN being held in Quito, Ecuador, entered their sixth month in August 2017. A major initial goal has been to obtain a bilateral ceasefire agreement before Pope Francis's scheduled visit to Colombia in September 2017. Although the ELN has doggedly demanded that the Santos government agree to end hostilities before a final peace accord is completed, the ELN's attacks on Colombian civilians and security forces alike have not stopped. Indeed, in violent incidents in July and August 2017, several Colombian soldiers were ambushed and killed. The ELN's refusal to halt kidnappings in advance of a truce has led to suspensions of the talks on several occasions. For its part, the Santos government has continued and even intensified military operations against the ELN. As a result, violent confrontations with the ELN continue while negotiations have proceeded only very slowly.

Meanwhile, the ELN has moved rapidly to replace the FARC as one of the key actors in Colombia's continuously expanding illicit drug trade and also seized control of lucrative illegal mining operations in various rural areas. Rather than renounce these revenue sources as on-again, off-again

negotiations plod on, the ELN has instead sought to consolidate and even expand its operations in key sectors of Colombia's criminal economy, greatly exacerbating rural insecurity around the country.

3. Financing Peace.

The Colombian economy has grown relatively slowly (2% or less) over the 2016-17 period, in large part because of the persistently low prices for Colombia's principal commodity exports (e.g., oil and coal) on international markets. As a result, the Santos administration has been forced to raise income taxes and user fees across the board on at least two occasions in the last year and one half, despite the widespread unpopularity of such increases among Colombians of all walks of life. The fact that, despite tougher economic conditions, the peace accord requires the Santos government to expend substantial economic resources on the FARC's reintegration into Colombian society has sparked deep resentments and outrage against the peace process in broad sectors of Colombian public opinion and sharp criticism of the process as overly generous to the FARC from Santos' main political opponents, especially the Uribista faction led by former president Alvaro Uribe Velez, President Santos' most prominent and unrelenting critic.

In 2016 during his last full year in office, President Obama pledged \$US 450 million annually from the U.S. government in support of the Colombian peace accord over ten years for a total U.S. aid package of \$US 4.5 billion. Following the U.S. lead, the European Union and various countries on a bilateral basis also pledged economic and technical support for the peace process. In all, the Santos government was hoping for roughly 20% of the estimated \$US 45 billion that will be needed to fund the first ten years of the peace accord to come from foreign assistance.

That foreign aid in such amounts will actually materialize is highly doubtful. The Trump administration has already backed away from Obama's aid commitment to Colombia in 2017 and subsequent years, although the exact amount of U.S. support for Colombia under President Donald Trump remained an open question as of August 2017. Indeed, recent statements from William Brownfield, a former U.S.

The Colombian Peace Accord continued

Ambassador to Colombia and current high-level State Department appointee, have tied any future U.S. assistance to more effective Colombian government coca eradication programs, including the renewal of aerial spraying of coca fields - a program abandoned by the Santos government almost three years ago as a result of World Health Organization (WHO) warnings that glyphosate spraying could cause cancer in affected human populations. European Union and other bilateral foreign aid promises have also been cut back as a result of slow economic growth in Europe, human rights concerns, and other problems. At best, as of August 2017, it appeared that Colombia can actually count on only 10% or less of the total funds it will need to implement the peace accords to originate from foreign assistance, leaving the Santos government and the next Colombian president (who will be inaugurated on August 7, 2018) to raise substantial additional funding from domestic sources, if the government's commitments under the accord are to be met.

As part of the revised final peace accord, the FARC and its members were required to provide an inventory of all their assets. These assets were, theoretically, to be used to pay for reparations to FARC victims resulting from the 52 year-long conflict. But, in practice, no substantial FARC assets were ultimately reported much less turned over to the Colombian government.¹ Hence, there is little chance that FARC resources will be available to finance any part of the peace accord.

4. Coca, Violence and Rural Development Programs.

Coca cultivation in Colombia increased

¹ According to Colombian government analysts, the FARC still possessed assets worth 33 trillion pesos (\$10.5 billion) in 2012. Celina B. Realuyo, "Following the Money Trail" to Combat Terrorism, Crime and Corruption in the Americas. Washington, D.C.: The Latin American Program, Mexico Institute, Woodrow Wilson Center, August 2017, p. 16. The FARC's annual illegal earnings were estimated to be in \$300/400 million range by most observers. State Department International Narcotics Control Strategy Report 2016, <https://www.state.gov/j/inl/rls/nrcrpt/2016/vol2/253400>.

dramatically from 2015 through the present - by an average of some fifty percent per year. Expanding coca cultivation and related drug trafficking violence loom as one of the major challenges Colombia faces as it seeks to eliminate 50,000 hectares of coca in 2017 through the crop substitution program, *Programa Nacional Integral de Sustitución de Cultivos de Uso Ilícito* (National Comprehensive Program for the Substitution of Illicit Crops or PNIS).

The PNIS is a central institution in the implementation of the peace agreement because this program is critical to the fulfillment of the accord's promise to eliminate the illicit cultivation of coca, cannabis, and opium poppy. The Santos government has undertaken to sign agreements with rural communities and individual families in which the peasant farmers "voluntarily" agree to eradicate their coca fields in exchange for immediate cash compensation from Bogota during the first year of implementation and small project investments in the second year. The agreements specify that each farmer is to receive a total of 36 million pesos spread over two years (about US\$12,000). These subsidies not only support individual peasant families in the transition away from coca production, but they also, at least partially, fulfill the government's promise to invest in modernizing the rural economies over the longer term. The absence of roads and other infrastructural works makes the transportation of alternative, legal crops to markets both difficult and anti-economic. Along with the creation of new markets for peasant farmers' legal produce, substantial governmental investments in Colombia's remote and isolated rural areas were and are crucial aspects of the accords' provisions on rural development.²

Despite its centrality to the accord, the PNIS is also in serious trouble. By June 2017, nearly 80,000 families in 13 departments had signed agreements to eradicate coca fields voluntarily in return for assistance.² This discussion draws heavily from the excellent WOLA report authored by Martin Jelsma and Coletta

A. Youngers, "La coca y el Acuerdo de Paz en Colombia: Comentario sobre el proyecto de sustitución de cultivos en Briceño". Washington, D.C.: WOLA, 10 agosto 2017.

ance in starting new projects. If voluntary agreements are not reached, however, the Colombian security forces have entered affected areas by force, deepening residents' apprehensions about the "voluntary" nature of the agreements. At a U.S. Senate hearing held in Washington, D.C. in early August 2017, U.S. State Department officials stated that the Trump Administration does not support the accord's crop substitution program because the FARC, which continues to exercise influence in the crop substitution areas formerly under its control, is still designated as a Foreign Terrorist Organization by the U.S. government. The Trump Administration's criticism of Colombian farmers who, perhaps under FARC guidance, protest forced coca eradication and the U.S. recommendation that the Colombian police should suppress the protests does not bode well for the smooth implementation of these key provisions of the peace accord. For demobilized FARC, for residents of formerly FARC-held territory, and even for peasants who resisted the guerrillas' war, successful implementation of the peace accord requires ensuring their personal safety and providing them the opportunity to achieve at least a minimum of economic security.³

Political Pitfalls.

President Juan Manuel Santos won the prestigious Nobel Peace Prize in 2016 for his efforts to bring Colombia's half century-long civil war to an end. Despite his historic peace deal and the resulting Nobel Prize, however, throughout his second term (2014-18) his popularity remained very low, holding consistently at just a 24 percent approval and sometimes dipping below 20 percent.

Clearly, Santos's negotiations and agreements with the FARC have been one major factor behind his high disapproval rates. Many Colombians believe that his concessions to the FARC, such as allowing the FARC to avoid prison time, were far too lenient. Many Colombians continue to view his leniency as a threat to Colombia's democratic institutions. Widespread resentments of the "generous" monthly government stipends extended by Santos to the demobilized FARC

³ Jelsma and Youngers, *Ibid.* p. 7.

Trump-Induced Chaos in Colombia

(This article is adapted from Matt Rothschild's talk at the Colombia Support Network conference on May 31.)

What can we expect from the Trump Administration on Colombia?

I suppose the simplest answer to that question is “chaos,” because that’s what Trump has delivered everywhere he goes, whether it’s in Europe or here at home, or with big issues like climate change and health care.

The more difficult question is, “What will Trump-induced chaos look like for Colombia?”

Here’s my list of fears, from least to most:

1. Replace the US Ambassador with an ignoramus, a rightwing hack, or a fossil fuel relic.

The current US Ambassador to Colombia, Kevin Whitaker, is a career State Department official. I’m sure he’s not an angel, but at least he knows his stuff. He was appointed by Obama in 2014, so that means he’s probably got a short shelf life. And Trump may appoint a political stooge, as he did when he nominated Steve King, former head of the Republican Party of Wisconsin, as ambassador to the Czech Republic. Or maybe Trump will let Rex Tillerson do something, and I wouldn’t be surprised if the man from Exxon Mobil put in a fossil fuel guy. In any event, I don’t think a change of ambassadors would be good news, especially with the ink still wet on the peace accords.

2. Reduction of aid.

Trump has already proposed a \$140 million cut in 2018 foreign aid to Colombia compared with this year’s funding—a 36 percent reduction. Given the distorted view that most Americans have of foreign aid, Trump’s know-

nothing approach may be a popular one in the United States, but will make life more difficult in Colombia.

3. Increase drug eradication efforts.

Here’s what Trump said when he met Colombian President Santos in April:

“I look forward to working with President Santos as we target drug trafficking. Both the United States and Colombia have strong law enforcement and security relationship. Together, we will continue to fight the criminal networks responsible for the deadly drug trade.”

This is alarming for two reasons:

Number one, it might invite the Colombian army and police to engage in more extrajudicial killings. Last year, according to Amnesty International, despite the peace accord, there was “an increase in killings of human rights defenders, including Indigenous, Afro-descendant and peasant farmer leaders,” some by members of the security forces.

Number two, Trump is likely to be pressuring Santos to return to aerial fumigations, which were very toxic—and unpopular—for Colombian farmers and peasants.

4. Scuttle the peace accords.

In April, Trump met with past

presidents Uribe and Pastrana, who are vehemently opposed to the Peace Accords. And if we know anything about Trump, we know that he likes to be the tough guy, and he may say that Santos has been too weak on the guerrillas, which would undercut Santos’s power and position.

Plus, I doubt Trump will back any attempt by the Colombian government to make peace with the ELN.

Trump thrives on having enemies!

5. On an equal level of seriousness, I think Trump is enlisting Santos to join the US in a War with Venezuela.

Here’s Trump again at April press conference with Santos: “The stable and peaceful Venezuela is in the best interest of the entire hemisphere, and America stands with all of the people in our great hemisphere yearning to be free. We will be working with Colombia and other countries on the Venezuelan problem. It is a very, very horrible problem.”

So, yeah, I expect chaos ahead. The only question is, how crazy – and costly – is it going to get?

Matt Rothschild, the former editor of The Progressive magazine, is the executive director of the Wisconsin Democracy Campaign.





Wisconsin Interfaith Committee on Latin America, Inc.

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