

How can Latin America help Colombia to achieve peace? A summary of discussions in two NOREF seminars held in Argentina and Chile

By Kristina Johansen

■ Executive summary

The Colombian government and the FARC guerrillas have made considerable progress since the beginning of peace talks in Havana, Cuba two years ago. However, many challenges still lie ahead related to both the remaining issues on the peace agenda and the implementation of an eventual peace accord. This report is based on two seminars organised by NOREF that took place in Buenos Aires and Santiago de Chile in October 2014 with the purpose of bringing together Latin American diplomats, academics, multilateral organisations and civil society to discuss possible contributions to the peace process from the region. It addresses some of the challenges of the negotiations and points out ways in which Latin America could support the process, particularly during the implementation phase of a peace agreement. Among them are the sharing of experiences in transitional justice; the monitoring of disarmament, demobilisation and reintegration programmes; the provision of political and financial support; and the protection of victims and others who face threats due to their participation in the peace process.

Introduction

For the last two years the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) have been involved in a peace process that could bring an end to 50 years of brutal armed conflict. According to official figures, 6.7 million people have fallen victim to the hostilities, which are still ongoing. Although the parties have made significant progress at the negotiation table in Havana, many challenges remain related to both the still-outstanding issues on the agenda and the implementation phase if a peace accord is signed.

In what ways could Latin America – states, multilateral organisations and civil society – support Colombia in this historic venture? This was the topic of two seminars organised by NOREF in October – one together with the University of Torcuato Di Tella in Buenos Aires and the other with Fundación Chile 21 in Santiago de Chile. In order to discuss possible Latin American contributions to the peacebuilding process in Colombia, participants from the diplomatic corps, academia, the media, and civil society organisations first addressed the process and its challenges.

Provisional agreements in Havana – and polarisation in Colombia

In essence, the Colombian peace process has produced a double acknowledgment, noted Alejandro Reyes, an expert on land issues and former adviser to the Colombian government. The FARC has acknowledged the Colombian state for the first time and agreed to be a part of the country's political system. Equally, the government has acknowledged the FARC as the spokesperson for certain social interests, principally excluded and marginalised communities. These important steps have contributed to the three provisional agreements that the negotiating parties have agreed on so far, related to rural development, political participation and drug policy. The first agreement addresses the highly unequal distribution of land in Colombia, resulting in what Reyes describes as a “moderate reformist programme”. The other agreements aim to counter political exclusion and the violent persecution of critical voices, and deal with drug trafficking as a means of financing warfare. The remaining issues on the agenda are victims' rights to truth, justice and reparation; a ceasefire and the laying down of arms; and the ratification, implementation and verification of the peace accord.

Two processes are under way, one in Havana and one in Colombia, commented María Jimena Duzán, a journalist

from the Colombian magazine *Semana*. President Juan Manuel Santos was re-elected in June 2014 with 51% of the votes, and this is interpreted as a clear mandate for peace. On the other hand, a powerful sector of Colombian society represented by former president Álvaro Uribe and Oscar Iván Zuluaga (who received 45% of the votes in the presidential elections) opposes the negotiations with what its members consider to be “terrorists”, while the armed forces are divided on the peace process. These factors reflect the polarisation of Colombian society. In Duzán’s words, Colombia is characterised by a “culture of war”, with an elite that tries to avoid any reforms and a guerrilla army operating as an “occupation force” and using fear to dominate the inhabitants of the areas it controls. Other sectors still do not feel that the peace talks are relevant to their everyday lives. At the same time, many sectors of Colombia’s highly active and diverse civil society – including war victims – support the peace process, although they offer criticisms as well. Illegal armed groups, mainly paramilitary successor groups, still represent a serious threat in many parts of Colombia.

Transitional justice

Since July 2014 the government and the FARC have been discussing the rights of war victims. Several delegations of victims have been to Havana, where they have given testimony and contributed their reflections on and proposals for the peace process.

In their discussions on victims’ rights both parties have clearly stated that they will accept responsibility for crimes committed during the conflict and that they will not exchange impunities,¹ stated Dag Nylander, the Norwegian special envoy to the peace talks in Havana. This is an important starting point for subsequent discussions on transitional justice. Difficult compromises will be needed to reach agreements that meet international standards and safeguard the rights of victims to truth, reparation and justice.

How sincere and courageous will the negotiating parties be when it comes to taking responsibility for their acts and telling the truth about the crimes that they have committed during the conflict? How much justice and truth are the victims and Colombian society willing to sacrifice in order to achieve peace? And how far are the critics of the peace talks willing to go in order to undermine the process? These are some of the unanswered questions that continue to haunt the peace process.

Luis Maira, Chile’s ambassador at the negotiation table, described the peace process as difficult, but emphasised that both parties are deeply committed to work for peace and both expect to reach an agreement. Maira explained

that at the time when the seminars were held the government and the FARC were discussing what kind of mechanisms for transitional justice would be implemented and what the jurisdiction of these mechanisms would be. While the government argues that crimes committed during the conflict must be judged by a Colombian court, the FARC suggests that an international judicial authority validated by both parties is a better option. Since the war is still in progress, the issue is whether it is reasonable for one of the parties sitting at the negotiation table (i.e. the government) to impose its jurisdiction on the other party (the FARC), explained Maira.

Transitional justice may be one of the areas where the international community will be asked to contribute. Maira added that the parties, and particularly the Colombian government, must resolve what mechanisms and institutions could solidify the implementation of the peace accord. If they opt for international cooperation, this could cover several aspects of the peace process, among them security and military cooperation, personal security and human rights issues, drug policy, and infrastructure.

Since Michelle Bachelet was returned to the presidency in March 2014, there has been a shift in the Chilean position, explained Heraldo Muñoz, Chile’s minister of foreign affairs. The country is intensifying its relationship with Latin America, focusing on regional integration through multilateral organisations in the region; the commitment to the peace process in Colombia is one example of this. Chile is determined to play a more engaged and proactive role than before.

Furthermore, Chile is willing to help and share its experiences of transitional justice (both the positive and negative elements), in the understanding that each country’s experience is different and that it is Colombians themselves who must decide their own future, said Muñoz. The minister added that any transitional justice process is difficult and that some countries need more time than others to implement such a process. In Chile it has been a long process, and human rights violations perpetrated during the dictatorship of Augusto Pinochet are still being investigated. Muñoz had been following the talks in Havana closely and was impressed by the testimony of the victims, who are able to look to the future and are prepared to forgive, although they demand that their rights be included in a future transitional justice process: “In the enormous generosity of the victims there is a glimmer of hope.”

Latin America has significant experiences to share with Colombia, both from the peace processes in Central America and transitions from dictatorships to formal democracies. The exchange of experiences in terms of human rights, impunity, truth commissions, the role of the

¹ For an explanation of the term “exchange impunities”, see <http://www.regjeringen.no/nb/dep/ud/aktuelt/taler_artikler/taler_og_artikler_av_ovrig_politisk_lede/bgd_taler/2014/Challenges-for-implementation-of-a-peace-agreement.html?id=772451>.

state, the inclusion of ex-combatants, etc. is not only relevant at an intergovernmental level – Colombian civil society organisations (CSOs) could also gain considerably from the sharing of experiences with other CSOs in the region.

Adriana Benjuméa, director of the non-governmental organisation (NGO) Corporación Humanas, explained that her organisation has learned a great deal from its exchanges with sister organisations that work with sexual violence in other countries: “We see ourselves in the mirror of Central America. In Guatemala they negotiated over the bodies of the victims. That process cannot be repeated.”²

Looking at the dictatorships in South America in retrospect, where early amnesties were replaced by a search for truth and justice, it is clear that impunity is not possible, particularly in terms of specific crimes like sexual violence, extrajudicial killings and kidnappings, stated Benjuméa. Corporación Humanas has also drawn lessons from Bosnia, where the international community was very involved, but where “everybody left” after the peace agreements were signed. The conclusion is that the implementation of the Colombian peace agreement should be properly monitored and that humanitarian organisations should not abandon the country before the peacebuilding process is completed.

Along the same lines, Dag Nylander noted that the signing of a peace agreement is often mistaken for the arrival of peace. The Norwegian diplomat reminded the audience that, in addition to the challenges still to be addressed at the negotiation table, the successful implementation of the agreement is critical. He explained that about 50% of all peace agreements fail within five years of their signing and that the political will to follow up on what has been agreed is an important requirement for successful implementation. In the case of Guatemala, where Norway was actively involved, the peace agreement contained a broad commitment to political and social transformation towards greater democracy, equity and inclusion. Creating an inclusive peace is key to creating lasting peace, stated Nylander. “However, key provisions have still not been implemented [in Guatemala], mainly due to a lack of political will and [the] capacity to ensure compliance.”

Disarmament, demobilisation and reintegration

The disarmament, demobilisation and reintegration (DDR) of former guerrilla soldiers constitute one of the challenges facing implementation. Will all the structures of the FARC guerrilla movement really give up the armed struggle and their involvement in drug production? How can they be reintegrated effectively into Colombian society? Related to this, Arlene Tickner, professor of international relations at the Universidad de los Andes in Colombia,

anticipated that the degree of demobilisation will depend on the extent of social changes and investments that will eventually be implemented in Colombia’s regions, particularly those where the FARC has been operating. If only limited reforms are implemented it is likely that demobilisation will be less successful, the FARC will be fragmented and that some structures will turn out to be what Tickner described as “FARC-crim” (criminal groups originating from the guerrilla movement that are similar to the so-called criminal bands that resulted from the demobilisation of Colombia’s paramilitary groups).

The laying down of arms is currently being discussed in Havana. One of the issues is that of the FARC’s weaponry, because the guerrillas are unwilling to hand their weapons over to the government. Instead, they are looking to the peace process in Northern Ireland, explained Luis Maira. As a consequence, it is possible that the international community will be asked to monitor the destruction of the FARC’s weaponry. In Northern Ireland the disposal of weapons in Irish Republican Army arms dumps took several years and the process was verified by the Independent International Commission on Decommissioning.

One possibility is that the Organisation of American States will be invited to monitor the FARC’s DDR process, in the same way as the Mission to Support the Peace Process monitored the controversial demobilisation of the paramilitary coalition United Self-Defence Forces of Colombia.

Alicia Bárcena, the executive secretary of the Economic Commission for Latin America and the Caribbean (ECLAC), noted that Colombia did not ask the United Nations (UN) to mediate when the negotiations started, although the UN expressed its willingness to contribute. Bárcena understands this as a sign of maturity in Latin America, in the sense that the region is gaining autonomy and wants to manage its own affairs through regional institutions. The Union of South American Nations (UNASUR) is one example of this process.

UNASUR’s main purpose is to promote regional integration and work towards social inclusion and a strengthened democracy. Ernesto Samper, former president of Colombia and currently secretary general of UNASUR, recently underlined his willingness to help consolidate the region as a “peace zone” at a time when conflicts are raging across the globe (Telesur, 2014a). He stated that UNASUR could play an important role in the demobilisation of combatants, disarmament and reparations for victims (Telesur, 2014b).

Similarly, the heads of states and governments of the Community of Latin American and Caribbean States (CELAC) proclaimed Latin America and the Caribbean to be a zone of peace in January 2014. Through this proclamation CELAC declared its commitment to resolving disputes

² Interview with Adriana Benjuméa, October 20th 2014.

through peaceful means with the aim of forever rooting out any threat or use of force in the region and committed its members to promoting a culture of peace (CELAC, 2014).

Besides UNASUR and CELAC, Mercosur and the Pacific Alliance are two other multilateral organisations that might contribute to the peacebuilding process in Colombia, noted Bárcena. Another initiative that might play a role is the New Development Bank created by the so-called BRICS countries (Brazil, Russia, India, China and South Africa) (BBC, 2014).

Social reforms, and economic and political support

ECLAC has been involved in rural development in Colombia since 2013. Based on a mapping of rural poverty and social gaps, ECLAC and the Colombian government have developed a strategy for the Colombian countryside that includes pacification, rural competitiveness, a land fund, property registration and investment in infrastructure. These issues are intimately related to the agreement on land and rural development reached in Havana, the implementation of which poses tremendous challenges for Colombia.

Will the Colombian state be able to implement the political and social reforms agreed in Havana, particularly in the most neglected parts of the country where the conflict has been going on for decades? How much will these reforms cost and how will they be financed? What kind of institutions are needed? Do civil servants and regional elites have the political will to implement reforms? And how will the extremely high level of impunity be reduced, which, in the words of María Jimena Duzán, is a situation that the state has deliberately created?

In this regard, Mauricio García Villegas, researcher at the NGO DeJusticia, explained that historically the Colombian state has neglected the peripheries. Unfulfilled state-building promises have characterised Colombia for 200 years. State institutions, particularly the judicial system, have been practically absent on the fringes of Colombian society, which includes 62% of the country's territory. These abandoned and unprotected regions are inhabited by more than six million people – 14% of the population (Villegas & Restrepo, 2013: 119). "This poses an enormous challenge to the implementation of the peace accords", concluded García.

María Victoria Llorente, director of Fundación Ideas Para la Paz, noted that the transformations provided for in the peace agreements will require new institutions and exceptional human and financial resources. This is causing concern among the business community, where people want to know what costs they are expected to bear. Significant amounts are needed in order to cover ambitious social programmes in the countryside and to provide reparation to millions of victims, among other expenditures.

Colombia's president, Juan Manuel Santos, hopes that the international community will contribute economically through a post-conflict fund estimated to be about \$45 billion (*Semana*, 2014b). During his tour to Europe in November he spoke to several European leaders about the fund, which he describes as a form of "Marshall plan for peace". Santos also spoke to UN secretary general Ban Ki-moon about what the UN could offer in terms of economic cooperation and verification of the peace accord, when they met at the General Assembly in September (*El País*, 2014).

Apart from Germany's Angela Merkel, European leaders have still not committed to financially aiding the process. Economic support from the European Union and U.S. has been reduced after the financial crisis in Europe and the Organisation for Economic Cooperation and Development's classification of Colombia as a middle-income country. Colombia has a growth rate that makes it one of the most important economies in Latin America, Alicia Bárcena pointed out. She emphasised that Colombia has institutions, resources and the will to succeed, in contrast to countries where peace accords have not been successfully implemented.

On the other hand, political support from Europe, the U.S., Latin America and the UN may be of equal importance to the Colombian government as economic contributions, at least at the moment (La Silla Vacía, 2014). Political backing gives legitimacy to the negotiations and may help to isolate the powerful sectors that may attempt to undermine the peace process. Such support may also influence sceptical, doubtful or apathetic Colombians to vote for peace in an eventual referendum.

Civil society participation, threats and protection

The successful implementation of the peace process ultimately depends on the outcome for millions of Colombians who have suffered the catastrophic consequences of the conflict. How should the participation of victims, land claimants, human rights defenders and political activists be facilitated? And how can those who run the risk of threats, displacement and assassination in many regions due to their activism be effectively protected?

Both the government and the FARC understand that victims and other sectors of civil society will have to participate actively if the peacebuilding process is to succeed. This idea is reflected in High Commissioner for Peace Sergio Jaramillo's thesis about "territorial peace". Jaramillo calls for peacebuilding from the ground up, supported by communities' strength and capacity for organisation. The joint construction of peace requires opening Colombia's regions up to "new spaces for participation, debate and peaceful democratic deliberation among authorities, communities, victims, farmers, ranchers, entrepreneurs, tradesmen and also reintegrated ex-combatants" (Jaramillo, 2013).

Adriana Benjuméa criticised the limited participation of women in the peace process and emphasised that the peace accords should reflect and be applicable to the particular reality of the territories affected by the conflict. She noted that Colombia needs a peace pedagogy.

Linked to this, Yanette Bautista, a war victim and director of the human rights organisation Fundación Nydia Erika Bautista, stated that war victims are ready to assume the role of “peace ambassadors”. She was selected to participate in the first delegation of victims that travelled to Cuba to meet the negotiating parties, giving their testimonies and offering their own analysis, critical remarks and proposals. Members of the two first delegations have proposed a participatory regional and national process in favour of peace (Commission for National Reconciliation, 2014). Their intention is to travel to the various regions of Colombia, socialise their experiences, share their proposals and promote approval of the peace agreement – in the event of its being signed (Las2Orillas, 2014).

The Colombian public is very sceptical, Bautista noted, pointing out that six million votes were cast in the recent elections that could be interpreted as being against the peace process. “We need to make those six million fall in love with peace.”³

However, after her return from Cuba, Bautista has been falsely accused by former president Uribe of being a guerrilla soldier and has received death threats because of her demands for truth and justice. In a reaction to the series of death threats against victims who have been to Havana, the fourth delegation of victims demanded security guarantees from the Colombian state in November 2014 (*Semana*, 2014a). Human rights organisations continue to document killings, death threats and new incidents of forced displacement targeting victims, land claimants, human rights defenders and political activists. Many of those targeted are displaced Colombians who are reclaiming property through the Victims Law, which was enacted by President Santos in 2011 to restore millions of hectares of stolen and abandoned land to its owners (Human Rights Watch, 2013).

Over five million persons people have been displaced by the conflict, and many want to return home. However, only a small number of land claimants have been able to return to their land, explained José Miguel Vivanco, Americas director at Human Rights Watch. While 1,500 families have been granted land titles, only three families have actually returned to live on their land as a result of rulings under the Victims Law, Vivanco emphasised. Meaningful protection will require holding the attackers accountable and breaking the grip paramilitary successor groups still have in areas to which displaced families are trying to return (Human Rights Watch, 2013).

International support for the voice of the victims is important in order to motivate the parties to include the victims’ point of view in the peace accord, said Bautista, and suggested that the international community could support the victims’ initiative to be peace ambassadors. An international presence and international support in the most war-struck and neglected regions of the country could contribute both to protecting vulnerable victims, human rights defenders and others and rebuilding a climate of trust.⁴

Closing remarks

At a time when the world is full of conflicts and wars, Colombia’s peace process gives hope to those who envision Latin America as a peaceful region. However, the process has powerful enemies, and it is crucial that the international community – including governments, multilateral organisations and civil society – does not turn its back on Colombia in this historic moment. There is a fundamental need to support Colombia politically and decide, together with the Colombians, how to contribute to the peacebuilding process in the event of a peace accord being signed. Latin America has much to offer because of its experiences with transitional justice, while the shift towards increased regional integration, with a commitment to conflict resolution, further democratisation and social inclusion, creates a supportive environment. However, the challenges are many and the implementation of a peace agreement will require many years of dedicated effort.

Creating an inclusive peace is the key to lasting peace. This implies providing support to CSOs who are determined to play an active role in the peacebuilding process and whose members are willing to risk their lives in the search for truth, justice, land rights and social reforms. Their experiences and proposals must be constantly taken into account, and initiatives related to a peace pedagogy undertaken by victims and other sectors of civil society should be encouraged, because they may contribute both to a better understanding of the past and to the building of hope for the future. Civil society’s views must also be consulted on the issues of foreign investment in Colombia’s war-torn regions and security measures aimed at protecting communities and activists.

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