

An Uncertain Peace: Assessing the U.S. Role in the Colombian Peace Process

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Important Abbreviations

ADAM: Areas de DeBartolo Alternative Municipal
AFP: Alliance For Progress
ARN: Agencies para la Reincorporación y la Normalización
AUC: Las Autodefensas Unidas de Colombia
CSDI: Colombia Strategic Development Initiative
DEA: Drug Enforcement Administration
ELN: Ejército de Liberación Nacional
EPA: Environmental Protection Agency
ETCR: Espacio Territoriales de Capacitación y Reincorporación
FARC-EP: Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo
GDP: Gross Domestic Product
JEP: La Jurisdicción Especial para la Paz
JPL: Justice and Peace Law
ICC: International Criminal Court
INL: Bureau of International Narcotics and Law Enforcement Affairs
MIDAS: Más Inversión para el Desarrollo Alternativo
M-19: Movimiento 19 de Abril
PCIM: Plan de Consolidación Integral de la Macarena
PISDA: Planes integrales comunitarios y municipales de sustitución y desarrollo alternativo
PNIS: Programa Nacional Integral de Sustitución
TCO: Transnational criminal organizations
UN: United Nations
UP: Union Patriótica
USD: United States Dollar
UNDP: United Nations Development Programme
UNHCR: United Nations High Commissioner for Refugees
UNODC: United Nations Office on Drugs and Crime
USAID: United States Agency for International Development
WHO: World Health Organization
WOLA: Washington Office on Latin America
ZVTN: Zonas Veredales Transitorias de Normalización

Introduction:

For over 50 years, the Colombian government fought with Marxist guerilla insurgents known as the Revolutionary Armed Forces of Colombia (FARC). The conflict, which took place primarily in remote rural regions of the Colombian jungle but also included kidnappings and bombings in urban centers, was immensely violent and costly. Over 200,000 Colombians were killed and over seven million were forced from their homes, creating the highest number of internally displaced peoples (IDPs) in the world.¹ The burgeoning Colombian cocaine trade provided funds to both the guerillas and the paramilitaries, which were aligned with the national military, for the continuation and escalation of the conflict. From 2000 to 2015, the U.S. committed over \$10 billion USD to Colombian counterinsurgency and counternarcotic measures in an effort to stabilize the country.²

In 2016, the Colombian government and the FARC signed the peace accords, ending the longest running conflict in the western hemisphere. Now, the national government faces the challenge of implementing an extremely complicated and costly peace agreement in a country deeply affected by five decades of war. The United States, as Colombia's most powerful international ally, has massive potential to aid Colombia in its peacebuilding mission. However, given the immense complexity of the post-conflict landscape in Colombia and the role of the U.S. as a third-party international actor to the peace process, the U.S. must tread carefully and appropriately in assisting peacebuilding.

This report is the final product of a global policy practicum at Dartmouth College, studying the genesis and implementation of the peace accords signed in 2016 between the Colombian government and the FARC. The report provides relevant background, analysis, and actionable recommendations for the U.S. around the primary research question: *What role, if any, does the U.S. have in the implementation of the Colombian peace process?* Following the class's research on campus, it spent an additional two weeks in Colombia speaking with relevant stakeholders in the U.S. and Colombian governments, nongovernmental organizations, social activists and humanitarians, conflict victims, art collectives, and former guerillas at FARC reintegration camps.

The report outlines recommendations for U.S. policymakers in five principal areas for peacebuilding: (1) Rural Development and Reform, (2) Countering the Drug Trade, (3) Disarmament and Socioeconomic Reintegration of FARC, (4) Political Reintegration of the FARC, and (5) Transitional Justice and Human Rights.

The U.S. must update its approaches in several policy areas including eradication, terrorist designations, and protection of social leaders among others while maintaining a strong role in supporting rural economic development, organizations for marginalized victims of the conflict, and democratic culture and institutions in Colombia. As a whole, the report designs a measured

¹ Nick Miroff, "The Staggering Toll of Colombia's War with FARC Rebels, Explained in Numbers." The Washington Post. August 24, 2016. https://www.washingtonpost.com/news/worldviews/wp/2016/08/24/the-staggering-toll-of-colombias-war-with-farc-rebels-explained-in-numbers/?utm_term=.a94ea4fdc3d1.

² *Ibid.*

role for the U.S. to target the roots of conflict and instability in Colombia while ultimately leaving the peace process and the country's future within Colombia's hands.

History of Colombia

Colombia is a country that has taken a divergent path from many of its Latin American neighbors. It is the fourth largest nation in the region and the third most populous. Among its best-known exports are emeralds, coffee, cut flowers, and processed cocaine.³ It never experienced a populism movement, almost completely avoided military dictatorship, and is home to a weak political left.⁴ In other ways, however, Colombia resembles nearby countries, having been plagued by civil war and political conflict throughout the 19th century.⁵ It is also a country deeply divided—a strong sense of nationalism is hard to come by, as life for an urban-dwelling professional and an inhabitant of rural farmland divided by the formidable Andes and socioeconomic well-being do not overlap to any significant degree. To understand Colombia's development into a nation-state, it is useful to begin several hundred years ago.

Colombia was shaped in large part by its colonial history. Following Columbus's discovery of the Caribbean, other Spanish explorers arrived in present-day Colombia in 1500.⁶ Colonization began in 1510 with the founding of San Sebastián. In 1538, Bogotá was founded by Jiménez de Quesada in the newly-conquered territory of New Granada, a name that would eventually cover the whole of Colombia.⁷ The Spaniards instituted an *encomienda* system over the indigenous people, but slavery was never implemented.⁸ After centuries of an oppressive economic and political rule that privileged Spanish colonialists and mestizos over indigenous peoples, a hard-fought battle for independence was launched. The viceroyalty of New Granada, which included present-day Colombia, Panama, Venezuela, and Ecuador, was eventually freed after several failed rebellions only to be briefly recaptured by the Spanish crown. Decisive victory over the Spanish came, however, in 1819 under the military leadership of Simón Bolívar.⁹ But revolutionary social change did not necessarily follow; though “the dominant groups did appear a shade darker in average skin color than before,” upward mobility remained limited and a very small upper class continued to hold power.¹⁰

After independence was finally won, the former territories of the viceroyalty of New Granada became the Republic of Colombia, or Gran Colombia, after the 1821 meeting of the Congress of Cúcuta.¹¹ The stability of the republic, however, collapsed in 1826 due to conflict over the centralization of the government and other sources of friction within the constitution.¹² The rule, and eventually dictatorship, of Bolívar over Gran Colombia began with his election by the Congress of Cúcuta, and present-day Venezuela withdrew soon after due to what it considered inequities in the distribution of power and benefits among territories. The Republic of New

³ David Bushnell, *The Making of Modern Colombia*, (Los Angeles: University of California Press, 1993), Introduction.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*, 7.

⁷ *Ibid.*, 10.

⁸ *Ibid.*, 13.

⁹ *Ibid.*, 47.

¹⁰ *Ibid.*, 48.

¹¹ Gilmore, Robert Louis, et al., “Colombia—Revolution and Independence,” Encyclopædia Britannica, <https://www.britannica.com/place/Colombia/Revolution-and-independence>

¹² Bushnell, 50.

Granada that formed after the departure of Venezuela earned a reputation for stability with the drafting of a formal constitution in 1843 and other liberal political institutions.¹³ The new system of governance did not, however, reach the whole of Colombia.¹⁴ Geographic barriers, unequal land distribution, and economic stagnation perpetuated poverty and social division, both of which have lingered to the present.

Another key development during the mid-19th century was the advent of the political parties that dominate Colombian politics today. The early form of the Conservative Party arose in 1849 as the Ministerial Party from the War of the Supremes with the election of José Ignacio de Márquez as President.¹⁵ The Liberal party emerged contemporaneously, having been relabeled by followers from the “Progresistas” that had initially opposed Márquez.¹⁶ In reality, ideological differences between the Ministerial and Liberals were slight and amounted mostly to diverging regional alignments with liberal strongholds in marginalized rural areas of the country.¹⁷ One notable distinguishing feature was the alignment with the Catholic clergy on the side of the Conservatives.¹⁸ The Ministerial Party soon began to draw ire from the Liberals for its monopoly on political power and in the 1850s, the tension devolved into civil war with the Liberals emerging victorious.¹⁹ From this point on, Colombian politics have been characterized by intense conflict between Liberals and Conservatives, with violence on both sides, and power changing hands between the two parties frequently.

La Violencia, a particularly intense period of political violence, began in 1946 with the election of President Mariano Ospina Pérez, a conservative whose victory ended the previous multi-decade Liberal reign. Violent attacks began and boiled over with the assassination of Liberal leader Jorge Eliécer Gaitán in Bogotá in 1948. The outrage over the assassination resulted in mass rioting and large-scale destruction throughout the country that came to be known as El Bogotazo. *La Violencia* and the accompanying murders and assaults would not end for several more years.²⁰ During the presidency of Conservative Guillermo León Valencia, the state of affairs in Colombia changed drastically. The peso was devalued, and extreme inflation followed, along with rising unemployment.²¹ During this time, several Marxist guerilla groups emerged in Colombia, including the National Liberation Army (ELN) and the Colombian Revolutionary Armed Forces (FARC), the latter of which also traced its roots to resistance groups during *La Violencia*.²² A third guerilla group, the 19th of April Movement (M-19) later appeared amid the discontent surrounding the elections of 1970.²³

¹³ *Ibid*, 73.

¹⁴ *Ibid*.

¹⁵ *Ibid*, 92.

¹⁶ *Ibid*.

¹⁷ *Ibid*, 93.

¹⁸ *Ibid*, 94.

¹⁹ *Ibid*, 97.

²⁰ *Ibid*, 205.

²¹ Kline, Harvey F., et al., “Colombia—La Violencia, dictatorship, and democratic restoration,” Encyclopædia Britannica, <https://www.britannica.com/place/Colombia/La-Violencia-dictatorship-and-democratic-restoration>.

²² *Ibid*.

²³ *Ibid*.

Around the same time, Colombia's status as a producer of narcotics was growing rapidly. Mexico launched intense marijuana interdiction efforts in 1975, paving the way for Colombia to achieve market dominance.²⁴ Major drug traffickers soon organized into large and powerful cartels, most notably in Cali and Medellín. In the 1980s and early 1990s, Peru and Bolivia were the chief global producers of cocaine.²⁵ Some of the processing of the coca plant was done in Colombia, but soon the entire value chain would be controlled by Colombian traffickers. Overtime, guerilla groups began to traffic in narcotics, using the profits to expand their power. In 1989, Luis Carlos Galán ran for president on the platform of combatting the drug trade. His assassination, carried out by hit men hired by narcotraffickers, was a turning point in Colombian politics.²⁶ From this point on, policy toward violent armed groups became inextricably linked to the drug trade. More violence ensued, including the shooting down of a civilian Avianca flight, prompting a massive-scale crackdown on narcotics.²⁷

By the mid 1990s, the violence and instability in Colombia was such that it was at risk of becoming a failed state.²⁸ The United States joined Colombia in its fight against the drug trade in the 1980s, and counternarcotics policy has since been the primary focus of the partnership between the two nations, most notably with the Plan Colombia strategy funded by Congress in 2000.²⁹ The root of the issue, however, is the sovereignty gap or lack of legitimate state authority in the peripheral areas of the country that has allowed for social discontent, the proliferation of leftist guerilla groups and paramilitaries, and the growth of the drug trade.^{30,31}

Attempts at peace with the illegal armed actors in Colombia have been met with varying degrees of success over the past few decades. The 2016 peace accords signed between the Colombian government and the FARC came only after four years of negotiation launched by President Santos and its implementation is an ongoing challenge.³² The first Colombian President to pursue peace talks with the FARC in earnest was Andrés Pastrana in the late 1990s. The talks soon broke down, however, due to the continued perpetration of violence by the FARC and precipitated the election of Álvaro Uribe as president, a "security hard-liner," in 2002.³³ Uribe focused on improving security at the expense of facilitating peace talks.³⁴ With the election of Juan Manuel Santos in 2010, prospects for peace improved. With the signing of the peace accords with the FARC in 2016, Santos was awarded the Nobel Peace Prize. The hard work,

²⁴ *Ibid.*

²⁵ "Colombia's Changing Approach to Drug Policy," Congressional Research Service, November 30, 2017, <https://fas.org/sgp/crs/row/R44779.pdf>, 1.

²⁶ Bushnell, 264.

²⁷ *Ibid.*

²⁸ Peter DeShazo et al., "Countering Threats to Security and Stability in a Failing State: Lessons from Colombia," Center for Strategic & International Studies, September 2009, http://www.voltairenet.org/IMG/pdf/Lessons_from_Colombia.pdf, 10.

²⁹ "Colombia's Changing Approach to Drug Policy," 1.

³⁰ Peter DeShazo et al., "Countering Threats to Security and Stability in a Failing State: Lessons from Colombia," VII.

³¹ *Ibid.*, 6.

³² "Colombia's Changing Approach to Drug Policy," 3.

³³ Peter DeShazo et al., "Countering Threats to Security and Stability in a Failing State: Lessons from Colombia," 12.

³⁴ *Ibid.*, 33.

however, is far from over. The implementation of the accords presents a unique challenge, the effects of which will unfold in the coming years. Current President Iván Duque must contend with shrinking budgets, popular discontent with some content of the accords, the armament of new illegal groups, and the threat of waning U.S. support, among other issues.

Colombia's Geography

Often nicknamed the “Gateway to South America,” Colombia is located at the strategic meeting point of Central and South America on the border of the Panamanian peninsula.³⁵

Colombia is a country of physical extremes. Through its center run the snow-tipped mountains of the Andes, while tropical beaches line the coasts, wide grasslands expand the east, and thick rainforests populate the south. Colombia's geography is typically classified into five natural regions with climates varying according to altitude and proximity to the Equator: the Andean, Caribbean, Pacific, Llanos Orientales, and the Amazon. The country's diverse topography and climate produce a wide range of natural resources, including a variety of agricultural products, precious metals, and coal. Colombia is also a significant exporter of crude oil. Combined with close proximity to large markets such as the United States, Colombia's geographic diversity grants the country considerable natural resource wealth and economic potential. It has also, however, proved a major obstacle to state-building.³⁶



Colombia is divided by three Andean mountain ranges: the Western, Central, and Eastern Cordilleras. These natural barriers have necessitated the development of several regional governing centers and limited the political integration of the population. Colombia's economic and political heartland rests in the capital city of Bogotá, home to a population of roughly eight million people. This core region is connected to the country's largest ports, Cartagena and Baranquilla, by the Magdalena River basin. The dense Amazonian rainforests to the south, the sparsely populated Orinoco plains to the east, and the Pacific coastline make up Colombia's periphery. These regions are home to valuable commodities such as oil and coal, as well as areas of drug trafficking and guerilla insurgency.³⁷ Consolidating control over these regions and politically integrating their inhabitants remains Colombia's greatest challenge.

The burden of the sovereignty gap has fallen disproportionately on rural areas and the demographic minorities that traditionally inhabit Colombia's peripheral regions. Colombia is home to three major minority groups that are both politically and geographically marginalized: Afro-Colombians (11 percent), Indigenous peoples (3 percent), and Romani (1 percent). Caucasians and *mestizos* account for 86 percent of the Colombian population and tend to

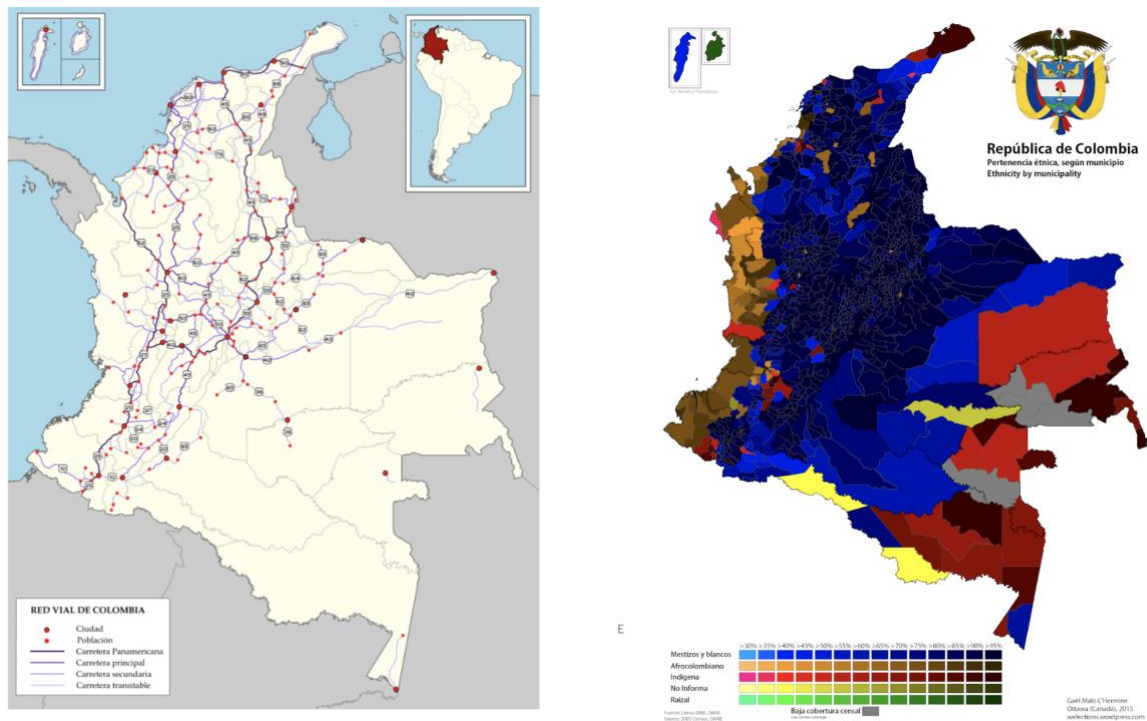
³⁵ Vega, Pablo Corral, Meredith Davenport, Sam Abell, Javarman, James P. Blair, and National Geographic Maps. "Colombia Country Profile - National Geographic." March 21, 2014. Accessed December 09, 2018.

<https://kids.nationalgeographic.com/explore/countries/colombia/#colombia-dancing.jpg>

³⁶ USA. Library of Congress. Federal Research Division. *Country Profile: Colombia*, <https://www.loc.gov/rr/frd/cs/profiles/Colombia-new.pdf>

³⁷ "The Magdalena River." *Encyclopedia Britannica*. 2018. <https://www.britannica.com/place/Magdalena-River>

populate the urban centers.³⁸ Afro-Colombians disproportionately populate the Pacific coast, and Indigenous peoples the Amazon. Within these areas, citizens are semi-isolated from Colombia's political and economic life, typically lacking basic state services, access to education, and road networks necessary to bring agricultural goods to market.



Colombia's road network fails to reach several of the country's territories, particularly those inhabited by minority groups³⁹

Coca cultivation is also most common in areas where state presence is weak, as guerilla groups and drug cartels have been able to fill the vacuum of state authority and consolidate their operations. Colombia's highest concentrations of coca cultivation, for instance, lie in the border regions with the weakest infrastructure, Nariño, Tumaco, Putumayo, and Norte de Santander.

³⁸ USA. CIA. *The World Factbook: Colombia*, 2018, <https://www.cia.gov/library/publications/the-world-factbook/geos/co.html>.

³⁹ Colombian Election and Demographic Maps. December 03, 2015. <https://uselectionatlas.org/FORUM/index.php?topic=224102.msg4818633#msg4818633>.



Colombia's coca producing regions.⁴⁰

The FARC was also known to settle these areas, particularly the jungle and at the bases of the Andean mountain chain.⁴¹ Even after the 2016 armistice, areas previously managed by the FARC continue to experience bloodshed as new mixes of paramilitary groups move into territory still unclaimed by the government of Colombia. As Carlos Guevara shared with the New York Times, “In these areas the FARC left, the state never arrived.”⁴² These infrastructural weaknesses are a key root cause of conflict in Colombia, and the long-term success of the peace agreement will rely on the government of Colombia’s ability to overcome its geographic hurdles and broaden its distributive reach.

⁴⁰ Mallette, Jennifer & Casale, John & Jordan, James & R Morello, David & M Beyer, Paul. (2016). Geographically Sourcing Cocaine's Origin – Delineation of the Nineteen Major Coca Growing Regions in South America. Scientific Reports. 6. 1-10. 10.1038/srep23520.

⁴¹ "United Nations Office on Drugs and Crime." Integrity in the Criminal Justice System. Accessed December 11, 2018. <https://www.unodc.org/unodc/en/frontpage/2018/September/coca-crops-in-colombia-at-all-time-high--unodc-report-finds.html>.

⁴² Nicholas Casey, "Peacetime Spells Death for Colombia's Activists," The New York Times. October 13, 2018. Accessed December 11, 2018. <https://www.nytimes.com/2018/10/13/world/americas/colombia-farc-government-war.html>.

The 2016 Colombian Peace Agreement

The Search for Peace

A History of Negotiation

Prior to the current peace process, the most recent attempt at peace talks with the FARC were in 1999 under the Pastrana administration.⁴³ President Andres Pastrana yielded a demilitarized zone to the FARC in order to facilitate peace talks within Colombian territory.⁴⁴ The FARC were believed to have used the demilitarized zone to train soldiers, to keep hostages, and to negotiate prisoner exchanges.⁴⁵ While the peace talks lasted for three years, no agreement was reached between the government and leftist guerrilla group.⁴⁶ Following the conclusion of the talks in 2002, Pastrana ordered the Colombian military to retake control of the demilitarized zone.⁴⁷ As the peace process came to a halt, the conflict escalated — in part due to the growth of paramilitary groups. One such group was the United Self-Defense Forces of Colombia (AUC) who opposed Pastrana’s efforts to negotiate with the FARC.⁴⁸ The 1999 to 2000 peace process coincided with one of the most violent periods in recent Colombian history. One example of this was in the increased homicide rate. There were also attacks on civilians, many of which were perpetrated by the FARC. During this period, paramilitary groups were also responsible for bloody attacks that led to the deaths of thousands of Colombians.

Fatigued by violence and disillusioned with the peace process, Álvaro Uribe succeeded the presidential office in May 2002. Uribe opposed opening conversations with the FARC without a complete cessation of violence. As president, he formed a policy of *seguridad democratica* (“democratic security”).⁴⁹ This policy cast the conflict against left-wing guerrillas, such as the FARC, as a war against drug-tracking and terrorism.⁵⁰ While Uribe promised swift punishment to those participating in drug-trafficking and terrorist activities, he also adopted several demobilization programs during his tenure.⁵¹ These programs allowed for individual and collective demobilization upon certain conditions specified by the government.⁵² The FARC rejected the policies that emerged from the Uribe administration. In doing so, the government conducted a large judicial, military, and political offensive against the group and other guerrillas.⁵³ The government’s offensive resulted in a decrease in kidnappings and the reassertion of state authority

⁴³ “Colombia profile - Timeline,” British Broadcasting Corporation, August 8, 2018, Accessed December 8, 2018. <https://www.bbc.com/news/world-latin-america-19390164>.

⁴⁴ Jane S. Beittel. *Peace Talks in Colombia*. Washington, D.C.: Congressional Research Service, 2015. Accessed December 8, 2018. <https://fas.org/sgp/crs/row/R42982.pdf>. 3.

⁴⁵ *Ibid.*

⁴⁶ Beittel. *Peace Talks in Colombia*, 3; “Colombia profile - Timeline,” British Broadcasting Corporation.

⁴⁷ *Ibid.*

⁴⁸ “Mapping Militant Organizations,” Stanford University, Accessed December 8, 2018, <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/85#cite10>.

⁴⁹ Beittel. *Peace Talks in Colombia*, 12-13.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, 11-12

⁵² *Ibid.*

⁵³ Beittel. *Peace Talks in Colombia*, 6.

in several regions around the country, and as a result, Uribe garnered significant popularity.⁵⁴ While the FARC faced setbacks from the state offensive, they were not defeated and continued attacks on urban areas, notably the 2003 El Nopal Club bombing, and initiated a counteroffensive in 2005.⁵⁵

Uribe won a landslide victory in the 2006 presidential elections.⁵⁶ During his second term in office, Uribe maintained his policy of democratic security. In the next four years, the military struck down high-ranking members of the secretariat of the FARC.⁵⁷ During this time, the FARC attempted to promote a humanitarian exchange that would facilitate an exchange of hostages between the two sides. Under public pressure, Uribe agreed to participate in discussions mediated by Venezuelan President Hugo Chavez in late 2007.⁵⁸ By November 2007, Uribe ended the discussions. No formal peace talks were initiated by Uribe during his presidency; however, informal and secret contacts were made.

Former defense minister Juan Manuel Santos was elected president in 2010. In his inaugural address, Santos made clear overtures to a potential peace process, saying that the government was “open to any kind of conversation which seeks to eradicate violence and build a more prosperous, equal and just society.”⁵⁹ During the early years of his presidency, Santos prioritized improved relations with neighboring countries, Venezuela and Ecuador.⁶⁰ These efforts abroad on the part of the Colombian state produced a diplomatic isolation of the FARC internationally, as foreign support for their cause shifted in favor of the state and a negotiated agreement.

Development of the 2016 Peace Agreement

Confidential and informal discussions between the Colombian government and the FARC began in September 2010, and secret exploratory meetings began in March of the following year. Both sides agreed upon their respective negotiators, after which they designated foreign guarantor countries. The two countries that were decided upon were Cuba and Norway. Cuba had been host to previous peace efforts in Colombia, while Norway was selected because its active role in prior cases of international conflict mediation. As part of the process, two facilitator countries were also chosen: the FARC selected Venezuela and the Colombian government selected Chile.⁶¹

⁵⁴ Michael Shifter. “Plan Colombia: A Retrospective,” *Americas Quarterly Issue: Gender Equality: Political Backrooms, Corporate Boardrooms and Classrooms* (2012). <https://www.americasquarterly.org/node/3787>.

⁵⁵ “Timeline: The FARC and Colombia,” *The New York Times*, July 3, 2008. Accessed December 5, 2018. https://archive.nytimes.com/www.nytimes.com/interactive/2008/07/03/world/americas/20080703_COLOMBIA_TIMELINE.html?_r=0.

⁵⁶ Juan Forero, “In a Safer Colombia, president wins landslide re-election,” *The New York Times*, May 29, 2006. Accessed December 5, 2018. <https://www.nytimes.com/2006/05/29/world/americas/29iht-bogota.html>.

⁵⁷ Beittel. *Peace Talks in Colombia*, 6.

⁵⁸ “Colombia profile - Timeline,” British Broadcasting Corporation

⁵⁹ “Juan Manuel Santos sworn in as Colombian president,” British Broadcasting Corporation, August 8, 2010. Accessed December 8, 2018. <https://www.bbc.co.uk/news/world-latin-america-10904788>.

⁶⁰ *Ibid.*

⁶¹ “Secretos de la negociación,” *Semana*, January 9, 2012. Accessed December 8, 2018. <https://www.semana.com/nacion/articulo/secretos-negociacion/263986-3>.

In February 2012, the FARC, in an effort of good will toward the peace process, announced that it would cease the practice of extortive kidnappings.⁶² The negotiations were not officially announced until September 2012, following the August signing of the *Acuerdo General para la terminación del conflicto y la construcción de una paz estable y duradera* (A General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace) in Cuba. This initial agreement set the foundation for the start of the formal peace process and the rules by which the negotiations would run. This document also delineated a limited-issue agenda, which was one factor that made this process distinct from prior attempts at peace.

Unlike previous peace attempts with the FARC, this process specified that the “end of the conflict” and the surrender of weapons by the FARC were the agreement’s final goals.⁶³ On June 23, 2016, the government and FARC signed an agreement for a bilateral ceasefire and the surrender of weapons.

The Plebiscite and Passage of the Agreements

During the negotiation process, the Colombian government and the FARC disagreed over the means of ratification for the final peace agreement. The government supported a plebiscite, while the FARC demanded a constituent assembly.⁶⁴ A bill for the use of a plebiscite was put forth in Congress and adopted in December 2015. The bill included a decrease of the quorum as well as a decision on the entirety of the agreement rather than individual articles, which was highly controversial. The FARC remained adamantly against the use of a plebiscite until June 2016, then unexpectedly agreed to the plebiscite to ratify the final agreement. The Constitutional Court ruled the plebiscite to be constitutional, and the final agreement was announced in Havana, Cuba on August 24, 2016.

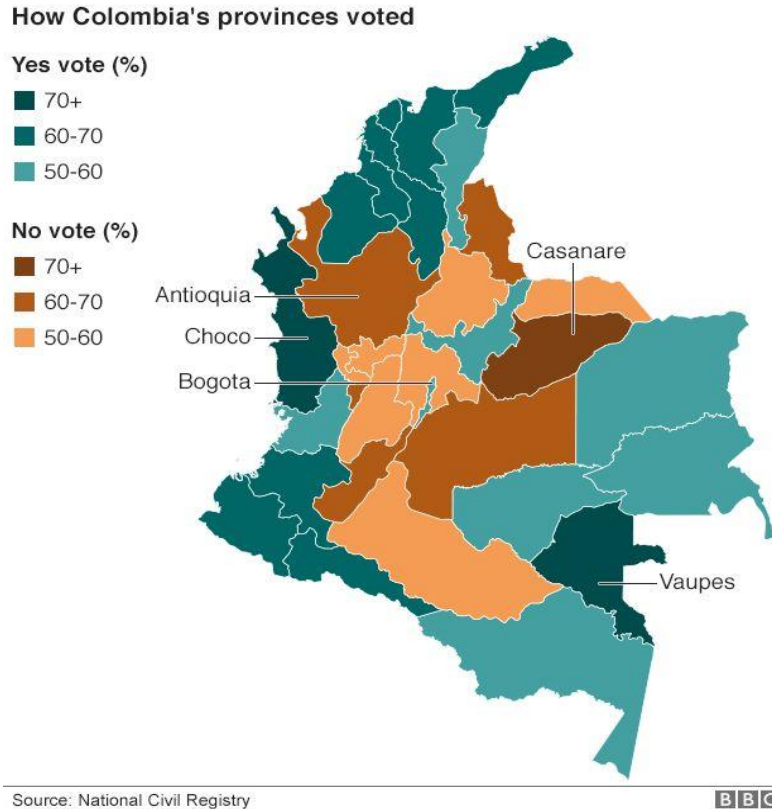
The plebiscite was held on October 2, 2016. With a 37.4 percent turnout, 50.2 percent of the voters voted against the agreement, while 49.8 percent voted in favor.⁶⁵ Regions most impacted by the conflict with the FARC voted in favor of the agreement, while urban areas tended to vote against it. The figure below demonstrates the regional breakdown of the plebiscite vote.

⁶² Secretariado Nacional de las FARC-EP, “Declaración pública sobre prisioneros y retenciones,” FARC-EP, February 26, 2012. Accessed December 8, 2018. <http://www.farc-ep.co/comunicado/declaracion-publica-sobre-prisioneros-y-retenciones.html>

⁶³ “Los puntos de la agenda,” *Semana*, January 9, 2012. Accessed December 8, 2018. <https://www.semana.com/nacion/articulo/los-puntos-agenda/263987-3>.

⁶⁴ “El gobierno le apuesta al plebiscito para la paz,” *Semana*, July 11, 2015. Accessed December 8, 2018. <https://www.semana.com/nacion/articulo/dialogos-plebiscito-por-la-paz/448966-3>.

⁶⁵ “Colombia referendum: Voters reject FARC peace deal,” British Broadcasting Corporation, October 3, 2016. Accessed December 8, 2018. <https://www.bbc.com/news/world-latin-america-37537252>.



Vote Distribution by Province⁶⁶

Following the failure of the plebiscite, the peace agreement was revised. The government and the FARC signed the revised agreement on November 24, 2016, which then received congressional approval. The Senate passed the agreement 75-0, while the House of Representatives approved it by 130-0. Uribe's supporters in Congress boycotted the vote. With congressional approval of the new agreement, the longest conflict in modern Latin American history formally came to a close. Shortly after the passage of the accords, Colombia's Constitutional Court voted in favor of the government's "fast-track" plan to implement the deal.⁶⁷

International Involvement in the Peace Agreement

International involvement in the 2016 peace agreement distinguished it from the 1999-2002 efforts under the Pastrana administration. After decades of absence, the international community began to increase its role in the peace process of Colombia in the late 1990s. The final result was a successful negotiation of a peace agreement under President Santos, constructed with the involvement of a variety of international actors.

The role of the international community in Colombian peace prior to 2016 was not nonexistent. In 1991, Socialist International verified the demobilization of and transition of the armed group M-

⁶⁶ *Ibid.*

⁶⁷ Nick Miroff, "Colombian court gives big boost to peace deal with FARC rebels," Washington Post, December 13, 2016, https://www.washingtonpost.com/world/the_americas/court-gives-big-boost-to-colombias-peace-deal-with-farc-rebels/2016/12/13/cc5d8c92-c07c-11e6-a52b-a0a126eaf9f7_story.html?utm_term=.ef37c7c5a05e.

19. In the early 1990s, President Gaviria held conversations with guerilla groups in Venezuela and Mexico.⁶⁸

It was President Pastrana who, in 1998, opened the peace process to its greatest degree of international involvement in the search for peace. The process opened for a variety of reasons, primarily the increase in stake-holders in Colombian peace. The war spilled into Venezuela and Ecuador, and the explosion of narco-trafficking affected countries around the world. As a result, countries were more invested in Colombian peace. But while Pastrana welcomed them as “The Group of Friendly Nations,” international actors rarely had a seat at the negotiation table, and left meetings in Bogotá without a clear sense of the process.⁶⁹ International actors lacked a clear role and spent the majority of their time calming one side or the other after a kidnapping or attack.⁷⁰

After Pastrana, President Uribe’s administration even further diminished the role of international actors. Uribe angled for international involvement that aligned with his objectives, eschewed neutral international mediation, and accused some groups of working for the FARC.⁷¹ The United States and the European Union classified the ELN and FARC as terrorist groups, making it politically difficult to play a role in negotiations.⁷² The role of the international community in meaningful peace had yet to take shape.

When Santos began his quest for peace in 2010, he established a clear and purposeful role for the international community. The international community was an influential player from the start of negotiations. In early 2011, Venezuela facilitated “initial direct meetings” between the government and the FARC and hosted three meetings for agenda-setting and discussion of ground rules.⁷³ Norway and Cuba were established guarantors, and secret talks began in Havana in February of 2012.⁷⁴

The international community proved crucial in several respects. Neutral ground and close living quarters in Havana proved a key change that allowed for informal exchange outside of prescribed, formal negotiation.⁷⁵ The start of talks outside of Colombia signaled international support. Third party expertise helped both groups during negotiations, especially the FARC delegation that lacked information and expertise.⁷⁶ Physical distance from Colombia helped protect the process and keep every-day politics from interfering with the negotiation process.

International actors were also incorporated into the agreement itself as verification leaders. The agreement tasked the United Nations with certification of a bilateral ceasefire and the laying down

⁶⁸ Barreto Henriques, M. (11). Los procesos de paz en Colombia y el rol de la comunidad internacional: ¿crónica de un nacimiento anunciado?. *Revista Análisis Internacional (Cesada a Partir De 2015)*, 5(2), 219-243. Recuperado a partir de <https://revistas.utadeo.edu.co/index.php/RAI/article/view/983>.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ Dag Nylander and Rita Sandberg, “Designing peace: the Colombian peace process,” NOREF, 2/16/18, <https://noref.no/Publications/Regions/Colombia/Designing-peace-the-Colombian-peace-process>.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

of arms. Further, the agreement included international representatives in the make-up of a Follow-Up and Verification Commission that will build a 10 year framework for implementation and monitoring of the peace deal.

Female Involvement in the Peace Agreements

Women have long played a central role in efforts to bring peace to Colombia throughout the decades long conflict. A number of women's groups such as the *Red de Mujeres*, the *Ruta Pacifica*, and the *Iniciativa de Mujeres por la Paz* have worked for peace and the advancement of human rights decades prior to the construction of the 2016 agreement. Since their inceptions, these groups have advocated for a number of the issues that later appeared in the final agreement including the bilateral ceasefire and more equitable land distribution.

The negotiations in Havana were no exception to women's involvement and advocacy in the peace process; however, their inclusion was not immediate. During the initial phase of discussions, women and their concerns remained largely absent from the table. As a result, women around the country took to organizing and public advocacy. Women's organizations wrote letters demanding inclusion in the Havana negotiations. In October 2013, around 450 women from across Colombia convened in Bogotá at the National Summit of Women and Peace to once again demand a presence and voice in the peace process.⁷⁷ The summit also served as a place for women to consolidate an agenda for Havana.

Weeks after the National Summit, both the Colombian government and the FARC acknowledged the importance of women in conflict-prevention, conflict-resolution, and peacebuilding, and a related agreement was reached on political participation. Within a year after the agreement was reached, women played a more visible role in the Havana negotiations and the official peace process leading up to the 2016 agreements. Women served both as negotiators and experts on gender topics. They also represented victims and survivors of the conflict.⁷⁸ A gender subcommittee was also established in Havana in September 2014. The objective of the subcommittee was to ensure that women's rights and a gender perspective were included in all agreements to come from the negotiations.⁷⁹ Overall, the Colombian negotiations saw far greater numbers of women participants than that seen in comparable negotiations. According to the United Nations, women made up one-third of the total delegates in Havana at times.⁸⁰ While this figure is far from parity, it remains far above the global average. Between 1990 and 2017, women constituted only 2 percent of mediators and 8 percent of negotiators in all major peace processes.⁸¹

⁷⁷ "Women take the reins to build peace in Colombia," United Nations Women, May 28, 2015, Accessed December 8, 2018, <http://www.unwomen.org/en/news/stories/2015/5/women-build-peace-in-colombia>.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ "Women take the reins to build peace in Colombia," United Nations Women.

⁸¹ "Women's Participation in Peace Process," Council on Foreign Relations, December 4, 2018. Accessed December 8, 2018. <https://www.cfr.org/interactive/womens-participation-in-peace-processes>.

Components of the 2016 Colombian Peace Agreement

- Comprehensive Rural Development
 - The central goal of Comprehensive Rural Development is to reshape access to land in order to reduce rural poverty by 50 percent in 10 years. In order to accomplish this, the peace agreement calls for the creation of a land fund, large-scale land registration, and restitution for victims' land.
- Political Participation
 - The peace agreement stresses the importance of new voices in Colombian democracy. The political participation section promotes electoral transparency, guarantees for opposition parties, affirmative action plans for women in public affairs, and the outlaw of violence as a political action. In order to aid the political reintegration of the FARC, they will be guaranteed 5 senate seats and 5 congressional seats, regardless of electoral results, for two electoral periods.
- End of the Conflict
 - The end of the conflict represents a termination of hostilities, a ceasefire, and laying down of arms--certified through monitoring by the United Nations, the FARC, and the Colombian government. This primarily involves the collection and storage of weapons and munitions and the transition of FARC into civilian life in 26 local zones. Each zone includes a safety perimeter, training in labor, and education. These camps are meant to transition the FARC from a military force into a civilian population.
- Solution to the problem of illicit drugs
 - The peace agreement promotes rural development as a solution to the illicit drug problem. Specifically, a program of crop substitution—named PNIS—that will assist farmers as the transition from illicit crops to legal products. In this process, the state will increase its presence in rural areas in the form of public services, development, and infrastructure. The agreement also acknowledges the problem of illicit drug use and proposes a system of access to treatment, prevention, healthcare, and social inclusion.
- Victims
 - The agreement includes a process for the realization of victim's rights, accountability for what happened, coexistence, and reconciliation. Chief within this section is the Truth, Coexistence, and Non-repetition Commission, reparation program, special jurisdiction to handle criminal justice proceedings, and search for missing persons.
- Implementation and Verification
 - The peace agreement creates a commission to generate a 10-year framework plan to follow-up on the plan's implementation. The agreement is vague on who will fill the commission, but it will include institutions as well as international representatives. The agreement calls for the United Nations to verify the reincorporation of FARC members into civilian life via a Political Mission. The agreement explicitly requests that several countries, international organizations, and the United Nations aid the implementation of the peace agreement.

Colombia's Political Landscape

Colombian politics remain rooted in its past. The longest standing democracy in Latin America, Colombia's Conservative and Liberal parties have fought — with rhetoric and with violence — against each other for over 150 years. Despite its long democratic history, the Colombian populace has limited faith in government institutions. A history of internal party divisions, a malleable constitution, and corruption continue to drive distrust within the political sphere.

Today, Colombia is one of the most politically conservative countries in Latin America. The population's political leanings can be mapped along geographic lines with relative precision. Urban areas, with the exception of Bogotá, typically lean conservative, while rural areas are more liberal. Colombia faces a broad range of political challenges that extend far beyond the 2016 peace agreement. As seen in the 2018 election, chief among them are education, immigration and corruption.

2018 Presidential Election

The recent election of Ivan Duque, a protégé of former Colombian President Álvaro Uribe, as president marks a resurgence of Colombia's far right. While the political left in Colombia has been historically weak or non-existent, the 2018 presidential election did point to a political shift despite its ending in a far-right victory. Left-wing presidential candidate Gustavo Petro made it to the second round of the election and was the runner-up to Duque. Despite the perception of Duque's victory as a win for the far-right, the current president has described himself as a centrist who wants to unite the nation.

Duque officially assumed the office of president in August 2018. He took office with only a small legislative majority and his government lacks majorities in several key legislative committees. Based on campaign promises, Duque is expected to favor business-friendly economic policies that include tax cuts for corporations. Duque is also expected to reduce the budget deficit. On the topic of corruption, Duque has pledged to stop backroom dealing between politicians and interest groups. This topic could very well assume a place of high priority in the Duque administration, as it was a key issue in the campaign and was reaffirmed as an issue of great importance in Duque's June 2018 victory speech.⁸²

To date, Duque's stance on and prioritization of the peace deal remains unclear. On the campaign trail, Duque advocated for modifications to the peace deal with the FARC.⁸³ Like his mentor, former President Uribe, Duque has argued that the agreement was too lenient on ex-guerrillas; however, Duque's tone appears softer than Uribe's. Duque has promised not only justice for victims of the conflict, but also the civil reintegration of FARC foot-soldiers. Just months into his presidency, it still remains to be seen if the realities of office will further temper his views and

⁸² William Worley, "Colombian election: Ivan Duque vows to 'correct' peace accord after comfortable win," *Telegraph*, June 18 2018, <https://www.telegraph.co.uk/news/2018/06/18/ivan-duque-winscolombian-election-promise-reform-peace-accord/>.

⁸³ Vanda Felbab-Brown, "Death by bad implementation? The Duque administration and Colombia's peace deal(s)," *Brookings Institute*, May 24, 2018, <https://www.brookings.edu/blog/order-from-chaos/2018/07/24/death-by-bad-implementation-the-duque-administration-and-colombias-peace-deals/>.

efforts regarding the wording and implementation of the peace agreement or if he will draw more, both in rhetoric and policy, from his mentor Uribe.

Duque's predecessor, Juan Manuel Santos, oversaw the current peace process in its entirety. It remains to be seen what course of action Duque will take with the peace accords; however, he strongly criticized the 2016 agreements during the recent election. Despite his criticisms, Duque has said that he is committed to the peace process. In September 2018, Duque told the United Nations General Assembly that he hoped to have the financial support of the international community in order to preserve the fragile peace with the FARC.⁸⁴ Duque went on to say that his administration will follow its commitments with former FARC fighters who have laid down their weapons as delineated in the 2016 agreements, but that it will also make an example out of those who remain in conflict with the government. Regarding coca production, Duque has asserted his commitment to cracking down on coca cultivation and the illicit drug trade.⁸⁵

Education

Since the signing of the 2016 peace agreement between the Colombian government and the FARC, education has emerged as a top policy issue that has pulled national attention away from the implementation of the peace agreement. Large budget deficits and insufficient funding for public education are driving students and professors out of the classroom and into the streets. Public universities are running a \$440 million USD operational deficit, coupled with a \$4.7 billion USD infrastructure deficit.⁸⁶ This deficit is due in part to a Santos-era policy, *Ser Pilo Paga* or "it pays to be smart," that paid for a small cohort (10,000 annually out of nearly half a million eligible students) of students to attend whatever school they wished.⁸⁷ The program racked up over \$635 million USD in tuition bills after students enrolled in expensive private universities in Bogotá, Medellín, and Cali.⁸⁸

⁸⁴ "Colombian President calls for international support to ensure success of 'fragile' peace process," UN News, September 26, 2018. Accessed November 21, 2018. <https://news.un.org/en/story/2018/09/1020971>

⁸⁵ *Ibid.*

⁸⁶ Juan Miguel Hernández Bonilla, "Réquiem por las universidades públicas," *El Espectador*, September 28, 2018, <https://www.elespectador.com/noticias/educacion/requiem-por-las-universidades-publicas-articulo-815053>.

⁸⁷ "Después de Ser Pilo Paga, ¿qué?," *El Espectador*, September 20, 2018, <https://www.elespectador.com/opinion/editorial/despues-de-ser-pilo-paga-que-articulo-813145>.

⁸⁸ Arjun Harindranath, "President Duque proposes education reforms aimed at strengthening public universities," *The Bogota Post*, September 11, 2018, <https://thebogotapost.com/president-duque-proposes-education-reforms-aimed-at-strengthening-public-universities/32015/>.

Expenditure on public education has diminished despite a growing cohort of students. In 2004, 53 percent of funding was directed towards public universities. In 2017, that number dropped to 37 percent despite a ballooning undergraduate population which grew 57 percent in the same period.⁸⁹⁹⁰ Although Colombia's 2019 budget includes a modest increase to the Ministry of Education's budget, the larger issue of educational spending remains unsolved.⁹¹



A sign at an education protest highlights disparate funding for education and war.⁹²

Since the peace agreement went into effect, educational stakeholders have increased their pressure on the government to prioritize education. Many insisted that the government owed the education department the funds no longer spent on the military. In the spring of 2017, a 37-day strike by teachers left millions of students out of school.⁹³ The government struck a deal with the Colombian Federation of Education Workers (Fecode), a powerful teachers union, to raise bonuses and increase the union's voice at the table.⁹⁴ However, strikes and protests continue to plague Colombia and are growing in scale. While the first strike for education had just under 6,000 protestors, engagement has swelled.⁹⁵ In October 2018, 40,000 students, teachers, and citizens

⁸⁹ "Réquiem por las universidades públicas," *El Espectador*, September 28, 2018, <https://www.elespectador.com/noticias/educacion/requiem-por-las-universidades-publicas-articulo-815053>.

⁹⁰ *Ibid.*

⁹¹ "Education protests: 40,000 march in Bogotá," *The Bogota Post*, October 11, 2018, <https://thebogotapost.com/education-protests-40000-march-in-bogota/32509/>.

⁹² *Ibid.*

⁹³ Julia Cobb, "Colombia reaches deal to end 37-day teachers' strike," *Reuters*, June 16, 2017, <https://www.reuters.com/article/us-colombia-teachers/colombia-reaches-deal-to-end-37-day-teachers-strike-idUSKBN1972NS>.

⁹⁴ *Ibid.*

⁹⁵ "Con protestas y propuestas, los estudiantes no se rinden," *Semana*, December 6, 2018, <https://www.semana.com/educacion/articulo/la-manifestacion-de-los-estudiantes-en-bogota-paso-casi-en-limpio/593769>.

protested for education funding in the streets of Bogotá.⁹⁶ A strike began in October 2018 involving students from 32 public universities remains unresolved after over 50 days of protest.⁹⁷

In broad strokes, Duque has acknowledged the need for greater access to higher education. He insisted that the *Ser Pilo Paga* program needed to offer more opportunities to students as well as emphasize public universities without the hefty price tag of private institutions. The president was the only candidate who supported the program — the vast majority of challengers suggested massive restructure or abandonment of the program.

One thing that is clear from the protests is that the current administration and those involved in education are not close to a compromise. While strikes and protests continue, focus on implementation of peace agreement reforms will continue to erode and fracture. The United States should encourage Colombia to remain committed to the goals of the 2016 peace agreement and view the education reform as a separate policy issue.

Venezuela

Spurred by the collapse of the economy under socialist President Hugo Chávez, millions of Venezuelans have fled the country. Oil exports comprise ninety-five percent of government revenue, so when prices dropped in 2014, consumer prices increased and inflation followed. Now their crude oil production has run dry, hitting a fifty-year low in 2018, and hyperinflation has ensued.⁹⁸ As of July 2018, the annual inflation rate reached 83,000 percent and it is predicted to reach 1,000,000 percent by the end of 2018.⁹⁹ On average, prices have doubled every 26 days, making it difficult to afford basic necessities for life.¹⁰⁰

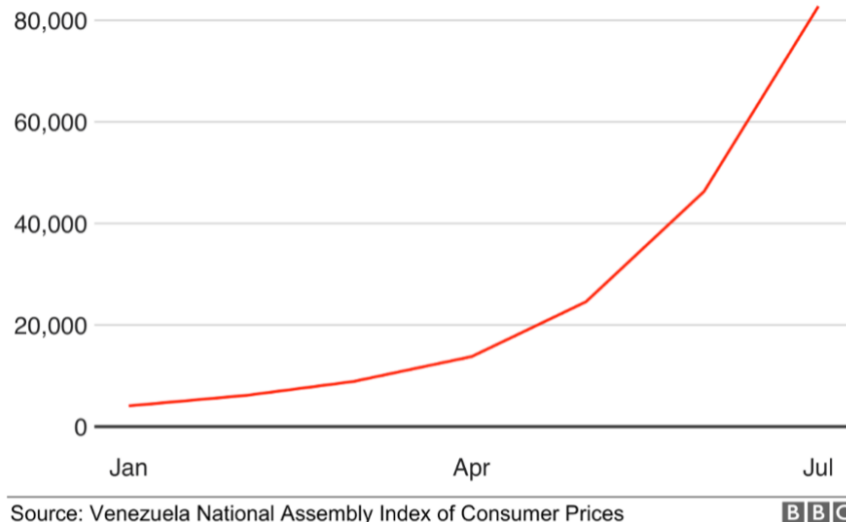
⁹⁶ “Education protests: 40,000 march in Bogotá,” The Bogota Post, October 11, 2018, <https://thebogotapost.com/education-protests-40000-march-in-bogota/32509/>.

⁹⁷ “Se cumplen 50 días de paro nacional estudiantil y aún no hay acuerdos,” El País, October 29, 2018, <https://www.elpais.com.co/colombia/se-cumplen-50-dias-de-paro-nacional-estudiantil-y-aun-no-hay-acuerdos.html>.

⁹⁸ Andrew Stanley and Frank Verrastro, “How Low Can Venezuelan Oil Production Go?,” June 18, 2018, <https://www.csis.org/analysis/how-low-can-venezuelan-oil-production-go>.

⁹⁹ “How Venezuela’s crisis developed and drove out millions of people,” British Broadcasting Corporation, August 8, 2018, <https://www.bbc.com/news/world-latin-america-36319877>.

¹⁰⁰ *Ibid.*



Venezuelan Inflation (%), January-July 2018¹⁰¹

The hyperinflation is only one of many reasons people are pouring out of the country. There has been a dearth of medicine, medical supplies, and medical services as well as food, which has people clinging to life. A Human Rights Watch report found that “a ruthless government crackdown has led to thousands of arbitrary arrests, hundreds of prosecutions of civilians by military courts, and torture and other abuses against detainees.”¹⁰² This violence is also mirrored in daily lives as the country has one of the highest violence rates in the world, where over 73 Venezuelans die a violent death every day.¹⁰³ These issues have forced an estimated 2.3 million Venezuelans out of the country.¹⁰⁴

Because Colombia shares its eastern border with Venezuela, it has taken in the largest portion of Venezuela refugees. Between March 2017 and June 2018, over a million people migrated to Colombia, but the actual number is said to be much higher.¹⁰⁵ “Colombian authorities reported then that the number included 442,000 Venezuelans in the country without legal permission, 376,000 with legal status, and 250,000 Colombians who had been in Venezuela but returned to Colombia.”¹⁰⁶

The Colombian government has had a generally positive response to the refugee crisis. In July 2017, they created a special permit to allow Venezuelan refugees who had overstayed their visas to stay in the country with work permits and access to basic public services. This move legalized

¹⁰¹ *Ibid.*

¹⁰² “The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis,” Human Rights Watch, September 11, 2018, <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>.

¹⁰³ “Venezuela 2018 Crime & Safety Report,” April 2, 2018, <https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=23791>.

¹⁰⁴ “How Venezuela’s crisis developed and drove out millions of people,” British Broadcasting Corporation, August 8, 2018, <https://www.bbc.com/news/world-latin-america-36319877>.

¹⁰⁵ “The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis,” Human Rights Watch, September 11, 2018, <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>.

¹⁰⁶ *Ibid.*

the stay of 180,000 Venezuelans.¹⁰⁷ A year later, the government gave the similar rights to illegal immigrants in the country who had registered in a government survey, which totaled more than 400,000 refugees. Nevertheless, sources have said many Venezuelans “have been detained, ordered to get in a truck, and driven to the border” and out of the country.¹⁰⁸ The Duque administration has called for international support in dealing with the Venezuelan migrant crisis.¹⁰⁹

According to many, there have not been any outward affects to the peace deal. Duque, however, suggested that \$300 million intended for reform programs in the peace deal may be diverted to the Venezuelan refugee crisis.¹¹⁰ Cynthia Arnson, director of the Woodrow Wilson Center's Latin American Program, stated that “the biggest impact of the refugee crisis on the peace accord has to do with the availability of resources, for implementation of the agreement, on the one hand, and for refugee assistance on the other [...] There will not be enough money to go around.”¹¹¹

For the peace deal to work, it is crucial that Colombia keeps the refugee crisis a separate issue because the possible diversion of funds could paralyze implementation of the deal.

Corruption

Corruption is a pervasive problem in government and security institutions in Colombia. Graft, bribery, extortion, and abuse of office are all common extra-legal activities. Factors that have contributed to political corruption in Colombia include: guerrilla and paramilitary conflict, drug trafficking, weak institutions, amongst others. Historian Fernan Gonzalez argues that the lack of legitimate state authority in periphery areas is a key factor to the conflict and corruption in Colombia; however, even areas with a strong state presence fall victim to rampant corruption. Often the very institutions and individuals entrusted with targeting and punishing corruption are at a high of corruption themselves as seen in the figure below by Transparencia por Colombia, the Colombian chapter of the non-governmental organization Transparency International. In August 2018, Luis Gustavo Moreno Rivera, the former national director of anti-corruption in the Colombian attorney general’s office admitted to partaking in a bribery scheme while in office. Moreno was arrested in Bogotá the previous year, and then was extradited to the United States in May 2018. Prior to his extradition, the former anti-corruption director also pleaded guilty to bribing a Supreme Court justice and other members of the judiciary in Colombia.¹¹² Corruption extracts a high financial cost, stymying economic growth and potential international investment in Colombia. According to Colombia’s Inspector General’s Office, corruption costs the country an approximate \$7.5 billion USD every year, which accounted for nearly 10 percent of the

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ “Colombia says needs international aid to cope with Venezuela crisis,” Reuters, February 13th, 2018, <https://www.reuters.com/article/us-colombia-venezuela/colombia-says-needs-international-aid-to-cope-with-venezuela-crisis-idUSKCN1FY07C>.

¹¹⁰ Frank Cardona, “Colombia 2018 election proposals: On Venezuela,” Colombia Reports, April 19, 2018, <https://colombiareports.com/colombia-2018-election-proposals-on-venezuela/>.

¹¹¹ Miranda Saunders, “Already Vulnerable Colombia Struggles to Accommodate Venezuelan Refugees,” August 15, 2018, <https://theglobepost.com/2018/08/15/venezuelan-refugees-colombia/>.

¹¹² Jay Weaver, “Colombia’s former anti-corruption chief pleads guilty to bribery scheme at Dolphin Mall,” *Miami Herald*, August 14, 2018. Accessed December 8, 2018. <https://www.miamiherald.com/news/local/crime/article216695195.html>.

government's 2017 budget. In different terms, corruption costs the Colombian taxpayer \$165 USD a year, which is three quarters of the monthly minimum wage.¹¹³

Ranking (out of 75 surveyed)	Entity	ITEP Corruption Risk Level
5	Comptroller General	Moderate risk
9	Ministry of Defence	Moderate risk
12	Geological Service	Moderate risk
13	Auditor General	Moderate risk
21	Ministry of Exterior Relations	Medium risk
24	National Police	Medium risk
28	Ministry of Labour	Medium risk
31	Tax & Revenue	Medium risk
51	Armed Forces of Colombia	Medium risk
52	National Penitentiary Institute	Medium risk
60	Land Registry	Medium risk
62	Ministry of Justice and Law	High risk
63	Ministry of Transport	High risk
70	National Mining Agency	High risk
74	National Fiscal Department	High risk
75	Financial Information Unit	High risk

Colombian institutions' corruption rated and ranked.¹¹⁴

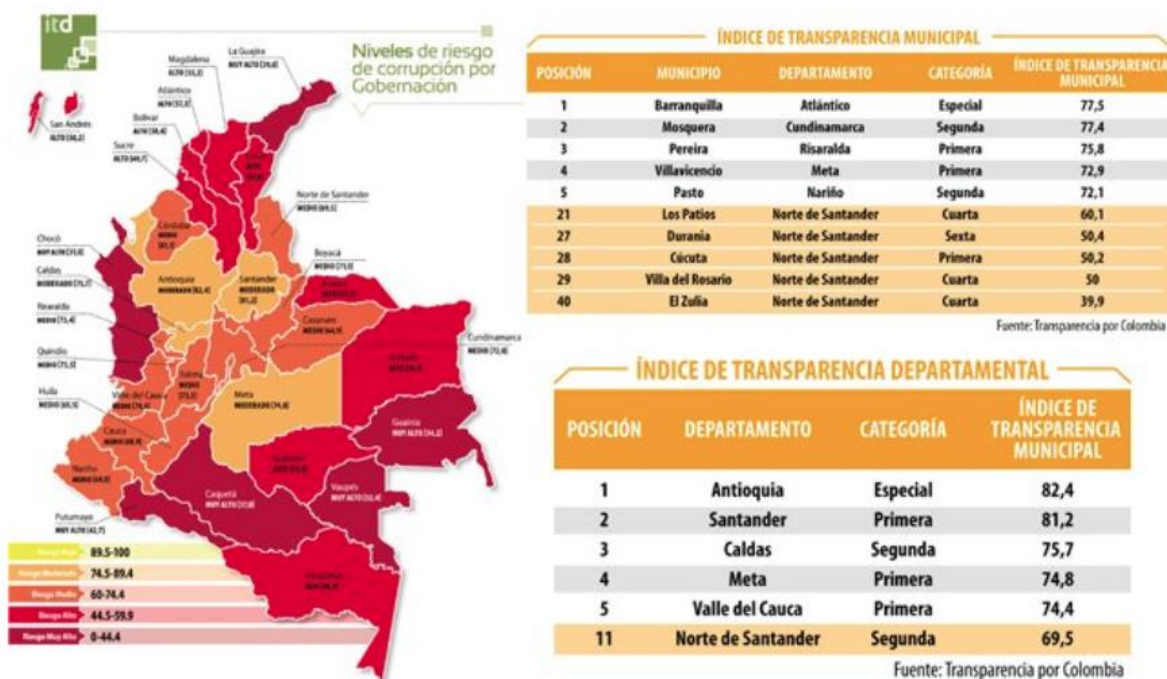
While there is a long-standing history of corruption in the country, the new peace agreement may offer opportunities to direct greater attention and resources to addressing corruption. In its first year of implementation, the agreement appeared to have little impact on corruption levels. In its 2017 Corruption Perception Index, Transparency International ranked Colombia 96th out of 180 countries in corruption with a score of 37 out of 100, based on experts' and business people's perceptions of the extent of corruption in the public sector. In an assessment of regional corruption risks by Transparency International's Colombian branch, the most at-risk departments were Chocó and La Guajira, which are also two of Colombia's most impoverished. The department distribution for corruption risk levels can be seen in the figure below.

While the peace agreement could allow for opportunities to address state corruption, corruption could also jeopardize the creation of a lasting peace. There have already been multiple corruption scandals in relation to the peace agreement thus far. In April 2018, Colombian authorities arrested Jesús Santrich and charged him with conspiring to export ten tons of cocaine while his supporters

¹¹³ "Corruption in Colombia: Do you feel the bite?" *The Bogota Post*, October 18, 2017. Accessed November 21, 2018. <https://thebogotapost.com/corruption-in-colombia-do-you-feel-the-bite/23685/>.

¹¹⁴ *Ibid.*

claim a setup.¹¹⁵ Santrich, otherwise known as Seaxis Hernández, is a blind former guerilla commander turned peace negotiator for the FARC. In the same month of Santrich’s arrest, the Director of the Colombian Peace Fund--the agency that manages the majority of funding for peace implementation--was dismissed.¹¹⁶ The director, Gloria Ospina, failed to maintain transparency or distribute funds efficiently. There are concerns that criminal intermediaries are deciding where and to whom contracts are being distributed. Without greater transparency, corruptive forces threaten to derail the peace agreement’s implementation.



Corruption level by province¹¹⁷

While the enduring legacy of corruption has left some Colombians with the view that corruption will continue to be a part of the country’s political fabric, there are policy solutions either in place or on the table. Currently, corruption is a result of the government’s limited enforcement of current anti-corruption legislation and failure to enact new legislation. The Colombian Penal Code and the Anti-Corruption Act criminalize various forms of corruption.¹¹⁸ These include bribery, extortion, facilitation payments, and abuse of office. In 2016, Colombia committed to expenditure transparency measures and whistleblower protection during the Anti-Corruption Summit in London.¹¹⁹ Nevertheless, many of these practices are still widespread. A referendum in August of

¹¹⁵ “The Colombian guerrillas who won’t give up their guns,” *The Economist*, April 18th, 2018, <https://www.economist.com/the-americas/2018/04/19/the-colombian-guerrillas-who-wont-give-up-their-guns>.

¹¹⁶ Felipe Puerta, “Corruption Plagues Implementation of Colombia-FARC Peace Deal,” April 16, 2018, <https://www.insightcrime.org/news/analysis/corruption-plagues-implementation-colombia-farc-peace-deal/>.

¹¹⁷ This graphic shows the levels of corruption in Colombia’s 32 provinces. The regions colored in burgundy and red have high to very high levels of corruption (Source: Transparencia por Colombia).

¹¹⁸ “Colombia Corruption Report,” GAN Business Anti-Corruption Portal, 2018, <https://www.business-anti-corruption.com/country-profiles/colombia/>.

¹¹⁹ “Combating the Colombian corruption crisis,” *The Bogota Post*, January 16, 2017,

2018 narrowly failed to pass several corruption measures. Despite 99 percent support for anti-corruption measures like a ban on house arrest sentences for corruption and term limits, the referendum failed after it fell just short of the minimum vote count to certify and submit the result to congress.¹²⁰ Despite these setbacks, increased energy in reforms--evidenced by high turnout for the recent referendum and Duque's hard stance on the "cancer" of corruption, policy solutions may become a real possibility in the near future.¹²¹

<https://thebogotapost.com/combating-the-colombian-corruption-crisis/19466/>.

¹²⁰ Julia Cobb, "Colombian anti-corruption referendum fails to meet quorum," August 26, 2018, <https://www.reuters.com/article/us-colombia-referendum/colombian-anti-corruption-referendum-fails-to-meet-quorum-idUSKCN1LB0GI>.

¹²¹ *Ibid.*

U.S. Interests in Colombia and Structure of Recommendations

The United States has a long history of intervention in Colombia stemming back to the Cold War. In the 1960s, U.S. aid to Latin America was rationalized as a way to prevent communist uprisings like that of Fidel Castro's Cuba. Government officials believed that economic aid and social reforms would strengthen South American societies, strengthen their governments, and remedy the conditions that made communist revolutions more likely. As the 20th century continued, American interests continued to focus on left-wing threats like that posed by the FARC in Colombia; however, rampant drug use in the United States, starting with marijuana and shifting to cocaine, shifted U.S. priorities towards counter-narcotics. The U.S. became heavily involved in targeting South American drug traffickers, many of which operated out of Colombia. Today, U.S. policy in Colombia continues to focus on counter-narcotics initiatives alongside new development initiatives aimed at improving socio-economic existence in the countryside to prevent further violence and strengthen the economy. While the degree of and justification for its involvement has varied over time, the U.S. continues to be Colombia's top source of foreign aid.¹²²

The Alliance for Progress

The first modern large-scale U.S. assistance program to Colombia was part of a broader anti-communist strategy in Latin America known as the Alliance for Progress. President John F. Kennedy launched the AFP in 1961, an effort to strengthen governments in South America and prevent communist revolts.¹²³ The Kennedy Administration, relying heavily on modernization theory popularized by national security advisor Walter Rostow, hoped that investments in Latin American education, healthcare, and economic development would prevent social upheaval and create more viable partners for the United States in the long-term.¹²⁴



¹²² "U.S. Foreign Aid by Country." USAID. Accessed November 24, 2018. <https://explorer.usaid.gov/cd/COL>

¹²³ Luis Eduardo Fajardo, "From the Alliance for Progress to the Plan Colombia: A Retrospective Look at USAID to Colombia," Crisis States Programme, April 2003, <https://www.files.ethz.ch/isn/57601/WP28LF.pdf>

¹²⁴ Fajardo, "From the Alliance for Progress to the Plan Colombia: A Retrospective Look at USAID to Colombia."

Luncheon in Honor Of Guillermo Leon Valencia, President-Elect of Colombia in 1962¹²⁵

Colombia was singled out in the AFP as a country with potential to be the showcase for American aid. President Kennedy visited the country in December of 1961 to kick-start U.S. efforts; loans worth millions of dollars went towards constructing affordable urban housing and schools and supporting agriculturalists in the rural countryside.¹²⁶ Over the next several years, direct investment, loans, and grants went towards supporting Colombian developers and fighting poverty within the country.

The Alliance for Progress has a mixed legacy but generally fell short of its goals. While significant investments were made in Colombia, particularly in education and agriculture, entrenched elites were able to resist reforms that socially and politically empowered lower classes.¹²⁷ Despite this, the AFP expanded the American presence in Latin America and set the stage for heightened involvement in the closing decades of the 20th century.

The Drug Wars

American consumption of drugs — first marijuana, and then cocaine — alarmed U.S. policymakers in the 1970s and 1980s. The U.S. focused on intervening in Colombia, a major producer of marijuana and later the world's largest producer of cocaine. Multiple government entities, at the direction of presidents Bill Clinton and George Bush, focused on reducing the supply of processed coca.¹²⁸ The Drug Enforcement Administration (DEA), created by President Richard Nixon in the 1970s, and the Central Intelligence Agency (CIA), among other organizations, were given millions of dollars to work with Colombian authorities and take down traffickers within Colombian borders. Most notorious were the Medellin cartel, led by Pablo Escobar, and the Cali cartel, led by the Rodriguez-Orejuela brothers.¹²⁹ By providing Colombia intelligence, military aid, and technology, the United States eventually was able to dismantle the cartels. However, paramilitaries and guerilla organizations quickly absorbed the drug trade and the flow of cocaine to the U.S. continued.

Plan Colombia

In September 1999, President Pastrana announced the creation of Plan Colombia, a six-year plan that laid out goals to decrease cultivation, processing, and distribution of narcotics, strengthen the judiciary, strengthening the military and police, fighting corruption, reducing violence, providing

¹²⁵ “Luncheon in Honor of Guillermo Leon Valencia, President-Elect of Colombia, 1:00PM,” John F. Kennedy Presidential Library and Museum, Accessed November 24, 2018, https://www.jfklibrary.org/asset-viewer/archives/JFKWHP/1962/Month%2006/Day%2025/JFKWHP-1962-06-25-A?image_identifier=JFKWHP-AR7320-A

¹²⁶ Fajardo, “From the Alliance for Progress to the Plan Colombia: A Retrospective Look at USAID to Colombia.”

¹²⁷ Stephen G. Rabe, “Alliance for Progress,” Oxford Research Encyclopedia, March 2016, Accessed November 24, 2018 <http://latinamericanhistory.oxfordre.com/view/10.1093/acrefore/9780199366439.001.0001/acrefore-9780199366439-e-95>

¹²⁸ “Drug Enforcement Administration (DEA): 1990-1994,” Drug Enforcement Administration, Accessed November 24, 2018, <https://www.dea.gov/sites/default/files/2018-07/1990-1994%20p%2067-76.pdf>

¹²⁹ “Drug Enforcement Administration (DEA): 1990-1994.”

alternative development, improving the economy, and establishing legitimate governance.¹³⁰ The United States government supplied a large portion of the funding. In 2000, Congress approved a \$1.3 billion emergency supplemental package, \$860 million of which went directly to Colombia.¹³¹ Plan Colombia was “an effort by the Clinton administration to keep Colombia from imploding.”¹³² The U.S.’s interest in Colombia at the time was predominantly due to the increasing amount of drugs flowing into the country from Colombia; the Plan Colombia supplemental would not have been passed under any other stated purpose. However, some government actors were also worried about the increasing presence of insurgent groups, specifically the FARC, in the Western Hemisphere.¹³³

In the 20 years following the approval of the funding for Plan Colombia, the United States gave Colombia upwards of \$6.8 billion--nearly 80 percent of which has gone towards counter-drug and security efforts.¹³⁴ This contribution to the Colombian government has aided in bringing out vast improvements in the professionalization and legitimacy of the Colombian military and police forces--specifically bolstering its aviation fleet of Black Hawks and substantial training from U.S. military personnel.¹³⁵ The US has also contributed to non-military efforts including improving infrastructure, developing markets, supporting human rights efforts, judicial reform, and governance.¹³⁶

Contemporary American Interests in Colombia

According to the US Department of State, the continuing funding serves to support the interests of the US and Colombia and “includes capacity building and technical assistance in areas of mutual interest to Colombia and the United States: coca eradication and interdiction; institutional presence and licit economic opportunities in conflictive regions; land restitution; demobilization and reintegration of ex-combatants and rehabilitation of soldiers; respect for human rights; access to justice; protection of and services to internally displaced people, Afro-Colombians, indigenous populations, and other vulnerable citizens; global climate change and environmental conservation through the President's Global Climate Change Initiative; and humanitarian assistance and reparations for conflict victims and vulnerable populations.”¹³⁷ They also state that it is in the US’s interest to support Colombia in the peace process.¹³⁸

¹³⁰ Peter DeShazo et al., “Countering Threats to Security and Stability in a Failing State: Lessons from Colombia,” *Report*, Center for Strategic & International Studies, September 2009.

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ “Colombia Foreign Assistance,” [Foreignassistance.gov](https://www.foreignassistance.gov), November 9, 2018, Accessed November 24, 2018, <https://www.foreignassistance.gov/explore/country/Colombia>

¹³⁸ *Ibid.*

Considering Contemporary U.S. Interests in the Colombian Peacebuilding Process and Structuring Recommendations

There is an internal tension at the heart of U.S. assistance in the Colombian peacebuilding process. On one level, the U.S. is committed to assisting Colombia in becoming a more stable and prosperous ally. Colombia is the U.S.'s most capable and most willing partner in Latin America and is critical to regional stability and countering the global drug trade. To this end, the U.S. has already been working on peacebuilding operations, including the reintegration of ex-combatants and rural economic development, before the peace deal was signed in 2016.¹³⁹ Now that conflict has ended with the FARC, successful post-conflict peacebuilding within Colombia would be a huge boom to U.S. interests and leverage in the region.

However, despite the immense resources the U.S. could potentially devote to the peacebuilding in Colombia, the peace process must ultimately remain in Colombia's hands. The U.S. must walk a fine line between being a helpful asset to the Colombian government and taking over the government's role to provide for promised services and post-conflict development. If the Colombian government and, more importantly, the Colombian people do not feel that the peace process is in their own work, they will be less likely to take an active role in developing or ultimately support the long-term peacebuilding needed to mend national wounds after sixty years of conflict.

Determining how to balance these competing interests is even more difficult for a peace process containing multiple points of vulnerability. The actual peace accords are over 300 pages long and contain hundreds of promised stipulations. Implementing all these stipulations is estimated to cost somewhere between \$31 billion and \$90 billion USD; a large financial commitment for a country with dropping oil revenues, a depreciating currency, and a fiscal deficit close to 4 percent of GDP.¹⁴⁰ Implementation on many points has been slow or non-existent, prompting fears ex-combatants may return to conflict, the underlying causes of inequality and violence in the country will not be addressed, and a new status quo of criminal organizations will fill in the vacuum left by the FARC.

Recognizing these complexities and hoping to provide analysis most useful to U.S. policymakers, the report is broken into five principal areas for peacebuilding in Colombia:

- Rural Development and Reform
- Transitional Justice and Human Rights
- Countering the Drug Trade
- Disarmament and Socioeconomic Reintegration of the FARC
- Political Reintegration of the FARC

Each principal area and accompanying recommendations follow the following structure:

- Introduction to the policy area

¹³⁹ "Our Work: Program Overview," USAID, August 10, 2017, Accessed November 24, 2018, <https://www.usaid.gov/colombia/our-work>

¹⁴⁰ Matthew M. Taylor, "Winning the Peace: Paying for Colombia's Peace Deal," Council on Foreign Relations, September 22, 2016, <https://www.cfr.org/blog/winning-peace-paying-colombias-peace-deal>

- History of the policy area in Colombia
- Relevant past policy interventions
- Policy recommendations for the U.S.

Some principal areas may have more actionable recommendations than others based on the appropriateness and efficacy of the U.S. as a third-party partner in the peace process. A summary of the report’s recommendations for each principal area is listed below:

Recommendations | Summary Table

<i>Principal Area for Peacebuilding</i>	<i>Recommendations</i>
Rural Development and Reform	<p><i>Land Reform</i></p> <ul style="list-style-type: none"> • The U.S. can leverage political pressure to ensure that the Colombian government provides proper funding and staffing for government agencies charged with carrying out land restitution, surveying, titling, and dispute resolution. The U.S. can also leverage political pressure to push the streamlining of the agencies in control of carrying out land reform and prevent agencies fraught with corruption, like the Ministry of Agriculture, from taking predominant control over the peace process. • For land reform policies that have already been planned and are in the initial implementation phases, the U.S. can provide accompanying funding and technical assistance to fill in gaps in areas like land surveying and categorization, land titling, the development of legal institutions and regulatory mechanisms to manage land disputes and collect property taxes, and the creation of participatory land-use decision making bodies in rural communities. <p><i>Infrastructure</i></p> <ul style="list-style-type: none"> • Continue to support PPPs and promote the FDN in providing infrastructure financing. • Provide technical assistance for the planning, oversight and execution of rural infrastructure projects. • Leverage USAID and international influence to acquire sustainable funding for gaps in PDET financing.

	<p><i>Security</i></p> <ul style="list-style-type: none">• The U.S. can continue training the military as a response to larger criminal organizations and still active guerilla organizations like the ELN.• The U.S. can improve security in rural regions by advising the Colombian National Police Force on methods of management, organization, and leadership within the structure of the police force. Using the US's expertise in police structure across its much larger geographic territory can provide helpful knowledge to Colombian officials in how to structure rural police forces. <p><i>Political Participation</i></p> <ul style="list-style-type: none">• Continue to fund the promotion of democratic values and institutional strengthening programs through USAID initiatives.• Transition peace implementation measurement mechanisms, like the Kroc Institute Reports, into public information campaigns to actively inform the Colombian population on the status of the peace process for democratic feedback.• The U.S. can also support democratic processes in Colombia more generally to improve the legitimacy of elections by continuing to financially and technically support the government in promoting greater electoral participation, including its vote ID-issuance campaign in marginalized areas and the digitizing of voter counts. Both the U.S. State Department and the National Association of Secretaries of State, the non-partisan professional organization of public officials in the United States, issues election observation reports on the strength of democratic institutions. <p><i>PDETs</i></p> <ul style="list-style-type: none">• The U.S. can provide technical assistance to development projects, including assistance by the Army Corps of Engineers.• The U.S. can act as a third party supervisor and auditor of development projects.• The U.S. can leverage its political influence in international organizations such as the World Bank or IMF to encourage financial support of PDETs.
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<p>Transitional Justice and Human Rights</p>	<ul style="list-style-type: none"> • The U.S. should continue strengthening human rights and local level security measures by investing in civil society organizations that promote peace, security, and political inclusion. • The U.S. should provide open support for the implementation transitional justice measures, especially the Special Jurisdiction for Peace (JEP). • The U.S. should avoid intervening in the Colombian judicial process by requesting extraditions of FARC members to the U.S. • U.S. funding to the Colombian military should maintain strict conditions regarding human right abuses and include the prevention and investigation of violence against social leaders as a key component of focus. • The U.S. should continue to support and advise the Colombian government on how to create a more efficacious judicial system and support the training and education of more lawyers and judges. • The U.S. should support Colombian arts and media initiatives with a focus on reconciliation and healing for victims through multilateral institutions or non-profit and private sector grants.
<p>Countering the Drug Trade</p>	<ul style="list-style-type: none"> • The U.S. should not pressure the Colombian government to restart aerial spraying as a method of coca eradication and instead favor broader manual eradication campaigns. • The U.S. should move away from focusing drug policy on acreages of coca grown as it is not necessarily related to total tons of cocaine eventually shipped to the U.S. nor is it representative of broader complexities in the drug trade. • The U.S. should work with the Colombian government to continue alternative development programs with long-term sustainable funding, the construction of infrastructure for rural access to licit markets, and an expansion of state presence in PNIS implementation areas. • The U.S. should bolster interdiction efforts to attack points in the production chain that take the most profits away from criminal organizations. • The U.S. should initiate serious plans to reduce U.S. narcotic demand following a public health model for preventing and treating addiction.

	<ul style="list-style-type: none"> • The U.S. should stop extraditions of ex-combatants when the process conflicts with transitional justice plans as it undermines new Colombian judicial systems and threatens to create recidivism amongst ex-combatants.
<p>Disarmament and Socioeconomic Reintegration of FARC</p>	<ul style="list-style-type: none"> • The U.S. should convene a special council between the Departments of State and Treasury to determine whether the FARC-EP can be removed from the list of foreign terrorist organizations. <p><i>If the FARC-EP is removed from the list of foreign terrorist organizations:</i></p> <ul style="list-style-type: none"> • The U.S. should provide open political support for the increased provision of health services and educational reintegration services at ECTRs. • The U.S. should encourage the Colombian government to waive the business certification costs, but not processes, for ex-combatant productive projects. • The U.S. should provide technical support for the development of ex-combatant businesses like eco-tourism and agriculture.
<p>Political Reintegration of FARC</p>	<ul style="list-style-type: none"> • The U.S. should convene a special council between the Departments of State and Treasury to determine whether the FARC-EP can be removed from the list of foreign terrorist organizations. • Support democratic mechanisms and electoral transparency, see <i>Political Participation</i>.

Rural Development | Land Reform

Introduction and Problem Statement

Over the past few decades, policymakers have begun to realize the centrality of land and property rights for post-conflict reconstruction. Increasingly, international agencies and national governments have focused on resolving land and property-related disputes as an integral part of sustainable peace-building. However, despite the growing recognition that displaced peoples ought to receive restitution for lands taken during conflict, a cohesive framework for dealing with post-conflict property rights has yet to take shape. Often, entire justice, land administration, and land-use planning systems must be fully overhauled if not rebuilt.¹⁴¹

Relevant issues for land reform within peace-building strategies include: the return of refugees and internally displaced peoples, secondary occupation of housing land and property, property damage or destruction from conflict, the absence of dispute-resolving institutions, pre-conflict ownership claims and discriminatory pre-conflict property and land use laws. Given the diversity and complexity of post-conflict land issues, the lack of focus on land and property issues has historically handicapped peace-building operations and may threaten the success for peace-building in Colombia.¹⁴²

Colombia has one of the most severe internal displacement situations in the world.¹⁴³ The displacement of civilians was a central goal of the major parties to the conflict as it allowed groups to shore up control of large tracts of territory and increase their economic gains from land under their control. At the signing of the peace deal in 2016, armed conflict had cost over 260,000 lives and displaced 7 million people. Most of these displaced persons have moved to the peripheries of large cities, like Bogotá and Cali, and most live in poverty.¹⁴⁴

Comprehensive rural land reform would be a major achievement on the pathway to sustainable peace in Colombia. For the U.S., a successful overhaul and strengthening of equitable land ownership in the Colombian countryside would mean the removal of a major cause of destabilizing leftist guerilla violence in the region alongside a boom for alternative rural development campaigns hoping to eliminate rural coca farming. However, a delayed or partial implementation of rural land reform could not only fail to produce economic opportunity in the countryside but lead to resurgences in violence that could undermine the ongoing peace process.

Relevant Policies

President Lopez began the first era of Colombian land reform initiatives during the 1930s. In 1936 the Colombian government passed Law 200, which provided land titling in hopes of

¹⁴¹ Scott Leckie, *Housing, Land, and Property Rights in Post-Conflict United Nations and Other Peace Operations: A Comparative Survey and Proposal for Reform*, (Cambridge: Cambridge University Press, 2009), p. 3-16.

¹⁴² Scott Leckie, "Housing, Land, and Property Rights in Post-Conflict United Nations and Other Peace Operations: A Comparative Survey and Proposal for Reform," p. 3-16.

¹⁴³ "Colombia," International Displacement Monitoring Centre, <http://www.internal-displacement.org/countries/colombia>.

¹⁴⁴ "Colombia," International Displacement Monitoring Centre.

increasing commercialization and productivity in the agrarian countryside. Law 200 was extremely limited in scope, only applying to land not actively being used, and because it acknowledged tenants' rights to sue for control of occupied land many landowners violently forced tenants of their land.¹⁴⁵

After *La Violencia* (1948-1959), President Pinilla instituted a rural development initiative. The development plan hoped to (1) provide basic services and education to the rural poor to prevent future political violence, (2) construct a new rural peasant class as a market for urban manufacturers, (3) stem the tide of rural refugees to urban centers.¹⁴⁶

The Colombian government established INCORA in 1961 to redistribute unproductive land to peasants displaced by the civil war. INCORA only resettled around 250,000 families out of the 935,000 families eligible for resettlement.^{147,148} Farmers that were resettled were encouraged to buy expensive agricultural machinery through government credit programs.¹⁴⁹ Farmers fell into debt and had to rent their land as they could not produce enough on their small plots to pay of the loans.^{150,151} Land inequality remained virtually unchanged.^{152,153}

In 1994, The Colombian government passed Law 160. Law 160 provided a 70 percent government subsidy for small farmers to buy land and expand their businesses. The government agencies responsible for providing the subsidy are fraught with mismanagement and corruption which has limited the subsidy's impact.¹⁵⁴

From 2000 to 2010 the Colombian government focused on supporting large agrobusiness to develop the economy of the countryside.¹⁵⁵ Because of this focus on agrobusiness, programs hoping to expand access to land for small farmers stagnated.

The Colombian government established INCODER to carry out national land reform and to replace the long defunct INCORA program. INCODER has faced a lack of funding and staffing and a string of corruption scandals.¹⁵⁶

¹⁴⁵ David Bushnell, *The Making of Modern Colombia*, (Los Angeles: University of California Press, 1993), 187-190.

¹⁴⁶ David Bushnell, *The Making of Modern Colombia*, (Los Angeles: University of California Press, 1993), 232-233.

¹⁴⁷ David Bushnell, *The Making of Modern Colombia*, (Los Angeles: University of California Press, 1993), 234.

¹⁴⁸ Rosemary Galli. *The Political economy of rural development: peasants, international capital, and the state: case studies in Colombia, Mexico, Tanzania, and Bangladesh*. (Albany: State University of New York Press, 1981), 55.

¹⁴⁹ Rosemary Galli. *The Political economy of rural development: peasants, international capital, and the state: case studies in Colombia, Mexico, Tanzania, and Bangladesh*, 55-6.

¹⁵⁰ Rosemary Galli. *The Political economy of rural development: peasants, international capital, and the state: case studies in Colombia, Mexico, Tanzania, and Bangladesh*, 55-6.

¹⁵¹ "Colombia," USAID, October 10, 2017, <https://www.usaid.gov/es/colombia>.

¹⁵² Diana Michelle Grusczyński et al., "Integrating Land Issues Into the Broader Development Agenda Case Study: Colombia," The World Bank, May 22, 2002, Accessed December 10, 2018.

https://www.researchgate.net/publication/228690375_Integrating_Land_Issues_into_the_Broader_Development_Agenda_Case_Study_Colombia

¹⁵³ Samir Elhawary, "Between war and peace: Land and humanitarian action in Colombia," Humanitarian Policy Group, December 2007, Accessed December 10, 2018, <http://www.odi.org.uk/resources/download/1912.pdf>.

¹⁵⁴ "Colombia," USAID.

¹⁵⁵ "Colombia," USAID.

¹⁵⁶ "Colombia," USAID.

Despite this broad stagnation in land reform, the National Development Plan (2006-2010) strengthened some land rights for indigenous and Afro-Colombian communities. This initiative included giving 70,000 hectares of ancestral land to 3,500 Afro-Colombian families in the pacific region.¹⁵⁷

Similarly, in 2006 the Colombian government established the Mesa de Tierras, the Inter-Institutional Land Commission, to manage land restitution to displaced families. The organization includes several agencies fraught with corruption, like INCODER, the Ministry of Agriculture, and the Ministry of Rural Development, along with some academic and social organizations.¹⁵⁸

In 2009, the Colombian government initiated the National Consolidation Plan Following Plan Colombia. The plan laid out some mechanisms for reparations and restitution of land to IDPs but implementation of these mechanisms has been painfully slow.

In 2011 the Colombian government passed Law 1448 which created a Land Restitution Unit (LRU) to verify lands unjustly taken during the conflict and return them or a similar plot of land to displaced families. In its first two years, the LRU only returned 13,000 hectares of the approximately four million hectares of land stolen or abandoned during the conflict. Little has been done to protect claimants to the LRU—between January 2012 and May 2013 510 threats were made against restitution claimants none of which led to charges of convictions.¹⁵⁹

Stipulations and Status of Land Reform the Peace Deal

The Colombian Peace Deal Provided the following stipulations related to land access and use:

Major Areas	<i>Example Stipulations</i>
Land Fund and Access to Land (1.1.1-1.1.4)	<ul style="list-style-type: none"> • The provision of a comprehensive government subsidy for the purchase of land by selected beneficiaries, particularly women. • The provision of long-term, subsidized credit lines for selected beneficiaries, particularly women. • The provision of housing support, training, land improvement, rural productive projects, and marketing assistance within the context of PDETs.
Mass Formalization of Land (1.1.5)	<ul style="list-style-type: none"> • The creation of a large-scale titling plan with the participation of local communities and organizations.

¹⁵⁷ “Colombia,” USAID.

¹⁵⁸ “Colombia,” USAID.

¹⁵⁹ Sharmala Naidoo et al., “Mine Action and Land Issue in Colombia,” Geneva International Centre for Humanitarian Demining, 2013, Accessed December 10, 2018, <https://drc.ngo/media/1608698/mine-action-land-issues-colombia-2013-1-.pdf>, 21-22.

	<ul style="list-style-type: none"> • The guarantee of no charge for the land titling process. • Creation of an expert group to design policy recommendations around property rights and good faith, the social and ecological function of land ownership, access to land for those without or with insufficient land, and the promotion of productive uses of land.
Land Dispute Resolution Mechanisms (1.1.5, 1.1.8)	<ul style="list-style-type: none"> • The creation of a new rural legal system to resolve land disputes and promote the regularization of rural property, with a focus on empowering women. • The creation of a high-level body to draw up general guidelines for land use and a territorial-based vision of rural development. • The promotion of participative spaces for the planning of rural land use and territorial management.
Comprehensive and Multipurpose Land Registry System (1.1.9)	<ul style="list-style-type: none"> • The creation of a comprehensive and multi-purpose General Cadastral Information System, which, within a maximum of 7 years, leads to the creation and updating of the rural <i>cadastre</i>, including the registration of rural property, and is implemented within the framework of municipal autonomy. • The provision of technical, administrative and financial support for local authorities in the creation and maintenance of the rural <i>cadastre</i>. • The design of an appropriate regulatory framework for progressive rural property taxes.
Land Use and Environmental Protection (1.1.10)	<ul style="list-style-type: none"> • Within two years, implement an environmental zoning plan to delimit the agricultural frontier and update the inventory of biodiversity and ecological areas. • Provide support, like training in sustainable food production and reforestation, for resettled families to close the agricultural frontier and preserve the environment.
<i>Campesino</i> Reserve Zones (1.1.10)	<ul style="list-style-type: none"> • The creation of PEZs, agricultural initiatives that are conducive to

	peacebuilding, to guaranteeing political, economic, social and cultural rights of rural communities, to development based on socio- environmental and food sustainability and to reconciliation between Colombian citizens.
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As of May 2018, the following numbers of stipulations are completed, in progress or not started:

Major Areas	Stipulations	Stipulations Minimally or Not Implemented	Stipulations Intermediately or Fully Implemented
Land Fund and Access to Land	12	12	0
Mass Formalization of Land	3	1	2
Land Dispute Resolution Mechanisms	5	4	1
Comprehensive and Multipurpose Land Registry System	5	5	0
Land Use and Environmental Protection	3	3	0
Campeño Reserve Zones	1	1	0

Source: Kroc Institute, *State of Implementation of the Colombia Peace Agreement, Report Two*

As of 2018, only 3 percent of the stipulations relates to land access and use had been implemented with 90 percent of the other stipulations being minimally implemented or not implemented at all.¹⁶⁰

Major Advances in Implementation:

- In 2017 the Colombian government passed Law 902 which established a national land fund and gave it control of 525,000 hectares out of the 3,000,000 hectares promised in the peace deal.
- New legislation increasing the efficacy of Property Confiscation Codes
- Definition of technical bases for environmental zoning and delimiting the agricultural frontier.
- Creation of Payment for Environmental Services incentive.
- Advances in the participatory design of the PDET in 155 of 170 prioritized municipalities, and the convening of more than 1,236 pre-assemblies (75 percent of the total). Initiation of the municipal planning stage for the PDET.

¹⁶⁰ “State of Implementation of the Colombia Peace Agreement, Report Two,” Kroc Institute, August 2018, https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf.

- Initial increase in state presence in historically neglected areas. Dialogue established with hundreds of territorial social organizations, associations, and local authorities.¹⁶¹

Major Difficulties in Implementation:

- Fragmentation and legislative delay.
- Lack of clarity regarding coordination processes between the PDETs and other territorial programs and plans.
- Doubts about the financial sustainability of the PDET and the National Plans.¹⁶²

Stakeholder Perspectives:

Experts and stakeholders interviewed in Colombia expressed doubt about the future of land reform in Colombia. Historical initiatives to redistribute or extend access to land have broadly failed. Although a major selling point of the deal to the countryside and the FARC, rural land reform has not maintained a public spotlight post-Santos.

Stakeholder brought up the difficulties displaced Colombians face as they try to return to their homes after the conflict. Often their former homes are now reoccupied and there are still no effective state institutions for them to turn to in order to resolve land disputes. As one medical practitioner explained, one of her patients fled from their home for only two weeks due to violence in their community and when they returned their home had already been inhabited by others. Without any formal title to the land nor the house the patient had no mechanism to regain their home.

Many stakeholders worried that since the political base for the Duque administration is partially made up of large landholding Colombian elites, the implementation of land titling and land rights will be delayed or scrapped. These elites benefit from lax or non-existent land laws and titling. Stakeholders also expressed concern about the Duque administration's recent moves to give greater power to the Ministry of Agriculture, a highly corrupt agency captured by agro-business interests, in the process of land titling and dispute resolution.

Moreover, stakeholders expressed concern that a lack of land reform will hinder other parts of the peacebuilding process, including the strengthening of rural economies and rural institutions. Without land titling, entrepreneurial farmers and business cannot be assured that they control their property and local governments will not be able to collect taxes effectively to reinvest in the community.

¹⁶¹ “State of Implementation of the Colombia Peace Agreement, Report Two.” Kroc Institute, August 2018, https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf.

¹⁶² “State of Implementation of the Colombia Peace Agreement, Report Two,” Kroc Institute, August 2018, https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf.

Moving Forward as Colombia and U.S.

The U.S. can help peacebuilding through land reform in Colombia through two pathways. First, the U.S. can provide political support for the accelerated and full implementation of the land reform section of the peace deal specifically for the stipulations laid out in:

- The increase in access to land
- The establishment of mechanisms for land dispute resolution
- The establishment of a comprehensive and multipurpose land use registry system
- The establishment of land use and environmental protection frameworks
- The establishment of *campesino* reserve zones

A major challenge in carrying out the land reform agenda has been delay within the Colombian legislature. Strong U.S. support for land reform could increase the pace of legislative planning and implementation in Colombia.

Similarly, the U.S. can leverage political pressure to ensure that the Colombian government provides proper funding and staffing for government agencies charged with carrying out land restitution, surveying, titling, and dispute resolution. The U.S. can also leverage political pressure to push the streamlining of the agencies in control of carrying out land reform and prevent agencies fraught with corruption, like the Ministry of Agriculture, from taking predominant control over the peace process.

For land reform policies that have already been planned and are in the initial implementation phases, the U.S. can provide accompanying funding and technical assistance to fill in gaps in areas like land surveying and categorization, land titling, the development of legal institutions and regulatory mechanisms to manage land disputes and collect property taxes, and the creation of participatory land-use decision making bodies in rural communities.

Rural Development | Infrastructure

Introduction and Problem Statement

Infrastructure is a crucial component to any functioning economy, but this sector is of utmost importance in Colombia where the modernization of transportation networks and improvement to access to central markets can drastically advance economic conditions and minimize the urban-rural economic divide that plagues Colombia. Currently, rural regions suffer from their intense isolation from economic, political, and cultural centers of the country, which are largely located in urban cities like Bogotá and Medellín. In order to ensure the effectiveness of the peace deal in assisting rural people overcome poverty and inequality, there must be a solid network of infrastructure across Colombia to deliver public services and connect previously neglected rural communities to the rest of the country.



On the journey to ETCR San Jose De Oriente, visitors must exit their trucks, buses, and other large vehicles to take smaller off-road cars in order to travel to the camp due to the poor quality of the dirt roads connecting this FARC reintegration camp to the nearest highway.¹⁶³

Overview of Infrastructure Development in Colombia

Despite considerable economic growth over the past decade, Colombia's rural development has long been hindered by the country's infrastructural deficiencies. According to the World Economic Forum, Colombia ranks 92nd out of 148 countries in terms of overall infrastructure quality. Colombia has paved only 15 percent of its roads and built just 1000 km of dual-lane divided highways. The country's rail network is also highly limited, spanning just 900 km. These infrastructural deficiencies are primarily rooted in geographic challenges, but have been exacerbated by the country's long history of conflict. Colombia is divided by three Andean

¹⁶³ Photo courtesy of Billy Kosmidis '19

mountain ranges and much of its territory is obstructed by jungle. These geographic characteristics make building transport infrastructure difficult as the average cost of building a kilometer of road in the Andes (\$10 million USD) is significantly higher than in the US (\$2.25 million USD) or Europe (\$2.6 million USD).¹⁶⁴ The country's most promising transport arteries are its rivers, but the Colombian government has yet to develop the capacity to control sufficient territory to supplant smuggling networks and facilitate large-scale licit transport systems. The poor quality of road, railroad and port networks have greatly inhibited the country's economic connectivity and limited regional access to the international market and state services. As of the 1990s, the country's transport networks were so limited that "Some accounts showed the poor quality of Colombia's highways and roads made it cheaper to send a shipping container to Asia than to transport items from a Colombian port to an island city."¹⁶⁵

The inequality between rural and urban areas is a symptom of these infrastructural insufficiencies, and infrastructural expansion will play a pivotal role in addressing the core causes of conflict in Colombia. Difficulties in travel and transport, combined with the presence of extra-legal authorities in rural areas have prevented the provision of basic state services in rural areas and isolated rural communities from the formal economy, leading to vast inequalities in public health, education, and income, and perpetuating illicit economies. As a point of reference, just 70 percent of the Colombian population has secure access to potable water, and though access to electricity and internet connection has increased in recent years, there is at least a five percent disparity in access between urban and rural areas.¹⁶⁶ The void of opportunity and state services in rural areas has historically opened the door for leftist groups and other criminal authorities to insert themselves as a local authority. Now that arms have been laid to rest, the Colombian government faces a pivotal opportunity to reinsert itself as an authority reintegrate formerly conflict-ridden regions.

Relevant Past Policy Interventions

In the past decade, Colombia has expanded its transport network through four different generations of Public Private Partnership (PPP) road concessions. Colombia's concessions contracts have historically poorly managed incentives, creating opportunities for renegotiating signed contracts that assigned unapportioned demand risk to the Colombian government. Colombia's National Department of Planning (DNP) found that out of 25 concession deals from 1993 to 2010, there was an average of 20.5 renegotiations of the contracts, which is estimated to have added an average cost of \$266.8 million USD and an extension of six years of concession times per deal, costing the government an additional \$5.6 billion USD.¹⁶⁷ Furthermore, private international investors have shied away from infrastructural projects in Colombia due to

¹⁶⁴ "Export Impact For Good." ITC. Accessed December 11, 2018. <http://www.intracen.org/country/Colombia/Infrastructure/>.

¹⁶⁵ Neves, Philippe. "Colombia: The Roads More Traveled." Jobs and Development. February 07, 2018. Accessed December 11, 2018. <http://blogs.worldbank.org/ppps/colombia-roads-more-traveled>.

¹⁶⁶ "People Using Safely Managed Drinking Water Services (% of Population)." Literacy Rate, Adult Female (% of Females Ages 15 and Above) | Data. Accessed December 11, 2018. <https://data.worldbank.org/indicator/SH.H2O.SMDW.ZS>.

¹⁶⁷ Infrastructure Plans in Colombia to Increase Building Activity." *Oxford Business Group*, 6 Sept. 2017, oxfordbusinessgroup.com/overview/lift-sharp-increase-activity-expected-infrastructure-plans-come-fruit0.

uncertainties about cost recovery and the complex system of environmental licensing and community outreach associated with working in remote areas of the country. The first three generations of PPPs made significant strides in streamlining the contracting process and quality control, but left significant room for improvement in the problem of risk allocation and attraction of foreign investors.¹⁶⁸

Modeled after successful highway expansion projects in Brazil, the Colombian government partnered with the International Finance Corporation's (IFC) PPP Advisory Services team to design a fourth generation of road concessions (4G). The proposed plan would attract an estimated \$24 billion in investment for 32 projects to build and rehabilitate approximately 8,000km of the nation's most important transport arteries. Between 2011 and 2014, the IFC led an effort to strengthen Colombia's legal and institutional frameworks in order to enable successful and sustainable PPPs in the future, particularly bolstering the country's tender process by increasing transparency. The IFC also lent financial market expertise, partnering with the Colombian government to create the *Financiera de Desarrollo Nacional* (FDN), a national infrastructure development bank devoted to addressing market failures that undercut infrastructure financing. Vested with \$70 million from the IFC, the bank is tasked with creating and delivering products that encourage investment in the country's infrastructure. One of these products included the first infrastructure debt funds in Colombia, raising \$400 million for investment in road projects.¹⁶⁹

Additionally, the U.S. has cooperated to initiate infrastructure development that will improve conditions for inclusive rural economic growth in Colombia through two core solutions spearheaded by USAID. First, USAID has dedicated itself to bringing greater public and private investment in the rural sector, namely through strategies that involve improving the capacity of local communities to utilize public funds for productive and effective infrastructure projects, such as roads, and work through PPPs to connect small producers and ethnic communities with private companies, which can provide lucrative business opportunities.¹⁷⁰ Second, USAID is assisting farmers to resist turning to illicit crop production by helping coffee, cacao, and other agricultural farmers find markets and negotiate with wholesale buyers in order to help these farmers avoid poverty and produce products that are going to support them.¹⁷¹ These crucial steps in improving the connection between agricultural communities and central markets demonstrate the utility of working with foreign aid agencies and provide a source of hope for Colombians to move past the difficult years of the conflict.

Despite the scale of the 4G program and the support of key allies like the United States, several infrastructure bottlenecks remain and will require significant investment and attention in the coming years. The success of infrastructural projects moving forward rests on Colombia's ability to continue to attract international financing, particularly due to local exposure to currency risk and the historically low peso against the dollar. Other key factors influencing the success of

¹⁶⁸ Neves.

¹⁶⁹ *Ibid.*

¹⁷⁰ "USAID/Colombia Program Overview." *U.S. Agency for International Development*, USAID, 2015, www.usaid.gov/news-information/fact-sheets/usaidcolombia-program-overview.

¹⁷¹ *Ibid.*

Colombia's future infrastructure projects include: (1) setting reasonable project timelines; (2) quality control; (3) more careful selection of technically-viable projects as PPPs coordinate through multi-stakeholder steering committees; and (4) the global promotion of Colombia as safe investment target.

Connections to Central Markets and Public Services

In light of the Colombian peace process, disenfranchised individuals across former-FARC groups and rural communities are further distanced from playing a role in Colombia's modernizing economy due to the lack of access to central markets. Previously, cartels and paramilitary groups would manage these rural areas throughout Colombia that have been starved of any state presence and would provide them with avenues to transport their goods, largely relying on river networks, which these groups often restricted to the production of drug-related crops like coca. By relying on these cartel and paramilitary transportation networks to move narcotics across borders, most rural regions never received government funding to create established road networks to central markets within Colombia. With the peace deal's call to an end of coca production and the paramilitary groups' control of these regions, the Colombian government must now fill the power vacuum by investing in connecting these isolated regions to the central economic grid of the country, which largely revolves around urban centers like Bogotá and Medellín, but also smaller towns and markets throughout the country side, like Valledupar, which is located near the ETCRs of Ponedores and San Jose De La Oriente.

An important aspect of connecting these rural regions to central markets will be working with PPPs, but these coordinated projects between the public and private sectors must follow in line with newly passed legislation. Most notably, in 2012 Colombia passed its first PPP regulation, Law No. 1508, which established a new regulatory framework for structuring large-scale PPPs. The law laid down for foundation for new key principles; "instead of financing pre-construction of projects, the state must pay the private contractor only for previously determined functional sections of projects ... [and] projects are now required to have an adequate risk and socioeconomic impact analysis, and over-budget costs have been capped at a maximum of 20 percent of the total cost of a project."¹⁷² These changes have led to improved uses of capital investment in infrastructure projects, resulting in improved timelines for the completion of projects, reduced project costs, and more efficient consumption of state resources. To ensure that modern roads and bridges are built in a cost-effective and impactful way across rural regions, the government must create a balance between addressing the public needs and cooperating with the private sector.

Another important driver for the implementation of infrastructure projects that increase connectivity between rural and urban centers is the need for effective public services and emergency response in isolated regions of the country that have been starved of any state presence. Emergency response refers to the ability of police, military, ambulances, health care providers, humanitarian aid, and other providers of public services to quickly and effectively reach the communities that need their services in situations of security and health related

¹⁷² "Infrastructure Plans in Colombia to Increase Building Activity." *Oxford Business Group*, 6 Sept. 2017, oxfordbusinessgroup.com/overview/lift-sharp-increase-activity-expected-infrastructure-plans-come-fruit-0.

emergencies, ranging from personal health injuries for acute conditions to protection from a guerilla or paramilitary raid on a village. In its current state, the lack of advanced road networks inhibits the ability for crucial public services to address crises in hard to reach areas of the country. These services, such as the provision of hospital care to the presence of fire departments to the reliability of police forces to address security crises, are all fundamental elements of an effective government. Women in particular are disproportionately affected by the lack of effective transportation infrastructure to connect women living in rural communities to important prenatal and child care at health facilities in Colombia. Additionally, Afro-Colombian and indigenous communities, which are often concentrated in isolated regions, are incredibly vulnerable to a lack of access to fast emergency responses and public services that the Colombian government must provide to all citizens. The better the transportation infrastructure to these remote rural regions, the faster the government can ensure quick emergency responses to all these potential public service crises that vulnerable rural communities face.

This aspect of the infrastructure problem in Colombia distinctly address the insecurity issues in rural aspects of the country that lack the presence of a state authority. If the Colombian government establishes a modernized network of roads across the country, then the national police and military can be quickly deployed to address security threats from lingering paramilitary groups or cartels. In crises that pose a real threat to state security, time is of the utmost importance and without established roads and bridges to connect military and police headquarters to the mountainous towns that often serve as hideouts of guerrilla groups, the government will lose precious time in travel that could mean the difference between victory and loss in the battle for maintaining state control over the rural communities of Colombia.

Corruption

Due to the massive amounts of money required for these large-scale infrastructure development projects, the risk of corruption is imminent, especially given Colombia's history with corporate infrastructure fraud. Most notably, the Brazilian construction company, Odebrecht SA, that was found guilty of bribing government officials in dozens of countries, has confessed to paying at least \$32.5 million in bribes in Colombia to win six government contracts between 2009 to 2014.¹⁷³ The corrupt officials implicated in this scandal range from Colombian Senators to the former Deputy Minister of Transportation, revealing the widespread and deep rooted nature of this scandal. The resulting arrests across both the public and private sector have had severe ramifications across Colombia, from a decline in the people's trust of government officials to use public dollars honestly and cost-effectively to the complete halt of key infrastructure projects that were caught up in this scandal. Thus, this case exposes the presence of a culture of bribery and corruption that operates in the shadows of the Colombian government, hindering the potential success of infrastructure development projects. Therefore, in order to ensure the success of any recommendations, careful monitoring of the procedure of selecting companies to acquire government contracts must be ensured in addition to increasing transparency in public private infrastructure partnerships.

¹⁷³<https://www.bloomberg.com/news/articles/2018-08-15/colombia-reveals-odebrecht-bribes-are-3-times-more-than-known>



At a nation-wide protest for education reform, Colombians hold a sign calling for an end to corruption and violence. A translation of the poster reads: “In Colombia we do not have a government, instead we have a cartel of corruption and fraud. ODEBRECHT. No more assassinations of social leaders. Uribe is a killer. DUQUE IS NOT MY PRESIDENT.”¹⁷⁴

Policy Solutions in the Peace Agreement

Currently, the Peace Agreement has laid the groundwork for addressing infrastructure concerns through Development Programmes with a Territorial-Based Approach (PDET), which “begin with an action plan for regional transformation” and “include ample participation from the relevant sectors of the community, in the plan’s formulation, execution and follow-up.”¹⁷⁵ Within the National Plan to provide PDETs to implement to peace agreement, there are three core infrastructure goals: developing a rural road network, irrigation and draining infrastructure, and electricity and internet services. Across these three projects, the rural road network is the crux for ensuring the delivery of the comprehensive rural reforms and the provision of security within the peace agreement.

¹⁷⁴ Photo Courtesy of Maxwell Tobias Kanefield '19

¹⁷⁵ Booklet from the high commission for peace

Major Areas	Stipulations	Stipulations Not Implemented	Stipulations Minimally Implemented	Stipulations Intermediately or Fully Implemented
Rural Infrastructure: Tertiary Roads	2	0	2	0
Rural Infrastructure: Irrigation	5	3	2	0
Rural Infrastructure: Electricity and Internet	4	2	2	0

Source: Kroc Institute, *State of Implementation of the Colombia Peace Agreement, Report Two*

Stipulations for infrastructure projects have barely been implemented at this juncture. Among the three rural infrastructure development projects outlined in the peace agreement none have been fully or intermediately implemented. Without roads, irrigation, electricity, and internet rural regions will continue to lag behind the rest of Colombia in terms of economic, political, and social development, perpetuating to the vast urban-rural divide that lead to the conflict.

Some progress has been made in increasing the cooperation of the government with the business sector in the implementation of these infrastructure projects.

Namely, Decree 1650, which was passed in 2017, established the Areas Most Affected by the Armed Conflict (ZOMAC), granting tax benefits for all companies that invested in infrastructure development projects in these areas. Furthermore, the Colombian government has identified 344 municipalities to receive these special tax benefits, but only 27 projects in 28 ZOMAC municipalities are currently under construction.¹⁷⁶

Policy Recommendations Moving Forward

In order to create lasting improvements to the infrastructure of Colombia, several key changes must be implemented to achieving much-needed development across rural regions of the country. Central to any recommendation for infrastructure development is the goal of improving rural access to central markets, which can only occur through the creation of more roads and bridges among isolated villages, rural communities, and urban centers. Through the implementation of widespread effective transportation infrastructure projects that can connect rural and urban landscapes, Colombia can minimize emergency response times and improve its ability to offer key state provisions such as health and security services.

In all of these infrastructure development goals, the United States can play an important role as a financial investor and a development consultant.

¹⁷⁶ Kroc Institute, *State of Implementation of the Colombia Peace Agreement, Report Two*
https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf

- Continue to support PPPs and promote the FDN in providing infrastructure financing.
- Provide technical assistance for the planning, oversight and execution of rural infrastructure projects.
- Leverage USAID and international influence to acquire sustainable funding for gaps in PDET financing.

Rural Development | Security

Introduction

In 1995, 58 percent of Colombia's municipalities had a guerrilla presence and a quarter of the municipalities had no police presence at all.¹⁷⁷ Although the situation has mildly improved, rural regions continue to struggle to achieve economic and social development without adequate security against guerilla forces. This lack of protection stems from the insufficient government presence in remote rural regions, which contributed to the rise in guerilla groups that formed to in part provide local security, placing pressure on legitimate state authority in rural parts of the country. To address these security concerns, Colombia will need to provide proper infrastructure to ensure fast and effective emergency response, empower local police forces with support and training from national security units, and severely reduce paramilitary violence and control in rural regions of the country. In short, security is a necessary condition for any comprehensive rural reform.

Overview of Changing Security Regimes

From its inception in 1891 until around 1958, Colombia's police force was used as an instrument of inter-party conflict by the Liberal and Conservative parties during *La Violencia*.¹⁷⁸ As each party vacillated in and out of power, the police was used to purge the opposition party rather than focus on its purpose to provide neutral and universal protection for all Colombians. In 1961, Colombia became one of the first Latin American countries to use U.S. aid to buy equipment for counterinsurgency. Colombian and U.S. military forces used this support to establish self-defense paramilitaries, also known as Defense Civil Groups, throughout the countryside. Policymakers hoped these local military forces would defend the development plan and insulate rural communities from leftist and communist influences. As the Colombian military continued to expand to take territory from liberal peasant guerilla bands, new guerilla organizations, including the FARC and ELN, were founded to continue fighting violent commercial expansion onto peasant lands, laying the groundwork for the longest running conflict in the western hemisphere.

In response to the growing violence, the police force severed itself from the military, local authorities, and political parties through a gradual process of self-determination in the 1990s, but this process was often interrupted by the armed conflict among the government, paramilitary groups, and drug cartels.¹⁷⁹ As the conflict grew in size and impact on the country, illegal groups began to influence the police resulting in rampant corruption as "many drug barons have previously been policemen and have an advantage as they have all the confidential information of police operations and monitored trade routes."¹⁸⁰ Thus, widespread distrust over the police has given rise to security concerns across the country, but a disproportionate level of insecurity is

¹⁷⁷ DeShazo et. al

¹⁷⁸ VÁSQUEZ, J.C. RUÍZ. "Community Police in Colombia: An Idle Process." *Policing and Society* 22.1 (2012): 43.

¹⁷⁹ VÁSQUEZ, J.C. RUÍZ. "Community Police in Colombia: An Idle Process." *Policing and Society* 22.1 (2012)

¹⁸⁰ VÁSQUEZ, J.C. RUÍZ. "Colombian Police under Fire: Image, Corruption and Controls." *Policing Policing: An International Journal of Police Strategies & Management* 36.2 (2013): 406.

faced by rural regions. In fact, rural communities tend to suffer the most from the negative impacts of an ineffective police force because these regions are the most susceptible to occupation by violent armed groups due to the lack of any state presence.

The oldest branch of the Colombian National Police Force is the Directorate of Carabineers and Rural Security whose “Mobil Squadron of Carabineers” [*Escuadrones Móviles de Carabineros*] (EMCAR) directly patrol the rural regions of Colombia and work to maintain public order in conflict regions dominated by paramilitary and cartel groups. These units are at the forefront of the Colombian conflict and must be further strengthened in order to expand state presence across the country. However, this top-down structure of placing these rural-focused policemen as a subsidiary of the central national police force neglects the potential opportunity to enhance its regional capabilities through embracing a more bottom-up approach. In this reimagined police force, there would be a stronger cooperative effort to establish a local police force that contains a mixture of central police force units with local rural community members who have the trust of their neighbors and the expertise from living in the area. Additionally, large-scale structural changes to how security is envisioned in Colombia are necessary. Primarily, in the current state of the peace implementation process, security forces must transition “from a strategy of counterinsurgency to a framework of human security and community protection,” in order to provide protection and rule of law in rural regions.¹⁸¹ Thus, the Colombian government has passed Decree 895 on May 29, 2017 to set up the Comprehensive Security System for the Exercise of Politics (SISEP) and Decree 300 of 2017 to establish the Sub-Directorate for Security and Protection in the National Protection Unit (UNP), but new units designed to address specific security concerns unique to the peace process that the security regime of the status quo have failed to address, namely the protection of social leaders and individuals in rural communities.

Implementation of the Peace Process

The peace deal laid out an overhaul of Colombia’s local police forces to increase their legitimacy and efficacy while ensuring the protection of citizens’ rights. Stipulations included the creation of a National Commission on Security Guarantees, the creation of a special investigative unit, the designing of a comprehensive security system for the exercise of politics and for the protection of territories, and the establishment of supervision mechanisms for private security forces.

¹⁸¹ Kroc Institute, State of Implementation of the Colombia Peace Agreement, Report Two https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf

<i>Area</i>	<i>Stipulations</i>	<i>Not Implemented</i>	<i>Minimally Implemented</i>	<i>Intermediately and Fully Implemented</i>
National Commission on Security Guarantees	12	7	4	3
Special Investigation Unit	10	3	3	4
Comprehensive Security System for the Exercise of Politics	22	9	5	8
Security and Protection Program for the Territories	7	1	5	1
Supervision of Private Security and Services	5	5	0	0

Only 10 out of 64 stipulations related to security in the peace agreement have been completed 18-months into the implementation of the peace agreement. Examples of partial implementation include the deployment of 1,088 members of the Elite Police Corps and the hiring of 935 people (including 545 ex-guerillas) for the Security and Joint Protection Corps out of an estimated number of 1,200 new recruits.¹⁸²

Preventive security measures have only just begun to be implemented, with the primary example of this being “the Plan Victoria military strategy of stabilization and consolidation involving the deployment of more than 80,000 troops in 160 prioritized municipalities.”¹⁸³ In addition to Plan Victoria, complementary programs such as the National Police strategy for Secure and Peaceful Communities, the establishment of 65 Police Basic Units (UBICAR), and the Police Unit for Peacebuilding (UNIPPEP), have all contributed to the groundwork for a nationwide strategy for citizen security.¹⁸⁴ Additionally, the “Horus Plan,” which began in December 2017, has deployed 61,463 members of the Military Forces in 67 municipalities and 595 villages across Colombia. Since August 2016, the Ministry of Defense has led the implementation of the interinstitutional “Carpa Azul” or “Blue Tent” strategy, which integrates soldiers and former guerillas through the relocation of military units into ETCRs.¹⁸⁵ Collectively, these advances in implementation and the deployment of military and police units into regions that were once void of government

¹⁸² Kroc Institute, State of Implementation of the Colombia Peace Agreement, Report Two https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf page 39

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.41

presence have been substantial, but they have failed to prevent continued violence by paramilitaries, narcotraffickers, and other illegal armed groups.

Recommendations

Before Colombia can guarantee any of its comprehensive rural reforms, the government must first guarantee safety and stability in these rural regions. If there continues to be a lack of state authority in rural communities previously occupied by FARC forces, then the government cannot bring in civilians to construct infrastructure projects, empower political participation through rural governance structures, or improve access to healthcare, among dozens of other important provisions that require peace and safety.

The U.S. can play a critical role in expanding citizen security in the countryside:

- The U.S. can continue training the military as a response to larger criminal organizations and still active guerilla organizations like the ELN.
- The U.S. can improve security in rural regions by advising the Colombian National Police Force on methods of management, organization, and leadership within the structure of the police force. Using the US's expertise in police structure across its much larger geographic territory can provide helpful knowledge to Colombian officials in how to structure rural police forces. Additionally, the United States can provide key resources for improving training and technology used by the police in Colombia.

Rural Development | Political and Civic Participation

Introduction and Problem Statement

Participation in politics and local government is an important part of the peace agreement and is crucial to the Colombian peace building process. Political participation provides citizens, especially those in rural areas and in areas affected by the conflict, a voice in future development and increases diversity in political thought. However, rural areas lack clout in the Colombian political system as rural populations are only 19.2 percent of the total population.¹⁸⁶ This leads to the disillusionment of rural citizens, who think that their votes do not matter, and that national politicians do not care about their concerns. Voter absenteeism is high in rural areas and throughout the country as a result of these sentiments, despite reports of generally good access to polls.^{187,188,189} Without strong political participation, local institutions have often languished and contributed to a decreased trust in the government in rural areas. Increased citizen participation in the Colombian polity would be a major victory for the United States in its desire to expand democracy, also serving to strengthen an ally, both in terms of internal stability and economics.

Relevant Policies

The Colombian electoral system has changed dramatically in the past 60 years, many of which have been filled with violence. During this period, the country saw periods of populist dictatorship, *La Violencia*, an agreement between the Liberal and Conservative parties, the collapse of the traditional two-party system, and a democratic opening for former guerillas.

The National Front, a power-sharing agreement between the Liberal and Conservative parties that began in 1958, dramatically shaped the political system for the years to come. Under the National Front, the two major parties agreed to share power equally, alternating the presidency and dividing appointments. This system aimed to prevent another event like *La Violencia* and was put in place to ensure stable power-sharing. As a necessary part of this agreement, third parties were completely excluded from the system.¹⁹⁰ This system relied on top-down appointments in the executive branch, a relic of the 1886 constitution which had remained in place, with local officials like mayors being appointed by higher-level officials rather than being elected by popular vote. There was still democratic competition under this system, but it was limited to competition within parties, and efforts to increase participation were not seen at the national level. In the late 1970s, the beginning of the end for the National Front, efforts to hold the rural vote were based on clientelism, not championing new programs or policies to help rural populations.¹⁹¹

¹⁸⁶ “South America: Colombia.” CIA World Factbook. Accessed December 03, 2018.

<https://www.cia.gov/library/publications/the-world-factbook/geos/co.html>.

¹⁸⁷ “Colombians vote in first presidential election since peace deal.” Al Jazeera. May 27, 2018.

<https://www.aljazeera.com/news/2018/05/colombia-elections-180522134748711.html>.

¹⁸⁸ “Colombia: Voter Turnout by Election Type.” Institute for Democracy and Electoral Assistance. 2018.

<https://www.idea.int/data-tools/country-view/82/40>.

¹⁸⁹ Christopher Woody, “‘Colombia is betting everything on this’: Voters are deciding whether to end the Western Hemisphere’s longest war,” Business Insider. October 2, 2016. <https://www.businessinsider.com/colombia-voting-on-farc-peace-deal-2016-10>.

¹⁹⁰ Bushnell, p. 223.

¹⁹¹ Bushnell, p. 249.

Some efforts have been made to mobilize rural populations, most notably the National Association of Peasant Users (ANUC). This group emerged in the late 1960s with the approval of President Lleras Restrepo, a supporter of agrarian reform, and was formalized in 1970.¹⁹² This group was initially formed to organize peasant workers behind the agrarian reform movement, with the goal of increasing land ownership by peasant farmers. The group expanded rapidly with support from the national government, and by the 1970 presidential election, the ANUC had become a major political force, giving Lleras Restrepo the votes needed to win the election over Rojas Pinilla. This mobilization of peasants was an extremely effective political force, but in the next years the group began to lean farther to the left, losing some of its political base.¹⁹³ Today, the ANUC operates through its mandate from the Ministry of Agriculture. The group is focused on land reform, increasing wages, and organization of rural farmers.¹⁹⁴ A subgroup called ENFOCA provides education and technical training, and works on mobilization, social leadership and citizen participation efforts.¹⁹⁵

Women gained the right to vote in Colombia in 1954, but women only became heavily involved in politics in the late 20th century. For the first 20 years after they gained suffrage, women's participation in elections was in the single digits, hampered by the heavily patriarchal view of politics at the time. Even today, there has never been a female president, a notable contrast to the neighboring countries of Brazil and Argentina.¹⁹⁶ This is not for lack of trying; women have been running for president in Colombia since 1974, but their campaigns have failed, and multiple important candidates have been kidnapped, forcing them to end their campaigns.¹⁹⁷

Legislation has been passed to assist women in politics and public administration, beginning with changes in the Constitution of 1991. This constitution lays out the need for gender equality in the selection of party leaders and within the government itself. These statements were followed by a law in 2000 mandating that 30 percent of high level public administration jobs be filled by women, and another in 2011 requiring that all party lists must be at least 30 percent women.¹⁹⁸ Other initiatives have also been implemented by the government and outside groups. Antioquia launched an initiative in 2014 to provide women with forums to voice their opinions, and UN women has rolled out a political leadership program focused on gender perspectives, beginning in Nariño and other departments with low female participation.¹⁹⁹ Additionally, the peace agreement specifically lays out provisions to provide women with a voice and provide them with

¹⁹² Bushnell, p. 233.

¹⁹³ *Ibid.*

¹⁹⁴ "Historia." Asociación Nacional de Usuarios Campesinos de Colombia (ANUC).

<http://www.anuc.co/historia.asp>.

¹⁹⁵ "ENFOCA." Asociación Nacional de Usuarios Campesinos de Colombia (ANUC).

<http://www.anuc.co/enfoca.asp>.

¹⁹⁶ Jolly, Alexandra. "The changing role of women in Colombian politics." Colombia Reports. March 5, 2014.

<https://colombiareports.com/women-peace/>.

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*

¹⁹⁹ "Women take the reins to build peace in Colombia." United Nations Women. May 28, 2015. Accessed December 08, 2018. <http://www.unwomen.org/en/news/stories/2015/5/women-build-peace-in-colombia>.

training to participate in the political system.²⁰⁰ Throughout the past 30 years, it has been clear that there is an understanding of the importance of women in politics, but equal participation and representation has not yet been achieved.

In 2018, a female vice president was elected and a gender equal cabinet was appointed, both for the first time.²⁰¹ Women represent 23 percent of the Senate and 18 percent of the house, likely as a result of the mandated participation in party lists.²⁰² Efforts to increase female participation continue, but Colombia is still less equal than many other Latin American countries.²⁰³

In 1991, the most recent constitution was ratified. This document incorporated changes that had been made in past years to the 1886 constitution, allowing for the election of local leaders by a popular vote, a major victory for local political influence that increased the voice of local citizens.

Today, the Colombian democracy operates in a similar manner to that of the United States, with an elected executive and a bicameral legislature. The president is elected by popular vote, with a runoff if necessary. The Senate is elected on a proportional basis by a national vote, while the House of Deputies is elected proportionally in each of the 33 departments.²⁰⁴

Peace Agreement

The 2016 peace agreement addresses political and civic participation as one of the pillars of the peace process, acknowledging the importance of this issue in a lasting peace, especially in rural areas and areas affected by the conflict. The agreement outlines plans to increase individual participation in elections, promote democratic culture, create special districts for victims of the conflict, and give rural communities a greater say in the development of their regions. These plans include:

²⁰⁰ “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.” Republic of Colombia and FARC-EP. November 24, 2016. [http://especiales.presidencia.gov.co/Documents/20170620-dejacion-
armas/acuerdos/acuerdo-final-ingles.pdf](http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf).

²⁰¹ Reints, Renae. “Populist Conservative Iván Duque Elected President of Colombia.” Fortune. June 18, 2018. <http://fortune.com/2018/06/18/ivan-duque-populist-conservative-wins-colombian-election-president/>.

²⁰² Gill, Stephan. “Colombia must seek more women in Congress: UN.” Colombia Reports. March 21, 2018. <https://colombiareports.com/colombia-must-seek-more-women-in-congress-un/>.

²⁰³ *Ibid.*

²⁰⁴ “Colombia Senado de la República (Senate).” Interparliamentary Union. http://archive.ipu.org/parline/reports/2068_A.htm.

Area	Example Stipulations
Access to the Political System and Equal Conditions (2.3.1.1-2.3.1.2)	<ul style="list-style-type: none"> • Redefining the constitutional requirements for legal status as political movements to foster new parties. • Extending spaces for political movements to publicize their political program amongst the populace
Promotion of Electoral Participation (2.3.2)	<ul style="list-style-type: none"> • Promotion of information, teaching and dissemination campaigns to stimulate participation, with a special focus on women and vulnerable populations. • Mass ID-issuance campaign, prioritizing marginalized and rural zones. • Adopting mechanisms to improve access to voting stations for populations living in isolated zones.
Democratic and Participatory Political Culture (2.3.5)	<ul style="list-style-type: none"> • Developing programs to increase knowledge and use of voting rights, with an emphasis on vulnerable populations. • Creating education programs on democracy in the education system.
Special Transitory Peace Voting Districts (2.3.6)	<ul style="list-style-type: none"> • Creating 16 special electoral districts (<i>Circunscripciones Transitorias Especiales de Paz STPED</i>) to represent areas disproportionately affected in the House of Representatives.
Women’s Citizen and Political Participation (2.3.7)	<ul style="list-style-type: none"> • Develop a gender-based approach to increasing political access. • Encourage gender equal leadership in political and social organizations.

The peace agreement aims to leverage this participation and have greater community participation in future development plans, especially in the implementation of the peace agreement and related projects. More political participation produces greater buy-in from local populations and smoother implementation. In order to achieve these goals, the peace agreement lays out plans for connecting territorial and national planning units, ensuring participation, expanding participation in Territorial Planning Councils, and general plans to increase the efficacy of participatory councils. The review of participatory forums will be driven by the national government, with reviews of effectiveness that will be used to provide recommendations for improvement in organization, operation, and regulations of these bodies. Other stipulations place an emphasis on providing technical assistance for citizen councils, giving the groups the tools needed to carry out their mandates. This increase

in participatory planning also relates to PDETs, a territorial-based program that hinges on community participation in the planning process (See PDETs section).²⁰⁵

Implementation

Overall, efforts to increase political and civic participation at the rural level have not been carried out in the first 18 months after the peace agreement was signed. According to the analysis by the KROC Institute, less than half of the stipulations related to rural political and civic participation have been initiated, and only one stipulation has proceeded beyond the minimum stage of development.

Implementation Level ²⁰⁶	Not Initiated	Minimum	Intermediate	Complete
Promotion of Electoral Participation (2.3.2.)	1	3	0	0
Citizen and Political Participation Through Media (2.2.3., 2.3.8.)	3	3	0	0
Creation of Special Electoral Districts (2.3.6.)	4	0	0	0
Participatory Planning (2.2.6.)	12	2	0	1
Democratic and Participatory Political Culture (2.3.5.)	1	3	0	0
Women's Citizen and Political Participation (2.3.7.)	0	4	0	0

Major Advances in Implementation

- The Ministry of the Interior has initiated efforts to identify obstacles to voting.
- National Registry has begun efforts to issue voter registration.
- The Ministry of the Interior has begun training on political rights for nearly 1,000 Colombians.
- Initial steps have been taken to empower women, including trainings and representation in implementation groups.
- Broadcast frequencies have been identified, a draft plan for training workers has been submitted, and access programs to media for community organizations are in the development process.
- Law 152 of 1994 has been edited with information gathered in participatory planning groups during the peace negotiation, but this law has not yet passed.

²⁰⁵ “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.” Republic of Colombia and FARC-EP. November 24, 2016. <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-arms/acuerdos/acuerdo-final-ingles.pdf>.

²⁰⁶ “State of Implementation of the Colombia Peace Agreement, Report Two.” Kroc Institute. August 2018. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf

Major Difficulties in Implementation

- The proposal to create 16 special electoral districts for victims of the conflict was voted down in Congress, precluding the implementation of this part of the peace agreement.
- Disillusionment with the political system is still a major reason for lack of participation in elections in rural areas.
- Institutions in rural areas are very weak, and lack the capacity to carry out plans made by the national government or by local groups involved in participatory planning.
- Rural political participation is not a key issue at the national level due to the structure of the Colombian political system, and the process lacks support at the national level.

Stakeholder Perspectives

Conversations with reporters and United Nations facilitators made it clear that the ability to participate in the political system was not the main reason that rural areas had high levels of absenteeism. Instead, they cited the general feeling of disillusionment and lack of faith in the government for the low levels of participation, which are reinforced by the lack of political power wielded by rural populations due to the structure of the Colombian political system. Unlike the American political system, with dedicated representatives for each state, the Colombian congressional representatives are elected from a national pool, making it hard for the rural people to have a focused advocate or voice. Due to this structure, many politicians have little concentrated interest in improving rural political participation, as the political base is centered in urban areas, and catering and mobilizing rural populations has a small effect on election results relative to the effort that would be expended.

When speaking to other stakeholders, political participation is seen as an important issue, but secondary to increasing institutional strength and government presence. Companies have difficulty operating in areas without a government presence, due to both security concerns and lack of necessary infrastructure such as power and roads. Without a government presence and institutions that have the strength to provide necessary services, the benefit of political participation is limited.

Recommendations

Moving forward, it is important for participation in rural governments to increase, giving ownership to rural population, and assisting with stability and legitimacy. However, there are major issues with lack of faith in the political system, and lack of political clout in rural areas makes promoting involvement difficult.

In order to continue to improve participation, the U.S. government should:

- Continue to fund the promotion of democratic values and institutional strengthening programs through USAID initiatives.
- Transition peace implementation measurement mechanisms, like the Kroc Institute Reports, into public information campaigns to actively inform the Colombian population on the status of the peace process for democratic feedback.

- The U.S. can also support democratic processes in Colombia more generally to improve the legitimacy of elections by continuing to financially and technically support the government in promoting greater electoral participation, including its vote ID-issuance campaign in marginalized areas and the digitizing of voter counts. Both the U.S. State Department and the National Association of Secretaries of State, the non-partisan professional organization of public officials in the United States, issues election observation reports on the strength of democratic institutions.

While improving political participation in rural areas is important to the peace process, these improvements are meaningless if local institutions lack the capacity or funding to provide the services needed by their electorate. Without stronger institutions that can carry out reforms and development, as well as fill the vacuum left by the FARC, development and economic growth will be significantly hindered. In order to increase institutional strength and capacity, the Colombian government should dedicate significant technical assistance and funding for the expansion and establishment of local institutions in areas where they have historically been weak or absent. Currently, there is no specific plan for institutional strengthening, a major issue that must be addressed for rural areas to receive government services and resist occupation by armed groups.

Assisting the Colombian government in increasing political participation and institutional strength is in the interests of the United States, as these improvements would achieve the goal of spreading democracy and rooting it more firmly in Colombia, as well as helping an ally achieve greater internal stability that will enable greater growth. To this end, the U.S. could provide oversight for elections, assist in finding problem areas that could benefit from increased access to polls as a consultant, and facilitate connections with international groups that may be able to provide funding or direct aid.

Rural Development | PDETs

Introduction

The peace agreement lays out a plan to facilitate rural reforms through Development Programs with a Territorial-Based Approach (PDETs). These programs aim to bring development to rural regions, especially those with high levels of poverty or that were most affected by the conflict, through democratic discussion at the local and regional level. PDETs were designed to accelerate the implementation and funding process for rural development and maximize impact in regions most heavily affected by the conflict.²⁰⁷

The development of rural areas of Colombia aligns with U.S. interests, as this development lays the groundwork for making the switch from coca to licit crops economically viable for some farmers and would make Colombia a stronger trade partner with a healthier and more stable rural economy.

What are PDETs?

Tackling the issue of rural development has historically proven particularly difficult in Colombia given geographical challenges and limited state presence throughout many rural areas during the conflict with the FARC. PDETs aim to break down the planning of rural development to the regional level and coordinate these plans into a unified development program that can be approved, funded, and implemented.

PDET projects are scheduled to take place in 170 municipalities, which have been divided into 16 sub-regions. This includes 10,000 villages, 425 indigenous reservations, 3,015 Afro-Colombian Community Councils, and six farming land reserve zones. Overall, 250,000 Colombians are projected to be affected by the PDETs. These plans fall under the Territorial Renewal Agency (ART), and aim to operate over the next ten years. The ART focuses on eight key pillars of development within the PDET programs, spanning infrastructure, social development, and production stimuli:²⁰⁸

²⁰⁷ "Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace." Republic of Colombia and FARC-EP. November 24, 2016. <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>

²⁰⁸ "Territorially Focused Development Plans Can Transform the Countryside and Strengthen Peace in Colombia." USAPP. October 09, 2017. Accessed December 11, 2018. <http://blogs.lse.ac.uk/latamcaribbean/2017/10/10/territorially-focused-development-plans-can-transform-the-countryside-and-strengthen-peace-in-colombia/>.



PDET projects are designed in three stages: (1) the organization of community assemblies; (2) the review of community proposals by planning committees at the municipal level; and (3) the consolidation of these proposals into the final implementation programs for the 16 sub-regions.

These projects encourage the strengthening of local ties with the government by allowing Colombians to shape the development of their own communities, giving them a voice in future projects and ownership over the development process. A key provision of the agreement is to recognize and promote rural community organizations, with particular focus on empowering female community leaders. Meetings were set to start in August 2017, with different local community members coming together to create a development plan. Ultimately, the public sector, private sector, social organizations, and other actors will all be involved in the final implementation of the PDET plans.

Funding for PDETs will be drawn from the Colombian National Budget as well as public and private support from the international community. Implementation of PDETs is estimated to require a minimum of 79.6 billion pesos (\$24.15 million USD). The figure below provides a breakout of the projected funding requirements for PDETs by sub-region.

	16 Sub-Regions	Funding Breakout ²⁰⁹
	Alta Patia-Norte del Cauca	\$12.41 (\$3.90M USD)
	Arauca	\$2.44 (\$.77M USD)
	Bajo Cauca and Nordeste Antioqueño	\$5.15 (\$1.60M USD)
	Catacumbo	\$3.40 (\$1.07M USD)
	Chocó	\$3.67 (\$1.15M USD)
	Cuenca del Caguan and Piedmonte Caquetense	\$6.02 (\$1.89M USD)
	Macarena-Guaviare	\$3.46 (\$1.09M USD)
	Montes de Maria	\$5.76 (1.81M USD)
	Pacifico Medio	\$3.16 (.99M USD)
	Pacifico y Frontera Nariñense	\$6.24 (1.96M USD)
	Putumayo	\$4.44 (\$1.39M USD)
	Sierra-Neveda-Perija	\$8.64 (\$2.71M USD)
	Sur de Bolívar	\$2.14 (\$.67M USD)
	Sur de Cordoba	\$4.19 (\$1.32M USD)
	Sur de Tolima	\$2.24 (\$.70M USD)
	Uraba Antioqueño	\$6.02 (\$1.89M USD)

http://www.renovacionterritorio.gov.co/UAECT/librerias/media/pdf/mapa_CONPES.pdf

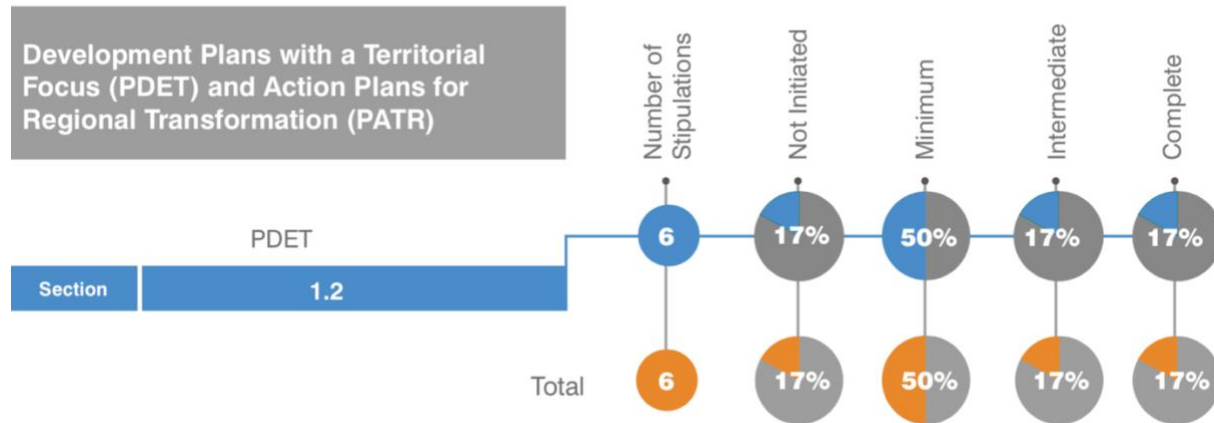
Implementation Status

At the 18-month mark after the signing of the peace agreement, the implementation of the PDET process is still in its early stages. The peace agreement lays out 6 stipulations for the implementation of PDETs. Given the decentralized nature of the PDET plans, these stipulations mainly serve as benchmarks for tracking the progression of the various PDET agenda setting processes. These benchmarks include: (1) the definition of PDETS objectives; (2) the selection of PDET zones; (3) establishment of local participatory mechanisms; (4) development of regional reform plans; (5) resource allocation; and (6) evaluation of progress throughout implementation process.²¹⁰

²⁰⁹ Territorio, Agencia De Renovacion Del. Obras Por Impuestos 2018. Accessed December 11, 2018. http://www.renovacionterritorio.gov.co/especiales/especial_PDET/mapa.html.

²¹⁰ “State of Implementation of the Colombia Peace Agreement, Report Two.” Kroc Institute. August 2018. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf

While the definition and designation of PDET zones have been completed, the participatory processes of the PDETs are still in progress and in many cases regional reform plans have yet to be fully designed. Though the Colombian government has largely yet to reach this point in the implementation process, it is likely that the evaluation of the PDETs performances will emerge as a challenge given the fragmentation of PDET projects and the high level nature of the government’s success metrics.



Source: “State of Implementation of the Colombia Peace Agreement, Report Two.” Kroc Institute. August 2018.

Key Advances in Implementation

- Advances in the design of the PDET in 155 of 170 municipalities and the convening of about 75 percent of community planning assemblies
- Passing of the CONPES 3932 Document, which outlines the measures through which PDET plans will be incorporated into the national planning process ²¹¹

Key Barriers to Implementation

- Fragmentation and legislative delay
- Lack of clarity in the coordination processes between PDETs and other territorial programs
 - In addition to PDETs, there are four other ongoing development initiatives in Colombia. These initiatives share a common mandate, but have jurisdictions over municipalities of different population sizes and therefore have varying technical and regulatory requirements. CONPES 3932 provided a preliminary outline for coordination, but these guidelines are vague and require further development.
- Financial sustainability of the PDET and National Plans
- Lack of gender, ethnic, and victim-centered approaches

²¹¹ “State of Implementation of the Colombia Peace Agreement, Report Two.” Kroc Institute. August 2018. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf

- Lack of transparency and communication on the results of the planning process

Recommendations

As an ally of Colombia and a major actor in Latin America, there are multiple ways that the U.S. could support and facilitate the implementation of PDETs. This support would serve U.S. interests through stabilizing a local ally and bolstering the rural economy of a large trading partner. Actionable ways the U.S. could support PDETs in Colombia include:

- Providing technical assistance to development projects, including assistance by the Army Corps of Engineers.
- Acting as a third party supervisor and auditor of development projects.
- Leveraging its political influence in international organizations such as the World Bank or IMF to encourage financial support of PDETs.
- Publicly supporting and encouraging the application of PDETs on the international stage.

Principal Area for Peacebuilding | Combating the Drug Trade

Introduction

The drug trade has plagued Colombia for decades, acting as a cornerstone of the United States-Colombia relationship since the 1970s. Though the U.S. and Colombia have had a long and largely successful working relationship in combating drugs, violence, and insecurity, as well as promoting peace, drug cultivation and commercialization remains widespread. Colombian cocaine continues to dominate the global drug trade and the cultivation of the coca plant, from which the drug is produced, has risen steadily despite the 2016 Peace Agreement. Coca cultivation has increased 45 percent on average every year since 2013.²¹² Moreover, the drug trade impacts all sectors of Colombian society, from rural development to restoring trust in political bodies to the promotion of licit economic activities. Despite billions of dollars and decades of work between the U.S. and Colombia, current tactics to eradicate the drug trade have not been as effective as anticipated. The agreement lays out a comprehensive plan for combating cultivation, production, and commercialization of illicit drugs, bringing new hope to the policy arena surrounding the issue. This section outlines a brief history of the drug trade and U.S. involvement, the current state of U.S.-Colombia relations relating to narcotics, and the available policy options for a bilateral partnership in addressing the issue from all angles.

History of Policy Area in Colombia

Illicit drug production started small in the 1970s, but grew rapidly throughout the 1980s and beyond, due to lack of early government intervention as well as a lack of government presence in rural areas of drug production. The drug trade in Colombia had small-scale beginnings in a remote part of the country, with cultivators in Sierra Nevada de Santa Marta growing marijuana for export to the United States in the 1970s.²¹³ The marijuana boom was short lived due to U.S. encouraged eradication efforts from Julio César Turbay Ayala's administration in 1978, and partially from competition from American growers producing higher-quality marijuana.²¹⁴ Because marijuana is a smaller concern to the U.S., and a less significant threat to peace in Colombia, this section focuses on cocaine.²¹⁵

In the early 1980s, cocaine replaced marijuana as the major illicit crop in Colombia and the drug trade shifted to Medellín.²¹⁶ Drug gangs imported semi-processed coca paste from Bolivia and Peru and processed the paste into cocaine to be smuggled into U.S. and European markets.²¹⁷

²¹² "Coca Crops in Colombia at all-time high, UNODC Report finds", United Nations Office on Drugs and Crime (UNODC), September 19 2018, <https://www.unodc.org/unodc/en/frontpage/2018/September/coca-crops-in-colombia-at-all-time-high--unodc-report-finds.html?ref=fs1>.

²¹³ Bushnell, p. 260

²¹⁴ Bushnell, p. 249

²¹⁵ "Weeds of Peace," *Economist*, August 4, 2016, <https://www.economist.com/the-americas/2016/08/04/weeds-of-peace>.

²¹⁶ Bushnell, p. 260.

²¹⁷ Bushnell, p. 261.

Though coca was originally grown in Peru and Bolivia, by the mid to late 1990s, Colombia had become the main grower and producer of coca in Latin America.

U.S. policy in the 1990s, during the height of the domestic “War on Drugs,” gave the Defense Department authority over overseas drug interdiction and granted the Pentagon fiscal authority on a range of overseas counter-drug assistance strategies.²¹⁸ U.S. counternarcotics and security intervention in Latin America in the 1990s led to a 66 percent reduction of coca cultivation in Peru and a 53 percent reduction in Bolivia.²¹⁹ As the primary location of coca cultivation shifted to Colombia, coca cultivation doubled.²²⁰

The cocaine trade in Colombia was first controlled by the “Medellín Cartel” and its infamous leader Pablo Escobar. Narcotraffickers like Escobar maintained control because they filled a void left by the absence of the state. Escobar and the Medellín Cartel were not only known for their lavish lifestyles, but also for dedicating a fraction of their wealth to public goods and services in the area, serving as another mean of control over Medellín residents.²²¹ The cartel was also known for employing tactics such as kidnapping, bribery, and assassinations to maintain power.

At the beginning of the Medellín Cartel’s rise to power, cocaine export was only between two and three percent of Colombia’s gross domestic product, and coffee plantation and production was a far more widely planted and produced export crop.²²² Production grew rapidly in the 1980s, however, and law enforcement — both on the Colombian and U.S. government sides — decided the illicit drug trade could no longer be ignored.²²³

By the late 1980s, violence associated with drug production and trade in Colombia had escalated into a war. Bribery of government officials, violence between competing cartels, and organized assassinations — including the assassination of presidential candidate Luis Carlos Galán, who was widely expected to be the next president — were almost daily occurrences.²²⁴

As the U.S. and Colombian governments cracked down on the drug cartels, eventually killing Escobar in 1993, leftist guerilla groups, such as the FARC and ELN, and paramilitary forces took control of cocaine production and trade. Though the FARC first entered the drug trade by taxing coca farmers in the areas of the countryside that they controlled, the group soon took a more direct role in coca plantation and production. The wealth amassed in this business helped fund

²¹⁸ Isaacson, Adam and Sarah Kinoshian, “Putting the Pieces Together: A Global Guide to U.S. Security Aid Programs,” Washington Office on Latin America, 2017. https://www.wola.org/wp-content/uploads/2017/04/WOLA_Putting_the_Pieces_Together_042717.pdf.

²¹⁹ “Summary Fact Sheet - Colombia Cultivation Survey, 2017,” United Nations Office on Drugs and Crime, http://www.unodc.org/documents/crop-monitoring/Colombia/Colombia_Survey_territories_affected_illicit_crops_2017_Summary.pdf

²²⁰ “Summary Fact Sheet - Colombia Cultivation Survey, 2017,” United Nations Office on Drugs and Crime, http://www.unodc.org/documents/crop-monitoring/Colombia/Colombia_Survey_territories_affected_illicit_crops_2017_Summary.pdf

²²¹ Bushnell, p. 263.

²²² Ibid, p. 261.

²²³ Ibid, p. 259.

²²⁴ Ibid, p. 281.

their military control in the absence of the state.²²⁵ The National Liberation Army (ELN) has also been involved and finances its guerilla activities through drug trafficking.

The power vacuum left behind by the demobilization of the FARC following the peace agreement is being filled by other organized crime groups, known as *bacrim*, which are organized by former paramilitaries, and re-mobilized FARC guerillas, called the *facrim*.²²⁶ In 2013, Los Urabeños emerged as the dominant *bacrim*, the leaders of which amassed such power that they were considered drug kingpins under the U.S. Kingpin Act.²²⁷ The *facrim* includes the Oliver Sinisterra Front, which has carried out violent attacks and kidnappings despite the condemnations of FARC officials and continues to traffic in drugs.²²⁸ Transnational criminal organizations (TCOs) based in Colombia, like the Norte del Valle cartel, are also strong players in the drug trade and work closely with counterparts in Mexico and Central America.²²⁹

The current U.S.-Colombia relationship regarding the drug trade is at a crossroads, with two new administrations whose narcotics policies are yet to be fully understood. The rhetoric surrounding the drug trade, too, is in flux, having shifted from peace and justice to security, stabilization, and normalization.²³⁰ In addition, coca cultivation is now dominated by the ELN in the wake of the FARC's disarmament and reintegration.²³¹

Cocaine production spiked in 2016 after the signing of the peace deal and reached an all-time high in 2018.²³² This increase in production has been attributed to four main factors:

- The Peace Accords provided financial incentives for farmers growing coca to switch to other crops, which perversely led farmers to plant more coca in hopes of receiving more government assistance from the National Comprehensive Programme for the Substitution of Crops Used of Illicit Purposes.^{233,234}

²²⁵ Congressional Research Service. "Colombia's Changing Approach to Drug Policy". (2018). Retrieved from <https://fas.org/sgp/crs/row/R44779.pdf>.

²²⁶ June S. Beittel, "Colombia: Background and U.S. Relations," p. 19, Congressional Research Service. November 14, 2017.

²²⁷ June S. Beittel, "Colombia: Background and U.S. Relations," p. 12, Congressional Research Service. November 14, 2017.

²²⁸ "Colombia's Peace Process: A Long Final Chapter," p. 41, The Economist. April 21, 2018.

²²⁹ June S. Beittel, "Colombia: Background and U.S. Relations," p. 13, Congressional Research Service. November 14, 2017.

²³⁰ Meeting with Christoph Harnisch, Head of the Colombia Delegation of the International Commission of the Red Cross.

²³¹ Meeting with Angelika Rettberg Biel of the Universidad de los Andes.

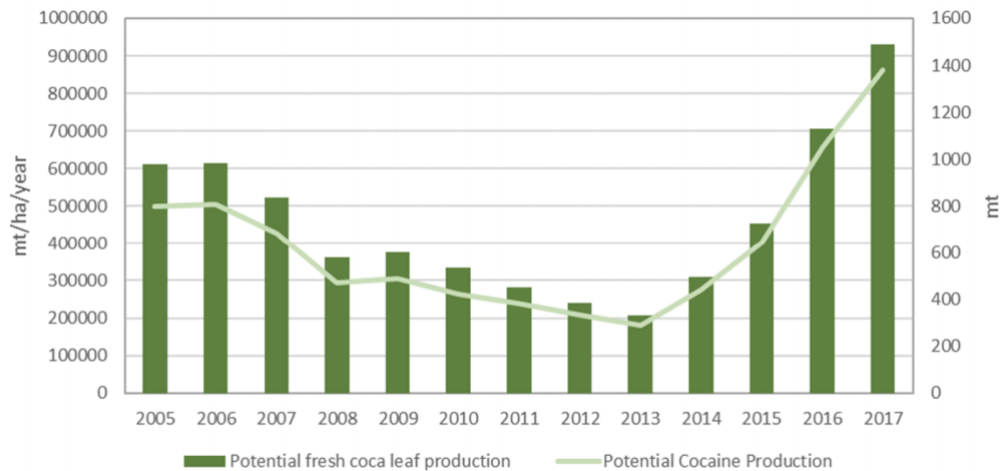
²³² "Coca Crops in Colombia at All-time High, UNODC Report Finds." Integrity in the Criminal Justice System. <https://www.unodc.org/unodc/en/frontpage/2018/September/coca-crops-in-colombia-at-all-time-high--unodc-report-finds.html>.

²³³ "Coca Crops in Colombia at all-time high, UNODC Report finds." United Nations Office on Drugs and Crime, September 19, 2018. <https://www.unodc.org/unodc/en/frontpage/2018/September/coca-crops-in-colombia-at-all-time-high--unodc-report-finds.html>.

²³⁴ Isacson, Adam, "The Most Important Trends in Colombia's Drug Policy, Explained," Washington Office on Latin America, September 12, 2017, <https://www.wola.org/analysis/important-trends-colombias-drug-policy-explained/>.

²³⁴ "Summary of Colombia's Agreement to End the Conflict and Build Peace," Oficina del Alto Comisionado Para La Paz, <http://www.altocomisionadopalapaz.gov.co/herramientas/Documents/summary-of-colombias-peace-agreement.pdf>.

- The Colombian government failed to develop a comprehensive coca eradication strategy after ending aerial eradication in 2015 and manual eradication in 2016 (restarted in 2018).²³⁵
- The price of gold fell in the international market, prompting rural Colombians to seasonally move from gold mines to coca production.²³⁶
- The U.S. dollar strengthened 50 percent against the Colombian peso, increasing the profitability of the cocaine market in the U.S. for Colombians.²³⁷



Spike in Potential Coca Cultivation and Production.²³⁸

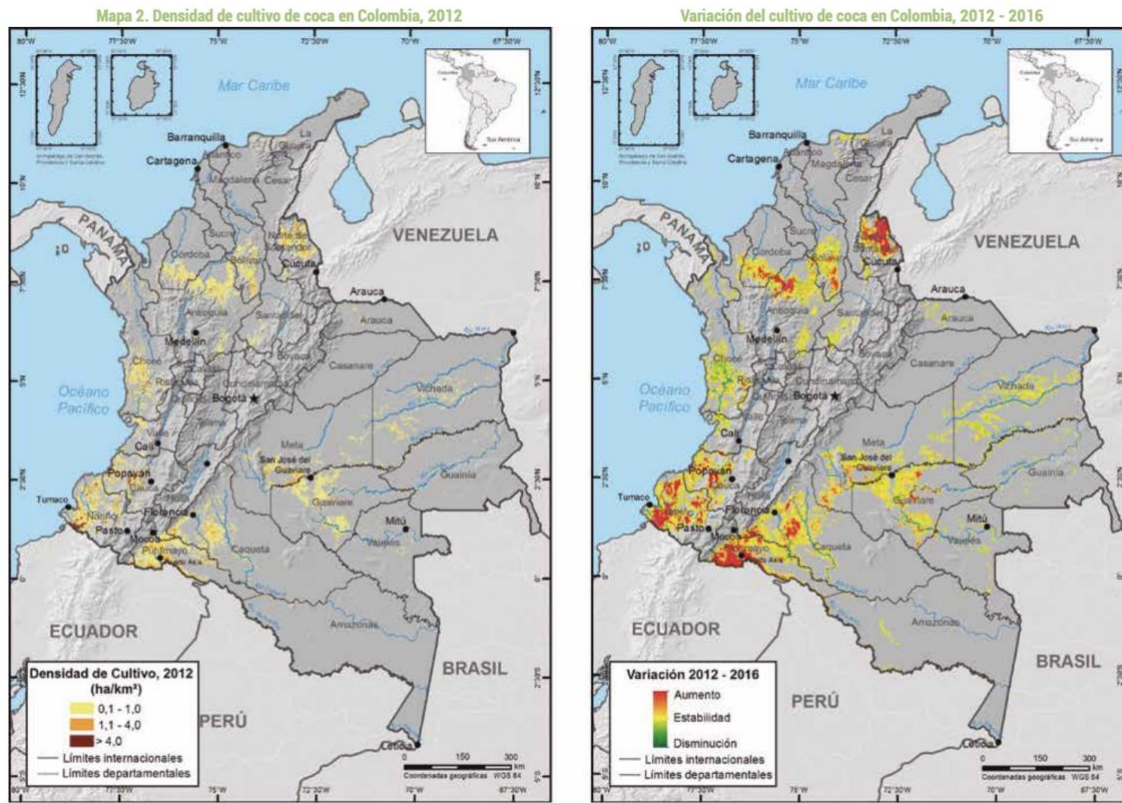
²³⁴ Isacson, Adam, “The Most Important Trends in Colombia’s Drug Policy, Explained,” Washington Office on Latin America, September 12, 2017, <https://www.wola.org/analysis/important-trends-colombias-drug-policy-explained/>.

²³⁵ Isacson, Adam, “The Most Important Trends in Colombia’s Drug Policy, Explained,” Washington Office on Latin America, September 12, 2017, <https://www.wola.org/analysis/important-trends-colombias-drug-policy-explained/>.

²³⁶ Peter DeShazo et al., “Countering Threats to Security and Stability in a Failing State: Lessons from Colombia,” *Report*, Center for Strategic & International Studies, September 2009.

²³⁷ *Ibid.*

²³⁸ “Summary Fact Sheet - Colombia Cultivation Survey, 2017,” United Nations Office on Drugs and Crime, http://www.unodc.org/documents/crop-monitoring/Colombia/Colombia_Survey_territories_affected_illicit_crops_2017_Summary.pdf



Changes in Coca Cultivation Around Colombia: 2012-2016.²³⁹

Over the past few years, micro-trafficking has grown across Colombian and Latin American cities. In micro-trafficking, narcotraffickers are not members of cartels as large as those seen in the 1990s, but rather small decentralized groups that require more intensive and targeted resources to intercept.²⁴⁰ The vast number of sales points for narcotics, including for an increasingly popular street form of cocaine known as *bazuco*, complicates the tracking of these groups.²⁴¹ Micro-trafficking has helped increase domestic cocaine consumption. Today, twenty percent of the cocaine produced in Colombia is consumed at home.²⁴²

President Donald Trump has made a range of statements on the U.S.-Colombian counternarcotics relationship. On one hand, he has threatened to decertify Colombia as a partner in combating illicit substances due to rising coca cultivation. On the other hand, he may find an eager partner

²³⁹ “Survey of territories affected by illicit crops – 2016,” United Nations Office on Drugs and Crime, August 2017, https://www.unodc.org/documents/crop-monitoring/Colombia/Colombia_Coca_survey_2016_English_web.pdf

²⁴⁰ “Bazuco, the cheapest drug on Colombian streets,” *Dialogo*, April 23, 2013, <https://dialogo-americas.com/en/articles/bazuco-cheapest-drug-colombian-streets>.

²⁴¹ Cawley, Marguerite, “Micro-Trafficking A Growing Threat Across LatAm,” InSight Crime, December 9, 2013, <https://www.insightcrime.org/news/brief/micro-trafficking-a-growing-threat-across-latam/>.

²⁴² Bargent, James, “Pushing Around the Problem: Colombia’s ‘War’ on Micro-trafficking,” InSight Crime, October 30, 2013, <https://www.insightcrime.org/news/analysis/pushing-around-the-problem-colombias-war-on-micro-trafficking/>.

in President Duque in forced eradication measures.²⁴³ President Duque has been a clear in his hardline approach to drug policy, planning to ramp up eradication and criminalize individual drug use.²⁴⁴ In recent years, the U.S. has also become politically engaged in the drug trade by seeking to extradite former FARC commanders involved in narco-trafficking. Colombians are divided on whether or not this policy is a useful strategy, and there has been much debate over extradition, to be discussed further as a policy option in the next section.

Relevant Past Policies

The drug trade has plagued Colombia for decades, defining much of the U.S.-Colombia relationship since the 1970s. In the U.S., the “War on Drugs” began under President Richard Nixon in 1971. Domestically, drug-related incarceration was soaring and public concern grew through the 1980s, leading to a proliferation of severe anti-narcotics policies under President Ronald Reagan.²⁴⁵ Because Colombia was quickly becoming a significant player in the drug trade, focus shifted to combating narcotics in the country. The precedent for aerial eradication of illicit crops by herbicide emerged even earlier, however, with 1972 amendments to the Single Convention on Narcotic Drugs drafted in 1961.²⁴⁶ Colombia signed on, agreeing to spraying measures. The U.S. also played a substantive role in counternarcotics operations targeting the Cali and Medellín cartels.

In 2000, the U.S. government initiated Plan Colombia, a strategic partnership with Colombia to support security measures directed against guerillas and paramilitaries, the development of stable democracy, and counternarcotics measures.²⁴⁷ Between 2000 and 2016, the U.S. Congress dedicated over \$10 billion to Plan Colombia and related programs.²⁴⁸ Eradication was a key element of Plan Colombia, which included both manual and aerial eradication programs. And as recently as FY2015, 24 percent of the State Department budget for USAID was dedicated to eradication programs, mostly in the Western Hemisphere.²⁴⁹ The figure below details U.S. security assistance to Latin America in the past two decades. Colombia has been the top recipient of aid over the past 17 years, totally \$9.5 billion USD over this time period.²⁵⁰

²⁴³ Vanda Felbab-Brown, “Death by Bad Implementation? The Duque Administration and Colombia's Peace Deal(s).” Brookings. July 25, 2018. <https://www.brookings.edu/blog/order-from-chaos/2018/07/24/death-by-bad-implementation-the-duque-administration-and-colombias-peace-deals/>.

²⁴⁴ *Ibid.*

²⁴⁵ “A Brief History of the Drug War,” Drug Policy Alliance, <http://www.drugpolicy.org/issues/brief-history-drug-war>.

²⁴⁶ Single Convention on Narcotic Drugs, United Nations Office on Drugs and Crime, 1961, https://www.unodc.org/pdf/convention_1961_en.pdf.

²⁴⁷ “Colombia’s Changing Approach to Drug Policy,” Congressional Research Service, November 30, 2017, <https://fas.org/sgp/crs/row/R44779.pdf>.

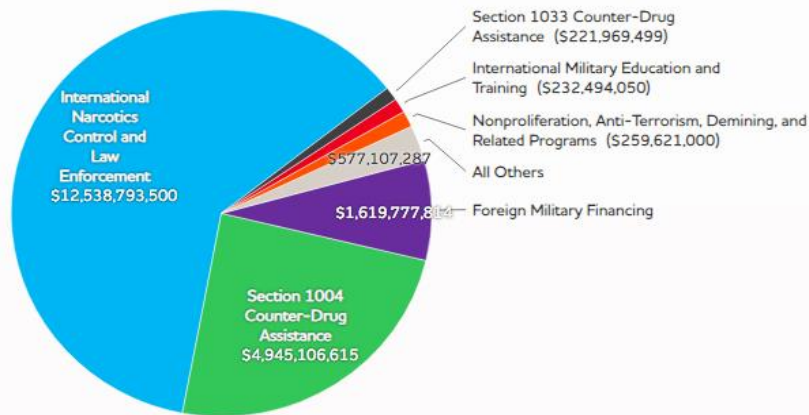
²⁴⁸ “Colombia’s Changing Approach to Drug Policy,” Congressional Research Service, November 30, 2017, <https://fas.org/sgp/crs/row/R44779.pdf>.

²⁴⁹ “Colombia’s Changing Approach to Drug Policy,” Congressional Research Service, November 30, 2017, <https://fas.org/sgp/crs/row/R44779.pdf>.

²⁵⁰ Isacson, Adam and Sarah Kinoshian, “U.S. Military Assistance and Latin America,” WOLA, April 27, 2017, <https://www.wola.org/analysis/u-s-military-assistance-latin-america/>.

Total U.S. Security Assistance to Latin America

Fiscal Years 2000-2017



Breakdown of Total U.S. Security Assistance to Latin America: FY2000-FY2017.²⁵¹

Alongside increasing the Colombian military's presence in coca producing areas, the policy also supported aerial and manual eradication programs, increased interdiction of smuggled drugs, and alternative development.²⁵²

Aerial Eradication

Aerial eradication programs used an herbicide called glyphosate to destroy coca crops before they are harvested and turned into paste. The U.S. fully funded aerial spraying in Colombia as the program was carried out by U.S.-trained Colombian counternarcotics battalions, as well as by American pilots since the late 1990s.²⁵³

The U.S. government considers the aerial eradication program during Plan Colombia a massive success in combatting the drug trade. The U.S. State Department attributed the decline in acres under coca cultivation between 2007 and 2013 as largely a product of aerial spraying. Aerial spraying was also a safe mechanism to target coca crops without having to have military troops on the ground destroying coca crops.

However, aerial eradication is a highly controversial policy for targeting coca crops. Local communities became upset with the herbicide's destruction of nearby licit crops and the general environment along with its the negative health effects on people. The EPA suggested that glyphosate was a carcinogen in 1991 and the WHO recently re-established glyphosate as a

²⁵¹ Isacson, Adam and Sarah Kinoshian, "U.S. Military Assistance and Latin America," WOLA, April 27, 2017, <https://www.wola.org/analysis/u-s-military-assistance-latin-america/>.

²⁵² "Colombia's Changing Approach to Drug Policy," Congressional Research Service, November 30, 2017, <https://fas.org/sgp/crs/row/R44779.pdf>.

²⁵³ Peter DeShazo, et al., "Countering Threats to Security and Stability in a Failing State: Lessons from Colombia" Report, p. 15, Center for Strategic & International Studies, September 2009.

known carcinogen.²⁵⁴ Because of these concerns, aerial eradication was stopped by the Santos Administration in 2015.²⁵⁵

Manual Eradication

Manual eradication programs used Colombian military forces to pull out coca crops from the root and have worked alongside aerial eradication since the late 1990s. In contrast to aerial spraying, manual eradication has been funded primarily by the Colombian government.²⁵⁶ It also holds several advantages over spraying: manual eradication destroys the total productivity of the coca plant and avoids destruction of licit crops and possible health concerns for local communities. However, manual eradication is more dangerous than aerial eradication as soldiers must be on the ground in coca fields and susceptible to enemy fire or anti-personnel mines.²⁵⁷ The safety of manual eradicators has improved due to the U.S.'s contribution to the Global Demining Initiative for Colombia will continue to improve the prospects for manual eradication.^{258, 259}

Manual eradication has proven successful when carried out alongside alternative development funding. The Colombian government used manual eradication heavily in its Plan de Consolidación Integral de la Macarena (PCIM) program. PCIM carried out manual eradication alongside supplemental programs like Familias en Accion and Familias Guardabosque, which aimed to close the sovereignty gap and support families living in poverty. The program succeeded in reducing FARC's income from coca in the region.²⁶⁰

Law Enforcement and Interdiction

Interdiction is the process of seizing precursor chemicals for the manufacturing of drugs, destroying drug laboratories, capturing trafficking leaders, and intercepting drugs before they reach markets.²⁶¹ Since the end of aerial spraying, interdiction has grown in importance as a means of supply-side control, and Colombia's efforts in particular have been deemed some of the

²⁵⁴ Pollack, Andrew, "Weed Killer, Long Cleared, Is Doubted," *New York Times*, March 27, 2015. https://www.nytimes.com/2015/03/28/business/energy-environment/decades-after-monsantos-roundup-gets-an-all-clear-a-cancer-agency-raises-concerns.html?_r=0&module=inline.

²⁵⁵ "Colombia's Changing Approach to Drug Policy," p. 15, Congressional Research Service. [November 30, 2017. https://fas.org/sgp/crs/row/R44779.pdf](https://fas.org/sgp/crs/row/R44779.pdf).

²⁵⁵ "Colombia's Changing Approach to Drug Policy," p. 36, Congressional Research Service. [November 30, 2017. https://fas.org/sgp/crs/row/R44779.pdf](https://fas.org/sgp/crs/row/R44779.pdf).

²⁵⁶ "Colombia's Changing Approach to Drug Policy," p. 55, Congressional Research Service. [November 30, 2017. https://fas.org/sgp/crs/row/R44779.pdf](https://fas.org/sgp/crs/row/R44779.pdf).

²⁵⁷ *Ibid.*

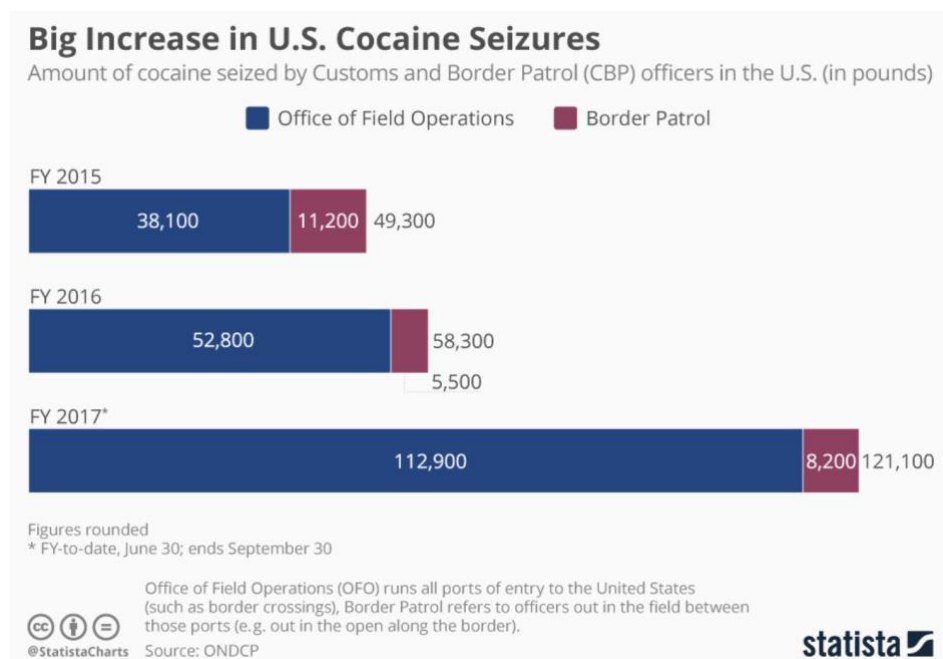
²⁵⁸ "Fact Sheet: Peace Colombia--A New Era of Partnership between the United States and Colombia," The White House, February 4, 2016. <https://obamawhitehouse.archives.gov/the-press-office/2016/02/04/fact-sheet-peace-colombia-new-era-partnership-between-united-states-and>.

²⁵⁹ "Colombia's Changing Approach to Drug Policy," p. 8, Congressional Research Service. [November 30, 2017. https://fas.org/sgp/crs/row/R44779.pdf](https://fas.org/sgp/crs/row/R44779.pdf).

²⁶⁰ Sacco, Lisa N. "Drug Enforcement in the United States: History, Policy, and Trends." Congressional Research Service. October 02, 2014. <https://fas.org/sgp/crs/misc/R43749.pdf>

²⁶¹ "Colombia's Changing Approach to Drug Policy," p. 16, Congressional Research Service. [November 30, 2017. https://fas.org/sgp/crs/row/R44779.pdf](https://fas.org/sgp/crs/row/R44779.pdf).

most effective in the world.²⁶² In 2016, 421 metric tons of cocaine and cocaine base was seized, up substantially from the 295 metric tons seized in 2015.²⁶³ The main U.S. supporter of these efforts is the State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL); there is also a notable point of cooperation with maritime counternarcotics operations.²⁶⁴



Jump in U.S. Cocaine Seizures: 2015-2017.²⁶⁵

Attacking the production chain at these later points, where “the greatest value add is produced,” is perhaps more effective than forced eradication because “adaptation and substitution are more difficult at these stages” and more profit is lost to the drug traffickers.²⁶⁶ The National Consolidation Plan, launched by the Santos administration, has integrated interdiction policy and improved law enforcement as a part of efforts to bolster state presence throughout the country.²⁶⁷ The U.S. lent support to the plan through an inter-agency group at the U.S. Embassy in Bogotá called the Colombia Strategic Development Initiative (CSDI).²⁶⁸ The group provided measured support designed to “fill gaps” in Colombian programs rather than pursue policy measures of its own design.²⁶⁹

²⁶² Peter DeShazo et al., “Countering Threats to Security and Stability in a Failing State: Lessons from Colombia,” *Report*, p. 36, Center for Strategic & International Studies, September 2009.

²⁶³ Peter DeShazo et al., “Countering Threats to Security and Stability in a Failing State: Lessons from Colombia,” *Report*, p. 16, Center for Strategic & International Studies, September 2009.

²⁶⁴ *Ibid.*

²⁶⁵ Loesche, Dyfed, “U.S. Cocaine Seizures Going Through the Roof,” Statista, July 20, 2017.

<https://www.statista.com/chart/10348/cocaine-seized-by-us-customs-and-border-patrol/>

²⁶⁶ Luis Eduardo Fajardo, “From the Alliance for Progress to the Plan Colombia: A Retrospective Look at USAID to Colombia” Crisis States Programme. April 2003. <https://www.files.ethz.ch/isn/57601/WP28LF.pdf>

²⁶⁷ Peter DeShazo et al., “Countering Threats to Security and Stability in a Failing State: Lessons from Colombia,” *Report*, p. 28, Center for Strategic & International Studies, September 2009.

²⁶⁸ *Ibid.*

²⁶⁹ *Ibid.*

Alternative Development

Recognizing that coca production often arises from economic deprivation and dispossession of land in the Colombian countryside, the U.S. government has pivoted away from a militarized counternarcotics strategy and has worked with the Colombian government to support the development of alternative rural economies to drugs. These programs focus on the root causes of coca cultivation including, “lack of access to land; a lack of access to land titling, irrigation, roads, and limited technical assistance in remote areas; in addition to the absence of national government or state presence — including basic services such as education and health — in rural zones which remain lawless and abandoned.”²⁷⁰ From 2000 to 2008 USAID spent roughly half a billion dollars on alternative development programs.

The results of programs created with these funds have been mixed. The two main USAID programs, Areas for Municipal Alternative Development (ADAM) and More Investment for Alternative Development (MIDAS) generally failed to reach the farmers they intended to target between 2006 and 2011.²⁷¹ Some experts argue this failure was due to a lack of simultaneous efforts to boost security in the target areas.²⁷² In 2016, a pilot alternative development program was launched in the Antioquia region of Colombia. Run jointly by the FARC, the Colombian government, and the UNODC, the program, which ran for one year, sought to include locals in the design of crop substitution programs.²⁷³ The program’s somewhat limited progress may suggest that greater resources are required for success.²⁷⁴ Thailand’s ability to end poppy cultivation in the mid-late 1900s through a steady flow of resources over several decades supports this position.²⁷⁵

Reducing Demand in the United States

The U.S. has long had an interest in curbing illegal drug use in the United States. Federal control of drugs began in the early 20th century, when the U.S. Congress passed a series of drug control legislation measures that largely criminalized drug use.²⁷⁶ U.S. domestic drug policy has been largely punitive and focused on criminalizing drug users, with President Nixon’s 1970s war on drugs placing an even greater emphasis on law enforcement in fighting drug use.²⁷⁷

²⁷⁰ “Colombia’s Changing Approach to Drug Policy,” p. 17, Congressional Research Service. [November 30, 2017. https://fas.org/sgp/crs/row/R44779.pdf](https://fas.org/sgp/crs/row/R44779.pdf).

²⁷¹ *Ibid.*

²⁷² DeShazo, Peter, Johanna Mendelson Forman, Phillip McLean. “Countering Threats to Security and Stability in a Failing State: Lessons from Colombia,” p. 57, Center for Strategic & International Studies. September 2009. http://www.voltairenet.org/IMG/pdf/Lessons_from_Colombia.pdf.

²⁷³ “Colombia’s Changing Approach to Drug Policy,” p. 18, Congressional Research Service. [November 30, 2017. https://fas.org/sgp/crs/row/R44779.pdf](https://fas.org/sgp/crs/row/R44779.pdf).

²⁷⁴ *Ibid.*

²⁷⁵ Vanda Felbab-Brown, “What Colombia can learn from Thailand on drug policy.” Brookings. May 04, 2017, <https://www.brookings.edu/blog/order-from-chaos/2017/05/04/what-colombia-can-learn-from-thailand-on-drug-policy/>.

²⁷⁶ Sacco, Lisa N, “Drug Enforcement in the United States: History, Policy, and Trends,” Congressional Research Service, October 2, 2014. <https://fas.org/sgp/crs/misc/R43749.pdf>

²⁷⁷ Sacco, Lisa N, “Drug Enforcement in the United States: History, Policy, and Trends,” Congressional Research Service, October 2, 2014.

President Nixon also helped create the Drug Enforcement Agency (DEA), increasing government spending and focus on drug abuse. Reagan continued Nixon's more punitive drug policy measures and added on these policies with the 1983 Comprehensive Crime Control Act and the 1986 and 1998 Anti-Drug Abuse Acts. All of the policies further pursued policies of using law enforcement against drug use.²⁷⁸ Drug policy since the 1990s has been largely focused on synthetic drugs, with no major reductions in the more punitive drug policies of the 1970s and 80s. Over the last decade U.S. drug policy has stated goals of a less law enforcement focused approach, instead shifting to a comprehensive approach focused on prevention, treatment, and a more holistic examination of the systemic and policy issues related to drug use.²⁷⁹ This comprehensive approach to reducing U.S. drug demand has been slow to take, as the majority of federal dollars still go to law enforcement.²⁸⁰

The drug trade remains an issue that deeply affects the U.S. Recent reports have seen a rise in cocaine consumption and cocaine related deaths in the United States, particularly since 2013.²⁸¹ Given the magnitude of the issue domestically and the scope of U.S. resources, demand-side reduction as a means of combating the drug trade merits discussion. Achieving definitive supply-side reduction without also addressing demand is unlikely.

Reducing Demand in Colombia

Drug use in Colombia, especially among youth, has grown over the last decade. Current policy within the national demand reduction plan for 2014-2021 centers upon evidence-based measures and a public health approach.²⁸² Among these measures, which give special attention to prevention in children and teens, Colombia has sought to provide youths with alternative leisure activities that have been shown to prevent drug use.²⁸³ Safe consumption sites are also in the works. Law enforcement measures center on micro-trafficking, with police working on a frontal assault dubbed "*Corazon Verde*."²⁸⁴ As of May 2018, only five of the 16 stipulations related to consumption prevention and public health programs are in the initial stages of implementation,

<https://fas.org/sgp/crs/misc/R43749.pdf>

²⁷⁸ Sacco, Lisa N, "Drug Enforcement in the United States: History, Policy, and Trends," Congressional Research Service, October 2, 2014.

<https://fas.org/sgp/crs/misc/R43749.pdf>

²⁷⁹ Sacco, Lisa N, "Drug Enforcement in the United States: History, Policy, and Trends," Congressional Research Service, October 2, 2014.

<https://fas.org/sgp/crs/misc/R43749.pdf>

²⁸⁰ Sacco, Lisa N, "Drug Enforcement in the United States: History, Policy, and Trends," Congressional Research Service, October 2, 2014.

<https://fas.org/sgp/crs/misc/R43749.pdf>

²⁸¹ "State Estimates of Past Year Cocaine Use Among Young Adults," Substance Abuse and Mental Health Services Administration, 2016, https://www.samhsa.gov/data/sites/default/files/report_2736/ShortReport-2736.html.

²⁸² "International Narcotics Control Strategy Report: Drug and Chemical Control," U.S. Department of State, March 2017, <https://www.state.gov/documents/organization/268025.pdf>.

²⁸³ "The Colombian Peace Agreement: The Opportunity to Build Peace," The Office of the High Commissioner for Peace.

²⁸⁴ Bargent, James, "Pushing Around the Problem: Colombia's 'War' on Micro-trafficking," InSight Crime, October 30, 2013, <https://www.insightcrime.org/news/analysis/pushing-around-the-problem-colombias-war-on-micro-trafficking/>.

and 11 have not been implemented at all.²⁸⁵ The criminalization of illicit drug use has also changed in recent years.

Extradition

The extradition of criminals to the U.S. by the Colombian government became a hotly debated policy with the rise of Pablo Escobar, who worked relentlessly to avoid his own extradition. Around this time in 1991, the Constitutional Assembly of Colombia voted to ban extradition of Colombian nationals during the drafting of a new constitution (see Justice and Human Rights section). Yet extraditions to the U.S. have continued under a 1979 extradition treaty after another constitutional amendment passed by the Colombian Assembly reinstated the legality of the extradition of Colombian nationals.²⁸⁶ Though the topic will also be addressed in the section of the memo concerning justice, it is also relevant to the narcotics trade because many criminals facing extradition to the U.S. were participants. Jesús Santrich, a high-ranking member of the FARC, is currently awaiting sentencing and possible extradition for allegations by New York prosecutors of conspiring to ship 10,000 kilograms of cocaine to the U.S.²⁸⁷ Views on extradition within Colombia, however, vary. Those that consider the Colombian judicial system as weak, but believe narcotraffickers should be prosecuted, for example, support extradition. Others view extradition as an infringement on Colombian sovereignty and a violation of the specific judicial measures included in the peace agreement for the sentencing of FARC ex-guerrillas granting amnesty for political crimes.

Stipulations and Status of Implementation in the Peace Deal

Stipulations of Peace Deal

Both the Colombian government and the FARC have stated their commitment to finding a lasting solution to the issue of illicit drugs as one of the six main sections in the Peace Agreement. The plan is split into three main issue areas:

- First, the Colombian government seeks to find a solution to the problem of crops made for illicit use through the peace process. This section includes:
 - The National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS) that aims to work with communities to transform rural areas previously engaged in illicit crop cultivation.²⁸⁸
 - Substitution and non-replanting agreements between the Colombian government and local communities and the creation of an Immediate Response Plan that will work in

²⁸⁵ “State of Implementation of the Colombia Peace Agreement: Report 2”, Kroc Institute, May 2018, https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf.

²⁸⁶ “International Narcotics Control Strategy Report: Drug and Chemical Control,” U.S. Department of State, March 2017, <https://www.state.gov/documents/organization/268025.pdf>.

²⁸⁷ Daniels, Joe Parkin, “Blow to Colombian peace deal as former Farc rebel chief arrested on drug charges,” *Guardian*, April 10, 2018, <https://www.theguardian.com/world/2018/apr/10/colombian-peace-deal-jesus-santrich-drug-trafficking-charges>.

²⁸⁸ “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.” Republic of Colombia and FARC-EP. November 24, 2016. [http://especiales.presidencia.gov.co/Documents/20170620-dejacion-
armas/acuerdos/acuerdo-final-ingles.pdf](http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf).

tandem with this policy to ensure farmers receive subsidies promptly. Substitution is considered part of the Comprehensive Rural Reform chapter of the Peace Agreement as well, so is meant to be part of a full program of reform. In areas where substitution is not possible or when growers fail to meet their obligations, however, the Colombian Government may forcibly eradicate crops.²⁸⁹

- Improved state presence in areas affected by illicit crops.²⁹⁰
 - Increased participatory planning of communities in deciding how to transition from illicit crop production to licit activities and economic, social, and political transition.²⁹¹
 - The government will also adopt special measures for intervening in coca cultivation in the National Natural Parks and for conducting de-mining in areas affected by anti-personnel mines.
- Second, the Peace Agreement and implementation plan consists of a public health framework.²⁹² This section includes:
 - Creation of a new National Program for Comprehensive Intervention into Drug Use, which will create new policy and evaluate current policy and will work to empower local government to address drug use, promote public awareness, and establish a follow-up and evaluation system, all with a focus on prevention.²⁹³
 - Creation of a National Attention System for Illicit Drug Users that will include addiction rehabilitation sources and other measures for supporting those who are struggling with drug use.²⁹⁴
 - Third, the Peace Agreement and implementation plan seeks to fight against the production and commercialization of narcotics.²⁹⁵ This section includes:
 - A shifted criminal policy strategy to improve investigation and prosecution capacity at both national and regional levels.
 - An improved strategy for the government to repossess properties and assets involved in drug economy.²⁹⁶
 - Stronger state regulations and monitoring of the production, importation, and commercialization of inputs and chemicals used in production.²⁹⁷
 - A focus on fighting against drug economy-related corruption.²⁹⁸

²⁸⁹ *Ibid.*

²⁹⁰ *Ibid.*

²⁹¹ *Ibid.*

²⁹² *Ibid.*

²⁹³ *Ibid.*

²⁹⁴ “Summary of Colombia’s Agreement to End the Conflict and Build Peace,” Oficina del Alto Comisionado Para La Paz, <http://www.altocomisionadopalapaz.gov.co/herramientas/Documents/summary-of-colombias-peace-agreement.pdf>.

²⁹⁵ *Ibid.*

²⁹⁶ *Ibid.*

²⁹⁷ *Ibid.*

²⁹⁸ *Ibid.*

Status of the Implementation of the Peace Agreement

Major Areas	Stipulations	Stipulations Minimally or Not Implemented	Stipulations Intermediately or Fully Implemented
Comprehensive Program for the Substitution of Crops of Illicit Use (PNIS)	21	12	9
Comprehensive Substitution and Alternative Development Plans (PISDA)	14	14	0
Comprehensive National Drug Use Intervention Plan	16	16	0

The Peace Agreement has 66 stipulations directly related to combating the drug trade. Of these 66 stipulations, 39 percent have not been initiated, 45 percent have had minimal implementation, 14 percent have had intermediate implementation, and two percent have been completely implemented.²⁹⁹

The section of the Peace Agreement on the solution to production and commercialization of narcotics lays out a range of different stipulations, most of which have not been implemented. The effective prosecution subtheme, which would follow the law enforcement measures listed above, holds three stipulations, one of which has been intermediately implemented, and the other two have not started implementation.³⁰⁰ The strategy against drug-trafficking assets subtheme lays out five stipulations, four of which have been minimally implemented, and one of which that has not started implementation.³⁰¹ The strategy against drug-trafficking corruption subtheme lays out four stipulations, two of which have been minimally implemented, and two of which that has not started implementation.³⁰² The element of the Peace Agreement that refers to the International Conference on the Fight Against Drugs contains three stipulations, two of which have been minimally implemented, and one of which that has not started implementation.³⁰³ Overall, the implementation of this part of the peace agreement referring to the production and commercialization is lagging.

It is critical for the full implementation of the peace process for these stipulations to be implemented, as combating the drug trade spans across many sectors related to peace. Some of the key successes and difficulties of the implementation process thus far are highlighted below.

²⁹⁹ “State of Implementation of the Colombia Peace Agreement: Report 2.” Kroc Institute for International Peace Studies. 2018. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf.

³⁰⁰ *Ibid.*

³⁰¹ *Ibid.*

³⁰² *Ibid.*

³⁰³ *Ibid.*

Main Advances of the Peace Agreement Section Four Implementation, as of May 2018:

- The Colombian government has signed Voluntary Substitution Agreements with more than 123,000 families. 77,659 families have been registered in this program.³⁰⁴
- As of May 2018, 25,614 hectares of coca have been voluntarily removed, and the UNODC has been able to certify almost half of these hectares.³⁰⁵
- 981 illicit crop harvesters have registered for job training programs.³⁰⁶
- 1,065 former illicit crop growing families received land titles for crop substitution.³⁰⁷
- The PNIS program occurring now as a part of the 2016 agreement has been slow to take hold, but once funding has been disbursed, campesinos who return to the cultivation of coca are rare. The Peace Agreement lay out 21 stipulations related to the PNIS program.³⁰⁸ As of May 2018, one stipulation has been fully implemented, 16 are in progress (either minimally or intermediately implemented), and four have not started any implementation.³⁰⁹ The agreement lay out 14 stipulations related to the PISDA program. As of May 2018, nine are in progress (either minimally or intermediately implemented), and five have not started any implementation.³¹⁰

Main Difficulties of the Peace Agreement Section Four Implementation, as of May 2018:

- The Duque Administration has uncertain policies related to forced eradication and may bring back aerial spraying, which may hinder the implementation process as it is explained in the Peace Agreement.³¹¹
- The Colombian government continues to have an inadequate state presence in many areas affected by illicit crop cultivation.³¹²
- Though some progress has been made with crop substitutions, there remains a need for connecting newly substituted crops to markets and connected farmers to commercialization strategies.³¹³ Alternative development remains an under-implemented section of the Peace Agreement.
- The Colombian government continues to struggle with coordination efforts between different levels of leadership for the implementation process.³¹⁴

³⁰⁴ *Ibid.*

³⁰⁵ *Ibid.*

³⁰⁶ *Ibid.*

³⁰⁷ *Ibid.*

³⁰⁸ *Ibid.*

³⁰⁹ *Ibid.*

³¹⁰ *Ibid.*

³¹¹ Felbab-Brown, Vanda, “Can Colombia eradicate coca by drones? The illusion of a technological fix,” The Brookings Institution, July 24 2018, <https://www.brookings.edu/blog/order-from-chaos/2018/07/24/can-colombia-eradicate-coca-by-drones-the-illusion-of-a-technological-fix/>

³¹² “State of Implementation of the Colombia Peace Agreement: Report 2.” Kroc Institute for International Peace Studies. 2018. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf.

³¹³ “State of Implementation of the Colombia Peace Agreement: Report 2.” Kroc Institute for International Peace Studies. 2018. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf.

³¹⁴ *Ibid.*

- The legal elements of the Peace Agreement as they relate to narcotics production and commercialization remain under-implemented and coordination between the U.S. and Colombia has been minimal.³¹⁵
- There have not been major efforts to reduce demand in the United States and Europe, which may be affecting the crop substitution process, as coca cultivation remains more lucrative than other crop cultivation and both U.S. and Europe markets remain large.³¹⁶ Other U.S. policies, such as extradition, may serve as a hindrance to the successful implementation of the elements of the Peace Agreement related to justice for narcotraffickers.
- Only five of the 16 stipulations related to consumption prevention and public health programs are in the initial stages of implementation, and 11 have not been implemented at all.³¹⁷
- The criminalization of illicit drug use has changed. Though a 1994 Colombian Constitutional Court ruling decriminalized the possession of small amounts of illicit drugs to counter prison overcrowding and the disproportionate effect on the weakest portions of the production chain, the Duque administration scrapped the ruling in October.^{318, 319}

Policy Suggestions and Recommendations

Forced Eradication

With the aid and direction of the U.S., the Colombian government conducted aerial spraying to eradicate coca for several decades. This policy, however, was recently terminated after it was blocked by the Colombian judiciary. Implementing the agreement is complicated by the document's vague treatment of eradication. Though the agreement does not explicitly outline an aerial spraying policy, the document does not ban it. And indeed, the Duque administration is exploring spraying options despite the drawbacks that make it a poor policy option for Colombia and one that should not be encouraged or supported by the U.S. government.

However, reducing coca plantation does not necessarily reduce the amount of coca that ends up in markets nor reduces use of coca products. Endogeneity issues make it difficult to conclusively attribute any decline in coca plantation to eradication campaigns.³²⁰ In addition, one journalist who has studied the issue explains that measuring hectares under coca cultivation has become an unreliable means of tracking progress due to increasing productivity per plant and within a given

³¹⁵ *Ibid.*

³¹⁶ "Cocaine, Heroin, Cannabis, Ecstasy: How Big is the Global Drug Trade?," Global Research News, May 2018, <https://www.globalresearch.ca/cocaine-heroin-cannabis-ecstasy-how-big-is-the-global-drug-trade-2/5381210>.

³¹⁷ "State of Implementation of the Colombia Peace Agreement: Report 2." Kroc Institute for International Peace Studies. 2018. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf.

³¹⁸ "International Narcotics Control Strategy Report: Drug and Chemical Control," U.S. Department of State, March 2017, <https://www.state.gov/documents/organization/268025.pdf>.

³¹⁹ Taylor Lennox, "Colombia's Duque scraps "personal dose" as part of larger anti-drug policy," *City Paper Bogota*, October 16, 2018, <https://thecitypaperbogota.com/news/colombias-duque-scraps-personal-dose-as-part-of-anti-drug-policy/20808>.

³²⁰ Luis Eduardo Fajardo, "From the Alliance for Progress to the Plan Colombia: A Retrospective Look at USAID to Colombia," p. 9, Crisis States Programme. April 2003. <https://www.files.ethz.ch/isn/57601/WP28LF.pdf>

space using newly engineered crops. The backlash within local communities due to health concerns and the destruction of nearby licit crops, as well as means employed by farmers to protect their crop from glyphosate (i.e. spraying a protective coating of molasses over the leaves) also diminish the viability of aerial spraying.³²¹

Particularly in areas in which the state presence is weak, eradication initiatives like aerial spraying are only stopgap measures, both because armed groups continue to be able to coerce local farmers into growing coca and the application of glyphosate does not kill the entire coca plant, allowing it to grow back.

Recommendations:

- Colombia should not restart aerial spraying of coca. The environmental, social, and health costs of aerial spraying largely outweigh the benefits, and historically, aerial spraying has not been demonstrably effective. Further, forced eradication is included in the agreement only to be used in the event of non-compliance with alternative development programs, not as a standalone policy, and has been most effective only after alternative development measures have been implemented.
- The U.S. should not pressure the Colombian government to use aerial spraying as a method of eradication. Instances of forced eradication should be carried out manually as security conditions continue to improve. Finally, the measurement of acres of coca under cultivation is not the best metric for examining the effects of the drug trade on the U.S., and decreased acreage will not necessarily directly decrease the metric tons of cocaine shipped to U.S.

Alternative Development

Alternative development is perhaps the most crucial policy area for addressing the drug trade. Without means of finding income elsewhere, it will be extremely difficult for farmers to extract themselves from coca cultivation. Alternative development is also an area in which the U.S. can lend significant support. Agencies like USAID, as well as groups funded in part by the U.S., like the United Nations World Food Program, already have strong presence on the ground and a track record of some success.

Recommendations:

- Ex-guerillas and members of communities formerly or still involved in the drug trade, from high level narcotraffickers to farmers, require sustainable livelihoods. The Colombian government should thoroughly implement the Point 1 of the Peace Agreement on Comprehensive Rural Development and alternative livelihoods to effectively end coca cultivation and trade in Colombia. The PNIS and PISDA programs have not reached enough families in rural areas, indicating a dearth of resources.
- The U.S. government already has strong footholds in certain parts of Colombia with a range of USAID development programs and should continue to fund and support these programs, with a particular focus on coordinating with the Colombian government's

³²¹ *Ibid.*

implementation of Point 4 of the Peace Agreement. It is also critical for the U.S. to coordinate with other international actors to continue support for lasting development. If the U.S. is serious about ending the cocaine trade, alternative development is the best option for ebbing the flow of drugs from Colombia to U.S. soil.

- Colombia should fund the construction of infrastructure in remote rural areas plagued by the drug trade. The specifics of rural development will be described in greater depth elsewhere in the memo, but without structures like roads, the licit economy capable of providing alternative livelihoods cannot reach these communities. And because coca is often planted in protected areas, it cannot simply be replaced by agriculture, further demonstrating the need for connection to outside markets.
- Finally, the importance of establishing state presence on the ground cannot be overstated. With homicides occurring with greater frequency in areas under PNIS, insecurity is a powerful disincentive to program participation. If the safety of farmers is threatened without recourse to the state, crop substitution cannot succeed. Further, the rivers that flow through areas under coca cultivation serve as transport out narcotics of the country. Expanding state presence to these areas should thus be given priority. In this regard, the Colombian military may be the most useful actor given the high level of respect they command in society.

Law Enforcement and Interdiction

Since the explosion of the drug trade in the 1980s, the U.S. and Colombia have cooperated extensively on interdiction measures, on our side most frequently through the Drug Enforcement Administration (DEA). Colombia has also developed effective means of attacking the production chain through dismantling labs and restricting the sale of precursor materials, as evidenced by the measures included in the National Consolidation Plan under the Santos Administration. The Colombian government has also experienced success in raids targeting urban micro-trafficking.

Recommendations:

- The Colombian government should continue to focus resources on attacking the stronger points of the production chain. By combating only the cultivation of coca and the use of cocaine, or the portions of the production chain involving coca growers and drug users, narcotraffickers are simply able to direct the cultivation of coca elsewhere or sell to other markets. Interdiction is a powerful policy option because it disrupts the profit motivating the drug trade.
- While Colombian law enforcement has been highly effective in attacking the production chain and micro-trafficking domestically without American assistance, the U.S. should continue close cooperation with the Colombian government on interdiction. The seizure of processed cocaine before it reaches users in the U.S. holds benefits for both sides. Transnational cooperation has become even more important with the greater role taken on by the Mexican cartel in the Colombian drug trade, as well as the location of much coca cultivation on the Venezuelan and Ecuadorian borders.³²² The U.S. State Department

³²² “Coca Crops in Colombia at all-time high, UNODC Report finds,” United Nations Office on Drugs and Crime, September 19, 2018. <https://www.unodc.org/unodc/en/frontpage/2018/September/coca-crops-in-colombia-at-all-time-high--unodc-report-finds.html>.

CSDI program has proven useful in its focus on avoiding overreach while filling “gaps” in Colombian programs and should be continued.

Demand-Side Reduction in U.S.

To tackle the flow of drugs from Colombia to the U.S., it is critical to look at the issues in both countries driving the drug trade. The U.S. should consider a comprehensive public health approach when tackling domestic drug use. The opioid crisis and cocaine abuse are closely linked, and while the conversation around drug abuse has been largely focused on opioid use, cocaine use and cocaine-related deaths have spiked in recent years, particularly since 2013.³²³ Increased coca cultivation and increased cocaine use may be linked, but both supply and demand affect each other, and it is crucial for the U.S. to work to decrease U.S. demand for cocaine. As there is no one effective treatment for cocaine addiction, (such as methadone treatment for opioid addiction), it is critical to bolster prevention programs.³²⁴

Recommendations:

- Reducing U.S. demand should be examined as a key element of the fight against the international drug trade. Past government studies, such as those by the Senate Drug Caucus of the role of U.S. demand can be used as models.³²⁵
- Policymakers should follow a public health model for combatting cocaine consumption and should invest in policy practices that focus on prevention and wraparound services rather than the prosecution of drug users. Rather than the criminalization and incarceration of drug users, treatment is the most effective way to fight the epidemic.³²⁶

These policies will perhaps be the most difficult to implement as the issue remains unpopular with the Republican party, reducing the likelihood of passing legislation through Congress to intensify domestic anti-drug efforts. Prevention and treatment in the U.S. have fallen to the wayside, with the criminalization of drug users and ineffective programming dampening progress.³²⁷

³²³ “State Estimates of Past Year Cocaine Use Among Young Adults,” Substance Abuse and Mental Health Services Administration, 2016. https://www.samhsa.gov/data/sites/default/files/report_2736/ShortReport-2736.html.

³²⁴ Frakt, Austin, “Overshadowed by the Opioid Crisis: A Comeback by Cocaine,” *New York Times*, March 5, 2018, <https://www.nytimes.com/2018/03/05/upshot/overshadowed-by-the-opioid-crisis-a-comeback-by-cocaine.html>.

³²⁵ “Reducing the U.S. Demand for Illegal Drugs: A Report by the United States Senate Caucus on International Narcotics Control,” U.S. Senate Drug Caucus, 2012. <https://www.drugcaucus.senate.gov/sites/default/files/06-12%20Reducing%20the%20U.S.%20Demand%20for%20Illegal%20Drugs.pdf>.

³²⁶ Chandler, R.K., B.W. Fletcher and N.D. Volkow, “Treating Drug Abuse and Addiction in the Criminal Justice System: Improving Public Health and Safety,” *JAMA*, January 14, 2009m 301(2): 183–190, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2681083/>.

³²⁷ Vanda Felbab-Brown, “Death by Bad Implementation? The Duque Administration and Colombia's Peace Deal(s).” Brookings. July 25, 2018. <https://www.brookings.edu/blog/order-from-chaos/2018/07/24/death-by-bad-implementation-the-duque-administration-and-colombias-peace-deals/>.

Extradition

Since the 1980s, extradition has been a part of the U.S.-Colombian relationship in combating the drug trade. Though extradition may have played a useful role in the past, it currently places the peace process at risk. The extradition of FARC commanders is at odds with Peace Agreement's policies on transitional justice and some researcher have stipulated that further extraditions have the potential to discourage ex-guerillas from the carrying out the Peace Agreement and drive some back to war. Extradition thus comes with risks, few possible rewards for the U.S., and will not solve the issues underlying the drug trade.

Recommendations:

- The U.S. should consider stopping extraditions of FARC members when the process conflicts with the plans for transitional justice for ex-guerillas and members of the FARC laid out in the agreement. The Colombian government should continue to implement the policies laid out in the agreement, strengthen its criminal justice system to effectively carry out prosecution domestically, and work with the U.S. to prevent extradition as much as possible.
- Extradition does not solve the issues underlying the flow of cocaine from Colombia to the U.S. Instead, it has the potential to unravel progress made in the implementation of the agreement relating to the drug trade, as ex-guerillas may lose trust in the process and return to arms. The U.S. government should discontinue this strategy and instead focus on the areas suggested above as most in need of resources.

Principal Area for Peacebuilding | Disarmament and Socioeconomic Reintegration of FARC

Introduction

Disarming members of the FARC and preparing them for integration into civil society was a central tenet of the peace accords reached with the Colombian government. To begin, the United Nations led a Monitoring and Verification Mechanism and coordinated a successful bilateral ceasefire.³²⁸ Moreover, the UN assisted Colombian authorities in establishing Transitional Local Zones for Normalization (ZVTNs), focal points from which disarmament and reintegration would take place. In all, 20 of these zones were established nationwide in addition to six smaller Local Points.³²⁹

Negotiators outlined a 180-day timeline in which militants would relocate, disarm, and begin reintegrating into society. Section 3 of the deal specifically outlines the guerillas' laying down of arms.³³⁰ All militants were expected to hand over their weaponry via a "technical, traceable and verifiable procedure" monitored by the United Nations; within 60 days of the peace deal's endorsement, all FARC guerillas and weaponry would be relocated to ZVTNs³³¹. In the following 90 days, all weapons would be stored in units controlled by the UN.³³²

Numerous government entities have assisted in the FARC reintegration process, including the National Reincorporation Council created via the peace deal and the Normalization and Reintegration Agency (ARN) first created in 2011.³³³ Following disarmament, the government created Territorial Training and Reintegration Areas (ETCRs) as centers for FARC's return to civil society.

History of Policy Area in Colombia/Relevant Past Policies

The FARC is not the first armed group to reach a peace agreement with the Colombian government and attempt reintegration. Indeed, numerous other organizations have done so, some as recently as the early 2000s. M-19, an urban guerilla group which operated in the late 20th century, is perhaps one of the most well-known examples; however, their reintegration is difficult to compare directly to that of the FARC because of their more urban profile. The United Self-Defense Forces of Colombia (AUC), an armed rural paramilitary group originally created to protect wealthy Colombians from guerilla threats, began disarmament and reintegration in 2003

³²⁸ "The Colombian Peace Agreement," Office of the High Commissioner for Peace, 2018, 16.

³²⁹ "The Colombian Peace Agreement," Office of the High Commissioner for Peace, 18.

³³⁰ "Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace," Republic of Colombia and FARC-EP, November 24, 2016, [http://especiales.presidencia.gov.co/Documents/20170620-dejacion-
armas/acuerdos/acuerdo-final-ingles.pdf](http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf), 58.

³³¹ "Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace," Republic of Colombia and FARC-EP, 58.

³³² "The Colombian Peace Agreement," Office of the High Commissioner for Peace, 17.

³³³ "Historical Overview," Agencia para la Reincorporación y la Normalización, 2018, <http://www.reincorporacion.gov.co/en/agency/Pages/historical.aspx>.

in talks with the government of Álvaro Uribe.³³⁴ About 30,000 fighters handed over their weapons and completed educational and social programs, receiving funding for business ventures and investment in return; to date, almost 50,000 AUC ex-combatants are at some stage of the reintegration process, with mixed feelings abound.³³⁵ Many recipients of reintegration benefits claim the government has not done enough to help them be successful, not providing adequate financial or structural support.³³⁶

Stipulations and Status of Implementation of the Peace Deal

Disarmament

By June of 2017, FARC ex-guerrillas had surrendered over 7,000 firearms to UN inspectors to be shipped out of the country.³³⁷ As stipulated in the accords, the weapons are meant to be melted down and formed into monuments for Bogotá, Havana, and New York City. In addition to those firearms surrendered at ZVTNs in rural areas, the FARC also provided international mediators the locations of hidden weapons caches in the jungle. The United Nations was able to clear several caches before its mandate expired in September of 2017; it is now the responsibility of Colombian security forces to clear any newly-discovered deposits.³³⁸

Despite moderate success with the demobilization of the FARC, hundreds of former fighters have returned to the jungle and rearmed. Many of these militants say they feel betrayed by the Colombian government, who they believe has not fulfilled its side of the agreement. Although the government promised to bring health, education, and security to much of the former FARC territory, yet they are rarely seen by civilians in these locations.³³⁹ Researchers estimate that over 2,000 FARC dissident fighters have abandoned the peace deal and rearmed.³⁴⁰

Besides distrust of the government, former members of the FARC also cite threats from right-wing paramilitaries as reason for returning to the jungle. Dozens of former rebels have been gunned down since the peace deal was signed, and many fighters do not trust the Colombian government to defend them from violent retaliation. While the rearming of ex-combatants is claimed to be over-exaggerated by some, it remains a concern for Colombian authorities and the international community.

³³⁴ Marieke Denissen, "Reintegrating Ex-Combatants into Civilian Life: The Case of the Paramilitaries in Colombia," *Peace & Change*, 35: 328-352 (2010), <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-0130.2009.00630.x>.

³³⁵ Erika Piñeros, "Could Colombia's faltering reintegration programme doom the peace process?" IRIN News, August 09, 2016, Accessed December 07, 2018, <https://www.irinnews.org/feature/2016/08/09/could-colombias-faltering-reintegration-programme-doom-peace-process>.

³³⁶ Erika Piñeros, "Could Colombia's faltering reintegration programme doom the peace process?"

³³⁷ Nicholas Casey et al., "'Goodbye, Weapons!' FARC Disarmament in Colombia Signals New Era," *New York Times*, June 27, 2017, <https://www.nytimes.com/2017/06/27/world/americas/colombia-farc-rebels-disarmament.html>.

³³⁸ "Colombia's Farc concludes weapons disarmament," *BBC*, August 16, 2017, <https://www.bbc.com/news/world-latin-america-40944329>.

³³⁹ Matthew Bristow, "The Mountains Where Colombia's Former FARC Rebels Are Rearming," *Bloomberg*, September 11, 2018, Accessed December 08, 2018, <https://www.bloomberg.com/news/photo-essays/2018-09-11/the-mountains-where-colombia-s-former-farc-rebels-are-rearming>.

³⁴⁰ Nicholas Casey et al., "'Goodbye, Weapons!' FARC Disarmament in Colombia Signals New Era."

Reintegration

With the completion of disarmament, the 26 ZVTNs transitioned to their second phase of operation, functioning as ECTRs for the reintegration of ex-combatants into civilian life.³⁴¹ While this transition involves the dissemination of a monthly stipend, health services and education, the main goal of this process is to provide opportunities for income generating to ex-combatants.³⁴² Unfortunately, according to the United Nations, it is severely lagging behind others parts of the process. While the government has been generally successful in providing basic services, the lack of funding and technical training for these projects is both a short-term and long-term concern for the peace process.³⁴³

The peace deal required that the government provide several forms of assistance to the FARC. First, every member shall receive first a one-time allowance of 2 million Colombian pesos and then a monthly stipend of ninety-percent of the minimum monthly legal wage,³⁴⁴ which is currently 781,242 pesos or around \$265 USD.³⁴⁵ The government also guaranteed several rights such as the right to education (primary, secondary, technical and technological, university), housing, culture, recreation and sport, and environmental protection. Finally, the agreement states that the government will bring healthcare services closer to these communities.³⁴⁶ With concern to the productive projects, the peace deal states: “Every member of the FARC-EP in the process of reincorporation will have the right to one-time economic support to start an individual or collective socially productive project, in the sum of 8 million Colombian pesos.”³⁴⁷ Additionally, the government has promised a variety of technical assistance, specifically in concern with “advances in terms of technico-productive, organizational, social, management, administration, IT, finance, marketing and training.”³⁴⁸

The provision of basic living and health needs has been a general success for the reintegration. Despite the fact that most ECTRs are located in remote areas with limited access to electricity, clean water, and sanitation, by April 2018, the government had built water plants and septic wells

³⁴¹ “Report of the Secretary-General on the United Nations Verification Mission in Colombia,” United Nations Security Council, New York, December 27, 2017, https://colombia.unmissions.org/sites/default/files/en_-_n1745936.pdf.

³⁴² “Report of the Secretary-General on the United Nations Verification Mission in Colombia,” United Nations Security Council, December 27, 2017.

³⁴³ “United Nations Verification Mission in Colombia Report of the Secretary-General.” United Nations Security Council, New York, September 28, 2018. https://colombia.unmissions.org/sites/default/files/n1829781_en.pdf.

³⁴⁴ “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.” Republic of Colombia and FARC-EP. November 24, 2016. <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf>.

³⁴⁵ Jared Wade, “Colombia Raises Minimum Wage by 5.9% in 2018 to 781,242 Pesos per Month,” Finance Colombia, December 31, 2017, <https://www.financecolombia.com/colombia-minimum-wage-colombia-will-increase-5-9-2018/>.

³⁴⁶ “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.” Republic of Colombia and FARC-EP.

³⁴⁷ “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.” Republic of Colombia and FARC-EP.

³⁴⁸ “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.” Republic of Colombia and FARC-EP.

in 25 of 26 areas, with the last under construction.³⁴⁹ While some territories have dealt with limited electricity and delays in food provisions, the government has responded to this by creating “a working group that meets regularly to respond to infrastructure and service bottlenecks.”³⁵⁰ They also have generally been successful in providing stipends to ex-combatants. At the same time, “11,507 (96.7 percent) of accredited ex-combatants have access to a bank account, 11,729 (99 percent) have received one-time reintegration allowances and 10,335 (87 percent) receive monthly stipends.”³⁵¹ While there is a room for improvement, these statistics provide a significant improvement from the first year of implementation.

The government has also been successful in providing members with health services. As of April 2018, “11,475 former FARC-EP members (96 per cent of those accredited; 8,980 men and 2,495 women) across 488 municipalities are registered with the healthcare system.”³⁵² The government has also responded to a delay in the deployment of doctors with doctors regularly available in 25 of 26 camps.³⁵³ One problem with the provision of health services has been the lack of obstetrical care. In many areas these services are either severely underfunded or non-existent, forcing pregnant women to pay high transportation costs to reach the necessary assistance. Members with disability face similar problems.³⁵⁴ Nevertheless, the Secretary-General on the United Nations Verification Mission in Colombia has concluded that the FARC-EP members as well as surrounding community members have benefited greatly from the government's extension of health services.³⁵⁵

One area with less clarity is the establishment of education services for former FARC-EP members. The Ministry of Education in conjunction with international partners created a model for primary and secondary education. In this system, 3,418 members enrolled in 2017 and 1,831 were registered for 2018 as of April 2018.³⁵⁶ Nevertheless, demands for higher education have only increased with no concrete plan in place. Currently, the Ministry of Education and the FARC are working with various universities around the country, both private and public, to establish a system to alleviate these demands, however, no solution has been agreed to by all parties.³⁵⁷

³⁴⁹ “Report of the Secretary-General on the United Nations Verification Mission in Colombia.” United Nations Security Council, New York, April 02, 2018. https://colombia.unmissions.org/sites/default/files/n1808241_en.pdf.

³⁵⁰ “Report of the Secretary-General on the United Nations Verification Mission in Colombia.” United Nations Security Council, April 02, 2018.

³⁵¹ “Report of the Secretary-General on the United Nations Verification Mission in Colombia.” United Nations Security Council, New York, April 02, 2018.

³⁵² “Report of the Secretary-General on the United Nations Verification Mission in Colombia.” United Nations Security Council, New York, April 02, 2018.

³⁵³ “United Nations Verification Mission in Colombia Report of the Secretary-General.” United Nations Security Council, New York, April 02, 2018.

³⁵⁴ “United Nations Verification Mission in Colombia Report of the Secretary-General.” United Nations Security Council, New York, April 02, 2018.

³⁵⁵ “United Nations Verification Mission in Colombia Report of the Secretary-General.” United Nations Security Council, New York, September 28, 2018.

³⁵⁶ “United Nations Verification Mission in Colombia Report of the Secretary-General.” United Nations Security Council, New York, April 02, 2018.

³⁵⁷ “United Nations Verification Mission in Colombia Report of the Secretary-General.” United Nations Security Council, New York, September 28, 2018.

Another concern for the long-term success of reintegration is access to land. The ECTRs and the majority of productive projects are situated on rented land, set to expire within the next year. The uncertainty around land access has been reiterated continually throughout the UN verification reports.³⁵⁸ Thus far, the National Land Agency has identified 76 plots of land within close proximity to the territorial areas fit for purchase, however, no other progress has been made.³⁵⁹ This issue was routinely brought up in interviews with ex-combatants as they look to establish homes and businesses beyond the end of 2019.

Currently, the most pressing problem around socioeconomic reintegration is the lack of funding and assistance for income-generating projects. These projects are supposed to provide the mid- and long-term opportunities for ex-combatants, and the gender technical working group of the National Reintegration Council has specifically strove to prioritize productive projects led by women. According to the Peace Agreement, the National Reintegration Council is supposed to provide 8 million Colombian pesos (\$2,800 USD) to every participant in an approved project.³⁶⁰ Despite their necessity, the government has been slow to approve and fund them; only 17 projects have been approved and only two have been funded.³⁶¹ Without proper backing, former combatants have taken the initiative to fund over a hundred of their own projects, including ecotourism, agriculture, and bakeries, using their monthly stipends.³⁶² They have also partnered with universities, local authorities and international donors to receive technical assistance as well as larger international groups such as the UNDP, the International Organization for Migration, the Food and Agriculture Organization of the United Nations, the Mine Action Service, and the United Nations Children's Fund.³⁶³ As repeatedly shown, projects with funding as well as proper technical and marketing support can be turned into profitable, income-generating businesses for partaking ex-combatants.³⁶⁴ However, there has been a dearth of such support.

Given the wide gap between the government's position from that of ex-guerillas, many experts are skeptical of a successful reintegration. Members of the UN group in Colombia and the International Crisis Group have echoed the need for greater government funds and technical assistance. Ex-combatants on the group have had similar complaints about the peace process. Members of the Colombian Delegation to the International Commission of the Red Cross see three reasons for failure: (1) the FARC's general aversion to and doubts about state intervention, which was exacerbated in the year it took to agree on a joint strategy for reintegration; (2) government willingness to provide sufficient help to the FARC.; and (3) the gap in the disagreement between the FARC and government on what reintegration really means. The FARC believe in collective

³⁵⁸ "United Nations Verification Mission in Colombia Report of the Secretary-General." United Nations Security Council, New York, September 28, 2018.

³⁵⁹ "United Nations Verification Mission in Colombia Report of the Secretary-General." United Nations Security Council, New York, April 02, 2018.

³⁶⁰ "Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace." Republic of Colombia and FARC-EP.

³⁶¹ "United Nations Verification Mission in Colombia Report of the Secretary-General." United Nations Security Council, New York, September 28, 2018.

³⁶² "United Nations Verification Mission in Colombia Report of the Secretary-General." United Nations Security Council, New York, September 28, 2018.

³⁶³ "United Nations Verification Mission in Colombia Report of the Secretary-General." United Nations Security Council, New York, September 28, 2018.

³⁶⁴ "United Nations Verification Mission in Colombia Report of the Secretary-General." United Nations Security Council, New York, September 28, 2018.

integration while the government believes in individual integration. Other experts also view the lack of leadership and infrastructure in many camps as key obstacle to success.

Policy Suggestions/Recommendations

To date, little progress has been made towards the broad, long-term goals set forth by the Colombian peace agreement.³⁶⁵ Regarding short-term provision of basic life necessities, the government must continue to provide such services throughout the duration of the reintegration process. They have taken the correct steps to extend these services until the fall and winter of 2019. The government must also continue to work to fix the gaps in its services. Medical assistance for pregnant women and higher education are all vital for the successful reintegration of the FARC and, thus, the government should divert more funds and resources to remedying these problems.

The same steps must be taken in support of the productive projects. These projects are the main driver of mid- and long-term economic success for ex-guerrillas. The National Reintegration Council should approve and fund these projects at a quicker pace, so ex-guerrillas can establish themselves before the weekly stipends cease. The Duque administration must also follow through with the peace agreement by providing greater technical support because the international does not have to ability or timeline to sustain this aid in the long-term. One possible solution offered is for the government to encourage private interests in Colombia to both partner with and assist the productive projects through technical training. They also should consider extending the land rental period past the current deadline. This would give ex-guerrillas more time to establish their productive projects. Finally, there are several certifications required to pursue specific small businesses.³⁶⁶ For example, the Ponders ECTR has been unable to sell mulch due to the burden of high fees for official certification. The Colombian government should either waive these fees or provide the capital to ex-guerrilla through a loan to ease and expedite the certification process.

The United States should earmark funds to help the easier remediable problems, such as the lack of medical assistance. Second and more importantly, they should continue to exert political pressure on the Duque Administration to approve more projects, release more funds, and encourage private sector help in Colombia. More directly, according to stakeholders, there are a variety of gaps in the technical assistance being provided by the Colombian government and the international community. The United States should attempt to provide said assistance through the USAID to meet demands in the ex-guerrilla community. Additionally, if the Colombian government is unwilling or unable to waive various certification costs, the US government could offer low-interest credit programs to ex-guerrillas to help them establish small businesses. Reintegration is the crucial next step for the majority of ex-guerrilla FARC members, and thus, every effort must be made to remove the obstacles blocking it.

³⁶⁵ “State of Implementation of the Colombia Peace Agreement, Report Two.” Kroc Institute. August 2018. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf

³⁶⁶ “Colombia - Licensing Requirements for Professional Services.” August 17, 2018. <https://www.export.gov/article?id=Colombia-Licensing-Requirements>.

Principal Area for Peacebuilding | Peace Building through Political Reintegration of FARC

Introduction

The 2016 peace agreement acknowledged that building peace required a “widening of democracy that allows new voices to enrich the political debate about Colombia’s problems, strengthening pluralism and the representation of the different visions and interests of society.”³⁶⁷ Recognizing the integral need for representation and inclusion, the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) negotiated to ensure the former combatants access to the political system. The portion of the peace agreement focused on the rights, guarantees, and reforms for exercising political opposition are historic consequences of cycles of electoral and political violence.

History of Policy Area/Relevant Past Policies

“[FARC’s] presence in the Colombian political arena is a constant reminder that despite a half century of economic modernization and recent strides toward greater pluralism, the country still has not come to terms with its own past or extended its political and economic development model or constitutional protections to all its citizens.”³⁶⁸

The FARC was established in 1964. Since its creation, it has been committed to its original demands with a broad agenda for political reform and access to power to negotiate with the Colombian government. The FARC has focused on the issue of political exclusion since its genesis and has called for electoral reforms such as the direct election of mayors and governors as well as “greater guarantees for minority parties at the ballot box and in Congress.”³⁶⁹ This is a recurring theme throughout the history of FARC’s participation in the political sphere.

The creation of M-19’s political party and the FARC’s Unión Patriótica (UP) are prime examples of Colombia’s efforts to integrate former insurgents and guerillas into the traditional political system. The first formal recognition of the FARC as a political party was in the 1980s, when it created a political arm of the group called the Unión Patriótica (UP). In a set of agreements signed between the FARC and President Belisario Betancur Cuartas, known as the La Uribe agreements, the Colombian government provided FARC the opportunity to participate in the political sphere.³⁷⁰ In tandem with these negotiations, the Betancur administration put forth a set of political reforms including the popular election of mayors and more frequent elections for congressional seats. The FARC created the UP to take advantage of this democratic opening. However, they did so without disarming. In 1986, the UP won six Senate seats, eight

³⁶⁷ “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace.” Republic of Colombia and FARC-EP. November 24, 2016. [http://especiales.presidencia.gov.co/Documents/20170620-dejacion-
armas/acuerdos/acuerdo-final-ingles.pdf](http://especiales.presidencia.gov.co/Documents/20170620-dejacion-
armas/acuerdos/acuerdo-final-ingles.pdf).

³⁶⁸ Chernick, “The FARC at the Negotiating Table,” in *Colombia: Building Peace in a Time of War*, p. 69.

³⁶⁹ *Ibid*, p. 67.

³⁷⁰ Gómez V., Octavio. “La UP: historia del fracaso más sangriento en Colombia.” *Colombia Plural*. September, 13 2016. <https://colombiaplural.com/la-up-historia-del-fracaso-mas-sangriento-colombia/>.

congressional, and 4.6 percent of the votes in the presidential election.³⁷¹ In 1988, it was extremely successful in securing mayorships and council seats. However, as the UP began to gain more political power and participation, many members of the party were victims of a dirty war waged by far-right sectors of the army, drug traffickers, and paramilitary groups.³⁷² Several thousands of its members, including the UP's presidential candidates in 1986 and 1990, were assassinated.³⁷³ Shortly thereafter, the FARC was much less focused on political participation.



Burial service of Jaime Pardo Leal, a UP presidential candidate, who was assassinated in 1987.³⁷⁴

M-19 signed a peace agreement with President Virgilio Barco's administration in 1989 that also guaranteed their incorporation into the traditional political sphere. The former insurgent group united with other leftist movements and created the M-19 party. The new political party grew quickly in popularity and was in the process shaping up as a legitimate opponent of the two-party system. However, in addition to violence faced from paramilitary groups and death squads, the Colombian government, through a series of warrants and arrests, effectively dissolved the party into political irrelevancy.³⁷⁵ In 1997, their candidate for president, Antonio Navarro Wolff, lost, conclusively ending M-19's legitimate political reign.³⁷⁶ In both cases of M-19 and the UP, the

³⁷¹ Gomez, *La UP: historia del fracaso más sangriento en Colombia*.

³⁷² Carlos Nasi, "Colombia's Peace Processes, 1982-2002," in *Colombia: Building Peace in a Time of War*, ed. Virginia Bouvier (Washington, D.C.: United States Institute of Peace, 2009), 54.

³⁷³ Marcela Osorio Granados. "Unión Patriótica: Un genocidio a la vista de todos." ELESPECTADOR.COM. July 28, 2018. Accessed December 07, 2018.

³⁷⁴ Granados, *Unión Patriótica: Un genocidio a la vista de todos*.

³⁷⁵ Daniel Cassman. "April 19 Movement." Mapping Militant Organizations. Accessed December 07, 2018. <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/91>.

³⁷⁶ *Ibid.*

insurgents were met with great challenges that ended up in their political parties' eventual disappearance.

Currently, the FARC is concerned that a new wave of political assassinations is on the rise. Many former FARC members have expressed that over 80 ex-FARC fighters have been killed since the signing of the peace deal. In addition, there was a 35 percent increase in political violence in the year following the peace agreement where many social and community leaders were assassinated.³⁷⁷ Without their arms to use as leverage, the FARC is concerned that history might repeat itself. However, since the FARC has been disarmed, it is unlikely that they will be victims of large-scale termination as they were in the 1980s.

Up to this point, apart from the formation of the UP, the FARC has not had formal recognition as a political body. However, their many efforts to negotiate with the Colombian government illustrate some of their political objectives and merit mention.

Under President Betancur, peace talks with the FARC were attempted. The FARC never demobilized and was not required to give up their weapons. Despite no demobilization, through these talks came the legalization of the UP, which was shortly thereafter violently targeted. As a result of the escalating violence, the FARC abandoned the talks in 1986.³⁷⁸

The next president to attempt negotiations with the FARC was Cesar Gaviria. These negotiations occurred in Venezuela and Mexico and focused mainly on the issue of a cease-fire. The FARC demanded that the state recognize a number of municipalities as FARC-influenced and to be free of government attacks. The government conceded a fair number of these municipalities and maps were drawn up. However, these talks eventually failed as the FARC was not content with its degree of mobility, access to political activities, and carrying arms in those areas.³⁷⁹

President Andres Pastrana attempted negotiations with the FARC during his administration, after successfully meeting with FARC leader Manuel Marulanda on television during his campaign. The negotiations began in 1999 and focused on economic reforms and employment policies. The FARC ended up hijacking a plane and kidnapping a senator, leading to the collapse of the peace talks.³⁸⁰

The next administration to take the FARC seriously as political negotiators was that of President Santos, who eventually was successful in the signing of a peace deal. Although prior to the peace deal they were only recognized once as a legitimate political party, the government's willingness to meet them at the negotiating table and nearly make meaningful concessions each time speaks to the relative political power of the FARC.³⁸¹

³⁷⁷ Nick Miroff. "Colombia's Rebels Survived War, Now They Worry about Surviving the Peace." The Washington Post. March 30, 2016. Accessed December 07, 2018.

https://www.washingtonpost.com/news/worldviews/wp/2016/03/30/colombias-rebels-survived-war-now-they-worry-about-surviving-the-peace/?utm_term=.fad9af303f4e.

³⁷⁸ Chernick, FARC at the Negotiating Table, p 73-75.

³⁷⁹ *Ibid.*

³⁸⁰ *Ibid.*

³⁸¹ *Ibid.*

Stipulations and Status of Implementation in the Peace Deal

One of the main items of the peace deal is the political reintegration of the FARC. This item is divided into two main areas—guarantees for exercising political opposition and security for the FARC and large-scale improvement of democratic mechanisms for greater citizen participation. The stipulations for the guarantees for exercising political opposition have been implemented successfully, which will be discussed in greater detail below. However, the broadening of access to democracy has been lagging. For more on improving access to civic participation, see the Political and Civic Participation within the Rural Development section.

Iván Duque of the center-right Democratic Center party won Colombia's presidential runoff on June 18, 2018 with 54 percent of the vote. He and his running mate, Marta Lucía Ramírez, will serve a four-year term from August 7, 2018 to August 7, 2022. Ramírez is Colombia's first female vice president.³⁸²

Throughout the presidential elections, Duque received glowing support from Democratic Center party founder and former President Álvaro Uribe Velez, who is the first Colombian president to serve in the Senate following his time in office. During his candidacy, Duque proposed a stronger stance against guerrillas and changes in the 2016 peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia, which he says grants "impunity in this country for FARC criminals."³⁸³ He is a resolute critic of the agreement, objecting to amnesty for former guerrilla members and their subsequent reentry into the political sphere. Duque and his administration promise to "modify" the peace agreement with the FARC following. In an interview with *El País*, he said that he plans to implement "significant changes to the elements that affect the rule of law" in the peace agreement, calling the FARC's political participation without serving sentences for their crimes "very detrimental."³⁸⁴

"This is a mockery and an affront to their victims and to our rule of law," Duque said in an interview with *El País*.³⁸⁵

Duque is not alone in this belief. Colombian senator Gabriel Velasco is a member of Colombia's right-wing ruling party, and told NPR that the guerrillas kidnapped his brother-in-law and killed his father-in-law.

"People who have committed crimes against humanity shouldn't be - if they don't go through justice, they shouldn't participate in politics or in Congress," Velasco added.³⁸⁶

³⁸² Valencia, Robert. "Who Is Iván Duque? Meet Colombia's New President and the Challenges That Await Him." *Newsweek*. August 07, 2018. <https://www.newsweek.com/colombia-presidential-election-results-meet-ivan-duque-conservative-who-rose-980518>.

³⁸³ Duque, Iván. *El País*. By Francesco Manetto and Jorge Quintero. January 19, 2018. https://elpais.com/elpais/2018/01/18/inenglish/1516294680_240744.html.

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*

³⁸⁶ Otis, John. "Former FARC Guerrillas Join Colombia's Congress." NPR. August 18, 2018. <https://www.npr.org/2018/08/18/639822950/former-farc-guerrillas-join-colombias-congress>.

Duque campaigned on revising the 2016 peace agreement to remove the FARC's reserved legislative seats and exclude drug-trafficking crimes from an amnesty agreement, arguing that "FARC members should *first* serve jail sentences and only then be allowed to participate in politics."³⁸⁷

One of the candidates Duque ran against in the March 2018 election was FARC's commander Rodrigo Londoño, who led the guerilla group under the code name Timochenko. The BBC noted that Timochenko's actions were among "the bloodiest and deadliest carried out by the FARC" during Latin America's longest war and included the kidnapping of government ministers, the bombing of social clubs and the murder of politicians.³⁸⁸ In 2011, the FARC's leader Manuel Marulanda was killed by Colombian armed forces. Shortly afterwards, Londoño was named as his successor. Under Londoño's leadership, the FARC entered into formal peace talks with the Colombian government and later demobilized. Following the establishment of the FARC's newly found political party, Londoño was elected to become its presidential candidate. During the 2018 presidential race, he openly defended the 2016 peace agreement, but faced widespread opposition from center and right-wing parties.³⁸⁹ In March before the elections, Londoño stepped down from the presidential race due to heart failure and health issues.³⁹⁰

Following the peace deal, the FARC's political party known as the Revolutionary Alternative Common Force was guaranteed five seats each in Colombia's Senate and House of Representatives through 2026. However, the party is very unpopular. Nearly 9 out of 10 Colombians have said that they would never vote for a FARC candidate for president, and over 80 percent of Colombians have an unfavorable opinion of the FARC.^{391,392} The FARC only won 0.4 percent of the vote and right-wing, conservative parties won the most votes in the country's congressional elections. According to Professor Angelika Rettberg Biel of the Universidad de los Andes, the FARC was unsuccessful in their election campaign for a number of reasons. First, the FARC decided to keep its name, failing to distance themselves from their violent past. Second, 80 percent of the Colombian population lives in more conservative, urban areas, putting them at a disadvantage. Lastly, in rural areas where their message and platform would likely resonate, access to media and internet is scarce. The BBC reported that the Democratic Center, Uribe and Duque's party, gained the most seats, with 19 in the Senate, and 33 in the lower House of

³⁸⁷ Felbab-Brown, Vanda. "Death by Bad Implementation? The Duque Administration and Colombia's Peace Deal(s)." Brookings. July 25, 2018. <https://www.brookings.edu/blog/order-from-chaos/2018/07/24/death-by-bad-implementation-the-duque-administration-and-colombias-peace-deals/>.

³⁸⁸ BBC Monitoring. "Timochenko, the Guerrilla Leader Who Talks Peace." BBC News: Latin America. November 24, 2016. <https://www.bbc.com/news/world-latin-america-36610281>.

³⁸⁹ Londoño, Rodrigo. "Carta Abierta Al Señor Presidente De La República, Juan Manuel Santos." FARC_Fuerza Alternativa Revolucionaria Del Común. <https://www.farc-ep.co/comunicado/carta-abierta-al-senor-presidente-de-la-republica-juan-manuel-santos.html>.

³⁹⁰ Cobb, Julia Symmes and Helen Murphy. "Colombia's FARC Candidate out of Presidential Race Due to Ill Health." Reuters. March 12, 2018, <https://www.reuters.com/article/us-colombia-peace-vote/colombias-farc-candidate-out-of-presidential-race-due-to-ill-health-idUSKCN1GK1U3>.

³⁹¹ Sonneland, Holly K. "Explainer: Colombia's 2018 Elections." AS/COA. June 28, 2017. Accessed December 07, 2018. <https://www.as-coa.org/articles/explainer-colombias-2018-elections>.

³⁹² <http://static.iris.net.co/semana/upload/documents/gran-encuesta-mayo-17.pdf>

Representatives.³⁹³ Despite the lack of support, former FARC commanders were to serve in their constitutionally mandated roles.

At the inaugural session this year, FARC leaders were charged with ordering more than 8,000 kidnappings. If convicted, they must compensate their victims and accept their punishments. However, if the former guerilla commanders are honest and tell the truth, they will not serve jail time. The peace accord also stipulates that reparations and justice rulings by the Special Jurisdiction for Peace will not impede the FARC's political participation, ensuring that they are able to retain their seats in Congress. These sentencing provisions have been approved by the Colombian Supreme Court.

Despite the constitutional guarantee for political representation, FARC commander Iván Márquez refused to take up his designated seat, protesting the detention of Jesus Santrich. Santrich also has a congressional seat reserved for him, but has been arrested on United States drug-trafficking charges and awaits extradition to the U.S.³⁹⁴

Currently, the FARC political bloc in the Colombian Senate is comprised of Pablo Catatumbo Torres Victoria, Victoria Sandino Simanca Herrera, Julián Gallo Cubillos, and Criselda Lobo Silva. Pablo Catatumbo served in the FARC's National Secretariat as well as the peace delegation in Havana.³⁹⁵ Victoria Sandino was also a member of the FARC'S peace delegation and is currently part of the FARC's gender subcommission.³⁹⁶

The FARC's representatives in Congress are Jairo Reinaldo Cala Suárez, Luis Alberto Albán Urbano, Omar De Jesús Restrepo Correa, and Carlos Alberto Careño Marín. Despite his arrest, Santrich is still listed on the Colombian congressional roster.

³⁹³ "Colombia Election: Farc Fails to Win Support in First National Vote." BBC News. March 12, 2018. https://www.bbc.com/news/world-latin-america-43367222?intlink_from_url=https://www.bbc.com/news/topics/cdl8n2edxxpt/farc&link_location=live-reporting-story.

³⁹⁴ Daniels, Joe Parkin. "Blow to Colombian Peace Deal as Former Farc Rebel Chief Arrested on Drug Charges." The Guardian. April 10, 2018. <https://www.theguardian.com/world/2018/apr/10/colombian-peace-deal-jesus-santrich-drug-trafficking-charges>.

³⁹⁵ Catatumbo, Pablo. "El paramilitarismo: principal obstáculo para alcanzar la paz." Las 2 Orillas. September 25, 2014. <https://www.las2orillas.co/el-paramilitarismo-principal-obstaculo-para-alcanzar-la-paz/>.

³⁹⁶ "Victoria Sandino." FARC-EP International Blogs. <http://farc-epeace.org/blogs/victoria-sandino.html>.



On the first day of the new Congress, members of the FARC hold signs that read “convergence for hope.”³⁹⁷

Policy Suggestions/Recommendations

Because FARC-EP is a foreign political party, the U.S. is fundamentally limited in providing assistance towards the political reintegration of the party. However, there are two major actions the U.S. can take to promote peacebuilding in this principal area.

Recommendations:

- As with the recommendations for Disarmament and Social Reintegration, the U.S. can convene a special council between the Departments of State and Treasury to determine whether the FARC-EP can be removed from the list of foreign terrorist organizations.
- As the FARC becomes its own political party, the United States should support the Colombian government in taking extra caution to ensure that the FARC has the resources to organize effectively. With the ability to effectively participate in democracy, insurgent and armed practices become less attractive.
 - The Duque administration should not undermine the legitimacy or integrity of the former guerilla members of Congress. This hardline approach jeopardizes the political integration and transitional justice policies that should be implemented.
- The United States should continue to support democratic values and initiatives in Colombia.

³⁹⁷ Maria Cartaya, “FARC members join Colombia’s Congress,” CNN, July 22, 2018, Accessed December 10, 2018, <https://edition.cnn.com/2018/07/21/americas/farc-members-join-colombias-congress/index.html>.

Principal Area for Peacebuilding | Justice and Human Rights

Introduction

One of the greatest challenges facing Colombia in its transition to peace is establishing a transparent system that upholds justice and human rights. Given the historic weakness and limited reach of government institutions, the Colombian government must maintain a strong and independent judiciary to fairly prosecute crimes and facilitate reconciliation. Recent gains in security have not coincided with gains in the protection of human rights; the courts have often been slow to adjudicate and reconcile past crimes. Curbing violence and crime in the country has proved to be difficult. The transition requires the political will in addition to a professional police and legal system. The 2016 peace negotiations between the Colombian government and FARC guerillas intended to end decades of terrorism, fighting, and human rights atrocities, but the rate of human rights violations have escalated as social leaders now face violence from remaining armed actors. The transitional justice plan is one of the most domestically controversial components of the peace process, but with strong international pressure, it can be the most intact component of implementation.

History of Human Rights Abuses in Colombia

Colombia has a long history of human rights violations, orchestrated by both illegal armed actors and the government under the overarching effort to stop guerilla activity and to gain territorial control. Political violence between Colombia's reigning Liberal and Conservative parties, beginning in the 1940s, established a pattern of political assassinations and violence. The murder of Liberal presidential candidate Jorge Eliécer Gaitán marked beginning of *La Violencia*, sparking a cycle of retributive killings along the political spectrum. The normalization of political violence and extrajudicial killings from this era have lasting effects that carry over to the present conflict in Colombia.³⁹⁸

During the 1980s, torture and unexplained "disappearances" of political detainees, suspected guerilla activists and sympathizers became increasingly common. Particularly under the Turbay administration, after the guerilla group M-19 committed a series of high-profile armed robberies, government officials condoned clandestine methods to combat guerilla activities. Paramilitaries, at times in coordination with the state, committed some of the worst human rights abuses during the 1980s and 1990s. Through intimidation tactics, paramilitary groups established themselves as the utmost authority and gained significant power to regulate daily life. As one member of the paramilitary group Norte Bloc explained, they "became the police in the region." Paramilitaries committed various human rights abuses through "social cleansings" where they killed off marginalized people and groups deemed undesirable.³⁹⁹

Throughout the 1980s, Colombia drew significant negative international attention from human rights organizations such as Amnesty International. Members of the Colombian Congress, press,

³⁹⁸ Bushnell, p. 204.

³⁹⁹ Winifred Tate, "From Greed to Greivance: The Shifting Political Profile of the Colombian Paramilitaries" in *Colombia: Building Peace in a Time of War*, ed. Bouvier, Virginia (U.S. Institute of Peace Press, 2009).

and citizenry publicly denounced abuses in Colombia; subsequent administrations in the 1990s made greater efforts to condemn human rights violations, but abuses committed by middle and lower-level military and police officers commonly “slipped through.”⁴⁰⁰

By the turn of the 21st century, many policy experts largely believed Colombia’s weak judicial system to have collapsed under the volume of crimes and pressure from rampant corruption and intimidation by drug traffickers and armed groups.⁴⁰¹ Members of the Colombian judiciary have faced significant retaliation for upholding the rule of law, prosecuting cases, and conducting investigations into violent actors. Most notably, Justice Minister Rodrigo Lara Bonilla increased pressure on the Medellín Cartel during the Betancur Administration in 1984. The cartel assassinated Bonilla later that year. Bonilla’s assassination prompted a crackdown on narcotraffickers by both the U.S. and Colombian governments. U.S. and Colombian legislators argued that the Colombian judiciary was too vulnerable to bribery and intimidation to effectively carry out proceedings and sentencing against narcotraffickers domestically. In a highly contentious move, policymakers shifted to extraditing narcotraffickers to be tried and punished in the U.S. Drug traffickers, like Pablo Escobar, objected to the practice on nationalist grounds, claiming that the U.S. was impeding on Colombian sovereignty. However, they also wanted to avoid trial in the U.S. where sentences were longer and prisons were less corrupt.⁴⁰²

Extradition became a bargaining chip for the government to secure narcotraffickers’ peaceful surrender. Instead of extraditing Colombians, the Gaviria administration proposed a policy of lighter sentencing and domestic incarceration for traffickers who voluntarily surrendered. Such measures brought Pablo Escobar to agree to serve a sentence in a special prison of his own design in Medellín.⁴⁰³ Families of victims and the media heavily criticized Gaviria’s policy as the government’s surrender to the drug traffickers, noting that these substantial concessions did little to actually stop the drug trade.⁴⁰⁴ Similar points of tension are evident today in ex-guerilla’s staunch opposition to extradition and the resulting perception among many Colombians that the peace agreement constitutes lenient concessions to the FARC members, which do little to slow drug production and fail to maintain justice for victims of violence.

U.S. Aid and Human Rights

Human rights groups underscore the fact that using increased U.S. aid, the Uribe administration repeatedly violated international humanitarian law. Under the Uribe administration, the military illegally detained civilians under false pretenses of counterterrorism and were accused of participating in the disappearances and killings of social leaders. The administration also maintained ties with paramilitary groups. During this time, the U.S. granted the Colombian government \$150 million USD earmarked for democracy support between 2000 and 2008. The funds were to help protect vulnerable peoples, improve governance, and implement an early warning system to respond to and prevent violence. As a former Colombian attorney general

⁴⁰⁰ Bushnell, p. 257.

⁴⁰¹ DeShazo, Peter, Johanna Mendelson Forman, and Phillip McLean, *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*, (CSIS, 2009).

⁴⁰² Bowden, *Killing Pablo: The Hunt for the World's Greatest Outlaw*.

⁴⁰³ *Ibid.*

⁴⁰⁴ Bushnell, p. 263-267.

noted, U.S. foreign policy in Colombia emphasizes the fact that the U.S. “manages human rights according to its interests.”⁴⁰⁵

In 2008, the public was shocked by “*falsos positivos*,” cases of military forces killing innocent young men to increase body counts for guerilla combat death quotas.⁴⁰⁶ The phenomenon of false positives has been a major human rights concern reflecting the rapid militarization of Colombia. The UN Special Rapporteur investigating this issue concluded that “the sheer number of cases, their geographic spread, and the diversity of military units implicated, indicate that these killings were carried out in a more or less systematic fashion by significant elements within the military.”⁴⁰⁷ The United States’ 1997 Leahy Amendment established a policy of denying U.S. aid to units of a foreign country’s security forces if members of those units have been credibly identified as committing significant human rights violations. However, despite ample evidence of human rights violations by the Colombian security forces such as the pervasive issue of *falsos positivos*, the U.S. government continues to renew funding for Colombian counterinsurgency efforts.⁴⁰⁸

Further concerns of human rights violations arise with Colombia’s forced coca eradication policies. The negative environmental and health effects associated with aerial fumigation put ethnic minority groups at particular risk given their limited food and water sources that could be contaminated by fumigation efforts.⁴⁰⁹ While Colombia ended aerial spraying in 2015, the Duque administration has made statements indicating interest in resuming aerial fumigation programs.

While Congress has set up a vetting process to ensure ethical spending of allocated U.S. aid, less than seven percent of the initial \$860 million dollars in U.S. funds for Plan Colombia were allocated to addressing human rights issues.^{410,411} Plan Colombia is praised as a security success, but U.S. investment in Colombia’s counterinsurgency policies creates a difficult narrative: the significant security improvements for citizens in urban areas severely contrasts with the complex failures of coca crop eradication, rising drug exports, human rights abuses and violence in rural areas.⁴¹² The UN Refugee Agency reported in 2017 that over six million Colombians, mostly from rural areas, were internally displaced.⁴¹³

Current State of Human Rights

Journalists, human rights activists, labor unionists, indigenous and Afro-Colombian leaders have been targeted for violence at particularly high rates. One report found that between 2001 and

⁴⁰⁵ James Jones, “U.S. Policy in and Peace Colombia: Lost in a Tangle of Wars,” in *Colombia: Building Peace in a Time of War*, ed. Bouvier, Virginia (U.S. Institute of Peace Press, 2009).

⁴⁰⁶ DeShazo, Mendelson, and Maclean, “*Countering Threats to Security*.”

⁴⁰⁷ Tate, *Drugs, thugs, and diplomats*, 17.

⁴⁰⁸ DeShazo, Mendelson, and Maclean, “*Countering Threats to Security*.”

⁴⁰⁹ Vanda Felbab-Brown, “Can Colombia eradicate coca by drones? The illusion of a technological fix,” (*Brookings*, July, 24, 2018).

⁴¹⁰ DeShazo, Mendelson, and Maclean, “*Countering Threats to Security*.”

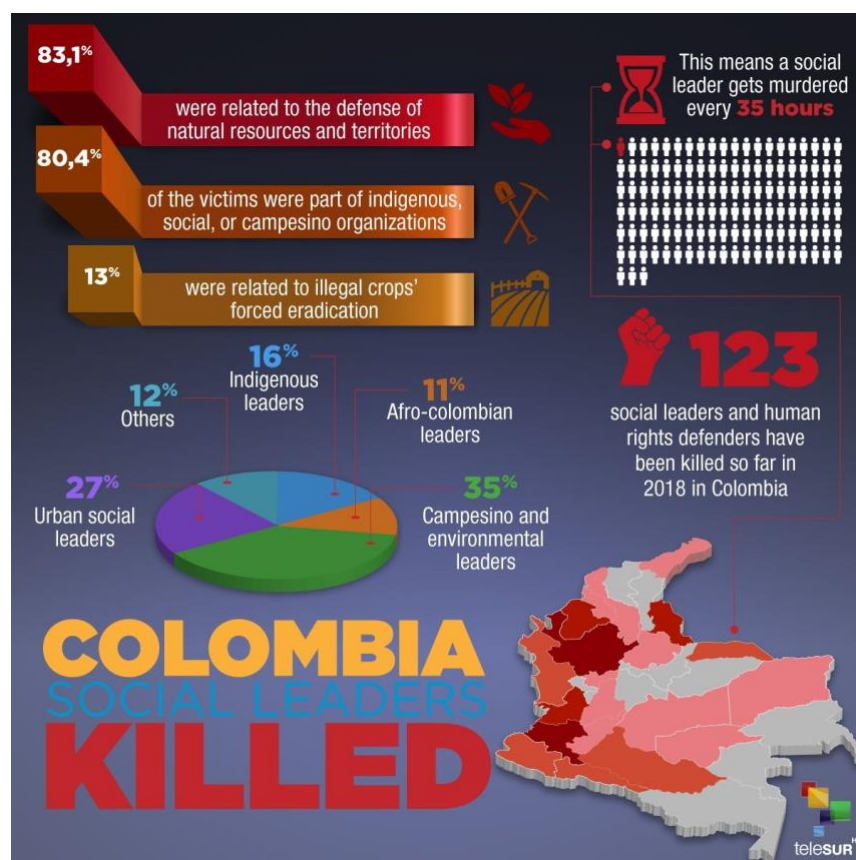
⁴¹¹ Jones, “U.S. Policy in and Peace Colombia: Lost in a Tangle of Wars.”

⁴¹² Tate, *Drugs, Thugs, and Diplomats*, p. 17.

⁴¹³ “Global Trends: Forced Displacement in 2017,” United Nations Refugee Agency, Geneva, July 25, 2018.

<https://www.unhcr.org/5b27be547.pdf>

2017, 162 labor union members were victims of homicide.⁴¹⁴ In 2016 alone, 80 journalists were murdered.⁴¹⁵ In the first 6 months of 2017, the UNHCR reported 78 known murders, 13 suspected murders. In 2017, Colombia faced a 36 percent increase in internally displaced people as compared to 2016. Indigenous and Afro-Colombian people have been disproportionately assassinated and displaced by the fighting between guerillas, paramilitaries, and the government.⁴¹⁶ As of October 2018, the Washington Office on Latin America (WOLA) recorded 92 assassinations of Colombian human rights and ethnic minority leaders throughout the country in 2018.⁴¹⁷



The 123 Social Leaders Murdered In Colombia as of July 2018⁴¹⁸

Under the Duque administration, the state of human rights has regressed. The non-governmental organization Ideas Para la Paz projects a six percent increase in homicides in 2018 as compared to 2017.⁴¹⁹

There is a stark divide between current protection measures for urban Colombian leaders and rural leaders and activists. Police escorts and authorities have been unable to protect threatened

⁴¹⁴ Tate, p. 17.

⁴¹⁵ Tate, p. 17.

⁴¹⁶ Thale Jenssen, "10 Things Threatening the Peace in Colombia." (Norwegian Refugee Council, March 21, 2018.)

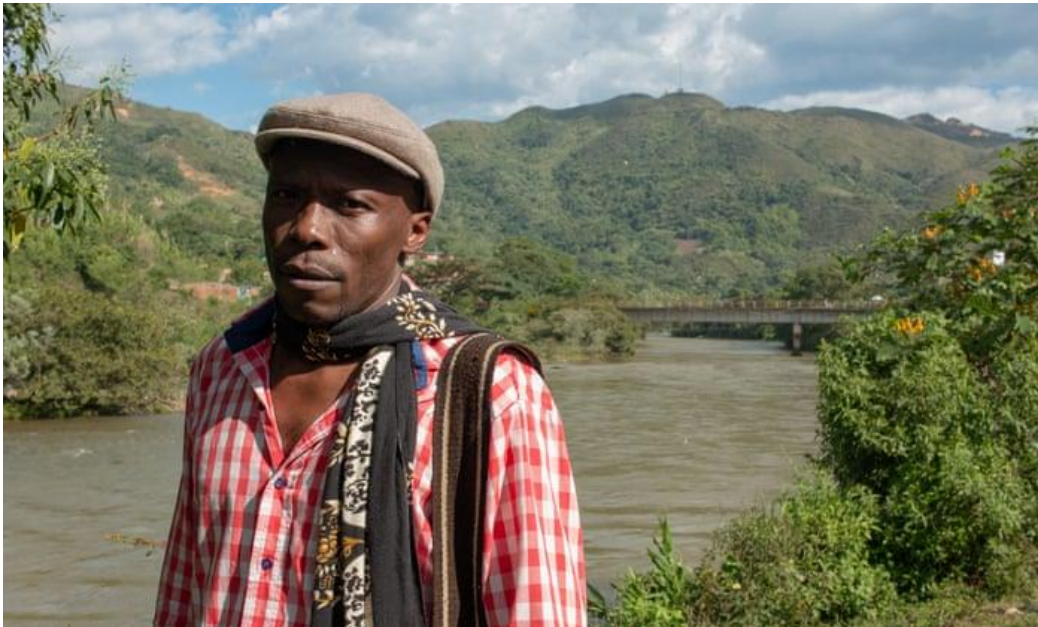
⁴¹⁷ Gimena Sánchez-Garzoli, "October Update: Colombia Must Act as Assassinations Continue." (WOLA. November 15, 2018.)

⁴¹⁸ *The 123 Social Leaders Murdered In Colombia This Year*, Telesur, July 9, 2018.

⁴¹⁹ Maria Victoria Llorente, Executive Director of Ideas para la Paz.

social leaders. During the first three months of the implementation process, killings of demobilized FARC members and the family of ex-guerrillas without any judicial responses led some demobilized members to leave reincorporation camps due to their lack of faith in the government's ability to protect them.⁴²⁰

This violence is largely attributed to paramilitary groups, drug traffickers, and guerilla dissidents who are vying for territory and seeking to silence social leaders for their support of reforms. Government officials have struggled to respond to the security threats and the Office of the High Commissioner of Peace is working on drafting legislation that would strengthen the protection of social leaders.⁴²¹



*Héctor Marino, a leader of the Afro-Colombian community in Suárez, regularly receives death threats.
Photograph: Joe Parkin Daniels for the Guardian⁴²²*

The UN has also documented violations of children's rights by FARC, ELN, paramilitaries, and the Colombian military during the conflict. Indigenous and Afro-Colombian children were and continue to be especially vulnerable to recruitment by illegal armed groups across a many municipalities. The military also violated national Criminal Code in several cases for using children as informants and interrogating children captured in raids of armed groups.⁴²³ Amnesty International also called to attention that since the conflict began in the 1960s, all armed actors have used sexual violence against women and children, to achieve military gains through the intimidation and manipulation of communities. A 2016 study found that 97 percent of the cases

⁴²⁰ Meeting with Christoph Harnisch, Head of the Colombia Delegation of the International Commission of the Red Cross.

⁴²¹ Meeting with Diana Escobar, Office of the High Commissioner for Peace.

⁴²² Joe Parkin Daniels, *Héctor Marino, a Leader of the Afro-Colombian Community in Suárez, Regularly Receives Death Threats. One of His Closest Friends Was Kidnapped and Murdered in July.*, in *The Guardian*, August 23, 2018

⁴²³ "Report of the Secretary-General on Children and Armed Conflict in Colombia," The United Nations, May 15, 2012, accessed December 8, 2018, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2012/171.

of sexual violence against women related to the conflict remain unaddressed by the Colombian legal system.⁴²⁴

Additionally, the emerging Venezuelan migrant crisis poses strains on government and humanitarian resources, further complicating the security of Colombia. Venezuelan migrants without documentation come to Colombia through informal border crossings often controlled by illegal armed actors. The UN World Food Program's humanitarian missions report that armed actors prey on migrants by extorting them for money, committing sexual assaults, and recruiting vulnerable people for illicit activities.⁴²⁵

Relevant Judicial Reform in Colombia

The United States and the World Bank have also invested in judicial reform programs to reduce the backlog of cases and to give citizens greater faith in institutions rather than resorting to extrajudicial forms of retribution. From 2000 to 2008, the U.S. gave \$239 million to aid the Colombian government in training thousands of public defenders, establishing legal services for economically marginalized people, improving the delivery of legal and investigative services, and professionalizing the attorney general's office.⁴²⁶ The World Bank's project transitioned the courts from a slow written correspondence based system to an oral hearings system. While these cases were helpful, the programs focused on establishing services in the cities of Barranquilla, Bogotá, Bucaramanga, Cartagena, Cali and Medellín, leaving many rural areas underserved.⁴²⁷

The Criminal Sanctions Law of August 2003 established alternative sanctions that limit political participation and the right to bear arms instead of prison. The law gave a full pardon for guerilla and paramilitary fighters' previous crimes with the stipulation that individuals then abstained from future criminal activity, which was similar to M-19's amnesty agreement preceding demobilization. Critics took issue with Criminal Sanctions Law because it did little to establish concrete pathways for truth and reconciliation for victims. Additionally, it was not in accordance with international legal norms. Due to the controversial terms and public scrutiny, the Criminal Sanctions Law was later scrapped in favor of what became the Justice and Peace Law in 2005 (JPL).⁴²⁸

After constitutional review, the JPL established prison time for individuals who committed war crimes and egregious human rights violations. The government also introduced mandatory minimums for perpetrators of these crimes. In order to qualify for alternative penalties and reduced sentences, individuals had to testify before a special court for their crimes. Similar to a truth commission, under the JPL victims and their families were allowed to participate in the

⁴²⁴ Lucy Sherriff, "Colombia Was Just Starting to Deliver Justice to Women. Will a New President Get in the Way?" *Time*, June 19, 2018, accessed December 8, 2018, <http://time.com/5315938/colombia-justice-women-ivan-duque/>.

⁴²⁵ Meeting with Doug Mercado, Emergency Coordinator at the UN World Food Program.

⁴²⁶ DeShazo, Mendelson, and Maclean, "*Countering Threats to Security*."

⁴²⁷ *Better Access to Justice Services in Colombia*. Report. (September 22, 2015).

⁴²⁸ Arturo Carrillo, "Truth, Justice, and Reparations in Colombia: A Path to Peace and Reconciliation?" in *Colombia: Building peace in a time of war*, ed. Bouvier, Virginia (U.S. Institute of Peace Press, 2009).

judicial proceedings.⁴²⁹ Over 180,000 have sought to officially register as victims under the JPL; yet the vast majority have yet to receive legal, psychological, or economic assistance.⁴³⁰

In 2004, criminal justice reform continued with the help of international funds to address the backlog of pending cases. However, human rights groups have raised concerns that such reforms helped establish what some call an “accusatorial system” that reduced the processing time of criminal cases by 75 to 80 percent, but also increased the conviction rate from 3 to 60 percent.⁴³¹

Key legislation passed under the Santos administration provided legal protections for victims of the conflict, including the Victims of Enforced Disappearance Law (2010) and the Victims and Land Restitution Law (2011). The Victims of Enforced Disappearance Law expands the definition of conflict victims to include family members of disappeared people. It also established mechanisms to identify missing persons using a genetic profile database. The Victims and Land Restitution Law establishes the legal framework for displaced people to make land restitution claims.⁴³² In addition to these reforms, more independent evaluations are needed to assess why the judicial system struggles to function effectively. There are systemic bottlenecks, resulting in consistent failures to process cases involving ethnic minorities, as well as slow judicial responses to violence against social leaders.⁴³³

Stipulations and Status of Implementation in the Peace Deal

The 2016 peace agreement outlines various measures for a comprehensive system for truth, justice, reparation and non-repetition. Item V of the accords describes a system of judicial and extrajudicial mechanisms with the objectives to achieve maximum support of victims’ rights, to ensure accountability for events during the conflict, and to guarantee legal certainty for all parties participating in the system.

The peace agreement calls for the establishment of a Truth, Coexistence and Non-Repetition Commission, a Special Search Unit for missing persons, a Special Jurisdiction for Peace (JEP), and a Comprehensive Victims Reparation Program. The Truth Commission has a mandate to provide historical clarification and promote the rights of victims and the responsibility of parties involved in the conflict. Humanitarian and extrajudicial in nature, the Special Search Unit is mandated to independently investigate cases of people deemed missing in the context of the armed conflict. The JEP must fulfill the duty of the Colombian state to investigate, prosecute, and sanction crimes related to the armed conflict. Crimes excluded from amnesty or pardon include: crimes against humanity, genocide, serious war crimes, hostage taking and kidnapped of civilians, torture, extrajudicial executions, forced disappearance, forced displacement, sexual violence, and the recruitment of minors. Individuals who admit responsibility for such crimes will face a five to eight year restriction on their liberties, prison time, and community service

⁴²⁹ Carrillo, “Truth, Justice, and Reparations.”

⁴³⁰ *Ibid.*

⁴³¹ DeShazo, Mendelson, and Maclean, “*Countering Threats to Security.*”

⁴³² *Report of the Secretary-General on Children and Armed Conflict in Colombia.*

⁴³³ “USAID Letter.” Letter to Lawrence Sacks. October 11, 2018. In WOLA.

obligations. Those who fail to recognize their responsibility in such crimes and found guilty will face 15 to 20 years in prison. The transitional justice system intends to facilitate social coexistence, reconciliation, and guarantees that the cycles of conflict will not repeat. The state aims to implement the Special Victims Reparation Program through a series of development programs, and programs to address the return of displaced people, land restitution, and community-based psycho-social care.⁴³⁴ The UN Refugee Agency reported that there are 7.9 million victims of the conflict who have come forward as of 2017.⁴³⁵



*Women hold pictures of people who went missing during the armed conflict, during a march for peace in Bogotá , on October 20, 2016.*⁴³⁶

On November 29, 2018 the Truth Commission officially began its three year mandate to uncover crimes committed during the 60 years of the conflict.⁴³⁷ The Truth Commission maintains the most widespread support with broad consensus on the importance of investigating cases of forcibly disappeared people, sexual assaults, and the recruitment of child soldiers by the FARC. Women will make up 27 out of 51 judges selected to serve on the JEP. Ten percent of the female judges are indigenous and ten percent are Afro-Colombian. One of the appointed judges, Xiomara Baltanta, an Afro-Colombian woman, told the Thomson Reuters Foundation that the “top courts have been a restricted space for women, especially for Afro-Colombian and indigenous women,” and that they are “properly prepared to participate ... this is a historic

⁴³⁴ Summary of Colombia’s Agreement to End Conflict and Build Peace,” Presidencia de la Republica, Undated.

⁴³⁵ “Global Trends: Forced Displacement in 2017,” United Nations Refugee Agency, Geneva, July 25, 2018. <https://www.unhcr.org/5b27be547.pdf>

⁴³⁶ Guillermo Legaria, Women Hold Pictures of People Who Went Missing during the Armed Conflict, during a March for Peace in Bogota, on October 20, 2016, October 20, 2016, Bogota, Colombia, in Time, June 19, 2018, accessed December 8, 2018, <http://time.com/5315938/colombia-justice-women-ivan-duque/>.

⁴³⁷ Meeting with Diana Escobar.

moment.”⁴³⁸ Such representation in the tribunals holds immense importance because women and ethnic minorities have been disproportionately impacted by the conflict as victims of sexual violence, rape and forced displacement.⁴³⁹ While Regional Houses of Truth have opened across the country, the continued presence of armed actors poses a barrier to citizens’ access in rural areas.⁴⁴⁰

Both the Colombian government and FARC have made statements committing to the promotion and respect of human rights. Currently there is a 15-year mandate for the implementation of the transitional justice elements of the peace process, passed by Colombia’s Congress.⁴⁴¹ As the government has expressed concerns about the costliness of implementing the peace accords, the UN has provided responsive aid. For the Duque administration, the peace process is secondary to economic concerns. Today, the public narrative of truth, peace, and reconciliation has been replaced with a narrative of security, stabilization, and normalization.⁴⁴²

Of the six points of the accords, implementation of Item V remains the most intact due to international pressure particularly from the International Criminal Court (ICC). Colombia has been in the ICC’s preliminary stage of investigation for over a decade, and the organization emphasized the need for the Colombian military’s participation in the JEP as originally stipulated in the peace agreement.^{443,444}

According to the Kroc Institute, the peace agreement establishes 90 stipulations for justice victims’ rights. Of those stipulations, only half have been initiated, 37 percent have reached a minimal level of implementation and 10 percent have been fully implemented. Policy experts have deemed Colombia’s Agreement to End Conflict and Build Peace the most victim-centered peace agreement ever negotiated. Colombia launched its key transitional justice programs, such as the JEP and the Truth Commission, sooner in the implementation process than previous peace accords in other countries.⁴⁴⁵

Stakeholder Perspectives

Most victims of the conflict, especially from regions most affected by the violence, understand and defend the needs of demobilized combatants. In part, this is because they come from the same social background; a large proportion of victims have few objections to reduced sentences for perpetrators, instead placing greater emphasis on reconciliation measures. Urban citizens have been less directly impacted by the conflict, but tend to favor more punitive sentences for the

⁴³⁸Anastasia Maloney, "Gender Justice? Women Judges to Dominate Colombia War Tribunals," Reuters, September 28, 2017, accessed December 08, 2018, <https://www.reuters.com/article/us-colombia-women-rights/gender-justice-women-judges-to-dominate-colombia-war-tribunals-idUSKCN1C324M>

⁴³⁹ Maloney, "Gender Justice? Women Judges to Dominate Colombia War Tribunals."

⁴⁴⁰ Meeting with Christoph Harnish.

⁴⁴¹ Meeting with Diana Escobar.

⁴⁴² Meeting with Christoph Harnish.

⁴⁴³ Stewart, "The Role of the ICC in the Transitional Justice Process in Colombia," May 30, 2018.

⁴⁴⁴ Meeting with Silvia Delgado, former Cabinet Secretary for the Colombian Ministry of Defense.

⁴⁴⁵ "State of Implementation of the Colombia Peace Agreement, Report Two," Kroc Institute, August 2018, 58. https://kroc.nd.edu/assets/288008/180830_english_policy_report_2.pdf

FARC members, calling differential sentencing unjust.⁴⁴⁶ Despite these critiques, the Constitutional Court of Colombia upheld the constitutionality of the JEP and clarified that the JEP has the authority to impose restrictions of liberty for five to eight years, but not stricter sentences. The ruling gave stronger legal certainty for implementation of the transitional justice system.⁴⁴⁷

In defense, ex-guerrillas emphasize the ideological grounding for their armed resistance, describing themselves as disenfranchised, poor farmers who organized in an effort to address the violent social and political oppression of the state. Members of the Ponderas and San Jose del Oriente ECTRs expressed remorse for innocent victims caught in the crossfires of conflict as well as a concerted willingness to participate in the transitional justice process. However, they strongly voiced their concerns that the military and government have attempted to change the rules, deny culpability, and avoid participation.⁴⁴⁸ From the perspective of the FARC, the pressure of the international community is the only thing holding the government accountable to the peace process. This support is critical to securing lasting peace.

Colombian legal experts, members of the FARC, and international human rights and humanitarian workers reiterate that a critical component of the transitional justice process is the assurance that FARC members will not be extradited to the U.S. Efforts by the U.S. government to prosecute ex-guerrillas is a high risk, low reward situation because it holds insignificant political value in the eyes of the American population but pushes guerrillas back to war. The high profile extradition case of FARC leader Ricardo Palmera, or “Simon Trinidad” in 2004 remains a key point of tension for ex-guerrillas who to this day call for the US to return their comrade.⁴⁴⁹

The Colombian Prosecutor’s Office arrested high-profile FARC commander Jesús Santrich in April 2018 for charges of drug trafficking that allegedly occurred after the peace agreement. U.S. officials requested his extradition, sparking further outrage among FARC members who view the arrest as illegitimate and in violation of the peace agreement.⁴⁵⁰ FARC members and policy experts attribute the arrest of Santrich as the catalyst for an exodus of other FARC commanders and rank and file members from the reintegration camps. Colombian legal experts believe that calls for extraditions are also inefficient because they must be approved by the Colombian Supreme Court, which has established a precedent that individuals in question must first face domestic charges such as participating in the Truth Commission and JEP before extradition. Extradition to the U.S. under narcotics charges may grant FARC commanders who have committed serious human rights violations more lenient sentences. Extradition also impedes the transitional justice system because the accused can avoid testifying in the Truth Commission at the detrimental for victims’ rights.

⁴⁴⁶ Meeting with Angelika Rettberg Biel.

⁴⁴⁷ “United Nations Verification Mission in Colombia Report of the Secretary-General,” The United Nations, September 28, 2018, accessed December 8, 2018, https://colombia.unmissions.org/sites/default/files/n1829781_en.pdf.

⁴⁴⁸ Interviews with demobilized FARC members

⁴⁴⁹ Sibylla Brodinsky, “How a Prisoner in Colorado Could Help End Half Century of War in Colombia,” The Guardian, March 10, 2016.

⁴⁵⁰ “EE.UU. Pide Formalmente La Extradición De Alias 'Jesús Santrich' Por Narcotráfico,” *CNN Español*, June 22, 2018.

The peace agreement states that all actors of the conflict are liable to prosecution under the transitional justice system and the FARC strongly object to a public narrative in which they are solely responsible for violations and crimes committed during the conflict. However, more conservative Colombians believe that the military should not be prosecuted in the JEP or liable to testify in the Truth Commission because their actions were in noble defense of the state. Military officers are considered national heroes and some Colombians object to the JEP because it would equate the military's actions with the severity of crimes committed by the FARC. The military views scandals like *falsos positivos* as instances of deviance from a few bad actors rather than a systemic issue of abuse. The military is also the most popular sector of the Colombian government and many government officials and military members do not want to tarnish the reputation of the military. The military has a particular stake in the legal question of command responsibility for violations of human rights.⁴⁵¹ In May 2018, the Deputy Prosecutor of the International Criminal Court gave a speech in Colombia and identified that investigations of military crimes "largely failed to focus on the persons who might bear the greatest responsibility within the military hierarchy for the alleged crimes."⁴⁵²

Earlier in 2018, a measure to establish a special wing of the JEP just for military members with judges nominated by the president failed in Colombia's Congress. Civil society groups declared the measure an act of impunity. The ICC and legal experts assert that a separate process for the military would erode the faith in the transitional justice process and further raise concerns regarding corruption within the Colombian judicial system. However, a resolution to nominate 14 new judges to the JEP passed to appease military leaders who view the current commission as overly leftist.⁴⁵³

Media and arts organizations emphasize the important role of artists and journalists in culturally memorializing the conflict as well as facilitating healing for victims. Societal fatigue and war weariness have led many of Colombia's urban population to turn away from coverage of the conflict. In response, artists and writers have sought to inspire social consciousness and bridge the strong regionalism and urban divide that inhibits communication across different sectors of society in Colombia.⁴⁵⁴ In October 2016, prominent Colombian artist Doris Salcedo created a temporary installment of white shrouds bearing the names of victims of the conflict in Bogotá's central plaza. Her work served to confront the country's capital with the human costs of the enduring conflict.⁴⁵⁵ Many artists work with victims of the conflict, especially women and ethnic minorities, to express pain and to remember disappeared people.⁴⁵⁶

⁴⁵¹ Meeting with Silvia Delgado.

⁴⁵² Stewart, "The Role of the ICC in the Transitional Justice Process in Colombia," May 30, 2018.

⁴⁵³ Meeting with Silvia Delgado.

⁴⁵⁴ Meeting with Camilo Jimenez Santofimio, Executive Editor and Publisher at ARCADIA Magazine.

⁴⁵⁵ Sibylla Brodinsky, "Colombian artist creates enormous shroud to honor country's war dead," The Guardian, October 12, 2016, accessed December 6, 2018, <https://www.theguardian.com/world/2016/oct/12/colombia-war-art-project-bogota-doris-salcedo>.

⁴⁵⁶ Meeting with Stefania Rodriguez, Victoria Tobar, and Tony Evanko of Fundación Tres Patios.

Recommendations

1. The U.S. should continue strengthening human rights and local level security measures by investing in civil society organizations that promote peace, security, and political inclusion.
 - USAID should continue to coordinate with and support women's rights, Afro-Colombian, and indigenous organizations to promote victims and record human rights abuses committed during the conflict.
 - USAID should also work with these communities to start systematically document and report abuses committed against their groups and invest in strengthening local authorities in these communities. Such measures can help improve security and raise awareness about security and rights gaps that the Colombian government must address.
2. The U.S. should provide vocal and open support for the implementation transitional justice measures, especially the Special Jurisdiction for Peace (JEP).
 - International pressure for the Colombian military to participate in the JEP and Truth Commission rather than a separate judicial process has been critical in upholding the agreement. Without direct and transparent military participation in transitional justice measures, the long-term peace in Colombia becomes extremely volatile because such failures to comply establish a negative precedent for any future negotiations with remaining armed groups and dissidents.
3. The U.S. should avoid intervening in the Colombian judicial process by requesting extraditions of FARC members to the U.S.
 - The continued incarceration of FARC leader Simon Trinidad in the U.S. and the request by the U.S. to extradite Jesus Santrich destabilized the integration initiatives for ex-guerrillas and impedes Colombia's transitional justice process by extracting key members who victims of the conflict want to testify and to serve penalties in Colombia.
4. U.S. funding to the Colombian military should maintain strict conditions regarding human right abuses and include the prevention and investigation of violence against social leaders as a key component of focus.
 - The U.S. and Colombian militaries have a close relationship. The U.S. can use continued training initiatives to set clear standards of human rights protections and leverage resources to uphold human rights as a clear military priority that ultimately promotes a safer and stronger Colombia.
5. The U.S. should continue to support and advise the Colombian government on how to create a more efficacious judicial system and support the training and education of more lawyers and judges.
 - The U.S. should encourage the Colombian government to increase their own judiciary spending and establish a legitimate legal system to eradicate the norm of tolerating human rights abuses among its security officers and to bring violators to trial. Such measures would solidify the investments that the U.S. has already put into improving the Colombian judicial system.
6. The U.S. should support Colombian arts and media initiatives with a focus on reconciliation and healing for victims through multilateral institutions or non-profit and private sector grants.

- While the U.S. government might not take a direct role in promoting arts and media initiatives, the engagement of the international community in Colombian community arts and media can help mend societal divisions. Such measures will ultimately positively contribute to stabilizing Colombia by facilitating societal reconciliation and democratizing media production.

Conclusion

After an immensely violent and costly conflict that plagued the country for five decades, Colombia is in transition with no future guarantee of lasting peace. The peace deal has hundreds of stipulations and implementation has been slow, challenged by national polarization and a shifting presidential agenda towards economic growth as the estimated cost of these promised reforms may be more than the country can afford. Though an ambitious undertaking, a prompt and thorough implementation of the peace agreement, including rural reforms, the strengthening of state institutions and the just reintegration of historically marginalized populations, is essential to building a sustainable peace in Colombia. Although the era of FARC insurgency has ended, Colombia could quickly face a resurgence of violence as new generations of illicit narco-traffickers establish dominance in the countryside.

The U.S. can play a major role to support Colombia throughout the peacebuilding process. The Colombian countryside requires a significant institutional, infrastructural, and economic overhaul to strengthen marginalized communities that may otherwise turn to illicit economies and criminal violence to survive. Through USAID and assistance programs, the U.S. has successfully provided technical assistance to the rural Colombian populations. However, more work can be done filling in the gaps of current implementation, including land surveying, land titling, the development of legal mechanisms for resolving land disputes and implementing a progressive system of rural property taxes.

With a strategic shift towards alternative development paired with institutional strengthening, amplified interdiction, and a focus on reducing demand for drugs within the U.S, the U.S. can help undercut the supply, demand, and transport pillars of the narcotics industry.

In the case of transitional justice and human rights, the U.S. can continue to raise the standards of human rights norms within the Colombian military while also partnering on new initiatives to ensure the protection of social leaders in the countryside. Similarly, although the U.S. has favored extradition policy in the past, it can greatly help reinforce the legitimacy of the Colombian judiciary and protect victim's rights by allowing Colombian courts to exercise the rule of law over those convicted of narco-trafficking and crimes against humanity.

While the U.S. has a more limited role in the normalization of FARC-EP as a peaceful political force, it can take immediate action to assess whether FARC-EP need remain on foreign terrorist list given its transition to civilian life. Removal from the list would free the U.S. to provide economic assistance to reintegration programs, one of the key pre-requisites to achieving a lasting peace.

Following the guidelines outlined in this report would positively refocus U.S. policy on the underlying sources of violence, illicit trade, and instability that the U.S. seeks to combat in the region. The peace deal marks a historic step towards achieving long sought stability in Colombia. The United States should seize this opportunity not only for the sake of its relationship with Colombia but in order to set a precedent for future peace processes. Ultimately however, the future of the peace process and of Colombia is in the hands of the Colombian people.

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