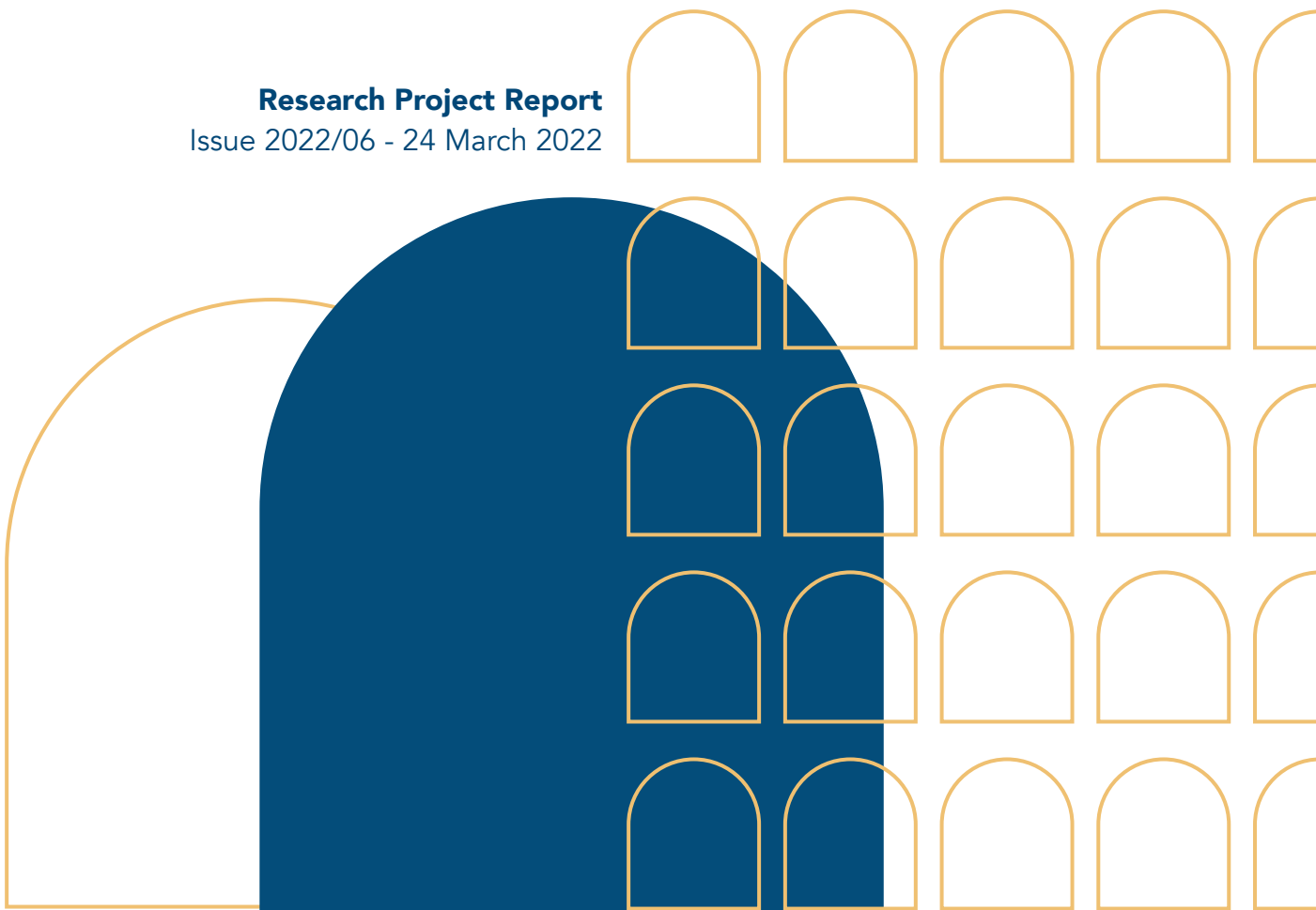


# Factoring the Economy into Colombia's Peace Agreement: What Has Failed?

Mariano Aguirre

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# Factoring the Economy into Colombia's Peace Agreement: What Has Failed?\*

Mariano Aguirre\*\*

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## Executive Summary

A violent conflict between the state and a series of communist-leaning guerrilla groups intent on agrarian reform has devastated Colombia for the last seven decades. The war began because of the unequal ownership of land, in part a legacy of the Spanish colonial past. There was also the abyss between urban areas (particularly the capital Bogotá and other cities with significant levels of development) and rural areas (largely abandoned by the state and controlled by local landowners).

Starting in the 1970s, drug trafficking grew, until it became an economic activity that began to absorb politicians, guerrillas, and other sectors of society. 'Narcopolitics' fostered corruption and violence in various forms, increasing human rights violations, inequality, and poverty.

The peace agreement signed by the Revolutionary Armed Forces of Colombia (FARC) and the government of President Juan Manuel Santos, in 2016, addressed drug trafficking and rural underdevelopment, among other issues. A series of measures were agreed upon to modernize the agrarian sector, return land to communities that had been expelled during the war years, and to prosecute intermediaries in the illicit drug production and marketing chain.

The Peace Agreement has been successful in disarming the FARC and establishing a creative transitional justice mechanism. But five years after the peace was signed, agreements on rural reform, the return of land and the resolution of the drug problem have not been delivered. This is largely due to the lack of political will in the government of Iván Duque, Santos' successor. Duque explicitly rejected the Agreement, trying to limit it to the disarmament of the FARC. The economic structure of the country and a strong neoliberal policy have also worked strongly against the implementation of the Agreement.

Despite its innovative design, the Colombian Peace Agreement, to be successful, would have needed a pact between different political, economic, and social forces, and the international donor community. This would have created a 'security circle' to protect it both from political changes and from attacks by sectors that consider that the Agreement would make them lose their privileges.

## Introduction

For half a century, the Revolutionary Armed Forces of Colombia (FARC) waged a – mainly rural – war against the Colombian state, trying to impose a communist system on the country. The FARC was not the only guerrilla group in Colombia: other armed actors fought against the state, including the National Liberation Army (ELN in its Spanish acronym), the second among them. But the FARC had the largest number of combatants and control over important parts of Colombia.

After five decades of war and four years of negotiations, in October 2016 the Colombian government and the FARC signed a peace agreement.<sup>1</sup> The 2016 Havana Agreement contains significant political measures to be adopted; creates innovative transitional justice mechanisms; and addresses important issues connected to the roots of organised violence in the country, particularly issues related to injustices and unequal access to land in the rural sector as well as illicit economies.

However, as with peace agreements in other countries, it is limited in the way it addresses the underlying economic causes of the conflict. The Havana Agreement presents a series of important reforms, particularly for the rural sector. But it listed them in isolation from the country's broader economic context and neoliberal models. It is also limited and unspecific in its measures to reform the link between armed conflict and illicit economies.

Moreover, the negotiators tried to bind the Agreement to a series of structural reforms and to a State commitment for future administrations to comply with its terms. But the absence of a parallel national political pact or of a comprehensive reform plan means that much of what was agreed has not been fulfilled or is being fulfilled slowly. This is especially true of the Duque government that followed the Santos administration that had signed the Agreement.

A peace agreement, it can reasonably be argued, is not able to take on all the structural factors that cause an armed conflict. But in Colombia, the peace process created high expectations among large segments of society. There was hope for economic, political and social reforms. The Agreement was meant to be the first step on a road of reforms that would end the war and change the structural factors that caused it. But various limitations entailed in the peace agreement have worked against its full implementation.

This paper analyses the Peace Agreement signed between the Government of Colombia and the FARC-EP guerrillas in 2016. In the first section, it presents the context: incomplete democracy and partial institutional fragility, as well as the conditions that facilitated the negotiation and the Agreement after half a century of violent conflict. In the subsequent sections, the paper discusses the fundamental aspects of the Agreement, its scope and its shortcomings, especially in the field of economic reforms. The paper is based on the analysis of the Peace Agreement and various studies and reports on its implementation between 2017 and 2021. Also relevant is the author's direct experience during his stay as a United Nations (UN) advisor in Colombia between 2017 and 2019, and his work on that country since 2002.

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1 Other armed actors such as the ELN have continued the fight.

# 1. The roots of the Colombian conflict

## 1.1. Natural resources, poverty and inequalities

Colombia is one of the richest countries in natural resources in Latin America and the Caribbean. However, it has 21.2 million people living in poverty, 15.1 of them in extreme poverty.<sup>2</sup> It is the third most unequal country in Latin America and one of the most unequal in the world.<sup>3</sup> The elite and their circles, the owners of great fortunes with access to almost limitless goods are separated, by invisible lines, from whole or partially excluded communities. Also, part of the private sector is linked to global markets, particularly those in primary goods.

This inequality is partly due to Colombia's highly fragmented geography and the structures of resource exploitation and unequal distribution imposed by Spanish colonization between 1499 and independence in 1822. The Spanish empire also brought African slaves to what was to become Colombia. These mixed with the Spanish conquerors, creating the current 'mestizo' but strongly hierarchical society. The indigenous population was subdued and part of it was annihilated.

Between 1950 and 2019, the population tripled from 12.6 million to 50.4 million. Colombia became a primarily urban society (the percentage of the population living in cities rose from 31% to 72% over the same period), and a layered middle class emerged.<sup>4</sup> Urbanization was linked, among other factors, to the forced displacement of parts of the population who were evicted from their land or who fled from war.

## 1.2. A centralised and weak state

The presence of the State has been partial or non-existent in large parts of the country (say, about 40% of the national territory). Political and administrative power was exercised from Bogotá, the capital, but it was carried out by strong local *caudillos*. These local *caudillos* had their own armed groups. Local civil servants and politicians were obliged to "share sovereignty", while local men and women had to negotiate their incomes and survival with criminal groups.<sup>5</sup> That tradition has continued into the present, weakening the principles of the modern state and of the legitimate monopoly of force.

The state was constituted in only part of the national territory,<sup>6</sup> and the two main political parties, conservative and liberal, were based there. They alternated power every four years between 1958 and 1974. Their lack of commitment to democracy and to social and economic advances for the peasant class created political frustration.

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2 "Encuesta Nacional de Calidad de Vida 2020", Departamento Administrativo Nacional de Estadística (DANE), 2 September 2021. <https://www.ccb.org.co/observatorio/Analisis-Economico/Analisis-Economico/Crecimiento-economico/Noticias/Principales-resultados-del-Indice-de-Pbreza-Multidimensional-y-de-la-Encuesta-de-Calidad-de-Vida-2020#:~:text=Para%20el%20a%C3%B1o%202020%2C%20en,7%2C5%25%20en%202020> .

3 Data from Statista. <https://www.statista.com/statistics/980285/income-distribution-gini-coefficient-latin-america-caribbean-country/>

4 Data from the Departamento Administrativo Nacional de Estadística (DANE). [https://www.dane.gov.co/files/comunicados/Dia\\_mundial\\_poblacion.pdf](https://www.dane.gov.co/files/comunicados/Dia_mundial_poblacion.pdf)

5 For a summary of these issues see Aguirre, Mariano, "La agenda de la protesta social en Colombia: ¿una oportunidad para la cooperación internacional?", *Cuadernos Deusto de Derechos Humanos*, Human Rights Institute, University of Deusto, Bilbao, 2020. <http://www.deusto-publicaciones.es/index.php/main/libro/1290>

6 In the nineteenth century, Colombia went through a series of civil wars and numerous violent regional conflicts.

### 1.3. Conflict over land: the primary driver and consequence of war

The FARC emerged at the end of 1950 as a rural guerrilla group linked to the Communist Party. Their objective was, on the one hand, to defend peasants and, on the other, to find allies in urban Colombia and to get into power.

The FARC gradually managed to take control of territories and populations by co-opting, coercing and providing services and work through a regime that Arjona calls “rebelocracy”.<sup>7</sup> This phenomenon was made possible by the inability of governments and the elite to expand into areas where the FARC, the ELN and organised crime ruled.

Guerrillas, paramilitary, and drug-trafficking groups, landed elites, mining, multinational corporations and dispossessed peasants fought over land, resources and territory. Rural communities were caught in the crossfire between these actors and state forces. Violence intensified and inequality grew. As a result, millions of rural Colombians left or were forced to leave their homes, lands, and possessions. They arrived in large cities, proof to urban dwellers of the human cost of the conflict.<sup>8</sup>

### 1.4. The gap between FARC territories and those under state control

Although FARC leaders believed that they could cause an insurrection from newly-controlled territories, democracy was becoming entrenched in the rest of the country. This democracy was incomplete but, at the same time, it generated a distribution of power among local and regional elites. Some of them developed growing connections to the global economic system. On the other hand, the State needed an ever-stronger military apparatus to maintain its own areas of control; it also conducted occasional incursions into the so-called “territories”.

This imperfect democratic system (based largely on local and national clientelism) has functioned through social demands. Over the decades, the most disadvantaged sectors of Colombian society did not feel that the FARC’s battle benefitted them: save the co-opted, protected, and subdued groups living in the no-state areas. Most of the population waited or put pressure on the government to fulfil its obligations. The guerrillas’ project of creating a communist republic never became a credible political alternative to the established order.

### 1.5 Narcopolitics, corruption and violence

In the 1970s, drug trafficking and paramilitary groups were added to this already difficult mix. Organised crime, centered on personalities and clans, gained control over territories, populations and economic circuits. Organised crime also established influence over the political sector, thereby reducing the power of both the State and the guerrilla bands.<sup>9</sup> Rural landowners, meanwhile, organised militias (or paramilitary groups) to fight the FARC and other guerrillas, creating alliances with the military and political classes.

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7 Arjona, Ana, *Rebelocracy: Social Order in the Colombian Civil War*, Cambridge University Press, Cambridge, 2016.

8 Jalil, Hanni & O’Brien, Elizabeth, “The failure to forge lasting peace made the coronavirus even worse in Colombia”, *The Washington Post*, 14 June 2021. <https://www.washingtonpost.com/outlook/2021/06/14/failure-forge-lasting-peace-made-covid-19-even-worse-colombia/>; Reyes, Alejandro, *La reforma rural para la paz*, Debate, Bogotá, 2016.

9 See Alvarez, Eduardo, “El crimen organizado en lo local: ¿un problema subvalorado en Colombia?”, Fundación Ideas para la Paz, 16 January 2017. On organised crime see the publications of the Observatorio Colombiano de Crimen Organizado at the Universidad del Rosario: <https://www.urosario.edu.co/Observatorio-Colombiano-del-crimen-organizado/Inicio/>; Thoumi, Francisco, “Organized Crime in Colombia: The Actors Running the Illegal Drug Industry”, in Paoli, Letizia (Ed.), *The Oxford Handbook of Organized Crime*, Oxford University Press, Oxford, 2014.



The FARC charged the drug trafficking cartels a tax for any activities carried out in the territories under their control: these services ran to crop-growing, drug laboratories and drug exports. From the 1990s, the FARC began to control the whole cycle of illicit activities. It is estimated that between 40% and 50% of their income originated in drug production and trafficking.<sup>10</sup>

These two issues upset the economic and political order of the country and led to what is called “narcopolitics” (drug trafficking circles co-opting members of the Congress and the State’s institutional apparatus). The displacement of rural populations led to land-grabbing by paramilitaries, who went from being militias to becoming landowners. Within a decade they had become established in the political landscape.

Violence intensified and diversified, with the FARC and other groups fighting paramilitary and State forces. Overall, these developments affected several regions, especially those where the State’s presence was lacking; where there were the best coca-growing conditions; and where drug production and exportation were facilitated.

The FARC faced serious problems. But they were organised, had control over the territories and their populations, and they also had access to resources thanks to extortion and their alliances with the cartels. All this allowed them to remain at war with the State, although they did not gain State power.

These multiple actors created, in their interactions, a climate of high violence.<sup>11</sup> There was selective murder, massacres, torture, sexual violence, enforced disappearances, kidnapping, hostage-takings, recruitment of child soldiers and the use of anti-personnel mines: this list could be greatly extended. Eight million Colombians are currently claiming compensation before the Unit for Comprehensive Attention and Reparation for Victims.<sup>12</sup>

## 2. The Havana Agreement (2016): a different, ‘successful’ peace agreement?

### 2.1. An overall favourable environment

During Alvaro Uribe’s presidency (2002-2010), the military managed to push the FARC out of Colombian towns. The number of FARC combatants declined during his presidency from 20,000 to 8,000 and the National Liberation Army’s (ELN) numbers halved from 3,500 to 1,500. The economy grew thanks to increased security, attracting foreign direct investment and encouraging economic development. Upon leaving office, Uribe enjoyed an approval rating of 75 percent. But Uribe’s administration committed serious human rights violations and promoted right-wing paramilitarism. This extended not only to the FARC but also to civil society, the unions, and the political opposition.<sup>13</sup>

Juan Manuel Santos, former Defense Minister of Uribe and president of the country from 2010 to 2018 made the decision, in his first year in office, to reach an agreement with the FARC to end the war. He hoped to be able to negotiate another agreement with the ELN in the future.<sup>14</sup>

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10 Romero Sala, Mar, “El narcotráfico en la ‘paz’ colombiana”, esglobal.org, 30 April 2019. <https://www.esglobal.org/el-narcotrafico-en-la-paz-colombiana/>

11 According to the National Centre for Historical Memory, between 1958 and 2018 the armed conflict left 261,219 dead in its wake. More than 400,000 people disappeared and over 26,000 were the victims of sexual aggression.

12 “Statistics of the armed conflict in Colombia”, Centro Nacional de Memoria Histórica, Bogotá. <https://www.centrodememoriahistorica.gov.co/micrositios/informeGeneral/estadisticas.html>

13 Silva, María Alejandra, “Alvaro Uribe: The Most Dangerous Man in Colombian Politics”, Council on Hemispheric Affairs, 20 October 2017. <https://www.coha.org/alvaro-uribe-the-most-dangerous-man-in-colombian-politics/>

14 Santos, Juan Manuel, *La batalla por la paz*, Planeta, Bogotá, 2019.

Negotiations between the FARC and government had been made possible by a number of factors in the previous years. The FARC were weakened by the strengthened operational capacities, technology, and intelligence that the Colombian armed forces received from the United States, Israel, and the United Kingdom.<sup>15</sup> In addition, their political project had been put on hold, due to the profound changes that had taken place in Colombian society and because of their often repressive relationship with the rural sectors of society that they aimed to represent.

Negotiations were also facilitated by the creation, in the years prior to the negotiations, of a series of State institutions that offered a space for dialogue and for a post-conflict institutional reference framework. In 1982 the Peace Commission was created. The 1991 Constitution was an important point of reference in terms of social justice. The Unit for Comprehensive Attention and Reparation of Victims, the Land Restitution Unit and the National Center for Historical Memory were created under the Victims' Law framework (2011).

For its part, the Santos administration laid the groundwork during its negotiations with the National Land Agency (with a mandate to consolidate the social organization of property); the Rural Development Agency (to promote comprehensive agriculture and livestock development projects); and the Territorial Renewal Agency (to coordinate the government's tasks in the prioritised territories to implement the Agreement).<sup>16</sup>

The international context also helped the negotiations along. Since the 1960s, Washington had seen Colombia as its main ally in the fight against guerrilla groups and the cartels. However, Barack Obama's government did not oppose negotiations with the FARC. American diplomacy adopted, in fact, a low profile. This facilitated negotiations with this guerrilla organization, and the United States was kept in the loop through Norwegian diplomacy, the main mediator between 2012 and 2016.

Over four years (2012-2016), President Santos' delegates and FARC leaders negotiated with the help of the Norwegian and Cuban governments. Given the complexity of the issues at hand, the process of agreeing the scope, procedure and final text was relatively fast.<sup>17</sup> Unlike previous attempts at negotiating in Colombia, this one was successful.<sup>18</sup> The hopes, both in and outside the country, were for the Agreement to become the milestone that would put a stop to the decades-long violent conflict. The Agreement would bring peace and, eventually, reconciliation. Peace would start the "normalisation" of the country.

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15 On the topic of military aid from the United States, see *Colombia Peace* reports, Washington Office on Latin America (WOLA); Fernández, Belén, "Israel and Colombia: The ever more special relationship", *Middle East Eye*, 12 April 2021. <https://www.middleeasteye.net/opinion/israel-and-colombia-ever-more-special-relationship> ; Mcevoy, Kevin John, "Britain's Secret War in Colombia", *Jacobin*, 15 November 2018. <https://jacobinmag.com/2018/11/uk-colombia-political-violence-bp-drug-war-counterinsurgency>

16 Caballero, Liliana, "La institucionalidad estatal que le da fuerza a la paz", *Función pública*, 2 April 2018. <https://www.funcionpublica.gov.co/eva/red/publicaciones/la-institucionalidad-estatal-que-le-da-fuerza-a-la-paz>

17 Bermúdez Liévano, Andrés (Ed.), *Los debates de La Habana: una mirada desde dentro*, Institute for Integrated Transitions, Bogotá, 2019.

18 "Procesos de paz anteriores (FARC-EP Y ELN)", CIDOB, Barcelona, 2015. [https://www.cidob.org/publicaciones/documentacion/dossiers/dossier\\_proceso\\_de\\_paz\\_en\\_colombia/dossier\\_proceso\\_de\\_paz\\_en\\_colombia/procesos\\_de\\_paz\\_anteriores\\_farc\\_ep\\_y\\_eln](https://www.cidob.org/publicaciones/documentacion/dossiers/dossier_proceso_de_paz_en_colombia/dossier_proceso_de_paz_en_colombia/procesos_de_paz_anteriores_farc_ep_y_eln)

## 2.2. The Havana Agreement and its impact on the conflict

### 2.2.1. Objectives of the Agreement

The main objectives of the Agreement were: 1) ending the war; and 2) promoting economic and social change. In its final version, it included five main points, which address:

- **Rural reform, from a “territorial peace” perspective**, implementing Territorial Approach Development Plans (PDET in its Spanish acronym) and State promotion of crop alternatives to illicit drugs in the scope of a National Comprehensive Program for the Substitution of Illicit Crops (PNIS in its Spanish acronym; point 3 of the Agreement). The Agreement focuses on a series of central issues such as the creation of a *cadastre*. This would lead to land titling (this point was a way for the FARC, to ensure peasant rights over their land); the social use of rural properties; regulations to restore land to those who had been violently or illegally displaced; and campaigns to modernise the rural sector.<sup>19</sup>

The Agreement recognised the importance of the “peasant economy, with family and community bases for rural development”. The different forms of association and cooperation were stressed. But it was also stressed that rural development would be promoted “in the context of globalization and politics of integration led by the State”.<sup>20</sup>

These policies would be implemented by means of PNIS. They included: economic aid; creation of infrastructure to connect isolated areas to urban centers; expanded State presence to provide public services; and the prosecution of drug trafficking intermediaries and corruption.

- **The political participation of ex-combatants and of society**, without the violence and coercion of the previous decades. The FARC would create a political party. The State would guarantee the security of the former FARC and the communities in which they were operating.
- **The fight against drug trafficking**, paying special attention to the promotion of alternative crop policies for peasants forced to plant coca for lack of other options.<sup>21</sup>
- **The establishment of a comprehensive justice system to guarantee the respect of “victims’ rights”** based on the principles of truth, reparation and non-repetition, and the transitional justice precedents from the comparable peace processes of recent decades.

The Havana negotiators agreed to use a “restorative justice” approach, which includes legal mechanisms that allow the sanctioning of crimes committed during the conflict while implementing extrajudicial mechanisms. This type of justice considers that it is fundamental to both recognise the damages done to victims and their needs, and to make an active effort to encourage offenders to assume responsibility, correct their mistakes and address the causes of their behaviour.

A special justice system was created, called the Special Jurisdiction for Peace (SJP) (JEP in its Spanish acronym), with a system of alternative sentences based on the assumption of responsibility for human rights violations and crimes against humanity. Likewise, a Truth Commission and a Search Unit for Disappeared Persons (during the decades of armed conflict) were created. The Commission is presently carrying out research and is to present a report in 2022. The data provided by this Commission aims to reveal the truth and to help work towards forgiveness and reconciliation. But the data it has collected cannot be used in a legal context.

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19 Former minister of Agriculture in the Santos administration, Juan Manuel Restrepo, stated: “The comprehensive rural reform includes many measures that the World Bank has been recommending Colombia to implement for some time. It is interesting to watch how we agree on key mechanisms of a liberal State with a Marxist guerrilla group, in order to build a modern tax policy and promote economic development”. Cited in Bermúdez Liévano, op. cit., p. 87.

20 *Acuerdo Final para la Terminación del Conflicto*, pp. 10-13.

21 Drug trafficking mobilised approximately 5,459 million dollars in the Colombian economy in 2018, close to 2% of the country’s GDP, according to government sources. “Lo que todavía mueve el narcotráfico en la economía colombiana”, *Portafolio*, 4 July 2018. <https://www.portafolio.co/economia/lo-que-mueve-el-narcotrafico-en-la-colombiana-518709>

- **A series of measures to implement the Agreement**, particularly regarding the disarmament of the FARC, security guarantees for ex-combatants, and international observers.

The Agreement also includes three transversal issues (that were not included as key points):

- the gender perspective, with a special focus on the role of women in the conflict, and the role that women can play in the implementation of the agreement;
- the ethnic chapter, which recognises the specific impact that the armed conflict had on Indigenous Peoples, Afro-Colombian and Roma communities, and the need to compensate them;
- an amnesty and pardon law.<sup>22</sup>

### 2.2.2. Transformation of violence

The fundamental aim of the Colombian peace process was to stop the war. But it also addresses basic issues that had caused the armed conflict; lays the foundations for ex-combatants to be reincorporated into society and to participate in politics without violence; and implements a system of justice, truth, reparation, and non-repetition for victims.

Paradoxically, putting an end to the violence and disarming the FARC was the quickest part to negotiate, notwithstanding the horrific experience of the war. This has been the element in the agreement that has been best implemented. The FARC accepted a tripartite mechanism (UN, Colombian armed forces, and guerrillas) to gather the combatants during a transition period between the end of 2017 and 2018, and then to hand over any weapons to the United Nations.

An important achievement of the Agreement has been that the number of new victims from the armed conflict has substantially decreased since it was signed. However, the murders and threats to social leaders and former FARC members have not ceased.

Colombia is still in constant political and social turmoil. This can be seen in the murder of former FARC combatants and social leaders (the mass murders that used to be common have now become targeted assassinations). There is too the growing power and diversification of organised crime. There are violent clashes between criminal groups and dissidence within the FARC. Then the guerrilla actions of the ELN continue and negotiations with this group have been interrupted.

According to a report by the NGO CINEP (Colombian Commission of Jurists and other organizations), these murders of social leaders and former FARC are carried out by hitmen, FARC dissidents, organised crime and even by members of the armed forces.<sup>23</sup>

From 2016 to December of 2020 (the assassinations began when Santos was in power) 513 human rights defenders and 248 former FARC combatants were murdered.<sup>24</sup> Many of those murdered had accepted the Peace Agreement and had agreed, together with their communities, to stop planting coca crops. They had begun to receive aid from the State and produce other goods. But Duque's government froze that program claiming that there was a lack of funds.<sup>25</sup>

22 *Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*, Oficina del Alto Comisionado de Paz, Bogotá, 24 November 2016.

23 CINEP, ¿Cuáles son los patrones? Asesinatos de Líderes Sociales en el Post Acuerdo, CINEP, Bogotá, 2018. <https://www.cinep.org.co/publicaciones/en/producto/cuales-son-los-patrones-asesinatos-de-lideres-sociales-en-el-post-acuerdo/>

24 According to the United Nations High Commissioner's Office for Human Rights (OHCHR).

25 Report by the United Nations High Commissioner for Human Rights on the situation of Human Rights in Colombia in 2020, ACNUDH, Geneva, 2021. <https://www.hchr.org.co/index.php/informes-y-documentos/informes-anuales/9562-informe-de-la-alta-comisionada-de-las-naciones-unidas-para-los-derechos-humanos-sobre-la-situacion-de-derechos-humanos-en-colombia-durante-el-ano-2020> ; see the "Con Líderes Hay Paz" campaign, Washington Office on Latin America (WOLA), Washington D.C., 2021. <https://www.wola.org/es/2021/01/unete-a-la-historia-con-lideres-hay-paz/>

### 2.2.3. Achievements and limits in the field of transitional justice

As it sought a consensus for these two notions of peace, the Government took greater political risks in terms of transitional justice. The State worked with the FARC and international advisors to come up with a system that would allow the guerrilla leaders to lay down their arms, and not be judged by the ordinary justice system (so as to avoid prison), but, rather, serve alternative sentences.

Political participation (point 2 of the Agreement) has been hampered by the murders of social leaders and ex-FARC-combatants. There is also the government's unwillingness to take more effective prevention, investigation and penalization measures against perpetrators. The Special Jurisdiction for Peace stated that "a social leader is murdered every 72 hours".<sup>26</sup>

As to the chapter on victims of the Agreement, the creation of the comprehensive system of truth, justice and non-repetition is a great achievement. The Special Jurisdiction for Peace functions (court cases for former FARC members and military personnel; and private citizens who volunteer to be judged under this special tribunal) and is actively investigating and prosecuting. At the same time, the Truth Commission and the Search Unit for missing people are rolling out their mandates. But the Government has cut funding for these institutions and created obstacles, while criticizing them, particularly the SJP, allegedly, for offering former FARC leaders an exit to avoid jail penalties.<sup>27</sup>

Indigenous and Afro-Colombian communities are also concerned that the ethnic chapter of the Agreement is not being fulfilled. The Akubadaura Jurist Community stated in its report on Redistributive Justice and Ethnic Peoples that most of the measures regarding land restitution and development plans for ethnic communities have been either delayed or not implemented.<sup>28</sup>

The Kroc Institute, which is responsible for monitoring the qualitative and quantitative implementation of the Agreement, stated in 2021 that progress has been made in the approval of a series of points in the Agreement. However, it also noted that "there are legal and financial loopholes that continue to limit the comprehensive implementation of the Agreement".<sup>29</sup> On the other hand, a report published by the Comptroller General of the State showed in 2021 that from 2017 to 2021 an average of 65% of the resources allocated to the Peace Agreement were approved. Nevertheless, the allocated resources were never fully spent. At the current rate, it is estimated that the implementation of the Agreement will take 26 years, rather than the 15 initially foreseen.<sup>30</sup>

### 2.2.4. Persisting social issues

The Agreement was supposed to open the way for reforms that would allow for economic and social change. In this way it would have addressed some of the root causes of a conflict that had been ravaging the country for over a century and especially for the past fifty years. However, its limited implementation added to the lack of reforms, particularly in social services that should be provided by the State. Although a tax reform has been approved, it remains very limited from the perspective of a better social distribution of wealth.

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26 "Cada 72 horas asesinan a un líder social, según la Jurisdicción Especial de Paz", NODAL, 5 March 2021. <https://www.nodal.am/2021/03/cada-72-horas-asesinan-a-un-lider-social-segun-la-jurisdiccion-especial-de-paz/>

27 "Acusan a Duque ante ONU de poner 'obstáculos' al acuerdo de paz", *El Tiempo*, 11 March 2019. <https://www.eltiempo.com/politica/proceso-de-paz/acusan-a-duque-ante-onu-de-poner-obstaculos-al-acuerdo-de-paz-336178> ; "Informe revela obstáculos para la independencia judicial en Colombia", José Alvear Restrepo Lawyers' Collective, Bogotá, 1 July 2021. <https://www.colectivodeabogados.org/informe-revela-obstaculos-para-la-independencia-judicial-en-colombia/>

28 Akubadaura Jurist Community, "Las deudas del Estado con las comunidades negras e indígenas", *El Espectador*, 8 June 2020. <https://www.elespectador.com/colombia-20/paz-y-memoria/las-deudas-del-estado-con-las-comunidades-negras-e-indigenas-article/>

29 "Fifth Kroc Institute Report on Colombian peace agreement shows continued progress despite adversity", Kroc Institute for International Peace Studies, University of Notre Dame, 25 May 2021. <https://keough.nd.edu/fifth-kroc-institute-report-on-colombian-peace-agreement-shows-continued-progress-despite-adversity/>

30 United Nations Verification Mission in Colombia, United Nations Secretary General Report, 24 September 2021, p. 2 <https://colombia.unmissions.org/sites/default/files/n2125246.pdf>

As a result, there were constant, sustained protests (most of them peaceful) between 2019 and 2021 in different cities across the country. The State responded with acts of repression. These protests, which occurred frequently, are the response to a vast range of issues: inequality and its impacts; corruption; the lack of public and universal health and education services (especially for the youth, the poor, the Afro-Colombian and indigenous populations).

Against this background, the COVID-19 pandemic has had a devastating effect since 2019. Poverty, in Colombia, has risen from 35.7% to 42%. This is largely due to the lack of universal healthcare coverage, the privatization of healthcare and the fact that state healthcare is not available over large parts of the country.<sup>31</sup> In the same way, high levels of informal employment (around 60%) mean that when faced with a shock like a pandemic, or the drop in demand for primary goods over recent years, millions of people are left without assistance or economic support.<sup>32</sup>

The social protests also took place because of violations or delays in the implementation of the 2016 Peace Agreement.

### 3. From the text of the Agreement to its implementation: what went wrong?

Problems and delays in the implementation of the Agreement soon became apparent. It was made more challenging by the opposition of the new government, which started its mandate in 2018.

These problems were the result of the State bureaucracy and coordination issues. It also depended on ambiguities from the Santos Government trying to please the FARC and the sectors in favour of peace and those opposed to the Agreement. Then Duque's Government has navigated between showing the international community that it complies with the Agreement and satisfying its social base that opposes it. There is also resistance in Congress to issues agreed upon in Havana.

#### 3.1. Political opposition and changes in government

From when formal negotiations began in 2012, the Santos administration faced serious problems from the opposition, led by former president Uribe and his far-right party, Centro Democrático.

The attacks gained momentum as the October 2016 referendum that Santos decided to call came closer. Given the opposition from some segments of society and from the armed forces, President Santos considered that it would be best to submit the Agreement to popular consultation. Against the polls and predictions, he lost. Many people, slightly over half of those who voted, opposed the FARC becoming a legal political party. They also voted against FARC leaders being amnestied so as not to serve prison sentences.

From the moment Iván Duque and the Centro Democrático party came to power in 2018, resistance to the implementation of the Agreement and to structural changes grew stronger in the country.

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31 For example, it has been noted that "despite having almost universal healthcare coverage, guaranteeing effective access to essential healthcare services is still an unfinished task. There are obstacles that limit the population's access to medical attention. Some of these barriers are geographic, the result of a lack of health centres and specialised medical staff in the most remote parts of the country where the density of population is lowest. There are also administrative and institutional barriers linked to bureaucracy and the restrictions imposed by the health insurance companies (EPS) (e.g., denying or delaying authorizations) to limit the offer of services and reduce costs", *Foro Económico*, 15 October 2019. <https://focoeconomico.org/2019/10/15/barreras-de-acceso-a-servicios-de-salud-y-mortalidad-en-colombia/>

32 "Covid-19: its impact on poverty and inequality in Colombia", University of the Andes, Bogotá, 27 May 2020. <https://uniandes.edu.co/es/noticias/desarrollo-regional/covid19-sus-efectos-de-pobreza-y-desigualdad-en-colombia>



In parallel, the Government has not promoted the necessary reforms on issues like poverty, the lack of opportunities for the young, and questions of how to prevent the loss of the State resources to corruption, capital flight and organised crime.

After October 2016 the Santos Government agreed to modify some parts of the Agreement. But since then, the Centro Democrático Government has not ceased its attacks. It used the war against the Agreement during the referendum and election campaigns. It blocked it in Congress and, since taking power, the Centro Democrático has delayed various aspects of its implementation.

Although the Agreement allows for 15 years to be fulfilled, the Santos administration was slow to give the initial push needed for its launch. This happened because the government was weakened by the results of the referendum; because of the delays created by State bureaucracy and issues of coordination; and because the Government was reaching the end of its term.

Duque's government and Uribe's movement consider the alternative sentences contemplated by the Special Jurisdiction for Peace in the context of transitional justice to be intolerable. They see them as covert forms of forgiveness that the FARC do not deserve. The guerrilla must not, they argue, be "rewarded" with seats in Congress (during the first electoral term, as foreseen in the Agreement) or economic support (during the reincorporation stage). On the other hand, Duque's ministers and advisors stressed that the Santos Government made economic promises and commitments that have proved difficult to fulfil.<sup>33</sup>

There are also other interests. Several business, political and military circles do not want their past accountability and current links to paramilitary groups and violence to be investigated. The work of the Special Jurisdiction for Peace, the Truth Commission, and the Unit for the Disappeared could lay bare their responsibilities.

According to independent and opposition Representatives and Senators in the Colombian Congress, more than one third of the points agreed upon in Havana have not passed through Congress in Colombia. The relevant report states that 38% of the legal measures necessary for the implementation of the Peace Agreement are still pending.

### **3.2. Reemergence of ambiguity: the diverging objectives of the government and the FARC**

The Santos administration faced the challenge of finding an almost impossible balance. The president had to present a moderate Agreement to the far right and conservative sectors of Colombian society, but, at the same time, a transformative deal to those on the other side interested in social change. Simultaneously, the FARC came to the negotiating table with an expectation of radical change. But its position, in terms of political and military strength, was too weak to impose that vision.

The Government negotiators firmly told the FARC delegation from the beginning that private property, the capitalist economic model and the legitimacy of the armed forces were non-negotiable points. Negotiations took place on an ambiguous, hybrid terrain, with the FARC's radical demands and the Government negotiators' awareness of the need to incorporate structural changes. There was also the lobbying of economically-powerful groups to block any concessions in favour of the FARC and any changes to the established economic order.

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33 To implement the accord would cost Colombia 129.5 trillion of that year's pesos (about 41 or 42 billion 2016 U.S. dollars) between 2017 and 2031. Adjusting for inflation and exchange rates, Colombia's Comptroller-General's Office (Contraloría, an independent auditing agency) increased that estimate in August 2021, to 146.7 trillion 2020 pesos, with a similar amount of dollars, over 15 years. As of March 2021, Colombia had only spent about 15 percent of its expected cost. At the current pace, the Comptroller-General finds, it will take Colombia 26 years to implement the accord. Source: Isacson, Adam, "A Long Way to Go: Implementing Colombia's peace accord after five years", Washington Office on Latin America (WOLA), 23 November 2021. <https://www.wola.org/analysis/a-long-way-to-go-implementing-colombias-peace-accord-after-five-years/>.

A series of structural reforms to the system in place were discussed, but the key question of land ownership (a focal point for the FARC) was left aside. Instead the Agreement limited itself to recommending the regulation of the use of large properties; something that the government of Iván Duque has not wanted to deal with. Not addressing the question of land properties means leaving aside inequality, forced dispossession, displacement, overlapping (and often false) title deeds, the lack of a land registry system and the poor social use of land that favours the rents revenues of regional and national landowners. The social activists who have continued to press for the unjust regime of large properties to be modified within or outside the framework of the Agreement, witness the violent actions by paramilitaries and a concomitant lack of protection from the State.

The Agreement also does not specifically regulate how natural resources should be extracted (and who benefits from said extractions). Instead, there is a well-oiled system based on corruption. This culminates in capital flight to tax havens, over and undercharging sales to the State, and a tax model that offers the business class and the rich multiple exemptions.

The references about corruption in the Agreement are very general. They do not go deeper into the connections, created during the most tragic years of the war (between 1970 and the 2000s), among individuals and business groups with paramilitary groups and the armed forces. These probably still exist today.

The Agreement, therefore, contains an implicit contradiction: it would promote reforms agreed with the FARC (which created high expectations in the pro-peace sector of society) without affecting the privileges of the elite. It was an impossible balance. It was necessary to not upset the economic model, implement reforms, *and* keep the elite, the FARC, and a society, which was increasingly polarised around the Agreement, satisfied. The damage to the peace process was immense.

The Peace Agreement created high expectations in large segments of society that did not support the FARC nor their methods of warfare. The Agreement was a symbolic element that exacerbated tensions between those that seek economic, political and social change, and those that favour the maintenance of the *status quo*.

The solution found by the Santos government was to sideline the transformative “broader peace” aspects of the Agreement and focus instead on a “narrow peace”. This meant, leaving behind a Peace Agreement that would be the first step to ending the war and implementing a series of reforms. Instead, the Agreement would be one limited to the disarmament of the FARC. In this way, the belief (shared by Uribe and parts of Colombian society) that the FARC should be defeated and forced to surrender would be symbolically fulfilled.<sup>34</sup>

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34 Gutiérrez Sanín, Francisco, “Los enredos de la paz”, in García Villegas, Mauricio (Ed.), *¿Cómo mejorar a Colombia?*, Ariel/National University of Colombia, Bogotá, 2018, p. 109.



## 4. The key failure: a focus on disarmament and transitional justice to the detriment of socio-economic and security sector reforms

In Havana, transitional justice and FARC disarmament were creatively negotiated. The two economic pillars (rural reform and the drug trafficking issue) were left in some lists of reforms. But there was no certainty that the Santos government in the year and a half that it had left would be able to execute them, nor was there any certainty that future governments would choose to.

### 4.1. Resistance to reform of the rural sector

The reform of the rural sector, a key issue and the cause of a large part of the injustice and violence in the country, has been barely implemented. One of the points whose implementation has been most delayed is the Comprehensive Rural Reform. Projects in the Territorial Approach Development Plans (PDETs) areas (that is, the areas most affected by the armed conflict) receive less funding than other parts of the country. There are also fewer infrastructure projects.

Duque's government promised to develop the multipurpose *cadastre* to establish who land belongs to and under what conditions. In 2019, 94.32% of municipalities did not have land registry information or the information was not updated. The measure started to be implemented in 2020, but with an emphasis on real estate.<sup>35</sup>

On the other hand, the Peace Agreement envisions land restitution and allocation, together with a long list of measures for modernising the rural sector and for empowering peasants and minorities. For the rural elite, this was a radical change and the beginning of a process that alters their economic privileges and hierarchical perceptions of social class. For them, the fact that peasants, ex-combatants, Indigenous Peoples and Afro-Colombians will own property and have more political power is an affront.

During the negotiations, the FARC suggested developing traditional rural reforms, with expropriation and land distribution among the peasant community. For the FARC this was essential because it was the foundation of its political identity. It needed to show its social bases that they were agreeing to negotiate in exchange for concrete achievements. The government, however, did not accept this proposal and proposed a series of measures that aimed to modernise the archaic rural sector. Still, these proposals were met with strong resistance from the most traditional landlords and agrobusiness.

The points agreed upon were linked to regulations adopted by previous governments, such as land restitution. Santos' agricultural institutional sector reform, in 2014 and 2015, led to the creation of the National Land Agency, the Rural Development Agency, and the Agency for Territorial Renovation.<sup>36</sup>

As noted by García Trujillo, incorporating the Agreement into State policy developed a dynamic of institutions and innovation<sup>37</sup> in order to implement ambitious distributive measures. For instance, there was the proposal aimed at allocating three million hectares of land to peasants, something that was important to Santos and the FARC to show their commitment.

The involvement of multiple state agencies and their lack of coordination and competency negatively affected rural reforms. Paradoxically, the Agreement's non-implementation, particularly in the case of

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35 Medina, María Alejandra, "El catastro avanza, pero ¿qué tan multipropósito es?", *El Espectador*, 9 February, 2021. <https://www.elespectador.com/economia/el-catastro-avanza-pero-que-tan-multiproposito-es-articulo/>

36 García Trujillo, Andrés, *Peace and Rural Development in Colombia*, Routledge Studies in Latin American Politics, Taylor and Francis, London, p. 6, Kindle Edition. Based on Albertu, Michael, *Autocracy and Redistribution: The Politics of Land Reform*, Cambridge University Press, Cambridge, 2015.

37 García Trujillo, op. cit., p. 12.

the rural reform, was not due to the State's inability to implement. Rather it was due to the use of State mechanisms to hamper said implementation.

As it happens, the rural policies being implemented by Duque's government in the rural areas that used to be under the FARC's control are benefiting corporations and illicit actors. As Grajales notes while writing about the "agrarian frontier" and post-conflict peacebuilding in Colombia: "as dominant actors and social groups strive to maintain and expand their influence, inequalities that were produced or worsened through violent means tend to reproduce themselves in a more peaceful and institutionalized manner".<sup>38</sup>

## 4.2. The absence of a real process of security sector reform

### 4.2.1. The problems of reincorporation

One point of the Agreement that has been fully implemented has been the surrendering of arms by the FARC (the laying down of arms, as *per* the language used in the text). The reincorporation of ex-combatants is the part of the Agreement that the government has shown most interest in. But progress is slow and many former FARC members are demanding that the government fulfil its commitments.<sup>39</sup> About 1,000 guerrilla members abandoned the peace process, many because of a lack of progress, and formed dissident organizations.<sup>40</sup>

A relevant socio-economic aspect that the Peace Agreement addresses to a limited extent is the chapter on the reincorporation of the 13,049 ex-combatants (recognised by the Government) into society. This involved an excessive number of State agencies and administrative procedures for accessing economic aid, and future employment opportunities are unclear.

The Agreement establishes that the state will commit to providing these ex-combatants with identification documents and access to the healthcare system. Likewise, for 24 months they were guaranteed the minimum wage; they were allocated special areas in the territories in which to regroup and organise (Territorial Spaces for Training and Reincorporation; ETCR for its acronym in Spanish); and a series of so-called productive projects involving them were promoted.

These projects were upheld by state funds (discussed yearly in the general budget), international donors, via the Multi-Partner Trust Fund for Sustaining Peace in Colombia (PTF) coordinated by the United Nations, the Agency for Reincorporation and Normalization (ARN) and the National Reincorporation Council (CNR in its Spanish acronym); the Council is composed of the Government and the former FARC. Reincorporation also depends on the High Presidential Advisor for Stabilization.

Former FARC members who belong to the Commons Party (created after the demobilization process) and others who do not are dissatisfied. They consider that the handover of land, funds for community and individual projects and the security that must be ensured by the Government are being delivered in a very slow and uncoordinated manner. There is unhelpful overlapping among government agencies and international donors.<sup>41</sup>

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38 Grajales, Jacobo, "A land full of opportunities? Agrarian frontiers, policy narratives and the political economy of peace in Colombia", *Third World Quarterly*, 2020. [https://www.researchgate.net/publication/340707109\\_A\\_land\\_full\\_of\\_opportunities\\_Agrarian\\_frontiers\\_policy\\_narratives\\_and\\_the\\_political\\_economy\\_of\\_peace\\_in\\_Colombia](https://www.researchgate.net/publication/340707109_A_land_full_of_opportunities_Agrarian_frontiers_policy_narratives_and_the_political_economy_of_peace_in_Colombia)

39 "Colombia: ex guerrilla de las FARC pide al Gobierno cumplir acuerdo de paz", *Deutsche Welle*, 2 November 2020.

40 "Disidencias de las FARC. ¿Cuáles son, dónde están y qué hacen?", Fundación Ideas para la Paz, Bogotá, 2018. <https://cdn.ideaspaz.org/media/website/document/5a567abca3064.pdf>

41 At the start of 2021, the Government created the National Reincorporation System (SNR in its Spanish acronym), which includes the participation of over 28 state entities. Furthermore, one section of the FARC also accuses the Commons Party of monopolizing the relationship with the ARN. See Forero Rueda, Sebastián "La pelea interna en las antiguas Farc por la reincorporación de los exguerrilleros", *El Espectador*, 21 September 2021. <https://www.elespectador.com/colombia-20/paz-y-memoria/la-pelea-interna-en-las-antiguas-farc-por-la-reincorporacion-de-los-exguerrilleros/>

The various responsibilities of the various agencies are compounded by the already slow bureaucracy of the Colombian state and the intricate procedures that make it difficult to monitor progress. A long series of steps are set out, but their very number frequently complicate conversations among the Government, the FARC, the United Nations and the analysts, because they cannot agree on what stage is relevant at a given time.

#### 4.2.2. FARC's vision of reincorporation

In the beginning, the FARC wanted the aid provided by the state and international donors to support projects that would allow them to maintain a close relationship with the communities located in the territories they had fought in. This would mean that employment and political activism would have gone hand in hand. The Santos government opposed this option and emphasised individual reincorporation through productive projects not necessarily linked to the relevant communities. This was also emphasised by the Duque government.

Many ex-combatants receive aid for small businesses (such as producing beer, clothing, or shoes). But here there is little chance of sustainability because production centers are in isolated parts of the countryside, roads are practically non-existent and access to markets is hampered by bureaucracy. As noted by the UN Verification Mission in September 2021, of the 155 ex-combatant cooperatives operating in the country today, "80% of them operate in remote rural areas, which makes them particularly vulnerable to insecurity".<sup>42</sup>

Moreover, for many ex-combatants, reincorporation into civilian life has not proved easy. Bogotá and other cities offer few options for developing activities and ex-combatants are often rejected socially. Their job options are, all too frequently, limited to working in security companies or joining armed groups.

According to data provided by the ARN, in June 2021 6,913 ex-combatants benefitted from productive projects, of a total of 12,956 individuals in the reincorporation process. This means that five years after signing the Agreement, almost 53% of the peace signatories do not benefit from the conditions laid out in the Agreement for the sustainability of their economic reincorporation. This must be added to the lack of a "strategy that aims to generate or strengthen cooperation between businesspeople and the peace signatories."<sup>43</sup>

#### 4.2.3. A labour market not favourable to reintegration

One factor not contemplated in the Agreement, but which strongly influences reincorporation, are labour market trends. Because the negotiations failed to reflect on the current economic system and because accompaniment measures to the Agreement were not elaborated, reincorporated individuals suffer the consequences of neoliberal policies.

Colombia's market economy trends have been marked by growth based on the export of raw materials, more connections to the global market, strong wage restraint, a precarious job market and rising informal employment (expanding to some 60% of the labour market).<sup>44</sup> Given this situation and given, too, the way in which technology is replacing human jobs, the possibilities for ex-combatants to enter the labour force are reduced. At the same time, international donors and the State finance productive projects, based on traditional farming activities, making them very fragile and unsustainable compared to the modern agrobusiness practices with which they compete.<sup>45</sup>

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42 *Ibidem.*, p. 7.

43 Martínez, Harold, "Tres retos para la reincorporación cuando poco se habla de los firmantes de paz", *La Silla Vacía*, 7 October 2021. <https://www.lasillavacia.com/historias/historias-silla-llena/tres-retos-para-la-reincorporacion-cuando-poco-se-habla-de-los-firmantes-de-paz/>

44 Misas Arango, Gabriel, "Crecimiento e inclusión social para una paz duradera", in García Villegas, Mauricio (Ed.), *¿Cómo mejorar a Colombia?*, Ariel/National University of Colombia, Bogotá, 2018, pp. 375-390.

45 Montes, Álvaro, "Los robots ganan la guerra: 2,8 millones podrían perder su empleo en Colombia", *Semana*, 20 June 2020. <https://www.semana.com/tecnologia/articulo/robots-y-desempleo-asi-sera-el-impacto-de-la-tecnologia-tras-la-pandemia/680888/>

### 4.3. The persistence of illicit economie(s)

#### 4.3.1. The failure to substitute illicit crops

Regarding the National Comprehensive Program for the Substitution of Illicit Crops (PNIS in the Spanish acronym), progress has been very slow: only 5.3% of the families linked to it have a productive project. Then, PNIS is not reaching areas where the State lacks a presence. On the other hand, only 15.1% of the population identified as victims of the conflict have been administratively compensated. At this rate, it will take 57.6 years to compensate all the victims.<sup>46</sup>

This slow progress is directly linked to the non-implementation of the section in the Agreement on rural reform. The lack of economic options for peasants and for State infrastructure encourages both continued coca crop cultivation and the growth of organised crime. As explained in a report by the NGO DeJusticia, “considering the structural challenges that exist in Colombian society, in most cases, the income generated by substitution crops cannot replace the income derived from illicit crops, which means that it is not a profitable, comprehensive option for peasant families who are already in vulnerable situations.”<sup>47</sup>

Additionally, Duque has not only practically stopped the substitution program. He is also lobbying to change a Supreme Court ruling and to begin to fumigate coca crops with glyphosate. This is a highly controversial measure due to the impact glyphosate has on the environment and on human beings. It is also inefficient, as it does not address the root cause of the problem, which is the lack of economic opportunities for peasants.<sup>48</sup>

#### 4.3.2. A limited approach to organised crime

The Peace Agreement has a special focus on drug trafficking and proposes a series of measures to help peasants stop producing coca. But the political economy of the armed conflict in Colombia is more complex and diverse.

Regarding drug trafficking, it is difficult to ascertain the impact it has on the national economy. Several studies estimate that it could account for between 2% and 3% of the country’s GDP.<sup>49</sup> The Agreement aims to support peasants in producing alternative crops and to prosecute intermediaries by legal means through members of the security forces. However, it does not examine the possible links of certain segments of the private sector and the State to organised crime.

Drug trafficking is not the only violent and illicit activity in Colombia. A study led by Angelika Rettberg analyzing other resources such as coffee, bananas, flowers and oil, highlights the risks of the current socio-economic context, where there are still multiple incentives for continued crime. She notes that “the wide circulation of weapons, the existence of diverse criminal organizations, the persistence of drug trafficking and, particularly, the availability of natural resources and economic activities which, for decades, have been integrated into the dynamics of looting and extortion practiced by armed groups, all create opportunities for the continuation of crime and violence, even after rebel groups lay down their arms”.<sup>50</sup>

46 For the full report see: “En qué va la paz, Sexto Informe de seguimiento a la implementación del Acuerdo de Paz”, February 2021. <https://www.juanitaenelcongreso.com/post/sexto-informe-de-seguimiento-a-la-implementacion-del-acuerdo-de-paz>

47 Torres, Natalia y Cruz, Luis Felipe, “Los PDET y el PNIS: la guerra, la coca y la paz transformadora”, DeJusticia, 23 November 2020. <https://www.dejusticia.org/column/los-pdet-y-el-pnis-la-guerra-la-coca-y-la-paz-transformadora/>

48 Isacson, Adam, “La fumigación aérea en Colombia: dañina e ineficaz”, Washington Office on Latin America (WOLA), 7 May 2015, Washington D.C. <https://www.wola.org/es/2015/05/la-fumigacion-aerea-en-colombia-danina-e-ineficaz/>; Interview with Adam Isacson: “Medir el problema del narcotráfico en hectáreas cultivadas es un error”, *El Espectador*, 22 November 2020. <https://www.elespectador.com/colombia-20/conflicto/medir-el-problema-del-narcotrafico-en-hectareas-cultivadas-es-un-error-adam-isacson-article/>

49 Becerra Elejalde, Laura Lucía, “Narcotráfico pesa hasta \$19 billones en el Producto Interno Bruto de Colombia”, *La República*, 18 November 2019. <https://www.larepublica.co/economia/narcotrafico-pesa-hasta-19-billones-en-el-producto-interno-bruto-de-colombia-2933774>

50 Rettberg, Angelika, Leiteritz, Ralf J., Nasi, Carlos, and Diego Prieto, Juan, (Eds.), *Different resources, different conflicts? The subnational political economy of armed conflict and crime in Colombia*, Universidad de los Andes, Bogotá, 2019. <http://dx.doi.org/10.30778/2019.16>

### 4.3.3. Oil and its link to the armed conflict

Colombia is not a major oil producer (it is ranked twenty-third in the list of world producers). However, oil exports corresponded to 52.7% of the country's exports in 2014, but the drop in oil prices significantly affected exports and budget cuts ensued.<sup>51</sup> As in other armed conflicts, oil has caused corruption and inequality and provided several armed groups with economic resources.

The Government delegation in Havana did not accept the FARC proposal to include mining and energy resources in the negotiation, despite possible links with illicit groups and violence. For the official delegation mining and energy policies were to be dealt with by the national and local authorities, under the supervision of local communities. As Humberto de la Calle explains “the mining-energy policy is a fundamental pillar of Colombian tax revenue as an instrument for development”.<sup>52</sup>

Overall, successive governments' failure to seriously address the economic roots of the conflict have prevented the peace agreement from becoming a living reality. Yes, the Agreement provides general guidelines to avoid the intermediaries and corruption linked to drug trafficking. It also has for promoting alternative crops. But it lacks a thorough scheme to avoid the comparative economic advantages of the illicit economy. Nor does it indicate the need to investigate and prosecute the links between organised crime and the private sector and State officials. Furthermore, it does not address other aspects of the political economy of the armed conflict. This is particularly true of the activities of organised crime related to other legal natural resources such as oil and gold. Therefore, its impact on communities has remained limited despite the high expectations that came with the Agreement.

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51 Rettberg et al., op. cit., pp. 147-148.

52 De la Calle, *Revelaciones al final de una guerra: Testimonio del jefe negociador del gobierno colombiano en La Habana*, Debate, Bogotá, 2019, p. 162.

## Conclusions and lessons learned

The 2016 Colombian Peace Agreement has very valuable points. As a comprehensive report by the Washington Office on Latin America (WOLA) indicates, it is fundamental for a “peaceful Colombia whose state is able to enforce the rule of law and provide basic services wherever its people live. That outcome would pay rich dividends in reduced illicit economies and a more stable and democratic region”.<sup>53</sup>

However, five years after the Peace Agreement was signed there are serious doubts about its future. While the importance of including the economic factor in peace agreements has been stressed by various researchers,<sup>54</sup> in Colombia as in many other countries, economic factors have slowed and risk stopping the implementation of the Agreement.<sup>55</sup>

The Agreement with the FARC incorporates a series of important reforms, particularly in the rural sector and with drug trafficking. But the trends of the economic context, the lack of reforms *around* the Agreement and the resistance of Colombian elites have blocked the peace process.

The Agreement also failed to address key issues that should accompany its implementation. These include inequality, combating corruption and different forms of capital flight and money laundering, the lack of a universal equitable tax system, and the guarantee of a gradually expanding State presence to the territories where it is lacking. Moreover, the absence of a national political pact or comprehensive reform plan means that much of what was agreed upon has not been fulfilled or is being fulfilled only slowly. This is especially true of the Duque government, the successor to the Santos administration.

The Agreement shows that future agreements must be as precise as possible on economic matters. They need to include a “second circle” of political and economic pacts to protect and bolster the security and predictability of what has been agreed. This implies stakeholders with different levels of power (political parties, the State, the national and regional private sector, unions, civil society organizations) agreeing on State covenants, with the formal and informal support of the international community.<sup>56</sup>

These covenants would have to address not only the political will to comply and to take into account the changes in government after elections. They also need to firm up governments’ commitment to implement reforms to avoid the reignition of armed conflict. This means linking the peace agreement to development, economic models that are sustainable for the environment, protection of human and labour rights, provision of goods and services, and employment creation with the incorporation of new technologies in the labour processes.

The donor community, for its part, including the United Nations and the European Union, needs to use diplomacy and their funds to encourage this kind of covenant. There should be a special focus on the reforms that become necessary once the conflict ends. In the case of Colombia, donors tend to accept the limitations imposed by Iván Duque’s government. They assume that it is better to implement only part of the Agreement rather than to have it totally rejected. This, however, undermines implementation as a whole and will have serious consequences.

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53 Isacson, Adam, “A Long Way to Go”, Washington Office on Latin America, 2021. <https://www.wola.org/analysis/a-long-way-to-go-implementing-colombias-peace-accord-after-five-years/>

54 See for instance Wenmann, Achim, “Economic Provisions in Peace Agreements and Sustainable Peacebuilding”, *Negotiations*, Vol. 11, No. 1, 2009, pp. 43-61.

55 Rohner, Dominic, *Success Factors for Peace Treaties: A Review of Theory and Evidence*, University of Lausanne and CEPR, 19 December 2018. <https://www.unil.ch/de/files/live/sites/de/files/working-papers/18.08.pdf>; Woodward, Susan, “Economic priorities for successful peace implementation”, in Stedman, Stephen John; Rothchild, Donald and Cousens, Elizabeth (Eds.), *Ending Civil Wars: The Implementation of Peace Agreements*, Lynne Rienner, Boulder, 2002, pp. 183-214; Cramer, Christopher, “Trajectories of accumulation through war and peace”, in Paris, Roland and Sisk, Timothy D. (Eds.), *The Dilemmas of Statebuilding*, Routledge, Oxon, 2009.

56 The Agreement also created the Commission for Monitoring, Promotion and Verification of Implementation (CSIVI) made up of the government, the FARC and members of the international community. This Commission has not met for a long time and lacks the capacity to sanction any violation of the Agreement.



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