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Five Years Along: The Efficacy of the Implementation of the 2016 Final Agreement in Colombia

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**Five Years Along:
The Efficacy of the Implementation of the 2016 Final Agreement in Colombia**

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Global Studies Capstone

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Abbreviations

<i>ARN:</i>	Agencia para la Reincorporación y la Normalización (Agency for Reincorporation and Normalization)
<i>BDCCH:</i>	Bilateral and Definitive Ceasefire and Cessation of Hostilities
<i>CNR:</i>	Consejo Nacional de Reincorporación (National Council for Reincorporation)
<i>ELN:</i>	Ejército de Liberación Nacional (National Liberation Army)
<i>ETCR:</i>	Espacios Territoriales de Capacitación y Reincorporación (Territorial Training and Reincorporation Spaces)
<i>FARC-EP:</i>	Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo (Revolutionary Armed Forces of Colombia - People's Army)
<i>FARC (political party):</i>	Fuerza Alternativa Revolucionaria del Común
<i>JEP:</i>	Jurisdicción Especial de Paz (Special Jurisdiction for Peace)
<i>LA:</i>	Laying Down of Arms
<i>MVM:</i>	Monitoring and Verification Mechanism
<i>SIVJRNR:</i>	Comprehensive System of Truth, Justice, Reparation and Non-Repetition
<i>UBPD:</i>	Unit for the Search for Persons Presumed Disappeared
<i>UCDP/PRIO:</i>	Uppsala Conflict Data Program/Peace Research Institute of Oslo
<i>UN:</i>	United Nations
<i>UNSC:</i>	United Nations Security Council

After more than 50 years of violence and over 9 million¹ victims, November 24, 2016 saw the official end to the armed conflict between the Colombian government and the country's largest rebel group, the Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo² (FARC-EP), through the signing of a peace agreement. Peace agreements do not necessarily lead to the cessation of conflict, as history would note that "almost half of the nations that end a civil war with a peace agreement relapse into renewed conflict within five to ten years."³ Colombia's ambitious peace deal has been praised by the international community, but its efficacy hangs in the balance. Opposing sides of the conflict also have differing opinions on the success of the process. Now five years along, the "Final Agreement to End the Conflict and Build a Sustainable and Lasting Peace" in Colombia has had its share of successes in terms of political participation and initial demobilization and failures, most notably in the realms of comprehensive rural reform and the solution to the problem of illicit drugs.

The unfolding story of Colombia is one of uprisings and revolutions from relinquishing Spanish colonial rule to present day clashes. Though known as Latin America's oldest democracy, the UCDP/PRIO⁴ *Armed Conflict Dataset* states that Colombia has been continuously involved in war since 1964⁵. However, this report does not take into account the period of *La Violencia* beginning in the 1940s and continuing until 1958. Her history is riddled with internal conflicts. Entire generations have never known a peaceful Colombia and many wonder whether the newly formed peace agreement will bring about a country without the violence, corruption, and inequalities it knows so well. Some of the internal destabilizing forces

¹ Registro Único de Víctimas. 2021. "Víctimas Conflicto Armado." Unidad para la Atención y la Reparación Integral a las Víctimas.

² Revolutionary Armed Forces of Colombia - People's Army

³ Meernik, James, Jacqueline H.R. Demeritt, & Mauricio Uribe-Lopez. "Introduction." In *As War Ends: What Colombia Can Tell Us About the Sustainability of Peace and Transitional Justice*, edited by James Meernik, Jacqueline H.R. Demeritt, & Mauricio Uribe-Lopez, 1. New York: Cambridge University Press, 2019, 2.

⁴ Uppsala Conflict Data Program/Peace Research Institute of Oslo

⁵ Meernik, DeMerritt, & Uribe-López, 3.

historically and presently are paramilitary guerrilla groups, drug cartels, the cocaine industry, and widespread corruption. Inequality and economic hardship have produced discontentment which perpetuates the cycle of unrest and uprisings.

Similar to many Latin American countries, Cold War logic aided in giving rise to guerrilla groups in Colombia. The FARC “originated out of the self-defense organizations that emerged in the 1950s.”⁶ This time from 1948-1958 saw unparalleled violence and the utmost dissatisfaction of the government. These years are known as *La Violencia* due to the conflict that resulted in over 200,000 deaths and countless displacements.⁷ This gave rise to Fidel Castro and the rapid spread of Marxist-Leninist ideas throughout Latin America, which highlighted the importance and mobilization of civilian self-defense forces. The marginalized rural community in Colombia was disproportionately affected during *La Violencia*, which only led to further radicalization and separation from the state. As a result, the FARC-EP was formalized as a Marxist-Leninist revolutionary guerrilla organization in 1964.⁸ Following this period of violence came the era spanning from the 70s to 90s in which the politicization and influence of drug trafficking took a strong hold in Colombian society. As brutal polarization grew and the chasm between the government and the people increased, both left and right wing militia groups rose in power and sometimes provided the order that was necessary in the power vacuum left by a lack of government presence and stability.

Colombia’s history of paramilitary activity from the 1960s onward is staggering and continual. Internal violence persists in creating instability within the state. By the 1960s both the

⁶ Herrera Castrano, Arturo and Shane Tarrant. “Are the Guerrillas Gone? A Historical Political Economy and Social Analysis of the Rise and Demise of the *Fuerzas Armadas Revolucionarias Colombianas* (FARC), 1964-2010.” MA thesis, Naval Postgraduate School, Monterey, California, 2009. Calhoun: the NPS Institutional Archive, 1.

⁷ *Ibid.*, 12.

⁸ *Ibid.*, 13.

FARC-EP and Cuban-inspired *Ejército de Liberación Nacional*⁹ (ELN) were developing, and left-wing revolutionary ideology was garnering popular support in rural as well as urban areas of the nation. During the latter part of the 1960s and into the 70s, a connection between counterinsurgent paramilitary forces, drug traffickers, and illicit agriculture was formed due largely to the struggling economy, an unequal balance of land ownership, and little success on the political front. This partnership took place in “areas characterized by a lack of rule of law and high levels of deprivation.”¹⁰ Coca cultivation increased and the FARC-EP saw an opportunity to establish a financial connection with the drug traffickers, linking the cocaine trade with the funding of the guerrillas. The 1980s saw more attempts at peace agreements, amnesty deals, and ceasefires, none of which had staying power.

Over the past twenty years, FARC forces are attributed with killing more than 30,000 Colombians.¹¹ False positive scandals, which revealed that government forces extrajudicially killed innocent civilians who they labeled as “combatants,” skew the number of deaths that the Colombian military are responsible for, as new reports continue to show. The atrocities committed on both sides of the conflict mean that reconciliation will not come cheaply. The dynamic of inequality embedded in society will continue to pose a challenge to mediation as structural reform is a nonstarter for rural citizens. What is needed in order for Colombia to know peace is an agreement that treats not just the symptoms of the problem, but the underlying issues as well. The Final Agreement attempts to do this in an ambitious manner with aspects that can be implemented immediately and others that will take time as new systems are refined and formed.

⁹ National Liberation Army

¹⁰ Meernik, DeMerritt, & Uribe-López, 5.

¹¹ Emmanuel Marre, Franck. “Colombia.” *Counter Terrorist Trends and Analyses* 8, no. 1 (December 2015), 126.

Colombia is rather familiar with the possibility of peace processes. In the last thirty years, the Colombian government has signed ten peace agreements.¹² Some have proved successful and others not so much, as is evident through the internal violence that persists today. In 1984, the FARC and the government reached their first ceasefire agreement.¹³ Yet the complexity of the conflict with its various actors, from the paramilitary groups to drug cartels to the Colombian military, a peaceful and sustainable solution has continued to elude Colombian society. As will be seen later, the original 2016 peace agreement was met with hostility for its inability to address all constituent concerns. The FARC declared a unilateral ceasefire in December of 2014 but it was broken in mid-2015 with attacks against army soldiers and blowing up the Transandino oil pipeline in Nariño further presenting trouble for a lasting peace.¹⁴

Final Agreement Context

Convened in Havana, Cuba under the supervision of the government of Cuba and the Kingdom of Norway, the “Final Agreement to End the Conflict and Build a Sustainable and Lasting Peace” (Final Agreement) was signed after six years of negotiations by both Colombian president Juan Manuel Santos Calderón and commander-in-chief of the FARC-EP Timoleón Jiménez. The basic six tenants of the Final Agreement are (1) Comprehensive Rural Reform; (2) Political Participation; (3) Ending the Conflict; (4) Solution to Illicit Drugs; (5) Victims of the Conflict; and (6) Implementation, Verification, and Endorsement. This round of peace talks began in 2012 under former President Juan Manuel Santos and continued throughout his presidency. These talks concluded with each side agreeing to multifaceted programs under the goal of creating sustainable peace throughout the country, focusing on the marginalization of rural peoples and the demobilization of the guerrilla force.

¹² Meernik, DeMerritt, & Uribe-López, 5-6.

¹³ Uppsala Conflict Data Program. 2021. "Government Of Colombia - FARC".

¹⁴ Emmanuel Marre, 126.

Plebiscite Vote

All this said, the government put the peace process to the public by way of a referendum. The vote took place in October of 2016, and a majority vote was required for the peace agreement to pass. The plebiscite had a disappointing turnout, with only 37.4 percent of all voters participating.¹⁵ In a shocking turn of events, the “no” vote edged out the “yes” by a mere 61,000 votes with 50.2% voting against.¹⁶ The voter demographic revealed the divide with the more urban population voting against and the rural voting in support. The areas most strongly affected by FARC violence voted “yes.” According to a study done by Fundación Ideas Para la Paz, “The most affected areas were Arauca, the Urabá region in Chocó and Antioquia, Nudo de Paramillo, Montes de María, Catatumbo, Guaviare, and lower Putumayo. In all of these areas, the ‘yes’ won on 2 October with more than 50 percent of the vote.”¹⁷ There is something to the idea that those who witnessed atrocities of the violence first-hand were some of the most adamant supporters of the peace accords. After the failed vote, the Final Agreement went back to the drawing room and came back out two months later with changes in areas such as rural reform, transitional justice, and reparations for victims. But there is danger in assuming that the only divisions are an urban-rural split; disagreement is multifaceted and nuanced.

Understanding why the plebiscite failed is integral in understanding where the current tensions with the agreement lie. Former President Alvaro Uribe Velez, who was in office from 2002 to 2010, led the charge for the “no” voters. Many saw accepting the peace agreement as providing a “get out of jail free” card for perpetrators of violence, and they demanded harsher punishments in the new transitional justice system, the Special Jurisdiction for Peace (JEP). The

¹⁵ Piccone, Ted. 2019. *Peace With Justice: The Colombian Experience With Transitional Justice*. Ebook. Brookings Institute, 3.

¹⁶ Potter, Tim. 2016. "Colombia 2016: Challenges Ahead On The Road To Peace." *Socialist Lawyer*, no. 74, 20.

¹⁷ Álvarez-Vanegas, Eduardo, Juan Carlos Garzón-Vergara, and José Luis Bernal. 2016. "Voting For Peace: Understanding The Victory Of ‘No.’" Fundación Ideas para la Paz. 6.

opposition to the peace accords argued almost exclusively for harsher punishments for FARC members than for Colombian government perpetrators. Of the total 260 proposed changes made by the opposition, 58% were implemented in the new agreement announced on November 12, 2016.¹⁸ The new agreement included more elements of comprehensive rural reform, transitional justice, and reparations for victims than were previously part of the accord.

Definition of Peace

Considering the efficacy of the implementation of the Final Agreement as an agent of peace requires a clear definition of what is meant by peace. For the purposes of this argument, peace does not solely mean the absence of violence. Peace in Colombia involves movement towards structural reforms which address the socioeconomic inequalities throughout the country. The failed plebiscite vote not only indicated an urban-rural divide, but showed where public discontent overtook the desire for the cessation of violence. Understandably frustrated, Colombia has seen her share of tried and failed peace agreements and getting this one right through grassroots sustainable practice could help avoid further collapse and violence. There should be more to a peace accord than only treating the symptoms of a much deeper underlying problem. The Final Agreement posits a maximalist approach to peace studies, addressing structural violence as well as physical.

Point One: Comprehensive Rural Reform

Comprehensive rural reform remains the most difficult task facing Colombia on its road to lasting peace. According to the Kroc Institute, only 4% of the total stipulations provided in the Final Agreement have been completed.¹⁹ These contentious structural reforms are the aspect of

¹⁸ International Crisis Group, "In the Shadow of 'No': Peace after Colombia's Plebiscite," *International Crisis Group*, Latin America Report no. 60 (January 31, 2017): 7

¹⁹ Kroc Institute for International Peace Studies. 2021. "The Colombian Final Agreement In The Era Of COVID-19". Colombia Barometer Initiative, 7.

the peace agreement most desired by the FARC and are also the most difficult to implement in regard to time and the amount of moving pieces required. Point One implementation challenges after the signing of the Final Agreement are twofold: significant land disparity and government presence. Addressing issues of land inequality means stepping into one of the most historically contentious issues that Colombia continues to face. The FARC have thrived in the rural areas of Colombia because of the lack of government oversight and involvement in these regions. In many senses the government failed to provide *campesinos* with stability and proper infrastructure. Estimates hold that peasants have been dispossessed of 15% of the country's agricultural surface, roughly the equivalent of the size of Ireland.²⁰ Since its independence, Colombia has struggled with land equity and agricultural organization. Continuation of this persists to the present day, leaving rural farmers vulnerable to exploitation by private landowners.

The demobilization of the FARC-EP created a sort of power vacuum within these rural areas that were to be occupied by government forces once the paramilitary group departed. Yet, the government has been slow to act, giving rise to regional control by new armed groups or drug cartels. Point One includes stipulations on land access and use, territorial development programs, and plans for all-encompassing rural reform. These challenging but attainable goals are largely under the control of the Colombian government. In the past the regulatory systems that govern these rural areas have been fragile and corrupt and therefore unable to cater to the needs of the people. In general, "these systems are weak; the administrative and coercive capacity and the capacity to regulate land ownership are limited and, where these institutions are in place, it is

²⁰ Peña Huertas, Rocio del Pilar. "From Transitional Justice to Post-Agreement Rural Reform: Many Obstacles and a Long Way to Go." In *Truth, Justice, and Reconciliation in Colombia*, edited by Fabio Andrés Díaz Pabón, 85-99. New York: Taylor & Francis Books, 2018, 87.

likely that they have been captured by interest groups.”²¹ Corruption at the municipal and national level is widespread as a majority of Colombian citizens see the government as untrustworthy.²² Therefore there is a lot of ground for the government to make up in order to gain the trust of its citizens as it attempts to move into these regions in which they have been absent. On a positive note, in terms of progress, there was significant success achieved between 2019 and 2020 in terms of a decrease in stipulations not yet implemented from 27% to 18%.²³ Public support for this point is high, but government-initiated reforms are going to be a challenge for the future.

Point Two: Political Participation

A lack of political representation is often a precursor to violent armament. In the case of the FARC-EP, militarization occurred with a foundational understanding of perceived marginalization of rural peoples. Before the Agreement, the FARC previously created two political parties, the Patriotic Union (UP) and the Clandestine Colombian Communist Party (PCCC or PC3).²⁴ Each served different purposes but all included a political agenda to serve exploited *campesinos*. As their political agenda for rural infrastructure and equality seemed to be slowing to a halt, violence more so became the means to which their political ends were met. The last organization-wide talk held before the signing of the Agreement, the FARC’s Tenth Conference in 2016, reiterated their commitment to a political solution to their discontentments, though violence continued throughout Colombia.²⁵

²¹ Ibid., 89.

²² Kaplan, Oliver and Joseph Young. “From Counterinsurgency to Peacebuilding: Addressing Barriers to Lasting Peace in Colombia.” In *As War Ends: What Colombia Can Tell Us About the Sustainability of Peace and Transitional Justice*, edited by James Meernik, Jacqueline H.R. Demeritt, & Mauricio Uribe-Lopez, 187-207. New York: Cambridge University Press, 2019, 203.

²³ Kroc Institute, 24.

²⁴ Phelan, Alexandra. 2017. “Engaging Insurgency: The Impact of the 2016 Colombian Peace Agreement on FARC’s Political Participation.” *Studies in Conflict & Terrorism* 42, no. 9, 841.

²⁵ Ibid, 843.

With the completion of the Final Agreement came a shift towards political reputability and the subsequent name change from the Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo to the Fuerza Alternativa Revolucionaria del Común, maintaining the same acronym. One of the party's political leaders, Iván Márquez, remarked, "we do not want to break ties with our past. We have been and will continue to be a revolutionary organisation. We want to be the voice of the excluded, of the voiceless, of those who live in misery, the voice of the honest and good people of Colombia."²⁶ The history of the militia, rooted in Marxist-Leninist ideas of equality, was to continue but this time with actual political representation. The Final Agreement provides ten guaranteed seats in the government for FARC representatives, five in the Senate and five in the House of Representatives until 2026.²⁷ With Colombia as South America's oldest democracy, this aspect of political participation for opposing views bolsters the validity and representative nature of the system.

In 2017, the FARC also restated its commitment to mechanisms that "guarantee the active participation of peasants, indigenous, and Afro-descendants... and particularly women"²⁸ They remain committed to elevating marginalized voices. Though the majority of Colombian citizens reject the FARC as a state substitute, a minority know the group as a provider of stability that has been absent since demobilization. So for many, accepting the political legitimacy of a militia group responsible for the deaths of tens of thousands, maybe more, is a big ask. Only 29.1% of Colombians support Point Two's total objective which could serve as a harbinger to their ability of future success.²⁹

²⁶ TeleSUR. "Colombia's FARC Has Revealed Its New Name-- Here's What It Is." August 15, 2017, <https://www.telesurenglish.net/news/Colombias-FARC-Has-Revealed-Its-New-Name--Heres-What-It-Is-20170815-0026.html>.

²⁷ Colombia-FARC. Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace. November 24, 2016. *Office of the High Peace Commissioner*, 51.

²⁸ FARC-EP. 2017. "Tesis Preparatorias del Congreso Fundacional del Partido de las FARC-EP, Tesis de Abril: por un Partido para Construir la Paz y la Perspectiva Democrático-Popular", 64.

²⁹ García-Sánchez, Miguel and Ryan E. Carlin. "The FARC in the Public Eye: Negotiation,

Guaranteed political participation, in theory, provides great incentive for the continued disarmament and demobilization of militia forces as more of their agenda is recognized through legitimate means. But as platform ideas aren't completed, resumption of violence is likely and evident in many regions. Also, public trust in the FARC, while incredibly sparse and fragile, jumped from 1.1% to 6.2% in 2016 and stayed in that range in 2018.³⁰ This is no great victory and indicates the public distrust that remains a grand stumbling block between the FARC and the equal political participation they desire. The stipulations are only strong if they become embedded in the hearts and minds of the public. Granted that a mere 16% of the Colombian population supports the FARC political party presenting candidates for elections, it is clear that there is a long way to go before they are able to have a substantial say in implementing their objectives. Out of the six points of the Agreement, Point Two has the highest percentage of stipulations yet to be initiated giving a lot of room for improvement in the years to come.

Point Three: Ending the Conflict

The third point in the Final Agreement addressed ending the conflict with specific focus on implementing a ceasefire, disarmament, demobilization, and then reincorporation of paramilitary members. Of the 140 stipulations laid out, as of November 2020, 49% are deemed “completed” by a Kroc Institute report, which was up from 46% in November of 2019.³¹ There is still a way to go and the public is realizing this. Point 3 is particularly concerned with the wellbeing of FARC members in this new Colombia. In order to build a lasting peace, former combatants need to have something else to fall back on. The stigma of being a former guerrilla militant alone is enough reason to incite discouragement from leaving the field, so the priority of reincorporation is imperative especially considering that some ex-FARC members 292 have been

Integration, and Political Participation.” *Journal of Politics in Latin America* 12, no. 3 (2020), 241.

³⁰ *Ibid.*, 243.

³¹ Kroc Institute, 7

killed since the peace agreement was signed.³² Oftentimes, as has been seen in other Latin American countries post-conflict, the cessation of violence is just the beginning of other hostilities. It is also important to note that while violence may have decreased in some areas of the country, in many others they have not felt any impact from the Final Agreement.

Ceasefire

The ceasefire agreement was outlined in the Bilateral and Definitive Ceasefire and Cessation of Hostilities (BDCCH) and Laying down of arms (LA) in which codify the procedure for such action. These are being verified by the well-connected Monitoring and Verification Mechanism (MVM). A ceasefire is simple to quantify and this has objectively been one of the most successful aspects of the agreement. A challenge presented to a sustainable ceasefire is the murder of 73 ex-combatants in 2020.³³ If discontent increases, there will almost certainly be more fragmentation where former FARC members gather and rearm.

Disarmament

Disarmament has been monitored by the United Nations (UN). The LA indicates that all FARC-EP weaponry is to be received by the UN and turned into monuments.³⁴ This part of the first phase was largely successful and the UN received “8,994 weapons and more than 1.7 million rounds of ammunition” from FARC members.³⁵ The vast majority of the guerrilla group were active participants in the immediate phases following the signing. The international community praised these UN-guided efforts as it appeared as if this was a true watershed moment in government-FARC relations. As we will note later, disarmament is only successful to the point that discontent is quelled.

³² United Nations Security Council. Report of the Secretary-General, United Nations Verification Mission in Colombia. S/2021/824. New York: UN, September 23, 2021, 1.

³³ *Ibid.*, 31

³⁴ Final Agreement, 58.

³⁵ Garcia Pinzon, 2

Demobilization

Demobilization is one of the key areas in which the Final Agreement is struggling. It is also one of the most important aspects to make progress on, given that many are discontent with the current governance and the slow progress towards structural rural reform and are thus rearming and encouraging others to do the same. In August 2019, senior FARC commanders released a video from an unknown location, most presumed to be Venezuela, calling for a “new stage of fighting”.³⁶ Dissatisfaction with the neglect of key parts of the peace agreement like building rural infrastructure has led many guerrillas to go back on the delicate peace. There are at least five active splinter FARC groups who refused to comply with the Final Agreement from the beginning, and are gaining traction as the veil of naivete is slowly removed. A great challenge posed to demobilization of paramilitary forces is the vacuum that they leave once they remove themselves from the illegal protection system they once controlled.³⁷

Reincorporation

The reincorporation process is overseen by the Consejo Nacional de Reincorporación³⁸ (CNR) which is composed of two members of the national government and two members of the FARC. This equal participation is beneficial in power-sharing progress. Economic and social reintegration are priorities in accordance with section 3.2 of the Peace Agreement. An important facet of this for FARC members is the in-between staging ground of provisional settlement known as Espacios Territoriales de Capacitación y Reincorporación³⁹ (ETCRs). These sites are managed by the Agencia para la Reincorporación y la Normalización (ARN) with the purpose of

³⁶Ingber, Sasha. “Former FARC Leaders Announce ‘New Stage of Fighting,’ Upending Colombia’s Peace Deal.” August 29, 2019. *NPR*. <https://www.npr.org/2019/08/29/755425619/former-farc-leaders-announce-new-stage-of-fighting-upending-colombia-s-peace-deal>.

³⁷Nussio, Enzo, and Kimberly Howe. 2016. "When Protection Collapses: Post-Demobilization Trajectories Of Violence". *Terrorism And Political Violence* 28, no. 5 (2016), 849.

³⁸ National Council for Reincorporation

³⁹ Territorial Training and Reincorporation Spaces

helping FARC members prepare to reenter civilian life and providing them with local public services. The ARN manages 24 of these zones.⁴⁰

Point Four: Solution to Illicit Drugs

As long as Colombia remains dominated by the industry of cocaine, it will not know peace. A study by the Brookings Institute posits that “the critical ingredient for stabilizing the country remains the lack of state presence— military and civil— in broad swaths of Colombia’s rural departments, especially where coca is grown and trafficking networks thrive.”⁴¹ Coca is the single most threatening factor to the future of peace. As nonstate actors demobilize per government agreements, the logical and desired trajectory is for government forces to step into these regions to provide goods and services necessary for economic and social flourishing. The forced removal of coca crops, though perhaps successful in the immediate aftermath, have proved to be ineffective in reducing drug production. Instead, Point Four ties in directly to the aims of the Comprehensive Rural Reform in hopes of providing effective crop substitution programs, as well as addressing the national issues of illegal drug use and narcotrafficking. The question of which comes first, the cessation of violence or the eradication of the drug problem could go in circles. Each is good for the other and each feeds into one another.

Over the past several years coca cultivation and cocaine production have been at an all-time high.⁴² Between 2013 and 2016 “the number of hectares in production grew by 130 percent” and “potential cocaine production exploded by more than 200 percent.”⁴³ Point Four works to provide crop substitution programs to allow farmers to switch their fields from coca to legal crops without punishment, therefore incentivizing the transition. Often these small-scale

⁴⁰ Agencia para la Reincorporación y la Normalización. 2017. *Reincorporation*. <https://www.reincorporacion.gov.co/en/reincorporation/Pages/default.aspx>.

⁴¹ Piccone, 7.

⁴² Felbab-Brown, Vanda. 2020. “Detoxifying Colombia’s Drug Policy: Colombia’s Counternarcotics Options and their Impact on Peace and State Building.” *Brookings Institute*, 2.

⁴³ Noriega, Roger F. 2017. “Colombia: Peace with Security.” *American Enterprise Institute*, 2.

coca farmers are merely sucked into the drug trafficking cycle because it provides a paycheck. The hope is that as crop substitution programs and rural reforms take hold, there will be less demand for jobs in the cocaine trade. However, as is true with other aspects of the Final Agreement, government initiation and oversight is required for the implementation of these programs. As of 2020, only 17% of the total stipulations have been completed.⁴⁴ Difficulties occur in miscommunicated coordination between the agencies in charge as well as in the battle to lure Colombia away from the money-making enterprise that is cocaine trafficking. Conflicts with guerrilla groups, and the untenable policies of aerial fumigation of coca fields and manual eradication programs have also been barriers to a solution to the problem of illicit drugs.⁴⁵

Point Five: Truth, Justice, and Reparations

The impact that over 50 years of continuous conflict has on the psyche of the Colombian people is immeasurable. There are generations that know no other way of life. Reparations and the involvement of victims post-conflict are necessary if Colombia wants to move forward as a unified nation towards reconciliation and nonrecurrence. In the document, Point Five is entitled the “Agreement regarding the Victims of the Conflict: ‘Comprehensive System for Truth, Justice, Reparations and Non-Repetition’ (SIVJNR), including the Special Jurisdiction for Peace (JEP); and Commitment on Human Rights.”⁴⁶ This broad, but absolutely necessary clause, sets out with the goal of delivering justice to the victims of the conflict. The SIVJNR’s objectives are to emphasize the “implementation of restorative and remedial measures” while maintaining the “centrality of the victims and the integrity reflected by the coexistence of autonomous extrajudicial and judicial mechanisms based on the rights of the victims.”⁴⁷

⁴⁴ Kroc Institute, 33.

⁴⁵ Noriega, 2.

⁴⁶ Final Agreement, 130.

⁴⁷ Special Jurisdiction for Peace. “Comprehensive System of Truth Justice Reparation and Non-Repetition.” Truth Commission. 2019, 1.

According to the Unit for Comprehensive Attention and Reparations to Victims, out of the 9,189,839 victims of the armed conflict, 7,389,814 people are eligible for the compensation afforded to them through the law.⁴⁸

As is true with nearly every concept within the Final Agreement, the participation and buy-in from the public is essential in assuring the success of the Truth and Reconciliation Commission. Without trust in the restorative nature and authority of the JEP, the public will not trust in its edicts and declarations of justice. Systems such as these are dependent on gaining the trust of its citizens. This directorate is a “bedrock piece of the puzzle that will help knit together a historical narrative that should give voice to the thousands of victims who suffered disproportionately from the conflict.”⁴⁹ This point received some of the most backlash from policy makers and the general population alike as each side holds different opinions on how the other should be prosecuted. The Final Agreement is based upon a “precarious balance between demands for accountability and the need for compromise between agents of violence.”⁵⁰ It is on the edge of this that Colombia must work towards reconciliation.

Public opinion holds that 40.7% of the Colombian population is in support of the reduction of jail time for members of the military who confess crimes compared to only 32.5% support for the same reduction for FARC members.⁵¹ The balance with the JEP is in ensuring that each side gets held accountable for their crimes while also giving room and incentive for FARC and Colombian military criminals alike to confess their crimes. President Duque has voiced his opposition to the current transitional justice system model. In 2019 Duque “decided to veto six of

⁴⁸ Those who are considered ineligible victims are either deceased, direct victims of forced displacement, not active or able to receive care. See Registro Único de Víctimas, 1.

⁴⁹ Piccone, 22.

⁵⁰ Dancy, Geoff. 2019. “Achieving an Unpopular Balance: Post-Conflict Justice and Amnesties in Comparative Perspective.” In *As War Ends: What Colombia Can Tell Us About the Sustainability of Peace and Transitional Justice*, edited by James Meernik, Jacqueline H.R. Demeritt, & Mauricio Uribe-Lopez. New York: Cambridge University Press, 325.

⁵¹ García-Sánchez and Carlin, 241.

the 159 provisions of the statutory law on grounds of ‘inconvenience.’”⁵² With direct dissent from the highest office in the state, progress on this point faces profound hurdles.

According to the Kroc Institute, 23% of the stipulations have been fully completed with only a slight 2% increase from the year before. Slower progress can be attributed to the impact that COVID-19 continues to have on the state’s ability to carry out their duties in the way they once did. One of the biggest challenges facing Point Five implementation is the difficulty of addressing macro-level cases of injustice. Without addressing these areas of contention, the SIVJNR runs the risk of losing any trust it may have built up with the victims of the conflict who are dependent on it for justice. As is the case with the point of Comprehensive Rural Reform, the deeper, more historical nature of these regulations require long lasting buy-in and reliable systems to faithfully enact justice.

Point Six: Implementation, Verification, and Endorsement

Unlike some of the other objectives of the Final Agreement, Point 6: Implementation, Verification, and Endorsement, is concerned with the medium- and long-term sustainability of the goals stated. The Kroc Institute states that “it creates forums to give continuity to the dialogue between the national government and the former FARC-EP.”⁵³ Dialogue is not only monitored by internal actors and sources, but the agreement calls on the international community to step in to assist in providing additional accountability. External verification and monitoring sources also provide financial support for the institutions responsible for implementing the stipulations. Even the agreement itself was of international recognition under the supervision of Cuba and Norway. Colombia’s peace is good for world peace.

⁵² Piccone, 14.

⁵³ Kroc Institute, 38.

Arguably, the most important international actor monitoring the situation is the United Nations. On September 26, 2017, under the edict of United Nations Security Council (UNSC) Resolution 2366, the United Nations Verification Mission in Colombia, began work in the country as the first UN Mission in Colombia.⁵⁴ With its headquarters stationed in Bogotá, it was originally established in January of 2016 in concordance with UNSC Resolution 2261 which mandated monitoring and verification efforts.⁵⁵ The purpose of the verification sources should be to illuminate local realities in a nonpartisan way and provide resources, structurally and financially, to improve implementation of the objectives stated in the Final Agreement. The UN provides reports on a whole host of topics but most specifically regarding points 3.2 and 3.4 of the Final Agreement concerning the reintegration and protection of former FARC-EP members.⁵⁶ UNSC Resolution 2574 (2021) further extended the Verification Mission's role through agreeing to the verification of the sentences issued by the JEP.⁵⁷ Having an external verification force like the UN and the University of Notre Dame's Kroc Institute provides unbiased data helpful in evaluating efficacy and progress made in the various objectives.

Of the 84 stipulations in the agreement, 55% of the objectives have been completed.⁵⁸ This point has the highest rate of completion out of all six points. Success can be attributed to the external nature of the task. One of the latest developments regarding Point 6 is UNSC Resolution 2601 adopted on October 29, 2021 reaffirming commitment to the monitoring of the Final Agreement in Colombia, extending the mandate of the Verification Mission until October 31, 2022, and expressing willingness to extend the mandate even beyond the 2022 date.⁵⁹ It is

⁵⁴ United Nations. 2021. "UN Verification Mission In Colombia." Political And Peacebuilding Affairs. <https://dppa.un.org/en/mission/un-verification-mission-colombia>.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ United Nations Security Council. Resolution 2574, Extends Mandate of the United Nations Verification Mission in Colombia. S/RES/2574. New York: UN, May 11, 2021. <https://www.un.org/press/en/2021/sc14682.doc.htm>, 1.

⁵⁸ Kroc Institute, 7.

⁵⁹ UNSC Resolution 2574, 2.

through these verification reports that research such as this is able to be completed. As for the financial stipulations, COP \$2.7 trillion (roughly \$694 million USD) is dedicated to 22 public institutions while COP \$2.3 trillion (\$591 million USD) is allocated to peace investments.⁶⁰

While this funding has proved beneficial in bolstering internal development, there remains a gap of COP \$1.9 trillion in resources for the goals of 2021.⁶¹ So while continued international commitment to monitoring and verification measures is good news, there appears to be some lag in financial backing and also some delay in implementation with only a 1% increase in stipulation completion from 2019 to 2020.⁶²

Conclusion

The fragility of peace hangs in the balance. While the government has succeeded in many areas of implementing the Final Agreement including initial demobilization and the allowance of verification missions, they have also fallen short in areas such as structural rural reforms and the solution to the illicit drugs problem. I posit that the two biggest challenges for peace in Colombia are the cocaine trade and the lack of state presence. There is cause for serious concern with the mobilization of numerous FARC dissident groups who are rearming in the countryside where the government presence is nonexistent. Internal struggle is not the only difficulty that Colombia is navigating. In addition, over 1.2 million Venezuelan refugees have poured over the border as they seek to flee the humanitarian crisis in their country.

Another point to be mindful of is the upcoming presidential election of 2022. Since each administration has their own ideas of what peace in Colombia should look like, each new transition of power brings about its own challenges. For example, President Duque and former President Uribe both felt as if the FARC should be judged more harshly for their crimes than the

⁶⁰ Kroc Institute, 39.

⁶¹ Ibid., 40.

⁶² Ibid., 39.

original agreement under President Santos dictated.⁶³ The theme of change over the course of various presidencies has historically played a role in what aspects are highlighted and which are swept put on the shelf for later reforms. Will the new administration impact how the Final Agreement is implemented? Will frustration or satisfaction with current progress play a decisive role in the election?

COVID-19 also provided its own challenges, with the Kroc Institute reporting fewer implementation events in the early months of 2020.⁶⁴ It is not that COVID has been shown to decrease state's commitment to the peace processes, but has just seen slower progress as systems were unable to interact with the public in the ways they once did. With the start of COVID-19 came travel restrictions throughout Colombia, affecting the mobility of resources required for stipulations such as rural development programs. However, through the pandemic the JEP has reviewed over 8,000 testimonials virtually and participated in remote cooperation efforts.⁶⁵ Other explanations for the decrease in implementation could include the natural slowing that comes with starting new structural reforms. While COVID-19 is not entirely responsible for the deceleration in change, it appears to have played a role in how the agreement is carried out and provides an interesting new element to policymakers and citizens alike.

Five years on from the signing of the Final Agreement and months from an election, Colombia is still at a delicate and precarious stage where peace could go one way or the other. Colombia's incredibly unique and multifaceted peace agreement has largely been considered a success by the wider international community. Its complexity travels through urban and rural populations seeking to unify the two and resolve deep seeded tensions afflicting the country to

⁶³ Piccone, 14.

⁶⁴ Joshi, Madhav, Myla Jabilles Leguro, Håvard Møkleiv Nygård, Stephen Oola, and Matthew Hauenstein. 2020. "The Effect Of COVID-19 On Peace Agreement Implementation." Peace Research Institute of Oslo., 1

⁶⁵ Ibid., 2.

this day. What is required for a sustainable peace and a lasting end to the conflict is agreements and action working in conjunction, and promises seen through to completion. The Final Agreement aims to dig deep into the root issues and not just treat the symptoms of the problem which will inevitably take longer to see fruit from. Though each element of the Final Agreement could be seen as its own independent objective, they all work in conjunction and provide multiple springboards for reconciliation and peace. Each year presents new challenges and threats to peace but also provides immense hope for the future of the resilient people of Colombia.

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