

“Redistributive justice will be key to generating the recognition, civic trust, and social solidarity that form the foundation of a meaningful democracy . . .”

Peace in Colombia: A Time to Believe?

KIMBERLY THEIDON

December 15, 2015, was not just any day in Havana, Cuba. Negotiators gathered in El Laguito, the site of peace negotiations between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), were preparing to announce the results of the 45th round of talks that began three years ago. Previous accords had been reached on rural development, political participation for former guerrillas, the elimination of illicit crops, and transitional justice measures, including a Commission for the Clarification of Truth, Coexistence, and Non-Repetition, tasked with clarifying and establishing the truth about Colombia's conflict. Now the negotiations had turned to reparations for victims of the longest-running war in the Western Hemisphere. They produced a controversial yet crucial accord that includes both judicial measures to investigate and sanction violations of human rights and international humanitarian law, and extrajudicial measures such as truth-seeking, locating the disappeared, and providing individual and collective reparations to victims of the conflict.

Listening to members of the government delegation, representatives of the FARC, and spokespersons for the victims' delegation reminded the audience of a litany of painful facts: more than 50 years of armed conflict; 220,000 people killed and another 50,000 disappeared; vast expanses of land expropriated and some 5 million people internally displaced; and 7.6 million registered victims to date. The atmosphere was by turns somber and optimistic, reflecting the hopes, doubts, and controversies that have shadowed the peace process. Ending the day on a hopeful note, the govern-

ment's lead negotiator Humberto de la Calle insisted: "Peace is possible. The time has come to believe in peace."

GUERRILLAS AND PARAMILITARIES

What began five decades ago in Colombia as a war waged by Marxist revolutionaries against an exclusionary political system devolved over the years into a bloody struggle over resources. The military, paramilitaries, guerrillas, domestic elites, and multinational actors have all vied for control of this resource-rich country. In the course of the struggle, all these groups have committed serious human rights violations.

The FARC is Colombia's oldest and largest guerrilla group, established in 1964. From its beginnings as a primarily rural-based guerrilla movement, the FARC grew in both size and influence. Over time, the Marxist ideology that had been a key component of its foundation morphed into a desire for territorial control and wealth. The FARC has financed itself through kidnapping, extortion, drug trafficking, and drug-trade protection. In the eyes of its many critics, the FARC became just one more violent armed actor rather than a revolutionary alternative. It currently has about 8,000 members, down from 16,000 a decade ago.

The second-largest guerrilla movement is the National Liberation Army (ELN), which also began operations in 1964. Unlike the rural FARC, the ELN was mostly an outgrowth of unrest in universities. The ELN's ideology, which has traditionally been considered a mixture of Cuban revolutionary theory and Catholic liberation theology, called for a Christian and communist solution to the problems of poverty, political exclusion, and corruption. However, discourse and action again diverged as the ELN lost its focus and began engaging in illegal activities to finance its operations. At present the ELN has

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an estimated 3,500 to 4,000 combatants. Since July 2004 it has engaged in sporadic peace negotiations with the Colombian government. As with the FARC, the ELN appears on the US list of terrorist organizations. Yet another Colombian contingent was placed on that list in September 2001: the paramilitaries.

The terms “paramilitary organization” and “self-defense group” have been used to describe a variety of armed groups in Colombia over the past several decades. They have evolved considerably since the 1960s, when US military advisers first recommended organizing “indigenous irregulars” as a fundamental component of the Colombian counterinsurgency strategy, which at the time aimed to defeat leftist guerrilla movements. Thus began the complicated relationship between the Colombian state, the US government, and the alternately legal and illegal armed groups known collectively as the paramilitaries. Although promoted as “self-defense committees” founded to protect local communities from guerrillas, they came to assume greater responsibility in state-organized “search and destroy” operations designed to eliminate the guerrillas.

The use of paramilitaries as auxiliary forces assumed a central place in the government’s counterinsurgency plan. These groups would also become the option favored by regional elites to protect their interests and suppress social protests. The fusion of paramilitary organizations and drug trafficking gave rise to the phenomenon known as *paramilitarismo*—the transformation of paramilitaries into an economic, social, and political force that infiltrated Colombian society and came to terrorize and dominate many communities.

SHIFTING NEGOTIATIONS

By the presidential elections of 2002, an increasing number of Colombians were demanding change. The debacle of past peace processes readied many sectors of society for someone who would take a heavy-handed approach to the violence. Álvaro Uribe promised to be that man. Uribe was not inclined to attempt dialogue with the FARC, which he considered a “terrorist threat.” Rather, he cautiously explored the possibility of negotiating with the paramilitaries to demobilize them, while simultaneously promising to rein in the guerrillas. There was a certain irony to these negotiations: In part, the paramilitary demobilization was an attempt to “deparamilitarize” the Colombian state itself. Earlier initiatives to fill its

security deficits with civilian defense committees went beyond the state’s control, so at some juncture the government was destined to find itself negotiating peace not only with the guerrillas but with the paramilitaries as well.

The signing of the Santa Fe de Ralito I agreement on July 15, 2003, resulted from formal talks between the government and paramilitary groups linked with the United Self-Defense Forces of Colombia (AUC), an umbrella organization that had some 20,000 members. The terms of the agreement included the demobilization of all combatants by the end of 2005, and obligated the AUC to suspend its lethal activities, maintain a unilateral cease-fire, and aid the government in its anti-drug trafficking efforts.

In addition to these initiatives, on July 22, 2005, Uribe signed Law 975, the Justice and Peace Law, which embodies the tensions between the two goals conveyed by its name. Victim-survivors’ organizations succeeded in challenging certain key aspects of the law on the grounds that it failed to provide sufficient assurance of their right to truth, justice, and reparations. Under pressure from these groups and from domestic and international human rights organizations, the Colombian government was forced to modify the law. Although it was still imperfect when measured by absolute human rights standards, a May 2006 Colombian Constitutional Court ruling did serve to strengthen the law in response to these challenges. If at one time states wielded their sovereign prerogative to issue amnesties in the name of political expediency, stability, and peace—aims that characterized past demobilization efforts in Colombia—changes in international norms increasingly place limits on the granting of leniency to perpetrators, forcing governments to address transitional issues of truth, justice, and redress.

It was on this terrain that the administration of President Juan Manuel Santos and the leadership of the FARC began their peace negotiations in 2012 in Havana. During preliminary discussions, the two sides settled on six issues crucial to achieving a lasting peace: rural land reform, political participation for FARC ex-combatants once they have laid down their weapons, the elimination of illicit drug production and trafficking, securing justice for victims of the conflict, negotiating the surrender of weapons by the FARC and subsequent reintegration of its rank and file into civilian life, and steps for the imple-

mentation of the peace agreement and a formal end to the conflict.

To date, negotiators have reached agreement on four key topics, and have set a March 23, 2016, deadline for signing the final peace accord. The agreement will face a referendum and, if the Colombian electorate approves, the government will formally sign the agreement with the FARC and all the agenda items will take effect. Moving from a peace agreement on paper to its actual implementation will pose many challenges.

Since January 2005, I have been conducting anthropological research on the demobilization program, land restitution, gender issues, and the impact of US policy in Colombia. The first stage of the research included in-depth interviews with demobilized combatants from the FARC, the ELN, and the paramilitaries in order to determine where to focus my case studies. The analysis of these interviews led me to select three sites with the goal of capturing regional dynamics: shelters and *fincas* (farms) in Bogotá and on the outskirts of the city; two barrios in Medellín; and Urabá, the region with the largest concentration of former combatants, and in which land issues are key to any resolution of the armed conflict.

In addition to interviewing ex-combatants, I have interviewed representatives of state entities and nongovernmental organizations as well as the military, the Catholic and evangelical churches, and various sectors of the host communities. Clearly, the unit of analysis and intervention must extend beyond the former combatants to include their social environment. I have used an ethnographic approach in the hope of moving beyond black and white statistics to explore the grey zone that characterizes the complex realities of a fratricidal war. Drawing on years of research, I will discuss the disarmament, demobilization, and reintegration (DDR) of FARC combatants, gender issues, reparations and land restitution, and the responsibility of the United States in funding this bloody war and, perhaps, a lasting and equitable peace.

REINTEGRATION PROBLEMS

In the glossary of postconflict reconstruction and peace building, three terms are omnipresent: disarmament, demobilization, and reintegration. As the United Nations Department of Peacekeeping

Operations defines it, disarmament in the context of a peace process consists of the collection, control, and elimination of small arms, ammunition, explosives, and light and heavy weapons held by the combatants and sometimes, depending on the circumstances, by the civilian population.

Demobilization is the process in which armed organizations (which may consist of government or opposition forces, or simply armed factions) decrease in size or are dismantled as one component of a broad transformation from a state of war to a state of peace. Generally, demobilization involves the concentration, quartering, disarming, management, and licensing of former combatants, who may receive some form of compensation or other assistance to motivate them to lay down their weapons and reenter civilian life.

Finally, reinsertion or reintegration consists of measures that seek to strengthen the capacity of ex-combatants and their families to find a social and economic footing as they adjust to civilian life. The reinsertion programs may include economic assistance or some other form of monetary compensation, as well as technical or professional training, or instruction in other productive activities.

In its traditional formulation—and implementation—DDR was squarely located within a military or security framework, centered on “dismantling the machinery of war.” It was a focus that failed to give sufficient consideration to the host communities, and to the need to consider local, cultural, or gendered conceptions of what constitutes the rehabilitation and re-socialization of ex-combatants. The UN’s recent Integrated DDR Standards underscore the deficiency of past reintegration efforts and emphasize the need for measures to be developed and implemented in consultation and collaboration with all members of the community, an acknowledgment that the “R” remains the weakest link in the DDR chain.

A brief overview of past DDR programs in Colombia provides ample evidence of these weaknesses. Previous efforts to demobilize the guerrillas can best be summarized by the name of one of the laws that governed the process under the 1982–86 administration of President Belisario Betancur. Law 35 was called the Law of Unconditional Amnesty in Favor of Peace, reflecting a legal environment in which blanket amnesties were

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offered in exchange for “peace and stability.” The legal treatment of the ex-combatants was “solved” with an approach described as *olvido y perdón en pro de la paz* (forgetting and pardon in favor of peace), a broad statement that left much room for interpretation—and for manipulation. In fact, the ex-combatants enjoyed complete amnesty.

In addition to this trade-off, the government failed to consider what would happen to guerrilla combatants who demobilized. For example, Law 35 formed the basis for the La Uribe Contract of 1984, in which the FARC agreed to a cease-fire and announced the foundation of a political party, the Unión Patriótica. However, following their demobilization and reconstitution as a legitimate political party, some 3,000 members of the Unión Patriótica were assassinated by the paramilitaries. The government, in short, proved to be incapable of guaranteeing the security of the ex-combatants. This previous experience with demobilization—and subsequent slaughter—hovers over any negotiations with the guerrilla groups today.

Moving forward with implementation of the peace accords will also require a reorientation of the DDR process from its current role as a tool of counterinsurgency and military intelligence gathering. The process has used combatants who have individually demobilized as informants on the armed groups to which they belonged, and this has involved coercive measures. I recall one former combatant from the ELN who, three years after his demobilization, was still being pressured to provide information to the military. “Jaime” insisted that he had demobilized—at great risk to his personal safety—because he wanted to “leave the war behind,” only to find that the DDR process kept reeling him back into the war effort. As the government turns to the collective demobilization of rank-and-file members of the FARC, it will be important to locate the DDR process within the framework of peace building and postconflict reconstruction, thus demilitarizing both the combatants and the program itself.

Additionally, past peace and DDR efforts indicate that there will be “spoilers.” This refers not only to Uribe, who remains steadfastly opposed to negotiations with the FARC. Rather, I underscore the need to consider mid-level commanders and their role in “rearmament.” Across postconflict

settings, these mid-level commanders present a particular challenge to peace-building efforts. The leaders of armed factions are usually the ones who sit at the negotiation table, where they can secure benefits for themselves in the form of reduced jail sentences, promises of non-extradition, and viable political futures.

At the other end of the hierarchy are the rank-and-file combatants who may find that the DDR stipend and training programs offer them an alternative way of life and livelihood. For the mid-level commanders, however, the DDR process may leave them feeling unrepresented and resentful. I have spent days driving around with these men in expensive vehicles with tinted windows, their entourage sitting with guns tucked into jackets or in the waist of their pants. They may come from the same humble origins as the men serving under them, but they have achieved a lifestyle (and income) they cannot hope to replicate in a legal economy. Colombia is currently grappling with neo-paramilitary groups (referred to as

“emergent criminal bands” or BACRIM), and I suspect a number of these groups have been organized by disgruntled mid-level paramilitary commanders who saw only loss in their alleged demobilization.

There is also a lack of legal work opportunities, a constant theme in the interviews I have conducted with former combatants, who are unable to provide for themselves and for their families. As the men woefully remind me, they are “skilled manual laborers” of a very particular sort: They know how to handle weapons, engage in combat, and kill. This makes them desirable workers for the drug trafficking and other criminal networks who seek them out with the promise of quick and easy money.

GENDER MATTERS

To look at the photos from the peace negotiations in Havana, one could assume that war is the business of men, who in turn become guardians of the peace. There is the occasional photo of a woman, generally taken when the victim delegations arrive. Why do women belong at the peace table? Certainly not because of their “essentially” peaceful nature! Women belong at the peace table because they have a stake in the conflict and thus a stake in its resolution. We need to move

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beyond considering the impact of war *on* women to understanding women *in* and *at* war.

An estimated 40 percent of FARC militants are women, which will have tremendous implications in Colombia come March, when the peace accords are signed and several thousand female guerrilla members begin demobilizing. The literature on women in armed groups tends to erase women's political motives, focusing instead on emotional issues as key reasons women join up. One reads that the women were escaping violence or abuse at home, felt alienated within their families, or were somehow deviant or transgressive. There is also the occasional suggestion that "girls just can't resist a guy in a uniform with a gun," which I refer to as the "swoon explanatory framework." Others insist that the women were coerced or, a common Latin American variant, that they were *engañada* (duped or tricked) into joining.

What I have heard in my interviews with female former combatants in Colombia is that some were indeed escaping an abusive home environment. Others were seeking adventure, looking to avenge the murder of someone they loved, or joining in place of their fathers or brothers to spare them. Others wanted to fight for social justice and end the poverty they saw all around them. Some loved holding a gun and "getting some respect." They do not sound so different from the male former combatants with whom I have spoken.

The DDR program would benefit greatly from an infusion of insights from gender studies, which in turn could make visible the highly gendered assumptions on which the program operates. On the one hand, many of these women have experienced multiple forms of sexual and gender-based violence within the FARC. These include coercive sexual relationships with commanders, and forced contraceptive use and abortions. On the other hand, focusing on those elements alone may reduce the women to abject victims, "camp followers," cooks, and nurses—obscuring the role women and girls have played as political actors and combatants. When they are not defined as combatants, this has material consequences in terms of benefits they will not gain access to, and programs that will be oblivious to their particular needs. I have been struck by the implicit messages conveyed by the Colombian DDR program: male combatants need to be demobilized, and the females re-domesticated.

REDISTRIBUTIVE JUSTICE

Whereas criminal justice proceedings and institutional reforms tend to be prioritized in building democracy in postconflict settings—and have been the focus of most research to date—reparations have attracted less attention. To be sure, people's conceptions of justice are dynamic and complex; however, one constant in postconflict settings is that reparations play a central role in satisfying victim-survivors' expectations of justice and redressing the serious harm inflicted on them by structural injustices and political violence. While reparations may take the form of humanitarian aid, health vouchers, food assistance and the like, I am convinced that such "social welfare justice" is inadequate to address the economic dispossession that has characterized the Colombian conflict. Redistributive justice will be key to generating the recognition, civic trust, and social solidarity that form the foundation of a meaningful democracy, and this will require equitable land distribution. It is thus promising that in May 2013, when negotiators reached their first agreement, it focused on agrarian reform.

The FARC began as a rural guerrilla force, and land reform is essential for reducing poverty in the countryside and addressing the land inequality that has fueled the conflict. Many of the FARC's fighters have rural origins, and many of them surely will choose to reintegrate into rural life and labor. The Colombian countryside, however, has been hardest hit by the armed conflict and by what some call a "counter-agrarian reform," referring to the massive expropriation of land by large agribusinesses, paramilitary leaders, and drug traffickers. Exact figures are elusive, and the Colombian state itself has been complicit in some of the land grabbing. The most oft-cited statistics, however, indicate that 1 percent of the population owns approximately 50 percent of the land in Colombia. Addressing the plight of the five million internally displaced people will require land reform, but obstacles include the threat of violence against land claimants, the state's limited infrastructural capacity, and the fact that many rural inhabitants and displaced people have no formal titles to the land they worked or lived on.

José Miguel Vivanco, the Americas director at Human Rights Watch, has stated, "Unless Colombia starts to ensure justice for abuses against land claimants, they will continue to be

killed, threatened, and displaced for seeking to reclaim what's theirs." As the March 2016 deadline for signing an agreement approaches and Colombia's displaced population continues to grow, land more than ever is a key component of an equitable and lasting peace.

HISTORIC DEBT

Transitional justice processes, truth-seeking measures among them, tend to focus on domestic actors and histories. Holding international actors accountable for their role in "internal" armed conflicts is tricky, frequently because they may include the most powerful countries in the world. Yet to understand Colombia today requires understanding US policy in the region, and the changing definition of threats to US national security. From Cold War counterinsurgency to the war on drugs, and then to the global war on terror and a new focus on the hybrid threat of the narco-guerrilla, the United States has fueled the violence with massive military assistance and militarized anti-drug policies.

The US government now has a chance to show as much support for the peace process as it did for

military operations. Peace will be costly, and implementing the accords will require international funding and monitoring. The Washington-based Latin America Working Group has developed a series of recommendations for the United States to support the consolidation of peace in Colombia. I share its conviction that the US government has a moral obligation to play a role in constructing peace. There is accountability to be reckoned, and a historic debt to settle.

My thoughts return to that December day in Havana, when the spokesperson for the victims' delegation, the journalist and sexual violence survivor Jineth Bedoya, addressed the group. As she reminded the negotiators gathered there, "We believe in you and we want the country to believe in the peace accord." She paused before adding, "If you fail, you will not fail us . . . you will fail the history of Colombia." Guarantees of non-repetition lie at the heart of transitional justice, and one must hope that the peace agreement is comprehensive and strong enough to ensure that Colombia's future is not an unending recurrence of its painful past. ■