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Two Years and Colombia's Peace Agreement is in Shreds



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Having negotiated for four years, the Colombia government on November 24, 2016 signed a peace agreement with guerrillas of the Revolutionary Armed Forces of Colombia Photo Source SSatMIT16 | [CC BY 2.0](https://creativecommons.org/licenses/by/2.0/) (FARC). Over 50 years of civil war had ended. The war took 200,000 Colombian lives and displaced seven million from their land.

One of the parties did lay down arms. Otherwise implementation has been nil. A campaign to undo the settlement is gaining. The peace process is on life support.

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1) Defenseless civilians are under siege. As of October 1, 2018, [343 social leaders](#) and human rights defenders had been assassinated over the course of 18 months. Between November 24, 2016 and August 20, 2018, [80 former guerrillas](#) were assassinated. Michel Forst is the United Nations Special Rapporteur for human rights. His visit to Colombia ended December 3. He told reporters, “[It’s more horrifying](#) than anything I have seen in my life.”

2) The first agenda item to be negotiated was the use and control of land. In 1964 those concerns and fear of repression motivated a few small farmers to establish the FARC. Since the time of Simon Bolívar, land has been at the heart of political strife in Colombia. Despite the peace accord, restitution of stolen land, formalization of land titles, and funding for land reform are almost [non-existent](#).

3) The fourth item on the six-point agenda was “Solution to the problem of illicit drugs.” Yet the government hasn’t provided farmers with funding and infrastructure essential for growing legal crops. Instead, coca production and the rural narco-trafficking economy [have expanded](#). Increasingly, violent paramilitaries preside over drug-trade operations. They occupy areas once held by the FARC.

4) When wars end, prisoners of war go home. However, more than 500 FARC prisoners remain in Colombian prisons. Authorities have jailed lead FARC peace negotiator Jesús Santrich. He faces possible extradition to the United States on drug-dealing charges. They are probably [false](#). Head FARC negotiator Iván Márquez is in hiding to avoid arrest.

5) Agenda item five was about victims of the armed conflict. Agreement on that point determined that combatants on both sides would have the opportunity to acknowledge responsibility for crimes they committed. Having done so, they could expect to be pardoned or in a few cases to be punished. In that instance principles of restorative justice would be applied.

The Special Jurisdiction for Peace (JEP) would hear the confessions and decide upon pardon or punishment. Pardoned, ex-guerrillas would return to civilian life and state agents to their posts. The former would be able to enter regular politics and continue fighting for social justice there.

Colombia’s Congress is destroying the JEP. Spanish lawyer Enrique Santiago recently declared that “modifications [of the JEP] constitute alterations that break the Final Agreement” – hence the focus here on the JEP.

According to Santiago, legislation passed on July 18, 2018 creates “[separate judicial treatment and](#) procedures for the military forces” and prohibits “investigation of alleged

crimes committed by members of the armed forces or agents of the State.” Now the Congress is considering further revisions of the JEP. There would be special judges to rule on “questions relating to members of the security forces, civil servants or third parties.” These last include paramilitaries.

And a revamped JEP would no longer recognize confessions by ex-combatants. It won't matter that they take responsibility. Pardons will be unlikely. The incentive for ex-combatants to appear before the JEP disappears. That incentive was “the heart of the justice system created in the Peace Agreement,” Santiago insists. The JEP may end up looking like a regular court. Mere confession before the JEP wouldn't suffice as a basis for judgment.

Santiago argues that “without agreements, life in society is not possible [and] social peace is jeopardized.” This legal principle goes back to Roman law and is validated by centuries of legal practice. Ultimately, “neither the Congress of the Republic, nor any other state institution is authorized ... to violate what has been agreed to.”

Santiago served as an advisor for the negotiators during the peace talks. He is secretary general of the Communist Party of Spain.

Former President Álvaro Uribe and his followers are sabotaging the peace process. Their Democratic Center Party, founded by Uribe, holds power. Addressing the party's convention in 2017, Fernando Londoño, a former interior minister and the party's honorary head, declared that “[the first challenge](#) for the Democratic Center will be that of going back and tearing apart that cursed paper called the final agreement.”

The turmoil is intrinsic to the nature of Colombian society. Nelson Lombrano Silva recently outlined characteristics. Writing for the Colombian Communist Party website, he castigated the Colombian state as “serving [this filthy and](#) immoral bourgeoisie.” Dominance of that sector signals “the inexorable decadence of capitalism in a state of extreme decomposition.” And “narco-trafficker number 82” is in charge. Lombrano is recalling Uribe's place on an old U.S. list of Colombian drug traffickers. He offers more:

- 1) Attorney General Néstor Humberto Martínez holds a side job as advisor to the AVAL Group. That's the holding company owned by Luis Carlos Sarmiento Angulo, Colombia's richest man.
- 2) High level corruption is endemic. Sarmiento Angulo's “dark dealings” with Brazil's Odebrecht Corporation are typical.
- 3) The military budget skyrockets. Spending on education, health care, and agriculture dwindles.

4) “Gringo imperialists” dominate Colombia’s military. Their “21 bases” represent a “supreme act of treason to the country.”

5) The country’s nominal leader is a “simple caricature” of a president. That’s Iván Duque – former banker, senator, and Uribe aide.

6) And, “this rotten governing class takes not even the most elemental step without Uncle Sam’s approval.”

Indeed, “the most productive chapter yet in the history of U.S.-Colombian relations” is ahead. That’s the opinion, recently expressed, of veteran U.S. foreign policy operatives Mack McLarty and John Negroponte. They mention that, “Colombia boasts a strong democracy, a vibrant economy and ever-improving prospects for peace.”