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The commitment to "Total Peace" in Colombia

Analyzing the different variables that have been mentioned, an optimistic but cautious balance can be made of the Petro Government's bet of 'Total Peace'. On the one hand, there are favorable signs from the different actors of the armed conflict to negotiate, progress in the reforms that the country requires in the current situation, and a possible responsibility of the armed actors towards the victims and civil society.



The prolongation of the Colombian armed conflict for more than half a century has survived the fall of the Berlin Wall, the decolonization processes of the twentieth century, the technological revolution of the internet and even the arrival of a progressive government to the Presidency of the Republic by the hand of a proven political leader, ex-insurgent, with broad popular support and with great international echo such as Gustavo Petro Urrego, who has bet decisively on peace, and the Afro leader Francia Márquez

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Mina. As this is the first time that Colombians have elected a government with a broad social and popular base, fully committed to the search for a comprehensive peace, there is a real opportunity to achieve a negotiated and definitive solution to the armed conflict, as well as to advance the implementation of policies that allow addressing the structural causes of armed violence and inequality in Colombia.



However, moving towards peace in this South American nation is a major challenge, especially if one considers that this will be a four-year government, without the possibility of re-election, and that the current situation in the country is not the most favorable. Colombia is just beginning to overcome the ravages of the Covid-19 pandemic, the misrule of an unrepresentable ultraconservative like Iván Duque, whose disastrous management left public finances that have a deficit of 5.6% of GDP, the highest recorded in the last 30 years. On the other hand, the search for peace is complicated by the existence of multiple armed actors of different types, unprecedented levels of drug trafficking, and a malicious extra-parliamentary opposition that seeks to destabilize the country and also represents a sector of the extreme right historically opposed to negotiating with armed groups.

Despite these and many other difficulties, the Petro government is betting on building a '*Total Peace*' in Colombia, a bet that, if in favor, would change the reality of the country and the region as never before. The concept of '*Total Peace*', which is the result of years of negotiations, resistance and local and national leadership, consists of dialogue with all armed actors to achieve their disarmament, while turning the search for peace into a State policy. By concept and methodology, this bet is novel, because it recognizes the multiplicity of actors of the Colombian armed conflict and the different mechanisms that are required to disarm them, while distancing itself from the way other governments have understood the search and construction of peace.

This analysis explores five useful elements for understanding the current landscape of the Colombian government's search for peace. On the one hand, the process of seeking '*Total Peace*' is considered different from the agreements reached with the United Self-Defense Forces of Colombia (AUC) in 2006 and with the FARC-EP in 2016. Next, the legal framework of '*Total Peace*' is explained and we address the possibility of hosting paramilitary groups (heirs of the fascist United Self-Defense Forces of Colombia -AUC-), criminal gangs and second-level structures, in key to the challenges facing the government. Finally, the resumption of negotiations with the National Liberation Army (ELN) based on the agenda agreed in 2016 and its suspension in 2019 are analyzed. By way of conclusion, it reflects on the possibility of advancing towards the construction of definitive peace in Colombia.



The proven leadership of President Gustavo Petro and his determined political will are positive factors that count towards achieving the "Total Peace" on which his government is betting.

From the AUC and FARC-EP to 'Total Peace'

The willingness to negotiate a negotiated solution has been a constant throughout almost 60 years of armed conflict in Colombia. Liberal governments in the 1980s had the first approaches with insurgent groups, such as the FARC-EP, the M-19, the Popular Liberation Army (EPL), the Quintín Lame Armed Movement (MAQL) and the Revolutionary Workers Party (PRT). At that time, it was possible to build an agenda of negotiations with the FARC-EP and the possibility of constituting a legal political party (Patriotic Union), so that the group could participate in the elections while the negotiations were advanced.

The convening of a National Constituent Assembly in 1990 made it possible to demobilize several armed insurgent groups and to renew Colombian institutions. However, despite the

new constitutional text, the humanitarian situation in the country deteriorated until reaching its peak between 1998 and 2002, when new formulas for negotiating with the insurgency were sought through the demilitarization of certain areas for the development of peace talks. From 2002, the correlation of forces changed in favor of the Colombian Military Forces, which allowed the State to begin the recovery of a large part of the national territory and isolate these armed groups in their rear areas within peripheral regions.



In this context, and in the face of international pressure, the then government of the questioned and unrepresentable far-right president Álvaro Uribe Vélez developed a negotiation process between 2003 and 2006 with the largest paramilitary structure brought together under the United Self-Defense Forces of Colombia (AUC). This process, which culminated in the Santa Fe de Ralito Agreement, guided the process of cessation of hostilities, concentration, demobilization and reintegration into civilian life of the AUC. However, these negotiations never addressed political reforms or the causes of the paramilitaries' 'anti-subversive' project.

To advance this process, adjustments were made to the regulatory framework and Law 975/2005, known as the Justice and Peace Law, was issued. The law sought to conform to international standards for the guarantee of victims' rights and the prosecution of human rights violations, war crimes and crimes against International Humanitarian Law. This allowed the demobilization of more than 30,000 AUC members and the configuration of special chambers for the trial of senior commanders through a transitional justice process. The balance of the process has been deficient in three points: Progress in justice and reparation for the victims of the AUC has been limited and many of the most responsible were killed or extradited to the United States for drug trafficking crimes. By 2020, only 70 convictions had been issued against fewer than 600 AUC members. On the

other hand, the reintegration process was insufficient, which facilitated the formation of new armed structures focused on the control of different illicit incomes, to the point of constituting new illegal armed structures, later called Criminal Bands (BACRIM) and Paramilitary Successor Groups. The last point was the 'scandal' of '*Parapolitics*', which revealed the complex relationship of cooperation and symbiosis that numerous politicians at national and local level maintained with different paramilitary structures for mutual benefit.



On the other hand, the negotiations between the questioned government of ultraconservative Andres Pastrana (1998-2002) and the FARC-EP took place in the Caguan Demilitarized Zone, in southeastern Colombia, in a territory that covered more than 42,000 kilometers. However, the agenda of the process that began in 1999 had very distant positions between the parties, since the government sought the demobilization of the FARC-EP, while the insurgency aspired to initiate a constituent process. For this reason, the process failed and the Colombian army retook the demilitarized zone in February 2002. During the last years of its insurgent history, the FARC-EP suffered important military and political blows, which contributed to the establishment of a negotiating table with that group in 2010 and signing a Peace Agreement in 2018, dismantling what was the oldest guerrilla group in the hemisphere. With this agreement, the FARC-EP underwent a transitional justice system for reparation for victims.

The 2016 Agreement was based on six points that, beyond seeking the demobilization of the different guerrilla structures or their possible participation in politics, aimed to

overcome the structural causes of the armed conflict. Although the Agreement was rejected by popular vote in the 2016 Plebiscite, the Santos government managed to incorporate a revised version of the Final Agreement with the FARC-EP into the constitutional text, thus initiating the implementation process.



The then president of Colombia, Juan Manuel Santos (second from left), and the leader of the FARC-EP, Timoleón Jiménez (Timochenko), shake hands after the signing of the agreement on bilateral and definitive ceasefire, in the presence of the UN Secretary General, Ban Ki-moon (first from the left). Havana, June 23, 2016.

The balance sheet of the implementation of the Final Agreement with the FARC-EP has been bittersweet, and can be summarized in three aspects: During the first two years of implementation, the reintegration of nearly 14,000 FARC-EP members and the formation of a political party (Partido Comunes) were achieved, as well as the gradual progress of land reforms (rural reform). drug trafficking (crop substitution), rural development (development plans with a territorial approach – PDET), and an Integral System of Truth, Justice, Reparation and Non-Repetition (SIVJRNR). However, its implementation was not a priority for the far-right government of Iván Duque (2018-2022) that at all times sabotaged it, which slowed down the process despite its constitutional obligation and international support for the Agreement. Finally, given that not all the guerrilla structures were accepted into the process, and on the justification of the government's breach of the Agreement, some high commanders formed new insurgent structures (called FARC dissidents) that sought to occupy the historical territories of the FARC-EP.

A law to negotiate with everyone

Despite recent efforts to find a way out of the conflict, armed groups have continued to strengthen. This phenomenon has been especially noticeable in rural areas, where different armed actors continue to take advantage of state power vacuums to finance

themselves from drug trafficking, illegal mining, extortion and kidnapping, among other illegal activities. After a significant decrease in different indicators of armed violence as a result of the signing of the Peace Agreement with the FARC-EP, this situation has generated the recycling of different expressions of violence in certain areas of the country, such as homicides, massacres, confinement, forced displacement and the murders of social leaders and ex-combatants.

In August 2022, progressive leader Gustavo Petro assumed the presidency of a country immersed in a complex situation, characterized by endless cycles of violence, an increase in poverty (monetary and multidimensional) and an economy dependent on the export of raw materials. It was not surprising, then, that several of his campaign promises focused on the search for a "*Total Peace*," a concept initially coined by Senator Iván Cepeda. Among these promises were the comprehensive implementation of the Peace Agreement with the FARC-EP, prioritizing an ambitious rural reform for the redistribution and formalization of land, the design of a new drug policy, and the opening of spaces for political and judicial negotiation for the dismantling of all illegal armed groups operating in the country.



A un mes de haberse posesionado Petro, la coalición de gobierno ya había presentado un proyecto de ley ante el Congreso para materializar esta última promesa. Tras un paso fugaz y polémico por el Congreso, la Ley 2272 de 2022, también conocida como la Ley de 'Paz Total', se convirtió en la primera legislación sancionada por el presidente Petro el 4 de noviembre de 2022. El objetivo de esta ley era prorrogar y modificar la Ley 418 de 1997 de Orden Público, que ya cumple más de dos décadas, habilitando al ejecutivo para realizar acercamientos con grupos armados ilegales. Vale mencionar que esta norma ha sido modificada y prorrogada en cinco oportunidades según el enfoque particular de cada

gobierno y ajustándose a la realidad de cada momento. La mayoría de las modificaciones que se ven plasmadas en el texto actual datan de 2002 (Ley 758/2002) y de 2010 (Ley 1421/2010).

The project of the new government has several key pieces. First, the centrality of the Human Security approach, which consists of guaranteeing the security, well-being and prosperity of all people and communities in Colombia through social, environmental, economic and cultural policies. Second, the integrality of the policies of negotiation and construction of a total peace under a specific focused institutionality and territorial prioritization. Third, the definition of two types of negotiation and rapprochement processes with armed groups. Fourth, broad and binding citizen participation at the regional level in peacebuilding.



Although there is an accumulated experience of more than 20 years, the approach given to approaches with illegal armed groups, the submission to justice of criminal organizations, and the application of international standards on victims, reintegration and reincorporation is as novel as it is risky, and represents a paradigm shift in the search for peace in Colombia.

The law breaks with the way different governments have traditionally understood peace. Instead of conceiving the search for peace as the process of negotiating with armed groups of a political nature, the 'Total Peace' law strengthens peacebuilding as a state policy. This links all State institutions in the search for peace based on political reforms in social, environmental, economic and cultural issues, which together enhance the security and dignity of all Colombians. For this, the law creates the figure of the 'Peace Cabinet', which seeks to ensure that each ministry has specific objectives and programs in the field of peace, with verifiable inter-institutional articulation, the permanent participation of the High Commissioner for Peace and a process of accountability.



The law defines two types of armed structures in Colombia. On the one hand, it defines an armed group organized outside the law as:

'any person who, under the direction of a responsible command, exercises over a part of the territory such control as to enable him to carry out sustained and concerted military operations'.

The law stipulates that these groups will be granted political recognition, and that political dialogues will be held with them to reach peace agreements. On the other hand, it defines organized armed structures of high-impact crime as:

'those criminal organisations made up of a plural number of persons, organised in a hierarchical structure and/or network, engaged in the permanent or continuous execution of punishable conduct, which may include those defined in the Palermo Convention, which are part of criminal patterns that include the violent subjugation of the civilian population of the rural and urban territories in which they operate, and perform functions in one or more illicit economies'.



With these groups, the government will be able to make approaches to achieve their submission to justice and dismantling, in exchange for legal benefits.

To characterize the various structures and determine the type of process to be carried out with each, the law creates a 'High Level Commission' composed of the President, the High Commissioner for Peace, the Minister of Defence and the Director of Intelligence Services.

The law also allows the executive to prioritize resources for the territories hardest hit by violence and to constitute them as 'regions of peace' (in parallel with the areas declared in 2017 for Development Plans with a Territorial Approach – PDET), so that local actors can dialogue and seek solutions to humanitarian problems under a regional approach. In addition, the figure of 'temporary location zones' is created for the disarmament of groups in an advanced state of negotiations, where arrest warrants against their members can be suspended. The law clarifies that neither 'peace zones' nor 'temporary location zones' will be military demilitarized zones.

Asimismo, cabe mencionar que la ley estipula una alternativa al servicio militar obligatorio por el 'Servicio Social para la Paz', el cual contempla el reclutamiento en alguna de las Fuerzas Militares o la Policía, junto a 11 tipos de servicio social como alternativa. Entre estas alternativas están promover la alfabetización digital de comunidades rurales y urbanas, defender los derechos de las víctimas del conflicto, aportar para la conservación de la biodiversidad, y apoyar la implementación de acuerdos de paz.



Sin embargo, la Ley de *'Paz Total'* deja algunos interrogantes, como por ejemplo, no está claro cuál será el criterio que aplicará la *'Comisión de Alto Nivel'* para determinar el carácter político –o criminal– de los grupos armados. Este proceso de definición no será sencillo y sin polémicas, pues reabre los debates sobre el narcotráfico como delito político conexo, en un país en el que todas las estructuras armadas están envueltas en actividades criminales y tienen algún grado de influencia sobre la organización política y administrativa dentro de las regiones donde operan.

In addition, in some rural areas, many criminal gangs have acquired a significant level of control over territories and populations, which implies the existence of a defined political project. Paramilitarism's successor groups such as the Gaitanista Self-Defense Forces of Colombia (Autodefensas Gaitanistas de Colombia – AGC), also called *'Los Urabeños'* and/or *'Clan del Golfo'*, and the Autodefensas Conquistadoras de la Sierra Nevada (ACSN), define themselves as political and military groups, highlighting a social component behind their armed struggle. The latter group recently revealed that it will seek recognition as a political actor. All this complicates the process of characterization, negotiation and reparation to victims, because although it is possible for criminal groups to use a political façade to seek negotiation instead of submission, it would not be correct to point to an actor as *'only political'* or *'only criminal'*. There is also a risk that, by not recognizing the political character of a group that defines itself as such, that group may resort to violence against the security forces or the civilian population as a measure of retaliation, or abandon the process of rapprochement.

On the other hand, the law – which has yet to be regulated – does not foresee the difficulties of carrying out dialogues in areas where multiple armed groups dispute territorial control. It is not clear whether different tables will be opened at the same time,

or whether the different armed actors can be incorporated into the same table and therefore into the same agreement. Resolving this question is key as these processes move forward, as surely not all groups will seek dialogue with the government at the same time. This implies that the different processes cannot occur in isolation, since doing so could lead to their strengthening and the resurgence of armed violence if the residual actors try to fill territorial power vacuums, or if internal disputes arise over the command of these organizations.



Finally, the law does not indicate what treatment could be given to foreign criminal structures with a presence in Colombia, such as Mexican, Venezuelan, Albanian, Italian, Chinese or Russian gangs. Since extradition requests are frequently involved, Colombia cannot determine the legal status of these gangs and their members unilaterally, raising questions about their possible dismantling and the measures the government can take to prevent their strengthening.

Prospects for the future of peace in Colombia

The Total Peace Law is only a first step in defining the Petro government's peace policy architecture. Other elements of this policy, such as rules to regulate submission processes, will need to be developed in future bills. Despite the limitations of Law 2272 and the doubts left by its design, there is much that can be learned from its implementation, as this is the first time that peacebuilding is addressed from such a comprehensive approach in the actors called to dialogue and ambitious in its ends.



Los rigores del conflicto colombiano en la cámara del fotógrafo colombiano Jesús Abad Colorado.

For now, the government has already resumed peace negotiations with the ELN (of which there are already a couple of articles on the history and trajectory of this guerrilla). The first round of talks with this guerrilla group ended in mid-December, with agreements regarding a possible bilateral cessation of hostilities and guarantees of return to indigenous communities in the northeast of the country. It is worth noting that the table resumed in Caracas with the approval of the government of President Nicolás Maduro and the international community; In addition, the agenda agreed in 2016 was resumed.



On the other hand, preliminary dialogues have been confirmed with some armed groups, such as the AGC, different structures of the FARC-EP dissidents, and the Shotas and Esparteros, the two main criminal gangs in Buenaventura. With the latter, the High Commissioner for Peace reported in early December that the government reached a cessation of hostilities pact, and that a meeting is expected in the coming days. According to a report by Indepaz, at least 22 armed groups have demonstrated a real willingness to benefit from the framework of Total Peace. But, even if the government succeeds in dismantling some armed groups, and thus reaching a peace agreement with the ELN, the challenges to consolidating peace in Colombia remain enormous.

On the one hand, it is difficult to imagine that criminal gangs agree to abandon millionaire businesses in exchange for prison sentences, even with some judicial benefits. On the other hand, negotiations with the ELN have historically been very complex.

Building "*Total Peace*," then, is a colossal task. Colombia remains one of the most violent countries in the world, with a rate of 27 homicides per 100,000 inhabitants, and where six different armed conflicts persist, according to the Red Cross. While the current government's efforts to dismantle armed actors are valuable and can be productive, the advancement of peace in Colombia depends in large part on steps taken to rethink drug policy and seek a more equitable distribution of land.



Colombian flag. Source: Federico Rios / The New York Times

Por eso es importante destacar la búsqueda de Petro por un cambio al enfoque prohibicionista para enfrentar el problema de las drogas, a pesar de que dicho cambio no dependa únicamente de Colombia y que deba ser parte de un esfuerzo internacional

colectivo. De igual manera, el gobierno ha priorizado la implementación del Punto 1 del Acuerdo de Paz con las FARC-EP, que subraya la necesidad de una Reforma Rural Integral para redistribuir tierras entre poblaciones vulnerables y legalizar la propiedad de otras, puesto que el 65% de la tierra en Colombia no cuenta con títulos de propiedad. Vale mencionar que en octubre, el gobierno firmó un acuerdo con la Federación Nacional de Ganaderos (Fedegán) para la compra de tres millones de hectáreas, que serán entregadas fundamentalmente a mujeres campesinas, indígenas y de negritudes.



Analizadas las distintas variables que se han mencionado se puede hacer un balance optimista pero cauteloso de la apuesta de *'Paz Total'* del Gobierno Petro. Por un lado, se observan señales favorables de los distintos actores del conflicto armado para negociar, avances en las reformas que requiere el país en la coyuntura actual, y una posible responsabilidad de los actores armados frente a las víctimas y la sociedad civil. También es preciso destacar la madurez de ciertas instituciones del Estado, que podrían agilizar la implementación de futuros acuerdos de paz, y es esperanzador la oportunidad que se presenta con un gobierno progresista resultado de años de lucha y resistencia social, así como la decidida voluntad política de un líder experimentado como Gustavo Petro, con amplio apoyo popular.

Sin embargo, es importante tener en cuenta los distintos factores de riesgo que implica un proceso como este, como la amplitud y ambición de los objetivos del gobierno, los diversos intereses económicos que serán difíciles de resolver, y la acogida que puedan tener la negociaciones de paz por parte de la sociedad civil. Una serie de retos que confiamos se podrán ir superando como se han superado décadas de violencia, porque la posibilidad de construir una paz integral es urgente e imprescindible.



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