IPS

LATIN AMERICA 11.05.2017 | Álvaro Sierra

A fragile peace

Colombia's FARC rebels are adjusting to life as ordinary civilians, but politics threatens to upend the controversial peace deal

At the end of May, members of the FARC (Revolutionary Armed Forces of Colombia) – will be expected to hand in their arms. A revised peace deal, pushed through Congress last November after Colombians narrowly rejected the original plan in a referendum, is bringing to a halt half a century of fighting. But delays in implementing the document's recommendations, a lack of funding and a weak government are threatening the fragile peace, as Colombian journalist and expert on the peace process Alvaro Sierra tells Ellie Mears.

What were the main reasons Colombians narrowly rejected a peace treaty with the FARC in October 2016?

The treaty failed to gain sufficient public support for a number of reasons. Firstly, Álvaro Uribe, the former Colombian President, did not win the military war against the FARC – despite having some of their top leaders killed – but he did win the narrative war.

One of Uribe's biggest successes during his two terms in office was convincing the country that the FARC were actually just a bunch of criminals, period, responsible for all evil in the country. He ignored their political character and spoke instead of a band of "narco-terrorists". This narrative is now very much entrenched in the minds of those living in Colombia's big cities.

Secondly, Colombia is a polarised country. It's like Dr Jekyll and Mr Hyde. For around ten years now, the cities have been spared any direct impact of the conflict. It's rural, marginal, faraway places which have borne the brunt of the violence, and they count much less than the cities when it comes to elections and voting.

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Thirdly, and this was very important, the 'no' camp began to promote the idea that the peace

agreement promoted a so-called 'gender ideology'. They objected to language in the treaty that they said mainstreamed LGBTI groups and would destroy traditional conservative Colombian family values. The opposition latched onto this and convinced some of the churches – evangelical and protestant churches that carry a lot of weight in Colombia – that the agreement was in some way evil. The churches began to campaign for 'no', and are estimated to have brought a huge amount of votes.

After Colombians voted against the peace treaty in last year's plebiscite, the government negotiated a new treaty with the FARC, but this time didn't let people vote on it. What is different about the new treaty?

Many of the changes demanded by the 'no' camp are now in the new treaty, and the FARC has made some important concessions. For example, the opposition objected to foreign judges sitting on the so-called Special Peace Jurisdiction – the system of transitional justice in Colombia. That has been granted and, under the new treaty, all judges are now Colombian.

The opposition was asking for some guarantees for landowners in the rural development agreement, point number one of the agenda negotiated with the FARC. Those were granted. They wanted mention of gender and LGTBI issues eliminated. They were eliminated. Many other points, big and small, were conceded to the opposition. But this wasn't enough. They're asking for more changes that would make any agreement untenable.

Which parts of the new treaty have been implemented, and which haven't?

One huge step has been to gather members of the FARC – some 7,000 fighters – into 26 transition zones where they are being registered, they will down arms and begin their reintegration into civilian life.

Getting the FARC to lay down their arms has been less successful. According to the original agreement, they were supposed to hand in 30 percent of their weapons by 1 March, 30 percent by 1 April and 40 percent by 1 May, but the target hasn't been met. By the end of the month they're meant to have handed in their entire weapons stock. It's highly unlikely they'll meet the deadline, which may raise confidence

issues about the agreement and fuel criticism of the deal. That's one problem.

An essential second element of the agreement is what we call legislative implementation. That means putting in place all the laws, constitutional reforms and presidential decrees necessary to launch the institutions created by the agreement. These laws are supposed to be fast-tracked through Congress, but in three months only four constitutional reforms or laws have been approved in a list of around 50. So this is going really slowly, partly due to the fact that the government has to negotiate its way through, with low approval in the polls and facing a corruption scandal involving the Brazilian firm Odebrecht. The government is having to negotiate everything in congress with legislators who are already thinking more about their own re-election in March.

Colombia will face congressional and presidential elections in 2018. How could the results affect the success of the peace process?

The presidential election will be the final plebiscite on the peace process. If the political parties backing the peace process win, peace has a chance. If Uribe wins, the process may stall.

We had a plebiscite on 2 October 2016, and it failed. The no vote won. The government refused to stage a new vote; understandably they felt they may lose again. Instead, in November it negotiated a new peace agreement, without putting it before the population to vote on.

The opposition says they will not completely destroy this new agreement if they win power, but they will eliminate some key provisions. For example, they want to send the top commanders of the FARC to jail, which would represent a dramatic change to the established system of transitional justice – how previous crimes committed during the conflict are dealt with.

The government essentially has a window of around eight months to implement the peace treaty as it currently stands, before elections next year. It needs to quickly set in place the main institutions that have come out of the agreement, such as the Truth Commission and the system of transitional justice. If people see these institutions working, it will leave the opposition with less fodder for an election campaign. But so far the government has been weak on implementing the basic provisions of the initial agreement.

So what kind of justice, if the agreement is implemented properly, can Colombians expect both for the FARC and for victims of violence?

Exactly, if it's implemented properly. The proposed justice system is made up of several elements. One is the special peace jurisdiction. This is supposed to establish individual responsibility. It will deal with crimes committed during the conflict, or related to the conflict, by all parties – not only the FARC but also state agents, including the military, and 'third party' civilians – entrepreneurs, politicians, landowners and others that were either ordering or committing crimes in the conflict. This justice system insists on full truth in exchange for some tolerance when it comes to punishment. If you come and tell the judges all you did in full, even the worst crimes, you will be entitled to a sanction that will restrict your freedom of movement for between five and eight years, but you won't end up in jail. I'm simplifying, but that's the deal. The opposition has claimed this means impunity for the FARC.

The second element is the Truth Commission. This looks at collective responsibility and contextual elements of how things happened. It doesn't have the power to sanction people.

The third important element is a special unit tasked with searching for the 60,000 missing people in Colombia. This is a huge phenomenon; there are few conflicts in the world with 60,000 forced disappearances. Again, if someone killed and buried 100 people in the past, but then comes to this unit and says where the graves are, they will not be held judicially responsible for that. The main task is to find the disappeared and hand their remains to their families.

Many of the institutions tasked with implementing the transition from war to peace are understaffed and underfunded. What can the EU and other international bodies do to support these institutions?

Colombia has been labelled, by the Colombian government and by the international community, as a success story – both the peace negotiation and the final deal. I think we have to be extremely careful with this definition. It will depend a lot on what happens in the next eight or ten months, and on the result of the presidential election. Success will depend on the laying down of arms, on time, and on how well FARC reintegrate into society. FARC members also need guarantees they will be safe. You gain nothing if you have a very good reincorporation plan and then they are all killed. And security should not be only for former combatants. In Colombia lots of indigenous community leaders have been killed: more than 130 between last year and this year.

The Truth Commission and the justice system can really be game changers in Colombian society, taking people out of a war mentality to a more peaceful approach to political and social debate. But to have any

effect, they need to be well staffed. So, I think the wisest thing the EU and international institutions can do is look at this ultra-complex agreement and pick the things that are really a priority.

For example, the European Union has focused €500 million to be invested in the peace process on two main areas: rural development and the reincorporation of FARC members into civilian life. This is a smart choice because it addresses one of the root causes of why the conflict persisted for so long, which is all the inequality in the rural world.

Other areas of focus should be ensuring the Truth Commission and justice system are well staffed and equipped. And above all, the international community must not assume the Colombian peace process will be a success. It needs masses of effort and investment. If the new president doesn't abide by the agreement, it could lead to serious, serious issues.



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