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SPOTLIGHT

Colombia:

One Year After Peace Accord Ratification

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One year after peace accord ratification, what are the top issues that will influence the success of the post-accord transition in 2018?

First, a 2017 Recap

On November 30, 2016, the Colombian Congress ratified the peace accords signed by the government of President Juan Manuel Santos and the Revolutionary Armed Forces of Colombia (FARC), setting in motion a series of reforms stipulated in the accords. Since then, the Colombian government has launched an unprecedented effort to implement the peace agreement and overcome over fifty-years of armed conflict. Much has been achieved over the last year, but still, challenges remain.

The most significant achievement thus far is successfully demobilizing the FARC and paving the way for them to transition to the political arena. Roughly 7,000 FARC fighters arrived at concentration zones and handed in their weapons. An additional roughly [3,000](#) FARC sympathizers demobilized

Despite legislative inertia, peace implementation is now at a point of no return.

as well. The United Nations Verification Mission in Colombia [deactivated](#) a total of 8,994 firearms, 700 arms caches, and 34 tons of explosives from FARC rebels. Ninety-three percent of the FARC's total arms supplies have been destroyed.

The impact on conflict-related violence has been particularly striking. According to the Conflict Analysis Resource Center (CERAC, in Spanish), Colombia went from experiencing 867 armed offensives from the FARC in 2007, to thirteen in 2016, to none as of June 2017. Military members wounded in conflict-related activities decreased from 450 in 2011 to less than 50 in 2017. The FARC have also created their political party, and Congress passed laws to guarantee their presence in both chambers for eight years.

As well, Congress successfully approved the creation of the Special Jurisdiction for Peace (JEP, in Spanish)—the transitional justice framework that represents the backbone of the accords. Of the 51 magistrates chosen to lead this body, over 50 percent are women, with representation as well from indigenous communities and Afro-Colombians. FARC leaders officially presented themselves to the JEP's Executive Secretariat on December 1, signing binding documents that require them to tell the truth about their crimes and be judged and sanctioned by the transitional justice body. Additionally, executive decrees created the Truth Commission and the Missing Persons Unit, further supporting the principles of truth, justice, reparation for the victims, and guarantees of non-repetition.

Despite these few but very substantive achievements, overall legislative progress remains slow. During the six months that the Constitutional Court granted Congress fast-track power to approve peace agreement-related laws, the chamber [only](#) managed to approve

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seven of the twenty-seven laws put forward. In addition, some of the legislative projects presented in Congress have been changed to the extent that some no longer reflect the spirit of the peace accord.

At the same time, coca cultivation grew 52 percent in 2016, according to the United Nations Office on Drugs and Crime (UNODC). In absolute terms, crops increased from 96,000 to 146,000 hectares, which is similar to 2001 levels. While this jump can be attributed to a variety of factors, and

is being addressed, it has raised concerns domestically and in the US-Colombia relationship.

Still, peace accord implementation is at a point of no return. Even with several key reforms pending and with the JEP potentially being subject to change by the next administration, the risks of non-compliance with the peace agreement are too high. With presidential elections looming in an increasingly polarized environment, it is crucial to assess what the future holds for peace implementation.

On the one-year anniversary of peace accord ratification, this Spotlight asks: what are the top issues that will influence the success of the post-accord transition in 2018?

1. Setting the path for the next president to continue with robust peace accord implementation

As presidential elections approach, polarization in Colombia will only intensify, particularly around the peace accords. Based on the current electoral messages, the next president may likely seek to roll back some accord-related reforms. This is possible even with a recent Constitutional Court [ruling](#) that shielded the accords for the next three presidential terms.

Without fast track powers, however, President Santos and his coalition in Congress will be constrained to pass additional reforms in 2018. Still, the more the Santos administration is able to accomplish in the next eight months, the harder it will be for the next president to roll back ongoing programs upon entering office in August.

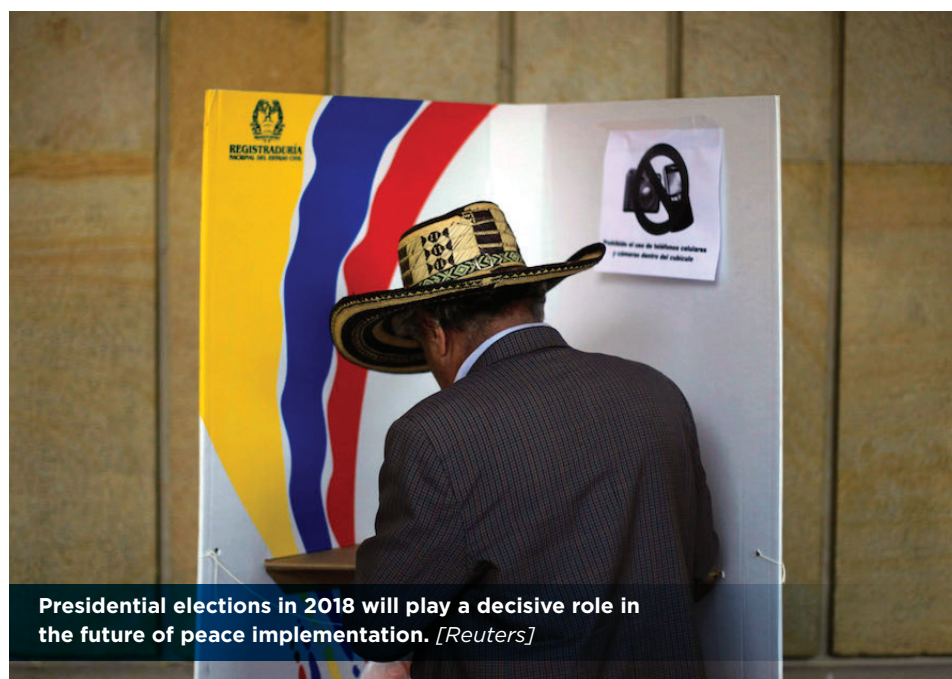
Candidates should forge a pact committing to preserve the consensus that the FARC should never take up arms again.

A key variable for peace accord implementation will be the remaining political will in Congress and among the general public. Campaign watchers should take notice of rhetoric around the Special Jurisdiction for Peace. The Colombian public is already deeply skeptical of the FARC's intentions. Further politicization of this body would be a critical blow to the accords. If the FARC feels unsafe or betrayed by the Colombian state, it will increase the

likelihood of more dissident guerrillas with the lingering threat of a return to conflict-related violence.

Another key issue: public perception of the FARC. A recent announcement by FARC leader Timochenko where he confirmed his presidential candidacy shook both the political establishment and the Colombian people. While the FARC leader will eventually be able to participate in politics—an objective of the peace process was to transition the FARC from an armed actor to a political one—Timochenko must still appear before the JEP. His candidacy announcement was largely interpreted as a defiant act that further contributed to the general mistrust toward the FARC, with [80 percent](#) having a negative view of the group.

But there is still a window of opportunity for some candidates to forge a pact committing to preserve the consensus that the FARC should never take up arms again. While this may seem unlikely in an increasingly polarized political context, it will be imperative to prevent the undoing of the progress achieved thus far.



Presidential elections in 2018 will play a decisive role in the future of peace implementation. [Reuters]

2. Strengthening the US-Colombia relationship and doubling down on bilateral interest areas

The US-Colombia relationship has had significant ebbs and flows over the last year. The recent rise in coca cultivation has resulted in heightened tensions between Colombia and the United States. Colombia, however, has showed unwavering commitment to doubling down on its anti-narcotics strategy, and US support will be critical going forward not only on the drug-related issues, but on many other issues contained in the peace accord.

As a result of rising coca numbers, the Trump administration threatened to decertify Colombia as a cooperative partner in the fight against drugs. Still, Colombia has taken additional steps to show their commitment to combat transnational organized crime networks. The government is committed to implementing an ambitious crop substitution program in combination with a forced eradication program. So far, they have followed through on those promises. In November, Defense Minister Luis Carlos Villegas [announced](#) that 46,000 hectares had been eradicated in 2017, representing 92 percent of the government's goal for this year. Moreover, 35,000 families have signed a voluntary crop substitution agreement with the government. The program is moving forward despite implementation delays that will likely extend the 50,000-hectare goal beyond [May 2018](#).

Transitional justice is another area of concern among US government officials. The

approval of the JEP by Congress, which [differ](#) in some respects to what was agreed upon during peace talks in Havana, has sparked some of these concerns. As it stands, the approved JEP opens space for some conflict actors to avoid telling the truth. It remains to be seen what will be the final structure of this important body, and whether the International Criminal Court will accept the JEP in its new form.

As some of the main US concerns continue to be resolved, it is crucial to look ahead at how the US-Colombia relationship can be strengthened at this critical time of peace accord implementation. Maintained bipartisan support for Colombia and for the implementation of the accords will continue to be crucial. In September, the Senate Subcommittee on State, Foreign Operations, and Related Programs [voted](#) to approve \$391 million for Peace Colombia. But hitting some of the key benchmarks outlined in the Colombia Peace and Prosperity Task Force [report](#) will be key to sustain this support.

Finally, economic and commercial ties should continue to be deepened. [Five years](#) after the US-Colombia Trade Promotion Agreement went into effect, US firms have increased their market share in Colombia. Going forward, areas exist where the two countries can further collaborate.

Bipartisan support for the US-Colombia relationship will be crucial to the peace accord's success.



Achieving peace would not have been possible without strong US cooperation. Implementing peace will require the same. [Reuters]

3. Building on post-accord security progress and combatting emerging challenges



Promoting security and development in hard-hit cities like Buenaventura will be paramount in ensuring a sustainable peace. [Reuters]

The first year of peace accord implementation has resulted in some progress in post-conflict areas, but also in a new set of challenges. FARC demobilization and the de-escalation of the armed conflict have been undoubtable successes over the past year.

Nearly 10,000 former combatants are now [affiliated](#) to health care and 10,172 have received a “normalization subsidy,” according to the Observatory for Monitoring Peace Accord Implementation. The normative framework for political and economic reintegration has advanced at a steady pace, including the [legislative act](#) that allowed for establishing the FARC’s political party and the creation of a fund to manage all post-conflict resources.

But as the former guerrilla group ceded control of their territories, new security threats have emerged. For one, a number of FARC members have remained engaged in criminal activity. The exact range varies from 7 percent (estimated by the government) to 15 percent (calculated by civil society [groups](#)). Many of these dissidents have preferred to preserve their hold on profitable criminal activities, as is expected in any peace negotiation, but some have grown disenchanted with the government’s ability to implement the peace accords. Jean Arnault, head of the UN Verification mission, recently stated that [55 percent](#) of former FARC combatants are no longer in reincorporation zones. They have taken it upon themselves to reintegrate into civilian life and begin their own productive projects, said Arnault, but such developments hinder long-term reintegration efforts.

Colombia will need to focus on a swifter expansion of state presence in post-conflict zones.

A key concern is that the state has been slow to increase its presence in territories previously controlled by the FARC, opening a window of opportunity for new actors to take over criminal operations in these areas. According to the Fundación Ideas para la Paz, three organized armed groups are [threatening](#) post-conflict areas: *Clan del Golfo*, *Los Puntilleros*, and *Los Pelusos*. They have presence in thirteen departments and 132 municipalities across the country, and while the composition of each group varies, they have all risen from former criminal groups.

In fact, right-wing criminal gangs are undoubtedly a latent threat to social leaders in Colombia. According to the United Nations High Commissioner for Refugees, nearly 80 social leaders and human rights defenders have been [killed](#) in 2017 alone. Although the government has cast doubt on whether there is a systemic persecution of these leaders associated with the left, many have been quick to draw comparisons to the *Unión Patriótica*, a political party

founded by demobilized guerrillas in the 1980s that was eliminated by paramilitary groups over the course of a decade.

Ultimately, any armed group’s dismantlement will be subject to dissidence and to the rise of new criminal groups. Yet this remains a crucial challenge Colombia must address. As concluded by the Atlantic Council’s [Colombia Peace and Prosperity Task Force](#), US pressure and technical cooperation will be key to help Colombia expand its state presence and prevent other armed actors from filling the vacuum left by the FARC.



José Ángel Gurría, the first Latin American secretary-general of the OECD, reflects the growing diversification of the group. [Reuters]

4. Capitalizing on the momentum of peace to further position Colombia as an economic powerhouse

As the FARC reintegrates, there is an opportunity for Colombia to target new areas for comprehensive development and solidify its status as a regional economic powerhouse. Post-conflict investment, coupled with Colombia's ongoing accession process to the Organisation for Economic Co-operation and Development (OECD) can put the country in a prime position to significantly boost economic growth.

In June 2017, Congress [approved](#) a law that would redirect government funds toward areas most affected by the conflict. The Colombian government estimates that this will result in an annual investment of over \$200 million over twenty years. This measure is a key step in the right direction, but the long-awaited peace dividend will only be realized if private sector investment, both domestic and international, reaches post-conflict and rural areas.

OECD accession will further drive the country to follow strict international technical standards and advance key, but difficult reforms.

Most crucial is new investment in areas where a majority of marginalized Colombians, including women, indigenous communities, and Afro-Colombians, live.

Colombia is currently in the final stages of its OECD accession. Formal approval has been secured from 21 of the 23 committees stipulated by the OECD's [roadmap](#) for accession. Two committees have yet to make their decision: the trade and labor committees. Their decisions – which were expected to be announced in November but have been pushed to March – are on hold pending advances in several specific issues, from truck scrapping policies to labor subcontracting processes.

Although Colombia has shown great commitment to free markets and economic liberalization, OECD accession will further drive the country to follow strict international technical standards and put pressure on Colombian authorities to advance key, but difficult reforms. This view is widely shared across sectors. Even Human Rights Watch recently [voiced](#) their support for OECD accession, seeing this as an opportunity to save lives in Colombia.

As such, even if the decision is pushed beyond the presidential elections, it will be crucial for the next administration to continue the accession process and cement Colombia's status as a strategic economic player on the world stage.

In conclusion:

Colombia's ability to successfully implement the peace accord, and its continued enactment of important economic, political, and social reforms, will be critical for the country's short- and long-term future. It will also help cement its position as a coveted strategic ally for the US and beyond. The risks of weak implementation and failing to properly combat new security threats will not only cause internal instability, but will also hinder its standing vis-à-vis the rest of the world, and its ability to properly enact policies that advance prosperity.

It is thus imperative for the US to continue to provide economic and political support to Colombia in 2018. To help Colombia implement long-term policies in the best interest of both countries, and to build on the

recommendations of the Atlantic Council's [Colombia Peace and Prosperity Task Force](#), a bipartisan, multi-year spending plan is needed to shield the country's progress from political ebbs and flows. Robust US government support for Colombia's OECD accession would significantly bolster its candidacy.

Domestically, it will be crucial for Colombia's presidential candidates to recognize that certain key reforms for the country must transcend politics. Peace accord implementation, particularly on development issues such as agrarian reform, increased state presence and improved rule of law, must continue to be prioritized. OECD accession and expanded post-conflict investment will be crucial.



[Reuters]

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