

## WILL COLOMBIA'S PEACE ACCORD BOOST ITS DEMOCRACY?

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In November 2016, the administration of President Juan Manuel Santos and the Revolutionary Armed Forces of Colombia (FARC) signed a revised peace accord, giving Colombia the opportunity to put an end to decades of deadly conflict. Although poor security conditions are likely to persist because several nonstate groups remain armed, FARC's full demobilization could reduce the violence to a level below what international law considers an armed conflict. The peace accord could also have a positive effect on Colombian politics and translate into a boost for its democracy.

In terms of the initial impact, the peace accord seems to have stimulated citizen participation, particularly among Colombian peasants and popular sectors, as well as fostered an overdue national dialogue on democracy, the rule of law, and tolerance.<sup>1</sup> However, there are concerns that the Santos administration remains reluctant to tackle structural imbalances in Colombia's democracy, as it focuses overwhelmingly on the FARC's immediate demobilization and disarmament.<sup>2</sup> Moreover, opposition to the accord from right-wing forces is likely to deepen polarization and negatively affect the democratic process ahead of presidential elections in May 2018. Spoilers such as right-wing paramilitaries, renegade groups within FARC, and members of the National Liberation Army (ELN), a smaller guerrilla group, could still derail the peace process and pose a serious challenge for Colombian democracy.

### PROSPECTS FOR A DEMOCRATIC BOOST

The Santos administration and FARC negotiated a five-point agreement on comprehensive rural reform, political participation, ending the conflict, ending the illegal drug trade, and victims' rights.<sup>3</sup> The agreement also outlines parameters for the implementation and verification of the accord. In clear recognition that a democratic deficit and lack of avenues for political participation lay at the root of the conflict, the peace accord

devotes an entire section to political participation and democratic reform. The accord explicitly states that strengthening Colombian democracy is fundamental to long-lasting peace. A pivotal element is the promise to promote the participation of previously marginalized social organizations so as to build a more representative system. In accordance with this spirit, FARC agreed to transition into a political party.

Arguably one of the most encouraging effects emerging from the peace accord is the growing level of political participation, particularly in rural areas. The demobilization of FARC, which used a mix of coercion and clientelism to rule areas under its control, is opening political space for grassroots groups and social movements. These organizations seem eager to harness the benefits and opportunities created by the accord, and peaceful mobilization and activism has been occurring across the country.

For example, the National University of Columbia and the United Nations Development Program recently held successful national and regional fora to discuss victims' rights, reconciliation, and illegal crop substitution schemes. Several interviewees underscored that the well-attended sessions fostered a positive and constructive exchange of ideas among participants. In areas strongly afflicted by violence, the promise of a national dialogue to discuss the postconflict scenario has created a wave

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of enthusiasm among people who for the first time feel there is space to participate and express their views. Worryingly, however, this democratic fervor in many rural communities is not equally apparent in urban communities, where many view the process with distrust and cynicism and complain that FARC is receiving unwarranted benefits despite its reprehensible behavior.<sup>4</sup>

## A POLARIZING AGREEMENT

While the agreement is being praised abroad for its innovation and balance, internally it has divided Colombians.<sup>5</sup> The first version of the accord was unexpectedly rejected by a narrow margin—less than one percent—in a plebiscite carried out in September 2016. Many Colombians, particularly those living in urban areas, considered the accord excessively lenient toward FARC. A clever campaign by the No camp that transformed the plebiscite into a referendum on the Santos administration, which has become unpopular in recent years, also contributed to the surprising result.

Following the defeat, the Santos administration—in its determination to achieve a final agreement—included a majority of the opposition's 455 concrete issues in a new round of negotiations with FARC.<sup>6</sup> Against all odds, in a few weeks, the administration hammered out a new accord that was approved in a special voting session—under the vociferous objections of the Centro Democrático, a right-wing coalition close to former president Alvaro Uribe.

The opposition charges that the accord is flawed and that the Santos administration failed to incorporate its reservations. Some left-wing groups also express dissatisfaction with the agreement, especially the government's last-minute changes that may allow military officers accused of serious offenses to dodge prosecution. Hence, the government ended up winning a relatively downbeat victory, rather than the remarkable political triumph it had hoped for. And even though it is generally agreed that the modifications improved the final accord, opposition to the deal remains strong.

## PERSISTENT INSECURITY

Security concerns are also affecting support for the accord. Although there is a general consensus that the security outlook in Colombia has improved substantially, the situation remains precarious. Luis Carlos Villegas, the defense minister, announced that the country's homicide rate in 2016 dropped to 24.4 per 100,000, or 12,000 cases—the lowest rate since 1974.<sup>7</sup> Once one of the most violent countries in the region

for decades, Colombia now has significantly lower levels of violence than El Salvador, Honduras, Venezuela, Jamaica, Guatemala, and even Brazil.<sup>8</sup> Although the downward trend started about ten years ago with the security policies implemented by the Uribe administration and the partial demobilization of paramilitary organizations in 2005, the ceasefire between the government and FARC has contributed to the positive trend.

However, violent parties continue to engage in illegal activities like smuggling, extortion, and drug trafficking. This includes the ELN, which late last year began negotiating a separate peace accord with the government. Regionally based paramilitary organizations—including the Gaitanista Self-Defense Forces of Colombia, Urabeños, Rastrojos, the Norte del Valle Cartel, the Popular Revolutionary Anti-Terrorist Army of Colombia, and the Black Eagles—have links to organized crime. Such groups control significant swaths of territory in which the state has little presence. These include localities in the departments of Arauca, Chocó, Norte de Santander, Valle del Cauca, and Nariño.

Following the demobilization of FARC, these groups moved in and began to dispute strategic territory formerly held by FARC, unleashing a wave of violence. Landholding elites, many with ties to paramilitary groups, have fomented violence in their attempts to block land distribution reforms. Colombia's Ombudsperson's Office reports that more than 100 community organizers and leaders were killed in 2016.<sup>9</sup> Another worrisome development concerns a major increase in coca production, attributed in part to the end of aerial fumigation programs. The area of coca cultivation grew from 111,845 hectares in 2014 to 188,105 in 2016.<sup>10</sup> This is having a negative effect on general security conditions, as it is increasing turf fights among unlawful groups linked to drug trafficking. Further, a bomb attack in June 2017 at a shopping mall in central Bogotá, which killed three people and injured several others, underlined the danger posed by radical groups eager to derail the accord.<sup>11</sup>

The future of FARC is also an ongoing security concern. While most of the group has demobilized, between 5 and 8 percent of its combatants have joined other violent groups, in particular the ELN.<sup>12</sup> More importantly, the peace accord does not formally include FARC militia members, the group's so-called strategic reserve of 7,000 to 8,000 people who remain active.<sup>13</sup> These members have moved into areas left by FARC, purportedly under the orders of FARC's leadership. Colombian nongovernmental organizations and security experts believe that many recent clashes have involved FARC militias.

## IMPLEMENTATION OF THE ACCORD

In addition to polarization and broad security concerns, other challenges to successful implementation of the peace accord include the full decommissioning and reintegration of FARC combatants, timely justice, and equitable land reform. Note first that some practical progress has been made: FARC formally ceased to exist as a belligerent group; the UN verifying mission certified that the group finished the handover of its arsenal (ammunition and 7,132 arms); authorities have created twenty-six transition cantonments, where FARC fighters will begin their reintegration into civilian life; the FARC has handed over eighty-six child soldiers to the International Committee of the Red Cross; and the government has introduced a legislative agenda to implement the accord.<sup>14</sup>

On the negative side, the security of demobilized FARC combatants represents a potential problem. The accords envision the creation of a specialized commission to guarantee the security of the group. FARC members claim the commission has not been working effectively. Guerrillas worry about the rise of attacks against leftist organizers. FARC leader Rodrigo Londoño (also known as Timochenko) recently threatened to further delay the group's demobilization if arrests of FARC members continue. Likewise, rebels have complained that the government has failed to provide adequate conditions within the demobilization camps.<sup>15</sup> In a recent blow, moreover, the Colombian Constitutional Court ruled against two clauses in the Legislative Act for Peace, designed to allow the Congress to fast-track legislation to implement the accord.<sup>16</sup>

Another critical problem regards delays in the area of truth and justice. To avoid overburdening the legal system, the accord prescribes a Special Jurisdiction for Peace (Justicia Especial para la Paz). Predictably, the establishment of such a complex, parallel mechanism to administer justice is proving to be painfully slow because it entails the selection and training of judges, lawyers, and public administrators. Regardless of the reasons, victims' organizations fear that the government is stalling because it is not serious about justice.<sup>17</sup>

Finally, land reform and asset redistribution schemes are also proceeding slowly and not entirely according to plan. The government has introduced a new agrarian law that grants agroindustrial corporations access to empty swaths of state-owned land that are supposed to be redistributed as part of the peace deal. And on its side, FARC is stalling the release of details on its financial assets that are to be used for the restitution of victims and for disarmament, demobilization, and reintegration schemes.

## THE ROLE OF REGIONAL ACTORS

Latin American countries have actively supported the Colombian peace process, and given the uncertainties outlined above, they will need to keep pressuring the Colombian government and FARC to adhere in good faith to the terms of the agreement. Cuba acted as guarantor and facilitator of the peace process, and Venezuela and Chile participated as accompanying countries. Most Latin American heads of state attended the peace accord signature ceremony held in Cartagena de Indias in September 2016. Despite their diverging political preferences, Latin American countries agree that the Colombian armed conflict is a Cold War anachronism with pernicious effects on not only Colombia but also the region—tensions often arose over cross-border operations against the FARC. Ten Latin American states have contributed to the UN Mission to Colombia through the auspices of the Community of Latin American and Caribbean States.<sup>18</sup>

Continued regional oversight could be instrumental in helping to move the peace process forward. Regional powers will need to push the Colombian state to improve security conditions in sensitive, peripheral areas and embark seriously on structural reforms. And they will need to engage with FARC leaders that remain ambivalent about peace and democracy. The group recently manifested its full support to Venezuelan President Nicolás Maduro, which raises questions concerning the group's commitment to fundamental democratic principles.<sup>19</sup>

The future of the accord hinges on the result of the forthcoming national elections. A victory of the center-left presidential candidate in 2018, who may potentially be Sergio Fajardo, the charismatic mayor of Medellín, or Germán Vargas Lleras, a seasoned centrist who served under Santos, would provide a glimmer of hope that the agreement might hold. The triumph of the Centro Democrático would render the prospects of the accord much more uncertain.

## CONCLUSION

What can be concluded about the accord's implications for Colombian democracy? Symbolically, the accord has been incredibly important because it holds the promise to build a more representative political system and opens space for the participation of endemically marginalized social organizations. The accord provides an opportunity to bring to light the terrible effects of the war and the predicament of thousands of victims. In and of themselves, these are major achievements. As is often the case in countries transitioning out of civil wars,

however, the process of building inclusive and democratic societies requires convincing recalcitrant groups to sign up to a lengthy and difficult process. This process is just beginning in Colombia, and so far, not all the signs are positive.

Ultimately, any improvement of Colombia's democratic system hinges on the state's capacity and willingness to undertake structural reforms—many of which are included in the accord. These reforms will enhance its organizational power and legitimacy in the eyes of the population. A pivotal element is to equip state institutions with the means to mediate conflicts between private parties, a perennial problem in the country. This process entails enhancing state capacity and improving existing practices to tackle corruption and violent abuses. This is the most fruitful avenue to build a modern democratic setting in which Colombians are free to exercise their fundamental rights as citizens, without the threat of violence. In Colombia, sustained peace and true democracy are mutually dependent on one another.

## NOTES

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