

Introduction

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The Colombian government recently concluded a decades-long civil war by signing a peace agreement with the largest of its opposing guerrilla armies: Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia, or FARC). It has also been involved in negotiations with the other major rebel group, Ejército Nacional de Liberación (National Liberation Army, or ELN). Both groups have been fighting the Colombian government since the early 1960s. Divisions in Colombian society over how to end the war with the FARC that bedeviled the protracted peace negotiations in Havana, Cuba, and led to the Colombian people's initial rejection of the peace agreement are enduring challenges to a sustainable peace. These divisions are likely to reappear as the rebels demobilize, surrender their role in narcotics trafficking, and re-enter Colombian society and politics. As the peace process concludes, the Colombian people are also embarking on their own form of transitional justice as they seek the truth about the origins and authors of human rights atrocities that occurred during the years of violence and hold individuals to account for the crimes committed. Research on post-conflict peace duration reminds us, however, that almost half of the nations that end a civil war with a peace agreement relapse into renewed conflict within five to ten years. Colombian society stands at the threshold of a promising, but risky, era of peace.

The peace agreement between the Colombian government and the FARC, and efforts to sustain this peace in the post-conflict environment, as well as provide truth and justice for all those harmed by the violence, are monumental undertakings. Both sides have promised to implement a multi-pronged peace effort that will provide security for the demobilized guerillas, a stake for them in a peaceful future in Colombian society, and a role in Colombian politics. At the same time, Colombian leaders are grappling with bringing peace to regions of the country where a governmental presence, and

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particularly the necessary security and social services that undergird a functioning society, are being (re-)established after a long lapse. These efforts are complicated and fraught with the potential for violence. In particular, neo-paramilitary forces continue to assert their claims to power and resources in these regions, as well as their distrust of the leftist elements that made up and supported the FARC. In most places there have also been local initiatives that connect peacemaking at the national and local levels.

Colombian society is also confronting its violent past and, through truth telling and criminal prosecutions, providing some measure of accountability for the crimes committed. The success of these transitional justice measures depends on the willingness of those who have perpetrated acts of violence to come forward and tell their stories. To provide for truth telling and prosecution, the peace agreement calls for the creation of a new judicial mechanism designed to prosecute those who have committed the most horrific acts of violence. Nonetheless, many in Colombian society who voted against the peace agreement in the plebiscite of 2016 are skeptical of what they perceive as lenient treatment of the rebels. There is a significant bloc of the Colombian populace who distrust this effort at transitional justice and are not quite ready to reconcile with the FARC.

It is critical for those involved in the study and the practice of sustainable peace and meaningful justice to explore the dynamics of the Colombian case, and to utilize recent and substantial research regarding post-civil war peace and transitional justice to better understand the opportunities and the dangers Colombia must confront. At the same time, the Colombian conflict, which touches on so many issues that are key to understanding efforts to assess the determinants of peace and justice, has much to teach us about whether our current knowledge and models of these subjects are constructive and useful. For example, the Colombian conflict implicates issues of identity, leadership, and government capacity in regard to the peace process, as well as subjects like the appropriate balance between restorative and retributive justice; ongoing criminal and drug violence; and the role of the international community that are germane to the transitional justice process.

To these ends, this edited volume examines (1) how current approaches to understanding peace and justice may or may not apply in the Colombian case and (2) what the Colombian case can teach us about how to improve these models. The book features chapters by both Colombian and international scholars. Each is focused on critical issues involving the prospects for the Colombian peace process and transitional justice, as well as the role of state and nonstate actors, at the national and local levels, in influencing these developments. Our hope is to provide academics and practitioners throughout

the world with critical analyses regarding what we know generally about the post-war peacebuilding process and how this can be applied to the specifics of the Colombian case to assist in the design and implementation of post-war programs and policies. The chapters also serve as comprehensive overviews and analyses of the current state of knowledge in the study of civil wars and post-war peace.

In what follows, we first trace the history of the conflict between the FARC and the government, the peace negotiation process, and the current state of affairs in Colombia. Then, we describe how an improved understanding of Colombian politics can inform some critical debates in peace studies and transitional justice research. We situate this work within the existing body of research on Colombia and preview key themes and findings. Finally, we segue readers to the main text by providing an overview of each chapter.

COLOMBIAN ARMED CONFLICT AND THE PEACE AGREEMENT'S CONTEXT

Colombia is a country of many contrasts, including two extraordinarily paradoxical political features: It is one of the oldest democracies in Latin America, and has had one of the most protracted armed conflicts in the post-World War II world. In fact, the UCDP/PRIO *Armed Conflict Dataset* (ACD; Gleditsch et al., 2002; Harbom and Wallensteen, 2007) shows that Colombia has been continuously at war since 1964. And the conflict may extend even further back through history, since the ACD does not include the bloody confrontation between the Liberal and Conservative parties that began in the 1940s and ended with the introduction of military rule (1953–1957).

A commission responsible for investigating that political slaughter was created by the Colombian government in 1958. In the previous year, however, leaders of both parties had decided to keep the atrocities and their perpetrators unaccountable (Jaramillo, 2014). Thus, those appalling years were labeled with a general noun: *La Violencia* (The Violence). Neither political nor apolitical actors were impelled to reveal their role in the mayhem or to assume responsibility for the violations of human rights. And the conflict remains uncouncted by the ACD and most other cross-national measures of war.

The aforementioned pact between Liberals and Conservatives led to the political arrangement known as El Frente Nacional (National Front 1958–1974). Unfortunately, the National Front failed to properly manage the transition from political violence toward a sustainable peace in at least three ways: (1) the blurring of the political responsibilities related to the violence of the previous decades; (2) the absence of a clear rejection of the use of violence

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in the political arena (Giraldo, 2015); and 3) the lack of rural reform aimed at overcoming the very same severe inequalities in access to land and public goods and services that had prompted the violence in the first place.

As in other Latin American countries, the Colombian guerrillas were informed by the logic of the Cold War and inspired by the Cuban Revolution. In addition, some of them – particularly the FARC – had their roots in the social and rural conflicts that intertwined with the political violence of the forties and fifties. As they coalesced during the sixties and seventies, however, the intensity of conflict in Colombia remained low. The guerrillas and their interactions with the state led to conflict-related deaths beginning in 1964, but they were treated as a problem of “public order” that mainly affected peripheral regions (UNDP, 2003). Business in the country’s most important economic and political centers carried on as usual. It was not until 1979 that the Uppsala/PRIO *Armed Conflict Dataset* recorded the cumulative number of conflict-related deaths surpassing the 1,000-victim threshold to become a large-scale war.

In this context, the absence of increasing returns and economic development from industrialization impaired the development of “normal” wage relationships in the Colombian economy. The door opened for informal and illegal markets, which had many opportunities to operate (Ortiz, 2009). This economic environment was favorable to the emergence of smuggling networks and drug cartels. At the same time, unequal access to land and other assets in rural Colombia sped the colonization of those peripheral areas in which the guerrillas had established themselves; this is a process that some scholars have called “armed colonization” (Molano, 1988; Ramírez, 2001). Together, these realities shaped the milieu in which two chains of events converged to produce the transition from a peripheral public disorder to an intense war that unleashed the most serious humanitarian crisis in the Western hemisphere since the end of the Cold War. The first chain of events connected drug traffickers and paramilitary forces. The second chain linked illicit crops cultivated initially in the areas of recent colonization, drug trafficking, and guerrillas.

The connection between counterinsurgent paramilitary forces and drug trafficking took place when drug traffickers bought large farms. Land represented a money-laundering mechanism and an asset that allowed the wielding of political power. When guerrillas began extorting traditional and new landowners, paramilitary forces responded. They emerged and they expanded, guided by regional alliances composed of the owners of large farms, drug traffickers, local politicians, and some members of the regular armed forces.

The relationship between guerrillas and illicit crops was forged by the colonization process. That process occurred in areas characterized by a lack of rule of law and high levels of deprivation. Those colonists with very limited access to public goods and legal markets were subject to the regulatory powers of illegal actors. To make things worse, most of the local economic booms related to the exploitation of primary products as the guerrillas and paramilitaries capitalized on the abundant resources by implementing different predatory strategies. Their interests clashed, provoking a dramatic increase in the use of terror as a part of a calculated strategy aimed at diminishing military costs and maximizing territorial control: eight of every ten deaths in the Colombian armed conflict were civilians (GMH, 2013, 34).

In the wake of these links between drug trafficking and armed actors, the Colombian conflict was no longer peripheral. It collided with American interests, particularly the United States' war on drugs. At the same time, as a consequence of its pervasiveness and intensification, the armed conflict entered into the center of the political agenda in Colombia. The *Plan Colombia*, created in conjunction with the United States, allowed the strengthening of the regular armed forces, and the 9/11 attacks situated the Colombian armed conflict in the global war on terror.

It was in this context, in June 2003, that the “democratic security policy” (DSP) was unveiled. The DSP was designed to protect the Colombian population by increasing state presence in order to reduce violence, end the illegal drug trade, and transparently and efficiently manage resources in ways that reform and improve government performance. After eight years of implementation, three consequences of the DSP were readily apparent: (1) The DSP was not the only force responsible for the weakening of the guerrillas. The paramilitary forces and the strategic use of terror also did their part; (2) The humanitarian costs of the war were becoming larger; and (3) the guerrillas had been weakened but not defeated, so that the DSP began to exhibit signals of depletion.

War escalated, and its escalation led to acts of organized resistance both at the local and the national levels. Those initiatives struggled to promote peace in the midst of the bloodshed by working on different dimensions of peacebuilding: the recognition of humanitarian zones; provision of educational opportunities in order to impede the recruitment of young people by illegal actors; protection of villages, roads, schools, and communities' livelihoods; and promotion of social cohesion and local entrepreneurship, as well as other activities.

Alongside these bottom-up initiatives, the country has made various attempts at top-down peacemaking. In fact, the Colombian government has

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signed ten peace agreements in the last three decades. Peace remained elusive, however, largely because the Colombian war has been a complex one characterized by different conflict dyads involving paramilitaries, drug cartels, the Colombian military, and guerillas. In June of 2010, as Juan Manuel Santos was elected president, peace remained incomplete.

In his inaugural speech, President Santos announced that he would reopen the door for dialogue with the guerrillas. Certainly, Santos was aware that “negotiating peace makes sense when the perspectives of a military victory over the rebels are absent” (Nasi, 2012, 73). The peace process between the Colombian government and the FARC began officially on August 26, 2012, when a “General Agreement for the Ending of the Conflict and the Building of a Stable and Lasting Peace” was displayed publicly in Oslo. It took four years to negotiate the six main issues included in the agenda: rural reform, participation in politics, termination of the conflict (ceasefire, disarmament, demobilization, and reintegration), the strategy against illicit drugs, victims (including the transitional justice system), and implementation and verification mechanisms.

On October 2, 2016, Colombians voted in a plebiscite organized by President Santos to legitimate the peace process. Turnout was very low: 37.4 percent of the people able to vote actually did so. Among those who did vote, those against the agreement outnumbered those in support by a very narrow margin: 50.2–49.8 percent. The plebiscite’s surprising rejection led to new negotiations between the government and the FARC. As a result, 56 out of 57 changes pointed out by the opponents of the agreement were incorporated in its final version. That version was ratified on November 24, 2016.

The transition toward peace entails difficult challenges. It is necessary not only to adequately implement the agreement but also to connect its implementation with broader strategies of peacebuilding and state-building. The assassination of social leaders in many regions in which the state is unable to provide security, ongoing conflict with the ELN, an increasing number of hectares of illicit crops, and the persistence of illegal economies, failures in the implementation of the agreement thus far, dissident groups of the FARC, the growing political influence of the agreement’s spoilers, poor economic performance and the lack of broad-based economic growth compatible with a generation of productive employment, and inequalities in access to income, assets, and public goods, are all critical problems that threaten the transition’s success. The chapters of this book will help explain some of these problems and challenges, as well as areas where there are grounds for optimism. As we describe in the next section, the focus on Colombia also informs other topics of interest for scholars of (for example) international relations, conflict processes, and peace studies.

COLOMBIA, PEACE, AND TRANSITIONAL JUSTICE

If the rich, fascinating, and tragic history of Colombian politics were not reason enough to study this post-conflict state, further compelling reasons can be found in its many other characteristics. These speak to a number of critical debates in peace studies and transitional justice research. First, unlike many other countries emerging from violence, Colombia has been a democracy since the late 1950s and its basic form of government has remained unchanged. In fact, one of the chief complaints of the rebels and many other Colombian citizens has been that there has not been enough of a governmental presence in outlying areas to provide greater development and opportunity for the people. In numerous other post-conflict states, including (for example) Bosnia-Herzegovina, Nicaragua, and South Sudan, the creation of a new government was a key feature of the peace agreement. The Colombian peace agreement relies on the Colombian government – with a new president as of August 2018 whose commitment to the agreement was uncertain – to ensure that this most complex and detailed of agreements is effectively implemented. Can such governments, especially as they transition power from one administration to the next, ensure the peace? Or do they face particular challenges in overcoming many of the lingering institutional features that helped inspire the conflict to begin with?

The Colombian conflict is also characterized by several other factors that have figured prominently in much research on conflict resolution, such as porous international borders (with Venezuela and Ecuador) and diverse topography (Andean highlands and mountains, urban centers, and deep jungles and forests) (Gouset 1998; Torf and Raeymaekers 2013). These features have in large part allowed rebel movements to gain safe haven. Narcotrafficking has also played a critical role in allowing rebel groups like the FARC a source of revenue that has supported and helped fuel the conflict. Indeed, to a significant extent, the pursuit of drug profits became an end in itself for the FARC. Can the Colombian government, its military, and especially its police provide the level of security necessary to secure their borders and prevent the emergence of dissident guerilla groups and networks of narcotraffickers in these hinterlands? The attacks by FARC dissidents in the border region with Ecuador, especially around the city of Tumaco, and the increasing instability of the border with Venezuela in the context of that country's political crisis point to significant security challenges ahead. Furthermore, coca cultivation continues to increase in Colombia, which suggests that crop substitution, eradication, and other programs meant to assist those in rural areas where the FARC maintained a heavy presence may not be achieving their desired impact. The profits from the cocaine trade may continue to

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provide incentives for disenfranchised FARC members and spoilers, as well as other armed groups, to continue to fight over the territories. Given that many of the same factors that facilitated the fighting for so many years remain in play, understanding the role and importance of security and criminal violence in the aftermath of war is yet another reason why Colombia is such an important case. Will Colombia continue to struggle with these problems for years to come, as Afghanistan has, or will its greater level of political and economic development provide the government with the legitimacy, revenue, and commitment necessary to confront these problems?

Colombia's ambitious and complex transitional justice program also has the potential to tell us a great deal regarding what mix of retributive and restorative justice methodologies may work best in addressing the violence of the past and discouraging its resumption. The agreement does not rest on one particular transitional justice mechanism, but instead employs all the major types of such tools. The agreement creates the Comprehensive System of Truth, Justice, Reparations, and Non-Recurrence, which consists of the Commission for the Clarification of Truth, Coexistence and Non-Recurrence; the Special Unit for the Search for Persons Deemed Missing; the Special Jurisdiction for Peace; the reparations programs; and Guarantees of Non-Recurrence programs. Amnesty also features prominently in the Special Jurisdiction for Peace, which will address violations of international law and human rights. This great diversity of mechanisms may complicate matters, since there are so many potential transitional justice remedies concurrently seeking to achieve similar ends (e.g., reduced violence, interpersonal reconciliation). Nonetheless, the Colombian case will provide scholars with a great deal of new data and insights regarding which mechanisms tend to gain the most popular acceptance, which are most likely to be implemented by the government, and indeed whether such a diverse mixture of mechanisms can be pursued simultaneously.

SITUATING THIS VOLUME AND ITS NOVEL CONTRIBUTIONS

Not surprisingly there has been a surge in interest in Colombian politics and especially its wars, peace, and politics. Book-length analyses include, for example, Arjona's *Rebelocracy* (2016), Daly's *Organized Violence after Civil War* (2016), Steele's *Democracy and Displacement in Colombia's Civil War* (2017), Bouvier's *Colombia: Building Peace in a Time of War* (2009); Winifred Tate's *Counting the Dead* (2007); Dudley's *Walking Ghosts* (2004); *A Century of Violence in a Red City* by Gill (2016); and Kaplan's *Resisting War: How Communities Protect Themselves* (2017). This has been matched by a small

cottage industry of journal articles on the civil war and efforts at peace (e.g., Theidon, 2007; Garcia-Godos and Lid, 2010; Albertus and Kaplan, 2013; Weintraub, Vergas, and Flores, 2015; Arjona, 2016; Olasolo and Mendoza, 2017). In addition to the aforementioned characteristics of Colombian politics and its peace processes, there are also a number of excellent sources of data for analyzing events, outcomes, popular attitudes, and other topics at the *Registraduría Nacional del Estado Civil*, and the *Registro Único de Víctimas*.¹ These contain a number of specific, self-reported indicators of violence and other consequences of the war, including: land dispossession, sexual crimes, forced disappearances, homicides, kidnapping, torture, and recruitment of child soldiers. Additionally, a wide range of Colombia Census data are hosted by the Department of Economics at the University of the Andes.² In short, Colombia's politics have been at the forefront of a substantial and focused research agenda regarding peace, violence, social organization, democracy, and transitional justice.

Additionally, an in-depth analysis of the Colombian case comes at a particularly propitious time for research on peacebuilding and transitional justice. Considerable advances have been made in theoretical development and the creation of databases on peace implementation and transitional justice (Doyle and Sambanis, 2000; Stedman, Rothchild, and Cousens, 2002; Snyder and Vinjamuri, 2003; Freeman, 2006, 2009; Hayner, 2011; Hillebrecht, 2014; Jo, 2015; Appel, 2016; Dancy, 2018). As well, there have been a number of articles and books in recent years that have sought to take stock of what we have learned, especially regarding the impacts of transitional justice on conflict recurrence, deterrence of human rights abuses, and reconciliation (Olson, Payne, and Reiter, 2010; Meernik, 2016; Aloisi and Meernik, 2017; Wiebelhaus-Brahm and Stewart, 2017). Analyses utilizing the Peace Accords Matrix (PAM), as described in the Quinn and Joshi chapter, have been at the recent forefront of research regarding how peace negotiations and settlements affect conflict recurrence, democratization, and rule of law (Hartzell, 1999; Ghobarah et al., 2003; Hartzell and Hoddie, 2003, 2007; Fortna, 2004; Mason and Meernik, 2006; Boyle, 2009; Reiter, 2015; Wallenstein, 2015). The Colombian case provides substantial leverage for new and novel analyses that can engage the extant knowledge base and test the dominant theories.

In combination, the considerable storehouse of knowledge that has been developed regarding the Colombian civil wars, peace processes, and politics, the significant advances that have been made in theory building and testing in

¹ The data can be found online at <http://mi.unidadvictimas.gov.co>.

² The data can be found online at <https://datoscede.uniandes.edu.co>.

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peace studies and transitional justice more generally, as well as the numerous sources of macro- and micro-level datasets on Colombian politics create a unique moment of opportunity for scholars. Our ability to better understand the pitfalls and potential for peace and justice over time in a single state that has and continues to utilize a variety of strategies for building peace and a variety of mechanisms for pursuing justice has never been greater. The chapters in our edited volume begin this process of combining the insights of cross-national research on peace and justice with the emerging insights from a great body of research on Colombian politics. Our goals are to assess the findings of cross-national research to determine their applicability to Colombia; to better understand what the Colombian case can tell us regarding the generalizability of these findings and what revisions ought to be made to our theories of peace and justice; and to point the way toward fruitful avenues of research as Colombia pursues peace and justice in the coming years.

To preview our findings, we believe that successful implementations must occur across space, over time, and within the fabric of society. First, a multi-faceted agreement requires the state to be both capable and legitimate not only in its urban centers but also in the rural areas where conflict and violence have been a constant. In the Andes, in the Amazon, in the Pampas, and in the Pacific and Caribbean coastal areas the central government has been largely absent; in many places, rebel groups have stepped in to fill the void. Now, there is a need for effective municipal governments in these former conflict zones. Research supports the notion that they must administer the land legitimately and fairly, and establish a monopoly on the legitimate use of coercive force. Building this capacity will be an uphill battle, given the widespread lack of trust in the government and its previous failures and broken promises. In general, the chapters that follow find that sowing the seeds of contentment in the country's rural spaces may be the single most important hurdle for effective implementation of the Colombian peace plan.

Second, the chapters reveal that peace and justice in Colombia will succeed only if the relevant actors can learn lessons from the country's history and avoid the pitfalls into which they have previously stumbled. After a half decade of constant fighting, both sides entered this peace process in part due to mutual exhaustion. They also entered with considerable institutional wisdom, learning, powerful memories, and not an insignificant amount of political baggage. Many of the guarantees built into the peace agreement regarding the demobilization of the FARC reflect this past experience with peace-building and fears of repeating past failures. Such memories, along with Colombia's democratic government and the existence of many different forms