



Tom Lantos Human Rights Commission Hearing
Peace and Victims' Rights in Colombia

Kroc Institute for International Peace Studies
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Chairman Hultgren, Chairman McGovern, and distinguished members, thank you for inviting us to testify today.

My name is Elise Ditta and I am a research associate for the Peace Accord Matrix project of the Kroc Institute for International Peace Studies at the University of Notre Dame. My goal today is to provide the Commission an overview of the progress and challenges to the implementation of the Colombian Peace Agreement.

The 2016 Colombian Peace Agreement, which sought to end a more than 50-year-old armed conflict, tasks the Peace Accords Matrix project with monitoring the implementation of the commitments in the accord. A research team at the University of Notre Dame, as well as 30 researchers in Colombia assess implementation advances and gaps for 578 commitments, including 130 with a specific gender perspective. We provide whole-of-accord analysis to guide decision makers in identifying implementation priorities and avoiding negative cascading effects that could impede the consolidation of peace.

This focus on implementation is born out of one of the main findings of our research on other comprehensive peace agreements: high levels of implementation of the commitments in a peace agreement have positive and significant long-term effects on economic and social development and the durability of peace. In other words, more implementation is likely to lead to a more sustainable peace.¹

Overview of implementation

The report we are submitting to Colombian officials this month assesses the state of implementation at the 18-month mark, through May 2018. We find that compared to 34 other comprehensive peace agreements, Colombia is at an average pace of implementation, with an average growth of approximately 4% newly implemented commitments each month. More than half of the commitments in the accord have been initiated and just under 1/5 have been completed. Many of these are short-term measures related to ending the conflict and establishing the legal infrastructure for implementation.

However, the majority of the reforms outlined in the agreement are intended to correct social inequalities and institutional deficits in Colombia that are widely considered root causes of the armed conflict, including reforms to address specific needs of women and ethnic groups. To date, little progress has been achieved in implementing these long-term structural reforms. In fact, those provisions focused on the needs of women and ethnic groups have lower levels of implementation compared to the rest of the Accord.

Challenges for long-term implementation

¹ Joshi, Madhav, and Jason Michael Quinn. "Implementing the Peace: The Aggregate Implementation of Comprehensive Peace Agreements and Peace Duration after Intrastate Armed Conflict." *British Journal of Political Science* 47, no. 4 (2017): 869–92.; Joshi, Madhav. "Comprehensive peace agreement implementation and reduction in neonatal infant and under-5 mortality rates in post-armed conflict states, 1989-2012." *BMC International Health and Human Rights* 15, no. 27 (2015).





I will highlight three areas where long-term, structural change is a priority: security and protection guarantees, rural reform, and justice for victims.

Security guarantees for social leaders and FARC ex-combatants

Structural changes are necessary to assure security and protection of social leaders, rural communities and FARC ex-combatants. Despite deployments of more than 80,000 members of the armed forces, there is continued violence and targeted killings.² Security forces must transition from a strategy of counterinsurgency to a framework of human security and community protection.

In addition to its human costs, the continuing violence also impedes implementation of many of the Accord's core programs and poses a grave threat to the peace process in the long-term. Both national and international organizations agree that the lack of security and protection guarantees mostly affects social leaders who work for issues closely related to the implementation of the accord.³

In previous comprehensive peace agreement implementation processes, a lack of security in rural areas and the targeting of former combatants returning to their communities have had dire consequences, leading to remobilization and renewed armed conflict.⁴

In the context of the proliferation of armed groups in areas formerly controlled by the FARC, the new government will need to strengthen investigative measures for these crimes and ensure coordination of targeted protective measures for leaders, especially those representing women, the LGBTI community, indigenous peoples and Afro Colombians.

Long-term structural changes in rural areas

In addition, one of the main pillars of the Accord is comprehensive rural reform. It establishes a number of provisions for economic and social development in rural areas, citizen participation and land reform, particularly for marginalized groups. However, most of these programs are not yet initiated or are in early stages.⁵

Comparatively speaking the slow pace of implementing rural reforms in Colombia is not an anomaly. In most cases it has taken an average of seven years to see substantial progress in reforms aimed at improving social and economic development. In the El Salvador process, for

² National Police. "Integrated Territorial Control Plan" (February 2018).

³ Defensoría del Pueblo, "Alerta Temprana" (No.026-18, February 28, 2018), 44; Programa Somos Defensores, "Piedra en el Zapato. Informe Anual 2017 Sistema de Información sobre Agresiones contra Defensores y Defensoras de DD.HH. en Colombia SIADDHH", (Bogotá, 2017), 10; Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (OACNUDH), "Informe Anual del Alto Comisionado de las Naciones Unidas para los Derechos Humanos sobre la situación de los derechos humanos en Colombia" (A/HRC/37/3/Add.3, 2 de marzo de 2018), 3; Organización de las Naciones Unidas (ONU), "Informe del Secretario General sobre la Misión de Verificación de las Naciones Unidas en Colombia" (S/2018/27, April 2 2018), 11.

⁴ David Keen, *Conflict and Collusion in Sierra Leone*. New York: Palgrave Macmillan, 2005,193-197.

⁵ High Presidential Council for the Post Conflict, "Seguimiento a los Planes Nacionales" (December 10, 2017).





example, land transfers to the *Banco de Tierras* were very slow, with only 200 people having received land at the 18-month mark. The land titling program was also delayed. In Guatemala at the two-year mark, the process was arguably slower, with no action taken on the proposed land trust. In Bangladesh, it took more than two years for the Land Commission to begin operations and four years for the creation of the Land Disputes Resolution Commission.⁶

The extended timeline required for the implementation of rural reform provisions, however, is not an argument for complacency or inaction. On the contrary, steady consistent action is needed to advance rural reform in the face of the bureaucratic inertia and resistance from vested interests that often stand in the way.

The Accord's provisions for enhancing the participation of women and ethnic communities as well as mechanisms for decentralized implementation provide a way to overcome the traditional limitations of the Colombian governmental institutions at the local level.

Victim-focused Transitional Justice

Another key issue is establishing an extensive system for justice and victims' rights.

Progress is underway in the core programs for transitional justice. The Jurisdiction for Peace (JEP) opened its doors in March 2018, and the Truth Commission became operational in May 2018.⁷ Generally speaking, the implementation of Colombia's transitional justice system is well ahead of those in other accords.⁸

In the 12 previous CPAs that called for transitional justice mechanisms, none achieved full implementation in the first year. By the end of the second year, only the El Salvador truth commission completed its work, and 67 percent were inactive or minimally implemented. In South Africa, it took a couple years of additional negotiation after the signing of the initial agreement to establish and begin the operations of the Truth and Reconciliation Commission. In Nepal, at the year and a half mark, the draft Truth and Reconciliation Commission bill had not been approved by parliament. In Guatemala and El Salvador, by contrast, truth processes proceeded quickly. In El Salvador, the Commission on Truth released a 200-page final report before the 18-month mark, documenting 22,000 human rights violations between 1980 and 1991.

Although Colombia has made significant progress in this area, the incoming Colombian president has stated his intention to "overhaul" parts of the transitional justice system,

⁶ Joshi, Madhav, Jason Michael Quinn, Patrick M Regan. "Annualized implementation data on comprehensive intrastate peace accords, 1989–2012." *Journal of Peace Research* 52, no. 4 (2015): 551-562.

⁷ "La JEP abre sus puertas al público," *El Espectador*. March 14, 2018, <https://www.elespectador.com/noticias/judicial/la-jep-abre-sus-puertas-al-publico-articulo-744360>; "Vamos a buscar la verdad sin importar quién sea el presidente: padre Francisco de Roux," *El Espectador*. May 6, 2018, <https://colombia2020.elespectador.com/verdad-y-memoria/vamos-buscar-la-verdad-sin-importar-quien-sea-el-presidente-padre-francisco-de-roux>.

⁸ Joshi, Madhav, Jason Michael Quinn, Patrick M Regan. "Annualized implementation data on comprehensive intrastate peace accords, 1989–2012." *Journal of Peace Research* 52, no. 4 (2015): 551-562.





specifically the Special Jurisdiction for Peace. This is a concern for many actors who see these changes, especially in terms of assuring justice for the LGBTI community and assuring the participation of the armed forces, as contrary to the spirit of the accord.⁹

Transitional justice issues are usually contentious in peace processes, as countries wrestle with the paradox of bringing to justice those who have committed crimes in the past while attempting to negotiate a comprehensive peace that prevents further atrocities in the future.

Conclusions

In general, the implementation process in Colombia is moving ahead steadily, with more than half of the commitments of the accord in various stages of implementation. However, this does not mean that success is guaranteed, or that the risk of renewed conflict has disappeared. On the contrary, concerns about the lack of security and protection guarantees and the slow progress of rural reform could undermine the goal of sustaining peace and achieving development.

In the months ahead, the focus will turn increasingly to territorial implementation of the reforms already approved by law. It will be necessary to improve the delivery of public goods, and to create a more inclusive and participatory governmental system and society, reducing historic inequalities particularly for women, Afro Colombians and indigenous communities. Through persistent attention to these fundamentals, Colombia can fulfill the promise of the Accord to achieve greater development and peace.

Again, thank you for allowing me the opportunity to share our work with the Commission. I am happy to answer any questions.

⁹ International Crisis Group, “Risky Business: The Duque Government’s Approach to Peace in Colombia” (June 21, 2018).

