

How can the United States help Colombia achieve peace?

By: Lisa Haugaard, Latin America Working Group, October 2014

The Colombian government and Revolutionary Armed Forces of Colombia (FARC) guerrillas are advancing steadily in negotiations in a peace process that could bring an end to 50 years of brutal conflict. They have already reached agreement on three of six “chapters” of a final accord, on rural development, political participation, and drug policy. In August 2014, they began discussions on the victims’ rights chapter.

This peace process has advanced farther than any such negotiations with the FARC in recent times. “This is farther than we have come in many years.... I know that we can achieve peace, many other countries have managed to do so,” said Clara Rojas, a newly-elected congresswoman for the Liberal Party who was kidnapped and held in captivity by the FARC guerrillas for six years.ⁱ In the June 2014 presidential runoff election, Colombians reelected Juan Manuel Santos in a decisive, if hardly unanimous, vote for peace.

The governments of Norway and Cuba are acting as “guarantors” of the peace process, with Venezuela and Chile playing supportive roles. While the United States government is not playing an official role in sponsoring the peace talks, **the United States can play a vitally important role in supporting the negotiations now and in supporting peace accord implementation in the critical years to come.** The United States has invested 9 billion dollars in Colombia, mainly directed at the war and counternarcotics activities. Now is the time to invest in peace.

Over 220,000 people have been killed in this conflict, 81 percent of them civilians. More than 6 million people have been internally displaced. (See this [infographic](#) on the human toll of the war.) As one Colombian indigenous leader recently said, echoing a sentiment held by many, “We have never lived a single day of peace.... We want to leave to our children the possibility of living in a country at peace.”

Without a successful accord, war would grind on for years to come. While the FARC guerrillas are weakened, they still have the power to take armed actions every day. Moreover, the conflict among the guerrillas, armed forces and other armed actors would continue to brutalize the civilian population. Only a well-constructed peace process that is fully implemented can stop the tragic impact on the civilian population and achieve the vibrant and inclusive democracy that all Colombians deserve.

How can the United States support the peace process?

- **Vocally support the peace process until the final accord is signed.** The peace process still faces obstacles. Even though public support for peace has grown, some sectors of the Colombian public find it hard to believe in peace after so many years of war. Certain sectors within the armed forces and political parties oppose negotiations. Especially as there is no ceasefire, acts of violence by the FARC or by the armed forces can put strains on the peace process. The United States can help to “surround” the peace process with support. This should be done via frequent declarations by high-level administration officials, private diplomacy by the U.S. Embassy with key actors such as army

leadership and business associations, congressional public statements and “dear colleague” letters, and civil society pronouncements.

- **Encourage both parties to the negotiations to incorporate victims’ perspectives into the final accords.** Although the exact balance struck is a decision for Colombian society, the international community can encourage negotiating parties to ensure the accord fully addresses crucial issues of victims’ rights to truth, justice, meaningful individual and collective reparations and guarantees that the brutal past will not be repeated. Fortunately, a broad range of victims are indeed being consulted, but the international community should encourage their perspectives to be fully taken into account in the accords. The broad range of victims whose perspectives should be incorporated include: a) victims of all armed actors, including the FARC and ELN guerrillas, the paramilitary forces and their successors, and the Colombian armed forces and intelligence services; b) women, Afro-Colombians and indigenous peoples, Roma people, victims of the targeting of the Union Patriótica political party, human rights defenders and labor leaders, and members of the LGBT community; c) families of the disappeared, survivors of kidnapping, land mine victims, families of extrajudicial execution victims, and survivors of sexual violence.
- **Encourage both parties to include a joint commitment in the peace accords to end the use of, identify and remove land mines,** including a reference to the United Nations Mine Action Guidelines for peace agreements. Comprehensive joint mine action initiatives are essential for other elements of peace accord implementation to take place, such as for internally displaced persons and refugees to return, for land restitution to occur, and for rural development programs to advance.
- **Urge adequate protection for victims’ representatives, human rights defenders and peace activists as peace is negotiated.** Threats and attacks against these groups are escalating as negotiations advance, including against several of the victims’ representatives who traveled to address the negotiating teams in Havana. The Colombian government must provide adequate protection for vulnerable individuals, including prompt and effective investigations and widely-publicized declarations of government support, as well as physical protection measures.
- **Express support for the benefits of peace once the accords are signed.** The accord may go to a referendum or to the Congress to be approved. This is another key moment in which the international community needs to encourage constituencies for peace within Colombian society and express support for peace.
- **Encourage negotiations to move forward with the ELN, Colombia’s remaining significant guerrilla force, and if possible, the EPL as well.** The Colombian government announced in June 2014 that preliminary conversations would move forward, although the timing and method is not clear. The ELN still conducts operations in several areas of Colombia. Only if an accord is reached with the ELN as well will peace be consolidated.

How can the United States support the consolidation of peace?

- **Plan to support peace accord implementation with substantive, multi-year resources.** The current immigration crisis from Central America shows the costs of not investing sufficiently in peace accord implementation. The United States should not scale down resources for Colombia, but redirect them from military support towards programs broadly geared to peace accord implementation.

This peace accord implementation aid should be planned now and must be ready to be rolled out as soon as accords are signed. See pages 7-8 for a description of the kinds of assistance needed.

- **Encourage other international donors to contribute to peace accord implementation.** A significant problem facing the Colombian peace process is that European donors active in Colombia have scaled down their investments. The U.S. government should encourage other international donors, including European and Latin American governments, to generously support peace accord implementation. U.S. and other international donors should coordinate their efforts to be most effective.
- **Closely monitor peace accord implementation over the next several years and provide diplomatic, political and public pressure to fully implement the peace accords.** Peace does not arrive when an accord is signed. A well-designed peace accord provides an invaluable blueprint for carrying out the structural reforms that are needed to consolidate real peace on the ground. The State Department, Embassy, U.S. Congress and international civil society actors should at key moments issue public statements and conduct diplomacy to urge full compliance by all parties with the accords.
- **Fund on a multi-year basis strong peace accord verification mechanisms, both via international organizations and civil society monitoring.** The U.S. government should support the official verification mechanism that emerges from the accords. In addition, it should expand support to the office in Colombia of the UN High Commissioner for Human Rights to conduct human rights monitoring, expand its field presence to do so, build local capacity for human rights monitoring and human rights programming, and support peace accord implementation related to human rights. USAID should broaden its efforts on a multi-year basis to support diverse Colombian civil society initiatives to monitor peace accord implementation and human rights throughout areas affected by the conflict. The U.S. government has already committed to fund the OAS verification mechanism, the MAPP-OEA, which had monitored the paramilitary demobilization, but by itself this will not be sufficient.
- **Ensure that the U.S. government itself fully respects the peace accords.** The U.S. government cannot call on all parties to fully implement the accords without being willing to adhere to the accords itself. This may require some, if modest, modifications to current U.S. policy to Colombia. For example:
 - **Focus on participatory rural development as a principal counternarcotics strategy.** In the drug policy chapter, the two parties agreed to a drug policy that is focused on working with rural communities to design and implement voluntary eradication and sustainable development plans. Forced eradication, including aerial spraying, is only permitted as a last resort. The U.S. government will have to place more of its efforts in sustainable rural development and voluntary community eradication programs and reduce aerial spraying as a regular tool to comply. This approach is in any case more sustainable and with the conflict winding down, will be considerably easier to implement.
 - **Flexibly treat U.S. extradition requests for FARC leaders on drug trafficking charges.** While the U.S. executive branch has no power to withdraw these requests regarding FARC leaders who are not already in U.S. jails, and the requests will remain on the books, the United States can and should respond flexibly according to the outcome of the accords. This may mean accepting a Colombian government decision not to extradite demobilized FARC leaders, as FARC leaders may not demobilize otherwise.

The United States should support efforts to establish truth.

- **To support a Truth Commission, declassify U.S. documents related to the armed conflict.** The White House should issue an executive order to declassify U.S. documents related to the Colombian armed conflict to the maximum extent possible and on an expedited basis from all relevant agencies, including policymaking bodies as well as diplomatic, military, intelligence and law enforcement agencies, in order to support the Truth Commission's investigations. The U.S. government has an enormous quantity of information about the Colombian conflict and human rights and humanitarian law violations by all parties that would be invaluable to such a commission. There are many precedents for such action; Presidents Bill Clinton, George W. Bush and Barack Obama declassified documents for truth commissions and other efforts to uncover historical truths in Guatemala, El Salvador, Chile, Peru, Panama and Brazil. To be of maximum use to a Truth Commission, this order must be issued and implemented expeditiously.
- **Encourage the Colombian government to declassify documents, including all relevant military and intelligence archives, for the Truth Commission.** In addition, urge the Colombian government to ensure that false information regarding human rights defenders is purged from military intelligence files.
- **Encourage an effective Truth Commission.** As peace is being negotiated, encourage a Truth Commission that will incorporate victims, not as mere providers of testimony, but as active participants in establishing the truths about the conflict. Encourage the truth commission not just to release a report but to establish an ongoing broad, nationwide educational process to incorporate the findings into public education curriculum, arts programs, regional civil society educational programs, media, and other creative outlets.
- **Financially support the Truth Commission.** Provide substantial U.S. financial assistance to the Truth Commission, for both its investigative and educational responsibilities.
- **The U.S. Justice Department should grant access for Truth Commission members and victims and their representatives to FARC members currently in U.S. jails, as well as extradited paramilitaries, drug traffickers and military members, in order to contribute to establishing the truth and revealing the crimes they committed.** This has a precedent in the access that the U.S. Justice Department granted to Colombian prosecutors to interrogate paramilitary leaders in U.S. jails. However, access to these extradited prisoners should be broader than it was in this strictly limited case.
- **Encourage the Colombian government to fully implement a plan to identify, locate, and establish the truth regarding the disappeared, and to return remains to their families.** This whole process must be carried out in consultation with relatives and associations of families of the disappeared.

To support peace consolidation, the United States should encourage a new and more limited role for the Colombian armed forces.

- **Encourage the Colombian government to transition to a new and more limited role for the armed forces, as civilian law enforcement expands in post-conflict zones.** With its close partnership with the Colombian armed forces, the U.S. government has a special role to play, and should adopt an unequivocal, inter-agency policy encouraging this new role. Expanded police forces, trained in community policing techniques and respect for human rights, with strong internal and external oversight control mechanisms, should be replacing Colombia's armed forces in conducting law enforcement in rural as well as urban areas. Such police forces should be under the civilian interior ministry rather than the defense ministry, a change which is currently being contemplated.
- **The Southern Command should, in accordance with U.S. government support for the peace accords, leverage its influence with armed forces commanders to encourage them to accept this transition.** While U.S. training of the armed forces should scale down substantially, any continuing training efforts should be focused on the external defense functions appropriate to the armed forces.
- **Encourage greater respect for human rights by members of the police and armed forces.** If Colombia is to consolidate peace, both the expanded police forces and the armed forces must increase respect for human rights. Strictly implemented human rights conditions (both the Leahy Law and the Colombia-specific human rights conditions) on all U.S. security assistance remain important. The U.S. government should encourage the Colombian government to ensure that human rights crimes credibly alleged to be committed by members of the armed forces remain in civilian courts and should oppose any changes that would shift such human rights crimes into military jurisdiction. The U.S. government should also encourage the Defense Ministry to suspend and remove officials engaged in human rights crimes.
- **The U.S. government should not promote and fund the use of the Colombian military to train other nations' militaries or police forces.** Although the State and Defense Departments have touted this as a cost-effective way of leveraging U.S. investments in Colombia, the human rights record of the Colombian military, particularly with the false positive scandal, makes this a reckless choice.

To support peace, the United States should encourage and fund the strengthening of human rights.

- **Urge the Colombian government to prioritize dismantling of paramilitary successor groups and the investigation and prosecution not only of these groups but of the members of the armed forces and police that aid, abet and tolerate them, and of the national and international companies and landowners that employ, promote and finance them.** Successor paramilitary groups continue to threaten communities and to block restitution of land to displaced persons in many areas of the countryside. In addition, in August 2014 many paramilitary leaders who have completed their eight-year terms under the Justice and Peace Law governing the paramilitary demobilization will be leaving jail, causing fear in the communities to which they may return, especially as some continued criminal activities from their jail cells. To achieve peace, not only must the FARC guerrillas fully demobilize and desist from any criminal activity, but the Colombian government must address the real problems with the paramilitary demobilization that began in 2005 and ensure a fuller demobilization of these groups, rearmed and new paramilitary groups, and sanction those who aid, abet and employ them.

- **Urge the Colombian government to prosecute and punish those responsible for illegal enrichment and illicit land takeovers, and associated human rights crimes, money laundering and corruption, whether carried out by legal or illegal, armed or unarmed actors.** Such practices and the impunity in which they thrive have been an obstacle for restoring land and reparations to victims and constructing peace. The U.S. government can support judicial agencies in regular and transitional processes to help establish responsibility and punish those who promoted, abetted or financed the displacement of over 6 million people.
- **Protect demobilized combatants.** A nearly insurmountable obstacle to peace in Colombia has been the bitter history of the assassinations of demobilized guerrillas and the assassinations of more than 3,000 members of the Unión Patriótica, a leftist political party. This must not happen again. The United States must work with the Colombian government, demobilized combatant representatives, and members of the international community to create and help fund the protection framework needed to avoid this history being repeated.
- **Protect human rights defenders, labor leaders and journalists.** Following a peace accord, human rights defenders, labor leaders and journalists, in grave danger in Colombia, will continue to be at risk. Yet the international community and Colombian government attention and resources may turn to demobilized combatants. While protecting demobilized combatants is an essential component of successful peace accord implementation and is especially important in Colombia, attention and resources for protecting human rights defenders should be expanded, not diverted. The United States should urge investigation and prosecution of threats and attacks against human rights defenders as a crucial method to reducing violence against them.
- **Protect the rights of Afro-Colombian and indigenous communities and members of the Roma people.** These communities will face special risks in a transition to peace. The United States should encourage the Colombian government to respect these communities' requests for the kind of public security and the kind of development that they require. For example, indigenous communities will seek to strengthen their own civilian security, the Guardia Indígena, and Afro-Colombian and indigenous communities may develop protection plans that should be respected and supported. In addition, in a post-conflict environment, mining and other extractive industries, as well as agroindustrial and infrastructure projects, will undoubtedly expand. These companies tend to try to expand in resource-rich indigenous and Afro-Colombian collective territories, and sometimes employ violent actors to overcome community resistance to environmentally-damaging projects. The U.S. government should encourage the Colombian government and U.S. companies who are investing in such industries to respect the rights of these communities to prior consultation and to decide, with free, prior and informed consent, the development strategies used in their territories. In addition, the U.S. government should encourage the Colombian government to fully implement Constitutional Court rulings that protect indigenous and Afro-Colombian communities and collective territories.
- **Protect women's rights.** Women are particularly at risk for human rights abuses, including sexual violence, in post-conflict situations. The U.S. government should encourage the Colombian government to promote the active participation of women victims of violence. The Colombian government should be urged to develop and implement a plan to prevent sexual violence and gender-based violence nationally but especially in the communities where demobilizations are going to take place, and to care for victims. Women should be active participants in the construction of the transitional justice framework and their rights to truth, justice and reparations should be guaranteed.

What should post-peace accord U.S. aid to Colombia look like?

U.S. aid will play a critically important role in consolidating peace in Colombia. USAID will be the lead international donor and its fifteen years of experience in Colombia allow it not only to design effective programs but to use them to leverage constructive changes in Colombian government policy and programs.

Throughout its programming, USAID should increase the percentage of assistance it provides to a broad range of civil society initiatives, as a stronger civil society is essential to consolidate peace.

There are many ways in which U.S. assistance can be helpful. Here are just some suggestions:

- **Verification of the accords.** U.S. assistance should substantially and for a multiyear period support peace accord and human rights verification. This should include funding for the official verification mechanism agreed upon in the accords. In addition, the U.S. should fund human rights verification by the United Nations High Commissioner for Human Rights' office in Colombia. USAID should also substantially support a broad range of civil society initiatives, including those by women,ⁱⁱ small farmers' associations, indigenous and Afro-Colombian organizations, to monitor peace accord implementation and to carry out human rights monitoring in former conflict zones.
- **Supporting efforts to construct truth.** USAID should vigorously support Truth Commission efforts, should encourage the active participation of all sectors of victims in developing and implementing programs and should help to promote a broad societal educational outreach effort. U.S. Institute of Peace (USIP) can also play an important role in fostering historical memory initiatives.
- **Justice and human rights.** U.S. assistance should continue to strengthen judicial systems and expand reach into post-conflict areas, as well as to fund transitional justice mechanisms that emerge from the accords. USAID should continue its human rights program and expand strengthening of civil society human rights organizations, especially in post-conflict areas.
- **Search for the disappeared.** USAID should fund efforts to locate the disappeared, conduct exhumations, return remains to family members, and provide psychosocial services to families of the disappeared, all with the active participation of the families of the disappeared.ⁱⁱⁱ
- **Collective reparations.** Both individual and collective reparations—i.e. important measures to protect groups and communities especially affected by the war, such as Afro-Colombian and indigenous communities, labor unions and the Unión Patriótica survivors—are already agreed upon or will emerge from the peace accords. USAID can be especially helpful in leveraging funding to encourage adequate and thoughtful implementation of collective reparations.
- **Demobilization and reintegration of ex-combatants.** The U.S. government can provide assistance for demobilization and reintegration programs for ex-combatants. This should include specific, appropriate psychosocial programs for child combatants and women combatants. Currently, there is not adequate attention to the needs of those who have been sexually abused as child and women combatants and plans and programs to address this are urgently needed.
- **Demining.** Once a peace accord is signed, the need and opportunity for demining escalates, as it must happen before internally displaced persons and refugees return. The U.S. government can provide technical assistance to map and remove land mines. Areas requiring demining should be prioritized according to humanitarian necessities and the needs of communities. Programs must be implemented with the consent of communities; in indigenous communities, they should be carried out with leadership of the Guardia Indígena.
- **Rural development.** USAID should continue alternative and rural development programs, adhering to the voluntary eradication and community participation norms of the peace accords.
- **Urban peace-building.** It is not just the rural areas that need attention in a post-conflict era. Cities will be affected by the presence of demobilized combatants and the continued presence of

paramilitary successor groups, and will need to continue to grapple with rebuilding the lives and livelihoods of the several million internally displaced persons, many of whom will never return to the countryside. USAID should fund peacebuilding, community building and programs for internally displaced persons in strongly affected urban areas, working with dedicated mayors, municipalities and civil society organizations.

- **Afro-Colombian and indigenous community programs.** USAID should continue supporting Afro-Colombian and indigenous communities' own plans for development and communal security. Job training and educational programs have been identified as priorities. As extractive industries, agroindustrial and infrastructure projects may expand as peace takes root, USAID must be careful not to support activities that are not fully supported by communities via authentic "prior consultation" mechanisms that guarantee free, prior and informed consent.
- **Land restitution and collective and individual land titling.** USAID should continue funding land restitution programs as well as individual land titling and collective titles for Afro-Colombian and indigenous communities. Particular emphasis on titling for women heads of households is essential. In post-conflict areas, land restitution and titling programs must be accompanied by protection and prevention plans developed by returning communities to ensure that land restitution is safe and sustainable.
- **Land Fund for post-conflict period.** USAID should support efforts to create the Land Fund established by the accords, strengthening agencies charged with recovering lands that have been idle and occupied illegally. The U.S. government, as a partner in counternarcotics efforts, should support Colombian authorities charged with carrying out the asset forfeiture law to recover the illicit gains that have been accumulated within and outside Colombia, which should be invested in individual and collective reparations for victims and in the reconstruction of communities affected by violence and the armed conflict.

ⁱ Clara Rojas via video at event sponsored by U.S. Institute of Peace, Latin America Working Group Education Fund and Washington Office on Latin America, U.S. Institute of Peace, July 29, 2014, <http://www.usip.org/publications/colombia-s-war-survivors-appeal-us-support-responsibility> .

ⁱⁱ See women's organizations' proposals on peace accord verification and implementation, "[National Summit of Women for Peace](#)," Bogota, 23-25 October 2013.

ⁱⁱⁱ See proposal by 25 organizations of families of the disappeared to the negotiating table, "Llamamiento y propuestas a la 'mesa de dialogos de paz' Gobierno-FARC, de las organizaciones de victimas de desaparicion forzada." <http://justiciapazcolombia.com/Llamamiento-y-propuestas-a-la-Mesa>