

# Peace Infrastructure in Colombia

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This Berghof Foundation study from January 2014 stems from and nurtures two of the Foundation's lines of work: the recent conceptualisation and discussion of peace infrastructures conducted in the context of the Berghof Handbook Dialogue (Unger et al, 2013) and the Foundation's work in Colombia.

By mapping Colombian peace structures, this publication seeks to promote and enrich discussion on how to leverage these structures with their different levels, actors, and sectors in a manner that enables them to meet the country's multiple needs. This is particularly relevant in the context of the current negotiation process, the implementation of a possible agreement, and potential future negotiations.

The following analysis was written by Silke Pfeiffer on the basis of interviews and documents in December 2013 and subsequently discussed with a number of Colombian actors. We thank her and the interviewees for sharing their experiences and contributions, as well as Isabel Restrepo for an initial outline of Colombian institutions. We hope that the efforts during 2014 in potentiating and activating Colombia's peace infrastructure elements meet with success.

The study was written in Spanish and then translated into English and German.

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# 1 Executive Summary

Peace infrastructures are understood as a series of interconnected and institutionalised spaces with responsibilities assigned to them by conflict parties, and through which the latter engage with other actors to build peace and sustain it over time. In several countries, peace infrastructures have proved to be very useful at different moments of both the conflict and post-conflict periods. Colombia is experiencing both of those conditions at once. After half a century of internal armed conflict and three decades of peacebuilding efforts, Colombia has a great deal of experience and good foundations for the development of a peace infrastructure. The current negotiation process between the government and the Revolutionary Armed Forces of Colombia (FARC) offers a significant opportunity to invest in these foundations and thereby strengthen the basis for both the ongoing negotiation and the subsequent stage of building a lasting peace.

A peace infrastructure gives peace visibility within a system of government. Considering that society as a whole should engage in the task of peacebuilding, the elements of said infrastructure are established at different levels. They contribute to conflict transformation in different ways: They can support a negotiation process, contribute to the prevention of violence and the protection of the population, or provide humanitarian assistance. They may contribute to structural reforms aimed at overcoming the causes of conflict, to the reintegration of former combatants, or attend to victims' rights, both of the latter typically associated with the post-conflict period. Thus, the functions of these peace infrastructure elements vary between advice, capacity building, mediation, facilitation, monitoring, and advocacy.

Over the last three decades many structures have been established in Colombia that can be understood as elements of a peace infrastructure although they may not have been initially conceived as such. While the High Commissioners for Peace have been the visible face of the respective administrations' peace policies as well as the central figures behind negotiation processes with different armed groups, institutions such as the Early Warning System or the National System for Unified Attention to the Displaced Population have represented important reference points for the prevention of violence and for humanitarian assistance, respectively. The National Commission for Reparation and Reconciliation or the new National System for the Comprehensive Attention and Reparation to Victims, both post-conflict institutions established in the midst of the conflict, stand out for their commitment to inclusiveness and horizontal and vertical integration, that is, between different entities and government levels.

Colombia's civil society has been an active promoter of negotiated solutions to the conflict, the defense and protection of victims' rights, and the pursuit of non-violent coexistence, both on the national and regional level. This also includes institutions such as the Church. The Colombian state therefore counts on important civil society interlocutors in building up a peace infrastructure.

These experiences and structures are a great asset for the country. At the same time, many entities strongly depend on the respective presidents, a fact that has prevented their institutionalisation as a matter of state policy. Another challenge is the existing gap between the commitment and capacities of national and local institutions, giving rise to high levels of distrust between the state and communities in many conflict zones and impeding collective peacebuilding. Furthermore, while some institutions like the National Peace Council stand out on paper, their potential has remained completely unexploited in practice. There is also a complete absence of non-proscribed channels and spaces for communication between society and the guerrillas beyond the ongoing process in Havana. Finally, there are few links between the different institutions whose mandate could be framed as peacebuilding. Thus, although these institutions could potentially function as such, they do not yet constitute a peace infrastructure.

This aspect is evident in the ongoing peace process between the government and the FARC. While it represents the best opportunity to put an end to the conflict with that armed movement, greater social

ownership and the preparation of society to face the enormous challenges posed by a post-agreement phase are required. Responding to both of these needs are genuine functions of a peace infrastructure. To postpone its establishment until an agreement with the FARC is reached would therefore be very risky.

Now is the time to begin building on existing foundations, provide the different elements with a clear mandate, specific duties, appropriate budgets, competence, and legitimacy, and ensure that good ideas on paper become an effective peace infrastructure capable of promoting peace and sustaining it overtime.

## 2 Peace Infrastructures

Countries that experience protracted armed conflicts are usually very well prepared for war. Apart from having well-equipped and highly trained armed forces, they have established institutions endowed with the necessary resources to design and implement security strategies that, in one way or another, have an impact on society as a whole. In which settings and with which resources do these institutions and societies prepare for peace? Do their governments have an "address for peace" next to the Ministry of Defense?

The concept of peace infrastructures is grounded in the premise that good will or negotiations between the conflict parties are not enough for a non-military end to a conflict and for building a lasting peace. It is necessary to establish permanent spaces endowed with legitimacy, mandate, and resources with which the different stakeholders, including the conflict parties, can prepare peace and sustain it over time.

Colombia has lived half a century of armed conflict and more than three decades, with interruptions, of trying to build peace through negotiation. The ongoing negotiation process with the Revolutionary Armed Forces of Colombia (FARC) offers a great opportunity to put an end to the conflict with the oldest guerrilla group in the Americas and thus make significant progress toward peace. There is also a possibility of creating a negotiating table with the second most important guerrilla group, the National Liberation Army (ELN). How developed is the peace infrastructure in Colombia and what steps can be taken so that it can actually help prepare and sustain peace?

These are the questions this study hopes to answer. The Berghof Foundation has actively contributed to the conceptual development and practical application of the concept of peace infrastructures in different parts of the world (Unger et al 2013). On the basis of that work, this study maps and analyzes the Colombian experience and offers recommendations on how to strengthen existing structures in view of the opportunities offered by the ongoing peace process.

### 2.1 The Concept of Peace Infrastructures

As the international community has acquired experience in the field of peacebuilding, awareness has also increased with respect to the fact that peace cannot be the result of a single intervention or peace agreement, but that it requires more complex processes. Peacebuilding is the task of society as a whole – including governments and armed actors. It implies profound political, economic, social, and cultural transformation processes. That is why we speak of conflict transformation. The concept of peace infrastructure has developed in this context to support those transformation processes.

There is neither a single definition of peace infrastructure nor a fixed model that can be transferred from one situation to another. It is an evolving concept that is constantly being enriched by practical

experiences and whose implementation is conditioned mainly by its context. In 1997, John Paul Lederach, the first to define the concept, stated that

*Building peace in today's conflicts calls for long-term commitment to establishing an infrastructure across the levels of a society, an infrastructure that empowers the resources for reconciliation from within that society and maximises the contribution from outside.* (Lederach 1997, xvi).

Thirteen years later, representatives of governments, political parties, civil society, and United Nations country teams from 14 African countries met to agree on an alternative definition of peace infrastructure as a:

*Dynamic network of interdependent structures, mechanisms, resources, values, and skills which, through dialogue and consultation, contribute to conflict prevention and peacebuilding in a society* (Kumar 2011, 385).

The Berghof Foundation has contributed to the debate by expanding on this relatively broad definition, emphasising **organisational aspects** rather than peacebuilding **processes** (Hopp-Nishanka 2013). It has established the following key characteristics of peace infrastructures:

- ≡ The formalisation of spaces as an important criterion to give them stability and authority. For this reason, Berghof emphasises the importance of a clear mandate and of an institutionalisation within a system of government. Despite potential trade-offs related to government participation in some cases, the Foundation stresses the significance of commitment by at least one of the conflict parties for the peace infrastructure to be effective, though ideally all parties should be involved.<sup>1</sup>
- ≡ A domestic foundation, as opposed to what is commonly known as peacebuilding architectures established by the international community.
- ≡ Institutional manifestation at all levels of society, as well as interdependence and vertical (between levels) and horizontal (among the entities at one level) integration.
- ≡ Varying degrees of inclusion in peace infrastructures. Beyond government commitment, additional conflict parties, civil society, and other stakeholders may participate in the different elements of a peace infrastructure. The composition of a space is closely related to its legitimacy and capacity to fulfil its mission (Odendaal 2012), while the degree of inclusiveness is always conditioned by local dynamics that often result in less than optimal solutions with respect to representativeness.

Peace infrastructures are frequently associated with the implementation of a peace agreement where they can be crucial in helping uphold the commitment of the parties in a highly volatile context of political priorities (Odendaal 2012). However, they can also play important roles in situations of violence or risk thereof, or in any other phase of an armed conflict or its transformation. Their main objective may therefore vary between contributing to (i) prevention of violence, (ii) humanitarian assistance, (iii) conflict resolution through negotiation and/or dialogue, (iv) implementation of peace agreements, or (v) overcoming the structural causes of violence.

Depending on their main objective and on the phase of the conflict in question, the elements of a peace infrastructure serve different functions, which include:

- ≡ capacity building, advisory services, and internal consultation for the conflict parties;
- ≡ facilitation of communication or mediation between conflict parties or with other stakeholders;
- ≡ contribution to the implementation, monitoring, and coordination of activities agreed upon by the conflict parties and other stakeholders;
- ≡ giving voice to particular social sectors; advocacy.

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<sup>1</sup> Spaces established by civil society can be part of a peace infrastructure, but alone, they do not constitute a peace infrastructure (Hopp-Nishanka 2013).

## 2.2 Peace Infrastructures in Practice

Practical experiences of peace infrastructures have confirmed the usefulness of the concept and illustrated the diversity of its manifestations. A prominent case of a bottom-up national peace infrastructure is that of Ghana<sup>2</sup>, whereas the South African case represents a top-down infrastructure established in the post-Apartheid period. While in both of these cases infrastructures were created to prevent or overcome situations of violence, those in Nepal and Central America were established in the contexts of peace agreements following armed conflicts.

The following elements of a peace infrastructure, among many others, can be identified on the basis of these practical experiences:

- ≡ **Peace Committees or Councils** are entities that coordinate or monitor the implementation of a peace agreement. In some countries, a vertical structure of committees at the national, regional, and local levels, mandated by three key actors (government, armed groups, and civil society) has proved very useful. In some cases, the National Peace Committee coordinates a country's entire peace infrastructure.
- ≡ **Peace Secretariats** have been created to support negotiation processes and assist the conflict parties. Their work during the process can even start laying the foundations for a permanent and larger peace infrastructure capable of supporting the implementation of an agreement.
- ≡ **National Peacebuilding Platforms or Forums** are more informal multi-sector advisory, consultation, or collaboration spaces.
- ≡ **Conflict Monitoring Entities and Early Warning and Response Initiatives** are mechanisms or entities with very specific tasks and competencies which are dedicated to the prevention of violence and usually form part of a larger infrastructure.
- ≡ **Truth Commissions, Memory Museums, Verification Entities** and other spaces associated with the post-conflict stage.

## 3 Peace Structures in Colombia – Experiences to Draw on

Colombia has lived through half a century of armed conflict. Apart from the Colombian state, conflict parties have included different guerrilla groups – of which the two most important, the FARC and the ELN, are still active today – and paramilitary groups which officially demobilised during a process that ended in 2006. Numerous peacebuilding initiatives, including negotiation processes with one or several armed actors, began in the 1980s. Some of these processes led to the official demobilisation of the group and in the case of politically motivated groups, to their participation in political competition. Other processes, however, failed. All of these actions took place in the midst of conflict. While negotiations were being conducted with one group, war continued against others (or against that same group, depending on whether a ceasefire had been agreed upon).

In this context, multiple spaces and institutions have been established. They can be considered elements of an incipient peace infrastructure, even if they were not conceived as such and in practice

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<sup>2</sup>The infrastructure was created in the context of violent inter-ethnic conflicts at the community level and built on the basis of the experience of an all-party advisory council in a particular region. It comprises peace advisory councils at the district, regional, and national levels; government-affiliated peace promotion officers at the regional and district levels; and a Peacebuilding Support Unit within the Ministry of the Interior (Hopp-Nishanka 2013).

often do not yet operate in a coordinated manner. Something that clearly differentiates Colombia from many other countries in conflict or post-conflict stages is the prominence and leadership of the Colombian state in formulating policies and establishing institutions aimed at responding to the conflict and promoting peace (Rettberg 2012). At the same time, there have been many civil society activities and initiatives in that field at both the national and sub-national level.

These peace experiences and capacities serve as the basis for the ongoing peace process with the FARC which represents the greatest opportunity the country has ever had to put an end to the conflict. Without claiming to be exhaustive or to evaluate each example in depth, this section presents an initial mapping of the peace infrastructure elements established over the last three decades in Colombia, as well as of the institutions supporting the ongoing peace process, on the basis of the criteria set forth in the previous section.

While acknowledging the importance of the international community's peacebuilding work in Colombia, this study focuses on the domestic infrastructure. At the same time, the study recognises that a large part of that infrastructure has benefited from support provided by international cooperation.

## **3.1 30 Years of Conflict Transformation and Peacebuilding**

Given the numerous conflict lines and actors involved, different moments of conflict coexist in Colombia. The spaces that have been established over time and could be considered elements of a peace infrastructure are, therefore, related to different phases of the conflict in which they served a variety of purposes. Many of those spaces were created to support negotiation processes with an armed group, some implemented prevention or protection programmes and others humanitarian assistance. Some spaces engaged in promoting structural changes for lasting peace while others took on post-conflict tasks. The spaces were established at different administrative levels and featured different compositions and degrees of institutionalisation.

### **3.1.1 Negotiation Processes**

During the period between the administrations of Belisario Betancur (1982 – 1986) and Andrés Pastrana (1998 - 2002), there were more than ten attempts to negotiate with over nine armed groups operating in Colombia at the time (Villarraga 2008, cited in Rettberg 2012). Some efforts led to the official demobilisation of the group, as was the case with the 19th of April Movement (M19) in 1990, the Popular Liberation Army (EPL), the Revolutionary Workers Party (PRT), and the Quintín Lame Armed Movement in 1991, as well as the Socialist Renovation Movement (CRS) – an ELN splinter group – in 1994. Other processes were interrupted and then resumed according to new parameters. Depending on the respective president's peace policy and the correlation of forces between the parties, dialogues with those groups either included crucial political, social, and economic issues, or restricted themselves to the conditions for disarmament, demobilisation, and subsequent reintegration into civilian life.

Following the failure of the peace talks between the Pastrana administration and the FARC in Caguán (1998 – 2002), President Alvaro Uribe (2002 – 2010) broke with the paradigm of a political solution to the armed conflict. Previous logics were replaced by the designation of the FARC as terrorists without any political cause or legitimacy, and the characterisation of the conflict as a phenomenon driven mainly by organised crime and not by more structural causes (International Crisis Group 2012). At the same time that the guerrillas became the main military target of the Democratic Security Policy, Uribe began negotiations with the country's diverse paramilitary groups, leading to the official demobilisation of the United Self-Defense Forces of Colombia (AUC) which was completed in 2006.

Negotiation processes during these three decades were marked more by the peace policy and specific actions of the respective presidents than by institutions. Nevertheless, the heads of government did start creating different institutional mechanisms that supported the processes in different ways. These mechanisms advised the government regarding peace policy and negotiations, directly facilitated dialogue with the armed groups, promoted the implementation of certain aspects of the agreements reached, or simply served to legitimise the processes vis-à-vis society.

Among the structures created are the following (those created in the context of the ongoing peace process are described in Section 3.2.):

### **Advisory Committees or Commissions**

Colombian governments have usually established **commissions or committees** to advise them on their peace policy or to take on specific tasks related to the negotiation process. Rarely lasting beyond the administration in power, those entities served to ensure the support of the main political forces and/or of other important sectors or institutions, among them notably the private sector and the Church.<sup>3</sup> Their legitimacy was mainly derived from the prestige and experience of their members. The representativeness of the committees, however, was limited to the country's elite. The victims of the conflict were not invited to participate, nor were there institutionalised mechanisms for consultation with social organisations. For example, during the Betancur administration, four commissions were created: the Government Peace Advisory Committee (*Comisión de Paz Asesora del Gobierno*) (40 members) whose mandate was to advise on a comprehensive peace policy (1982); the National Verification Commission (*Comisión Nacional de Verificación*) (53 members), responsible for monitoring compliance with the ceasefire agreed upon by the government and the FARC (1984); the National Commission for Negotiation and Dialogue (*Comisión Nacional de Negociación y Diálogo*) (41 members, including representatives of armed groups), in charge of advancing dialogues with other armed groups (1984); and, finally, the Peace, Dialogue, and Verification Commission (*Comisión de Paz, Diálogo y Verificación*) (32 members) which replaced the three above-mentioned entities (1985) (Arias 2008).

During the peace talks in Caguán (1998 – 2002), the National Negotiating Table was supported by the National Thematic Committee (*Comité Nacional Temático*) composed of up to 20 members and representing both sides. Coordinated by Néstor Humberto Martínez Neira, for the government, and Iván Ríos, for the FARC-EP, the Committee had the following responsibilities: organising public hearings, consolidating information, making recommendations to the Table, and directly providing information on the outcomes of grassroots participation. On the government side, members represented national and regional state authorities, civil society and media.<sup>4</sup>

Well into the negotiations, the two parties decided to create the Commission of Distinguished Citizens (*Comisión de Personalidades*), made up of four members, with each one of the parties suggesting two participants. The Commission was responsible for studying and formulating recommendations regarding two challenges affecting the negotiations: ending the paramilitary movement and diminishing the intensity of the conflict (Arias 2008).

Overall, the commissions or committees established in the context of peace negotiations had but a fleeting existence. Nevertheless, the fact that the same people tended to participate in these efforts ended up generating a certain degree of continuity<sup>5</sup>.

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<sup>3</sup>President Pastrana even promoted the participation of top business executives in his negotiating team (Rettberg 2012).

<sup>4</sup>Victor G. Ricardo: "Funciones de la Mesa de Negociación y del Comité Temático Nacional", <http://victorgricardo.com.co/?p=955>.

<sup>5</sup> Interview with a political analyst, 29 October 2013



**Diagram: Negotiating Table and National Thematic Committee Dialogues:**



(Source: <http://victorgricardo.com.co/?p=952>)

### High Commissioners for Peace

During the administration of Virgilio Barco (1986 – 90), a significant step was taken toward a greater institutionalisation of the peace policy in the system of government (Arias 2008). Barco created the first **Advisory Office for Reconciliation, Normalization, and Rehabilitation** (*Consejería para la Reconciliación, Normalización y Rehabilitación*), headed by a presidential advisor. This office, which also symbolised a greater commitment on the part of the president (Chernick 1996), evolved into the *Office of the High Commissioner for Peace* (*Oficina del Alto Comisionado de Paz*) with quasi-ministerial rank during the government of Ernesto Samper (1994 - 98). Its permanence was mandated by law in 1998. The Office thereby developed into a clearly authorised interlocutor within the government system for both the commissions and the armed actors. It also became a "peace address" for society amidst the escalation of the conflict and beyond the failed negotiation attempts, as well as a symbol of the fact that a political solution had not been discarded.<sup>6</sup>

The High Commissioner for Peace coordinates and implements the respective administration's peace policy with the support of his/her advisory team. Decree 2107 of 1994 establishes **the following specific functions** of the High Commissioner:

- a) Advise the President of the Republic with respect to the structuring and development of a peace policy.
- b) Verify the genuine desire for peace and reintegration into civilian life on the part of armed groups in order to determine the formalisation of dialogues and possible peace agreements in conformity with the mandate of the President of the Republic.
- c) Rally the different sectors of society around the objective of national reconciliation.
- d) Facilitate – according to the instructions of the President of the Republic – the participation of representatives of different sectors of civil society in those efforts he/she believes can contribute to the development and consolidation of peace processes.

<sup>6</sup> Interview with a former guerrilla member, 28 October 2013.

- e) Lead dialogues and sign agreements with the spokespersons and representatives of the insurgent groups aimed at achieving their reinsertion into civilian life, according to the orders issued by the President of the Republic.
- f) As the representative of the President of the Republic, define the terms of the negotiation agenda;
- g) Establish the administrative mechanisms and instruments that allow for the development of the Commissioner's managerial functions.
- h) Act as spokesperson for the national government regarding the development of the peace policy.

Aside from presidents, the High Commissioners for Peace have in fact stood out as the main government actors in handling negotiation processes. Nonetheless, their high dependence on the president in office reflects and emphasises the almost exclusive prominence of the latter in matters of peace policy. Not only limiting the High Commissioner's room for manoeuvring and decision-making power in practice, this also has translated into a low level of engagement on the part of other government institutions. Furthermore, such dependence has prevented peace policy evolving from a government into a state policy, thus also weakening its substance. As analyst Gerson Arias says: “Another evident limitation is the scarce capacity to define and structure the contents of the negotiation. For this reason, it is imperative to create mechanisms in which the state as a whole, under the coordination of the High Commissioner, takes on this task. Current circumstances do not allow the Office of the High Commissioner for Peace to undertake that task” (Arias 2008, 27).

### **National Peace Council**

The entity with the potential to overcome limitations regarding representativeness, continuity, and horizontal integration was created in 1998 during the Samper administration: The **National Peace Council** (*Consejo Nacional de Paz*). Law 434 of 1998 states that the “peace policy is a permanent and participatory state policy. All state agencies and all forms of organisation, action, and expression of civil society should collaborate in its structuring in a coordinated and harmonious manner, so that it transcends government terms and expresses national complexity (Art. 1).”

Chaired by the president as convener, the Council is comprised of representatives of the Executive Branch (ministries, governors' and mayors' offices); Legislative Branch (Senate, House of Representatives, departmental assemblies, and municipal councils); the oversight bodies (Public Prosecutor's Office, Office of the Ombudsperson, municipal ombudspersons); and different sectors of civil society such as churches, labour unions, business associations, peasants, indigenous and Afro-Colombian communities, retired members of the Armed Forces, women's organisations, peace organisations, human rights organisations, universities and other institutions of higher education, guerrillas demobilised following peace agreements, displaced persons organisations, and children's rights organisations. The Council's functions are to advise the government on different issues related to peacebuilding, including negotiating with the armed groups, as well as on issues such as the enforcement of human rights and International Humanitarian Law, reintegration or reconciliation. The Council's suggestions must necessarily be evaluated by the authorities. Furthermore, it is responsible for facilitating coordination with other government entities at the national and sub-national levels. To this end – and at the discretion of the respective governor or mayor – the Law provides for the creation, of **Departmental and Municipal Peace Councils** whose functions and structure are analogous to those of the National Council. Finally, the Council establishes the National Peace Committee, made up of seven of its members, as executive body. In turn, the Office of the High Commissioner for Peace acts as the Council's Technical Secretariat (Law 434).

In practice, the Council has been unable to develop its potential. After keeping a low profile during the Pastrana administration, the Council was only convened by President Uribe when forced to do so by a *tutela* action (action for the protection of fundamental constitutional rights) initiated by civil society. In general, the Departmental and Municipal Peace Councils have not been convened either. Current President Juan Manuel Santos (2010 -) has still not convened the Council although its members have

repeatedly requested that he do so. (Update mid-2014: President Santos has publicly recognized the importance of the Council; to date, it has not been convened).

### Colombian Congress Peace Commissions

In November 2010, **Peace Commissions** responsible for contributing to the achievement of peace in Colombia were established in both the Senate and the House of Representatives. Made up of representatives of different parties, the Commissions' main driver is the commitment and initiative of some of their members. They have acquired greater visibility and prominence through the ongoing peace process with the FARC in which they are carrying out consultations with different sectors (see 3.2).

Beyond the sphere of government and in the context of the intensification of the conflict starting in the second half of the 1990s and the possibility of a new peace process with the FARC, many **civil society organisations** took the initiative to foster a political solution to the conflict and analyze the challenges posed by potential peace in Colombia (Rettberg 2012). The National Conciliation Commission (*Comisión Nacional de Conciliación*), an initiative of the Catholic Church, was created in 1995. Several regional Conciliation Commissions arose in the following years to facilitate dialogue aimed at a political resolution of the conflict and to provide support for peace efforts. The Commissions brought together distinguished representatives of different political and social sectors. The Women's Peaceful Path (*Ruta Pacífica de Mujeres*), founded in 1996, is a feminist movement that rallies over 300 women's organisations and groups from different regions of the country around a negotiated settlement.

In fact, it was the citizens who in effect imposed a peace process on the Pastrana administration. In October 1997, in response to the call by the National Network of Citizen Initiatives for Peace and Against War (*Red de Iniciativas Ciudadanas por la Paz y contra la Guerra*, REDEPAZ), ten million Colombians voted in favor of a "Citizens' Mandate for Peace, Life, and Freedom" in a legally non-binding vote that nevertheless carried enormous political weight.

Although civil society had been partially represented in the spaces established by the government, it was during the late 1990s and particularly in connection with dialogues with the ELN that it assumed greater initiative and even leadership in promoting a political solution. In July 1998, representatives of civil society, the National Peace Council, and the ELN signed a joint declaration (without government participation) in Mainz (Germany) committing to preparing a national dialogue process known as the National Convention. The meeting had been organised by the Episcopal Conferences of Colombia and Germany. That same month, the Permanent Civil Society Assembly for Peace (*Asamblea Permanente de la Sociedad Civil por la Paz*) was created<sup>7</sup>. The ELN Peace Facilitation Commission (*Comisión Facilitadora de Paz con el ELN*), made up of thirteen representatives of the political establishment and civil society, was created in 1999 to mediate in ELN kidnapping cases and to continue rapprochements between the authorities and the guerrilla group in order to facilitate movement toward a peace agreement.

Through its correspondence with the FARC, the group Colombians for Peace (*Colombianos y Colombianas por la Paz*), led by former Senator Piedad Córdoba, has managed to open communication channels with guerrilla groups and play an important role in the liberation of kidnapped citizens.

These are but a few expressions of a broad social movement in favor of a political solution to the conflict. Standing alone, they do not constitute a peace infrastructure according to the definition used by the Berghof Foundation; however, it is clear that the Colombian peace structures can count on both important interlocutors and potential representatives from civil society. This is the case despite the fact that once the Caguán talks failed and President Uribe's Democratic Security Policy was established and

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<sup>7</sup>Important at the time, since it contributed actively to the generation of proposals for political reform and social justice. Today, the Assembly's initiatives have weakened considerably.

welcomed by the majority of the Colombian population, the movement lost some of its strength.<sup>8</sup> The new political climate even resulted in the stigmatisation of those seeking a political solution.<sup>9</sup>

### 3.1.2 Prevention and Protection

In response to the intensification of the conflict and humanitarian crisis, the Colombian state began creating institutions to monitor, prevent, and mitigate situations of violence and protect potential victims. Here a number of institutions stand out. Among them are the **Office of the Ombudsman** (*Defensoría del Pueblo*), the **Early Warning System** (*Sistema de Alerta Temprana*, SAT), and the **Presidential Programme for Human Rights and International Humanitarian Law** (*Programa Presidencial de Derechos Humanos y Derechos Internacional Humanitario*), responsible for monitoring Human Rights and International Humanitarian Law violations and promoting public policies regarding prevention and assistance. The creation of the **National Protection Unit** (*Unidad Nacional de Protección*), attached to the Ministry of the Interior in 2011, centralised protection programmes formerly distributed among different institutions.

Faced by daily threats and a weak state often coopted by armed groups, communities in conflict zones are left to their own resources to protect and organise themselves vis-à-vis the state and armed groups. Over time a number of grassroots and victims organisations have formed and managed to make themselves heard. In some cases, survival in conflict zones relies on communication with guerrillas and other armed groups. With the exception of a few past experiences, this dialogue is however not conducted through institutional channels, but informally. Moreover, following Uribe's prohibition of contact with guerrillas, communities have been facing the risk of reprisals, while in influence zones of the guerrilla they are often stigmatised as their sympathisers.

This has contributed to a great amount of distrust among communities, civil society organisations, and local authorities in many parts of the country. Despite important regional variations, the scarcity of permanent spaces for prevention and conflict management, in which local authorities and social organisations converge, is therefore unsurprising. Even in regions with high levels of social conflict deriving from profound economic and social problems, communication and cooperation with the state (local and national) is generally *ad hoc* and relatively sporadic and improvised, as illustrated by the recent events in Cauca or the Catatumbo region.<sup>10</sup>

### 3.1.3 Humanitarian Assistance

Since 1985, 5.5 million people, or 11.5 percent of the Colombian population, have been directly affected by the conflict.<sup>11</sup> They have been victims of massacres, assassinations, disappearances, forced displacements, kidnapping, sexual violence, or anti-personnel mines. After Sudan, Colombia is the country with the highest number of internally displaced persons, with figures ranging from 4.7 to 5.4 million, depending on the source.<sup>12</sup> This reality has led to the creation of many civil society organisations devoted to providing humanitarian assistance, such as the Consultancy on Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento*, CODHES), founded in 1992.

Government agencies working in this field include the Office of the Ombudsman and, until 2011, the National System for Unified Attention to the Displaced Population, led by the Presidential Agency for

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<sup>8</sup>Interview with an NGO representative, 6 November 2013

<sup>9</sup>Interview with an international NGO representative, 10 December 2013.

<sup>10</sup>Interview with an international official, 23 October 2013.

<sup>11</sup>"5.5 Million Victims and Still Counting...", *Semana*, 3-10 June 2013.

<sup>12</sup>"The Figures of the Colombian Drama", *Semana*, 3-10 June 2013

Social Action and International Cooperation (Social Action). In 2011, the latter became the Department for Social Prosperity (*Departamento de Prosperidad Social, DPS*) (see SNARIV in 3.1.4).

It is not surprising that these entities reflect some of the characteristics of the Colombian state. On the one hand, they tend to have strong legal backing and are regularly subject to accountability mechanisms typical of a democratic system. On the other hand, however, they face severe limitations with respect to the effective execution and coordination of their programmes (Rettberg 2012).<sup>13</sup> Moreover, the Colombian state is decentralised. Significant management responsibilities are vested in the governors and mayors. Great variations regarding the commitment and capacity for peacebuilding result in very different institutional developments in each region. Thus, for example, in some municipalities the **Municipal Ombudsman** (*personero*) stands out as spokesperson for the victims before the local government, while in others, he/she rather responds to local political logics.<sup>14</sup>

### 3.1.4 Structural Reforms for Peace

As stated above, peacebuilding entails not only the cessation of war or violence (“negative peace”), but also overcoming the structures that lay at the root of war and those that could potentially engender its renewal (“positive peace”). Building “positive peace” cannot only be the task of conflict parties, but should engage society as a whole in a period that exceeds the negotiation phase. The relevance of structural changes (particularly strengthening the presence of a legitimate state throughout the territory) was acknowledged as a response to the armed conflict from the Betancur administration until that of Pastrana. President Santos has taken up that paradigm once again. In this context, the national state has promoted transformation policies and initiatives. Our criterion for inclusion in this mapping is whether they were conceived explicitly within the framework of a peace policy involving dialogues with armed groups, and whether they generated institutionalised spaces for dialogue between the state and social actors at different levels.

#### National Rehabilitation Plan

An important reference in this regard is the **National Rehabilitation Plan** (*Plan Nacional de Rehabilitación, PNR*). Established in 1982 and spanning the Betancur, Barco, and Gaviria administrations, it reached over 40 percent of the nation's municipalities.<sup>15</sup> Shaped by the government's view that the lack of state influence in the country's marginal zones represented a key cause of violence, the plan sought to strengthen state presence in these areas. The plan was remarkable in creating institutionalised spaces at the municipal and departmental levels aimed at fostering citizen participation and bottom-up development proposals. Discussions in these Municipal and Departmental Rehabilitation Councils took place among four sides: the delegated PNR officials, representatives of social organisations, international representatives, and guerrillas operating in the region. In this sense, the councils were spaces conducive to building both trust and conflict management and transformation capacities.<sup>16</sup>

#### The Constituent Assembly

The **National Constituent Assembly** (1991) – summoned during the presidency of Cesar Gaviria (1990-1994) to draft a new Constitution – arose, inter alia, as a result of the political agreement between the government and M19. It also represented the possibility of facilitating agreements with other guerilla

<sup>13</sup>As analyst Angélica Rettberg says, “The large number of organizations with multiple, often contradictory, mandates has produced (...) lack of coordination, the resulting delay in the achievement of specific goals, and the frustration of the population involved” (Rettberg 2012, 34).

<sup>14</sup>Interview with a Colombian historian, 10 November 2013.

<sup>15</sup>“What Became of the PNR?”, *El Tiempo*, 17 October 1993.

<sup>16</sup>Interviews with a political analyst, 11 October 2013, and a former guerrilla member, 28 October 2013.

groups with whom the government had been conducting talks (Arias 2008; Moreno 2011). Nineteen of the 70 Assembly members belonged to the M19 Democratic Alliance and four non-voting members came from the EPL, the PTR and the Quintín Lame Movement. The Assembly's formative decree stated "...it is evident that summoning a Constituent Assembly facilitates the reintegration of insurgent groups into civilian life" (Decree 1926, 1990). The Assembly became a space for dialogue and communication among political groups, insurgent movements, and diverse social organisations. As a result, the Constitution's text constitutes an important foundation for overcoming the causes of violence, specifically regarding issues such as the social state governed by the rule of law, participatory democracy, and human rights and mechanisms for their defence and protection (Moreno2011).

At the same time and at the local level throughout the country, numerous initiatives driven by communities and social organisations emerged, aimed at overcoming violence through alternative proposals development and coexistence. In this context, "peace zones", "humanitarian zones" and other initiatives have mushroomed in some of the country's most vulnerable regions (Bouvier 2008). Many of these initiatives have sought to engage with local governments, thereby creating interesting collective spaces. As an example, we highlight the Development and Peace Programmes:

### **Development and Peace Programmes**

The **Development and Peace Programmes** (*Programas de Desarrollo y Paz*, PDP) draw on the work of grassroots organisations supported by churches, productive sector entities (chambers of commerce, companies, etc.), universities, and/or research centres. With "proposals for comprehensive intervention and inclusiveness" (García y Llinás 2012, 273), they seek to involve other private and public regional actors.

Their intervention has three components: 1. humanitarian assistance; 2. establishment of an economic base; 3. reconstruction of the public sphere which entails reformulating the relation between the state and the citizens. The first PDP began in 1995 in the Magdalena Medio region. Today there are 22 PDPs that cover close to 50 percent of the country's municipalities. The programmes have managed to rally a significant number of institutions, including private and public entities at the local, national, and international levels. With the creation of the Development and Peace Programmes Network (*Red de Programas de Desarrollo y Paz*, Redprodepaz) in 2002, the PDPs established a platform for the exchange of lessons learned and for communication with the national government (García and Llinás 2012).

### **3.1.5 Post-conflict: Comprehensive Attention to Victims and Reintegration of Former Combatants**

State actions aimed at responding to the humanitarian crisis and massive human rights violations were initially limited to providing assistance in emergency situations (see 3.1.2). It was only with the enactment of the Justice and Peace Law (*Ley de Justicia y Paz* (LJP); Law 975, 2005) that established the legal framework for demobilisation, disarmament, and reintegration (DDR) of the AUC, that victims' rights were addressed from a transitional justice perspective for the first time. The LJP thus broke with the tradition of pardons and amnesties that had characterised previous negotiations, introducing the possibility of alternative sentences for the perpetrators of serious crimes in exchange for their contribution to truth and reparation for victims. Subsequently, with the ratification of the Victims and Land Restitution Law (Law 1448, 2011), the Santos administration committed itself to the comprehensive restitution of conflict victims' rights to truth, justice, and reparation (including victims of state crimes and independent of the progress of legal processes), and to returning millions of hectares of land to forcibly displaced peasants. This step, which significantly distances Santos from his predecessor,

responds to the claim of a broad movement promoting the victims' cause at both the national and subnational levels.

On the basis of these laws, the state has been creating institutions dedicated to attend to the victims on the one hand, and to foster the reinsertion of former combatants on the other. These two dimensions are usually conceived as activities typical of the post-conflict period. In Colombia, however, they are being carried out in the midst of conflict. Taking into account the vested interests against initiatives such as land restitution, the continuing prevalence of violence in defence of those interests, and the state's limited territorial control and capacity to protect victims, this presents a significant challenge. In this sense, although great steps have been taken to make victims visible and enforce their rights, victims continue to be the weakest link in the chain, as demonstrated by the assassinations and constant threats against their advocates.

## Comprehensive Attention to Victims

### **National Reparation and Reconciliation Commission**

The institution responsible for attending to victims, according to LJP, was created in 2005: the **National Reparation and Reconciliation Commission** (*Comisión Nacional de Reparación y Reconciliación, CNRR*). Its mission focused on guaranteeing victims' participation in judicial proceedings, monitoring demobilisation processes, proposing criteria for reparation as established by the Law, and following them up (Law 975, Art. 51). The CNRR's mixed composition is worth highlighting. Its government structure included different ministries and government control agencies, as well as civil society representatives, especially from victims organisations. Given that LJP resulted in few convictions of perpetrators of serious crimes, little was achieved in terms of reparation until 2011. At the same time, the Commission managed to raise awareness in Colombian society regarding the complex issue of reparations and made a pioneering effort to build historic memory, thereby giving victims of the conflict a voice.<sup>17</sup>

### **Transitional Justice Units in the Judicial System**

The LJP also led to the creation of structures focused on transitional justice within the Attorney General's Offices, the Courts, and the Ministry of Justice. Thanks to the work of entities such as the Attorney General's Unit for Justice and Peace, close to 40,000 crimes had been acknowledged by December of 2012, approximately 77,000 victims had participated in the hearings, and over 5,000 bodies had been recovered (International Crisis Group 2013).

The negotiation process with the AUC and the results of LJP have been harshly criticised. While the enforcement of the Law did provide a large amount of information regarding crimes committed, little was achieved in terms of conviction of perpetrators, the dismantling of structures that sustained paramilitary movements, and reparation for victims. The emergence of new paramilitary successor groups in Colombia – called criminal gangs (BACRIM) by the government – is generally attributed to the flaws in this process.

### **National Center for Historic Memory**

The Victims Law established a new institutional structure in the Department for Social Prosperity (DPS) attached to the Presidency. As a result, the activities of the The National Commission for Reparation and Reconciliation (CNRR) were suspended. The Historic Memory Group was incorporated into a new **National**

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<sup>17</sup>Interviews with a political analyst, 29 October 2013 and a public official, 10 November 2013.

**Center for Historic Memory** within the DPS. In addition to being responsible for creating a National Memory Museum and handling the "Truth Agreements" with former combatants<sup>18</sup>, the Center continues the work of the Historic Memory Group in "preparing and disseminating a narrative of the armed conflict in Colombia", identifying its causes and the evolution of illegal armed actors "as well as the different truths and memories of violence through a differentiated approach that focuses on the voices of the victims that have been suppressed or silenced."<sup>19</sup> The report commissioned by the LJP "Basta Ya! Colombia: Memorias de Guerra y Dignidad" ("Enough! Colombia: Memories of War and Dignity"), published in July 2013, traces the evolution of illegal armed groups in Colombia (Centro Nacional de Memoria Histórica, 2013). "Basta ya!" was preceded by nineteen more specific reports that dealt with victims groups, particular regions, and acts of victimisation such as massacres. The Center is committed to creating regional memory centres, thus decentralising its work and building local capacities for supporting victims.

### **National System for Comprehensive Attention and Reparation for Victims**

As part of the DPS, the **National System for Comprehensive Attention and Reparation for Victims** (*Sistema Nacional para la Atención y Reparación integral de Víctimas*, SNARIV) is responsible for implementing the Victims Law. Building on the structures of the National System for Unified Attention to the Displaced Population, whose functions were transferred to SNARIV, the latter represents an ambitious effort aimed at horizontal and vertical integration on the one hand, and at victims' participation on the other. At the national level, the system brings together about 50 state entities from which the Executive Committee is selected as the highest decision-making body and which is chaired by the president. It includes representatives of the Ministries of the Interior, Justice and Law, Finance and Public Credit, the National Planning Department, the DPS, and the Victims Unit which acts as Technical Secretariat for both the Committee and the System. Ten technical sub-committees support the work of SNARIV. At the sub-national level, the offices of governors and mayors are in charge of creating Territorial Transitional Justice Committees (*Comités Territoriales de Justicia Transicional*, CTJT). Within the development plans of the respective jurisdictions, these Committees design territorial action plans to define concrete actions with respect to attention and reparations.

Victim participation tables, made up of representatives of victims' organisations, are provided for at all administrative levels. They send representatives to both the Executive Committee and the Territorial Transitional Justice Committees.<sup>20</sup> By October 2013, the system had registered over 5,800,000 victims, while at the national level the Victims Unit reported the establishment of more than 1100 CTJTs. Currently the Unit has an available budget of 54 trillion Colombian pesos (almost 21 Mio EUR) until 2021 most of which is channeled towards and executed at the subnational level. Less than two years in existence, it is too early to assess SNARIV. What is clear, though, is that replacing old structures with new ones generates transaction costs, and that some of the characteristics of the Colombian state will pose challenges to the effective operationalisation of a project of this magnitude. It is therefore not surprising that there are differences between territorial authorities regarding their commitment and degree of cooperation with the system. There is also evidence that in some places, CTJTs have been infiltrated by local agents opposing restitution (LAWGEF et al 2012).

### **Truth Commission**

The Legal Framework for Peace (2012)<sup>21</sup>, which constitutes the legal basis for the current negotiations between the government and the FARC, provides for the creation of a **Truth Commission**. While the law gives Congress the authority to define the composition, objectives, functions, etc. of said Commission, many of its fundamental aspects have been and will continue to be the object of discussions in Havana (International Crisis Group 2013). The FARC have insisted that the Commission be established

<sup>18</sup>Law 1424 (2010) establishes the possibility of suspending arrest warrants or sentences in the case of former combatants that have not committed serious crimes and have contributed to truth and reparation. To such effect, they sign a Truth Agreement with the national government.

<sup>19</sup> See [www.centrodememoriahistorica.gov.co/index.php/somos-gmh/grupo-de-memoria-historica](http://www.centrodememoriahistorica.gov.co/index.php/somos-gmh/grupo-de-memoria-historica)).

<sup>20</sup>See [www.derechoshumanos.gov.co/Programa/Documents/SNDDHH/UARIV-Coordinacion-SNARIV-SNDH.pdf](http://www.derechoshumanos.gov.co/Programa/Documents/SNDDHH/UARIV-Coordinacion-SNARIV-SNDH.pdf).

<sup>21</sup>The Framework represents a new provisional version of Article 66 of the Constitution.



immediately to enable preparation for discussion of the agenda's fifth point addressing victims' issues.<sup>22</sup>

## Reintegration of Former Combatants

### **Colombian Agency for Reintegration**

The LJP grants a series of benefits to demobilised combatants in order to facilitate their reintegration. The institution responsible for attending to individually or collectively demobilised combatants is the **Office of the High Commissioner for Reintegration**. Founded in 2006, it currently operates as the **Colombian Agency for Reintegration** (*Agencia Colombiana de Reintegración*), offering three services: education and preparation for employment, psycho-social assistance, and work with receiving communities. The ACR is directly attached to the Presidency thereby gaining political status. Despite its mandate to work in coordination with other entities, specifically the Ministries of Defense, the Interior, Justice and the Office of the High Commissioner for Peace, that coordination is not carried out through institutional channels. The entity acknowledges having provided attention to 32,458 of the 53,022 demobilised individuals by April 2011 (Palau and Méndez 2012, 366).

The ACR does not have a decentralised structure. However, many reinsertion tasks fall under the responsibility of the governors' and mayors' offices that must include this issue in their development plans. For this reason, since the 1990s many mayors' offices, especially in urban areas, maintain **reinsertion offices** in order to foster employment conditions in alliance with private businesses. However, the commitment and performance of sub-national authorities varies greatly.

## **3.2 The Peace Process with the FARC - A New Opportunity for a Peace Infrastructure**

In September 2012, President Santos announced the existence of a General Agreement with the FARC in which both parties undertook to initiate negotiations aimed at putting an end to the conflict.<sup>23</sup> The negotiating table was installed in Oslo in October and subsequently transferred to its main location in Havana. The agenda comprises six points: comprehensive rural development; political participation; termination of the conflict; solution to the problem of illicit drugs; victims; implementation and follow-up. After more than a year of conversations, agreements have been reached with respect to the first two points. The Agreement establishes, however, that "nothing is agreed upon until everything is agreed upon" (Point VI.10). The parties did not reach a ceasefire agreement. While the end of the conflict is being negotiated in Havana, war in Colombia continues.<sup>24</sup>

In comparison to previous attempts, a novel feature of this process is that negotiations are aimed at putting an end to the conflict. The agreement establishes the difference between negative and positive peace and explicitly acknowledges the responsibility of society as a whole in the latter. This demonstrates an important change in the FARC's position, given that in previous processes they had been willing to disarm only when their historical grievances had been addressed, that is, once a peace agreement had been implemented. According to this logic, the process has been conceived in three phases. The first or preparatory phase culminated with the General Agreement. The second phase

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<sup>22</sup>"FARC insist on Truth Commission", *Semana*, 18 September 2013.

<sup>23</sup>"General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace", 26 August 2012.

<sup>24</sup>At the same time, the government and the ELN have, on various occasions, expressed their will to initiate negotiations. At the moment this text went to press, however, it is not clear how far the preliminary conversations between the parties have advanced. In public declaration, the ELN had indicated that it hoped for a negotiating model and an agenda different from that used with FARC.

consists in the negotiation itself which should end with an agreement regarding the six topics under discussion. Finally, the third phase corresponds to the implementation of the agreements and their verification.<sup>25</sup> In this respect, Point VI of the General Agreement points out the need to establish an “implementation system that gives special importance to the regions”.

These negotiations probably represent Colombia's greatest opportunity to put an end to the conflict with the FARC. Never before had there been so many genuine incentives on both sides to terminate the conflict in this manner. Never before has a peace process with the FARC advanced to this extent. Nevertheless, the process faces a series of challenges. The parties' positions regarding some issues remain very far apart. Perhaps even more significant are, however, challenges regarding relations between the parties and society. Former President Uribe, whose discourse still resonates with large parts of the population and whose Democratic Center party is positioning itself as an alternative in the 2014 elections, vociferously opposes the peace process.<sup>26</sup> The conflict with the FARC is currently a marginal issue for many citizens, particularly in the country's urban centres. The price they are willing to pay for the demobilisation of a deeply discredited actor is not very high.

The success of the process will therefore depend to a great extent on the social and political legitimacy that is achieved and on how society manages to prepare itself for the third phase. Addressing these two challenges could be the genuine contribution of a peace infrastructure. What institutional spaces are available to promote the process? What role have they played to date? What is their potential to face those challenges?

The negotiation model maintains some of the main principles of the preliminary talks which prioritised efficiency and discretion over participation and intermediation.<sup>27</sup> Negotiations are conducted directly, without official facilitation. Norway and Cuba act as guarantors, Chile and Venezuela as observers of the process. According to the General Agreement, both parties were allowed to form delegations of up to 30 members of which no more than ten can sit at the table. Five representatives of each side act as spokespersons for the delegations. Neither of the teams has a formal advisory unit other than its delegation, nor is there an entity to provide support to both parties, as was the case in the Caguán negotiations. Nonetheless, the General Agreement does establish that the parties can consult with experts regarding the agenda points. This is being done by actually flying persons to Cuba or consultation via written communication.<sup>28</sup> Led by former Minister of the Interior Humberto de la Calle, the government delegation consists of the High Commissioner for Peace (appointed at the beginning of the negotiations), a former High Commissioner for Peace, two retired generals, and the president of the National Business Association of Colombia. Upon the withdrawal of the latter in November 2013, two women joined the team: the current High Commissioner for Women's Equality and the Director of Human Rights at the Ministry of the Interior.<sup>29</sup> The selection of the government team reflects the ambition of bringing on board powerful interest groups such as the Armed Forces and the business sector, whose commitment to a future agreement will be fundamental for peacebuilding in Colombia. There are no civil society representatives at the table.

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<sup>25</sup> "This Is How the Negotiation Will Go", <http://m.semana.com/nacion/articulo/asi-sera-negociacion/266286-3> (no date)

<sup>26</sup>In his acceptance speech, the presidential candidate for the Democratic Center (Uribismo Centro Democrático, later Centro Democrático) openly opposed the negotiation process in Havana. “The Uribista Movement Elects Óscar Iván Zuluaga as Presidential Candidate for 2014”, *El País Internacional*, 27 October 2013.

<sup>27</sup>Contrary to what had happened in previous processes, the preliminary talks were carried out in secret, under strict control by the Presidency, and with no intermediaries. Santos did not even appoint a High Commissioner for Peace during the first two years of his administration. This was logical to the extent that after the Caguán failure, it was not convenient to generate expectations without having any certainty regarding the genuine interest of the FARC in a political solution to the conflict. Also, and equally importantly, after eight years of Democratic Security Policy, both the FARC and the negotiated settlement option were deeply discredited and a large part of the population convinced that a military victory was possible. Therefore, the announcement of negotiations with the FARC came as a surprise to many.

<sup>28</sup> Point VI.2.

<sup>29</sup> The FARC negotiators are members of the Secretariat such as second-in-command Iván Márquez, and Pablo Catatumbo, members of the Joint General Staff and of different guerrilla commissions, and a guerrilla serving a sentence in the United States.

The following mechanisms and spaces were established to foster citizen participation in the process:

- ≡ A **website** ([www.mesadeconversaciones.com.co](http://www.mesadeconversaciones.com.co)) was created where individuals and organisations can consult documents and make proposals (both hard copy and electronic) to the table regarding the agenda points. Thus far over 5700 proposals have been received.
- ≡ The **Senate and House of Representatives' Peace Commissions**, especially some of their members, have taken on the task of "peace education". Between October 2012 and July 2013, together with the United Nations Development Program (UNDP), they organised a round of "*regional workshops (mesas) aimed at contributing to the end of the conflict*" in different parts of the country. The workshops brought together organisations from different social sectors in order to generate and consolidate proposals regarding four of the agenda topics: comprehensive rural development; political participation; replacement of illicit crops; and victims' rights. The systematised proposals were delivered to the representatives of the guarantor countries in order that they be taken into account by the parties. With the same objective of gathering proposals, a delegation of the House of Representatives' Peace Commission traveled to Europe to organise panels in different cities. In addition to these actions directly linked to the peace process in Havana, the Commissions have mediated in social conflicts, as during the 2013 rural protest in Catatumbo against state neglect. It remains unclear how and to what extent the Commissions' work also focusses on the internal dynamics of Congress.
- ≡ In September 2012, the former Mayor of Bogotá Lucho Garzón was sworn in by the president as **Minister Counselor for Social Dialogue and Citizen Mobilization**. Santos explicitly put him in charge of "mobilising people and carrying out pedagogical activities" in view of the peace process".<sup>30</sup>
- ≡ Likewise, **three great national forums and one regional forum** were organised with the support of UNDP and the National University to gather proposals regarding rural development, political participation, and illicit drugs.

Apart from the mechanisms promoted by the state or the conflict parties, there have been several **civil society initiatives** aimed at influencing and feeding into the process and future peace challenges. Women stand out in this regard. The October 2013 "National Women's and Peace Summit" brought together 400 women to generate concrete ideas regarding implementation, endorsement, and verification of a possible peace agreement. The Summit was followed by a women's mobilisation for peace in November. On the other hand, the National March for Peace, Democracy, and Defense of the Public Sphere on 9 April 2013 showed significant support for negotiations. Conceived by civil society sectors, it was subsequently endorsed by the state, with the president and the mayor of Bogotá leading the march in the capital. Following the example of the 1998 Mandate for Peace, Redprodepaz and other civil society organisations launched the National Peace Pact in November 2013, committing to actively promote a "pedagogy for peace" and transforming peace into a mandate for the next President.

There have also been **community initiatives in different parts of the country**. In view of the possibility of a peace agreement, initiatives such as the Citizen Committees for Reconciliation (*Comités Ciudadanos para la Reconciliación*, CCR) in eight departments of the Caribbean Coast and in the Department of Arauca are becoming spaces to build capacities and visions that will help adapt an agreement to specific local contexts. Initiated by local organisations in collaboration with the churches, the Committees are multi-sector spaces that include local authorities and businesses. A national meeting of CCRs was held on 30 October 2013.<sup>31</sup>

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<sup>30</sup>"Lucho Garzón Appointed 'Minister' of Social Dialogue", *El Tiempo*, <http://m.eltiempo.com/politica/luis-garzn-manejar-dilogo-social-y-movilizacion-ciudadana/12171201>, (no date).

<sup>31</sup>See Bouvier, Virginia: "Arauca" in Colombia Calls Blog, 18 November 2013.

Opinions regarding the participation mechanisms established by the state are divided. For some, the regional workshops were of great value in taking the discussion to the regions and channeling their proposals so that they actually informed discussions in Havana. Others, however, while acknowledging the symbolic value of such mechanisms, interpret them as proof that participation and social ownership are not a priority before the third phase begins. In this sense, they see it more as a "salute to the flag" since the consideration of proposals is left to the parties' discretion. Certain aspects support this interpretation. The High Commissioner for Peace, whose natural role would be to defend and situate the process vis-à-vis the society, has focused more on his role within the negotiation team than on public relations. Designated to take on the pedagogical task, the Minister Counselor for Social Dialogue, Lucho Garzón, has had very little visibility in this respect – a result of a lack of budget and clarity regarding his functions, according to some, or of his own inertia, according to others.<sup>32</sup> With some exceptions, the mobilisation of mayors and governors has also been scarce. According to an official in the administration of the Mayor of Bogotá, Gustavo Petro, the response to the three "Leaders for Peace Summits" of mayors and governors that took place since the negotiations with the FARC started has been negligible.<sup>33</sup> Finally, the president has still not convened the National Peace Council. Against this background, the members of the Peace Commissions of Congress, together with several social organisations, sent Santos a letter in November 2013 asking him to convene the Council not as "a scenario parallel to the Table in Havana" but as an "advisory body" responsible for garnering social support for the process and for "the strategic task of beginning to plan the endorsement and implementation of the agreements reached".<sup>34</sup>

Postponing social ownership until after the agreement is signed would in fact be risky. The future peace agreement will have to be endorsed by the Colombian population<sup>35</sup>, and in a society divided over negotiations, the success of the referendum is not guaranteed. But this is not the only problem. Colombia will be electing a new Congress in March 2014. That new Congress will be the one to "make peace viable or not"<sup>36</sup>, depending on its willingness to translate the reforms agreed upon in Havana into laws. Finally, the sub-national authorities and governors' and mayors' offices will be responsible for the largest part of the implementation of a possible agreement which is why building capacities and commitment to the process should be a priority as of now.

## 4 Balance and Recommendations

Colombia counts on a large number of assets for the construction of a lasting peace:

- ≡ a society that longs for peace after half a century of conflict;
- ≡ an organised civil society that has contributed to a better understanding of the conflict and of the challenges posed by its transformation and has tirelessly promoted a negotiated settlement;
- ≡ organised communities represented by social movements capable of articulating themselves and developing proposals for non-violent coexistence;
- ≡ state institutions at the national level with significant legal and budgetary backing and an installed capacity to monitor the conflict, attend to victims including their reparation and the prosecution of

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<sup>32</sup>"Who Listens to Lucho Garzón?", <http://m.semana.com/nacion/articulo/quien-oye-lucho-garzon/268343-3>, no date. Interview with political analyst, 10 December 2013.

<sup>33</sup>Interview with public official, 5 November 2011.

<sup>34</sup>"Congress is Asked to Convene the National Peace Council", *El Colombiano*, 18 November 2013.

<sup>35</sup>In October 2013, Congress approved a law that will make it possible to hold the referendum at the same time as the presidential elections in May 2014. The FARC consider the decision regarding the referendum unilateral, since they advocate a Constituent Assembly.

<sup>36</sup> Claudia López, "We Still Can" in *La Silla Vacía*, 30 November 2013.

perpetrators, reintegrate former combatants, build up a historic memory of the conflict and organise negotiation processes;

- ≡ a private sector for the most part committed to peace and that has supported peace initiatives by participating in teams and paying for the costs;
- ≡ leaders from different social sectors that have put their reputation at stake to defend peace and whose lasting commitment has given continuity to the demand for peace amidst changing administrations and policies;
- ≡ and human rights defenders throughout the country who have given their lives to highlight the cause of victims.

These are important elements and achievements which can hardly be reverted.

In this context structures and spaces have been created that constitute good foundations for a peace infrastructure. Entities such as the Office of the High Commissioner for Peace or the Historic Memory Group have become "peace addresses" that outlive a single administration. Others like SNARIV reflect the value granted to the vertical integration of structures and inclusiveness. Local multi-sector initiatives are building spaces, capacities, and visions necessary to sustain peace in the long term.

However, this incipient infrastructure faces several challenges. For example, the challenges posed by the ongoing negotiation process show that many of the institutions that could be conceived as elements of a peace infrastructure do not necessarily act that way. Instead of operating as part of a larger set of spaces aimed at preparing and sustaining the negotiated solution and creating the conditions for the implementation of a future agreement, they tend to concentrate on their specific tasks.

The president's dominant role in shaping many of the institutions, the lack of continuity of some of them, and the eagerness to create new structures has generated high transaction costs and prevented them from taking root. While it makes sense for an advisory committee involved in a specific process to disappear once its task has been accomplished, entities like the Office of the High Commissioner for Peace still tend to function according to government rather than state policy. There has also been confusion caused by the existence of organisations with multiple, often contradictory, mandates. All of this contrasts with the rigid and stable structures the guerrillas have maintained over time.

While many institutions stand out with respect to formal and legal aspects, their operability is limited, as illustrated by the case of the National Peace Council. There are multiple reasons for this, but one of them clearly has to do with the difference in logics and capacities between the national and sub-national levels. "One thing are the laws and institutions conceived at the central or national level. The way those institutions are adapted to regional political logics in implementation zones, or ignored by them, is another" (Rettberg 2012, 37). Beyond the important work carried out by municipal ombudsmen, governors, and mayors in some parts of the country, that "gap between the national institutional structure and the regional and local one" (Rettberg 2012, 37) becomes problematic in a state in which great responsibilities of conflict management and especially of implementing a possible peace agreement will fall on sub-national authorities.

Finally, and with a few exceptions, there is a notorious lack of institutionalised multi-sector spaces within systems of government at the different administrative levels. While a certain culture of consultation can be perceived in entities such as the advisory commissions or in the Office of the High Commissioner for Peace – albeit limited to the elites – this lack reflects the distrust that separates state and population, especially at the sub-national level, and demonstrates how little the voice of those affected by the conflict is heard. All of this is compounded by the almost total absence of legal channels and spaces for communication with the guerillas since the Uribe administration.

The implementation of a possible peace agreement will pose special difficulties for those conflict zones where state institutions are weak, the levels of distrust are high, and the continued presence of armed groups may undermine the implementation of the agreements. In order to face these challenges, it will be necessary to build new institutional capacities and foster great cultural changes that entail new attitudes and relations among the different social actors.

The elements of a peace infrastructure can constitute the spaces where society prepares itself to assume those challenges. In this sense, the current momentum offers a great opportunity to boost the incipient peace infrastructure by addressing the above-mentioned weaknesses. It would thereby be possible to strengthen the foundations for the ongoing negotiation process and the upcoming third phase of peacebuilding.

It is not necessary to create new structures for this purpose. Rather, it would be advisable to understand and discuss why existing structures have not been effective and how they can be harnessed for new tasks. As the group of organisations demanded in November 2013, the National Peace Council could be the entity that raises the profile of the peace process, in collaboration with democratic institutions, social movements, and the media. It could raise awareness within society regarding the opportunity costs of a failed process, while the sub-national Councils could be the focal points from which the authorities initiate dialogues with communities in preparation for the implementation of the agreements.

These spaces could connect with other elements of existing infrastructure in Colombia, carefully reflecting on appropriate and complementary roles, functions, and composition of each one, as well as on communication channels between them.

The communiqué through which the two parties presented the agreements reached with respect to the second agenda point – political participation –, speaks of the creation of Councils for Reconciliation and Coexistence at the national and sub-national levels in order to “advise and assist the authorities in the implementation of the agreements.” These statements suggest that the parties are aware of the importance of promoting a peace infrastructure. Whereas its final structure and functions will have to be designed in terms of the contents of the definitive agreement, the reasons set forth above explain why this investment should not be postponed until the agreement is reached.

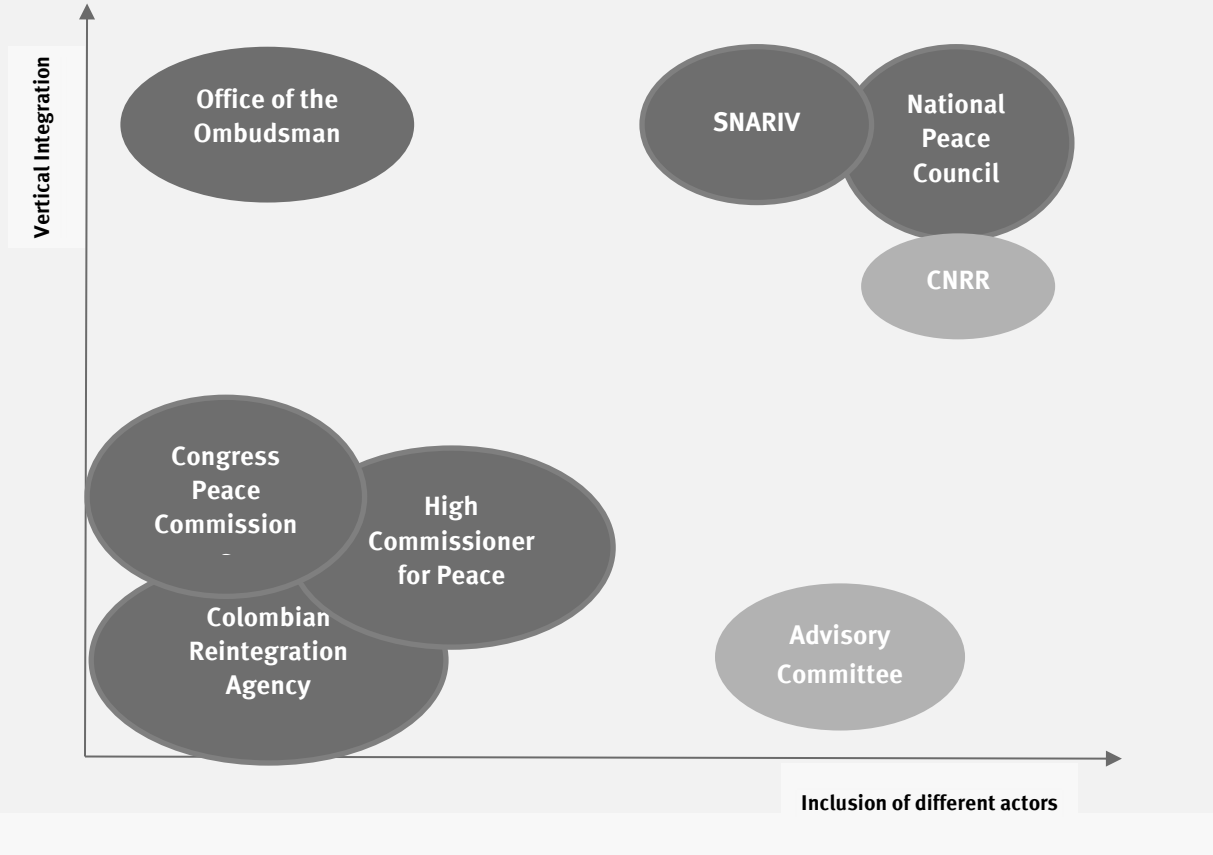
International experience shows that in order for the elements of a peace infrastructure to demonstrate their potential it is essential to have a clear mandate, appropriate budgets, competence, legitimacy, and strategic interconnections. This of course appears easier in theory than it is in practice, and will therefore require solutions tailored to local dynamics. While in theory their effectiveness grows with the commitment of the parties, in practice, it will be necessary to face the dangers of politicisation and instrumentalisation that this could entail. Although the inclusiveness of these spaces is in theory a function of their legitimacy and efficacy, in practice, it will be necessary to reflect on the method of inclusion of actors holding opposing interests. As the construction of these spaces takes place in the midst of violence that will not simply cease with the signature of a peace agreement, there will be serious security and co-optation risks that cannot be ignored. It is therefore especially important to establish effective accountability mechanisms for these spaces.

Finally, it is essential to understand that although the construction of these collective spaces is important, they are not meant to replace autonomous social organisations. At the same time, a peace infrastructure could become a significant interlocutor for social movements, broadening their platform and connecting them with processes at other levels.

**State Peace Structures in Colombia according to their Degree of Vertical Integration and Inclusiveness (prepared by author)**

Dark grey: Still operating

Light Grey: No longer operating



# List of Acronyms

<b>AUC</b>	United Self-Defense Forces of Colombia
<b>BACRIM</b>	Criminal Gangs
<b>CCR</b>	Citizen Committees for Reconciliation
<b>CNP</b>	National Peace Council
<b>CNRR</b>	National Commission for Reparation and Reconciliation
<b>CTJT</b>	Territorial Transitional Justice Committees
<b>CRS</b>	Socialist Renovation Movement
<b>DDR</b>	Disarmament, Demobilization and Reintegration
<b>DNP</b>	National Planning Department
<b>DPS</b>	Social Prosperity Department
<b>ELN</b>	National Liberation Army
<b>EPL</b>	Popular Liberation Army
<b>FARC</b>	Revolutionary Armed Forces of Colombia
<b>LJP</b>	Justice and Peace Law
<b>M19</b>	19th of April Movement
<b>PDP</b>	Development and Peace Program
<b>PNR</b>	National Rehabilitation Plan
<b>PRT</b>	Revolutionary Workers Party
<b>REDEPAZ</b>	National Network of Citizen Initiatives for Peace and Against War
<b>REDPRODEPAZ</b>	Development and Peace Programmes Network
<b>SAT</b>	Early Warning System
<b>SNARIV</b>	National System for Comprehensive Attention and Reparation to Victims



## References

- Arias, Gerson (2008).** Una mirada atrás: procesos de paz y dispositivos de negociación del gobierno Colombiano, Working Papers. Bogotá, Fundación Ideas para la Paz.
- Chernick, Mark (1996).** Aprender del pasado: Breve historia de los procesos de Paz en Colombia (1982–1996): Revista Colombia Internacional No 36, Bogotá.
- Centro Nacional de Memoria Histórica (2013).** Basta Ya! Colombia: Memorias de Guerra y Dignidad, Bogotá.
- García, Arturo, Llinás, Guillermo (2012).** Los Programas de Desarrollo y Paz (PDP) de Colombia: una apuesta innovadora por el desarrollo y la paz en medio del conflicto armado. In Rettberg 2012, 273-304.
- Gonzalez, Camilo (2012).** El Consejo Nacional de Paz. Bogotá, Instituto de Estudios para el Desarrollo y la Paz.
- Hopp-Nishanka, Ulrike (2013).** Giving Peace an Address? Reflections on the Potential and Challenges of Creating Peace Infrastructures. In Unger et al. 2013, 1-20.
- International Crisis Group (2012).** Colombia: Peace at Last?, Bruselas, Bogotá.
- International Crisis Group (2013).** Transitional Justice and Colombia's Peace Talks, Bruselas, Bogotá.
- Kumar, Chetan (2011).** Building National "Infrastructures for Peace": UN Assistance for Internally Negotiated Solutions to Violent conflicts, in: Susan Allen Nan, Zachariah C. Mampilly & Andrea Bartoli (eds.). Peacemaking: From Practice to Theory. New York: Praeger, 384-399.
- Latin American Working Group Education Fund, Lutheran World Relief (2012).** Still a Dream: Land Restitution on Colombia's Caribbean Coast, <http://www.lawg.org/action-center/lawg-blog/69-general/1090-still-a-dream-land-restitution-on-colombias-caribbean-coast> (last accessed: 16 December 2013).
- Lederach, John Paul (1997).** Building Peace. Sustainable Reconciliation in Divided Societies. Washington, DC: United States Institute of Peace Press.
- Moreno, Héctor Alonso (2011).** La Constituyente: un acuerdo político para la paz, [www.viva.org.co/cajavirtual/svc0255/articulo06.html](http://www.viva.org.co/cajavirtual/svc0255/articulo06.html) (last accessed: 16 December 2013)
- Odendaal, Andries (2012).** The Political Legitimacy of National Peace Committees. In: Journal for Peacebuilding and Development, 7:3, San Diego, 40-53.
- Paladini Adell, Borja (2013).** From Peacebuilding and Human Development Coalitions to Peace Infrastructures in Colombia. In Unger et al 2013, 43-52.
- Palou, Juan Carlos y María Lucía Méndez (2012).** Balance de los procesos de desarme, desmovilización y reintegración (DDR) en Colombia (1990-2011) en Rettberg (2012) 349-382.
- Rettberg, Angelika (2012).** Construcción de Paz en Colombia. Contexto y Balance. In Rettberg 2012 3-44.
- Rettberg, Angelika (2012).** Construcción de Paz en Colombia, Universidad de los Andes, Bogotá.
- Unger, Barbara, Stina Lundström, Katrin Planta, Beatrix Austin (eds.) (2013).** Peace Infrastructures - Assessing Concept and Practice. Berghof Handbook Dialogue Series No.10. Berlin, Berghof Foundation.
- Van Tongeren, Paul et al (eds) 2013.** The evolving landscape of infrastructure for peace. In Journal for Peacebuilding and Development, 7:3, San Diego, 1-39.

## **Legal Documents**

**Decreto 1926**, 1990. Por el cual se dictan medidas tendientes al restablecimiento del orden público.

**Decreto 2107**, 1994. Por el cual se asignan unas funciones al Alto Comisionado para la Paz y se crea la Comisión de Acción para la Paz.

**Ley 434**, 1998. Por la cual se crea el Consejo Nacional de Paz, se otorgan funciones y se dictan otras disposiciones.

**Ley 975**, 2005. Por la cual se dictan disposiciones para la reincorporación de miembros de grupos armados organizados al margen de la ley, que contribuyan de manera efectiva a la consecución de la paz nacional y se dictan otras disposiciones para acuerdos humanitarios.

**Ley 1448**, 2011 por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones.

**Marco Jurídico para la Paz**, 2011 (nuevo artículo transitorio No.66 de la Constitución Política)