



Justice for Colombia Peace Monitor

APRIL 2018 DELEGATION REPORT



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A Justice for Colombia project



Supported by Fórsa



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1. Introduction

This report details the conclusions from the Justice for Colombia (JFC) Peace Monitor delegation to Colombia which took place between 5 and 10 April 2018.

The JFC Peace Monitor delegation, comprised of British and Irish parliamentarians and international trade union leaders, visited Colombia to observe the current state of implementation of the peace agreement signed between the Colombian government and the FARC-EP.

This was the first in a series JFC Peace Monitor delegations which will continue to observe the implementation of the Final Peace Agreement at least through 2018 and 2019.

This report recognises the official mechanisms that exist for verification of implementation of the peace agreement and as such does not have the intention nor the capacity to offer a verification at that level. Instead its objectives

are to detail the principle themes that were raised during the visit in terms of advances and concerns for the implementation of the peace agreement.

Justice for Colombia, and the JFC Peace Monitor and all its supporters are grateful to all of the individuals, organisations, and institutions who made themselves available during this delegation and have expressed a commitment to continue collaborating with this project.

Whilst this report highlights many of the concerns that were expressed during the delegation, at the same time we recognise and congratulate the significant work being done on both sides of the negotiations and across different institutions and organisations often in the face of incredible difficulties and complexities to help ensure that the peace agreement between the Colombian state and the FARC brings a sustainable peace to Colombia.

2. Summary of Findings

Whilst the delegation was exposed to a number of concerns surrounding the implementation of the peace deal which painted a worrying overall picture, there was also emphasis on some of the successes which have already been achieved.

The principal successes spoken about were the ending of the armed conflict and the significant reduction in the number of violent deaths as a result, and the formation of the FARC as a legal political party.

The principal concerns which contributed to a seemingly growing sense of apprehension for the future of the peace agreement centred on the violence against community leaders and political activists, slow advance on areas of reincorporation of former FARC-EP combatants, difficulties in implementing rural reforms, changes made to the nature of the agreement as legislation goes through Congress, and the legal insecurity felt by FARC members.

The importance of international accompaniment for the implementation of the peace agreement was emphasised throughout the delegation.

3. Background

3.I

What is the JFC Peace Monitor?

In January 2018 Justice for Colombia (JFC) launched the JFC Peace Monitor with the objective of facilitating international accompaniment to the implementation of the Final Peace Agreement signed between the Colombian Government and the FARC-EP.

JFC, together with the support of the Irish public sector union Fórsa and with the backing of a significant number of other British and Irish trade unions, as well as the International Trade Union Confederation (ITUC) and several parliamentarians, created the JFC Peace Monitor as a continuation of JFC's work in support of the Colombian peace process.

The JFC Peace Monitor organises and hosts regular delegations to Colombia involving Members of Parliament and trade union leaders, with a focus on monitoring the advances and challenges for the implementation of the Peace Agreement. Delegations will meet with the signatories to the agreement, and the different actors involved in implementing, verifying, and accompanying the process, as well as representatives from civil society.

3.II

What is Justice for Colombia?

JFC is a London based organisation which was set up in 2002 by the British trade union movement to support Colombian civil society in its defence of human rights, labour rights, peace and social justice. It is supported today by both the British and Irish trade union movements.

JFC also works closely with Parliamentary Friends of Colombia, a multi-party group of over sixty MPs.

JFC has always supported efforts to reach a politically negotiated solution to the conflict which delivers peace with social justice. JFC has campaigned to build international support for the current peace process.

JFC has been working with those on all sides of the Good Friday Agreement to harness their experience to support and strengthen the Colombian Peace Pro-

cess through taking a number of high profile cross party delegations to meet with negotiators in Havana. JFC has also engaged with the experience of the South African transition to democracy, taking experts involved in that process to advise in Havana during the negotiations.

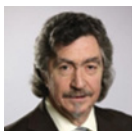
JFC works in Westminster, Stormont and Dublin to build support for peace, inviting a number of leading Colombian peace activists to address politicians and trade union activists. JFC organised two ground-breaking events in the British and European parliaments in March 2015 and January 2016 respectively, where the Colombian government and the FARC shared a public platform outside the formal peace talks for the first time. The JFC Director was named an advisor in the peace process in 2016 a role which is continuing through 2018.

4. Details of Delegation



4.1

Members of the delegation



Mickey Brady MP

Mickey Brady is an MP for Sinn Féin since 2015. He is currently a member of the Good Friday Agreement implementation committee based in Leinster House, Dublin. He was previously an elected representative in the Northern Ireland Assembly between 2007 and 2015.



Lord Dave Watts

Lord Dave Watts is a current member of the House of Lords for the Labour Party. Between 1997 and 2015 he was an elected Member of the British Parliament and he is the former Chair of the Parliamentary Labour Party.



Rt. Honourable Dame Rosie Winterton MP

Rt. Honourable Dame Rosie Winterton has been the Member of Parliament for Doncaster Central since 1997 and served in the Labour Governments as a Minister from 2001 until 2010. In 2006 Rosie was appointed to the Privy Counsel. From 2010 until 2016 Rosie served as the Opposition Chief Whip and since 2017 as Deputy Speaker.



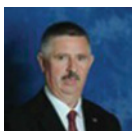
Christine Blower

Christine Blower was General Secretary of the National Union of Teachers (NUT), between 2008 and 2016. The NUT together with the ATL recently formed the National Education Union (NEU), the largest teacher union in Britain with over 500,000 members. Christine Blower is currently responsible for international work at the NUT section of the NEU.



Sharan Burrow

Sharan Burrow is the General Secretary of the International Trade Union Confederation (ITUC), the world's largest trade union organisation with 207 million members across 163 countries and territories. She is former president of the Australian Council of Trade Unions (ACTU).



Peter Nolan

Peter Nolan is Head of the Local Government and Municipal Divisions of Fórsa, Ireland's largest public sector trade union with 80,000 members. He is responsible for the International Affairs Committee of the union.



Kate Osborne

Kate Osborne is a member of the National Executive Committee of Unite the Union. Unite is the largest trade union in Great Britain with more than 1.4 million members. She also sits on Unite's International Committee and has more than 20 years experience working and organising at the Royal Mail. Kate is an elected local councillor for the Labour Party.



Gemma Swart

Gemma Swart is Head of Global Media at the International Trade Union Confederation (ITUC) and works on the ITUC's Frontline Campaigns for peace, democracy and human rights.

4.11

Delegation Meetings

The delegation held meetings with the following individuals, organisations and institutions:

Representatives of the Colombian Government

- Oscar Naranjo, Vicepresident of Colombia
- Rodrigo Rivera, High Commissioner for Peace
- Ivonne Gonzalez, Director of Human Rights, Interior Ministry
- Local authorities in Caloto, Cauca including representatives of the Army, Police, Attorney General's Office and Ombudsman's Office.

Representatives of the FARC

- Victoria Sandino
- Pastor Alape
- Iván Márquez
- Rodrigo Granda
- Jesús Santrich
- Members of the ETCR (FARC Reincorporation Space) in Llano Grande, Antioquia

International Embassies

- José Luis Ponce, Cuban Ambassador to Colombia
- Johan Vibes, Norwegian Ambassador to Colombia
- Peter Tibber, British Ambassador to Colombia
- Greg Houston, Deputy Head of Mission, British Embassy in Colombia
- Adam Forbes, First Secretary Peace and Security, British Embassy in Colombia
- Rachel Brazier, Chargé d'Affaires, EU Delegation to Colombia
- Breda Lee, Political Counsellor, EU Delegation to Colombia

International Organisations

- Jean Arnault, Special Representative of the UN Secretary-General for Colombia and Head of the UN Verification Mission in Colombia

Members of Congress (incumbent and elected):

Congressional Peace Commission:

- Roy Barreras, Partido de la U
- Luis Evelis, Mais
- Oscar Ospina, Partido Verde
- Alirio Uribe, Polo Democrático

Newly Elected Member of Congress:

- Aida Avella, Unión Patriótica

Human Rights Organisations

- Cristian Delgado, Head of Human Rights, Patriotic March
- Father Alberto Franco, The Inter-Church Justice and Peace Commission
- Gustavo Gallón, Director, Colombian Commission of Jurists
- Danilo Rueda, The Inter-Church Justice and Peace Commission
- Members of human rights and community organisations in Caloto, Cauca

Trade Unions

- Executive Committee members of the Central Unitaria de Colombia (CUT)
- Executive Committee members of the Central de Trabajadores de Colombia (CTC)

Victims

- In Caloto, Cauca, meetings were held with victims of human rights violations and family members of murdered community leaders.
- In Llano Grande, Antioquia meetings were held with the families of FARC members killed whilst participating in the reincorporation process as well as relatives of victims killed during the conflict.

4.III

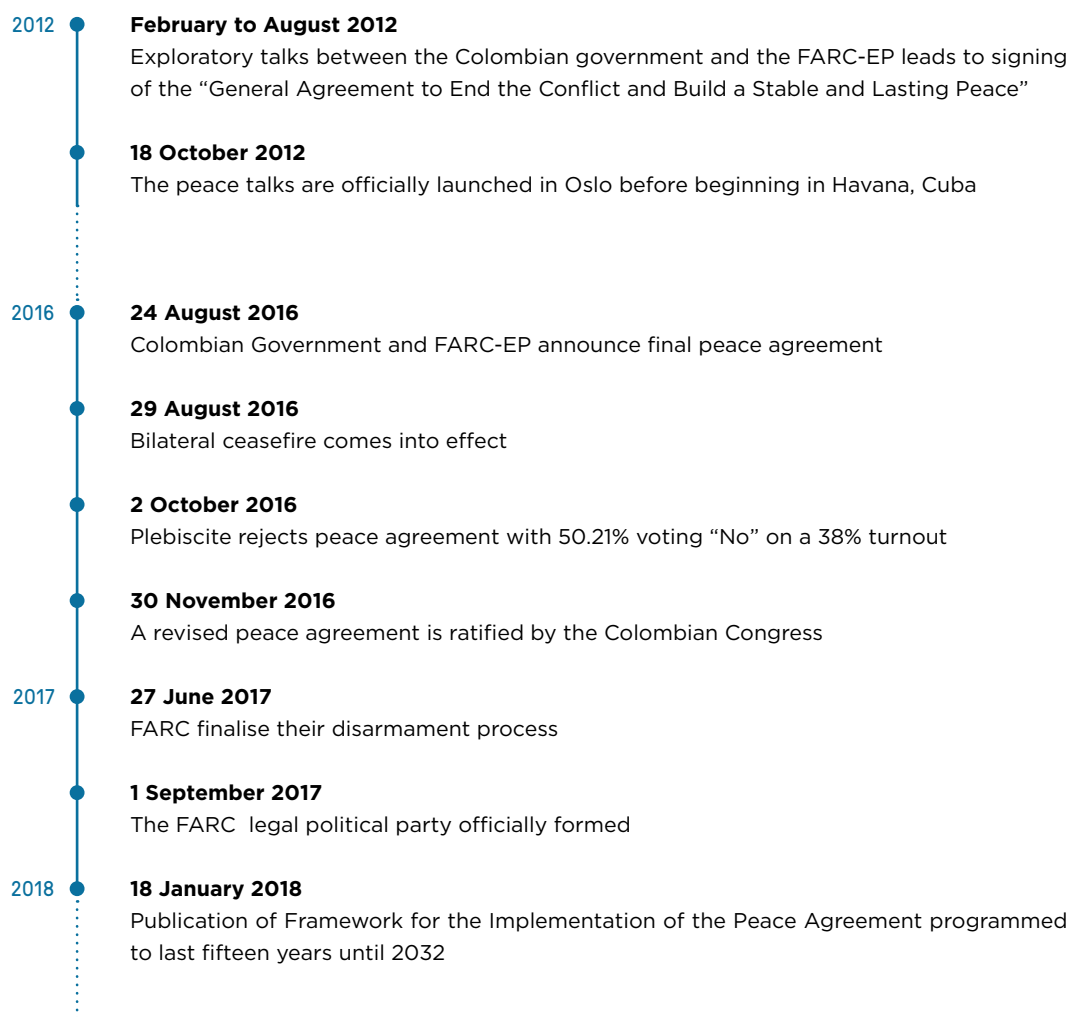
Delegation Locations





5. Peace Process

5.1 Timeline



5.II

Summary of the Final Agreement ¹

The agreement was structured around the six following points:

1 Comprehensive Rural Reform

This chapter seeks to help rural communities:

- Gain access to land and formalise land titles
- Access the means to make this land productive
- Participate in the planning of their regions

2 Political Participation

This chapter seeks to:

- Open up democratic space and guarantee rights for the political opposition
- Reform the electoral process
- Guarantee that politics and weapons are no longer used together

3 End of the Conflict

This chapter seeks to:

- Carry out the FARC's disarmament
- Guarantee FARC members' transition into civilian life and their political, social and economic reincorporation
- Dismantle paramilitary groups and guarantee security conditions for former combatants and communities

4 Solution to the problem of illicit drugs

This chapter seeks to:

- Help illicit crop growers transition to legal activity by implementing a crop substitution program
- Facilitate treatment for consumers
- Fight against the entire chain of drug trafficking

5 Victims

This chapter seeks:

- To establish a Truth Commission to clarify what happened during the conflict
- Justice regarding crimes committed by all actors during the conflict with a focus on truth and restorative justice
- Establish a special unit to find the disappeared
- Comprehensive reparation of victims
- Guarantees that these events will never happen again

6 Implementation and verification

This chapter seeks that:

- The Peace Agreement is implemented
- A commission (known by its Spanish acronym CSIVI) with three senior Government and three FARC members is established to follow up the implementation process
- Implementation is accompanied internationally by several institutions and organisations and verified by a UN Special Political Verification Mission

¹ The summary of aims is adapted from 'The Colombian Peace Agreement: The opportunity to build peace', a 2016 publication of The Office of the High Commissioner for Peace.
Accessible at: <https://colombiapeacemonitor.org/2018/02/22/the-final-peace-agreement/>

6.

Main Advances in Implementation

6. I

End of Armed Conflict

On 29 August 2016 armed hostilities between the Colombian state and the FARC-EP came to an end with the declaration of an indefinite bilateral ceasefire.

From the beginning of the Colombian peace process in 2012 to the current day there has been a significant reduction in the total number of violent and combat related deaths in Colombia.

According to the Colombian Vice-President, 2017 saw the lowest rate of murders for 42 years.

This reduction and the importance of that was recognised in meetings with human rights organisations, the Colombian government and the FARC.

It is estimated that 3,000 lives were saved in the five years since the start of the peace process.

6. II

Formation of FARC Political Party

On 1 September 2017 the FARC-EP became a legal political party called the People's Alternative Revolutionary Force, keeping its FARC initials. Constitutional Court rulings and Congressional legislation confirmed the legality of the party.

Congressional elections in March 2018 saw the FARC take part in electoral politics for the first time.

The delegation met with representatives of the FARC political party who were due to become members of the Colombian Congress on 20th July 2018 when the new congress is opened.

FARC will have five seats in the House of Representatives and five seats in the Senate for two terms of the four-year congressional cycle. This was guaranteed as part of the Peace Agreement.

Vicepresident Oscar Naranjo:

“One of the most important achievements in this year of postconflict is that the FARC now has a political party”





6.III

Tripartite collaboration in ETCRs–FARC, Security Forces, UN

The visit to Llano Grande, one of 26 specially created Reincorporation Zones (ETCRs) for FARC members to go through a reincorporation process, was especially noteworthy for the **high level of cooperation and strong relations between the FARC, the state security forces, and the local community.**

Representatives of all three spoke of the importance of these strong relations that had been built up.

State security forces have been providing protection for the FARC members in the reincorporation zones and incidents of attacks against FARC members have taken place outside of these areas (see below [7.II Killing of Former FARC Combatants](#)).

**Army Representative
in Llano Grande Reincorporation Zone:**

“What we can see here is that with hard work, with sacrifice, and, above all, with forgiveness, we can achieve great things”

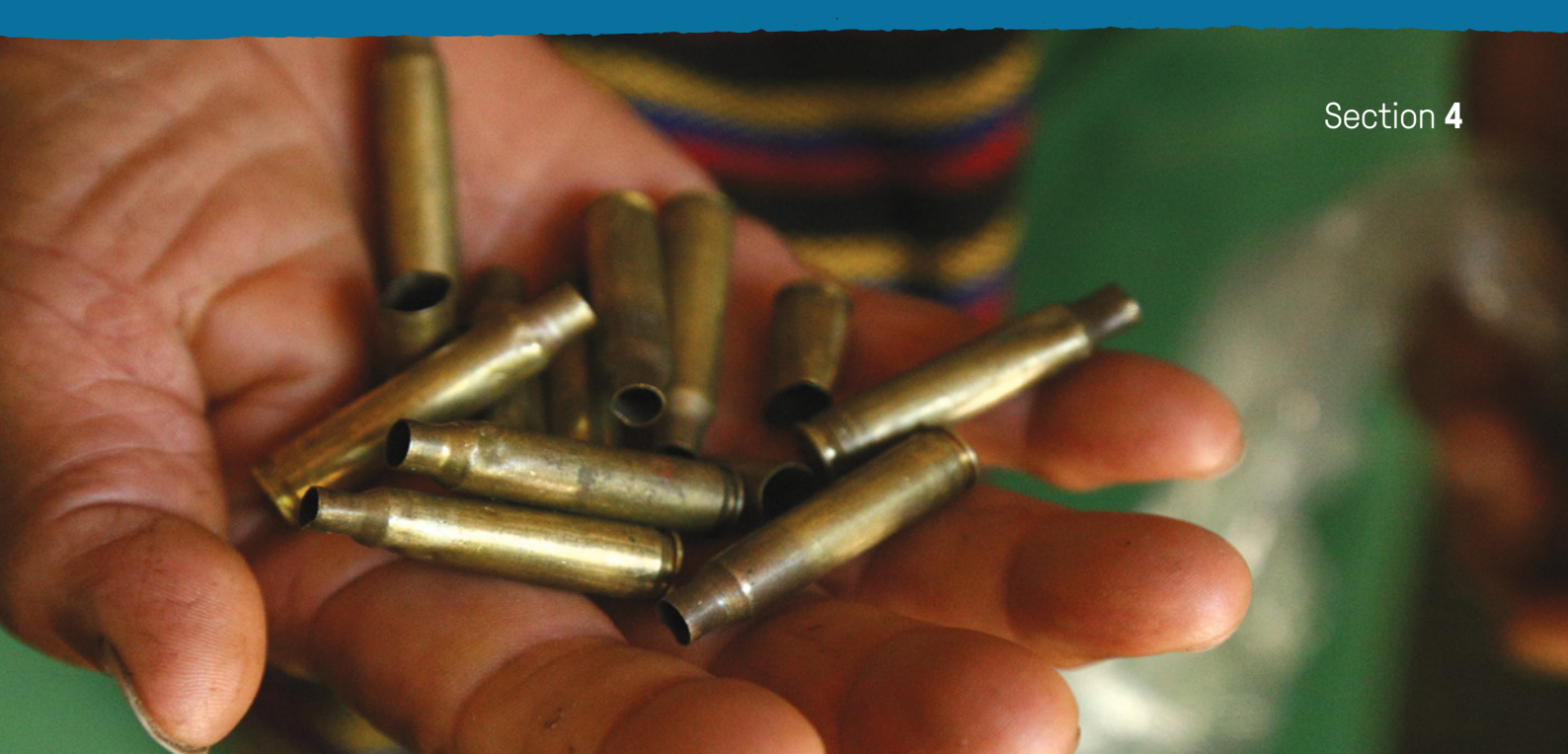
6. IV

Creation of Institutions for Implementation

The creation and ongoing functioning of institutions and agencies aimed at the implementation of the peace agreement was an understated but recognisable positive for the ongoing success of the peace process.

The delegation met with representatives from the implementation oversight body (CSIVI), which has three members of the FARC and three members of government, and with a representative from the National Reincorporation Council, which also has representation from both the Colombian government and the FARC.

The ongoing functioning of these and other institutions responsible for overseeing the implementation of the peace agreement will be essential for the success of the peace process.



7. Concerns in Implementation

7. I

Killing of Community Leaders and Political Activists

The delegation met with community activists in Caloto, Cauca who reported high levels of intimidation and violence including the murder of two local leaders, Éder Cuetia Conda and Jose Adalberto Torijano during 2017. They spoke of the presence of illegal armed groups described by local human rights defenders as paramilitary successor groups. Community members also reported that state security forces had opened fire indiscriminately during protests - One case the delegation heard about was in March 2018 when a 22-year-old indigenous activist, José Wilson Escue Vitoncó, was killed and several others injured.

Human rights organisations, the Colombian government and the FARC all highlighted the increased killings of community leaders and political activists as a serious concern. **According to the UN at least 121 human rights defenders and community activists were murdered in 2017 following the signing of the deal.**

Community leader in Caloto, Cauca:

“If you kill a farmer, it's like killing a dog. Nothing happens.”

7. II

Killing of Former FARC Combatants

The delegation met with the mothers of two FARC members who were killed whilst taking part in the reincorporation process. Wilmar Asprilla and Ángel de Jesús Montoya Ibarra were killed in January 2018 in Peque, Cauca as they were taking part in the FARC's electoral campaign. There was a feeling that the state security forces could have done more to protect them.

Concern was expressed throughout the delegation at the number of FARC members in process of reincorporation who have been targeted.

According to the UN Verification Mission in April 2018, a total of 44 FARC members and 18 relatives had been killed whilst six FARC members had been reported as forcibly disappeared.

Mother of FARC member murdered whilst in reincorporation process:

“It felt like my son had been reborn, and then he was killed, just like that”

7. III

Land for FARC Reincorporation

Whilst it was not explicitly stipulated in the peace agreement, during meetings with both government and FARC representatives there was recognition of the importance of access to land for the successful reincorporation of FARC members.

A census carried out by the National University confirmed the broadly rural make-up of the FARC - 83% of the almost 10,000 consulted identified as having a rural background of varying degrees.

The delegation visited the Llano Grande Reincorporation Zone where the lack of land was highlighted as a principal concern. The delegation was shown the small-scale farming projects which had been initiated in Llano Grande with the former combatants using their stipends to fund the activities, they also expressed a sense of insecurity because the land was rented and they could lose it in any moment.

At the time of the delegation a Presidential decree was due to be authorised imminently to facilitate the process of land being given to FARC members.

A decree was passed on May 4th, although at the time of writing this report, no land had been given. This issue was presented as needing immediate attention to the delegation.

According to CesPaz 37,657 Ha of land is needed to guarantee a successful reincorporation process.

**Pastor Alape, FARC Representative
on National Reincorporation Council:**

***“Without land, economic and social
reincorporation will not be possible”***

7. IV

Economic Projects for FARC Reincorporation

There were concerns expressed to the delegation that the economic projects, seen as fundamental to ensure socioeconomic reincorporation of FARC members, had not advanced satisfactorily.

As part of the peace agreement the FARC was supported by the Colombian government to create a federation of cooperatives called Ecomun. As of April 2018, the delegation was told that 51 cooperatives across 16 Departments had been created.

The official route created in the peace agreement for FARC members to present economic project proposals is through the National Reincorporation Council, but according to the UN in April 2018 only four had been presented with just one approved.

Problems with accessing funds were expressed in terms of bureaucratic difficulties, the land access issue mentioned in the point above, as well as the practical difficulties facing FARC members with limited experience and training in presenting project proposals.

Numerous socioeconomic reincorporation projects had been initiated across the 26 ETCRs, but these were so far reliant on funding coming from a combination of the stipends being received by FARC members, contributions from local community members, assistance from different national and international organisations, and international cooperation.





7. V.

Crop substitution and Comprehensive Rural Reform

Whilst illicit crop substitution and land reform were considered to be elements in the peace agreement for which some of the results will be seen in the longer term, concerns were expressed during the delegation regarding the current state of progress.

The continuation of forced eradication alongside the crop substitution program (PNIS), which is predicated on collaboration and participation with the coca growing communities, was reported as generating a certain amount of mistrust and conflict.

During the delegation the comprehensive nature of the peace agreement was emphasised on many occasions with particular focus on the links between successful crop substitution and rural reform.

There was concern that important legislation relating to the creation of a land fund of 3 million Ha and the formalisation of 7 million Ha was still to be passed as well as the general slow progress of the rural development program created in response to the peace agreement (PDET).

The targeting of community leaders promoting and working with the crop substitution program was also a major concern. The delegation met with Marino Grueso Obregón the brother of Jesús Orlando Grueso Obregón, a community activist murdered in Guapi, Cauca alongside Jonathan Cundumi Anchino in February 2018. He explained that his brother had recently been named as the regional coordinator of COCCAM – a national organisation representing farmers currently growing coca and other illicit crops. At the time of his murder Jesús Orlando had been working together with state institutions to organise the crop substitution programs.

According to the Colombian peace observatory Fundación Ideas Paz (FIP), whilst the murder rate increased by 11% in areas with coca crops, this was at 33% in areas where crop substitution had started to be implemented.

Community leader in Caloto, Cauca:

“You become a military target, because you want to promote community participation.”



7. VI

Changes to justice agreement

Both human rights organisations and the FARC highlighted the changes made in the Colombian Congress to the transitional justice system (JEP) as extremely worrying.

There was particular focus on the removal of “third-party actors” from having an obligation to pass through the transitional justice system. These “third-party actors” include members of state institutions and people with business interests who are implicated in violent crimes related to the armed conflict. There was very little faith in the ordinary justice system which had so far failed to bring those people to justice. **The changes to the JEP were considered to promote impunity and deny victims their rights to both truth and justice.**

The FARC expressed further concerns that the changes being made in the Colombian Congress were aimed at manipulating the JEP so that only the FARC had to pass through the justice system, to increase the possibility of extradition to the United States, and to limit the ability of the FARC political party to take up their seats in Congress.

Gustavo Gallón,

Director, Colombian Commission of Jurists:

“The transitional justice agreement is in danger and this is very serious for the victims”

7. VII

FARC Members in Prison

In spite of an Amnesty Law passed on 30 December 2016, the delegation received information that 600 FARC members still remained in Colombian prisons.

There was discrepancy between FARC and government representatives on numbers and the reasons that they had not been released.

Whilst the FARC handed in a register of 3,500 imprisoned members and 2,900 had been released, around 600 still remained in jail at the time of the delegation.

There was disagreement between the Colombian government and the FARC regarding numbers as the Colombian government had recognised only 400 of the remaining 600 as FARC members. Further disagreement centred on the remaining 200 with the Colombian government stating that they had so far been denied benefits of the Amnesty Law due to having committed crimes unrelated to the armed conflict.

7. VIII

Jesús Santrich

During the delegation, Jesús Santrich, member of the CSIVI and FARC Congressman-elect was arrested after an international arrest warrant with the aim of extradition was issued by a New York court.

The delegation had been in a meeting with Jesús Santrich just hours before his arrest.

The case has created a significant crisis for the peace process given the protagonism of Jesús Santrich both in the FARC political party and his role in the peace negotiations. There were even greater concerns that if the legal process was not seen to uphold due process and adherence to the peace agreement then the implications could be even more severe.

8. Recommendations

Whilst these recommendations are most specifically for the Colombian government and the FARC, they are also relevant for all organisations and institutions involved in supporting the implementation of the peace agreement.

- Ensure the FARC political party are given full guarantees for their chosen representatives to take their ten seats in the Colombian Congress and continue operating as a legal political party.
- Ensure the continued functioning of the CSIVI, and the CNR and all other institutions and agencies working on the implementation of the peace deal.
- Urgent measures need to be taken to provide protection for community activists, especially those engaging with the crop substitution and rural reform programs.
- Accelerate process of approving socioeconomic reincorporation projects proposed by organisations forming part of Ecomun, including both the issuing of funds and the allocation of land.
- Urgent attention to the implementation of chapters relating to causes of conflict – point 1 and 2 of the Agreement.
- Ensure crop eradication programs do not contradict the collaborative crop substitution programs.
- Promote greater coordination between the crop substitution program (PNIS) and rural reform programs (PDET).
- Urgent ratification and initiation of the System of Justice, Truth, Reparation and Non-Repetition, including the JEP without any further changes.
- Clarification of the discrepancy on number of FARC members remaining in prison, and immediate release of all those who meet the criteria.
- Full transparency and adherence to the peace agreement in the Jesús Santrich legal process.
- Implementation of the measures to guarantee security as stipulated in the peace agreement.



9. Conclusion

Whilst there was clear political will and commitment for the success of the peace process, there was growing concern about the current state of implementation amongst many of those with whom the delegation met.

It appears that in terms of implementation of the peace agreement, the chapters relating to ending the armed conflict had been successful and had brought positive results for Colombian society. The chapters of the peace agreement dealing with the long-term causes of the armed conflict had seemingly however not progressed as had been expected. With further concerns focusing on changes which had been made to the agreement in the area of transitional justice there was a sense that whilst hope was not lost, many of the promises of the peace agreement were potentially slipping away.

The delegation was in Colombia prior to the presidential elections, and there was a concern about what impact those elections could have for the peace agreement. It is essential that future Colombian governments recognise that implementation of the peace agreement is an obligation of the Colombian state, whichever government is in power.

In spite of the recognised difficulties of the implementation so far and the hurdles still to overcome, there was stated commitment from all of those with whom the delegation met to continue working to ensure the peace process is a success. To that end the JFC Peace Monitor will continue to offer its support.



The Justice for Colombia Peace Monitor is supported by the following Parliamentary and trade union organisations.





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