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ABOUT  
THE PEACE  
PROCESS IN  
COLOMBIA

**Oficina del Alto  
Comisionado para la Paz.**

JUN, 2014



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# Structure of the Peace Process

## PURPOSE

To end the conflict in order to start a peace building phase.

## PROCESS PHASES



### PHASE 1 (exploratory)

**Establish** the conditions and exchange visions about the end of the conflict in order to conduct the conversations.

**Document signed** entitled “General Agreement for ending the conflict and building a stable and long-lasting peace”.

**It is a road map** which states the purpose of this process, the conditions, and the rules of the game.

**It has a detailed agenda based on 5 specific items and one implementation, verification and ratification step.**

**THIS PHASE ENDED WITH THE SIGNATURE OF THE GENERAL AGREEMENT.**



### PHASE 2 (end of the conflict)

Provide content to this agenda in order to reach a **Final Agreement**.

**This is what is taking place today at Havana.**

**This task is carried out under the following rules:** no territories are cleared and military operations are not suspended; working sessions at the Table are reserved and direct in order to guarantee seriousness and discretion; the duration of the Table will be subject to reviewing the progress from time to time; and the dialogues are conducted under the principle whereby **“nothing is agreed until everything has been agreed”**.

**THIS PHASE WILL END WITH A FINAL AGREEMENT ENDING THE CONFLICT**

The war ends and **peace building starts.**

**Peace is built among all Colombians after the signature of a Final Agreement.**

Peace in Colombia will be a Territorial Peace where **all citizens and communities will participate in building it; it will positively impact the victims’ rights;** and it will have to ensure **guarantees for everyone.**

**THE BUILDING OF A STABLE AND LONG-LASTING PEACE BEGINS**



### PHASE 3 (peace building)

Note: the following summary does not replace the Joint Reports of the Dialogue Table, which also include the details of what has been agreed. Visit the web page: [www.mesadeconversaciones.com.co](http://www.mesadeconversaciones.com.co)

ITEM 1 OF THE AGENDA:

# Comprehensive Agrarian Development Policy

Havana, June 21, 2013

**/1.**

Access to land and land use. Unproductive lands. Formalization of property. Agricultural border and protection of reserve areas.

**/2.**

Development programs with a localized focus.

**/3.**

Infrastructure and land adaptation.

**/4.**

Social development: health, education, housing, eradication of poverty.

**/5.**

Incentives for agricultural production and for a cohesive and cooperative economy. Technical assistance. Subsidies. Credit. Income generation. Marketing. Formal labor.

**/6.**

Food security system.

**THIS AGREEMENT HAS FOUR CORNERSTONES WHICH ARE OF GREAT IMPORTANCE FOR THE PEOPLE WHO LIVE IN THE COUNTRYSIDE.**

**THE FIRST ONE IS ACCESS TO AND LAND USE**



A land Fund was agreed for the **free distribution of land** to peasants with no or insufficient land. But the idea is not just to hand out land to those who don't have it, but to provide "**comprehensive access**": the land will be accompanied by irrigation, credits, technical assistance and support for commercialization purposes, among other things.



Land access also includes the provision of a **comprehensive subsidy** and special credit for land purchase, as well as guaranteeing property rights. The agreement calls for a **massive formalization** plan of small and medium-sized properties, and the creation of an **agricultural jurisdiction** to ensure effective legal protection for the peasants' property rights as well as those of all who live in the countryside. Thus, displacement is prevented, conflicts are solved, and peace is planted.



This agreement will improve **land use**. The Government will define general land use guidelines taking the land's vocation into consideration and will implement **reconversion programs**. Likewise, the creation and **upgrade of the cadastre** and the updating of the real estate tax ("those who have the most, pay the most") will create incentives to give more productive use to the land. Citizen participation will be strengthened in the planning of the territorial order / zoning, and the dialogue between the government, the rural communities and the private sector will be facilitated.



We also agreed to **delimit the agricultural frontier and protect special environmental interest areas**: we will move forward in an environmental zoning plan aimed at making preservation interests compatible with economic alternatives for the communities and for the country's development, promoting different

development plans that contribute towards environmental preservation.

**THE SECOND CORNERSTONE IS THE ESTABLISHMENT OF SPECIAL DEVELOPMENT PROGRAMS WITH A TERRITORIAL APPROACH**



The idea is to reconstruct the regions which have been affected the most by the conflict and by poverty through actual development plans that will transform those territories, guarantee rights and facilitate reconciliation.

**Action plans will be developed in a participatory manner aimed at fostering regional transformation.**

**A THIRD CORNERSTONE IS COMPRISED BY NATIONAL PLANS THAT WILL RADICALLY REDUCE POVERTY AND ELIMINATE EXTREME POVERTY**



These plans are aimed at the provision of public goods and services on **infrastructure** (roads, irrigation districts, electricity, connectivity), **social development** (special health, education, housing and drinking water plans for the countryside), and all kinds of stimuli for the **productivity** of family agriculture (technical assistance, promoting cooperativism, special credit lines, subsidized harvesting insurance, solidary associations for commercialization, among others), and to **formalize the labor situation**.

**THE FOURTH AND LAST CORNERSTONE IS A SPECIAL FOOD AND NUTRITIONAL SECURITY SYSTEM**



Local and regional markets will be strengthened, campaigns will be carried out promoting proper food handling practices for the families, and special programs against hunger will be applied. We will create food and nutritional security councils at all territorial levels and will implement the institutional framework to improve food security for the communities.

ITEM 2 OF THE AGENDA:

# Political Participation

Havana, December 8, 2013

## **/1.**

Rights and guarantees in general for the exercise of political opposition and in particular for new political movements that emerge upon signing of the Final Agreement. Access to media.

## **/2.**

Democratic mechanisms for citizen participation, including direct participation at different levels and on various themes.

## **/3.**

Effective measures to promote wider participation in national, regional and local politics from all sectors, including those that are most vulnerable, on a level playing field and with security guarantees.

## THE AGREEMENT IS BUILT ON THREE CORNERSTONES:

### THE FIRST ONE IS A NEW DEMOCRATIC OPENING THAT WILL PROMOTE POLITICAL INCLUSION AS A MECHANISM TO CONSOLIDATE PEACE, AFTER THE END OF THE CONFLICT



The idea is to facilitate the **creation of new political parties** without jeopardizing the progress achieved in the consolidation of the party system. The agreement contemplates the changes necessary to detach the attainment and conservation of the legal status from the requirement of surpassing the threshold for Congressional elections, and the transitory provision of State support for new political forces that may emerge.



We agreed to create **Special Transitory Peace Electoral Districts** in the regions most affected by the conflict. The inhabitants of these regions will be able to elect, during the transition phase and on a temporary basis, additional House of Representatives with special rules. *(The number of regions, seats and electoral periods have not been agreed yet).*



The democratic opening will require more electoral participation. For this purpose, special measures were agreed to **promote voting**. Likewise, this demands **strengthening transparency**: measures were agreed aimed at strengthening the electoral system's transparency, as well as a **comprehensive review of the electoral regime and organization needed** to provide those guarantees.

Last, we agreed to implement measures to **increase women's participation** and **promote a democratic culture of tolerance in the political debate**. The end of the conflict implies that enemies should treat each other with respect, as political adversaries.

### THE SECOND CORNERSTONE IS GREATER CITIZEN PARTICIPATION TO CONSOLIDATE PEACE, UNDER THE SPIRIT OF THE 1991 CONSTITUTION



For this purpose, a series of measures were agreed: the development of a **Law of Guarantees for social organizations and movements**; measures to promote a culture of tolerance, non-stigmatization and reconciliation, guarantees for social protest both for those who take part in the demonstrations as well as for all other citizens; promotion of spaces in institutional, regional and community media in order to inform about the activities of the different civil society organizations; **revision of the entire citizen participation system** in the development plans, particularly in regards to the operation of the **Territorial Planning Councils**; strengthening of the participation in the development of public policies and strengthening of **citizen control and oversight of public management** through the promotion of public oversight committees and transparency observatories in all the regions.

### THE THIRD CORNERSTONE -AND THE FUNDAMENTAL IDEA OF THE END OF THE CONFLICT- IS TO ENSURE THAT THE LINK BETWEEN POLITICS AND WEAPONS IS BROKEN FOREVER



Nobody will ever again use weapons to promote political causes. And those who have laid down their weapons to move unto politics shall have all the guarantees so as to not become targets of violence.



All those who engage in politics shall have the certainty that they will not be victims of weapons. For that purpose, it was agreed that the Government will establish a **Comprehensive Security System for the exercise of Politics** within a framework of guarantees for the rights and freedoms. A similar security guarantee system will be developed for leaders of social organizations and movements and for human rights advocates at risk. And discussions will be promoted with ample citizen participation and an **Opposition Statute** will be issued.



## ITEM 4 OF THE AGENDA:

# Solution to the illicit drug problem

Havana, May 16, 2014

### **/1.**

Illicit crops substitution programs. Comprehensive development plans with the participation of communities in the design, implementation and evaluation of substitution and environmental recovery programs, in the areas affected by such crops.

### **/2.**

Prevention of consumption and public health programs.

### **/3.**

Solution to the phenomenon of narcotics production and commercialization.

## THE AGREEMENT ON DRUGS FEATURES FOUR BASIC COMPONENTS:

### THE SUBSTITUTION AND ERADICATION OF ILLICIT CROPS



The bases are set for a **New Illicit Crop Substitution and Alternative Development Program** with a national scope. This Program seeks to work with the communities to solve, once and for all, the problem of the territories and the crops, within a logical framework of territorial integration and social inclusion.



The setting into motion of participatory **planning processes regarding** the solution to illicit use crops and overcoming poverty conditions. The idea is to establish a new alliance between the communities and the national, departmental and municipal authorities to solve the communities' problems.



**Immediate assistance plans** for illicit crops growers will also be set in place. In the cases where the growers fail to fulfill their commitments or are not willing to take part in the Program, the Government will manually eradicate illicit crops.



In order to achieve the effectiveness and success of this program, a **demining Program** was agreed for the different areas of the national territory, where the FARC will also contribute by providing information, among other things.

### DRUG USE



The agreement acknowledges that the topic of illicit drug use is a matter of public health that demands priority treatment. An agreement was reached to create, on the one hand, a National Comprehensive Intervention **Program regarding Illicit Drugs Use** aimed at articulating the authorities in order to prevent and address the drug problem and handle the variables involved therein, a policy which should be participatory; and on

the other hand, a “National Attention System for Illicit Drug Users which includes complementary rehabilitation and social insertion actions”.

### DRUG TRAFFICKING



A comprehensive **strategy was agreed to reinforce and extend the fight against organized crime**, particularly in the regions. The Government made the commitment to “intensify the fight against organized crime and its supporting networks in the framework of the end of the conflict (...) and in general to dismantle the networks of these organizations”. For that purpose, it will implement a criminal policy strategy and a new strategy against the assets involved in drug trafficking and asset laundering in all sectors of the economy, as well as against the traffic of drug-related supplies.



The Government will promote an **International Conference** in the framework of the United Nations in order to reflect, objectively evaluate the policy of the fight against drugs and move forward in building consensus around the adjustments deemed necessary, taking into account the discussions and new international developments on the matter.

### COMMITMENTS



The Government committed itself to “*implement the policies and programs of this item*”; **and the FARC - EP committed themselves to** “*contribute in an effective manner, with utmost determination and in different forms and through practical actions towards the final solution to the problem of illicit drugs, and to end any relationship that, based on their rebellion, may have taken place with this phenomenon*”. Both parties stated “*their firm commitment to the final solution to the illicit drug problem*” and undertook “*to contribute towards the elucidation of the relationship between the conflict and the growing, production and commercialization of illicit drugs and asset laundering*”.

## STATEMENT OF PRINCIPLES FOR

# The discussion of item 5 of the agenda: “victims”

The National Government and the FARC - EP,

**Reiterating**, as set forth in the General Agreement of Havana, that “Respect for human rights throughout the national territory is a State’s mandate which should be promoted”, and that item 5 of the Agenda states that “redressing victims is at the core of the agreement”;

**Acknowledging**, moreover, that the victims of gross human rights violations and International Humanitarian Law breaches related to the conflict, are entitled to the following rights: truth, justice, reparation and non-repetition;

**Convinced** that addressing victims’ rights is a fundamental part of peace-building, and that the end of the conflict will decidedly contribute to the satisfaction of those rights, hereby declare that the discussion of item 5 will be framed within the following principles:



### 1. RECOGNITION OF THE VICTIMS

All the victims of the conflict need to be recognized, not only in their condition as victims, but also and primarily in their capacity as citizens with rights.



### 2. RECOGNITION OF RESPONSIBILITY

Any discussion of this item should start from the recognition of responsibility before the victims of the conflict. We will not exchange impunity.



### 3. SATISFACTION OF VICTIMS' RIGHTS

The rights of the victims of the conflict are non-negotiable; the purpose is to agree on how they should be addressed in the best possible manner within the framework of the end of the conflict.



### 4. VICTIM PARTICIPATION

The discussion about the satisfaction of the rights of the victims of gross human rights violations and International Humanitarian Law breaches related to the conflict necessarily involves the participation of the victims, through different means and at different times.



### 5. ELUCIDATION OF THE TRUTH

Unveil what has happened throughout the conflict, including its multiple causes, origins and its effects is a fundamental part for the satisfaction of victims' rights and of society in general. Regaining trust depends on the full elucidation and recognition of the truth.



### 6. REPARATION OF THE VICTIMS:

Victims have the right to be redressed for the damages suffered because of the conflict. Restoring victims' rights and transforming their living conditions within the framework of the end of the conflict is a fundamental part of building a stable and long-lasting peace.



### 7. GUARANTEES OF PROTECTION AND SECURITY

Protecting the lives and the personal integrity of the victims is the first step towards the satisfaction of their other rights.



### 8. GUARANTEES OF NON-REPETITION

The end of the conflict and the implementation of the reforms emerging from the Final Agreement are the main guarantee of non-repetition and the way to ensure that no new generations of victims will emerge. The measures adopted both on item 5 as well as on the other items of the Agenda should aim at guaranteeing non-repetition in order to ensure that no Colombian will ever become a victim or face the risk of becoming one again.



### 9. PRINCIPLE OF RECONCILIATION

One of the goals of satisfying victims' rights is the reconciliation of all Colombian citizens in order to walk the paths of civility and coexistence.



### 10. RIGHTS-BASED APPROACH

All the agreements we reach on the items of the Agenda, and in particular on item 5-“Victims”, should contribute to protect and guarantee the effective enjoyment of rights. Human rights are equally inherent to all human beings, meaning that they are entitled to them by virtue of their status as such, and consequently their recognition is not a concession; they are universal, indivisible and interdependent and they must be considered globally and in a fair and equitable manner. Consequently, the State has the duty to promote and protect all rights and fundamental liberties, and all citizens have the duty to restrain from violating the human rights of their fellow citizens. Acknowledging the principles of universality, equality and progressiveness, and for compensation purposes, the transgressions of economic, social and cultural rights because of the conflict will be taken into account.

# Why is this Process different?

- 1** **It is an agreement to end the conflict.** It contains the conditions deemed necessary by the National Government in order to open a process with enough guarantees to end the conflict.
- 2** **It has no territorial clearance** and military operations are not suspended.
- 3** **Dialogues will take place outside of Colombia.** Working sessions are reserved and direct in order to guarantee seriousness and discretion.
- 4** **Dialogues will not last for an unlimited time.** The duration will be subject to progress reviews every certain amount of time.
- 5** The agreement establishes a process with a **clear structure of three phases.**
- 6** The dialogues are held under the principle whereby **“nothing is agreed until everything has been agreed”.**
- 7** The Colombian people will have the final word in **ratifying the agreements reached with the FARC.**
- 8** This agreement is different to previous ones because it contains **a realistic agenda on five specific items and a sixth item on guarantees:** 1. Comprehensive agricultural development policy; 2. Political participation; 3. End of the conflict; 4. Solution to the illicit drug problem; 5. Victims; and 6. Implementation, verification and ratification.

# Myths & realities about the peace process in Colombia

By: Humberto de la Calle, Head of the Government Delegation in the Peace Talks

Some opponents of the peace process being held at Havana have been circulating **false versions and unbelievable myths about its actual scope.**

**WE WILL CLARIFY THE MAIN LEGENDS RIGHT NOW.**

**FIRST. *The country is being handed over at Havana.*** Nothing further from the truth. First, the dialogues have been conducted strictly adhering to the items agreed in the General Agreement of Havana dated August 26, 2012. Both parties found these items to be efficient and sufficient to end the conflict and to open, without weapons, a broad transformation stage with full guarantees for the movement that may arise from the FARC and enter into the political arena.

Second, and as a consequence of the foregoing, the usual statements voiced by the FARC by means of which they reveal the most disparate political positions should not be confused with what takes place at the Dialogue Table.

Third, while the agreements reached up on the first two items of the Agenda contains transcendental items for a comprehensive rural reform and for a new democratic openness, both are faithfully etched in the conception of Rule of Law.

**SECOND. *A reduction of the military forces and a limitation of their status as a consequence of the end of the conflict is forthcoming.*** Absolutely false. The structure and operation of the military forces was specifically excluded from the dialogues. While the dialogues are taking place, the armed forces will continue to operate fully, and

if an agreement is reached, they will continue fulfilling their constitutional mandate within a context of peace.

**THIRD. *The comprehensive rural reform affects private property.*** The agreements seek to ensure that the largest number of people living in the countryside without land or with insufficient land may have access thereto, through the creation of a Land Fund (Fondo de Tierras), accompanied by housing plans, potable water supply, technical assistance, training, education, land improvement and development, infrastructure, and soil recovery plans. The Land Fund will be composed mainly of proper lands recovered by the State which have been wrongfully and illegally acquired by drug traffickers and other criminals. All of this will be carried out fully respecting private property and the rule of law. **Legal land-owners have nothing to fear.**

**FOURTH. *The dialogues are clandestine, behind the country's back.*** The world's and Colombia's experience indicate that in order for these dialogues to be fruitful a certain level of confidentiality is needed. Negotiating over the microphones is the best way to frustrate the process. However, as both parties have agreed, a final Agreement must be submitted for its endorsement by all the citizens, following a period of open and profound discussions. Nothing will be done behind the country's back. Notwithstanding the foregoing, without eliminating that basic principle, appropriate information has been provided. The Head of the Government's Delegation has made 33 public interventions since the opening of the Dialogue Table at Havana. Each of the two parties publicized fairly complete reports regarding the two agreed items. In carrying out the Agenda, open, pluralistic and broad forums have been held on three items of the Agenda, the last two about the world drug problem. The delegations defined three citizen participation mechanisms: **a)** a mechanism for receiving proposals from the citizens and organizations regarding the items of the agenda, through hard copy or electronic (digital) means; **b)** direct consultations held to receive proposals regarding those items; and **c)** delegating a third party for the organization of participation spaces.

**FIFTH. *There will be impunity for those responsible for crimes against humanity.*** The

Legal Framework for Peace contemplates the general limits of a comprehensive transitional justice strategy which will necessarily have to be consistent with the international obligations of the Colombian State. Its comprehensive nature refers to, on the one hand, achieving a coherent application of a series of different judicial and extrajudicial measures aimed at satisfying the rights of the victims to truth, justice, reparation and non-repetition; and on the other hand, enabling the sustainable reintegration of former combatants into civilian life.

All efforts exerted by the Government in order to bring the conflict to an end shall conclude in a comprehensive strengthening of justice and the rule of law in the entire national territory, which is the true guarantee of non-repetition.

The legal treatment of those who have taken part in severe human rights violations during the transition phase is dependent on their willingness to recognize their responsibility, face their victims and actively participate in the reconstruction of truth and the reparation of the victims.

In contexts such as Colombia's, where we have to confront a legacy of massive and systemic human rights violations, a serious strategy to fight against impunity presumes acknowledging the limits of the criminal process and multiplying efforts through different kinds of mechanisms. Over and above the number of criminal processes and the years of imprisonment, the true fight against impunity is focused on unveiling what actually happened and why; on acknowledging the victims and providing them with comprehensive and prompt reparations; and on attributing the responsibility to those primarily responsible for international crimes, by means of public, easily accessible mechanisms, with prompt and clear decisions which may allow the victims and society in general to regain their trust in the institutions. In summary, transitional justice is not an act of resignation and concessions to the aggressors; rather, it's an opportunity to face, once and for all, a legacy of severe human rights violations and to finally entrench the rule of law in the entire national territory.

***Conclusion. Criticism is welcome. Ultimately, as previously stated, the Colombian people will be the ones who decide the course. However, in the meantime, a loyal effort is needed in order for the discussions to be based on actual facts rather than on myths and legends spread against the truth and actual nature of the peace process.***

# Territorial Peace<sup>1</sup>

Sergio Jaramillo,

High Commissioner for Peace

*The Government's vision of peace is centred on rights and on a territorial approach.*

“Rights” in the sense that the peace process must necessarily address the rights of victims, starting with the most effective means of ensuring their protection and the non-repetition of violations: ending the armed conflict. But “rights” also in the broader sense of guaranteeing that the rights of all Colombians are upheld equally throughout the country. Now clearly it is not possible to guarantee rights sustainably in the absence of strong institutions — “institutions” understood not only as organizations, but also as the set of practices and norms that regulate public life and that are essential to creating the conditions for cooperation and peaceful coexistence. The problem, of course, is that if a country is entrenched in an armed conflict—even one like Colombia’s, which has subsided considerably—its institutions inevitably exhibit serious weaknesses in their ability to create public goods and guarantee rights, as well as in their capacity to guarantee the conditions under which society’s political demands can be channelled. These two points are at the heart of the agreements we have arrived at with the FARC on rural development and political participation. I will return to them later on. What I want to emphasize is that we must take advantage of the arrival of peace to align incentives and develop the institutions on the ground which over time will guarantee everyone’s rights in a fair and equal manner.

To that end, we must complement a rights-based approach to peace with a territorial approach. There are two reasons why we must do this: first, because the conflict has affected some regions more than others; and second, because change will not come if we do not coordinate efforts and mobilize the popu-

lation in these regions around peace.

That is what I refer to as “territorial peace”, and it is what I am going to talk about today.

## THE TRANSITION

The basic premise of this process is that we must first end the conflict in order to move on to a peace-building phase. That is what we agreed with the FARC in the General Agreement we signed in August 2012, to “initiate direct and uninterrupted talks on the points of the agenda in order to reach a final agreement on the end of the conflict that contributes to a stable and enduring peace.”

This may seem like an obvious idea -but not in Colombia. We must stop the fighting in order to work on building peace. This is what I have referred to on another occasion as “phase three”, which begins after the signing of a final agreement. It involves opening up a discussion with all citizens in the regions about how to put into practice what was agreed in Havana. That is why the peace process does not end, but instead begins with the signing of the agreement.

“we must take advantage of the arrival of peace to align incentives and develop the institutions on the ground which over time will guarantee everyone’s rights in a fair and equal manner.”

## PEACE AS AN OPPORTUNITY

The foundation for the transition is the agenda we are discussing in Havana, which appears in the General Agreement of August 2012. It does not include all the issues that form part of a national agenda, but only the one necessary to guarantee an end to the conflict and lay the basis for a peace-building phase. It is worth reiterating that we did not agree to discuss these points for the sake of the FARC, but for the sake of Colombians. We agreed to discuss them and are reaching agreements because we are convinced that these are the reforms that must be undertaken to allow peace to take root and to insure that Colombia has a future free from violence. This is why we are in Havana. The FARC and eventually the ELN will, of course, have to do their part. This means not only setting down their weapons and reintegrating into civilian life, but also making a range of contributions to the implementation of the agreements, including addressing the rights of the victims. Having the guerrillas lay down their weapons

1. This is an edited version of a speech given at Harvard University, March 13, 2011



is certainly a necessary condition of the transition, but it is not the main one. What is most important is what comes afterwards. What is most important is to think of peace as an opportunity, a lever of change which can help to achieve what has been impossible in the last fifty years of war. The energy of peace is necessary to fuel the transformation of the conditions that have kept the conflict alive. This is what every sensible democracy must do: turn challenges into engines of development. Let me ask: do you believe that Franklin Delano Roosevelt could have launched transformations in financial regulation, public works, and social policy—which formed the foundation for three or four decades of growth and wellbeing—without the pressures exerted by the Great Depression?

Of course not. Likewise, we must take advantage of this opportunity and the momentum of peace to create the incentives that will with time lead to real change. There will not be fair and sustainable progress in Colombia if we do not address the rural problem. That includes clarifying and upholding the right to land ownership.

## **THE AGREEMENTS**

We have already arrived at two agreements which set the stage for those that remain. The first agreement, which is about rural development, seeks to transform the conditions in the countryside and reverse the effects of violence. It is about closing the enormous gap between the cities and the countryside, which has been the site of the conflict, through plans and programmes that aim at a turn-around in the lives of the population. It is worth pointing out that the government does not believe that there are “objective causes” that could justify the use of arms by some against others. But it does believe that conditions such as extreme poverty in the countryside, combined with a lack of opportunities and institutions that are weak in regulating public life, have enabled violence to flourish—in addition of course to the presence of illegal armed groups. That is why I say that this peace process is about guaranteeing the constitutional rights of all Colombians, especially those that have lived in the country’s periphery, on

the margins, and felt the effects of the conflict first hand.

The second agreement, which is about political participation, seeks to shatter for good the relationship between politics and violence, as President Santos has said. It’s about restoring a basic rule of democratic life: that no-one should resort to weapons to promote political ideas, and

that no-one who promotes political ideas through the democratic process need fear violence. That is the essence of any peace process: to facilitate the transformation of an armed group into a political movement within a democracy. But in the case of Colombia, which throughout its history has witnessed a terrible combination of politics and violence, it is much more.

It is much more because by drawing a line in the sand between violence and politics we are firmly establishing and stabilizing the political arena. Any political action that plays by the rules, including social protest and radical opposition, is lawful and legitimate, while any use of violence is exactly that: a crime. Restoring this

basic rule will make Colombian politics richer and more democratic, as well as more lively and contentious. We mustn’t fear democracy: we must fear violence. And we must see democracy itself as the best mechanism for consolidating peace. That is why it is imperative to give more voice to and take more seriously the political rights of those who have been on the margins of the nation’s political life.

## **A PEACE-BUILDING CAMPAIGN**

There is no way to implement all of the above without mobilizing the population. Let me now address the issue of participation.

Here we have to think big and imagine a truly participatory national campaign that mobilizes people in the provinces around peace-building. How can this be accomplished? Through bottom-up participatory planning processes in each region.

This is about launching a participatory planning campaign in which both public authorities and local communities map the characteristics and needs of each territory, identify an adequate response, and jointly and methodically build plans that will lead to

“What is most important is to think of peace as an opportunity, a lever of change which can help to achieve what has been impossible in the last fifty years of war.”



the transformation of those regions. It is about giving full weight to the rights and abilities of individuals, so that they feel ownership of the reconstruction effort. This is not a vision of utopia. It has been done in other parts of the world. Brazil and India are good examples. How can we not do the same in Colombia when it is peace that is at stake?

Every sector of society—farmers, indigenous peoples, Afro-Colombian populations, business owners, universities, social movements and members of the clergy—must feel that they are part of the same process, that peace is for them and by them, that each can and should make a contribution. We also need to awaken enthusiasm in the urban population, especially among young people. We have to get them thinking about the “other side” of the country and go out into the regions. Universities should be part of this too, as well as students—not only supporting the participatory planning processes, but building bridges between the city and the country.

### A NEW ALLIANCE

Ultimately, this is about launching a new and inclusive model of institutional strengthening in the regions. The Colombian state has attempted all kinds of programmes to bring development to remote regions. Without minimizing its achievements, I believe the centralist model in which a few government employees parachute into communities as aliens in order “to bring the state” has run out of fuel. I have participated in those programmes and know their merits and limitations. I am convinced that with this approach the state will never get anywhere in a sustained manner. But neither is it enough for communities to self-organize. That involves a logic of fragmentation which has plagued our history. What we need is to establish a logic of inclusion and regional integration, based on a new alliance between the state and communities, in order to create conditions for institutionalization in the country. Here, once again, I am using institutionalization to refer not only to the presence of state agencies, but to the joint development of practices and standards that regulate public life and produce wellbeing. This is an alliance in which all government programmes, regional authorities—here

the leadership of mayors and governors is essential—and communities work together to deploy national resources with local knowledge and execution. It is an alliance that in my opinion can only be structured around peace-building.

We have an advantage: we are not starting from scratch. There are important programmes from civil society that have made progress in this direction. And we have our own experience. Nevertheless, we must build something new. The obstacles are without doubt enormous: corruption, cronyism, interest networks, and organized crime threaten any attempt at reconstruction. But if we cannot achieve it now, during an exceptional transitional period, with all the resources that a real peace-building campaign can mobilize, then we will never achieve it.

### SPACES FOR RECONCILIATION

The advantages of this campaign are many. First, we will solve the problem of credibility. We must overcome the distrust of the communities—what Jean Paul Lederach refers to as the “distance” that people who have to live with and survive violence feel towards any peace-building effort. That is precisely the problem we have in Colombia, which has suffered such a prolonged conflict. There are regions where

communities have seen programme after programme come and go over the last thirty years and as a result become sceptical. The solution begins with communities being active designers and not only recipients of these programmes, and seeing that their rights count. As institutions become more responsive, people become more conscious of their rights and demand more. That is how institutionalization comes about. Second, we must rethink the reincorporation of guerrilla fighters. Colombia has ample experience with this and a strong agency dedicated to reintegration. But if we are talking about trans-

forming the regions and strengthening institutions on the basis of participation and inclusion, these processes cannot be limited to offering opportunities to those who have laid down their weapons. Former combatants must play a role in the reconstruction of the regions. We cannot make the mistake of thinking that this is just about disarming certain groups. We have to fill an empty space and institutionalize the

“ Here we have  
to think big and  
imagine a truly  
participatory  
national  
campaign that  
mobilizes people  
in the provinces  
around peace-  
building”



regions. And this must be done with the participation of all. Third, an exercise like this is a way of building spaces for dialogue at the regional level, a public sphere where the common good can be discussed and basic rules of respect and cooperation established.

For this reason, the space for deliberation is also a space for reconciliation.

## JUSTICE AND TERRITORIAL PEACE

All of this requires innovation and creativity. We must think differently, not only about how to do things, but about why we are doing them. That includes re-thinking the relationship between justice and peace in a peace process. If we take peace-building to be about strengthening norms and guaranteeing rights, we have a framework within which to consider the interests of both justice and peace —so long as we understand “justice” in the broadest sense of the term, as John Rawls defined it: “a system of fair cooperation over time”, in which “cooperation” means observing certain norms and procedures with their corresponding rights and responsibilities, and accepting them precisely because cooperation is beneficial for all. If we think about justice this way, we understand that the ultimate aim of justice in a peace process is to rebuild the social order under conditions of fairness and to promote cooperation in the regions in order to reaffirm the basic rules of society, guarantee wellbeing and protect rights.

Transitional justice is a fundamental component, but it is only one component of a much larger reconstruction effort.

Within this framework we can find the right balance between the rights of victims and the rights of the other citizens in the regions who have more often than not been indirect victims themselves. And we are able to find answers to difficult questions such as: Whom should we assign land to: the victims, the ex-combatants, or to those who need it most? And where should the criminal justice system focus its efforts: in investigating half a century of war, or in preventing future violations and dismantling future threats to communities?

This is not about privileging the rights of some

citizens over others. It is about making justice extend as far as possible within a territory and it is about protecting the rights of victims in the best possible manner. The enemies of the peace process have tried to reduce the end to a fifty year war and the peace-building effort to a single question: “Are the guerrilla fighters going to prison or not?” Of course we must discuss sanctions, especially for those most responsible for international crimes. We have already said that there will not be a general amnesty in Colombia. Everything will be dealt with within the framework of our international obligations.

But if this is about producing the building blocks for justice in the regions and providing guarantees that victims will not be victimized again, then any discussion must start from that premise. In any case, we have to first listen to the victims themselves, not to those self-appointed anti-impunity crusaders who in the past have done little or nothing for the victims.

A solution must be reached that includes everyone who has been involved in the conflict. Within this framework it is possible to design a system in which all the different reconstruction programmes and transitional justice measures dovetail and reinforce each other. Let me provide some examples. The restitution of land is a measure of basic justice in a transition. The government already launched an ambitious restitution programme which will be much more effective if the land in question is restored within the context of the territorial development programmes we have agreed in Havana.

Another example is the Special Temporary Peace Districts that were part of the agreement on the second point of the agenda. These are new electoral constituencies with special rules that aim at increasing the representation in the Chamber of Representatives during the transitional period of the territories most affected by the armed conflict.

With this measure, we are broadening the political participation of those who, because of the conflict, have been at the margins of the country’s political life. And we are integrating these populations and regions politically and guaranteeing a form of reparations for the victims. Few things in a tran-

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sition towards peace are as important as activating the political rights of those who have suffered at the hands of violence.

The programmes that will reintegrate FARC fighters (and eventually ELN ones) into civilian life must make a contribution to efforts to promote transparency, reparations, and non-recidivism. To the degree that they do this they will be facilitating reintegration, because communities will more easily accept former combatants. The goal is not only to guarantee that truth, justice, and reparations measures are mutually reinforcing in an integrated transitional justice strategy that does everything possible to address the rights of victims and avoid impunity -that has been our position- but also to insure that this strategy is itself “nested” in a larger strategy for the whole of the transition in the regions.

### **CONSENSUS FOR PEACE**

Launching this or any other strategy is of little use if there is no political consensus behind it. And it is on this theme that I wish to end: the importance of building a consensus for peace. President Santos has said that any agreement we arrive at with the FARC

will be the subject of a popular referendum. It will be the Colombian people who will have the last word. This means that a consensus in favour of the agreement will have to be built. Consensus at that point is obviously crucial, but we must start to work on it now, including building consensus among the branches of government and among society at large.

President Santos has proposed a grand pact for democracy and peace. It is impossible to speak of a real transition if there is no such political pact behind it, both at a national and regional level. All of this demands from us what on other occasions I have referred to as an act of imagination. We need the capacity to overcome the natural fear of change and the indifference of those who, especially in urban areas, believe that things are fine as they are. We must, together, be able to imagine a Colombia at peace. In the end, peace is a decision. It is a decision in favour of the future and against the past. It requires that everyone, urban and rural, looks in the mirror and say: “I prefer peace.” That is the task that lies before us. A task made more difficult no doubt in the electoral season. But I believe in the end reason and realism will prevail. Because the reality is this: there will be no other opportunity for peace.

PEACE IS POSSIBLE,  
GET READY FOR  
PEACE

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