

## **Applauding the Ceasefire between the FARC and Colombian Authorities and Looking to the Challenges Ahead**

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On June 21, Colombian President Juan Manuel Santos stated that the government and the Revolutionary Armed Forces of Colombia (FARC, *Fuerzas Revolucionarias Armadas de Colombia*) would sign a finalized peace deal by July 20.<sup>1</sup> The next day, the two parties confirmed they would sign a ceasefire pact and craft a road map for the FARC's demobilization.<sup>2</sup> To celebrate the signing of the ceasefire, a ceremony was held on June 23 in Havana. In a momentous occasion, President Santos and FARC leader Timoleón Jiménez (better known as Timochenko) shook hands and signed the peace agreement in front of leaders from Chile, Venezuela, El Salvador, Cuba, the Dominican Republic, and Norway.<sup>3</sup> President Santos tweeted on June 22 that the dream of peace in Colombia "is starting to become a reality."<sup>4</sup> Indeed, what seemed impossible in the midst of war finally became a reality—the cessation of the Western Hemisphere's longest ongoing conflict ever.<sup>5</sup>

The Colombian government and the FARC have been negotiating a peace contract for about six years. According to the *BBC*, the first meetings were held in secret and began in 2010. In October 2012, the FARC and the Colombian government formally met in Oslo attracting international attention. The focal points of the negotiations included: "the end of armed conflict; land reform; guarantees for the exercise of political opposition and citizen participation; drug trafficking; and the rights of the victims of the conflict."<sup>6</sup> Excluding minor implementation details, the peace deal was finalized and will be ratified by a public vote. If the majority of the public favors it, all features of the deal will be legally binding, and the two parties will initiate its implementation.<sup>7</sup> As of June 22, the former enemies have agreed on all points of the peace deal and were currently working to formulate an effective strategy for the FARC's transition to a recognized political

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<sup>1</sup> "Colombia President Santos: 'Farc peace deal by 20 July'", *BBC*, accessed June 23, 2016.

<sup>2</sup> Alsema, Adriaan, "Colombia government and FARC rebels confirm historic ceasefire", *Colombia Reports*, accessed June 23, 2016.

<sup>3</sup> "Colombia peace deal starts to be a reality", *LatinNews*, accessed June 22, 2016.

<sup>4</sup> *Ibid.*

<sup>5</sup> "Colombia President Santos: 'Farc peace deal by 20 July'".

<sup>6</sup> "Colombia and Farc negotiators launch Norway peace talks", *BBC*, accessed June 22, 2016.

<sup>7</sup> Alsema, Adriaan, "Colombia peace talks | Fact sheet", *Colombia Reports*, accessed June 24, 2016.

party. President Santos expects the plan to be ready by July 20, and given the surprisingly fast pace of the recent negotiations, the finalized deal could be ready for a referendum by the end of this month.

In 2015, national popular support for the then unfinished peace deal reached a figure of 72 percent.<sup>8</sup> In May, *Colombia Reports* stated that 61 percent of Colombia's urban population would vote in favor of the peace deal.<sup>9</sup> However, even if the majority of Colombians support the peace treaty, the Santos administration and the FARC will face several challenges in its implementation, in part due to opposition within the government itself.

## **Conservative Opposition to Colombian Peace Deal**

Former President Álvaro Uribe, Inspector General Alejandro Ordoñez, and Democratic Center President Óscar Iván Zuluaga fiercely oppose the peace treaty.<sup>10</sup> They argue that the deal does not penalize FARC members nearly enough for their crimes and that the guerrilla group should not be allowed to enter politics following its demobilization.<sup>11</sup> This echoes a popular feeling shared by many Colombians. Although most of the population favors peace, it is difficult for the people of Colombia to move past the atrocities of the conflict and forgive the transgressors. A survey conducted by the Colombian Institute for Political Science in Bogotá (ICP) found that between 70 and 80 percent of the population “oppose judicial pardons for ex-rebels.” 57 percent said they would vote against the peace agreement if it meant sacrificing justice.<sup>12</sup> In early June, former President Uribe catered to this notion and urged the opposition to sign his petition, which rejects the peace agreement. He also encouraged Colombians to engage in “civil resistance” in order to demonstrate the widespread opposition to the treaty.<sup>13</sup>

The Colombian people's resistance to the judicial pardons derives from a desire for justice and retribution. However, Uribe's opposition likely stems from eagerness to save his own skin. Uribe, along with multiple state officials, including members of his family, have been accused of committing war crimes during the conflict. His brother, Santiago Uribe, was arrested on February 29 for allegedly forming the Twelve Apostles, a “notorious death squad” linked to the disappearances of dozens of leftist rebels in the 1990s.<sup>14</sup> Authorities are investigating Senator Álvaro Uribe to determine the extent of his involvement in the formation of the right-wing paramilitary group.<sup>15</sup> According to

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<sup>8</sup> Sonneland, Holly K., “Colombia Update: Facing Public Opinion on FARC Peace Talks”, *AS-COA*, accessed June 27, 2016.

<sup>9</sup> Graham, Thomas, “Comfortable majority in urban Colombia would vote yes to peace: Poll”, *Colombia Reports*, accessed June 28, 2016.

<sup>10</sup> Gill, Stephen, “Colombia's opponents to FARC peace talks line up for frontal attack”, *Colombia Reports*, accessed June 27, 2016.

<sup>11</sup> Adriaan Alsema, “Colombia's opposition collecting signatures rejecting FARC peace deal”, *Colombia Reports*, accessed June 14th, 2016.

<sup>12</sup> “Colombia Update: Facing Public Opinion on FARC Peace Talks”.

<sup>13</sup> “Colombia's opposition collecting signatures rejecting FARC peace deal”.

<sup>14</sup> “Colombia ex-president Alvaro Uribe's brother arrested”, *BBC*, accessed July 7, 2016.

<sup>15</sup> *Ibid.*

*InSight Crime*, Uribe faces several other allegations of having “drug trafficking and paramilitary ties.”<sup>16</sup> Under the terms of the treaty, those accused of criminal activity or war crimes are to be brought to justice regardless of affiliation.<sup>17</sup> This means Uribe faces a potential prison sentence because he will be tried under the same judicial process as the FARC insurgents.<sup>18</sup> Uribe’s opposition reflects his corrupted idea of justice and his bias towards the Colombian political establishment. Furthermore, the fact that he has been accused of war crimes gives him a strong motive for opposing the peace agreement.

Regardless of the reason behind their opposition to the peace agreement, members of the military, government, and paramilitary groups are accused of committing tens of thousands of war crimes or war related crimes.<sup>19</sup> Like the FARC, they are guilty of perpetuating violence and must face justice.

### **Details of the Judicial Process**

The Colombian constitution emphasizes equality for all of its citizens and guarantees the right to a fair trial under the “presumption of innocence until proven guilty.”<sup>20</sup> Therefore, it is both morally sound and necessary under Colombian law to hold trials for everyone accused of committing a crime, and that is exactly what the FARC and the Santos regime intend to do. A 63-page agreement written by the victims of the conflict and approved by the FARC and the Colombian government creates two main judicial bodies responsible for “the clarification of truth, punishment for victimizers, and justice and reparation for the victims.”<sup>21</sup>

A peace tribunal consisting of both guerrilla and state members will handle the investigation of war crimes committed during the conflict. Those on trial will receive different sentences based on the severity of their crimes and their cooperation with the judicial system.<sup>22</sup> By admitting to their crimes, members of the FARC, Colombian state, and paramilitaries will have their sentences reduced to a “restriction of liberties and rights.” They will also have to partake in public service and “re-establishing the rights of the victims.”<sup>23</sup> Those who admit to more egregious crimes such as “genocide, war crimes, crimes against humanity, torture, forced displacement and sexual violence” will face between five and eight years of “restricted liberty” which essentially means forced labor or confinement. Those who do not concede and are found guilty will receive a 20-year-sentence in Colombian prison. However, under the terms of the peace agreement, the judicial branch is not legally allowed to issue prison sentences to those who confess.<sup>24</sup> This is precisely what the opposition denounces. How could the Santos regime

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<sup>16</sup> Ramsey, Geoffrey, “The Case Against Uribe”, *InSight Crime*, accessed July 7, 2016.

<sup>17</sup> *Ibid.*

<sup>18</sup> “Colombia’s opponents to FARC peace talks line up for frontal attack”.

<sup>19</sup> Alsema, Adriaan, “Colombia’s peace deals in depth: Victims”, *Colombia Reports*, accessed June 24, 2016.

<sup>20</sup> Title II, Chapter 1, Articles 28-29, Text of the Constitution of Colombia (1991), accessed June 24, 2016.

<sup>21</sup> “Colombia’s peace deals in depth: Victims”.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

ever agree to lessen the sentences of those responsible for instigating much of the 52 year conflict that has claimed the lives of 220,000 people and displaced nearly 6 million?<sup>25</sup>

Though it is true that the guilty members of the FARC and Colombian state may be deserving of severe punishment, the decision to lessen their sentences makes sense in the big picture. In the words of Adriaan Alsema, journalist for *Colombia Reports*: “While harsh punishments for the gruesome crimes that have been committed would satisfy part of the needs of some victims, it would also make an agreement almost impossible, because it could undermine the military and guerrillas’ compliance to transitional justice and thus perpetuate violence.”<sup>26</sup> If the leaders of the FARC and Colombian government had advocated for more severe sentences such as life in prison or execution, the peace negotiations would not have advanced to where they are today and may not even have occurred in the first place. By prioritizing peace over the execution of harsh justice, the negotiations successfully brought two enemies together for the sake of Colombia’s greater well-being.

### **Stamping Out Drug Production**

One of the most crucial items of the treaty deals with the illicit drug market. In May 2014, the FARC and the Colombian government agreed on a plan to eliminate the production of narcotics. In a televised speech, President Santos reported that the FARC “has promised to effectively contribute, in diverse and practical ways, to a definitive solution to the problem of illegal drugs.”<sup>27</sup> This was a massive advancement considering the FARC’s historical reliance on the drug economy. Since the 1980s, the insurgency group has funded its operations through the production and distribution of drugs, especially cocaine.<sup>28</sup> According to a report published by the United Nations Regional Information Centre for Western Europe (UNRIC), the FARC took in an annual revenue between \$500 and \$600 million USD just from drug trafficking.<sup>29</sup> It is no wonder that the Colombian chief negotiator, Humberto de la Calle, believes the bilateral effort to terminate drug production will “eliminate the petrol that has [fueled] the conflict in Colombia for decades.”<sup>30</sup> However, though both the FARC and the Colombian government have agreed to crack down on drug production in Colombia, their adherence to this pact should invoke at least a degree of skepticism.<sup>31</sup>

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<sup>25</sup> Buschschluter, Vanessa, “Colombia: How would a peace deal change the country?”, *BBC*, accessed June 25, 2016.

<sup>26</sup> *Ibid.*

<sup>27</sup> Otis, John, “The FARC and Colombia’s Illegal Drug Trade”, *Wilson Center*, accessed June 23, 2016.

<sup>28</sup> United Nations Office on Drugs and Crime, Colombia: Coca cultivation survey 2014, accessed June 24, 2016.

<sup>29</sup> “The guerrilla groups in Colombia”, *United Nations Regional Information Centre for Western Europe*, accessed June 23, 2016.

<sup>30</sup> “Colombia and Farc rebels agree on drug trade plan”, *BBC*, accessed June 27, 2016.

<sup>31</sup> “Colombia: How would a peace deal change the country?”.

A major source of the FARC's funding came from the drug trade, and it has historically worked with cartels like *La Oficina de Envigado* (The Office of Envigado) to produce hundreds of tons of cocaine that are later exported to the United States and Europe.<sup>32</sup> It is rather optimistic to expect the FARC to completely forego one of its biggest sources of revenue and actually collaborate with the government to crack down on the illegal drug trade.

The Colombian state itself has a stake in the economy of narcotics. Drug cartels are known to have links to the police force and government officials. In June 2015, in an interview on the TV station *Caracol*, a member of *La Oficina de Envigado* said, "Our biggest ally here in Medellín is the police."<sup>33</sup> According to *InSight Crime*, in 2014, 32 public figures were arrested and charged with having ties to the United Self-Defense Forces of Colombia (AUC, *Autodefensas Unidas de Colombia*), a demobilized paramilitary group. Those arrested included "the...mayor of the town of Turbo, former candidates for the Senate and the State Assembly of Antioquia, and former Uraba mayors, councilmen, and political and civic leaders."<sup>34</sup> As the case of Uribe indicates, even high-ranking politicians may have affiliations with organized crime.

Even if the FARC and the state do honor the peace agreement, it does not guarantee the end of the war with Colombia's cartels who absolutely depend on producing and selling illicit drugs, especially cocaine. It is also important to understand that the Colombian state is riddled with corrupt politicians and crooked cops who are instrumental in sustaining the drug economy and crime. According to *Transparency International*, a non-governmental organization that monitors political corruption around the world, a shocking 80 percent of Colombians viewed their government as corrupt in 2015.<sup>35</sup> 56 percent of Colombians believed corruption was rising in the period of 2007-2010, and 46 percent, a majority, believe the government's efforts to fight corruption are in vain.<sup>36</sup> *Transparency International* places the Colombian government at 83 out of 163 nations on the Corruption Perceptions Index.<sup>37</sup> A huge portion of Colombia's actors, from its criminal organizations to members of its government, is invested in the drug economy. It is impossible to give an estimate as to how long it will take for them to completely divest from the illegal drug trade and work together to terminate narcotic production and distribution, but it is certainly not anytime soon.

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<sup>32</sup> United Nations Office on Drugs and Crime, Colombia: Coca cultivation survey 2014.

<sup>33</sup> Alsema, Adriaan, "Medellin Police are city's crime syndicate's 'biggest ally': Capo", *Colombia Reports*, accessed June 28, 2016, <http://colombiareports.com/medellin-police-are-citys-crime-syndicates-biggest-ally-capo/>.

<sup>34</sup> Mejia, Camilo, "Colombia Arrests Show Criminal-Political Ties Die Hard", *InSight Crime*, accessed July 8, 2016, <http://www.insightcrime.org/news-briefs/colombia-arrests-show-continued-paramilitary-influence-in-politics>.

<sup>35</sup> Gillin, Joel, "Understanding the causes of Colombia's conflict: Weak, corrupt state institutions", *Colombia Reports*, accessed June 28, 2016, <http://colombiareports.com/understanding-colombias-conflict-weak-corrupt-state-institutions/>.

<sup>36</sup> "Corruption by Country/Territory: Colombia", *Transparency International*, accessed June 29, 2016, [https://www.transparency.org/country/#COL\\_PublicOpinion](https://www.transparency.org/country/#COL_PublicOpinion).

<sup>37</sup> Ibid.

On a positive note, two of Colombia's most infamous drug cartels have voiced their willingness to begin peace talks of their own. In March, *La Oficina de Envigado*, founded by the notorious Pablo Escobar, expressed its desire to negotiate a peace agreement with the state and its eagerness to demobilize.<sup>38</sup> "We are motivated and organized to enter a phase of exploration and rapprochement with the national, regional and local government to seek a real peace deal," stated *La Oficina de Envigado* in the Colombian publication *Semana*.<sup>39</sup> *Los Urabeños*, a paramilitary group and now Colombia's largest drug cartel, also indicated their willingness to take part in peace negotiations. In a March press statement, leader Otoniel stated, "we do not oppose peace in Colombia", and that "all armed actors in the conflict should be included for there to be peace." However, he has made it clear that *Los Urabeños* have no intention of surrendering or ceasing their illicit operations.<sup>40</sup> As of now, the government has not responded to either organization's statements. Yet, in light of the recently signed ceasefire with the FARC, the possibility for productive dialogue between the Colombian government and drug cartels certainly exists, though it is still a distant prospect. Colombia's decision to legalize medical marijuana is also a step in the right direction as it will potentially decrease the supply of the coca plant, which is used to make cocaine.

### **An Alternative Cash Crop**

Legalizing the cultivation and distribution of cannabis for medicinal and recreational use could potentially be an effective strategy to combat the country's reliance on the cocaine market. In December 2015, Colombia legalized cannabis for medicinal purposes as a means of creating jobs for poor rural laborers.<sup>41</sup> The legalization of cannabis provides a lucrative alternative to the coca cash crop, but the implementation of such a law must be carried out gradually. The government must understand that many farmers have few income options other than the growing and selling of coca. Guayabero Regional Farmers' Association representative Ferin Oviedo says that the coca farmers rely on the cash crop because it is "a way of sustaining their families in every sense."<sup>42</sup> Hastily removing the coca plant from rural farmers would be robbing them of an essential means of income. Thus, a *gradual* transition from coca cultivation to cannabis cultivation must be sponsored and overseen by the Colombian state.

The Colombian government should ensure that this expanded economic sector is accessible to Colombians, and give special attention to the rural population that would benefit from it most. Policy makers must be wary of corporate monopolization of cannabis, which would limit the ability of impoverished farmers to grow and sell the plant for sustenance. Careful oversight of a gradual transition from coca cultivation to cannabis

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<sup>38</sup> Adriaan Alsema, "Pablo Escobar's former army, La Oficina de Envigado, also seeking demobilization", *Colombia Reports*, accessed June 13th, 2016.

<sup>39</sup> *Ibid.*

<sup>40</sup> Adriaan Alsema, "Colombia's most powerful drug lord 'not surrendering': Urabeños", *Colombia Reports*, accessed June 13th, 2016.

<sup>41</sup> Wade, Jared, "Colombia approves first medicinal marijuana license", *The City Paper*, accessed July 6, 2016.

<sup>42</sup> "Coca farmers face uncertain future as Colombia nears peace deal", *Aol.*, accessed June 30, 2016.

cultivation will likely diminish the prevalence of cocaine in the country, provide a lucrative alternative cash crop, and cut the financial source of criminal organizations.<sup>43</sup>

On June 28, the *Wall Street Journal* published an article about the Colombian government's incremental legalization of medicinal marijuana. According to Colombian Health Minister Alejandro Gaviria Uribe, "Colombia could be the winner of this emerging global market for medicinal marijuana," due to its fertile soil, cheap labor, and tropical climate.<sup>44</sup> The Colombian government views its comparative advantage in cannabis cultivation as a means of creating jobs in its agricultural sector. "[Legalization] will result in more jobs in our country and greater prosperity for the communities and municipalities where this industry is situated," says the Health Minister.<sup>45</sup> People affected by the conflict, from the poor farmers to ex-insurgents struggling to reintegrate into society, can all benefit from this growing economy.

## **Conclusion**

This is certainly a hopeful time in Colombia's history. The long sought-after peace treaty between the FARC and Colombian authorities has brought an end to a conflict that devastated the country for decades. Substantial credit is due to the Colombia Support Network, an NGO that has diligently worked to report the atrocities that have occurred in Colombia and provide aid to its areas of conflict. The founders of CSN, John Laun and his wife, Cecilia Zarate-Laun, have committed to exposing Colombia's human rights abuses and finding a solution to them even when the U.S. government failed to act upon this violence.<sup>46</sup> COHA express our gratitude and admiration for this organization's diligence to ensure that Colombia remains relevant and that no human rights violations go unreported.

There is still work to be done. The treaty must be approved in a plebiscite in order for it to have any practical effect. If the pact is accepted, the implementation process will surely be lengthy and difficult. In addition to the opposition to the peace treaty and the negative sentiment surrounding the judicial process for FARC and Colombian state members involved in the conflict, the problem of drugs in Colombia will persist, and the FARC's withdrawal from the drug market will merely create a power vacuum for other cartels and criminal bodies to fill. The cultivation of coca is an important source of income for poor rural farmers, and many urbanites—both in the Colombian state and within criminal groups—are heavily invested in the cocaine economy. The legalization of cannabis for medicinal and recreational use would likely reduce agricultural laborers' reliance on cocaine for income. Colombia still faces an array of problems in the form of active criminal organizations, its dependence on cocaine, and political dissent, but the country is moving in the right direction towards establishing a more progressive and peaceful society.

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<sup>43</sup> "The Colombian Cartels", *Frontline PBS*, accessed July 6, 2016.

<sup>44</sup> Yvas, Kejal, "Colombia Turns to Marijuana as Rural Jobs Tool", *The Wall Street Journal*, accessed June 29, 2016.

<sup>45</sup> "Colombia approves first medical marijuana license".

<sup>46</sup> "What is Colombia Support Network", *Colombia Support Network*, accessed July 14, 2016.

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