

# The Colombian Peace Accords by Jasmin Hristov

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*The Colombian government and leftist Farc rebels have signed a revised peace agreement to end more than 50 years of conflict, following the negative vote on a referendum for peace in September. In this article, written exclusively for the Pluto blog, Jasmin Hristov examines the results of the referendum and asks what the revised Accords holds for the future of Colombia.*

Peace negotiations between the Colombian government and the largest guerrilla movement in Latin America, the FARC-EP, took place in Havana, Cuba between 2012 and 2016. On August 24<sup>th</sup> 2016 a



deal was finally reached. On September 19, declaring that the war in Colombia is over, President Santos formally handed the peace agreement to UN secretary General Ban Ki-moon, who called the deal ‘a victory for Colombia.’ The Peace Accords outline major commitments to land restitution, rural development, illicit crops substitution, they guaranteed the political participation of the guerrilla and their disarmament, and would create the Special Jurisdiction for Peace for a system of ‘Truth, Justice, Reparation and Non-Repetition’. Polls predicted that the peace deal will most likely be ratified<sup>[1]</sup>. However, to the shock of many Colombians and the international community, the peace deal was narrowly rejected with 50.21 percent voting ‘No’ and 49.78 voting ‘Yes’.

The outcome of the peace deal referendum produced strong reactions among journalists, analysts, and academics. The victory of the ‘No’ vote was attributed to a wide range of factors including: class faction differences, misinformation campaigns, the Christian Evangelical Churches, the high abstention rate and even the weather. Analysts have charted out possible future scenarios that envision anything from rescuing the peace deal to a revival of the armed conflict. In this article, I hope to expose the complexity of the situation by problematizing some of the tendencies toward oversimplification. Rather than deferring to essentializing, I will examine the incentives for supporters of the Peace Accords, and the fears and goals of those who rejected them, in doing so, I hope to explain the conditions that enabled ‘No’ to outnumber ‘Yes’.

The assumption that the vote choice of certain social groups can be explained in terms of the class faction they represent demands correcting. ‘No’ voters have been identified as landowners and paramilitary supporters who are part of the traditional local elite, while the ‘Yes’ has been linked to the ‘transnationally-oriented modernizing neoliberal’ elite, the argument here being that the neoliberal elite has an interest in ending the conflict while the local elite does not. The local vs foreign distinction is less relevant today than in previous stages of capitalism[ii], a Colombian landowner of an African palm plantation who is also a founder or a commander of a paramilitary group is a transnationally-oriented capitalist. Landowners may have voted against the Peace Accords, but not because they belong to a ‘local’ or ‘traditional’ elite; they operate as a part of global capital. The difference between the ‘Yes’ and ‘No’ votes among the economic elites is owing to their different convictions and approaches when confronting the historical question of ‘what to do with the threat from below?’ Some are most comfortable relying on repression while others see concessions as an option that better ensures the stability of social relations.



Those in favour of ratifying the Peace Accords are people of different classes who perceive the consequences from ending the conflict between the FARC-EP and the government as potentially beneficial to them. The poor rural populations, including indigenous and Afro-Colombians, who have commonly been caught in the midst of combat between the armed forces and the guerrilla have said ‘Paz ya’ (Peace already!), likewise, progressive students, intellectuals, politicians and urban and rural social movements. On the other side of the economic spectrum, a large proportion of business people who would (in principle) benefit from the disarmament of the guerrilla and the end to attacks on infrastructure and extortion backed ‘Yes’.

On the ‘No’ side of the debate, the most prominent figure is former President Uribe, champion of the War on Narco-Terrorism, creator of the civilian informants network, a wealthy landowner and inventor and supporter of modern paramilitarism. During his two mandates, the armed forces and police were injected with massive funding that expanded the Colombian state’s coercive apparatus[iii], the first of these mandates saw 8,582 civilians disappear or murdered by paramilitary and state forces.[iv] In the build up to the referendum, Uribe’s party, the Democratic Centre, amped up its ideological machinery to spread distortions of the accords’ content to outright lies. Each statement packaged in succinct, alluring rhetoric with universal appeal:

- War crimes against humanity carried out by the FARC would remain in impunity;
- Pensions will be reduced to pay for the demobilization;
- Private property would be expropriated;
- The FARC would use its hidden wealth to purchase new weapons after the disarmament;
- A ‘Yes’ vote would allow the FARC to impose a Castro-Chavista dictatorship that would convert Colombia into another Cuba or Venezuela.

Other prominent groups on the ‘No’ side were Evangelical and Pentacostal Congregations. Of the 10 million members of Evangelical Congregations, at least four million voted in the referendum and collectively voted ‘No’.<sup>[v]</sup> The churches resented the fact that the talks were taking place in Cuba, a country which according to them offers no religious freedom and held the Accords’ references to the rights of women and LGBTQ community in contempt. Religious leaders saw a ‘Yes’ vote as equitable with a victory for the FARC and a destruction of the family and private property.

Let’s debunk some of the myths circulated by the ‘No’ supporters. The central issue revolves around the Special Jurisdiction for Peace (SJP), a judicial body with the capacity to issue decisions on political crimes related to the armed conflict, as defined in Colombian law.<sup>[vi]</sup> The jurisdiction stated that:

- Individuals directly or indirectly involved in the armed conflict, guilty of rebellion, illegal possession of weapons, or deaths in combat, who otherwise have not been involved in any crimes against humanity, war crimes or genocide, will be granted amnesty.
- Those involved in more serious crimes, who acknowledge their responsibility, will be sentenced to restriction of liberty for a period of two to eight years<sup>[vii]</sup>, this may involve removal of land-mines, and reparative acts.
- Individuals who do not confess on time or do so falsely, will face ordinary criminal sanctions, including detention in state prisons.<sup>[viii]</sup>



Praised by the Colombian Commission of Jurists and viewed favourably by the International Criminal Court<sup>[ix]</sup>, critics of the SJP still see it as contrary to international law standards and argue that it will foster a climate of impunity.

Another myth has been the claim that the Peace Accords constitute an attack on private property and will regress the country to a peasant economy. Nowhere in the Peace Accords is there any statement that could signify a threat to private property, it promotes the formalization of land-titles and emphasises the

importance of small-scale farming alongside agroindustry.[\[x\]](#) It does not question capitalist property relations or private investment, nor the free trade agreements signed with the US and Canada.

Regarding the misinformation about funding for the demobilization, the US has declared that it will provide an initial \$450 million and the United Kingdom will give \$7.6 million to finance the peace process.[\[xi\]](#) The cost of the SJP and the cost of the re-integration of the FARC is more economical than continuing to wage war against the guerilla.[\[xii\]](#)

While the Democratic Centre circulated numerous myths that convinced the population to reject the Peace Accords, it is important to assess how reasonable these fear were. What Uribe and his entourage told the public was not necessarily what they were truly afraid of. Anyone familiar with the history of Colombia has reasons to be sceptical about promises for peace. An end to the conflict between the Colombian state and the FARC-EP has been almost always equated with an end to the violence in Colombia, this line of thought is based on the false premise that the only armed actor in the conflict is the guerrilla. In reality, there is a more important non-state armed actor whose human rights footprint is much greater than the FARC and who continues to engage in violence: the paramilitary. The political objective of Colombian paramilitary violence is to preserve the status quo and guarantee the state's functioning. Between 1993 and 2006, the paramilitary carried out 1,528 massacres that left 8,449 people dead.[\[xiii\]](#) While the Colombian state has argued that paramilitarism ended with the demobilization of the AUC in 2006 and that non-



guerrilla armed groups today are only criminal gangs, plenty of evidence demonstrates otherwise. The members of the major 'BACRIM' mafiosa groups have ongoing connections to members of the state police and armed forces, schools for training in torture practices, right-wing pro-capitalist counter-insurgency discourses, which all point to the paramilitary nature of these groups. Forced displacement and repression against social movements and labour unions continue in the 'post-demobilization' era. For as long as the state does not recognize the existence of present-day paramilitary groups, how can one hope that peace will be achieved?

The second major reason to be skeptical about the possibility of peace is that what is legislated in Colombia is, historically, a world away from what actually happens on the ground. The outlaw of paramilitarism in 1989 was followed by a paramilitary boom in the 1990s; the 1993 Law that established territorial rights of Afro-descendants was followed by a massive displacement of communities, both are typical of Colombia's propensity for structural non-implementation.

On top of all this, the present economic model in Colombia is characterized by conditions that encourage violence and at the same time are reproduced through this violence. When in 2013 peasant movements across Colombia demanded that the government complies with its promise of enabling the creation of Zones of Peasant Reserves, the state responded with excessive force against unarmed protesters, killing two, seriously injuring 50 and detaining hundreds. [\[xiv\]](#)

Clearly what is necessary is a change to break the engine of dispossession and repression. The promotion of justice and human rights requires addressing the gross injustices in the distribution of economic and political power. The original Peace Accords contained key elements, when put into motion, could lead to peace through social justice. It brought to



the fore articles from the Colombian constitution that could achieve the objectives of truth, reparations, justice and non-repetition. Those that financed and collaborated with paramilitary groups could face investigation by the SJP. Ownership of property acquired by illicit enrichment could be nullified. Large-scale landowners, whose land has a bloody origin, may have their land expropriated, whereas, landowners able to prove they purchased in good faith would receive monetary compensation. Until recently, change of this calibre was unthinkable, the Accords provided a concrete reason for hope. Yet, what nourishes the hopes of many, is the same thing that sparks fear amongst those who see that their privileges may be challenged.

The second component of crucial importance in the Peace Accords is that for the first time since the demobilization of the paramilitary, the government publically acknowledges the present-day existence of paramilitarism and is willing to commit seriously to its eradication. [\[xv\]](#) A special unit will investigate the founders and financers of these organizations as well their relationships to state functionaries. [\[xvi\]](#) It is difficult to overestimate the historic significance of these statements. The Peace Accords are historic because they seek to do away with the legal foundations and ideological roots that normalized violence by civilians for the private interests of the economically dominant classes. This shakes up the stability of those who for generations have relied upon violence to maintain their class domination, thus, we come to understand why 'No' is against the incorporation of the Accords into the Constitution, so that any subsequent government could reverse the commitments.

The third significant element of the Peace Accords has to do with enabling the political participation of the FARC. This attempt to make the political arena more inclusive and pluralist makes it possible for the first time for the Left in Colombia to have access to political power. Theoretically, the Peace Accords, could be the instrument that enables the working classes to reclaim the political spaces that have alienated them for over a century and transform them into an infrastructure for empowerment and

progressive social change. The state may not live up to its commitments, or the political party of the FARC may distance itself from its original objectives, but the possibility for peace with social justice is greater today than in any previous time over the past 60 years.



On November the 12<sup>th</sup>, President Santos announced that after all the proposals of the ‘No’ were considered, the Peace Accords have been modified to accommodate those demands and on November the 24<sup>th</sup>, the new peace deal was signed. The key changes include the following:

- The Peace Accords will no longer be incorporated into the Constitution except for certain topics that involve international law.
- Former guerrilla leaders will not automatically be given positions in the government.
- The term ‘gender equality’ has been replaced with ‘equal opportunities between men and women’ and efforts have been made to ensure that there is nothing resembling the much feared ‘gender ideology’.[\[xvii\]](#)
- The new agreement makes it explicit that nothing could threaten private property

The new Peace Accords this time around will seek approval by Congress instead of the public through a referendum. While some argue that this violates the Constitution, the Constitutional Court has the right to eliminate this Legislative Peace Act, which means that the Peace Accords will not become part of the constitution and could be overturned by subsequent government. At this point, one cannot state with certainty whether the new Peace Accords would be approved by Congress.

As several of the judges of the Court on Human Rights have stated, ‘Peace as a product of a negotiation is offered as a morally and politically superior alternative to a peace as a result of the annihilation of the

opponent’ .[\[xviii\]](#) However, the Colombian right-wing has resorted to all conceivable methods to impede a process of popular liberation from the violent tyranny of those who are determined to keep their privileges. What has worked in their favour is the 60 years of conditioning through the counter-insurgency /anti-communist ideology, which has made many Colombians today hostile to anything that resembles ‘Leftist’. The recent waves of violence demonstrate the intolerance of the Right towards the possibility of social change. Since the signing of the Peace Accords on August 26<sup>th</sup>, 17 social activists were murdered and between November 19 and 20, five members of peasant organizations were murdered.

The revised accords still hold some hope as the sections that outline the government’s commitment to investigate and dismantle paramilitary groups and establish monopoly over the means of violence will be incorporated into the Constitution. However, it is unpredictable what could happen between now and the approval of the Peace Accords by Congress and whether any further modifications will be made. It is also likely that after the 2018 elections, the new government in power may seek to reverse parts of the agreement. The four-years of hard work paving the way to peace could mark a new epoch by creating a more inclusive and democratic political space where popular concerns and needs could be addressed. On the other hand, it could give birth to the 21<sup>st</sup> century betrayal of millions of Colombians whose basic dignity has been violated for centuries. Given the lessons from the past as well as the present atmosphere of fear and terror where the low-intensity war against social activists has actually intensified in the wake of the Peace Accords, sadly the second scenario seems more likely. It would take a true commitment from the state to fulfill what is outlined in the Accords, the FARC’s allegiance to its core revolutionary principles, as well as the popular support, to defeat the two most important instruments that the dominant classes have always resorted to, when confronted with the question of ‘What to do with the poor?’: violence and ideology.

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*Paramilitarism and Neoliberalism: Violent Systems of Capital Accumulation in Colombia and Beyond* by Jasmin Hristov will be available in 2017

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[\[i\]](#) Ibid.

[\[ii\]](#) Robinson, W. (2004). ). *A Theory of Global Capitalism: Transnational Production, Transnational Capitalists, and the Transnational State*. Baltimore: Johns Hopkins University Press.

[\[iii\]](#) For more on Plan Colombia see Hristov, J. (2014). *Paramilitarism and Neoliberalism: Violent Systems of Capital Accumulation in Colombia and Beyond*. London: Pluto Press, pp. 89-90.

[iv] Boletín Virtual del Informe para el Exámen Periódico Universal. (2009, June 5). Impunidad y vulneración de los derechos de las víctimas a la verdad, la justicia y la reparación. No. 5. [http://ddhhcolombia.org.co/files/Boletin\\_N1/Boletin\\_EPU5.html](http://ddhhcolombia.org.co/files/Boletin_N1/Boletin_EPU5.html).

[v] Vatican Insider World News. (2016). Colombia Referendum: Christians Reject Peace Agreement. <http://www.lastampa.it/2016/10/18/vaticaninsider/eng/world-news/colombia-referendum-christians-reject-peace-agreement-ilLXa2QW0vLbuJqvhBLY2J/pagina.html>

[vi] Carillo-Santarelli, N. (2015, Sept.29). An Assessment of the Colombia-FARC Peace Jurisdiction Agreement. <http://www.ejiltalk.org/an-assessment-of-the-colombian-farc-peace-jurisdiction-agreement/>

[vii] WOLA (2015). 9 Unanswered Questions about Colombia's Victims and Justice Accord. [colombiapace.org/2015/12/23/9-unanswered-questions-about-colombias-victims-and-justice-accord/](http://colombiapace.org/2015/12/23/9-unanswered-questions-about-colombias-victims-and-justice-accord/)

[viii] Carillo-Santarelli, N. (2015, Sept.29). An Assessment of the Colombia-FARC Peace Jurisdiction Agreement. <http://www.ejiltalk.org/an-assessment-of-the-colombian-farc-peace-jurisdiction-agreement/>

[ix] Carillo-Santarelli, N. (2015, Sept.29). An Assessment of the Colombia-FARC Peace Jurisdiction Agreement. <http://www.ejiltalk.org/an-assessment-of-the-colombian-farc-peace-jurisdiction-agreement/>

[x] Reconciliacion Colombia. (2014, Oct. 24). Las Dos Visiones Opuestas Sobre el Proceso de Paz. <http://reconciliacioncolombia.com/web/historia/1814/las-dos-visiones-opuestas-sobre-el-proceso-de-paz>

[xi] Alsema, A. (2016, Sept.25). Colombia's 2012 – 2016 peace talks | Fact sheet. <http://colombiareports.com/colombia-peace-talks-fact-sheet/>

[xii] Telesur (2016, Nov.26). Colombia, por que la paz? <http://www.telesurtv.net/news/Colombia-por-que-la-paz-20160923-0041.html#>

[xiii] Semana Multimedia (2012). Violencia en cifras, URL: [http://www.semana.com/wf\\_multimedia.aspx?idmlt=93](http://www.semana.com/wf_multimedia.aspx?idmlt=93)

[xiv] Duque, H. (2013, July 15). Catatumbo: Paro Nacional Agrario y Solidario. *Telesur*. <http://www.telesurtv.net/articulos/2013/07/15/catatumbo-paro-nacional-agrario-y-solidario-4220.html>

[xv] Acuerdo Final. (2016, Aug.24). Acuerdo Final Dialogos de La Habana. [https://www.mesadeconversaciones.com.co/sites/default/files/24\\_08\\_2016acuerdofinalfinalfinal-1472094587.pdf](https://www.mesadeconversaciones.com.co/sites/default/files/24_08_2016acuerdofinalfinalfinal-1472094587.pdf)

[xvi] Ibid.

[xvii] Semana. (2016, Nov. 24). Acuerdo Para la Paz. <http://especiales.semana.com/acuerdo-para-la-paz/>

[xviii] Cassel, D. (2015). Letter by Douglas Cassel to Juan Manuel Santos. <http://humanrights.nd.edu/news/61418-cassel-prepares-peace-accord-documents-for-santos/>

[xix] Semana. (2016, Nov.20). Fin de semana de pánico: cinco líderes sociales sufrieron atentados. <http://www.semana.com/nacion/articulo/lideres-sociales-asesinados-en-caqueta-meta-y-narino/506107>

