

Protect Colombia's Peace

Why Colombia's Peace Matters to the United States and Latin America, and What the United States Can Do About It

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As Colombia approaches four years since the signing of a historic peace agreement, a vibrant citizen energy to build a just and lasting peace is struggling to overcome governmental reluctance to fully implement the accords and reopen negotiations with the remaining guerrilla groups. The international community must act to catalyze support for peace.

Since the signing of the peace accords in 2016, over 13,000 FARC guerrillas have demobilized. The Colombian government is providing some, although far from all, of the reintegration services promised by the accords. Members of the former guerrillas can participate in politics. The transitional justice system has conducted outreach to thousands of victims across Colombia and in exile.

Victims of the conflict placed their trust in the peace accords. Victims are offering heart-wrenching testimony to the Special Jurisdiction for Peace (JEP) and the Truth Commission. Farmers and Afro-Colombian and indigenous communities organized with local governments to create local development plans (PDETs). Social leaders are putting their lives on the line leading their communities to eradicate and replace coca as agreed to in the accords. A dynamic civil society movement, *Defendamos la Paz*, brings together Colombians of all walks of life, from members of Congress to campesino leaders, in online, media, artistic, and street actions for peace.

Despite this outpouring of civic action by Colombians to make the peace accords real, the government's actions have been limited and have failed to protect those risking their lives for peace. The toll can be seen in the over 500 human rights defenders and social leaders killed since the accords were signed.

The original sin is the Colombian government's failure to bring the civilian state into areas from which the FARC withdrew—a failure that began under President Santos and intensified with President Duque's underinvestment in accord implementation. Paramilitary successor groups, ELN, dissident FARC, and drug trafficking networks are occupying the space that the Colombian government failed to claim.

Why Does Colombia's Peace Matter to the United States?

If implemented well, this comprehensive peace agreement would end the Western Hemisphere's longest running conflict, a war that has cost the lives of over 261,000 people and forced nearly 8 million Colombians to flee their homes. The accords offer Colombia a roadmap to modernize and address the needs of abandoned areas of the countryside, more sustainably tackle illicit drug production, trafficking and organized crime, and solve deep-seated problems that fuel violence and inequality.

For the United States, much is at stake if Colombia fails to implement the accords. As the Venezuelan tragedy unfolds next door, Colombia is playing a critical role offering refuge to nearly 1.8 million Venezuelans. This is not sustainable and the crisis will worsen if Colombia's own violence intensifies. Only if peace gains ground in the conflict zones will sustainable advances be realized in reducing coca production, drug trafficking, and organized crime—the United States' principal policy goals in Colombia for the last four decades. And the U.S. government's diplomatic efforts were a crucial factor in reaching a peace agreement: this wise investment should not be wasted.

If the conflict continues, Colombia's rural poor, including Afro-Colombian, indigenous, and campesino communities, will once again bear the brunt of the violence. Another generation of Colombia's valiant human rights and social leaders will be displaced, exiled, or killed.

This report outlines the challenges for peace in Colombia, including: the obstacles to fully reintegrating ex-combatants, despite advances; the very partial implementation of the ethnic chapter and gender provisions; the increasingly dire situation of human rights defenders; the halting implementation of rural reforms; the return to drug policy solutions that are not sustainable and undermine the accords; and the impact of the Venezuelan refugee crisis on Colombia.

The visionary promise of Colombia's peace accords could become a distant dream. But if the international community, including the United States, acts boldly to encourage compliance with the accords, it is not too late to preserve Colombia's fragile peace.

Recommendations for U.S. Policy

- ✓ The U.S. government should have one principal diplomatic message for Colombia: the peace accords should be fully implemented. Obstacles to implementation should be raised by the U.S. Embassy, State Department, and Congress, and advances praised. The State Department should encourage the Colombian government to ensure that the Truth Commission, Unit to Search for the Disappeared, and the JEP are funded and supported. The U.S. government should strongly support efforts to forge humanitarian agreements with the ELN to lessen the impact of the conflict on vulnerable populations, to reach a ceasefire, and when possible, to achieve a negotiated settlement. Consolidating peace should remain a major issue for U.S. diplomacy, not subsumed in Venezuela policy or a narrow counternarcotics focus.
- ✓ U.S. support via USAID for peace accord implementation should be increased and should include support for victims' quest for truth and justice as well as for the Truth Commission and the Unit to Search for the Disappeared. USAID's direct funding for Afro-Colombian and indigenous organizations to consolidate peace and advance development plans of their own design should be expanded. USAID must ramp up its efforts to encourage full implementation of the accords' rural reform chapter. USAID should continue its landmark annual consultations with Colombian and U.S. civil society organizations.
- ✓ U.S. support for counternarcotics efforts should take advantage of the opportunities provided by the accords to carry out eradication and crop substitution with community buy-in. U.S. support should focus on working with farmers to sustainably replace coca and encourage the Colombian government to fulfill its commitments to those who have signed agreements to eradicate. The aerial spraying program, which damaged human health and the environment and failed to sustainably eradicate coca, should under no circumstances be revived. The United States should not provide military advice for eradication, as these programs should prioritize

working with communities and be civilian led. The metrics of success for counternarcotics should switch from counting numbers of hectares of coca to ensuring households are able to move permanently away from coca to sustainable licit economic activities.

- ✓ U.S. diplomacy and aid should urge the Colombian government to dismantle the paramilitary successor networks involved in drug trafficking and transnational crime, which also fuel violence against human rights defenders and social leaders. This includes urging the Colombian government to regularly convene the National Commission of Security Guarantees set up by the accords to develop and implement plans to dismantle these illegal groups; implement the 660 Decree to protect communities; and ensure the Attorney General's special unit effectively investigates, prosecutes, and dismantles paramilitary successor groups.
- ✓ The State Department and Congress should, as a critical priority, urge the Colombian government to improve its protection of human rights defenders and social leaders, encouraging the government to ensure effective investigations of attacks and threats against defenders, including uncovering those who ordered these crimes; consult with defenders and social leaders in the mesa de garantías process regarding plans to protect them; and ensure that the National Protection Unit implements and adequately funds collective protection measures in consultation with communities, with a differentiated ethnic, gender, and territorial approach.
- ✓ The State Department and USAID should encourage the Colombian government and Congress to fully implement the accords' commitments to rural conflict zones. This includes ensuring that the Land Fund is providing land to small-scale farmers, that victims of internal displacement, small-scale farmers, and Afro-Colombian and indigenous communities are receiving individual and collective land titles, and that the Colombian Congress refrains from passing measures that undermine these goals. It also includes urging the Colombian government to fully fund the PDETs, the development plans developed with local governments and communities, as well as the national plans for provision of public goods and services to rural areas.
- ✓ U.S. diplomats and members of Congress must urge the Colombian government to fully implement the accords' ethnic chapter, with special attention to the rights to collective territory and collective protection. The U.S. government should support and provide resources to the High-Level Special Instance with Ethnic Peoples' Action Plan. The U.S. government should urge the Inspector General's office to sanction officials responsible for neglecting their responsibilities to advance the ethnic chapter. The U.S. Congress should provide bipartisan support for the U.S.-Colombia Action Plan on Racial and Ethnic Equality (CAPREE).
- ✓ U.S. policymakers should encourage the Colombian government to accelerate implementation of the gender provisions of the peace accords. In addition, policymakers should urge Colombia to protect members of the LGBTQ+ community and LGBTQ+ leaders and encourage the Attorney General's Office to expand training of prosecutors to address violence against LGBTQ+ persons. Implementation of PDETs and programs for overcoming poverty and inequity must include effective participation of women and LGBTQ+ persons.
- ✓ The State and Defense Departments and U.S. Southern Command should press the Colombian armed forces to end abuses, urgent in light of recent scandals involving the army's reversion to "body counts" and revelations that military intelligence spied on journalists, judges, opposition politicians, and human rights defenders. The U.S. government should urge the Colombian government to reform intelligence services as well as review military doctrine and training.

The U.S. government should encourage the Attorney General to advance investigations against military members, especially high-ranking officials, for extrajudicial executions. These cases must continue under the regular justice system even if they appear before the JEP, because without pressure from the justice system, there are few incentives to reveal the truth.

- ✓ The U.S. Congress should condition any U.S. military assistance on progress in ensuring justice for grave human rights violations by security forces, dismantling paramilitary successor groups, abstaining from promoting military officers involved in grave human rights crimes, ending and sanctioning illegal surveillance, protecting human rights defenders and social leaders, and respecting the rights and territory of Afro-Colombian and indigenous communities.
- ✓ The FARC's placement on the U.S. terrorist list should be reconsidered in light of its demobilization and the group's general compliance with the peace accords. In the meantime, U.S. regulations concerning the FARC's remaining on the terrorist list should not be applied in such a way that undermines U.S. support for reintegration programs, peace accord implementation, or USAID support for alternative development efforts.
- ✓ The National Security Council should immediately issue an interagency executive order for declassification of documents for Colombia's Truth Commission.
- ✓ The U.S. government should support the United Nations' efforts to verify and encourage compliance with the peace accords, including by providing diplomatic support and financial assistance to and consulting with the UN Political Mission and the United Nations High Commissioner for Human Rights office in Colombia.
- ✓ The State and Defense Departments should ensure that any U.S.-funded use of Colombian government and security force expertise in training other governments and security forces is appropriate. Some Colombian government expertise can be beneficial—for example, the deep expertise of Colombia's higher courts. On the other hand, Colombian military training of Central American police and military is deeply concerning, given the persistent human rights problems, including military intelligence surveillance of human rights defenders, judiciary, and political opposition, and the repeated reliance on body counts during the past two decades. Moreover, Colombia's military is not currently equivalent to Central American militaries, and certainly not to their police, in that Colombia's military has been deployed during wartime for many decades, while Central American security forces are dealing with issues of drug trafficking and crime, not war, which require law enforcement and not military approaches.
- ✓ The United States should not draw Colombia, itself still in conflict and not yet recovered from decades of war, into conflict with Venezuela. The United States should value and increase support for Colombia's efforts to provide humanitarian assistance to Venezuelan refugees within Colombia. However, assistance should not contribute to escalating tensions at the Colombia-Venezuela border or, within Colombia, divide communities in need. Aid for Venezuelan migrants and refugees should: not be administered by military personnel; take into account and support the local displaced and poor persons where it is being administered so as to mitigate tensions between migrants and refugees and local communities; and increase support for the Colombian government and humanitarian agencies to promote the economic and social integration of Venezuelans in Colombia, including access to health care, education, and employment.

This report is a collaborative effort by U.S. and Colombian civil society organizations, including the following organizations and networks:

