
Collective Reincorporation Processes in the Colombia Peace Accord

by Christopher Baumohl

Participating Organizations:

- Comité Permanente por la Defensa de los Derechos Humanos (CPDH)
- Fundación por la Defensa de los Derechos Humanos y del Derecho Internacional Humanitario del Oriente y Centro de Colombia (DHOC)

The following is a summary of a hearing of the 173rd Period of Sessions at the Inter-American Commission on September 26, 2019. Nearly three years after the historic peace accord between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), many Colombians, especially those in rural areas, are still waiting for conditions to improve. [1] At a hearing before the Inter-American Commission on Human Rights (the Commission) on September 26, 2019, advocates from Comité Permanente por la Defensa de los Derechos Humanos (CPDH) and Fundación por la Defensa de los Derechos Humanos y del Derecho Internacional Humanitario del Oriente y Centro de Colombia (DHOC) argued that the government of Colombia must do more to protect the rights of ex-combatants and promote full implementation of the accord to safeguard Colombia's progress toward peace.

Colombia has been engaged in a protracted battle against guerrilla groups for over five decades, resulting in more than 220,000 deaths.[2] The FARC is the largest of these groups, controlling approximately 18,000 fighters at its peak strength.[3] While some of the smaller guerrilla groups have demobilized pursuant to agreements with the Colombian government, multiple attempts to reach an agreement with the FARC had failed.[4] Ratified on November 30, 2016, the historic agreement between the government and the FARC called for government efforts to address extreme poverty throughout the country, to transform rural Colombia to facilitate greater service provision, and to provide for the reincorporation and political participation of former FARC combatants.[5] In exchange, the FARC agreed to a cessation of hostilities and a transparent and verifiable process for laying down of arms. Both sides reaffirmed their commitment to the promotion, respect, and guarantee of human rights.

The civil society organizations allege the government

has failed to implement its obligations under the accord. They asserted that the systematic violation of human rights by state forces are in violation of the American Convention on Human Rights. Further, they claim the government is not sufficiently carrying out its obligations under Chapter 3.2 of the Colombian peace agreement, which calls for the economic, social, and political reincorporation of ex-combatants into civilian life.[6] Camilo Fagua of Fundación DHOC emphasized the need for greater support for social, economic, and political reincorporation programs at the state, local, and individual levels. In particular, Fagua explained the National Development Plan fails to sufficiently articulate Colombia's long-term strategic plan for reincorporation and plans to extend it to territories that have not previously been within the state's control.[7] Fagua also emphasized that while there has been a focus on creating sustainable sources of income for ex-combatants, successive governments have only approved thirty-five "productive projects," covering only 2,196 persons out of the more than 13,000 persons active in the reincorporation process.[8]

Furthermore, Fagua called on the government to put an end to systematic violations of human rights of ex-combatants and civil society leaders, carried out in part by Colombian forces. According to Fagua, more than 150 ex-combatants have been murdered since the signing of the peace accord. Fagua highlighted the recent deaths of Carlos Célimo Iter Conde, who was murdered in Caloto on September 25, and Dimar Torres, whose murder by Colombian security forces was initially defended by the Colombian Defense Minister as an accident during a struggle for a weapon.[9] Finally, Fagua lamented the absence of Diego Martínez, a human rights lawyer and legal advisor to the FARC, who was denied entry into the United States.

Colombia was represented by a high-ranking

delegation led by Emilio Archila, Presidential Counselor for Stabilization and Consolidation; Francisco Barbosa Delgado, Presidential Counselor for Human Rights; and representatives from the Office of the Attorney General. Archila continually stressed patience in carrying out the long-term reintegration and state-building programs, which he estimated would take at least seven or eight years. Archila emphasized that the State has a long-term plan based on the census it conducted, and it has invested over \$19 million in a variety of programs including health projects and productive projects. He noted that the number of productive projects authorized by the state has been limited because of the quality of the proposals received, and that the government is working with local organizations to improve the quality of the proposals so they may be carried out effectively. Archila reiterated that the State is committed to carrying out its obligations and will continue to support the reintegration of ex-combatants for as long as is necessary.

Colombia stated it has adopted significant measures for protecting ex-FARC members and that it holds regular meetings on protection. According to Archila, the state has enacted measures to protect FARC political campaigns ranging from general de-stigmatization to individual security but that security campaigns would take time to achieve broad success. Archila then addressed the allegations of violence by Colombian security forces; he emphasized that government was committed to protecting ex-combatants like Dimar Torres, and that those responsible for his murder and the ensuing cover-up were in jail and would be held accountable. Colombia proclaimed that President Ivan Duque's administration, led by the Office of the Attorney General, was committed to investigating these murders and will continue to devote the necessary resources to do so effectively. Archila conceded these security concerns are valid and that total success would take time. Archila noted that the Irish peace process is twenty years old and continues to develop, and that Colombia's process was in its infancy. However, Archila asked the Commission to view Colombia's progress in terms of relative improvement. Archila noted that there have been noticeable drops in homicides, kidnappings, and soldier fatalities, and that the government is committed to building on this progress.

The principle concern of the Commission was to address shortcomings in safeguarding the accord. According to Commissioners Macaulay and Urrejola, many of the women they spoke to in Colombia—especially in more rural areas—say public safety has deteriorated since the signing of the accord. These women attributed the security concerns to the increased presence of new armed groups, including the National Liberation Army (ELN) and El Clan del Golfo. Moreover, Commissioner Urrejola emphasized the importance of protecting ex-FARC members from retribution and thanked Colombia for its efforts to investigate and

hold accountable those responsible for the violence. Both Commissioners inquired about how the Commission could help address ongoing security concerns. Commissioner Eguiguren, Country Rapporteur for Colombia, emphasized that the reinstatement of ex-combatants is vital to the peace accord, and asked both sides to talk more about specific successes and shortcomings in implementing the peace accord at the societal and individual. Commissioner Eguiguren also praised Colombia for providing salaries to ex-combatants in order to aid their reintegration, however, he asked for more examples of how the State was working to provide means of work to ensure ex-combatants are not wholly dependent on state aid. The Commissioners lauded the Petitioners and the government of Colombia for working to implement the historic agreement and praised the exceptional efforts of the Colombian people to achieve lasting peace. In closing, Commissioner Joel Hernández asked that both parties keep the Commission informed about developments in the deal's implementation.

1 Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, Colom.-FARC-EP, Nov. 11, 2016.

2 Nicholas Casey, Colombia's Peace Deal Promised a New Era. So Why Are These Rebels Rearming?, N.Y. TIMES (May 17, 2019), <https://www.nytimes.com/2019/05/17/world/americas/colombia-farc-peace-deal.html>.

3 Leon Valencia, Commentary: FARC fighting two wars, REUTERS (Sept. 9, 2008), <https://www.reuters.com/article/columns-commentary-colombia-valencia-dc/commentary-farc-fighting-two-wars-idUSDIS95174420080909>.

4 Pastrana, FARC leader to resume peace talks, CNN (Feb 9, 2001), <https://edition.cnn.com/2001/WORLD/americas/02/09/colombia.peace.03/index.html>.

5 <http://www.altocomisionadoparalapaz.gov.co/herramientas/Documents/summary-of-colombias-peace-agreement.pdf>

6 Final Agreement to End the Armed Conflict, supra note 1.

7 Gobierno de Colombia, Bases Del Plan Nacional de Desarrollo (2019).

8 United Nations Office on Drugs and Crime, Comprehensive and sustainable productive projects, <https://www.unodc.org/colombia/en/da2013/proyecto4.html>

9 Carlos Célimo Iter, otro excombatiente de las Farc asesinado en Cauca, VANGUARDIA (Sept. 26, 2019), <https://www.vanguardia.com/colombia/carlos-celimo-iter-otro-excombatiente-de-las-farc-asesinado-en-cauca-IC1477912>; Nicholas Casey, Colombia Army's New Kill Orders Send Chills Down Ranks, N.Y. Times (May 18, 2019) <https://www.nytimes.com/2019/05/18/world/americas/colombian-army-killings.html>.