European Union Support for Colombia's Peace Process

Civil Society, Human Rights and Territorial Peace

Edited by
Karlos Pérez de Armiño

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Editor
Karlos Pérez de Armiño
Hegoa, Institute for International
Cooperation and Development
Studies
University of the Basque Country
(UPV/EHU)
Bilbao, Spain

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Praise for *European Union Support for Colombia's Peace Process*

"A truly original contribution to our understanding of peacebuilding in the 21st Century. This detailed analysis of the role of the European Union in Colombia's struggle to make and build peace gives us vital insights into whether and how International actors can contribute seriously to both."

—Jenny Pearce, *Research Professor, Latin America and Caribbean Centre, London School of Economics and Political Science, United Kingdom*

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Notes on Contributors

Farid Samir Benavides-Vanegas holds a Ph.D. in Political Science from the University of Massachusetts, Amherst, and a Ph.D. in Law from the Universitat Pompeu Fabra in Barcelona. His research focuses on transitional justice, international criminal law and decolonial theory. He teaches at the University of the Andes in Bogotá. He also works as an Auxiliary Magistrate at the Special Jurisdiction for Peace.

Eduardo Bidaurratzaga Aurre is Associate Professor in the Department of Applied Economics at the University of the Basque Country (UPV/EHU) and a member of Hegoa (Institute for International Cooperation and Development Studies). He is Director of the UPV/EHU's Master's Degree in Globalisation and Development and specializes in international economics, development and cooperation.

Julian Darío Bonilla-Montenegro holds a Ph.D. in Citizenship and Human Rights from the Universidad de Barcelona. His research focuses on transitional justice. He teaches at the Free University in Bogotá.

Ángeles Sánchez Díez is Associate Professor in the Department of Economic Structure and Development Economics at the Autonomous University of Madrid (UAM). She coordinates the Global Economy Transformations Study Group (GETEM) and specializes in the analysis of foreign investment, economic integration, natural resources and economic constraints in conflict situations.

Juana García Duque is an Associate Professor in the Administration Faculty, University of the Andes, Bogotá. She was a Visiting Scholar at the David Rockefeller Center for Latin American Studies at Harvard University in 2019–2020. She specializes in the role of international cooperation and the private sector in the peacebuilding process in Colombia.

Diana Gómez Correal holds a Ph.D. in Anthropology from the University of North Carolina. She is an Associate Professor at the Interdisciplinary Centre of Development Studies (CIDER) at the University of the Andes, Bogotá. Her lines of research include transitional justice, rights of victims, memory, alternatives to development, gender and feminist studies.

Alba Linares Quero holds a Ph.D. in Political Sciences from the University of the Basque Country (UPV/EHU), a Master's Degree in International Development Cooperation and a Degree in Law and Political Sciences. She specializes in peacebuilding, nonviolent civil resistance, ethnic minorities and research methodologies. She is a post-doctoral researcher in the Research Group on Human Security, Local Human Development and International Cooperation at the Hegoa Institute (UPV/EHU).

Mario López-Martínez is Full Professor of Contemporary History at the University of Granada. He has been an international adviser to the United Nations for the peace process in Colombia. His lines of research are Peace History, civil resistance movements, reconciliation processes and theory of nonviolent action. He was Editor of the first Encyclopedia of Peace and Conflicts (2004) in Spanish. His latest book is *Nonviolence or barbarism? The art of not being dehumanized* (2018).

Carlos Madridejos Ornilla holds a Degree in Sociology and a Master's Degree in International Cooperation and Humanitarian Action and consultant in 20 countries for different international organizations (EU, United Nations, AECID, USAID), government bodies and social organizations on socioeconomic inclusion, peacebuilding and territorial governance. Currently, he is a doctoral candidate at the University of the Basque Country (UPV/EHU).

Irantzu Mendia Azkue is Assistant Lecturer in the Department of Sociology and Social Work at the University of the Basque Country

(UPV/EHU), Director of Hegoa (Institute of Development and International Cooperation Studies) at UPV/EHU and Member of the Research Group on Human Security, Local Human Development and International Cooperation (2022–2025) of the Basque university network (IT434-22).

Ana María Ospina-Pedraza holds a Ph.D. in Political Science from the University of Massachusetts, Amherst, where she also received a Graduate Certificate in Feminist Studies. Her research is on the influence of political and legal cultures on activism in the Americas. Currently, she works on gender mainstreaming strategies for the public and private sectors in Bogotá, Colombia.

Borja Paladini-Adell is a reflective peacebuilding practitioner. He specializes in comparative and inclusive peace process design and implementation. He has facilitated dialogue among different stakeholders in complex contexts, particularly in Colombia, promoting local and national peace infrastructures and innovative approaches to building and sustaining peace. He is currently a Ph.D. candidate at the University of the Basque Country.

Karlos Pérez de Armiño is Associate Professor of International Relations at the University of the Basque Country (UPV/EHU), Researcher with Hegoa (Institute for International Cooperation and Development Studies) and Coordinator of the Ph.D. Programme on Development Studies and of the Research Group on Human Security, Local Human Development and International Cooperation of the Basque university network (IT434-22).

Jerónimo Ríos is Assistant Doctor Professor of Political Geography and Geopolitics in the Faculty of Political Sciences and Sociology of the Complutense University of Madrid. He was an adviser to the Organization of Ibero-American States (*Organización de Estados Iberoamericanos*—OEI) in Colombia during the peace process with the FARC-EP and its subsequent implementation (2012–2018).

Tania Esperanza Rodríguez Triana holds a Bachelor's Degree in Political Science and a Master's Degree in Ideology and Discourse Analysis. She is a Ph.D. candidate in Development Studies at the University of the Basque Country (UPV/EHU). She is Director of Territories of Colombia's Truth Commission and Researcher and Lecturer at the Pontifical Javeriana University, Cali.

Ainhoa Zugadi Bengoa holds a Master's Degree in Studies on Development and International Cooperation from the Hegoa Institute, University of the Basque Country (UPV/EHU). She is currently doing an internship with the UN Women's delegation in Honduras. She specializes in the interrelation between peace studies and gender.

Abbreviations

AAs	Association Agreements
ACCU	Peasant Self-Defence Forces of Cordoba and Uraba
ACDEGAM	Union of Farmers and Livestock Breeders of the Magdalena Medio
ACIN	Association of Indigenous Councils of Northern Cauca
ACP	Africa, Caribbean and Pacific
ACR	High Council for Reintegration
ADELCO	Colombia's Network of Local Development Agencies
ANT	National Land Agency
AR	Territorial Renewal Agency
ARN	Agency for Reincorporation and Normalisation
ATF	Fund Technical Assistance
AUC	United Self-Defense Forces of Colombia
CAN	Andean Community of Nations
CCJ	Colombian Commission of Jurists
CDPMM	Magdalena Medio Development and Peace Corporation
CELAC	Community of Latin American and Caribbean States
CEPAL	Economic Commission for Latin America and the Caribbean
CERAC	Resource Centre for Conflict Analysis
CEV	Truth, Coexistence and Non-Recurrence Commission
CFSP	Common Foreign and Security Policy
CIDH	Inter-American Commission on Human Rights
CINEP	Centre for Research and Popular Education
CNPRC	National Council for Peace, Reconciliation and Coexistence
CNR	National Reincorporation Council
CNRR	National Reparation and Reconciliation Commission

CONPES	National Council of Economic and Social Policy
CPEC	Presidential Counselor's Office for Stabilization and Consolidation
CPI	International Criminal Court
CRIC	Regional Indigenous Council of Cauca
CSDP	Common Security and Defense Policy
CSIVI	Commission for Monitoring, Promoting and Implementing the Final Agreement
CSO	Civil Society Organizations
CSO-LA	Civil Society Organisations and Local Authorities
CTEP	Special Transitory Circumscriptions for Peace
CTR	Territorial Reincorporation Councils
DAG	Domestic Advisory Group
DANE	National Administrative Department of Statistics
DCI	Development Cooperation Instrument
DDR	Disarmament, Demobilisation and Reintegration
DUE	European Union Delegation
ECHO	European Commission Humanitarian Aid Office
ECOMUN	Social Economies of the Common (Economías Sociales del Común)
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
ELN	National Liberation Army
EP	European Parliament
EPL	People's Liberation Army
ETCR	Territorial Space for Training and Reincorporation
EU	European Union
EU-CELAC	European Union-Community of Latin American and Caribbean States
EUTF	European Trust Fund for Colombia
FARC—EP	Revolutionary Armed Forces of Colombia—People's Army
FDI	Foreign Direct Investment
FTA	Free Trade Agreement
GAP	Gender Action Plan
GIQL	"Quintín Lame" Indigenist Guerrilla Organisation
GIZ	German Agency for International Cooperation
GSP	Generalised System of Preferences
HRW	Human Rights Watch
IcSP	Instrument Contributing to Stability and Peace
IEANPE	Special High-Level Forum with Ethnic Peoples (Instancia Especial de Alto Nivel con Pueblos Étnicos)
ILO	International Labour Organisation
INDEPAZ	Institute for Development and Peace Studies

JEP	Special Jurisdiction for Peace
LAIF	Latin America Investment Facility
LDCs	Least Developed Countries
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LJS	Local Justice Systems
MAPP/OAS	Organization of American States (OAS) Mission to Support the Peace Process in Colombia
MECs	Special Consultation Mechanisms
MEE	Special Electoral Mission
MERCOSUR	Common Market of the South
MIP	Multiannual Indicative Program
NARP	Afro-Colombian, Raizal and Palenquero population
NFB	Net Foreign Balance
OACP	Office of the High Commissioner for Peace
OAS	Organization of American States
OCI	Organisational Capacity Index methodology
ODA	Official Development Assistance
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIA	Indigenous Organisation of Antioquia
OIDHACO	International Office for Human Rights Action on Colombia
OOC	Ombudsman's Office of Colombia
OPIAC	Organization of Indigenous Peoples of the Colombian Amazon
PATR	Action Plans for Regional Transformation
PDET	Development Programmes with a Territorial Approach
PDP	Peace and Development Programme
PDPMM	Development and Peace Program of Magdalena Medio
PMI	Framework Plan for Implementation
PNIS	National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes
PP-PA	Pilot Projects and Preparatory Actions
PRR	Rapid Response Plan for Peace and Stabilisation
PRT	Revolutionary Workers' Party
PTN	Transitory Normalisation Points
RDPS	Regional Development, Peace and Stability
REDEPAZ	National Network of Initiatives for Peace and against War
RRI	Comprehensive Rural Reform
SICEC	European Cooperation in Colombia's Information System
SIVJRGNR	Comprehensive System for Truth, Justice, Reparations and Non- Recurrence
SNARIV	National System for the Attention and Comprehensive Reparation of Victims

STCIV	Technical Secretariat of the International Verification Component
TEI	Team Europe Initiative
TEU	Treaty on European Union
TNI	Transnational Institute
UBPD	Unit for the Search of Disappeared Persons
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNHCR	United Nations Refugee Agency
UNODC	United Nations Office on Drugs and Crime
UNP	National Protection Unit
UNSC	United Nations Security Council
UNSR	United Nations Special Rapporteur
UNVM	United Nations Verification Mission in Colombia
USAID	US Agency for International Development
WPS	Women, Peace and Security
WTO	World Trade Organisation
ZVTN	Transitory Rural Normalisation Points (Zonas Veredales Transitorias de Normalización)

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Introduction: EU Support for Peace in Colombia. Territorial Approach, Strengthening Civil Society and Human Rights

Karlos Pérez de Armiño

1 Introduction

This collective book analyses the contribution of the European Union (EU) to the Colombian peace process, principally the implementation of the Havana Peace Agreement signed in 2016 between the government and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) guerrilla organization. More particularly, it explores the axes of this EU support and the extent to which it incorporates possible innovative elements that go beyond conventional liberal peace, following the lines of so-called "post-liberal peace".

K. Pérez de Armiño (✉)
Hegoa, Institute for International Cooperation and Development Studies, University of the Basque Country (UPV/EHU), Bilbao, Spain
e-mail: karlos.perezdearmino@ehu.eus

Colombia provides highly suggestive initiatives and perspectives for Peace Studies. This country, which has suffered one of the longest armed conflicts in the world, has a long experience of negotiation processes and the demobilization of armed groups. Likewise, it has a diverse and well-articulated civil society, which for decades has mobilized in favour of peace with social change and has promoted a wide repertoire of peacebuilding initiatives from below.

Since 2016, Colombia has been involved in one of the most complex and comprehensive peace processes that has taken place in the world, given that the Havana Agreement, along with the contents related to the ending of the armed conflict, also include various political, economic and social transformations that can contribute to a positive peace. In addition, it is particularly important that it includes three innovative transversal approaches: gender, differential and territorial. The latter, embodied in the concept of "territorial peace", aims to promote peace processes tailored to the conditions of the country's various territories, which are very different from one another. However, the great expectations generated inside and outside the country by the Agreement have been partially frustrated by its slow and partial implementation by the government of President Duque, elected in 2018. The election in the summer of 2022 of Gustavo Petro, a leader of the left and a staunch defender of the Agreement, as the new president presages a historic change in the country. This includes a reactivation of the implementation of the Agreement, particularly its deeper structural transformations, as well as new peace negotiations with other armed groups, based on the so-called "total peace" objective.

The EU has maintained a stable presence in Colombia since the late 1990s. Two circumstances have coincided during this period. On one side, the internationalization of the Colombian armed conflict, with the involvement of the EU and other international actors in initiatives to end it. On the other, the emergence and shaping of the EU's foreign policy, by which it aspires to consolidate itself as a global, normative and peacebuilding actor.

This involvement of the EU in the armed conflict in Colombia has specific and differentiated features with respect to that of other international actors, in particular the US, the most influential of these in the country and the region. This European presence is characterized by having maintained a coherent line over time, throughout various phases and historical contexts, marked fundamentally by: (a) the defence of a

negotiated solution to the armed conflict, as the only viable solution; (b) a peacebuilding approach aimed at addressing the root causes of the armed conflict, not only its consequences, which requires the promotion of socio-economic development in the most isolated and violence-stricken areas; (c) the strengthening of Colombian civil society and support for its initiatives; (d) support for the defence of human rights; and (e) a territorial approach, linked to the principle of "territorial peace" contained in the Havana Agreement, which is a good example of the recent "local turn" in the field of peacebuilding.

Thus, unlike the US's involvement, motivated mainly by its security objectives and for a long time chiefly focused on providing military support to the government, the EU has been acting with a peacebuilding approach, using for this purpose the numerous civilian instruments at its disposal, principally: political dialogue and diplomatic relations; development cooperation and other financial aid mechanisms; and trade cooperation.

Consistent with its perspective regarding the need for a negotiated solution, the EU was one of the main supporters of the negotiation process between the government and the FARC-EP, which were initiated in 2012 and concluded with the 2016 Havana Peace Agreement. Since then, the EU has strengthened its involvement in the country to support the implementation of the Agreement: both at the political level, for example, with the monitoring carried out by the European Parliament or the appointment of a Special Envoy for the Peace Process; and through development cooperation, with the constitution of a novel Trust Fund for Peace.

In this context, the EU is implementing relatively innovative approaches and working mechanisms in Colombia, from which lessons can be drawn that can be applied in other countries and that could enrich the EU's conflict prevention and peacebuilding policies. The opportunity to explore such approaches and mechanisms has probably been facilitated by the fact that Colombia is geographically distant and its conflict does not directly affect European security. Likewise, it has been encouraged by the opportunity to distance itself from the postulates promoted by the United States for that country, and thus advance in shaping a European foreign policy with its own characteristics, coherent with its own image as a peacebuilding power.

In sum, the analysis of the European support for the current peace process in Colombia represents an interesting empirical contribution to

different debates in the field of Peace Studies, such as those related to peace from below, the local turn and the crucial relevance of space in peace processes.

This book, one of the few recent studies on the subject, brings together the work of different specialists from different universities and institutions who have participated in a research project implemented over the last three years. The chapters address different issues in which the EU, through its development cooperation in particular, is supporting the implementation of the Havana Agreement. The book as a whole seeks to explore the extent to which the EU is applying and experimenting with approaches and mechanisms that go beyond those that characterize liberal peace, hegemonic for decades in international peacebuilding policies. In particular, we are interested in observing to what extent, and with what successes and limitations, European policies in Colombia are contributing to the strengthening of civil society, the defence of human rights, and a territorial approach sensitive to local needs, identities and processes.

To this end, we take as a starting point the reflection made by Richmond et al. (2011) regarding the discursive and normative potential of the EU to articulate a framework for the building of "post-liberal peace", with emancipatory profiles. These authors, on the basis of their analysis focused mainly on Bosnia-Herzegovina, Kosovo and the Middle East, conclude that such potential has hardly materialized. Our work is based on the hypothesis that the EU's actions in Colombia are indeed based to a large extent on the postulates of liberal peace that inspire its policies elsewhere. However, given certain peculiarities of the Colombian case (distance, no impact on European security, links with the strong Colombian civil society, comprehensiveness and transversal approaches of the Peace Agreement), EU cooperation has been able to incorporate some characteristic elements of what Richmond (2009) calls the "fourth generation" of peacebuilding, with a post-liberal and emancipatory profile. Thus, Colombia could be offering experiences and lessons that could contribute to broadening the EU's normative and political framework for peacebuilding.

2   The Armed Conflict,
the Havana Peace Agreement
and the Difficulties in Its Implementation

Colombia has suffered from armed conflict and political violence throughout its history. However, the beginning of the contemporary armed conflict is often placed in the 1960s, with the formation of the two main guerrilla organizations: the FARC-EP and the National Liberation Army (ELN). The conflict has also involved other guerrilla organizations, paramilitary groups and drug trafficking gangs, as well as the state security forces.

Its roots are to be found in the combination of several structural factors, among which the following stand out: a great socioeconomic inequality, evidenced by the enormous asymmetry in land ownership; the absence of the state and public services in large rural areas; and a political system characterized by elite control and the exclusion of broad socio-political sectors. It should be noted that, unlike in other countries, ethnic, religious or (sub)nationalist drivers are absent from this conflict (De Lombaerde et al., 2006: 3). However, the intensity and complexity of the conflict escalated from the 1980s onwards, due to the expansion of the production and commercialization of coca and other illicit crops, which multiplied its sources of financing, and since the 1990s, due to the expansion of paramilitarism in collusion with sectors of the state and the elite.

During these decades, the conflict has resulted in dire consequences: some 200,000 people dead, 100,000 missing and 7.7 million internally displaced (HRW, 2018). The vast majority of the victims have been rural civilians, with peasants accounting for 60% of all fatalities, further exacerbating the rural–urban structural disparity (CNMH, 2013: 54). To these effects of the violence must be added its socioeconomic costs, a widespread disaffection towards institutions and a deep political polarization.

Over time there have been different processes of dialogue and negotiation with the guerrilla organizations, although successive Colombian governments have had different attitudes in this regard (Chernick, 2015). After the failed negotiation attempt of President Pastrana (1998–2002), President Alvaro Uribe (2002–2010) denied the existence of a conflict and opposed any negotiation with the guerrilla organizations, described

as terrorists. Instead, he adopted a policy of harsh military confrontation, called Democratic Security, backed by the US and denounced inside and outside the country for causing serious human rights violations. Subsequently, President Juan Manuel Santos (2010–2018) undertook a negotiation process in 2012 that led to the 2016 Havana Peace Agreement. In this way, the pro-negotiated peace approach, which had always been advocated by broad sectors of Colombian civil society as well as the EU, prevailed.

The Peace Agreement, due to its broad and ambitious nature, is not only an instrument for ending hostilities, but also for addressing some of the underlying causes of the conflict and undertaking certain structural transformations, especially in terms of the socioeconomic development of the rural areas most affected by the conflict and the improvement of political participation. However, other relevant aspects are not contemplated, such as the economic model, the constitutional system or the reform of the security sector.

Specifically, the Agreement includes six main points referring to: (a) Comprehensive rural reform, seen as a requirement for the development of the most impoverished areas and for a stable peace; (b) The conversion of the FARC-EP into a political party and guarantees for its institutional participation; (c) The ceasefire, the laying down of arms by the FARC-EP and the reincorporation (a concept used instead of reintegration) of its former combatants into civilian life; (d) The resolution of the issue of illicit crops through programs for their substitution and rural development; (e) Victims and a transitional justice system, including a Truth Commission and a Special Jurisdiction for Peace (JEP); and (f) Mechanisms for public support, implementation, verification and ratification.

This Agreement has become a "global reference" due to its extremely comprehensive nature and its proposing political solutions to the conflict through innovative frameworks and approaches (Herbolzheimer, 2016: 1). Among the latter, three transversal approaches that reflect a human rights-based peacebuilding perspective stand out: the gender approach, which has an unusual relevance compared to other agreements in the world; the differential approach, focused mainly on the problems of indigenous and Afro-descendant communities; and the territorial approach, referring to the prioritization of the territories most affected by the war, where it promotes processes of rural development, citizen participation and peacebuilding adjusted to their specific conditions.

In sum, the Peace Agreement represents a major milestone in Colombia's recent history. Beyond its technical aspects, it constitutes a commitment to reconciliation. It was the result of negotiations between the two sides, but was also due to the impetus of civil society, which for decades mobilized in favour of a negotiated solution and the inclusion of its various demands, which they conveyed to the negotiating delegations in Havana. In addition, the Agreement is the result of the support given by the international community, which played a decisive role in its achievement and, since then, has been instrumental in preventing its collapse and promoting its implementation in a context plagued with difficulties.

The materialization of the Agreement has a time frame of 15 years. After the first six years, an ambivalent analysis can be made of its degree of implementation. During the Duque presidency, there was growing concern about the lack of compliance with many of its contents as well as the risk of failure and the loss of a historic opportunity.

There was a successful and rapid implementation of the first steps contained in the Agreement: ending of hostilities, creation of legal and institutional frameworks for implementation and verification, laying down of weapons, confidence building, and cantonment of ex-guerrillas and beginning their reincorporation. By October 2017, of the 35 elements of the Agreement related to the cessation of hostilities and laying down of arms, 89% were fully implemented and another 9% were on track to be implemented (Joshi & Quinn, 2017).

Similarly, in September 2017, the conversion of the guerrilla organization into a political party, first called Fuerza Alternativa Revolucionaria del Comun (FARC) and, later, Comunes, was successfully concluded, together with the allocation of its 5 seats in the Congress and 5 in the Senate. It should be noted that, in this context, in September 2016, the EU had suspended its restrictive measures against the FARC-EP and, in November 2017, removed this organization from the list of terrorist groups (something the US only did in 2022). At the same time, another fully implemented commitment was the creation of the Truth Commission.

However, the implementation of the Agreement has been extremely slow, and even null, in those contents that entail long-term structural reforms, which has generated a sense of frustration and fear about the sustainability of the peace process in broad sectors of the country and the international community. Undoubtedly, the implementation of such a broad and complex process has been hampered by technical aspects, such

as the lack of coordination and resource allocation among the different state institutions (Kroc Institute, 2018: 57). But another fundamental cause, of a political nature, has been the lack of commitment, if not hostility, towards the Agreement by the government of President Duque. He came to power in 2018, after his party, the Democratic Centre, led by former President Uribe, mobilized against the Agreement. During the campaign, Duque stated that he would not repeal the Agreement but would modify it (Amat, 2018). His government thus represented an important part of the Colombian population critical of what it considers to be the lenient treatment of the former guerrillas. There has thus been the paradox that the government responsible for continuing the implementation of the Agreement did not believe in it, although it has not been able to openly renounce it either, given its legitimacy and support in the international community.

The Duque government relied on the so-called Peace with Legality perspective, which minimized references to the Agreement and implemented its provisions selectively. It applied an iron fist policy, reminiscent of that of President Uribe, palpable in the commitment to military control of conflict zones and forced eradication of illicit crops (Forero, 2021: 36–37), as well as in the violent repression of citizen mobilizations that erupted in 2021 in numerous cities of the country.

In addition, the Duque administration and its party in the Congress used different tactics to hinder the implementation of numerous elements agreed upon in Havana. Thus, for example, it tried to reduce the capacity and legitimacy of the Special Jurisdiction for Peace, the basic mechanism of the transitional justice system established in the Agreement, by reducing its budget, objecting to several articles of its Statutory Law and subjecting it to criticism (Kroc, 2018; Ioannides, 2019: 43).

The least developed part of the Agreement is related to comprehensive rural reform, one of the main demands of the FARC-EP in the negotiations and of particular importance for addressing the roots of the conflict. By 2018, 50% of the stipulations in this area had seen no progress and 38% only minimal progress (Kroc, 2018). The Duque government did not focus on the development of peasant family farming, but rather on the expansion of large-scale commercial agriculture (Ioannides, 2019: 52). Similarly, it lacked the political will to implement the policy of land restitution to victims displaced by the conflict, who had to abandon some 8 million hectares. In addition, pressure from hacienda owners and agribusiness entrepreneurs has hindered land restitution processes and agrarian

reform programs (Forjando Futuros, 2018; Oxfam, 2017). As a result, serious problems of isolation, exclusion and high levels of poverty persist in large rural areas.

Two other areas of the Agreement at risk are the voluntary substitution of illegal crops, as the Duque government returned to the old practice of forced eradication through fumigation, and the reincorporation of the 11,345 FARC-EP members who joined the process, which has been plagued with problems. Among others, the granting of land to ex-combatants has been slow and scarce, as has the approval of projects for productive activities, in addition to the murder of numerous former guerrillas.

In addition, the implementation of the Agreement is seriously affected by the severe deterioration of security conditions in large areas of the country, where there is hardly any state presence or services. The state has been unable to expand into many territories formerly controlled by the FARC-EP, which have thus come under the control of a plurality of armed actors: FARC-EP dissidents, the ELN and other guerrilla organizations, paramilitary and criminal organizations, drug trafficking groups, etc. These actors fight for control of territory and are often linked to drug production and commercialization, as well as illegal mining and other activities. In this context, large rural regions continue to suffer from very high levels of violence. It is striking that in them, since the signing of the Agreement in 2016, there has been an increase in the number of aggressions and assassinations of human rights defenders and social leaders working against the drug economy or in favour of land restitution for victims (Indepaz, 2021; Somos defensores, 2019). As criticized by a United Nations report on the subject, these practices reveal failures in security policy, and are facilitated by impunity and by discourses of criminalization and stigmatization on the part of political leaders and officials (Human Rights Council, 2020: art 25–31).

3 The EU: A Normative Power with a (Relative) Interest in Colombia

Since the 1990s, conflict prevention and peacebuilding have become an integral and relevant part of the EU's external action. The EU sees itself as a "global peacebuilder" (Castañeda, 2014: 94, 2017: 43) and, in general, as a normative power that through its policies seeks to spread certain values and principles in the world, including peacebuilding and conflict

prevention, as well as multiparty democracy, human rights, sustainable development and multilateralism (Manners, 2008). Thus, its foreign and security policy has traditionally had a cosmopolitan and transformative character (Barbé & Morillas, 2019: 758).

The EU has gradually shaped a normative and political framework on conflict prevention and peacebuilding, supported by different key documents that have established principles and objectives, and has also created a dense network of political, institutional and financial instruments in the field, which depend on different EU institutions (Pérez de Armiño, 2020, 2021). Although this framework has gained discursive and political substance, only a decade ago it was still described as "nascent" and "embryonic" (Richmond et al., 2011: 449). It is a mainly civilian model, which has its greatest weight in the soft power present in development cooperation, trade and, where appropriate, the prospect of future integration into the EU.

On the other hand, the EU's external action is marked by its peculiar features: it is an organization made up of states, whose structure is still under construction, and its level of political power is still much lower than its economic weight. In fact, the EU's foreign policy tends to reflect the minimum consensus among its member states, insofar as it has to coexist with their interests and foreign policy strategies. Given the heterogeneity and institutional complexity of the EU as an entity, with its different levels of decision-making and action, one of its great challenges has been to articulate its multiple foreign policy instruments and policies in a coherent and integrated framework, something still insufficiently achieved (Debuysere & Blockmans, 2019). But it is undeniable that, especially since the Lisbon Treaty came into force in 2009, the EU has equipped itself with new institutional instruments that have strengthened its common foreign policy, such as its diplomatic service, the European External Action Service (EEAS). It is also worth highlighting the adoption in 2005, and revision in 2017, of the European Consensus on Development, a common agenda for development cooperation with which to respond to challenges, such as sustainable peace, among others.

The development of EU foreign policy, including the shaping of its approaches and policies on peacebuilding, has coincided in time with its presence in Colombia. It is therefore tempting to consider to what extent the experience accumulated in this country has contributed experiences and influenced the design of European policies in this field.

To begin with, it should be noted that Colombia, like Latin America as a whole, is not a priority country for EU foreign policy. From both the economic and security points of view, the EU has much more interest in its neighbouring areas, and even in Asia. Latin America has a low level of economic interdependence with Europe (De Lombaerde et al., 2006: 14), while it does not pose a threat to European security and nor are its migratory flows of concern (Bocchi, 2009: 180). To this is added the dominant role of the US in the region, so that Colombian foreign policy has traditionally favoured a close (bandwagon) link with the former; as well as the existence in the countries of the region of two different political and development models, which hinders the articulation of a common European strategy in relationship with it (Bodemer, 2019: 300, 312). Neither side is a major priority for the other.

However, the geographical and geopolitical distance, the absence of a strong economic interdependence and the fact that the Colombian armed conflict does not represent a direct threat, can be assumed to have provided the EU with an opportunity. In other words, these are the conditions that have probably allowed the EU to dare to experiment with relatively innovative mechanisms of action to support peacebuilding.

In any case, although without this reaching a strategic dimension, it is evident that a number of factors stimulate the EU's interest in Colombia and its commitment to promoting peace there. Among them, the following stand out:

(a) Growing commercial interests. The EU is Colombia's largest external investor and second largest trading partner, while Colombia is the EU's fourth largest trading partner in Latin America. Trade relations between the EU and Colombia have increased significantly since the coming into force of the Trade Agreement in 2013, relations that the EU wishes to increase to offset China's growing penetration in Latin America (Sullivan & Lum, 2018).

(b) Wealth of resources and economic opportunities. Colombia is an attractive middle-income country for foreign investment, thanks to its good growth ratios and macroeconomic stability. Added to this is its abundance of energy, mining, water and agricultural resources, some of which Europe lacks (Bodemer, 2019: 305); and it has one of the highest biodiversities in the world, which merits the

attention of EU environmental and sustainable development policies (Kurtenbach, 2014: 500). Moreover, its strategic geographical location, with coasts on two oceans, makes it a bridge between the South and the Centre and North of the continent.

(c) Regional stability. The EU sees Colombia as a key ally in the region, due to its strong regional leadership, the stability of its democratic regime and shared values, such as representative democracy and free trade. Moreover, it perceives it as a liberal political-ideological lever vis-à-vis Venezuela, which has led the region in anti-liberal postulates, popular democracy and a more closed economy (Bodemer, 2019: 305, 311). In this context, the EU considers that peace will contribute to the stability of the region (European Commission, 2016). Indeed, the Colombian conflict has had indirect destabilizing effects on neighbouring countries such as Ecuador and Venezuela, with the risk of regional spill-overs effects: drug trafficking, refugee flows, border-crossing by insurgent groups, militarization of borders, etc.

It should be added that Colombia has established several free trade agreements and actively belongs to several regional economic integration organizations. The EU supports these cooperation and integration initiatives, such as the Andean Community of Nations (CAN), because the countries of the region share interrelated problems (Kurtenbach, 2014: 505); and also because the EU assumes, based on Europe's own history and a liberal peace framework, that regional cooperation and integration reduce the risk of conflicts between them.

(d) The impact of drug trafficking. Given the close relationship between drug trafficking and armed conflict, this is one of the main reasons why the EU has become involved in the search for peace. Although the main destination of Colombian cocaine is the US, cartels also move large quantities to Europe, which is associated with other criminal activities, such as arms or human trafficking (Castilla, 2018). The EU's anti-drug strategy is based on confronting the problem on a regional scale, within the framework of its interregional relations with the CAN, through crop substitution programs (Kurtenbach, 2014: 498).

(e) The political and humanitarian crisis in Venezuela. This problem, which has deserved increasing attention from the EU, has notably affected Colombia, where a good part of the three million people

who have left the country have settled. In recent years, the latter have been one of the main recipients of European humanitarian aid in Colombia.

(f) Multilateral alliance. The high-level EU-Colombia relationship has made them allies capable of coordinating their policies and supporting each other in discussions in multilateral forums, for example in relation to the environment and climate change (Mass et al., 2015: 2). The environment will henceforth have an increasing weight in bilateral relations, as the EU has defined it as one of the axes of its presence in Colombia in coming years.

4   EU Support for Peace Prior to the Agreement

For more than two decades the EU has been active in Colombia during different stages: proposing a negotiated solution to the armed conflict, acting as an observer of the negotiations in Havana, and then supporting the implementation of the resulting Agreement. Throughout this time it has maintained a consistent line, based on the idea of the need to address the structural causes of the conflict.

The involvement of the EU as such in support of the peace process did not materialize until the late 1990s. Previously, several European countries (Spain and Germany) had acted as facilitators between the Colombian government and the guerrilla organizations. As for the EU, the European Commission Humanitarian Aid Office (ECHO) had been providing humanitarian aid since the beginning of the decade, while in the middle of the decade the EU presence in Bogotá increased, with high-level visits and declarations (De Lombaerde et al., 2006: 2). But the EU presence increased during Pastrana's presidency (1998–2002) with his Diplomacy for Peace, which called on the international community to participate in the negotiations with the FARC-EP and the ELN. Thus, the negotiations with the ELN were supported by several "friendly countries", among them France and Spain. The EU also supported the El Caguán negotiations with the FARC-EP, which concluded in 2002.

The failure of the negotiations facilitated the election of Álvaro Uribe as president in 2002, opening a new period with a considerable change in the relations between Colombia and the EU, and a division in the positions of the international community. Uribe renounced all negotiations, denying the existence of an armed conflict and describing the

guerrilla organizations as terrorists; he launched a harsh military offensive against them, which succeeded in weakening them but at the cost of serious human rights violations. This policy, called Democratic Peace, was supported by the US in the framework of its global fight against terror; but it was rejected by the EU and most of its member states, which continued to favour a negotiated peace.

In this context, a decisive milestone was the European rejection of the Plan Colombia, a program initiated in 1999 by the Pastrana government to reduce illicit crops and increase state presence in parts of the territory. This was strongly supported by the US, for which bilateral relations with Colombia in the fight against drug trafficking, with an essentially military approach, had become a priority. Not without reason, since 90% of the cocaine it consumed was produced or arrived via Colombia (Murillo, 2011). President Clinton supported the Plan between 1999 and 2001, providing military capabilities in the fight against drugs, as well as funds for human rights, humanitarian aid and development. However, from 2002 onwards, President Bush redirected its funding towards two objectives: counter-drug operations and, in addition, counter-insurgency. It thus became a mechanism for fighting guerrilla organizations and consolidating US power in Latin America (Ioannides, 2019: 4). Part of the Plan was intended to support the destruction of illicit crops through aerial spraying with glyphosate, a practice criticized for affecting human health and other crops, which is why it was abandoned by the Santos government in 2016.

The European Union, however, opposed Plan Colombia, due to its military strategy, its human rights implications and the consequences of forced eradication and fumigation of illicit crops. It understood that a conflict did exist, with structural causes that could not be reduced, as the US was doing, to a drug trafficking and security problem, and that there was no military solution. On the contrary, the EU defended negotiation between the different parties to the conflict and a "peace process", a key concept in its discourse, which required time and the participation of civil society. Thus, with these arguments, the European Parliament approved in 2001 an almost unanimous resolution rejecting the Plan, a position also expressed by the EU Council in 2004 and the majority of European governments (except Spain and the United Kingdom). This European positioning resulted from the intense lobbying carried out jointly by Colombian and European civil society organizations (Kurtenbach, 2014: 496). Furthermore, it has been pointed out that European cohesion on

the issue was stimulated as a reaction to the North American position, which provided the opportunity to demonstrate an independent vision through disagreement "at little cost", since it was not an issue that posed a great threat to Europe or to the national interests of its states (Roy, 2001: 3).

After rejecting Plan Colombia, the EU embarked on its own strategy of addressing the root causes of the conflict and promoting peace through its development cooperation. This exclusively civilian strategy had several advantages. In the first place, it allowed the European Commission to circumvent the discrepancies between member states on issues of hard security in the Colombian conflict and relations with the US (Castañeda, 2012: 62). In addition, European policy makers saw that it gave the EU the opportunity to become an international actor with its own profile, which was helped by the fact that different sectors, including Colombian civil society and part of the government, sought its political support as a counterweight to the US (Castañeda, 2012: 14–15). Finally, it helped it to put into practice the international debates, in vogue at the time, on how to use development cooperation for peacebuilding, as well as to gradually shape the common policy on development, including development cooperation and conflict prevention, whose principles would be established with the European Consensus on Development of 2005 (Castañeda, 2012: 13–4). In conclusion, the involvement in Colombia has been useful for the EU to advance in the process of formulating its common foreign policy, designing through practice a model of civilian policy, based on development cooperation, to build peace at the local level in a context of conflict (Castañeda, 2009, 2012: 6).

This strategy was mainly reflected in the support given to the so-called "Peace Laboratories", implemented between 2002 and 2010. These are the most emblematic instrument of European support for peace prior to the Havana Agreement, because more than being mere development programs, they revealed a European political position on how to resolve the conflict (Castañeda, 2012: 5). They were allocated 160 million euros from EU development cooperation funds, covering 1,108 projects in 249 municipalities hard hit by violence (Castañed, 2009: 169–179). Specifically, three successive laboratories were implemented, which represented different strategies of action by the EU, depending on the changes in the conditions of the country and its relations with the government.

The first of these, the Magdalena Medio Laboratory (2002–2009), was designed to support the process initiated as early as 1995 by the Development and Peace Program of Magdalena Medio (PDPMM), promoted by the Catholic Church and different local actors. This process involved various initiatives of civil resistance and humanitarian agreements with armed actors, community dialogue and addressing structural problems. Through the laboratory, European development cooperation supported different projects proposed through a participatory process by local grassroots organizations to build peace in their territory, with an attitude of neutrality towards armed actors. The projects focused on sustainable economic development, dialogue and citizen coexistence, human rights and culture of peace, and strengthening local institutions (Rivera, 2013: 352). Its purpose was to create zones of peaceful coexistence through socioeconomic development and the implementation of specific agreements between conflict actors (Kurtenbach, 2014: 502), with the intention of replicating the experience in other regions and thus achieving results on a national scale (Castañeda, 2012: 42). In short, it meant an endorsement by the EU of the demands of civil society to seek novel alternatives to the conflict (Rivera, 2013: 341).

The second laboratory (2003–2009) and the third (2006–2011) were implemented in different regions and involved a change of strategy and orientation. The peacebuilding philosophy of the first laboratory clashed with the Uribe government's focus on the conflict, so the government tried to instrumentalise the laboratories, with increasing centralization and control over them (Barreto et al., 2015: 12). In turn, the EU saw that its action required a link between the regions and the central state. In fact, the national government became the main interlocutor of the EU and came to control the resources and performance of the regional organizations. Thus, these laboratories experienced a lowering of their political profile and message concerning peace, human rights and participation, emphasizing instead productive activities and technical aspects. Moreover, as numerous social organizations warned, since the laboratories were linked to the National Development Plan, they ended up becoming a social program implemented in areas that the army had managed to control, thus contributing to President Uribe's counterinsurgency strategy (Castañeda, 2012: 44, 48, 54).

Although due to their small size they have probably had an "unnoticed impact" on the overall resolution of the conflict (Barreto, 2007: 12), the laboratories did have an appreciable impact at the local and,

to some extent, national level. They served to strengthen social and civil resistance initiatives in the territories, providing grassroots organizations with a certain shield and "political umbrella" in the face of armed actors (Barreto et al., 2015: 16). In addition, they opened spaces for dialogue between antagonistic sectors in the midst of the conflict, making possible the discussion of sensitive issues related to violence; and, moreover, they established channels of communication between civil society and local, departmental and national public institutions, despite their mutual distrust. In general, they kept the need for a peace policy alive on the political agenda, something of particular importance given that the Uribe government denied the need for this (Castañeda, 2009: 38, 49–50, 62; Rivera, 2013: 347).

However, some analyses also note several limitations and criticisms. Their implementation was hindered by the persistence of insecurity and the difficulty of building peace during the conflict (Castañeda, 2012: 54); and also because their peacebuilding approach clashed with the Uribe government's objective of military victory against the insurgencies. Likewise, the EU found it difficult to maintain its relations with the government without abandoning its support for civil society, in a context of strong polarization in the country (Castañeda, 2012: 62–63). In this sense, Molano criticizes the fact that the second and third laboratories implemented alternative development programs against illicit crops (voluntary eradication, alternative development, participation of the local population) that provided the Uribe government with resources and political capital to reinforce its anti-terrorist policy, cutting off the financing of insurgent organizations (Molano, 2009: 121–122).

But perhaps the main limitation of the laboratories lay in their micro and local scope, which made it difficult to promote a national solution to address the structural causes of the conflict in strategic and political terms (Barreto, 2016: 508; Castañeda, 2012: 43). Added to this, according to some authors, the EU did not have a comprehensive peace strategy: it limited itself to providing economic cooperation resources to address the causes of the conflict, but did not invest political energy in presenting ambitious alternatives, different from the US-led strategy in Colombia, to try to bring the conflicting sides closer together. The contribution of EU foreign policy to the search for a negotiated solution was minimal at that time (Bocchi, 2009: 198). In any case, it should be noted that a greater political involvement of this type was not easy in a historical context in which the Colombian government was closed to peace negotiations and

in which, therefore, the European countries themselves were divided on the matter.

In any case, the laboratories were an emblematic and also important experience for the EU, both in terms of its presence in Colombia and even for the formulation of its development cooperation policies. The laboratories were built through a learning process, with quite specific and original features with respect to EU cooperation policies, and became an example of the European model of development cooperation at the service of peacebuilding (Castañeda, 2009). Moreover, the first of them, above all, has been attributed a political significance of great importance, as a political commitment by the EU to building peace during the conflict, in an area hard hit by this. It should be added that the laboratories allowed the EU to be in contact with the reality of Colombia and carry out a learning process through its interaction with local actors. They allowed it to establish a bond of trust with Colombian civil society that has continued to this day and strengthens the European role in the implementation of the Havana Agreement. Moreover, as Bodemer (2019: 314) says, the laboratories gave the EU moral prestige, which has facilitated its participation in the process of reincorporating ex-combatants. In short, they have helped to establish the basic characteristics of the cooperation and peace policies subsequently implemented by the EU in Colombia.

The laboratories formally ended in 2010, but the peace strategy of European cooperation continued through the Regional Development, Peace and Stability program (2009–2014) and the New Territories of Peace program (2011–2017), in support of local civil society initiatives for peacebuilding starting from the specificities of the territories. These programs corresponded to the guidelines established by the EU Country Strategy for Colombia 2007–2013, focused in the short term on helping victims, in the medium term on promoting local and national peace, and in the long term on a lasting resolution of the conflict by addressing its structural roots. Since 2015, that document has been replaced by a Multiannual Indicative Program (Bodemer, 2019: 304).

The period following the laboratories was characterized by a very different political environment from the previous one, as President Santos (2010–2018) renounced the strategy of a military solution to the conflict and returned to the goal of a negotiated peace. This coincided with a new Colombian foreign policy, aimed at overcoming its close alignment with the US, improving its regional insertion and expanding its international alliances with actors such as the EU. Thus, Colombia sought to

tighten its relationship with the EU, seeing it no longer only as a donor, but as a political ally on the international scene and as an important trade partner, which was embodied in its 2013 Trade Agreement (Bodemer, 2019: 303–304).

In sum, in this new scenario, the political interlocution with the government improved, which was much more receptive to European recommendations in matters such as human rights and civil society. It was not in vain that the approach advocated by the EU for a solution to the armed conflict through dialogue had prevailed. Moreover, its peacebuilding approach based on local civil society initiatives gained prominence, visibility and influence at the national level, as the concept of "territorial peace" was incorporated into the political agenda of the new government.

5   EU Support for the Implementation of the Peace Agreement

The launch of the Havana negotiation process in 2012 mobilized political and financial support from the EU and other international actors. This was decisive for the achievement of the Agreement in 2016 and, even more, for materializing its implementation, compensating in some way for the internal legitimacy problem derived from its rejection in the plebiscite held in October 2016, as well as the reluctance to implement it by President Duque, elected in June 2018.

The EU assumed the role of observer and guarantor of the Agreement, which specifies that the EU will support three components of the Agreement, namely:

(a) Comprehensive rural reform (point 1). In fact, the European Commission and the EU member states have financed projects in 51 municipalities. These include 25 municipalities where there are Development Programs with a Territorial Approach (PDET), in the areas hardest hit by the armed conflict; as well as 26 municipalities with Territorial Training and Reincorporation Spaces (ETCR), or settlements dedicated to the socioeconomic reincorporation of ex-guerrillas (European Commission, 2018).

(b) Reintegration of former guerrillas (point 3.2). The EU has been particularly active in this field, financing multiple projects, for

example, through its Trust Fund for Peace in Colombia. It is noteworthy that the EU maintained its support for the original collective reincorporation scheme contemplated in the Agreement, despite the fact that the Duque government hindered it in favour of an individual model. The European support for the constitution and development of Ecomun, the association of cooperatives created by the ex-combatants, stands out in this respect.

(c) The formation of a Special Investigation Unit in the Attorney General's Office (point 3.4). The EU is providing technical support to this unit to dismantle organized crime and protect human rights defenders. In addition, in the field of transitional justice, the EU has provided assistance to the Truth Commission and the Special Jurisdiction for Peace (JEP).

5.1   EU Instruments in Support of the Agreement

In support of the implementation of the Peace Agreement, the EU has used a wide range of civilian instruments, which we could call *soft*, compared to the military resources used in other contexts. These are mainly instruments focused on political and diplomatic dialogue, both at the international level and with the Colombian government, as well as with various actors in the country; economic and financial mechanisms, especially development cooperation and humanitarian aid; as well as trade relations. Let us consider these in more detail.

(a) *Support through political and diplomatic dialogue*

It should be noted that the EU has performed an important leadership role in its permanent public support for the Agreement, which has its antecedents in the years when it stood out for its defence of a negotiated peace, and which found continuity during the negotiation process, as well as in the implementation period. Through political and diplomatic dialogue it has tried to exert a normative influence on the government and other Colombian actors, promoting the expansion of the values it assumes for its foreign policy, and an effective multilateralism, coordinating with the rest of the international community to support the Agreement.

In this way, the EU has maintained a constant dialogue, based on coherent postulates, during the different phases of the conflict. This dialogue has taken place at different levels.

Firstly, it has pursued "effective multilateralism" at the regional and global levels. The EU has sought to strengthen its relations with the Community of Latin American and Caribbean States (CELAC) and the Andean Community of Nations (CAN), forums in which it has promoted debates on poverty, drugs, socio-economic development, gender equality and human rights, and has expressed its support for civil society and human rights defenders. These forums have helped the EU to strengthen its cooperation with Colombia, as well as participate in multilateral bodies that support the peace process, such as the Colombia Support Group, G24 (Ioannides, 2019: 11). Likewise, the EU has been active in relation to the peace process in the UN Security Council and the UN Human Rights Council, while supporting the Organization of American States (OAS) Mission to Support the Peace Process in Colombia (MAPP/OAS) since 2004; as well as the Inter-American Human Rights System, around issues such as the protection of human rights defenders and civil society (Beaumont et al., 2019: 20).

Secondly, the political dialogue in the framework of bilateral relations between Colombia and the EU stands out; this has taken the form of presidential summits and ministerial meetings. These meetings served to raise issues such as governance, rule of law and the fight against corruption (European Commission, 2019), as well as to exert political pressure on the Duque government, to which the EU expressed both support for, and disapproval of different policies. High-level political dialogue was used to support the Havana negotiations, as well as the subsequent implementation of the Agreement. In this regard, relations with the Duque government faced challenges stemming from the reticence it showed towards the Agreement. Despite that, European statements usually expressed with diplomatic language that the Duque government transmitted "generally positive messages about the continuity of the peace process" and maintained a "very good engagement with the international community", and therefore the EU ratified its commitment to it (European Commission, 2019).

Third, the EU maintains a permanent dialogue with local authorities, as well as with different actors of Colombian civil society, with which it has built a strong mutual relationship. In multiple joint activities and forums, the EU together with civil society have addressed various topics

(human rights, environment, land restitution, etc.), while keeping the latter informed on the issues discussed with the government. It should be noted that, according to our interviews with staff of the EU Delegation in Bogotá, the EU has played the role of promoting meeting spaces between the Colombian government and civil society, fostering dialogue on the implementation of the Agreement. Indeed, the Delegation coordinates public diplomacy activities, in order to raise specific issues or cases of concern with the authorities, such as those related to respect for human rights, crimes against human rights defenders and their protection, and the land restitution process (European Commission, 2015).

Particularly important was the performance of the High Representative of the Union for Foreign Affairs and Security Affairs and Vice-President of the Commission, Federica Mogherini (2014–2019). She played a leading role in the EU's relations with Colombia, expressing the EU's support for the negotiations and its readiness to provide strong support for the implementation of the Agreement. She visited the country and met with its leaders several times; issued regular statements and convened relevant events. In addition, in November 2015, she appointed Irish diplomat Eamon Gilmore as EU Special Envoy for the Colombian Peace Process, thus launching a powerful message about the importance the process had for the EU. Gilmore has travelled to Colombia regularly to promote the EU's political support for the implementation of the Agreement, holding meetings with the government and ex-combatants, opposition parties and civil society, and visiting the regions to observe the situation on the ground (Ioannides, 2019: 13).

An equally important role has been played by the European Parliament, which has been very active in advocating a negotiated solution to the conflict and supporting the Havana Agreement, through a multitude of official resolutions, press releases, organization of activities, etc. Already in January 2001, it overwhelmingly approved a resolution against Plan Colombia and in favour of a peace process. In January 2016, another resolution expressed its commitment to the peace process and to supporting the implementation of the Agreement, stressing the need to address poverty and inequality, and to involve women's organizations in the talks. Similarly, another resolution in September 2017 reiterated its support for the peace process, underlining the need to ensure the protection of community leaders and human rights activists. In addition, the Parliament has maintained a permanent relationship, dating back to the 1990s, with human rights networks both in Colombia and formed by

Colombians living in European countries. It has collaborated with them in the organization of different meetings and supporting their advocacy activities (Castañeda, 2014: 81–115). It has organized numerous visits of parliamentarians to Colombia to accompany the peace process, while Presidents Santos and Duque have visited the Parliament in Brussels.

(b) *Economic support through cooperation and other means*

The EU has channelled substantial financial resources in support of the implementation of the Agreement, through credits from the European Investment Bank, direct budgetary support to the government and, above all, humanitarian aid and development cooperation.

Development cooperation, in particular, finances a multitude of projects with a local scope, through various instruments available to the EU: the European Instrument for Democracy and Human Rights, the Instrument contributing to Stability and Peace (IcSP) and, particularly, the Trust Fund for Peace. It should be noted that Colombia, as a middle-income country, would not be eligible for bilateral financial assistance under the Development Cooperation Instrument, but an exception has been made in order to support the peace process. Indeed, peacebuilding is the main motivation and raison d'être of European cooperation with Colombia, rather than the fight against poverty or any other goal. In turn, development cooperation is the main tool used by the EU in its political commitment to a peaceful end to the conflict. Its civilian nature facilitates consensus among member states.

The Trust Fund for Peace, created in 2016, is one of the most innovative and important elements of European support for the Agreement. It is a joint fund that brings together resources from the EU itself, 21 of its member states, and the United Kingdom and Chile, with which to support local projects mostly managed by local or European NGOs, around several issues: reconciliation, reincorporation of ex-guerrillas, social inclusion, sustainable productivity and institutional development. With a budget of 130 million euros, among other contributions, the Fund has increased the speed of fundraising and spending, improved donor efficiency and coordination, provided more flexibility to adjust to changing situations, and provided more visibility to EU action (Beaumont et al., 2019: 27; Ioannides, 2019: 42). The Fund has provided continuity to the perspective maintained by the EU over the last decades, aimed at

addressing the roots of the conflict, promoting dialogue and rebuilding the local socio-economic fabric.

(c) *Trade relations*

Trade relations are seen by the EU as a factor that can contribute to development and peace in Colombia, a perspective characteristic of the liberal peace framework. In this sense, the EU has sought to improve its trade ties with Colombia, which are embodied in the 2013 Trade Agreement between the two parties. The Agreement was opposed by numerous social organizations and trade unions in Europe and Latin America, because of its foreseeable negative socio-economic impact and due to human rights violations in Colombia. For this reason, the European Parliament made it a condition for signing it that the Colombian government present an action plan on human rights, labour and trade union rights, and sustainable development (Ioannides, 2019: 21). Some studies, indeed, have shown the negative impacts that the Agreement has had on the living conditions and rights of the most vulnerable populations in the country (Saura, 2013).

An issue worthy of consideration is that the Trade Agreement itself includes several provisions that may be useful as an instrument to support the peace process. Thus, it has provisions relating to two areas on which the Trade Agreement could have a negative impact, namely labour rights and the relationship between trade and sustainable development, while it establishes mechanisms for dialogue and monitoring with the participation of civil society. More importantly, Article 1 includes a "democratic and human rights clause", according to which an essential element of the Agreement is respect for democratic principles and fundamental human rights: failure to respect these would constitute a "material breach" of the Agreement. However, this clause has never been activated, as the EU argues that the most useful way to push for the improvement of the human rights situation is to continue dialogue and cooperation with Colombian actors (Ioannides, 2019: 20).

In sum, there are tensions around the Agreement's implementation in a country plagued by serious violations of labour and environmental rights and illegal employment, by both Colombian and foreign companies (TNI, 2016; Zyrgierewicz, 2018).

6   EU Support for Peace in Colombia: Going Beyond Liberal Peace?

6.1   Liberal Peace and Its Critics

Surely the main axis of the current theoretical and political discussion around peacebuilding is the one that revolves around the confrontation between liberal peace and those visions that are critical of it. In light of this debate, it is of great interest to investigate where the EU's peacebuilding discourse and practice are situated, and then to reflect on whether its experience in Colombia is making innovative contributions that could broaden its normative framework and its repertoire of instruments for action.

Since the early 1990s, the hegemonic vision in both the theoretical formulations and the practice of peacebuilding has been so-called "liberal peace", which inspires the security and development policies of the main international actors. Liberal peace, which has evolved over time and contains some variants within it, is based on ideas and objectives derived from realist and liberal thinking, to which have been added some aspects that are more transformative (social participation, sensitivity to local culture, etc.) (Richmond, 2006: 293–294). But, in short, it is characterized by the assumption that the most effective ways to prevent conflicts and build peace are: the (re)construction of the state (particularly in fragile states); the promotion of democracy and liberal values; and the establishment of a free market economy, inserted in the neoliberal global economic system.

However, this dominant theoretical framework, as well as the international policies it promotes, have been questioned in recent decades by numerous authors from different critical currents. To begin with, they argue that the values that liberal peace proclaims are not universal, as claimed, but are instead Western and neoliberal ideological postulates (individualism, secularism, private property, etc.), which are imposed on many cultures of the Global South from the assumption of a "historical 'natural' progressivity that places the North/West at the top of the current international epistemic hierarchy" (Mac Ginty & Richmond, 2013: 772). As a consequence, its promotion of the sovereign state responds to a Western and liberal statocentric imaginary, which ignores that the socio-political organization of many societies rests on other types of institutionality, on decentralized and informal social systems (Roberts,

2011: 11). Liberal peace policies have a top-down character; they are imposed by international institutions located in the North on local actors, with the participation at most of national elites of dubious representativeness. In this way, they tend to ignore the identity, norms, leadership, legitimacy, needs and interests of local societies. All this hinders the construction of a genuine viable social contract and a locally sustainable everyday peace, as Richmond (2008: 295–300) puts it.

Similarly, its imposition of the free market economy serves to expand neoliberal globalization and Western hegemony, at the cost of generating social and economic changes detrimental to the population. Added to this is the fact that liberal peace privileges individual civil and political rights, to the detriment of collective social, economic and cultural rights, and often promotes the elimination of existing and culturally embedded welfare rights and social safety nets (Richmond, 2008: 287–288), contributing to increasing power asymmetries and poverty.

Moreover, due to its standardized pattern and its scant attention to local peculiarities and historical context, liberal peace tends to ignore the structural causes of conflicts, historical injustices and global imbalances. In doing so, it exempts the international community from responsibility, while shoring up the existing international order and power hierarchies (Mac Ginty & Richmond, 2013: 768, 779).

These challenges to liberal peace have given shape to some critical and post-liberal approaches in Peace Studies, based on different post-positivist currents in the social sciences. They conceive peacebuilding as a process of social transformation to build a positive, just and emancipatory peace by addressing the structural causes of conflict. They understand that each process must be adjusted to the conditions of the specific context and be defined and led by local actors based on their own needs and interests, particularly those of the most vulnerable sectors. Thus, they advocate genuine local ownership, centred on the mobilization of civil society and the empowerment of marginalized sectors. In this respect, they pay great attention to local culture and identities, as well as to local initiatives for building resistance to conflict and in favour of peacebuilding. Similarly, they prioritize the defence of social, economic and cultural rights, welfare policies and gender equity (Landaluze & Pérez de Armiño, 2019).

As we have said, the EU has been progressively shaping a peacebuilding framework since the 1990s, endowed with a discourse with certain values and objectives, as well as various operational instruments. It is a framework that does not respond to a single, coherent model, but

is fragmented, largely due to the complexity of the EU as an institution, with its complex decision-making system and diverse objectives.

As pointed out by Richmond et al. (2011), the EU's peacebuilding actions in post-conflict countries have basically followed the liberal peace framework: building stable institutions, the rule of law, a market economy, disarmament, security sector reform, etc. The policies implemented have prioritized institution building, rather than the strengthening of civil society, through the collaboration and empowerment of those national elites that have accepted the political, economic and social model of liberal peace. Thus, they have paid scant attention to people's social, cultural and material needs and rights, or to factors of socio-economic vulnerability, and, in contexts such as Bosnia-Herzegovina, it has failed to achieve reconciliation (Richmond et al., 2011: 457–463). Moreover, it is a model based on European-conceived objectives (on security, rights, democratization, liberalization, etc.) that sometimes do not reflect the identities, interests and needs of the societies concerned (Pogodda et al., 2014: 230–231).

Although it is now increasingly doing so, the EU has provided little support to local or traditional peace initiatives and civil society, with which it has limited involvement beyond large urban or international NGOs (Pogodda et al., 2014: 233, 237). Similarly, despite documents alluding to the goal of conflict prevention by addressing structural "root causes", the EU does not make a clear commitment to long-term prevention, but rather prioritizes short-term, rapid response actions to conflicts that have already erupted; it promotes political and economic governance reforms that support stabilization, but do not directly address the political context or power asymmetries that function as underlying causes (Pogodda et al., 2014: 227).

Certainly, the EU has increasingly implemented some successful long-term peacebuilding and reconciliation activities by supporting local initiatives and strengthening civil society (in Georgia, Palestine, Bosnia-Herzegovina, and Colombia itself). However, while these initiatives are interesting and examples to follow, they seem somewhat isolated, not part of broader conflict resolution strategies, as the EU seems to consistently avoid using its full political and diplomatic weight to promote concerted strategies with which to overcome the stalemate of protracted geopolitical conflicts (Pogodda et al., 2014: 242–3).

However, the EU's peacebuilding rhetoric is much more ambitious than its practice, as it includes some elements characteristic of fourth

generation peacebuilding, of a post-liberal, just and emancipatory peace (Richmond et al., 2011: 452, 463). The EU's formulation of peace is more complex and sophisticated than that of other international actors, based on hard power strategic approaches and traditional conceptions of security, as well as on an institutional vision centred on state sovereignty.

Such European rhetoric has hardly been put into practice. However, the EU has a potential, as yet barely materialized, to develop a more emancipatory version of peacebuilding. Such potential lies in its ambition as a civilian "normative power"; in its normative dimension that goes beyond the framework of state sovereignty and military security and hard power, aspiring to facilitate local peace processes, needs fulfilment, rights provision, justice and, finally, reconciliation (Richmond et al., 2011: 458); in several elements that characterize its normative discourse, such as the notions of sustainable peace, human security, effective multilateralism, partnership and local ownership; as well as in the emphasis it places on the promotion of democracy, human rights and the strengthening of civil society (Ibid., 451). The framework it has been building differs from the state building practice implemented by other actors, as it is less able to address "hard power" issues and, in contrast, "emphasizes rights and needs of people in a social and cultural context" (Ibid., 458). It reflects a concern for social justice, equality and civil society, which goes beyond the security and institutional concerns of liberal peace, and which it has applied in certain local contexts (Ibid., 459). It may also include its objective of addressing the structural causes of conflict, socio-economic welfare, local participation or gender equity.

However, in order to develop such a fourth generation framework, the EU would have to: focus its concern on needs, rights, social welfare, social justice and, finally, reconciliation; implement a bottom-up approach led by social actors rather than the state; formulate peace frameworks that transcend the territorial sovereignty of the state and focus on the rights and needs of individuals and communities in local contexts; overcome blueprint solutions and achieve stronger "localized engagement" by building contextually sensitized programs that facilitate local peace processes; acquire greater capacity to address identity and cultural issues; and achieve greater legitimacy of actors on the ground (Richmond et al., 2011: 454, 458, 460–1).

6.2   EU Peacebuilding Approaches in Colombia

In the context of the aforementioned debates between liberal approaches to peace and those and critical of it, as well as analyses of the gap between EU discourse and practice in the field of peacebuilding, it is worth asking to what extent EU policies in support of the Colombian peace process present innovative elements that go beyond the conventional model. In our opinion, the EU's support for the Colombian peace process includes some features that go beyond the dominant model of liberal peace and that can be seen as useful lessons for other contexts. Among others, we consider particularly relevant three elements on which we would like to focus and which are present transversally throughout the chapters of this book. These are the strengthening of civil society, based on a bottom-up approach to peace; the defence and promotion of human rights; and the development of a territorial approach. In the last chapter of the book we will draw some conclusions about the implementation of these approaches in practice.

6.2.1   Strengthening Civil Society

In Peace Studies there is extensive literature on the important role that civil society can play in peace processes (Fischer, 2006; Marchetti & Tocci, 2009), which can be translated into functions such as protecting civilians from violence, monitoring human rights violations, advocacy for peace and human rights, socialization in values of peace and democracy, facilitating dialogue, inter-group social cohesion, etc. (Paffenholz, 2009).

The role of civil society has been highlighted, in particular by "peacebuilding from below" approaches, which underline the importance of grass-roots initiatives for promoting negotiations and materializing processes of conflict transformation and social reconciliation as prerequisites for sustainable peace (Lederach, 1997: 26–31). Likewise, by studies that connect nonviolent resistance initiatives with the building of positive peace (Dudouet, 2017). Moreover, the weight of local civil society agency has been emphasized in the context of debates on the concept of "hybrid peace", which seeks to explain the fact that the peace actually built in each context is a specific form of hybridization resulting from the complex interaction, ranging from collaborative to confrontational, between local and international actors, agendas and strategies (Mac Ginty, 2014: 9; Richmond & Mitchell, 2012: 8, 26).

As mentioned above, the EU's overall experience in strengthening civil society in these contexts is diverse. Over time it has intensified its efforts in this area and has implemented some successful initiatives. However, several country-focused studies note that the support it has provided to civil society has often been insufficient and lacked a coherent approach (Ejdus & Juncos, 2018; Pogodda et al., 2014). Often its interventions have prioritized government institutions and have struggled to engage civil society, even in countries where civil society is comparatively strong, such as Bosnia and Herzegovina (Kappler & Richmond, 2011). As causes, it is argued that programs tend to be planned from Brussels, with little knowledge of the context, little or no participation of local actors and a lack of coincidence with local priorities (Edmunds et al., 2018: 233–4).

With regard to Colombia, it should be emphasized that this country, despite the destructive impact of violence, has a very varied and active civil society, with a host of organizations and networks of all kinds. Since the early 1980s, for more than three decades, there has been an intense mobilization in favour of a negotiated peace with the guerrilla organizations, thus confronting President Uribe's anti-terrorist discourse aimed at achieving a military victory. In addition, they have implemented a wide repertoire of local peace activities that, depending on their objectives, are located on a continuum ranging from negative peace, focused on mitigation of violence, to positive peace or conflict transformation (Idler, 2021: 49). Indeed, some have pursued mere resistance to violence, as is the case of the humanitarian ceasefire pacts signed between local mayors and guerrilla organizations, or the "peace communities", declared as neutral territories in the conflict, such as the famous one of San José de Apartadó. Other more ambitious initiatives have promoted processes of social transformation and positive peacebuilding, such as the peace laboratories, as well as countless activities in the areas of human rights, victims, historical memory, etc. Most of the social initiatives have been local, arising from the grassroots, but some have managed to articulate themselves in networks and processes on a national scale, such as REDEPAZ, National Network of Initiatives for Peace and against War; and have even connected with networks and platforms in other countries, such as the International Office for Human Rights Action on Colombia (OIDHACO) in Europe.

This set of organizations and initiatives make up a "social infrastructure for peace" that articulates different sectors and has the capacity to enter

into dialogue with various actors; its three decades of organization, political participation, educational strategies, social protest and nonviolent civil resistance are a key factor in being able to implement peace at the territorial and national level following the Agreement (CINEP, 2016: 5, 6). One of the main contributions of these social and community organizations was that they had already generated a discourse in favour of a peace based on political dialogue and social transformations prior to the start of the Havana negotiations, even when such negotiations were ruled out by the Uribe government. They made a decisive contribution to creating the conditions for, and giving impetus to, the Havana negotiations, during which their demands were set out (agrarian reform, respect for ethnic identities, gender, opposition to the fumigation of coca plantations, etc.), thus contributing to the inclusion of several transformative contents in the Agreement. After its signing, civil society has been pressuring the state for its full implementation.

6.2.2 *Defence of Human Rights*
A growing literature has been underlining the synergies between human rights advocacy and peacebuilding. These are two traditionally separate fields, having different principles, objectives and tools: practitioners and activists focused on human rights, based on a normative approach and a "moral imperative", have tended to defend them as a requirement to ensure long-term peace; while those engaged in peacebuilding with a more pragmatic approach prioritize the short-term goal of promoting agreements that put an end to violence (Babbitt, 2009: 617; Parlevliet, 2010: 17–18). Even the idea that justice and human rights oriented initiatives could be detrimental to the achievement of peace, and vice versa, has prevailed, as witnessed by the debate on "peace versus justice" in post-conflict contexts.

On the contrary, in recent years there has been growing awareness of their synergies and potential for mutual reinforcement, and important steps have been taken towards their theoretical and operational interrelation. At the theoretical level, recent literature has studied the multiple cause-effect interrelationships between conflict and human rights: the violation of human rights is both one of the main consequences and one of the main causes of armed conflicts (Parlevliet, 2010: 18, 2017: 348). Thus, the idea that human rights are a crucial component of conflict prevention and of building a positive peace has increasingly taken hold, as well as the idea that peacebuilding actions can contribute to

greater protection and enjoyment of human rights. For this reason, the "productive tensions" between the two fields of work, their analytical complementarities and operational synergies have recently been explored (Fuentes & Drumond, 2018: 10).

In this sense, Parlevliet has proposed a holistic and integrative conceptual framework of human rights and conflict transformation, including objectives and tools from both fields, so that all their actions address human rights violations, both in the short term those that are symptoms of conflict, and in the long term those that are structural causes of conflict (Parlevliet, 2010: 24, 2017: 349 et seq.). This holistic framework understands human rights not as a framework of norms, but as elements that contribute to shaping social relations, structures and institutions in dynamic processes (Parlevliet, 2010: 23). Similarly, Simpson proposes a "peacebuilding and justice continuum", an approach to coherently program analyses and actions concerning human rights and justice, peacebuilding and development, adjusted to the different contexts and phases of peacebuilding (Simpson, 2017: 380, 386). In sum, these and other proposals are extremely useful for processes of building positive peace with justice, which guarantee the enjoyment of rights, including socioeconomic and cultural rights, and serve to empower vulnerable sectors, support their demands and open the doors to emancipatory processes.

In practice, human rights have gained weight as a transversal approach in the peace and development work of numerous social organizations and cooperation actors. Likewise, they are increasingly integrated as a component of the international "peace architecture" shaped by national, regional and international institutions focused on peace and security (Richmond, 2018: 41–60).

The EU, as reflected in its main documents, includes the defence and promotion of human rights as an essential component of its Common Foreign and Security Policy (CFSP), and also of its development cooperation and conflict prevention policies. Many of these documents emphasize the promotion of human rights and democracy through dialogue with civil society in third countries and the strengthening of its organizations. The assumption is that advocacy, together with various democratization measures, will help to alleviate political grievances between different social and ethnic groups (Wetzel & Orbie, 2011). In addition, the EU has developed various institutional and normative tools to mainstream human rights in its foreign policy. Among the financial instruments, the European Instrument for Democracy and Human Rights (EIDHR), created in 2005

and aimed at supporting initiatives, many by civil society, in the areas of democratization, defence of human rights, trust building and reconciliation, stands out. In addition, there are various CFSP guideline documents on human rights, which are not legally binding but express an important political commitment to action in this area. These include the EU Guidelines on the conduct of Human Rights Dialogues, 2001, revised in 2009; and the EU Guidelines on Human Rights Defenders, 2005, revised in 2008.

However, different sources warn that there is a gap between the EU's human rights discourse and its practice on the ground (Hazelzet, 2010: 342). In peacebuilding and security actions, human rights receive insufficient resources, less than counter-terrorism or security sector reform (Hadden, 2009). Likewise, different human rights organizations have criticized the fact that the guidelines in this area are not systematically applied, and have expressed doubt whether member states prioritize human rights and the protection of their defenders (EEAS, 2016). This gap between discourse and practice would be undermining the effectiveness of the EU in its goal of a more just and inclusive peace, as well as its credibility with post-conflict societies (Hadden, 2009). This loss of legitimacy has been recognized by the European External Action Service (EEAS) itself, in response to which it proposes the mainstreaming of human rights in different dimensions of European peacebuilding policy (EEAS, 2016).

6.2.3   Territorial Peace Approach

The concept of territorial peace is probably the most novel and important concept in the Peace Agreement (Cairo & Ríos, 2019: 96); it is an innovative contribution to the peace processes that have taken place worldwide and may be of interest beyond Colombia (Cairo et al., 2018: 464). However, it is inspired by the territorial perspective that is present de facto in other previous territorial initiatives and policies, including the peace laboratories (Rodríguez, 2020: 107), as well as in numerous local and community experiences of everyday peace (Courtheyn, 2018).

Its essential contribution consists in assuming that the peace process and the implementation of the Agreement have to be carried out with differentiated perspectives and adjusted to the conditions and needs of each of the country's territories, focusing in particular on the areas most affected by the conflict, with worse socioeconomic conditions and fewer state services. It implies recognizing that the territory is the fundamental

scenario for addressing the specific problems of the peace process. It must be kept in mind that Colombia has very diverse regions, that the armed conflict has affected them in very different ways, and that it is associated with various territorial problems, such as spatial tensions and the appropriation of territory, as has been analysed by numerous authors, for example González (2008).

The term territorial peace was initially formulated by Sergio Jaramillo (2013), the government's High Commissioner for Peace, but has subsequently been widely adopted. According to its formulation, it should fulfil three objectives: (a) address the roots of the conflict, through rural development and guarantee the rights of all people in all territories; (b) consolidate an inclusive democracy, promoting a broad participation of citizens, especially in rural communities, in the bottom-up planning of public policies; (c) build institutions based in the territories, establishing a new alliance between communities and the state in territories where the state has been absent, contributing to its democratic legitimacy, civic trust, reconciliation and transformation processes prevented by the war.

Therefore, this approach assumes that for peace to be viable and sustainable, it must be: local, built from the territories according to their socioeconomic conditions and degree of state presence; bottom-up, with citizen participation; networked, through alliances between grassroots organizations and state institutions; and transformative, promoting development and rights. Furthermore, as Paladini (2020: 79) says, other contributions of the territorial peace approach are that it focuses on developing the legitimacy of the state through the provision of services in alliance with civil society and the effective guarantee of human rights; and that it focuses not only on the ends, but also on the means of peacebuilding, that is, on a participatory and inclusive process that incorporates the proposals of communities and social organizations. For all these reasons, it is a case that can contribute to the perspective on "hybrid legitimacy", on which Richmond and Mac Ginty reflect (2020).

The term territorial peace has been incorporated into the vocabulary of most of the country's actors, but it is nevertheless diffuse and polysemic, as it is interpreted in different and even antithetical ways, depending on the political and development model that each one defends. As we have noted, Jaramillo's governmental formulation aspires to consolidate the democratic presence of the state in the territories, which fits into a liberal peace perspective, but at the same time includes transformative elements (Cairo et al., 2018: 467). Part of the economic elites sees

it as a new governance of the territory that allows access to resources in regions inaccessible during war (Jiménez-Martín, 2016: 65). Former FARC-EP guerrillas have seen it as a means for consolidating their relations with the rural communities, securing social struggles and promoting a model of peasant economy and good living (*sumac kwasay*) as an alternative to the capitalist model (Cairo & Ríos, 2019: 101, 108). In turn, different peasant, indigenous or Afro-Colombian organizations formulate a territorial approach based on the needs and rights of their communities, advocating an alternative and community-based economic model (Rodríguez, 2020: 113).

In operational terms, the territorial peace approach posed the need for programs and policies specifically oriented towards the territories most affected by the conflict, in order to overcome their marginalization and structural problems. This, however, has been criticized as an excuse for avoiding economic and political transformations at the national level and to limit the peace agenda to peripheral and marginal rural areas (Harto de Vera, 2018: 360–1). In any case, the main policy instrument for materializing the approach are the Development Programs with a Territorial Approach (PDET), aimed at promoting structural transformations and meeting needs in various municipalities in terms of strengthening local institutions, infrastructure, social services, productive projects, land for peasants, etc. (Sánchez & Sánchez, 2019: 76–77).

However, the implementation of territorial peace policies following the Agreement has been slow and scarce, due to several problems, such as: the lack of political will of the Duque government to implement the rural reform and other components of the Agreement; the recent increase in insecurity; and the structural lack of infrastructures and institutional capacities in many municipalities. The latter has to do with a historical territorial fragmentation of state power, which has a limited presence in large territories controlled by local elites, who enjoy considerable autonomy and have traditionally opposed democratizing reforms that affect their interests, often violently (González et al., 2003). Added to this is another problem rooted in the country's policies, characterized by an "anti-peasant bias" (Uribe, 2013) that has promoted a development model that has turned its back on rural society.

Despite its insufficient materialization to date, the territorial peace approach in Colombia deserves to be analysed as a case that can make significant contributions to two currents that have recently gained weight in Peace Studies.

The first of these is the so-called "local turn" in peacebuilding studies and policies, consisting of the greater attention paid since the beginning of the century to local dimensions: actors' agency, needs, identities, values, etc. (Donais, 2012; Mitchell & Hancock, 2012). This trend is due, among other factors, to the growing recognition of the weight of local actors and civil society in conflict contexts; the crisis of the liberal peace paradigm and the assumption that sustainable peace has to be based on local visions; and the emergence of new epistemological perspectives that contribute to analysing social dimensions beyond formal state policy (Mac Ginty & Richmond, 2013). The local turn has mainly been undertaken by critical approaches, which see the local as "a means of emancipation expressed through the emphasis on voices from below" (Leonardsson & Rudd, 2015: 826), highlighting the existence of a local agency, that of local actors resisting violence from their own vision of peace (Mac Ginty, 2008:139–163).

The second current corresponds to an emerging sub-discipline, Critical Geography of Peace. This is based on the premise that space is socially constructed, while at the same time it conditions the construction of society, as it is a reflection of social relations of power and of certain visions of the territory. Consequently, just as war shapes certain territorial structures of power, aimed at controlling resources or population, the processes of building sustainable peace must be translated into dismantling the geographies of war and building "geographies of peace", that is, a reorganization of space based on fairer and more equitable social relations, overcoming social inequalities and inequalities between territories, for example, between countryside and city (Jiménez-Martín, 2016: 61).

According to this current, peace processes must be understood in concrete, situated terms, and in relation to their reciprocal conditioning with space (Björkdahl & Kappler, 2017: 10). Thus, it has analysed numerous local peacebuilding initiatives and "peace spaces" where subaltern actors promote alternative discourses to violence (Vogel, 2018), and also how peace is socially and culturally constructed, and therefore interpreted and experienced in diverse ways according to people and places (Megoran et al., 2016: 128).

These analyses that focus on specific contexts also help to understand how power relations have an impact on a particular space, which is also affected by the multiple forms of violence and the struggle for peace taking place there. This has helped to challenge romantic and utopian notions of peace, and to understand that peacebuilding processes are

marked by "agonism", by the rivalry and conflict of power relations (Björkdahl & Selimovic, 2016: 322). By inquiring into the power inequalities that shape peace, this current seeks to explain "who gets what kind of peace, where peace is (re)produced, and how peace is realized" (Megoran et al., 2016: 129–130).

7   Structure of the Book

The book addresses the main aspects of the EU's contribution to the implementation of the Havana Peace Agreement of 2016. However, many of the chapters adopt a broader perspective in order to understand the EU's actions in recent years resulting from its trajectory of two decades in Colombia. Furthermore, some chapters do not focus on specific dimensions of the European contribution, but instead undertake an analysis of the context, in particular the causes, evolution and impact of the conflict in the country, as well as the structural factors that condition and hinder the process of peacebuilding.

In the first chapter, as an introduction to the book, we have provided a general approach to the Havana Agreement and the context of its implementation, as well as the motivations and main axes of the EU's activity in the country. In particular, we have defined three transversal axes around which the book is articulated. These refer to the three fields in which we consider that the EU has been making innovative contributions: the strengthening of civil society, human rights and the adoption of a territorial approach. Similarly, as a brief theoretical framework, we have outlined the theoretical debates in Peace Studies that might benefit from the European experience in the country.

The second chapter, written by Jerónimo Ríos, offers a historical contextualization of the Colombian armed conflict, placing emphasis on its territorial dimension. After exploring its causes, he analyses the impact of President Uribe's Democratic Security and President Santos' strategic turn, which resulted in the signing of the Havana Agreement. After providing a breakdown of the points of the Agreement, he analyses the difficulties faced in its implementation during the presidency of Duque, including the reappearance of the violence of the different actors.

In the third chapter, Borja Paladini reflects on the paths and obstacles for achieving peace in Colombia. In the first place, he analyses the history of political violence in the country, as well as the main obstacles to overcoming it, underscoring the absence of the state in parts of

the territory, the usufruct of power by minority elites that resist losing their spaces of power, and the enormous degrees of inequality. In the second place, he studies the different social and institutional dynamics in pursuit of peace that have taken place since the 1980s, from social mobilizations to institutional and legal changes. According to the author, the social and political aspiration of peace "has become one of the driving forces of political change in Colombia", as well as for consolidating the nation-state.

The fourth chapter was prepared by Eduardo Bidaurratzaga and Ángeles Sánchez, and focuses on another dimension of the context in which the Peace Agreement was reached and is being implemented: that of the trade relations between the EU and Colombia. Concretely, it analyses the characteristics of the Trade Agreement signed between both parties in 2012, as well as its impact on the economy and living conditions of the Colombian population. In this way, it questions the degree to which this impact is coherent with the other EU policies in the country, aimed at addressing the root causes of the armed conflict and peacebuilding.

The fifth chapter, written by Juana García, describes the historical trajectory of two decades of the EU's development cooperation in Colombia, and more specifically its contribution to peacebuilding. The text studies the characteristics and central milestones of this cooperation up until the signing of the Peace Agreement, under three presidents. Thus, in the period of Pastrana, with his Diplomacy for Peace, the EU timidly involved itself in the dialogues for peace in Caguán. Afterwards, during the presidency of Uribe, the EU's rejection of the Plan Colombia was translated into its innovative initiative of peacebuilding at the local level, the Peace Laboratories. Finally, in the period of Santos, the EU acted as one of the main sponsors of the negotiations in Havana.

The sixth chapter, whose author is Mario López, also employs a historical perspective to analyse the EU's support for peace in Colombia, but does so from a specific perspective: that of its support for reconciliation. The author starts with a discussion of the existing theoretical debates on this concept and its relevance in peace processes. He then studies the EU's contribution to a just and lasting peace that makes possible reconciliation processes, mainly at the local level, through its support for three initiatives: the Peace Laboratories, the National Commission for Reparation and Reconciliation (CNRR) and the European Trust Fund for Peace.

The seventh chapter, by Carlos Madridejos, focuses on one the most important points of the Agreement: the reincorporation of the ex-combatants of the FARC-EP, conceived in the innovative form of a collective process. Specifically, he analyses the contribution made to this by one of the most relevant instruments of those employed by the EU to support the implementation of the Agreement: the Trust Fund for Peace. This support has taken concrete form in the financing of different local projects, strengthening two organizations of ex-combatants, and budgetary support for public policies on this issue. As the author concludes, the Fund has weaknesses, but also strengths and innovative elements that provide lessons that are potentially useful for other conflicts.

The eighth chapter, prepared by Irantzu Mendia, analyses the inclusion of the gender approach in the EU's cooperation in support of the peace process in Colombia, both in its programmatic documents and in several of its initiatives and projects. One of the novel features of the Havana Agreement lies in its incorporation of the gender approach as an essential part of its transversal "differential approach". The inclusion of provisions on gender in the Agreement was the result of the vigorous mobilization of Colombian organizations of women and feminists in favour of a peace that would include gender justice. Nonetheless, as the author underscores, their implementation has encountered serious resistance.

The ninth chapter was written by Alba Linares and analyses how the EU is contributing to materialize the ethnic focus that is present in the Peace Agreement. The ethnic minorities, both indigenous and Afro-descendant, and their territories figure amongst the most affected by the armed conflict and continue to suffer from exclusion, which is why it is essential to address their specific problems to achieve a positive peace with a territorial perspective. According to the author, the EU has supported initiatives that have favoured the conditions and rights of these populations, but the ethnic focus has not been one of its strategic priorities, in part due to a lack of clear orientations on what this means and how to implement it.

The tenth chapter was written by Ana María Ospina, Farid Samir Benavides and Julián Darío Bonilla, and focuses on the public support and funding given by the EU to the Special Jurisdiction for Peace (SJP). This is one of the three institutions of the innovative and sophisticated system of transitional justice created by the Agreement to respond to the victims' demands for truth and justice. After analysing the Colombian model of transitional justice and the SJP's mechanisms for investigating crimes, the

text addresses the obstacles placed in the way of its functioning by the Duque government and evaluates the role that European support played in that context.

The eleventh chapter was written by Tania Rodríguez and focuses on another of the institutions of the system of transitional justice established by the Agreement, the Truth Commission, which also presents numerous innovative elements with respect to other such commissions created around the world. This Commission, like the SJP, has had to confront obstacles put in place by the Duque government and different political actors. In that context, the political, economic and technical support provided by the EU proved to be of strategic importance in guaranteeing its functioning, for example, by facilitating its deployment in the territories as well as its policy of communication.

The twelfth chapter, prepared by Diana Gómez and Ainhoa Zugadi, studies the way in which the EU has contributed over two decades to guaranteeing the rights of the victims, from a broad conception of transitional justice, linked to contexts and political processes. The authors observe that the EU's cooperation has contributed to such rights in different ways. Nonetheless, they consider that it has difficulties as well as "structural limitations" that hinder a transitional justice with structural changes that would eliminate the conditions that generate the conflict. These limitations include: not questioning the fact that poverty in Latin America proceeds from colonialism and capitalism, or maintaining a liberal political and economic order that favours the interests of the Global North.

The thirteenth and final chapter takes up some of the transversal ideas addressed throughout the book. In the first place, we formulate some conclusions on the contribution made by the EU to the peace process. We consider that its policy of peacebuilding in Colombia has shaped a hybrid model, with objectives and principles that are consistent with liberal peace, but with some innovative elements that go beyond the latter, above all in three areas: the commitment to strengthening civil society, the defence of human rights and the adoption of a territorial focus. In the second place, from the accumulation of experiences and activities, we extract some lessons learned that might enrich the EU's normative framework and repertoire of peacebuilding instruments in other countries. Finally, we reflect on the growing space and the opportunities that the election of Gustavo Petro as president in August 2022 has opened up

for the EU to continue providing strong support for the implementation of the Peace Agreement.

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The Recent Context in Colombia in Historical and Territorial Perspective: Armed Conflict, the Havana Agreement and Its Implementation

Jerónimo Ríos

1 Introduction

The principal purpose of the following chapter is to present the most outstanding aspects that have shaped the violence associated with the

J. Ríos (✉)
Complutense University of Madrid, Madrid, Spain
e-mail: jeronimo.rios@ucm.es

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Colombian armed conflict, with special emphasis on what has happened over the last two decades, considered from a pre-eminently territorial perspective. To that end, in the first place, it sets out the most outstanding causal factors and their evolution in order to provide contextualisation, making reference to the seminal works that afford a broader and deeper view for understanding the armed conflict in Colombia, a particularly long-lasting and violent phenomenon.

In the second place, it presents the turning point that the presidency of Álvaro Uribe (2002–2010) signified for the transformation of that conflict, essentially in relation to the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC-EP—Revolutionary Armed Forces-People's Army). The main outcome of the process of militarisation experienced in Colombia, to which increased interference by the United States contributed, has been a change in the balance of forces of the conflict in favour of the state, and a gradual process of weakening of the main guerrilla organisations.

This factor makes it possible to understand why the armed violence in Colombia can be compared to what Touval and Zartman (1985) initially defined as a "mutually hurting stalemate". That is, a negative process involving a draw, in which neither of the parties involved can resolve the armed confrontation unilaterally. Hence, the changes that become apparent with the election of Juan Manuel Santos as president in 2010 make it possible to understand the process of dialogue that begins in 2012.

Based on the foregoing, the chapter explores the Peace Agreement and its six points—integral agrarian reform, political participation, end of the conflict, solution of the problem of illicit drugs, victims and endorsement and verification—with special emphasis on the territorial dimension that accompanies the Agreement. That is, we assume the perspective that the violence must be transformed by giving priority to bottom-up dynamics of political participation and of construction of capacities and opportunities for citizens (Cairo et al., 2018).

The chapter concludes by analysing the main obstacles to the Peace Agreement, basically focusing on two questions: resistance and delays involving the current presidency of Iván Duque (2018–2022); and the transformation and intensification of unresolved violence involving third-party armed groups, like the *Ejército de Liberación Nacional* (ELN—National Liberation Army) or the *Clan del Golfo* (Gulf Clan) and dissident groups that emerged from the extinct FARC-EP.

The purpose is to show three fundamental aspects: (1) the importance of the territorial dimension of the violence in Colombia; (2) the relevance, originality and necessity of a territorial foundation when it comes to promoting a peace-building process in the country; (3) the difficulties in implementing a Peace Agreement that at the normative level emerged as a referential tool for transforming the violence, but which on the strictly ontological level has profound limitations due to the complexity of the circumstances.

2 A Brief Explanation of the Violence in Colombia: From Violence to Failed State

Formally, the Colombian armed conflict, like others in the Latin American continent, has its roots in the convulsive decade of the 1960s (Kruijt et al., 2019). Colombia, like the rest of its regional neighbours, is inscribed in a context strongly influenced by the Cold War and, in the case of insurrectional movements, by the reference provided by the Cuban Revolution of 1959, which served as an inspiration when raising the banner of social revolution (Ríos & Azcona, 2019).

It is clear that, internally, the country found itself immersed in a process of pronounced political and social agitation. Since the late 1930s there had already been peasant mobilisations calling for greater social justice and access to the land, given the very limited scope really entailed in president López Pumarejo's "revolution underway". Following four continuous governments bearing a liberal stamp, the ultraconservative Mariano Ospina, who was victorious in the election of 1946, succeeded him. The latter introduced a climate of extremely high social conflict, with continuous confrontations between the public order forces and the citizenry, which reached a high point with the assassination of the liberal leader Jorge Eliécer Gaitán in April 1948 (Pécaut, 2011; Ríos, 2021a).

This event, vulgarly known as *El Bogotazo*, ushered in a period of civil war between the political parties, known as *La Violencia* (The Violence), which resulted in 180,000 mortal victims between 1948 and 1953 alone. This was followed by another military dictatorship (1953–1957), which imposed a system of alternation in office by the two hegemonic parties of the time, the Liberal Party and the Conservative Party. This system enabled them to dominate and set limits on Colombian democracy for more than two decades (Bushnell, 1996; Pécaut, 2006).

In the mid-1960s the Colombian state was a formal and restricted democracy, sequestered by an exclusionary two-party system, de facto and *de jure*; but it was also a state of minimums with respect to satisfying the needs of its citizens outside the country's main urban centres (Gutiérrez-Sanín, 2010; Pizarro, 2011). This led to the appearance of small insurgent groups, arising from different revolutionary traditions: from a radical agrarian tradition—the FARC in 1964; with a Guevarist character, inspired by the Cuban revolution—the ELN in 1965; or emulating Maoism—the *Ejército Popular de Liberación* (EPL—People's Liberation Army) in 1967. Nonetheless, they made their appearance in very peripheral and scantily populated enclaves, where the institutional presence of the state was notable for its absence (Aguilera, 2013; Borrero, 2019).

During the 1970s and 1980s new actors were incorporated into the armed conflict. From the late 1970s the paramilitary groups acquired specific weight. They were initially linked to the *Asociación Campesina de Ganaderos y Agricultores del Magdalena Medio* (ACDEGAM—Union of Farmers and Livestock Breeders of the Magdalena Medio) (Medina-Gallego, 1990), and the early stages of drug trafficking, which was to become fully consolidated around the cartels of Cali and Medellín over the course of the 1980s (Betancourt, 1991). Finally, while the different guerrilla organisations consolidated their territorial spaces, their bases of support and their financing networks—depending on each case, via kidnapping, extortion and the coca business—they were joined by other prominent groups like the M-19 in 1974, or the *Guerrilla Indigenista Quintín Lame* (GIQL—"Quintín Lame" Indigenist Guerrilla Organisation) in 1983 (Villamizar, 2017).

The background to this process of proliferation and growth of violent actors was a state with more territory than sovereignty, and that lacked the capacity to enter into dialogue with the armed groups, given its weakness as a negotiating actor capable of involving its institutions—whether due to lack of resolve by the different sides, lack of government tools or the erosion of civic-military relations (Pizarro, 2017; Ríos, 2021a). In fact, by the second half of the 1980s, with drug trafficking as the main driving force behind the violence, but with other no less relevant expressions in the form of guerrilla activity, Colombia became the most violent country in the world in terms of homicidal violence, and the notion of the "narcostate" started to be widely accepted (Palacio, 1990).

The decade of the 1990s is little better. It is true that the cartels of Cali and Medellín were deactivated with the death of Pablo Escobar (1993) and the arrest of the Rodríguez Orejuela brothers (1996). Similarly, there was a turning point marked by the Constitution of 1991 and the demobilisation of some guerrilla groups like the M-19, the *Partido Revolucionario de los Trabajadores* (PRT—Revolutionary Workers' Party), the GIQL and a large part of the ELN. Nonetheless, the substratum of the huge resources proceeding from illicit financing remained unaltered. It is estimated that the FARC-EP obtained close to 1000 million dollars a year from drug trafficking (Aguilera, 2010), and a large part of the power vacuum in drug trafficking was filled by the guerrilla groups and the paramilitaries—first through the *Autodefensas Campesinas de Córdoba y Urabá* (ACCU—Peasant Self-Defence Forces of Córdoba and Urabá) (1994) and later through the *Autodefensas Unidas de Colombia* (AUC—United Self-Defence Forces of Colombia) (1997) (Romero, 2003; Ronderos, 2014). In spite of the successive efforts of the presidencies of César Gaviria (1990–1994) and Ernesto Samper (1994–1998), the armed conflict with guerrilla groups and paramilitaries only increased (Chernick, 2012).

As an example of the foregoing, the figures for the violence began to feed the notion of Colombia as the paradigm of the failed state in Latin America (Rotberg, 2004). In this respect, by the year 1998 the FARC-EP had an effective presence in 200 municipalities and 12,000 combatants (ODHDIH, n.d.). In fact, in their case it became possible to envisage the passage from a guerrilla war to a war of movement, as conceived at the VIII Guerrilla Conference of 1993, which found expression in several operations against the Army between 1996 and 1998. For its part, the ELN followed an upward trend in this period, with more than 4,000 combatants and over 130 municipalities under its control (ODHDIH, n.d.).

Given these circumstances, the process of dialogue promoted by the government of Andrés Pastrana between January 1999 and February 2002, known as the Caguán Process, did not result in an improved scenario. In addition to not reaching agreement on a single point of consensus during the 1139 days that the process lasted, the dynamics of violence during this period continued to increase. The FARC-EP came to have an effective presence in over 300 municipalities and had 18,000 combatants, while the ELN had an effective presence in 150 municipalities and had over 5500 combatants (ODHDIH, n.d.). If we add to

this the growing paramilitary project, consolidated in the seven departments of the Caribbean region, together with other sites like Antioch and Santander, with over 10,000 combatants and 200 municipalities under its control, the geography of violence shows a situation involving a very high intensity conflict, while the state had only a relative capacity of response up until then (Ríos, 2021a; Ronderos, 2014).

3   The Policy of Democratic Security (2002–2010): Towards a Hurting Stalemate

When Álvaro Uribe assumed the presidency of Colombia in August 2002, he was initially an outsider to the bipartisan system that dominated the Colombian political spectrum. His popularity was due to a discourse that demanded total confrontation as a means for overcoming the violence. Clearly exploiting the connection with the U.S.'s geopolitical code following the attacks of September 11, he understood the problem of Colombia to be one of narcoterrorism, and not an internal armed conflict per se (Cairo, 2018; Ríos, 2021a). That is, the priority had to consist in placing security before any other freedom or guarantee, at the cost of militarising the entire spectrum of political and social life in Colombia.

More resources were invested than under any previous government in overcoming the conflict through the military dimension. In a process sustained over time, more than 4% of GDP was dedicated to security and defence, which was added to the 12,000 million dollars proceeding from the U.S.'s Colombia Plan—whose original version was redefined by George W. Bush and Álvaro Uribe—and priority was given to modernising the National Police and the Army (Government of Colombia, 2010; Otero, 2010). In reality, a large part of this transformative energy was built up on the initial foundations developed under the presidency of Pastrana to strengthen the coordination, organisation and exchange of intelligence between the National Police and the Army (Ríos, 2021a). There was a huge investment in joint combat, aerial and nocturnal capabilities, with the result that the number of members of the National Police rose in barely eight years from 110,000 to 160,000, while those of the Army rose from 203,000 to 270,000 (Government of Colombia, 2010).

For example, 429 new operational structures were created in the Army, as well as 180 police stations and 152 substations. Similarly, dozens of

helicopters and aircraft were acquired to optimize the military response (Rangel & Medellín, 2010), to the point that between 2003 and 2005 alone nearly 4,500 combat operations were conducted against the guerrilla groups on the initiative of the Army, when between 1998 and 2002 the figure had been 2600 (ODHDIH, n.d.).

Be that as it may, the FARC-EP had taken maximum advantage of the Caguán process and could also display its highest figures ever in terms of combatants, territorial presence and armed actions. Between 2003 and 2005, it carried out almost 3,000 armed actions, almost half of which took place in 2003. Similarly, its territorial presence affected nearly a third of the country's municipalities. However, from 2005 onwards this strength began to decline notably, as did that of the ELN. This was also due to the paramilitaries as a contributory factor in the fight against the guerrilla groups (CNMH, 2012). To such as extent that in the year 2007, for example, the actions of the FARC-EP were substantially reduced to a little over 400 in 152 municipalities (ODHDIH, n.d.), while the ELN carried out a mere 18 armed actions in 18 municipalities.

For the first time in its history, the FARC-EP received strategic blows directed against its commanders, as in the cases of '*Iván Ríos*' and '*Raúl Reyes*' in operations conducted in 2008, or, previously, '*Negro Acacio*' and '*Martín Caballero*', in addition to the capture of '*Simón Trinidad*' (2005). The Army was engaged in a process of total confrontation with the guerrilla groups, but especially with the FARC-EP (Pizarro, 2021). The paramilitary structures organised around the AUC, which were collaborating covertly with some military contingents, especially in the zones where the paramilitary project was more deeply rooted, were finally demobilised by means of Law 975 of 2005, the Law of Justice and Peace. This legislation was promoted by the political majority in the Congress, aligned with Álvaro Uribe, and provided the leaders of the AUC with substantial penitentiary benefits, without making any significant demands in questions of truth or reparation. 31,000 people benefitted from this legislation.

While the period between 1998 and 2005 witnessed the greatest number of massacres, numbered in their hundreds, and forced displacements, numbered in their millions (CNMH, 2013), these were also the years of a gradual strategic defeat of the FARC-EP, and of the ELN as well (Echandía & Cabrera, 2017). In only eight years, between 2002 and 2010, the number of combatants in the first guerrilla group fell from 18,000 to a little over 8000; and in the second from over 5000 to less

than 1800 (Ríos, 2021a). The geography of the violence barely affected 150 municipalities out of a total of a little over 1,100, and the territorial distribution of that violence had a markedly peripheral character. That is, two scenarios prevailed over the rest: the northeast of Colombia on the frontier with Venezuela, in the departments of Arauca and North Santander; and the south and southwest of the country on the frontier with Ecuador and Peru and, in part, even reaching the Pacific coast in the departments of Caquetá, Putumayo, Cauca and Nariño—as well as Antioquia, another highly violent department with a dynamic of its own (ODHDIH, n.d.).

Stated differently, the foregoing takes us, from 2010 onwards, to a different stage in the violence produced by the armed conflict, one in which both the FARC-EP and the ELN chose to start withdrawing strategically to the enclaves where they had the strongest presence, a process that Ríos (2016) calls *peripheralisation*. That is, a return to peripheral, jungle, mountainous, frontier enclaves, with a markedly coca-producing character, where there was only a weak presence of the state and thus of its ability to provide an armed response. In fact, between 2009 and 2010, for example, there were no major military successes such as those that Uribe had achieved in previous years and guerrilla violence in these places increased very substantially, evincing a notable capacity for resistance and, on the other hand, the state's difficulties in achieving a full victory in strictly military terms (Fig. 1).
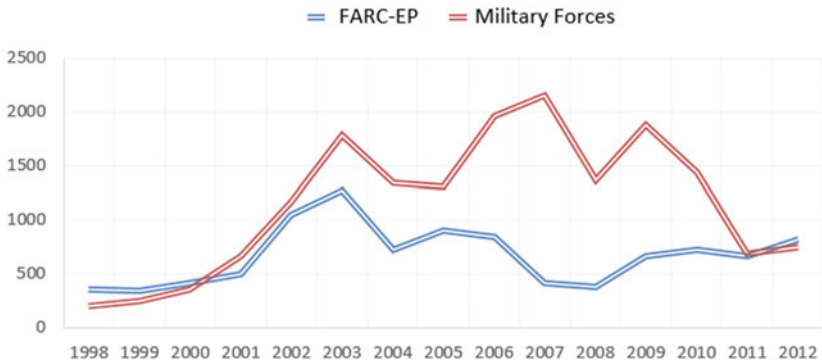
Fig. 1 Evolution of armed actions in Colombia, 1998–2012 (*Source* ODHDIH [n.d.])

4 Juan Manuel Santos Assumes the Presidency: A 180 Degree Turn

When Juan Manuel Santos became president of Colombia in August 2010, there was a firm conviction that he was doing so fully committed to continuing the strong-handed policy that had taken Álvaro Uribe to levels of popularity never before seen in the country. Santos had been the minister of Defence at the time of "Operation Phoenix", which involved the Army bombing Ecuadorian territory to kill the commander of the South Bloc, "*Raúl Reyes*" (Pizarro, 2021). In addition, in 2010 and 2011, two operations had also taken place that had resulted in the deaths of the two most important figures in the FARC-EP following the death from natural causes of "*Manuel Marulanda*" in 2008. This was the case of "Operation Sodom", in September 2010, which caused the death of "*Mono Jojoy*", the military leader of the FARC-EP and commander of the powerful Eastern Bloc; and in November 2011, "Operation Odyssey", which resulted in the death of "*Alfonso Cano",* the commander-in-chief of the guerrilla organisation (Duncan, 2021).

The latter event occurred when informal contacts were already taking place with the government to explore the possibilities of an eventual process of dialogue. Similarly, the background context was not one of belligerence and hostility with the neighbouring Andean countries, but of friendliness and normalisation. In this respect, it is significant that on the same day that Juan Manuel Santos took office as president, there was an immediate normalisation of the frayed relations with Venezuela and Ecuador. Also, the appointment of Sergio Jaramillo to explore a possible dialogue from March 2011 onwards, and which was made public in August 2012, indicated that the government that had succeeded Uribe in reality represented a 180 degree turn with respect to the latter's security policy.

The background of violence in Colombia in the year 2012 did not change essentially with respect to the final two years of Álvaro Uribe. The levels of violence and activism of the guerrilla presence remained stable, while the military operations, apart from the important blows against "*Jojoy*" and "*Cano*", were a long way from achieving a military victory in the short term (Echandía & Cabrera, 2017). Therefore, the peripheral dimension of the violence continued unaltered. For example, in 2012 alone, the majority of the 824 military actions carried out by the FARC-EP were concentrated in seven departments: Antioquia (96),

Arauca (57), Caquetá (64), Cauca (161), Nariño (73), North Santander (74) and Putumayo (70) (ODHDIH, n.d.). Equally, the ELN also kept up a constant activism, although with a different volume of operations, above all on the Pacific coast and in the north-eastern region: Arauca (26), North Santander (11), Nariño (9), Chocó (8) and Cauca (4) (ODHDIH, n.d.). In both organisations a reconstitution with respect to the figures of 2007 can be observed.

Based on the foregoing, the process of dialogue, which formally began in October 2012, did so in a totally different situation from that of the peace initiatives attempted in the past—the most outstanding of which had been those of the presidencies of Betancur (1984) and Pastrana (1998) (Pizarro, 2017). It would seem that the elites of the government and the guerrilla organisations, had, in one way or another, come to accept that a process of dialogue was the only rational way to resolve the armed conflict in light of the impossibility of a military solution (Ríos, 2018). An agenda to that effect was drawn up, which contained six points aimed at resolving the most important aspects on which the armed conflict had arisen: (1) integral rural reform; (2) political participation; (3) end of the conflict; (4) solution to the problem of illicit drugs; (5) victims; and finally (6) endorsement, implementation and verification.

This was done on the basis of a negotiation, the first part of which initially took place in Oslo and was later transferred to Havana, showing the importance of the good offices of third-party international actors in guaranteeing the process of dialogue. That was why the role of two "accompanying countries" was created, Chile for the Colombian government and Venezuela for the FARC-EP, together with that of guarantors like Norway (at the request of the government) and Cuba (at the request of the FARC-EP), to support the talks and facilitate the implementation of the commitments and the expected road map.

Apart from the willingness to engage in dialogue, the internationalisation of the process and the definition of a pragmatic agenda—far removed from the 12 points and 48 sub-points that had been proposed in the negotiation agenda of the Caguán process, for example—the composition of the negotiating teams should be underscored. On the government's core team, together with the abovementioned Sergio Jaramillo (High Commissioner for Peace), there was a moderate figure highly committed to peace, Humberto de la Calle (Head of the Negotiating Team) together with two retired major-generals, one from the Army (Jorge Enrique Mora) and the other from the National Police (Óscar Naranjo), as well

as Luis Carlos Villegas, very close to the business sector and Frank Pearl, with a long experience in different peace-building initiatives in Colombia.

For its part, the delegation of the FARC-EP was headed by commanders from structures of the guerrilla organisation who were less belligerent than those who had led the Caguán process in 1988, like "*Mono Jojoy*" and "*Raúl Reyes*". On this occasion structures like the Caribbean Bloc, represented by "*Iván Márquez*", the Western Bloc, with "*Pablo Cataumbo*" or the Magdalena Medio Bloc, led by "*Pastor Alape*", were to lead the dialogue. Finally, it must also be noted that, beyond any one-off crises that might arise in the process of dialogue, the latter developed with a commitment to keep in contact with the press through joint communiqués, in order to minimise the impact of disinformation, manipulation or leaks to the press. As a result, a total of 109 joint communiqués were signed, which ensured that all exterior communications proceeding from the negotiating table were controlled, consensual and previously discussed (Ríos, 2018).

Finally, the evolution of the negotiating process between 2012 and 2016, although it did not envisage anything more than very brief interruptions in the hostilities, was conducted as part of a clear process of *de-escalation*. It is sufficient to observe how, for example, in 2015 a total of only 122 guerrilla actions were registered. Of these, 94 (in 62 municipalities) corresponded to the FARC-EP, whose main territorial presence continued to be in the enclaves described above: Antioquia (22), Arauca (8), Cauca (20), Caquetá (2), Nariño (15), North Santander (12) and Putumayo (6). The other 28 actions were the responsibility of the ELN, with its sights set on a process of dialogue that was to start two years later. These took place in Arauca (10), North Santander (9), Bolívar (5), Cauca (2) and Nariño (2). Equally, as the Resource Centre for Analysis of the Conflict (*Centro de Recursos para Análisis del Conflicto—* CERAC) reported, while the average number of deaths caused by the armed conflict between 2012 and 2013 was 500 victims, between 2015 and 2016 this figure fell to less than ten. Not a trivial detail.

5 The Territorial Dimension of the Peace Agreement (2016)

If there is one element that stands out in the Peace Agreement signed in 2016, it is territorial peace. Although this expression does not appear once in the Agreement's over 300 pages, in transversal form it prioritises

the need to understand that any exercise in peace-building necessarily involves incorporating the communities and the local institutions in capacity building, strengthening democracy, and dialogue with the central level of government (Cairo & Ríos, 2019; Pérez de Armiño, 2020). This Agreement respects each of the six components identified in the negotiating agenda mentioned above: two were a historic demand made by the FARC-EP (rural reform and political participation); another two were non-negotiable demands made by the government (end of the conflict and solution of the problem of illicit drugs), plus an essential point on victims, and another on technical aspects of implementing and monitoring the Agreement (Grasa, 2020). All six are addressed with a transversal gender and ethno-territorial focus (Rodríguez Iglesias, 2020).

For obvious reasons, the point with the greatest consequences for territorial peace is the one concerning integral rural reform. A reform that commits as many as ten million hectares of land for the allocation of title deeds and exploitation for those enclaves that had suffered the armed violence most severely. In addition, it employs different instruments for investment in economic resources, productive fabric and infrastructure in the interest of developing political measures to alleviate the conditions of violence at the territorial level. Thus, a Land Fund of three million hectares and an additional process of formalising rights involving another seven million hectares are aimed at helping small owners by creating opportunities and generating resources. A commitment whose cornerstone is the transfer of resources, lines of credit, road, irrigation and electrical infrastructure, as well as social development, education and housing. The Development Programs with a Territorial Focus (*Programas de Desarrollo con Enfoque Territorial*—PDET) are the most important tool, aimed at optimising these territorial demands and local needs in the interest of strengthening local governability.

The second point of the Agreement, referring to political participation, establishes some of the institutional reforms needed to give voice to the political force that emerged from the extinct FARC-EP, but especially to the sectors and communities hit hardest by the violence of the conflict. For example, one of the main commitments of this point is the creation of 16 Special Transitory Circumscriptions for Peace (*Circunscripciones Transitorias Especiales por la Paz* —CTEP) that would lead to the election of 16 representatives to the Congress for a period of two presidential terms up until 2026. This is aimed at integrating and giving a

voice in the legislative body to victims who, in any case, cannot be affiliated to any of the parties represented in the Congress of the Republic, including that of the former guerrilla organisation.

On the other hand, this point includes a commitment to create media and informational spaces to give visibility to the new political discourse that would be produced by the political party that emerged from the FARC-EP. This would be achieved by the concession of community radios in those enclaves most affected by the conflict, democratising the electromagnetic spectrum and the opening of spaces for institutional and regional radio stations and TV channels. As one would expect, such obligations should be understood as favouring the provision of visibility and the ability to politicise their demands to those groups most affected by the conflict, but they are also aimed at producing and divulging content that foments a culture of peace with social justice and reconciliation.

The third chapter of the Agreement, focusing on the end of the conflict, brings together two core aspects for territorial peace-building. On one side, it establishes the protocols for the laying down of arms and effective demobilisation of the former combatants of the FARC-EP. For this purpose 20 Transitory Rural Normalisation Points (*Zonas Veredales Transitorias de Normalización*—ZVTN) and 7 Transitory Normalisation Points (*Puntos Transitorios de Normalización*—PTN) are established to serve as spaces towards which the former members of the guerrilla organisation should proceed, with the support of the government and the United Nations. In the second place, these enclaves should serve as a starting point for designing the entire strategy of full reincorporation into civil life that should be provided to the demobilised individuals from the FARC-EP.

Based on the foregoing, the second essential component of this point concerns the political, social and economic reincorporation of the guerrilla organisation. In this respect, in political terms the third point establishes many of the aspects related to guaranteeing the latter's juridical status, financing and operational functioning following its conversion into a political party. In this way, for example, the parliamentary representation of the extinct guerrilla organisation is guaranteed, with at least five members of Congress and five senators following the elections of 2018 and 2022—figures that can be higher should the election results require this. On the other hand, in relation to social and economic reincorporation, the most outstanding aspect for territorial peace is related to the importance given to collective reincorporation and the promotion

of cooperative and solidary mechanisms for economic and job insertion, bearing a markedly rural stamp.

The key actor in all of this is to be the organisation of a social and solidary economy, named the Social Economies of the Common (*Economías Sociales del Común*—ECOMÚN), which will be responsible for articulating a large part of the implementation of the Agreement regarding this question. Equally, a National Reincorporation Council (*Consejo Nacional de la Reincorporación*—CNR), formed by two members from the government and two members from the FARC-EP, which defines the activities and timeline, and accompanies their implementation in support of the Territorial Reincorporation Councils (*Consejos Territoriales de Reincorporación*—CTR) defined by the CNR itself. Finally, a set of subsidies is established for the surrender of weapons and the start of the process of reincorporation, and for fostering economic activities, with both an individual and, preferentially for the guerrilla organisation, collective nature.

With respect to the fourth point, titled "Solution to the Problem of Illicit Drugs", this also has a markedly territorial character. Its central aim is to reduce the impact of drug trafficking on the violence in Colombia, for which purpose a road map is designed that will promote the gradual and voluntary replacement of coca cultivation, without renouncing, in the final instance, its forced eradication. While, before anything else, the principle of voluntary, sustainable, participatory, differential replacement, suitable to the demands and needs of the local rural communities, should be safeguarded. However, this does not prevent the state from proposing mechanisms of forced eradication should this be necessary.

In territorial terms this point of the Agreement connects with the integral agrarian reform, as it envisages providing the same elements of juridical and technical advice that are found in the first point, and with everything concerning the formalisation of property, adaptation of lands, stimuli for the solidary economy and provision of public goods and services in the interest of encouraging the abandonment of coca cultivation. In addition to the foregoing, the most outstanding element that can be mentioned is the chapter on means of putting pressure on narcotics production and commercialisation, in order to improve the state response facing asset laundering and organised crime.

The final major point of the Agreement is dedicated to the victims and, by extension, to guaranteeing and protecting the rights of justice, truth, reparation and non-repetition. There is a commitment to create a

Truth Commission, a Search Unit for Missing Persons due to the Conflict (*Unidad de Búsqueda para Personas Desaparecidas por el Conflicto*—UBPD) and a mechanism of Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz*—JEP) that must establish the particular judicial and processual conditions concerning the former combatants of the FARC-EP (without violating international humanitarian law), and the rest of the people directly involved in the violence produced by the armed conflict—agents of the state, members of the National Police and the Army, or political office holders, amongst others. For its part, the Truth Commission will energise public hearings at the national and territorial level, with thematic and institutional focuses in which, in an individual and collective way, the necessary voices for effective reparations are gathered. Equally, spaces should be promoted for the recognition of responsibility, the explanation of what happened, the exercise of pardon and reconciliation, to eventually conclude with a final report from the Truth Commission that will be presented publicly to the whole of the society affected by the conflict. Once again the territorial dimension occupies a central place in this undertaking. Lastly, as a final component of this point there is the abovementioned Search Unit for Missing Persons due to the Conflict. This should accelerate the processes of seeking, identifying, locating and returning the remains of such persons, activities that should be coordinated with the Truth Commission and the families of the victims.

The Agreement finishes with a sixth and definitive point, "Implementation, Verification and Endorsement", which details the schema for monitoring its implementation, as well as the actors from the international community that should accompany this task. It establishes that this task should be the responsibility, at the internal level, of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (*Comisión de Seguimiento, Impulso y Verificación a la Implementación del Acuerdo Final*—CSIVI). At the external level it involves actors like the United Nations, the European Union or the Organisation of Ibero-American States, and other initiatives are added by way of lessons learned and good practices with which to enrich the correct implementation of the Agreement.

6   IMPLEMENTATION OF THE AGREEMENT THE DIFFICULTIES OF A GOVERNMENT LACKING IN COMMITMENT

With the signing of the Agreement, it was envisaged that the downing of arms and definitive ceasefire, together with the development of the normative and institutional component that would assist its implementation, would materialise in the years 2017 and 2018. As a result, from 2019 onwards, the most transformative dimension of the Agreement from the socioeconomic and political point of view should gain momentum. However, according to the report of the Kroc Institute (2021), this has barely obtained a total advance of 2%, passing from 26 to 28%.

In relation to the first point of the Agreement concerning the integral rural reform mentioned above, in 2019, after many months delay and within the framework established by the Development Programs with a Territorial Focus (*Programas de Desarrollo con Enfoque Territorial*—PDET), the government managed to approve the 16 Action Plans for Regional Transformation and the corresponding road map. These were added to the Development Program with a Territorial-Ethnic Focus specific to Chocó, signed in August 2018. Progress had also been made in the two previous years in obtaining a loan of 150 million dollars from the World Bank and the Inter-American Development Bank to support the creation of the land registry that was intended to formalise the lands envisaged in the Agreement. This is an important aspect that serves for little while there continue to be delays in forming a National Land Fund, which has barely obtained a commitment of 925,000 hectares out of the total of 3,000,000 envisaged (Kroc Institute, 2020). Thus, out of a total of 104 dispositions included in this first point, only 4% had been completed by November 2020 (Kroc Institute, 2021), while 13% was in an intermediate state, 64% in an incipient situation and 18% had not even started (Kroc Institute, 2021).

Another point in the Agreement that is lagging concerns the Problem of Illicit Drugs (point 4). The start of the National Program to Substitute Cultivations for Illicit Use has experienced significant delays, to which must be added an appreciable difficulty in articulating spaces for dialogue with civil society and an increase in the violence. Between 2017 and 2020, those departments that showed a greater presence of criminal structures and greater violence against former guerrilla fighters and social leaders were those where the highest levels of coca cultivation were

concentrated (Ideas for Peace Foundation, 2019; United Nations Verification Mission, 2020, 2021a; Indepaz, 2021). In this respect, Antioquia, Caquetá, Chocó, Cauca, Meta, Nariño, North Santander and Putumayo are where 90% of coca production in Colombia is now concentrated (UNODC, 2021), as well as the same percentage of violent deaths of ex-combatants, which is currently approaching 300 cases since the signing of the Peace Agreement (Indepaz, 2021; United Nations Verification Mission, 2021a, b).

In contrast to this, the points of the Peace Agreement that have been most developed to date, excluding the last point, are the second (political participation), the third (end of the conflict) and the fifth (victims). With respect to the second point on political and social participation, barely 12% of the 94 provisions it contains had been fully satisfied by November 2000, while 54% had been carried out to some degree and 34% had yet to be started (Kroc Institute, 2021). There has been very little progress towards a more inclusive and effective democracy during this time, with the result that up until 2021 timid advances had only been made in questions of promoting elections and community broadcasting, together with one-off activities in favour of transparency and the fight against corruption.

The greatest resistance in this component of the second point can be seen in the difficulties encountered in advancing the draft law on political reform envisaged in the Agreement. In this respect, the government withdrew its draft law, after excluding questions like closed lists and gender equality and ignoring all of the amendments proposed by the Special Electoral Committee created by the Agreement. The same happened with the aforementioned 16 parliamentary seats that were deliberately paralysed, which resulted in challenges being presented in the Council of State and the Constitutional Court, finally heard in May 2021. In addition, instances in favour of political dialogue, like the National and Territorial Councils for Peace, Reconciliation and Coexistence, have been relegated to a marginal level, while different measures that were meant to promote and regulated the rights of protest and social mobilisation have so far also been postponed in the development of the current government's normative agenda.

Apparently, the third point, related to the end of the conflict, is the one in which most progress has been made (OEI, 2018; Kroc Institute, 2018, 2019, 2020, 2021). Especially since it includes the entire component on demobilisation, surrender of weapons, and reincorporation into

civil life. Out of 140 provisions, 49% have been completed, 19% are in an intermediate phase, 19% in the initial phase, and only 14% have yet to start. While 97% of the component related to the ending of hostilities and surrendering weapons has been satisfied, broad progress has also been made in the process of reincorporation into civil and political life (59%). Conversely, the greatest delays are found in the guarantees of security for ex-combatants (17%) and the integral action against anti-personnel mines, the whole of which is still in the process of implementation.

Apart from the necessary improvement of the System of Early Warnings that guarantee the security of the ex-combatants, another important problem lies in the obstacles to the former guerrilla fighters' gaining access to land. The lack of guarantees of security and procedural delays are affecting the reincorporation process, which involves a very high agrarian content. While Decree Law 902 of 2017 set up the National Land Agency for the purchase and allocation of lands to favour reincorporation, in July 2021 the majority of the former guerrilla fighters continued to work on leased lands. In November 2020, a mere 86 collective productive projects benefitting 3353 people and another 2214 individual projects for 2692 ex-combatants had been approved, which is the equivalent of less than half of the population of former guerrilla fighters (Kroc Institute, 2021).

Finally, we will analyse the state of implementation of the last of the points in the Agreement, related to the victims. The Integral System of Truth, Reparation and Non-repetition (*Sistema Integral de Verdad, Justicia, Reparación y no Repetición* –SIVJRNR) faced strong opposition from the previous government. From the outset there was a particular delay in approving the Statutory Law of the Special Jurisdiction for Peace. Although on 8 February 2019 the Congress had fulfilled the process of remitting the draft law to the government for its approval, two days later the latter presented objections to the draft law. Although they did not prosper, it meant that the law did not come into effect until 6 June 2019. When it finally did so, there was a 30% reduction in its financing, and it has been the great absentee from the majority of the speeches made by Iván Duque abroad, which reflects the lack of governmental commitment to this crucial point of the Peace Agreement.

Scant progress has also been made with respect to the Integral System of Truth, Justice, Reparation and Non-Repetition (*Sistema Integral de Verdad, Justicia, Reparación y no Repetición*—SIVJRNR. Up until September 2019, the Search Unit for Missing Persons due to the Armed Conflict had only been able to provide advice to some 870 people, and

up until November 2020 the Comprehensive Plans of Collective Reparation had been completed in the cases of only 15 of the 755 collectives identified, while a total of 736 people had been attended to (Kroc Institute, 2021). The foregoing, added to the exceptional situation produced by the pandemic, the delays accompanying Law 1448 of 2011—the Law of Victims—and the difficulties in delimiting and widening the condition of being a victim, have resulted in very little progress being made in the implementation of the SIVJRNR.[1]

7 Implementation of the Agreement: Violence, Dissidence and Selective Murders

One final aspect to consider concerns the scale of the violence that has occurred in Colombia since the Peace Agreement was signed. While violence in the national framework has been diminishing since November 2016, it has been intensifying at the specific level of the enclaves traditionally affected by violence (Nussio, 2020; Ríos, 2021b). This is due to the consolidation of the ELN on the checkerboard of the armed conflict, a proliferation of different dissident and residual groups that in one way or another claim the legacy of the former FARC-EP and, finally, the concurrence of third-party actors in the violence, such as paramilitary groups like the *Clan del Golfo* or *Los Pelusos*, a dissident group that emerged from the extinct *Ejército Popular de Liberación* (EPL—People's Liberation Army).

According to the data provided by the National Police, between January 2017 and December 2019 a total of 61 actions were carried out against this corps, especially by the ELN. The majority of these actions took place in Arauca (33), Bolívar (8), North Santander (6) and Cauca (6). Similarly, the 506 acts of terrorism carried out in the same period of time had the same peripheral character, as the most affected departments besides Antioquia (122) were Arauca (97), Cauca (37), Nariño (54) and North Santander (34). However, in addition to these departments, others must be added where the violence has gradually been

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[1] "According to the Monitoring Committee, the resources assigned to Law 1448 of 2011 are insufficient. To carry out the 14 measures contained in the law, $357.4 billion are needed up to 2030, that is $35.7 billion per year, a figure that exceeds the budget of $15.8 billion assigned by the government of president Iván Duque, for the year 2020" (Peña Montoya, 2020, not paginated).

increasing, such as Meta (34), produced by dissident groups of the FARC-EP, and Cesar (31), due to the greater presence of the ELN and *Los Pelusos* (Rodríguez-Ortega et al., 2019).

These dynamics can also be appreciated in another type of reports, such as that drawn up by the Ideas for Peace Foundation (2020), which counted a total of 211 armed actions by the ELN and 163 confrontations involving the National Police or the Army between January 2016 and December 2018. More than 80% of these engagements were concentrated in departments bordering on Venezuela: Arauca, North Santander and Cesar, on one side; and in Antioquia and the departments of the Pacific region: Chocó, Cauca and Nariño, on the other.

In the second place, the disappearance of the FARC-EP from the scenario of armed confrontation has not prevented some remnants of the extinct guerrilla organisation from continuing to be active, whether due to a refusal to accept the Peace Agreement and demobilise—such as the case of the faction commanded by "*Gentil Duarte*"—or because these are structures that have been formed subsequently—amongst which the "*Segunda Marquetalia"* armed group stands out. Not by chance, these organisations have established themselves and proliferated in the former contexts of the greatest guerrilla violence, once again demonstrating that peripheral logic is extremely useful for explaining the phenomenon (Ríos & González, 2021).

In the Pacific region the main armed actors are dissident groups and remnants of the former structures of the FARC-EP. In Cauca and Valle del Cauca there are organised remnants that emerged from the former Fronts 6, 8 and 30 and the "*Miller Perdomo*" and "*Jacobo Arenas*" Columns. In Nariño there is an important atomisation of armed structures related to the former Front 29 of the FARC-EP and the "*Daniel Aldana*" Column; this is the case of armed structures like the "*Frente Óliver Sinisterra*", "*Resistencia Campesina*" and "*Defensores del Pacífico*". In the south of the country some remnants of the former Fronts 14 and 15 in Caquetá and Front 48 in Putumayo have become relevant. While in the northeast there is an appreciable presence of groups that emerged from Front 10 in Arauca and Front 33 in North Santander, as well as the "*Segunda Marquetalia*" group. Finally, in Antioquia structures that emerged from the former Fronts 18 and 36 of the FARC-EP have a presence (Ideas for Peace Foundation, 2019; Indepaz, 2018; Ríos, 2021b).

To these armed groups must be added other fronts that from the beginning chose to remain outside the negotiation, such as Front 1, active in the south of the country (Caquetá, Amazonas, Vaupés) and also in departments such as Meta and Vichada; or Front 7, present in Vichada and Guainía. There have been other upturns of violence in the department of Meta due to groups that raised the banner of the former Fronts 30 and 62 of the FARC-EP (Ideas for Peace Foundation, 2019; Indepaz, 2018). In this respect, the dissident groups "*Gentil Duarte*" and "*Segunda Marquetalia*" in particular have begun to operate in the eastern and north-eastern region and tried to form alliances—as temporary as they are changeable—with the rest of the groups mentioned above.

Mention must be made of outstanding third-party actors in the violence that also operate as protagonists on the checkerboard of the internal armed conflict. In this respect, there is *Los Pelusos*, made up of some 200 combatants, whose activity is centred on the region of Catatumbo in North Santander, although there is evidence that in recent years it has managed to extend its activities beyond its traditional roots in areas of coca production and develop residual armed actions in Cesar, Valle del Cauca and Nariño (Ríos, 2021b).

Then there is the armed group of the *Clan del Golfo*, which describes itself as the "*Autodefensas Gaitanistas de Colombia*". This post-paramilitary phenomenon, which began in 2008, based on the rearming carried out by middle-level commanders of some structures of the extinct AUC, was especially rooted in the Caribbean region, the Pacific coast and the department of Antioquia. These criminal structures, closely related to drug trafficking, ended up extending their territorial control with the result that while it is true that their municipal presence has declined with respect to some years previously, they continue to affect 200 municipalities, principally in the regions mentioned above (Ríos, 2021b).

This whole range of actors, besides taking over the geography of unresolved armed violence in Colombia, are responsible for the high levels of violence specifically directed against social leaders and former combatants of the FARC-EP. The former for calling for the implementation of the Agreement which runs against the interests of the armed groups; the latter due to their being the targets of acts of revenge, co-optation for new criminal activities, or due to their political militancy. For example, of the 262 former guerrilla fighters murdered between November 2016 and July 2021, over 90% of them were concentrated in the departments mentioned above, such as the cases of Cauca (49), Nariño (33), Antioquia (31),

Meta (28), Caquetá (23), Valle del Cauca (22), Putumayo (22), North Santander (17) and Chocó (13). Something very similar has happened with the number of social leaders murdered in the same period of time. According to figures provided by Indepaz (2021), between the signing of the Agreement with the FARC-EP and 14 June 2021, there were a total of 1,182 murders in Colombia. The majority of them took place in the same departments: Cauca (279), Antioquia (156), Nariño (122), Valle del Cauca (88), Putumayo (70), North Santander (55), Chocó (45), Caquetá (42) and Meta (41).

Apart from the many other variables to consider, one element that should be kept in mind can be extracted from the information collected in the successive reports published between 2017 and 2020 by the National Police. The same departments where the most violence and the greatest presence of armed actors is found, namely, Antioquia, Caquetá, Cauca, Chocó, Meta, Nariño, North Santander, Putumayo and Valle del Cauca, have in the last three years also been the location of 90% of the coca cultivated in Colombia (578,504 Ha), 74% of the cocaine seized (1,018,049 kilograms) and 87% of the coca laboratories destroyed by the National Police (1,072) (Colombian Observatory on Drugs no date).

8   Conclusions

Having reached this point several conclusions can be drawn. In the first place, the importance of proposing territorial perspectives in order to understand both the violence in Colombia and the efforts aimed at peace-building. As we have seen, the deep changes that have taken place in the dynamics of the armed conflict in recent decades have coexisted with elements of continuity, particularly with respect to the geography of the violence. Especially given the persistence of certain armed groups and their occupation of the territory initially abandoned by the FARC-EP due to its particular process of laying down arms in early 2017.

Thus, with special emphasis on what has happened over the last twenty years, it can be seen how certain scenarios in particular, such as the peripheral enclaves of the northeast (Arauca and North Santander), the south (Caquetá and Putumayo) and the southwest (Nariño and Cauca)—added to other departments like Antioquia and Meta—have emerged as the locations with the highest levels of violence associated with the conflict. That is, firstly, with the FARC-EP as the hegemonic actor of the violence; and subsequently, with a host of actors like the ELN, the *Clan del Golfo*, *Los*

Pelusos or dissident groups from the former FARC-EP, most notably the one led by "*Gentil Duarte*" and the "*Segunda Marquetalia*".

Given the circumstances, a Peace Agreement like that signed in November 2016 provides important tools and sets out ambitious goals for removing some of the structural, symbolic, territorial and institutional obstacles that have contributed to the longevity of the violence in Colombia. But, given the circumstances of the very limited commitment by the current government of Iván Duque (2018–2022), it has become imperative to return sooner or later to a government agenda that internalises the content of the Peace Agreement.

Only in this way will it be possible to intervene in the factors that affect the most purely territorial dimension of the internal armed conflict, leading the state to a dialogue with the local level in pursuit of strengthening the latter's capacities (institutional capacities, infrastructure, economic activity, etc.), generating opportunities and intervening in the interest of building a true local democracy and a fully-developed social state. Elements that today continue to be historical debts of a state whose territorial extension exceeds its sovereignty and institutions.

These aspects must involve not only the Colombian state and the government that will occupy the Nariño Palace from August 2022 onwards, but also a society in the process of change, which is providing itself with new repertoires of mobilisation and protest. It also requires a degree of cooperation that, as occurs in the European Union, is capable of optimising good practices and experiences learned in the interest of developing a process, the majority of whose aspects have still to be implemented.

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Pathways and Obstacles in Colombia's Quest for Peace

Borja Paladini-Adell

1   Introduction

In this chapter I analyse and focus on the pathways and obstacles in the search for peace in Colombia, in particular the dynamics and processes by which Colombia is putting an end to political violence as a mechanism for consolidating the nation-state and building peace. I also analyse the main dynamics of the political peace project as a means to complete the consolidation of the Colombian nation-state by taking political violence out of the equation.

The chapter has two sections. In the first section, I briefly analyse the cycles of political violence in Colombia, the frameworks that legitimise it, and the main obstacles and ongoing resistance that make it difficult to put an end to political violence. In the second section, I analyse the main social and institutional dynamics Colombian actors have consolidated to establish peace as a national project since the 1980s. These processes have

B. Paladini-Adell (✉)
Hegoa, Institute for International Cooperation and Development Studies, University of the Basque Country (UPV/EHU), Bilbao, Spain
e-mail: borjapax@gmail.com

sought to break and overcome the cycles of violence through which the Colombian nation-state has been configured. This section and the chapter conclude with a brief reflection on and analysis of the role of the international community, and in particular the EU, in supporting Colombia's quest for peace.

The methodology for preparing this text was as follows. I conducted 15 in-depth interviews (8 men and 7 women) in the second semester of 2021. All the people interviewed have a profound knowledge of Colombia from the point of view of an anthropologist, a political scientist, communicators, an economist, an activist in social movements, and other specialities. Most of the interviewees, in turn, have done research on Colombia and have been involved in policy advocacy on peace, human rights, inclusive development, peace processes and other related areas. These interviews revolved around the question: What are the main drivers of and obstacles to peace in Colombia? The interviews were conducted as a contribution to a body of research that has examined obstacles to peace in countries that have engaged in peace processes over the past 30 years (Pogodda et al., 2022). The chapter also draws on a consultation and two focus groups conducted in late November 2021 with 34 participants (20 women and 14 men). Half of these people live in regions of Colombia particularly affected by armed conflict and violence and have been involved in peace processes in the country at the local, national, or international levels. The profiles and backgrounds of participants were diverse (peacebuilders, academics, specialists, entrepreneurs, frontline human rights defenders, members of the security forces, social leaders, activists, mediators, ex-combatants, as well as representatives of popular sectors, peasant or black communities, indigenous peoples, women, youth, etc.).

The consultation and focus groups explored the most relevant peacebuilding practices in Colombia and the main challenges and difficulties with these peace processes. This project was funded by the Berghof Foundation with the support of the Principles for Peace Initiative (Paladini-Adell et al., 2022). The text also draws on analysis, readings and reflections carried out after 20 years of work in Colombia accompanying various peace initiatives and processes.

2   Political Violence
and Obstacles to Peace in Colombia

Political violence has characterised the process of building the Colombian nation-state for several centuries, as in many other countries. In this section, I briefly analyse the different cycles of political violence in Colombia, including the current internal armed conflict, the different frameworks for its legitimisation, and how these frameworks are losing strength because of the degradation of violence and its direct and massive impact on the civilian population. The section ends with an analysis of the main contemporary actors and challenges that hinder peace as a political project.

2.1   Cycles of Political Violence and Internal Armed Conflict

From the Spanish conquest to the present day, Colombia has suffered several cycles of political violence. The arrival of the Spanish and the consolidation of the colony (1492–1800) was a savage imposition by blood and fire by the conquistadors and the Spanish authorities against the various local indigenous peoples. Independence against Spanish rule (1810) was won by force in the early nineteenth century, led by Creole elites of Castilian origin who rejected the dominance of the Spanish Crown (Gutiérrez Melo, 2020; Sanín, 2020). The Republican period (1800–1960) was also very convulsive and plagued by political violence between different sectors of society. Two political parties—the Conservative and the Liberal Party—acquired political hegemony in the country. The former represented the forces of order, the established power, and had the majority support of the security forces and the church hierarchy. The second represented the forces of change, with strong support from the peasant communities, the expanding labour movement, and several *campesino*-based, liberal-affiliated guerrilla groups. The two parties dominated throughout the 19th and much of the twentieth century and alternated in power—often after outbreaks of pre- and post- election violence - at both national and local levels.

The most dramatic example of political violence occurred in the decade known as La Violencia (1948–1958). The struggle between the two political parties and tensions in highly polarised electoral processes led to a civil war that ravaged the country, especially in its rural areas, and left hundreds of thousands of victims. In addition to seeking to monopolise

the levers of institutional power, political parties fought for control of land and the peasant population. This civil war ended in the late 1950s when the two political parties signed a national agreement to share and alternate power, creating the National Front (1958–1974). From the president downwards, the two political parties shared all the spaces of power in the State's three branches of power, as well as in state bureaucracy institutions (Sánchez, 1987).

The National Front ended La Violencia but created the conditions that triggered the internal armed conflict, of which the country is experiencing its last throes (1975 onwards). Exclusionary power-sharing closed the door to addressing social, economic, and political problems in a changing world, as well as the opportunity for alternative political forces to come to power by democratic means. Some peasant leaders continued their armed revolt against authority by rejecting the logics of the two hegemonic political parties. Many of them fell under the influence of the Communist Party and the various left-wing guerrilla groups emerged. These challenged the hegemony of the traditional political parties that controlled the state. The guerrillas aspired to seize power to impose a revolutionary social and political order in the image of other successful emancipatory movements such as those in Cuba and Nicaragua, inspired by socialism and communism. This new cycle of violence was also framed by the bipolar logics of the Cold War between the US and the USSR, and later by the process of globalisation and the assumption of liberal hegemony after the fall of the Berlin Wall. The guerrillas, however, failed in their attempt to subvert power. State repression of rebel expression was severe, setting up a new cycle of violence. Political elites were able to reach agreements among themselves but did not allow any hint of rebellion outside their control. The state firmly opposed the guerrillas through arms, counter-insurgency measures and human rights violations. The lack of possibilities for progress and access to land in the countryside, together with the limited democratic political means of access to power, led these guerrillas to sustain their rebellion and strengthen their armed political-military response, aspiring to seize power to carry out the revolution from the presidential palace.

2.2   Frameworks for the Legitimisation of Political Violence

The use and justification of political violence by different actors and its function in defining or subverting who has and exercises power and authority in a political-territorial entity has been one of the major forces

behind the consolidation of nation-states worldwide. The invocation of the right to rebellion has propelled these forms of subversion and revolt. This is also the case in Colombia. Many different actors took up arms and legitimated their violent uprising invoking the right to revolt against unjust authorities and the right to create new political entities based on the free will of citizens. For these actors—drawing on a long history of successful revolutions against despotic political regimes as well as on Enlightenment ideals—there is a right to take up arms against rulers who are or have become illegitimate or who are sustained through regimes of oppression, tyranny and structural violence, as has occurred in many historical revolutions such as the French, American, Russian, and Iranian revolutions (Aquinas, 1952; Locke, 1988; Rousseau, 1952).

Throughout the history of Colombia, various ways have been employed to justify and legitimise political violence. On the one hand, actors in positions of power have justified political violence as a way of controlling, centralising, and maintaining political power—protecting the status quo—and the privileges associated with it. This was the case of the Spanish crown vis-à-vis indigenous communities and Creole elites (De Roux, 1999). This has also been the case with the traditional political parties during the Republican period and the various state elites and institutions that have sought to control the spaces of power in the Colombian state in recent decades. On the other hand, other social and political sectors have justified the use of political violence to subvert political power, seeking a change of elites and demanding social justice to promote other models of social, political, and economic organisation. This was done, for example, by the local Creole elites descended from the Spanish during the independence process, and by the various guerrilla groups when justifying their armed uprisings over the last 60 years (Deas & Daza, 1995; Deas, 1999; Gómez Buendía, 2022; González, 2014; Melo, 2020, 2021).

Unlike in other countries where the hegemony of political authority has shifted towards one or other of the political sectors and elites in parallel with a process of democratisation, in Colombia this process is still incomplete. The state does not have the capacity to control the entire Colombian territory to exercise authority through the exercise of sovereignty, the provision of security and justice as well as other public goods and services such as health and education. Nor have the subversive political actions been able to achieve their political and social objectives. Amid this dispute is horror. As Gramsci (1975) put it: the old world is dying; the new is slow to appear. And in this chiaroscuro monsters emerge.

2.3   *Degradation of Political Violence*

From the 1980s, the humanitarian impact of violence in Colombia began to grow and grow, especially affecting the civilian population in urban and, above all, rural areas. From the terror of bipartisan violence, Colombia moved on to the terror of the internal armed conflict. Political violence from the state and the guerrillas caused thousands of victims and human rights violations. This violence was further exacerbated by the emergence of counter-revolutionary forces, such as paramilitarism, and actors focused on profiting from illegal economies such as drug trafficking. The first of these, the paramilitaries—which emerged mainly from local landowning elites—increased the number of victims and deepened the armed conflict and violence under a discourse that emphasised the right to legitimate self-defence in the face of guerrilla attacks. Their war strategy consisted of sowing terror in communities they considered friendly to the guerrillas and, in many cases, displacing them to seize land or other economic resources. Paramilitarism, in turn, co-opted the state in various ways, brutalising its actions and increasing the violation of the human rights that the state was supposed to promote, protect, and guarantee.

The scale of the humanitarian tragedy was further aggravated by the second of these forces: the growth of drug cartels and the proliferation of economies based on the extraction of legal and illegal rents. Various cartels and gangs focused on the drug trade began to dispute territorial control over the state, the guerrilla groups, and other armed actors. These actors also targeted the civilian population and all actors became corrupted because of the immense profits generated by these illegal businesses.

With the growth of paramilitarism and drug trafficking, the armed conflict in Colombia became much more complex. Different players used violence to achieve their political and criminal objectives. Unfortunately, all have indiscriminately attacked the civilian population using a wide repertoire of violence: displacement, kidnapping, assassinations, massacres, extrajudicial killings, and sexual violence, among many other expressions. The violence went from being a political strategy and a means to try to achieve or maintain power—a just war for some—to being a part of a degraded war and a way to control legal economic resources (through corruption and state capture) or illegal ones (through drug trafficking, extortion, kidnapping, territorial control, or the usurpation

of natural resources such as gold, among others) (UNDP, 2013: 81–95). The figures of victims due to the armed conflict in this latest cycle of violence are devastating. Since official records have been kept, more than 9.3 million victims have been counted, of which more than 8 million were victims of forced displacement, 200,000 victims of forced disappearance, and approximately 1 million victims of homicide. The peak of these numbers occurred between 2001 and 2005 (Government of Colombia, 2022). War, which was fought at various moments in history in the name of and for the benefit of society, became a degraded exercise of political and criminal violence by various power actors—elites and counter-elites—against society itself.

2.4 Main Actors Hindering Peace

Following this historical reading, we now briefly analyse the main actors and challenges that hinder peace today. The analysis arises fundamentally from the systematisation of the interviews carried out as a basis for this article. In response to the question of which actors are hindering peace in Colombia, all those interviewed expressed, in one way or another, that the main obstructing actor is an important and powerful, but minority, sector of the political, economic, judicial, media, military, ecclesiastical, guerrilla and drug trafficking elites that defend a series of interests, privileges and/or positions of power that they see as endangered in the context of the process of modernisation and democratisation that Colombia has undergone in recent decades.

These elites are hostile to and block change and tend to criminalise, stigmatise, or subjugate all those actors who seek to promote change. These elites see social change, democratisation, and modernisation in Colombia as a threat. They are opposed to fundamental reforms focusing on the common good and improving democracy, because these affect their interests and the control they have over certain spaces of power in the state, over local power, territorial control, or the control of legal or illegal economic rents. According to most of the interviewees, they do not form a uniform bloc, nor do they have a common agenda, nor do they have a behind-the-scenes leader pulling all the strings. Rather, they are heterogeneous and complex, forming a web of diffuse relationships and networks. These actors form a conglomerate of interests, with various power nodes spread across the country in which the relationships between the nodes are not always direct or even known, and they are

often in dispute with other power nodes. For example, state elites and insurgent elites engage in a long-running violent struggle that divides, polarises and simplifies social and political change. Despite the difference between these very different actors, they all present their way of thinking and doing things as the only possible way to achieve the change they desire and put forward maximalist logics in which the success of one actor depends on the elimination of the other.

Some of these privileged actors combine legal and even democratic means with acceptance or acquiescence in the use, justification, or legitimisation of various forms of direct, structural, and cultural violence. They also control strategic positions in state institutions or co-opt the state in various ways to maintain the social order that has historically benefited them with the privileges that derive from it. These elites represent a conservative political project that consolidates the social order that guarantees their privileges and predominance, implementing various mechanisms and instruments to control the sources of power in the state and in society.

Direct violence is often exercised through interposed actors and does not respond to a clear chain of command. Violence arises in the context of the legitimisation of violence as a mechanism of social control and the construction of stigmatised narratives regarding the outside enemy with which the other has been characterised. These elites have been able to adapt to the developments of history, to the new political, economic, and social challenges that have arisen over the years, in parallel with the process of state-building and the consolidation of the Colombian republic. Through their actions, their way of reproducing themselves, of controlling social, political, and economic narratives and counternarratives at the local and national levels, they have pulled the strings of power, of the state and/or of certain social sectors, for their own benefit. These elites are found in many spheres of power: political, military, economic, legislative, judicial, and even ecclesiastical and intellectual elites. In the territories, these elites control the sources of local political, economic, and social power, through long-established family or guild networks, which merge with more traditional sources of power, such as the accumulation of land ownership and wealth. Trapped in their privileges, they use violence or justify its use. In each region these forms of domination take different forms, given the various possible forms of co-optation of the state and spaces of power and the survival of differentiated interests and privileges.

In recent years, these elites have mainly situated themselves within traditional political parties, including the splintering of these parties into personality-based versions. Some of these elites have even managed to co-opt spaces of power and political representation in alternative spaces that originally arose as an opposition and alternative to traditional political parties and that attempted to regenerate and renew politics (with greater or lesser success). Through their control of spaces of state power, they have an over-representation in the control of the state, despite Colombia's democratic advances.

Regardless of what name is given to these political forces, and regardless of the ideological position they claim for themselves (left, centre or right), something that they have in common is that they reproduce personality-based, *caudillista*, polarising and unanimous logics in which the leader becomes the guide to follow, capable of solving all the country's problems, since "the country fits in his head", as one of the interviewees stated.

Another part of these elites has rebelled against the state to subvert it and attain power to create a revolution and achieve, in their words, social justice. This discourse and way of acting may have made sense at the time, but after more than 60 years of armed conflict and its increasing degradation and impact on the population, its political meaning has become perverted and a burden for achieving change, for developing, defending, and protecting the common good and advancing the democratisation of the country. In addition, the violence itself and the dynamics of counter-violence (whether paramilitary, counter-insurgent or rebel) have generated a devastating cycle that renews itself, destroying the lives of the people whom the state is supposed to protect or in whose name the revolution is carried out. As the Chair of the Truth Commission, Francisco de Roux, stated, the war damaged everything it touched; it served no purpose (El País, 2021).

In addition, intertwined with these local, national, and insurgent elites, other elites have emerged around the control of illegal economies, with drug trafficking being the most prominent phenomenon. The defence and protection of privileges, interests, and positions of power, together with the immense incentives generated by illegal economies, has further degraded violence, increased levels of corruption, penetration, and co-optation of the Colombian state. This factor adds complexity and is an additional factor hindering the search for peace.

2.5   Main Challenges Hindering Peace

According to the group of interviewees, there are three main challenges hindering the search for peace: the state configuration and the presence of illegal social orders, the usufruct of power by minority political elites, and obscene inequality.

a. *State configuration and illegal social orders.* According to the participants, to understand the obstacles to peace, it is necessary to understand the configuration of the Colombian state and the role that violence has played in this process. The Colombian state still does not have full control over its territory; or, as is often said, Colombia has more territory than state (Castro, 2017). The state is strong along the three mountain ranges that cross the country. The main cities and most of the population are concentrated at the foot or in the valleys of these mountain ranges. In this territory, the state is consolidated, exercises authority, is recognised and largely regulates social life. In the remaining two-thirds of the country, the state's authority is much weaker. Vast regions are no man's land, disputed territory. Here, different actors try to establish their power in dispute with other actors. The most successful over the last 50 years have been guerrillas, paramilitaries, drug traffickers, illegal miners, and criminal gangs. They all seek to replace the state, imposing their "authority" and the "order" that suits them. In return, they become providers that "protect" the population, "administer justice" or provide similar goods and services. To do so, they "collect taxes", often through extortion or by capturing significant illicit rents (Castro, 2017). All of this, of course, is done under the power of their coercion and the materialisation of violence against that part of the population that does not submit.

As one of the people interviewed expressed, violence has been an organising and energising axis of the dominant politics and economy in Colombia. The most specific current expression of this reality is the capacity of illegal armed actors and local elites to create social orders that depend on their interests, creating a shadow governance that overlaps with the mechanisms of governance and governability that the state seeks to impose within the framework of its normative mandate (Ferreira & Richmond, 2021; Paladini-Adell & Idler, 2014).

In these disputed territories, armed actors, often in alliance with local elites, can subject the population to their wishes and interests. The state is unable to order the territory democratically through the rule of law, and the rule of law is ordered through the coercive authority exercised by armed actors combined with their agility to attend to and respond to the immediate needs of the population. These groups subjugate the population through coercion, but also seek the population's cooperation in recognising their authority through mechanisms of control and social order and the expeditious provision of goods, services, and favours. In addition, several of these local elites and armed actors maintain relationships of convenience with the various actors in the economic value chain to produce, transport, market and launder the resources obtained from illegal economies. For these actors, blocking peace is strategic because violence, disorder and the weakness of the state are functional to their interests and their enrichment and control of spheres of power.

b. *Usufruct of power by political elites.* The asymmetric development of the state throughout history has generated conditions for local and national political elites to consolidate and usufruct power, substituting or rendering the state irrelevant or co-opting it for their interests. Some of the elements described by interviewees to speak of this co-optation are the following.

The elites have historically led the traditional political parties that shaped democracy in Colombia: the Liberal and Conservative parties. These parties have been hegemonic for many years, preventing the consolidation of other political forces and sensibilities. With the 1991 Constitution and the 2016 Peace Agreement, democratic guarantees for alternative parties were expanded. This has led to a multiplication in the number of political parties. However, these parties have largely reproduced the elitist, personality-based, non-inclusive and clientelist practices of traditional politics. The new political forces that emerged from previous peace processes have either been practically exterminated (as has been the case with the Unión Patriótica) or have reproduced the traditional practices of concentration of power in the hands of a few. Only a few political leaders have been able to break the traditional political inertia, but they have not been able to escape from a deeply individual politics.

These elites have co-opted positions in the state, in the executive, the legislature, the judiciary, the high courts, governmental bodies and the entire technocracy that accompanies these powers. The co-optation of the state has also been reproduced in the state at the local level. The processes of co-optation and reproduction of political elites have been closed and highly exclusive. The main positions of power are occupied by those with the same profile of social class. Since the 1991 Constitution, diversity in state institutions has widened and women have increasingly occupied positions of responsibility, but these are still highly closed and exclusive spaces.

The clientelist way of doing politics and electoral politics in Colombia and of achieving political representation in the spaces of popular representation (including Congress and municipal and departmental councils) is one of the main obstacles to peace. Clientelism, as La Silla Vacía affirms, is how power is attained and maintained; a mechanism that produces and reproduces power. This mechanism feeds on itself and serves as a containment for abrupt changes or fundamental transformations. Through clientelist practices, political parties and their candidates gain access to institutional and representative power at all levels. The constant exchange of favours between voters, politicians, elected representatives, elected authorities and other state authorities generates a low-quality political dynamic, in which ideologies, debate and public political deliberation are not the main drivers of social change and progress. Any political decision is the fruit of multiple transactions, and resources, motivations, and the vigour to achieve the desired transformations are diluted along the way (La Silla Vacía, 2018).

National and local elites are particularly adept at exploiting the irregular functioning of the political-electoral sphere to their own advantage and to defend their interests. For example, following the recent Peace Agreement between the government and the FARC, a far-reaching reform agenda was agreed. Following its signing in 2016, significant progress has been made on several important issues, such as the laying down of arms of the guerrillas and their conversion into a democratic political party; and the social and political reincorporation of ex-combatants, despite the many challenges that remain. However, where there have been more difficulties is in making progress on fundamental issues related to the root causes of the armed conflict. Structural issues such as access to land for small farmers and rural planning have been systematically blocked by various political sectors. Obstacles to peace have also emerged

on a broad set of measures included in the Agreement to improve the quality, guarantees and inclusiveness of exercising the democratic process. During President Duque's time in office (2018–2022) some elites have also politically and legislatively obstructed the design, implementation and functioning of transitional justice mechanisms that seek to hold accountable those who committed serious crimes (whether military, guerrilla groups, or third-party actors), promote truth, and contribute to reparations for victims. Nor have they allowed the participation of third parties in transitional justice mechanisms: actors who did not directly commit the violence, but who were the promoters and intellectual authors of it. In parliamentary action, there has been a legislative blockage against moving the Peace Agreement forward, especially on those issues that most affect the interests and privileges of the political elites that have controlled the country and do not want to lose their power and privileged positions.

Another example can be seen at the local level. Territorial elites have obstructed the process of restitution of land taken during the armed conflict. During the armed conflict, several rural and national elites benefited from the processes of land concentration, forced displacement of peasants, and dispossession. These obstacles in the process have had the complicity of some state representatives such as judges, notaries, and other actors who, instead of protecting, guaranteeing, and restoring rights, have re-victimised the victims of violence. The most paradigmatic example is that Colombia still does not have a rural cadastre, and land ownership and use rights are not resolved through a transparent mechanism within the framework of the rule of law. There is no democratic land management and there is strong pressure from privileged sectors to hinder any progress in this area.

  c. *Obscene inequality and inequity*. Another challenge hindering peace is inequality and the obscene misallocation of available resources. This tension is seen mainly in the gap between urban and peripheral rural areas. Colombia is an extremely unequal country, with one of the most inequitable Gini indicators in the world. Despite advances in poverty reduction measures, inequality remains high, particularly affecting rural populations in the peripheral areas most affected by violence. Being poor in Colombia is a life sentence, as the mechanisms for social promotion and human capital development are very weak. This inequality is also expressed in urban areas, which

are highly segregated between rich and poor neighbourhoods. The COVID 19 pandemic has exacerbated these tensions and further limited the possibilities for progress for the lower and middle classes. The distribution of wealth is limited, and many populations, as one interviewee put it, do not feel that the pie they are eating is the size it should be.

3   The Search for Peace and an End to Political Violence

The degradation of war and its humanitarian impact on the population shows the limits of political violence to achieve virtuous ends, whether these be the defence of an institutional order, or subverting it and seeking social justice. Faced with this limitation, and as against those who have prioritised the military victory of one over the other, Colombian citizens have promoted a third way since 1980: the search for peace. Peace has become a national goal, although there are still strong tensions over how to achieve and consolidate it. The push for peace has been intersected by a series of additional demands related to human rights, inclusion, women's rights, democratic openness and the socio-economic integration of Colombia's most impoverished populations and territories.

Below, I briefly describe the main expressions and outcomes of this process of mobilisation and institutional development for peace, as well as the main actors driving it. This categorisation emerges from the analysis of all the interviews conducted in preparation for this chapter. There are ten particularly noteworthy expressions: (1) Civilian resistance to violence. (2) The development of a humanitarian imperative in Colombia. (3) Social mobilisation for peace and human rights. (4) The strategic use of law. (5) Formal peace processes. (6) The submission to transitional justice of various armed actors. (7) Institutional, normative, and constitutional changes. (8) The development of alliances and platforms for peace and development. (9) Inclusive peace agendas and proposals. (10) International accompaniment. Each of these expressions is analysed below.

3.1 Civilian Resistance to Violence

One of the main sources of change promoting peace in Colombia has been civil resistance to the growing violence and the realization that violence has not achieved the objectives invoked by those who promote and justify it, and that it has become degraded and indiscriminate. Faced with the imposition of violence by legal and illegal armed actors, many communities in Colombia have sought to protect themselves by their own means. Resistance exercises have deep roots in Colombia. From the indigenous communities that resisted the control of other more powerful indigenous peoples before the Spanish conquest, to the hundreds of locally-based and civilian experiences throughout the country that in the last 50 years have promoted alternatives in order to build peace in rejection of violence. Esperanza Hernández (2004) and Virginia Bouvier (2006) describe these civil resistance actions as local peacebuilding initiatives, autonomy from armed actors and self-determination. They arise from the autonomy of the communities, which underline their desire to maintain their status as a civilian population outside the armed conflict and not to be part of the violence. Communities activate their agency to resist, protect their lives, influence armed actors to reduce violence and create spaces of autonomy from the logics imposed by coercion (Kaplan, 2017; Lederach, 2005; Masullo et al., 2017). In Colombia there are hundreds of experiences of this type led by indigenous peoples, Afro-Colombians, peasants and others, and these experiences constitute one of the main seeds of the search for peace in Colombia (Bouvier, 2009).

3.2 Developing a Humanitarian Imperative in Colombia

Protection and humanitarian assistance frameworks have also been developed in Colombia because of the increasing degradation of the armed conflict and its impact on the non-combatant population. This effort arose from solidarity organisations such as the Pastoral Social and national and international humanitarian civil society organisations that accompanied communities at risk or victimised by armed actors. This civilian impulse has evolved and influenced the state in the direction of assuming its responsibility as the main guarantor of rights. Hence, in the last 30 years, the Colombian state has consolidated institutional and regulatory frameworks for humanitarian action, protection, and attention

to victims, with strong support from international humanitarian organisations and the United Nations. These protection frameworks have accompanied communities that are victims or at risk in their strategies of resistance to violence, and have supported prevention of displacement, emergency humanitarian assistance (once violence has affected communities) and early recovery and durable development-oriented solutions after the humanitarian impact. Civilian resilience efforts and the development of humanitarian frameworks demonstrate that communities have the capacity and mechanisms to resist war and violence and recover from its most dramatic consequences. During the darkest of the violence, communities generated threads and seeds of hope amid tragedy.

3.3   Sustained Social Mobilisation for Peace and Human Rights

The growing and sustained social mobilisation for peace and human rights has been one of the most important reasons that have pushed the armed actors and the state to explore ways of political negotiation to overcome political violence and the armed conflict. The impact of these two sources of social mobilisation has been very important in consolidating the possibility of peace as a national project in Colombia.

From the late 1980s to date, Colombia has had one of the strongest social mobilisations for peace in the world (García-Durán, 2006). The mobilisation has been driven by a wide range of civil society actors, at national and local levels, through a great diversity of initiatives, with the participation of multiple sectors and social organisations. This infrastructure has had the capacity to convene and articulate social, political, and cultural networks and platforms including diverse social sectors, public bodies, churches, political parties, businessmen, ex-combatants, and international cooperation at different territorial levels (Paladini-Adell, 2012; Pfeiffer, 2014). From 1978 to date, social mobilisation for peace has grown steadily and has accumulated a wide and varied repertoire of action, which represents an important experience in peacebuilding work (Sarmiento, 2016). This accumulated experience, which is summarised in strategies of education, political participation, organisation and articulation, social protest, and non-violent civil resistance, has been key to demanding peace as the main national goal, pressuring the national government and armed actors to opt for political and dialogue-based solutions to the armed conflict and to consider the rights of victims (CINEP, 2016).

Colombia has also developed a strong social mobilisation for human rights. Various social sectors, including victims' organisations, have demanded that the state fulfil its functions of protecting, promoting, and guaranteeing human rights, as well as providing effective justice mechanisms to investigate, prosecute and punish human rights violations.

Peace and human rights mobilisation did not always coordinate their actions and there were tensions between their demands. However, in the last ten years their agendas have converged in an understanding of peace and human rights as two sides of the same coin. This convergence reached its peak in the peace process between the government and the FARC guerrillas between 2012 and 2016. The Agreement establishes a complementary relationship between peace and human rights. Therefore, the signing of the Agreement contributes to peace by putting an end to the armed conflict and its implementation contributes to strengthening the synergy between the protection, guarantee and promotion of human rights and peacebuilding and its sustainability (Paladini-Adell & Naranjo, 2017). Furthermore, the Agreement also defines a victim-centred approach for all its provisions. Human rights defenders' organisations, social leaders, victims and survivors, ethnic communities and peasants are at the centre of the Agreement's narrative. The agreement states that victims´ participation in the peacebuilding process is essential to advance accountability for violations, abuses and crimes against humanity and war crimes. In addition to reducing impunity and generating guarantees of peace, non-repetition, coexistence, and reconciliation, addressing the root causes of the conflict and protecting, promoting, and guaranteeing the rights of victims and social leaders is essential to sustaining peace. These advances would not have been possible without the constant, repeated, growing and sustained mobilisation of social movements for peace and human rights in Colombia.

3.4   The Strategic Use of Law and Strategic Litigation

One of the preferred instruments of the actors leading social mobilisation for peace and particularly for human rights has been litigation, or the strategic use of law. Civil society has used the normative and legal framework, as well as instruments of legal advocacy (for example, *tutela* actions in order to protect and safeguard established rights, or constitutional challenges to laws and norms) to demand that the state guarantee, protect and promote human rights. The use of these legal tools has allowed civil

society to dialogue with state institutions in a more horizontal relationship, balancing the power of the various parties, and pushing the state to fulfil its responsibilities as a guarantor of the rule of law and an actor responsible for promoting and guaranteeing peace as a constitutional principle.

3.5   Consolidated Experience and Practice in Peace Processes

Colombia has also achieved multiple peace negotiation processes between the state and various armed actors. This is also part of Colombia´s history (Velandia, 2021). The recent peace processes between the government and the FARC and ELN guerrillas are not isolated initiatives. All Colombian presidents, apart from Iván Duque Márquez (2018–2022), have entered into, with greater or lesser intensity and political conviction, a dialogue with the armed actors (Pizarro, 2017; Villarraga Sarmiento, 2015). Since the 1990s, the parties have signed more than 10 peace agreements in Colombia that have put an end to the armed confrontation between the state and various illegal groups.

We can identify at least three generations of peace processes. In the 1990s, firstly, the state signed partial peace agreements with various guerrilla groups (M-19, Quintín Lame, EPR, EPL, among others). These processes paved the way for these guerrillas to participate in the process of democratic expansion generated by political forces and society in the constituent process that culminated in the 1991 Constitution. Secondly, at the beginning of the current century, the government explored more comprehensive peace processes, first with the FARC (the Caguán process between 1998 and 2002, which failed) and later with paramilitarism, which led to the incomplete demobilisation of this counter-insurgent phenomenon (2004–2008). In these peace processes, the state accepted slightly broader negotiation agendas, including exploring substantive issues with the guerrillas and mechanisms of accountability and victims' rights with paramilitarism (Justice and Peace Law). Third, between 2012 and the present, the state and the last two guerrilla groups, FARC and ELN, have advanced in peace processes that seek to put an end to political violence and armed conflict, address the root causes and drivers of these conflicts, guarantee victims' rights, and open spaces for broad civil society participation in the negotiation and subsequent implementation of the agreements. With the FARC, the government signed the Final Agreement after five years of negotiation (2012–2016) (Government of

Colombia, 2016; Herzbolheimer, 2016). With the ELN, the government is currently resuming, under the leadership of President Petro (2022–2026), a peace process that began during the government of President Santos (2010–2018). This long history of peace-making is undoubtedly one of the main drivers of Colombia's quest for peace.

3.6   The Submission of Various Armed Actors to Transitional Justice

Over the last 20 years, Colombia has been building one of the most elaborate transitional justice systems in the world, which sets a benchmark for other countries. The system has been accepted by the Colombian Constitutional Court and has received strong support from the International Criminal Court (2021) and the United Nations Security Council (2021). In the 1990s, peace processes were mere political agreements between the state and the guerrillas supported by broad amnesties. Peace based on impunity demonstrated, however, its many limitations, including the forgetting of victims, since victims' rights were not considered. Consequently, victims began to organise and claim their rights from the 1990s onwards. Gradually, they began to take centre stage through their social and political mobilisation. This sustained mobilisation has generated relevant political realities. The most specific is the progressive configuration and improvement in Colombia of a transitional justice model and system that has been perfected in the various peace processes of the twenty-first century.

Transitional justice is understood as those mechanisms aimed at addressing massive and systematic human rights violations committed by actors in armed conflict, without removing the incentives that need to be generated for political agreements to be reached to overcome the violent expression of conflict (Hayner, 2018). Managing the consequences of the past is necessary to sign peace in the present and lay the foundations for a transition from war to peace based on respect for the rights of victims, the transformation of the root causes and drivers of the armed conflict, and the creation of conditions of coexistence and non-repetition that make peace self-regenerating and sustainable.

Transitional justice mechanisms in Colombia have been developed at different times over the last 30 years. From peace processes based on impunity in the 1990s, Colombia has developed the world's most sophisticated transitional justice system with the 2016 Final Agreement. This

Agreement consolidates a Comprehensive System of Truth, Justice, Reparation and Guarantees of Non-Repetition that is built on the principle of the centrality of victims in peace: peace must guarantee the rights of victims.

3.7   Institutional, Regulatory, and Constitutional Changes

In parallel to the processes described up to this point, the state and its institutions have made some interesting institutional and normative advances as part of Colombia's growing peace infrastructure. The most significant development came with the adoption of Colombia's Political Constitution in 1991. The Constitution was born out of the need to restructure the Colombian state and legal system after more than 100 years of the Constitution of 1886. The new Constitution became an instrument for the vindication of the freedoms, guarantees and rights that had been limited until then. It also became an institutional response to the various forms of violence that plagued the country. One of the main motives for the National Constituent Assembly was the need to seek peace and re-establish public order, seriously disturbed by the action of drug trafficking, subversive organisations and paramilitarism, and by the inability of traditional political parties to consolidate a more inclusive and modern democratic state (Hernández, 2016).

The Presidential Decree that established the framework for the National Constituent Assembly prompted some guerrillas to lay down their arms, sign a peace agreement with the state and join the democratic political process through the National Constituent Assembly. The 1991 Constitution is a rich document, modernising the Colombian political system and bringing it up to international standards of democratic rule of law. It creates on paper a pluralist, more participatory political system, aimed at guaranteeing, protecting, and promoting human rights, including international humanitarian law, with various measures to guarantee the rights of minorities. It was an innovative effort that some analysts have described as a kind of "peace agreement-constitution" (Bell et al., 2015). The constitution also allowed for the development of new institutional, normative, and political frameworks and instruments to pursue peace. Some of the elements highlighted in the interviews were:

- Colombia has been perfecting a set of government institutions focused on the design and implementation of each government's

peace policy. The most specific example is the High Presidential Council for Peace, which has led the negotiation processes with armed actors and the reincorporation of demobilised combatants into civilian life. It has also created Peace Commissions to advise and guide approaches to armed actors or to support the verification of peace agreements, and the country has promoted amnesty laws as an incentive to facilitate peace negotiations.

- All governments have maintained channels of communication with the guerrillas to explore peace dialogues beyond the warmongering rhetoric of some. Moreover, all governments have facilitated, or at least tolerated, civil society facilitation efforts to advance peace processes through mechanisms and commissions organised for this purpose. Colombia has a rich network of facilitators, internal mediators, and peace managers, with the capacity to fulfil the different mediation roles necessary to make any peace process viable (Fisas 2004; Mitchel 2008).
- Colombia has a solid normative framework for the protection of human rights. The Colombian Constitution creates this framework, which has been developed through internal normative adjustments and the acceptance of international normative frameworks for the protection of human rights.
- Colombia has developed one of the world's strongest policies for the protection of victims and restoring or redressing their rights.
- Colombia has one of the most ambitious policies for the reincorporation of armed actors and has accompanied more than 76,000 ex-combatants in their process of laying down their weapons and re-entering civilian life over the last 20 years.

This political, institutional and policy infrastructure for peace has been considerably strengthened by the Peace Agreement between the government and the FARC. First, the accord develops a series of policies and instruments to address one of the main causes of inequality and armed conflict in Colombia: access to and unequal distribution of land. Point one of the Agreement develops a series of key instruments to promote rural development and transform this reality: a land fund, a new agrarian jurisdiction to facilitate the peaceful management of land-related conflicts, the creation of a rural cadastre, among other instruments. Second, the accord expands political and security guarantees for declared opposition parties, developing a series of mechanisms to facilitate participation and

public scrutiny of public affairs. It also expands democratic options and guarantees for society to organise itself politically and access power by democratic means. Third, and finally, the Agreement develops one of the most sophisticated and comprehensive transitional justice systems and models in the world, as discussed in the previous section.

3.8   Partnerships, Peace and Development Platforms and Public Policies

Colombia has developed innovative models of partnership for peacebuilding and development through socially driven policies and programmes by means of an alliance of its state institutions, society and the international community. These complement elite efforts to negotiate peace with local peacebuilding initiatives. The most significant programmes have been the National Rehabilitation Plan during the Betancourt presidency, the Regional Peace and Development Programmes and the Peace Laboratories during the Uribe presidency, and the Development Programmes with a Territorial Approach (PDET) included in the Peace Agreement between the government and the FARC. These models have enriched the concept of peace as something that goes beyond the end of violence and armed conflict, requiring the participation of citizens, victims, and local communities, as well as the incorporation of an agenda of socio-economic development, human development, and inclusion. These partnerships connect grassroots social mobilisation and articulation processes with high-level negotiation processes, and vice versa. This diversity of programmes has its limitations, and they have not always been able to impose their logic on the devastating dynamics of armed conflict, illegal economies, and co-optation of the state by corrupt elites and private interests. However, they have shown that there are viable alternatives to the logic of war, that peace does not depend only on armed actors signing agreements, and that the state can finish consolidating its legitimacy and strengthen the social contract through routes other than those of militarism and war (Paladini-Adell, 2020).

3.9   Inclusion in the Centre

Other distinctive elements of the quest for peace in Colombia have been the organisational processes of ethnic communities (indigenous and

Afro-Colombian peoples) and the process of organising and building peace, rights and gender equality/parity agendas by women's organisations and the feminist movement. The 1991 Constitution opened the doors to these historically excluded populations and guaranteed their rights. Ethnic peoples and women have taken advantage of this normative opening to gain political space, build their agendas for advocacy and transformation, and occupy spaces of power and real influence in decision-making. Today, both ethnic communities—especially indigenous communities—and women are power actors with the capacity to mobilise and influence decision-making spaces. Another population that has organised itself and plays a strong advocacy role in Colombia are the victims, through hundreds of national and local organisations. These organisations are very diverse and do not always act in a coordinated manner, but they have developed a strong advocacy capacity, not least thanks to the passage of the 2011 Victims and Land Restitution Law, which aims to guarantee their rights to reparation.

3.10   *International Accompaniment*

Finally, another important dynamic in the search for peace in Colombia has been the role of the international community, including the EU. The search for peace described in the previous nine points has been strongly supported by the international community, and by the European Union and several of its member states. According to those interviewed, the international community has been important in demanding a political solution to the armed conflict. However, its role has been even more important in supporting civil society and state institutions in advancing along each of the paths described in the previous points.

The EU, for example, has had a stable presence in Colombia since the early 1990s and has been able to accompany a large part of the Colombian peace process with various political, financial and cooperation instruments. Its support, for a negotiated political solution to the armed conflict in Colombia to put an end to political violence in the country, has been constant. In addition, the EU has emphasised some additional elements. First, it has emphasised in its policy in Colombia the need for peace to be achieved by addressing the root causes of the armed conflict (peace and development approach) and political violence, as well as by comprehensively attending to the victims of violence (humanitarian approach). Second, it has diversified its political, technical, and financial

support by supporting the state and its institutions, but also the leadership and counterweight of civil society. Third, the EU has been a pioneer in promoting territorial approaches to peace since the late 1990s, accompanying civil society innovations mainly through the Development and Peace Programmes and Peace Laboratories. Fourth, the EU was also a key influence in understanding peace and human rights as two sides of the same coin, as we have described in this chapter and as was finally reflected in one of the milestones of the search for peace in Colombia: the 2016 Final Agreement. Fifth, the EU has been one of the actors that has most strongly and decisively supported the significant advances in Colombia in its transitional justice model, which today is an example for the world. Finally, the EU and its member countries have also strongly accompanied the dynamics of inclusion for peace, supporting social mobilisation for peace and human rights, as well as inclusive proposals and agendas led by women, ethnic peoples, victims' organisations and others.

Thanks to the accompaniment of the international community, peace has not only been the result of a power game between the actors that generate political violence, but also a more inclusive, transformative, and democratic process. An interesting indicator of this reality is that the contents and commitments of the Final Agreement between the government and the FARC are more like the diverse peace proposals and practices that emerge from civil society—often promoted with the support of international cooperation—than the maximalist agendas and proposals of the armed actors and the negotiating parties. In this regard, I can affirm that the peace signed by the armed actors was previously promoted and exemplified by Colombian society and its institutions in their search for peace with the accompaniment of the international community.

4   Conclusion

Political violence has characterised the process of building the Colombian nation-state for several centuries, as in many other countries. Despite this reality, peace has become the main political motor for the consolidation of the nation-state over the last 40 years, with the elimination once and for all of political violence as the driving force behind this process. Important sectors of the Colombian population have sought to consolidate a democratic state that guarantees rights by eliminating political violence as a leading mechanism in the processes of change—both that violence exercised by the state and political elites, and that exercised by those who

want to subvert power. The peace processes with the FARC (2012–2016), with the ELN (2022, in its new iteration) and the recently launched Total Peace policy of President Gustavo Petro are the latest playing fields in this quest for peace (Cepeda, 2023).

The search for peace has gone hand in hand with the country's democratisation process and the development of human rights protection frameworks. Colombia is completing this process of national state-building—a historically violent process—by seeking to leave political violence behind and committing to non-violent social and political dynamics. Peace as a political ideal and social aspiration has become one of the driving forces of political change in Colombia. In this quest, Colombia has advanced in recent years in the consolidation of a solid peace infrastructure, i.e. there is a set of interrelated actors (organisations), processes and outcomes (alliances, platforms, spaces and policies) that have given peace a real basis and are allowing non-violent actors (local institutions, grassroots organisations and civil society actors) to lead their own peacebuilding, without depending on or subjugating themselves to armed actors (Paladini-Adell, 2012). The process has been led by Colombians, but as I have briefly analysed in the chapter, and as is set out in detail throughout this book, the international community, and in particular the European Union, have played an important role in accompanying this quest.

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Is the Trade Agreement Between the EU and Colombia Coherent with European Support for Peacebuilding?

Eduardo Bidarratzaga Aurre and *Ángeles Sánchez Díez*

1 Introduction

Trade agreements between central and peripheral countries or regional groups with very different commercial and productive specialisations have been in operation for several decades. The first great impulse initially occurred on the initiative of the government of the United States of

E. Bidarratzaga Aurre (✉)
Department of Applied Economics and Hegoa (Institute for International Cooperation and Development Studies), University of the Basque Country (UPV/EHU), Bilbao, Spain
e-mail: eduardo.bidaurratzaga@ehu.eus

Á. S. Díez
Department of Economic Structure and Development Economics, Autonomous University of Madrid (UAM), Madrid, Spain
e-mail: angeles.sanchez@uam.es

America (USA) in the 1990s with its promotion of Free Trade Agreements (FTAs), the majority with other countries of the Americas. Subsequently the European Union (EU) also signed Association Agreements (AAs) with diverse Latin American countries.

In this way different individual economies or integration projects in Latin America became preferential partners of the USA and the EU. Following Mexico and other Central American countries, several countries from the Andean region entered the logic of signing commercial agreements for the creation of free trade areas, first with the USA, and more recently with the EU, although in the latter case on the basis of a model with certain specific differentiating features.

Thus, the European authorities have placed special emphasis on generating and exhibiting a wider vision than that of the FTAs, for which purpose they have created a discourse and a model based on three pillars (economic, political and cooperation), as well as a different name for such agreements.

As in the case of the FTAs, the EU has promoted these agreements with other regional groups as a priority, but where this has not been possible it has taken recourse to bilateral agreements with some countries in an individual form. That was initially the case of the agreements with Mexico and Chile, signed in 1997 and 2002 respectively, which do not belong to any regional economic integration groups in Latin America; with Peru and Colombia, in 2012; and with Ecuador in 2016, after encountering difficulties in signing an agreement with the Andean Community (CAN).

In the particular case of Colombia, although its economic and political relations with the USA, including the establishment of trade agreements, were earlier and have a priority character, it is clear that the EU has not abandoned the idea of becoming a leading partner in relations with this Andean country in a series of highly varied fields, especially in trade and support for the peace process that is underway.

The aim of this chapter is to analyse the main characteristics and consequences of the Trade Agreement signed in 2012 between the EU and Colombia, as well as its future perspectives in the current context. We enquire about the point to which this Agreement might work in favour of improving certain indicators linked to these foreign relations in the case of Colombia, as well as contribute to its greater productive diversification, reduce its primary export dependence, and improve the living conditions of its population, especially in the rural areas and territories most affected

by the conflict. Similarly, this text enquires about the coherence[1] of the Agreement with respect to other policies promoted by the EU, in particular in the area of cooperation, in the context of the broad support given to ending the root factors that generate conflict and promoting lasting peace in the country; all of this, moreover, in the context of the recent electoral victory of a progressive candidate in the country's presidential election for the first time in its history.

To that end, this text begins with a brief review of the main antecedents in the EU's relations with Latin America, the Andean region and with Colombia in particular. Next, it analyses the EU's Trade Agreement with Colombia and its most salient aspects. Subsequently, it studies the evolution and current state of the economic relations between the EU and Colombia in terms of trade and investment. Finally, it examines the coherence of the agreements in relation to other policies promoted by the EU in Colombia in the framework of peacebuilding.

2   Antecedents and Logic of the Agreement Between the EU and Colombia

In the late 1990s the European Union began to promote Trade Agreements with different Latin American countries and regional groups. All of this evinced a significant change in its earlier framework of relations with the region's countries, given that since the 1970s this framework had been limited to the concession of unilateral preferences for developing economies not belonging to the ACP (Africa, Caribbean and Pacific) group through the system of the Generalised System of Preferences (GSP). This approach was extended every ten years until the so-called GSP + came into effect, which conceded more favourable conditions to more vulnerable countries whose governments were willing to sign a series of international conventions considered essential by the EU.[2]

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[1] The coherence of policies can be analysed from different perspectives and on the basis of different dimensions (see Gutiérrez et al., 2017; Martínez & Martínez, 2012; Unceta et al., 2015). Here, we concentrate on analysing the coherence between different EU policies towards Colombia, principally trade policy and that of development cooperation.

[2] These international conventions (27) are established in fields such as human rights, employment rights, the environment and good governance. Amongst the countries benefitting from the current GSP + (in effect until the year 2023), only one, Bolivia, belongs to the Latin American region.

This new direction in the framework of the EU's foreign relations with respect to Latin America, beyond the EU's own conviction and the impulse that it provided, is also largely explained by the need to adapt to the regulations of the World Trade Organisation (WTO). Since its foundation in 1995, this organisation has restricted the use of non-reciprocal preferential treatment to the Least Developed Countries (LDCs); in Latin America only Haiti belongs in this category at present.

In this context, the European Union has signed diverse AAs with Latin American countries and regional groups, characterised by three basic pillars: trade, cooperation and the corresponding political dialogue. In trade terms, AAs promote the formation of free trade areas that result in the liberalisation of the trade in goods under a variable geometry approach involving different speeds. However, for the case of sensitive agricultural products there are notable exceptions, without forgetting the different distortions generated by subsidies to the agricultural sector of the EU.

Equally, and in a form that is coherent with the logic of expanding and deepening the WTO's agenda,[3] the agreements promoted by the EU also include provisions on liberalisation of the trade in services, protection of intellectual property, public procurement, policy of competition and investments. In addition, to the breadth of issues covered in these agreements must be added their expansive character, which, through the resource of progressive clauses, or of future revision of those yet to be negotiated subjects that figure in the general provisions, widens the potential of activity of these agreements (UNCTAD, 2018).

Similarly, in keeping with its pragmatism, the EU has recognised that the great heterogeneity of Latin America makes it necessary to have different models of cooperation with each country or group of countries, which has materialised in a broad range of agreements. The first agreement of this type was signed in 1997 with Mexico, subsequently renewed in 2016. Chile has had an agreement since 2002, in the process of revision since 2017. The negotiations with MERCOSUR began in the year 2000, and were re-launched in 2016 after several interruptions, favoured by the changes in the governments of Argentina and Brazil (Marchini, 2018), until the agreement was finally achieved in 2019.

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[3] The specialised literature is referring to this reality when it employs expressions like WTO-plus or WTO-extra.

In 2010 the negotiations of two further agreements were finalised, an AA with Central America and a Trade Agreement with Colombia and Peru, both signed in 2012. The negotiations with Colombia and Peru began in the CAN as a whole[4] in 2007, but the impossibility of maintaining a joint position on the side of the CAN resulted in their suspension. Bolivia abandoned the negotiations in 2008 in disagreement with the lack of flexibility on the EU's side and the treatment afforded to aspects like intellectual property and biodiversity.[5] Ecuador also withdrew from the negotiations in 2009 over differences with respect to immigrants' rights, the agreements on investments and the "banana conflict",[6] although it subsequently adhered to the Trade Agreement. In the face of so many difficulties during the negotiation process, the EU proposed the possibility that the Andean countries could negotiate the commercial part of the AA independently if they considered this convenient, which led to the signing of the Trade Agreement with Colombia and Peru in 2012, which was finally joined by Ecuador in 2016 (Bodemer, 2019; European Commission, 2016; European Union, 2012).

While the EU prioritised an AA-type interregional agreement for the CAN as a whole, as had materialised in the cases of Central America and more recently MERCOSUR, the diverse difficulties described above and the fact that the USA already had prior FTAs with Colombia and Peru individually, did not help to make a group agreement possible. Similarly, the negotiations with Colombia were less difficult, given that, facing its intention to join[7] the Organisation for Economic Co-operation and

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[4] Nor did the fact that Venezuela left the Andean Community (CAN) and joined MERCOSUR in 2006 help in the process of joint negotiation of an AA with that regional group.

[5] Bolivia, which at present enjoys GSP + status, could also join the agreement should it consider this opportune at some moment.

[6] This conflict arose in the field of the WTO as a result of the preferential treatment given by the EU to its former colonies in the ACP group, to the detriment of some Latin American economies and US export companies. This conflict was ended by an agreement in 2009, ratified in 2012, by means of which the EU committed itself to lowering customs tariffs (previously the quotas as well) on bananas of Latin American origin to "acceptable" levels. Until it was resolved, the conflict had created complications for relations and for reaching agreements between the EU and different countries in the region (Gómez, 2022; Schade, 2022).

[7] Colombia began the process of joining the OECD in 2013 and officially became the 37th member state in 2020, the third in the Latin American region, after Chile and Mexico.

Development (OECD), its government wanted to avoid any possibility of conflict with the European member states (García, 2022; Gómez, 2022; Schade, 2022). All of this made it possible to advance in the bilateral logic of a trade agreement between the EU and Colombia.

3   Principal Characteristics of the Trade Agreement

The Agreement, which has been applied provisionally[8] for Peru and Colombia since 2013 (1 March and 1 August, respectively) and since 1 January 2017 for Ecuador, has as its stated goals the generation of stable and predictable conditions for improving trade and investments between the countries on the two sides of the Atlantic, the integration of their value chains, and support for the development of local companies in their regional markets with the aim of improving their competitiveness at the world level.

To that end, the two sides agreed on a process of progressive customs liberalisation of the trade flows in goods. Similarly, the text includes regulations on questions of non-tariff barriers and intellectual property rights, as well as provisions for the progressive liberalisation of the service sector, public procurement and foreign investments, for which purposes it aims to establish a secure and predictable regulatory framework that facilitates capital movement and attracts the latter to the Colombian market. The Agreement also includes a chapter on Trade and Sustainable Development,[9] evincing the growing EU concern about environmental matters. Similarly, the text includes the so-called "democracy and human rights clause" that, in keeping with Article 21 of the Treaty of the European Union and the logic of the pillar on political dialogue established in AAs with other Latin American countries, makes explicit reference to democratic principles, the rule of law and respect for human rights. In this sense, like the rest of the agreements signed by the EU since the 1990s, this envisions the possibility of the Agreement being immediately and

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[8] Its definitive entry into force requires the ratification of the national parliaments of the signatory countries and of all the member states of the EU.

[9] This chapter includes regulations on the areas of labour (linked to basic rights and principles of the International Labour Organization) and the environment (related to the Multilateral Environment Agreements – MEA), setting certain minimums with respect to the production and commercialisation of goods and services.

unilaterally suspended in the case of "grave violations" of these rights and liberties, on the understanding that this would signify the nonfulfillment of the Agreement's terms (European Commission, 2022; Ioannides, 2019; Zygierewicz, 2018).

With respect to trade, the Agreement has meant a significant improvement for the EU in terms of its access to the Colombian market. Previously, Colombia enjoyed preferential trade treatment in the EU in the framework of the GSP + ,[10] but this did not occur in the opposite direction for the EU, given that this framework is based precisely on non-reciprocity. The Agreement improves Colombia's access to EU products, while respecting the asymmetry between the two sides deriving from their different levels of development. A gradual rhythm of liberalisation is established in the logic of a variable geometry approach, where Colombia liberalises its markets more slowly (over a maximum period of up to 17 years) than the EU.

In spite of the above, as a result of the Agreement there is an immediate liberalisation of 65% of EU exports to Colombia in the section of industrial products (machinery, transport equipment and chemical and pharmaceutical products mainly) and fishing products, with the rest becoming liberalised in a period of 10 years. In the case of some of the main EU agricultural products (dairy products, wines and other alcoholic drinks, olive oil, processed pork, etc.) access is considerably improved, while at the same time a high degree of protection is obtained for European agricultural and livestock products with geographical indications and designations of origin (Government of Colombia, 2022a).

At the same time, by means of the Agreement the main Colombian agri-food products also obtain improved access to the European market compared to the previous GSP + , which contributes to diversifying its exports beyond the traditional mining sector. Outstanding in this respect is the free access obtained by products like flowers, toasted coffee, crude and refined palm oil, the majority of fruits and green vegetables, and tobacco amongst others. Similarly, improvements are obtained in the contingents of meat and sugar, in tariff reductions on bananas, or in the rules of origin of the textile and clothing sector (Government of Colombia, 2022b). The Agreement also contributes to levelling the

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[10] The temporary and unilateral character of these agreements became an argument in favour of the defenders of the current trade agreement, understanding that its undefined character would generate stability for commercial exchanges between the two sides.

playing field facing other Latin American competitors in the European market, with which the EU already has free trade agreements, such as Mexico, Chile, the Central American countries, and more recently the members of MERCOSUR.

Even so, the Agreement contains bilateral safeguard measures and specific stabilisation mechanisms are established for sensitive products,[11] like the banana, amongst others, in order to avoid an increase in their importation being detrimental to European products. In turn, while the great majority of the European products enter Colombia duty-free, there are also some exceptions, such as sugar cane and rum (Government of Colombia, 2022a; European Commission, 2019 and 2022).

Finally, the periods of liberalising the access of Colombian industrial products to the European market are shorter than those obtained in its commercial treaty with the USA. Nonetheless, the importance of this sector in its productive and export matrix (mainly linked to the textile and clothing sector) is very small, as will be shown in the following section.

4   State and Evolution of the Main Variables Linked to the Agreement

The relative importance of the trade relations between the European Union and Colombia is very different for each side. For the EU its trade with Colombia has oscillated between barely 0.2–0.4% of its non-EU trade according to the years in the 2002–2022 period.

However, for Colombia the EU is a major partner, although not the most important one (see Table 1). In fact, its main trade partner is the USA, with which it has had a FTA since 2006, accounting for around 28% of Colombian exports. Similarly, the progressive loss of importance in relative terms of the EU as a destination for Colombian products has been observed with concern, especially from Colombia, given that this also responds to a fall in its trade flows in absolute terms. In spite of that, the EU continues to be one of the most important destinations for Colombian goods. Concerning suppliers to the Colombian economy, the

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[11] The EU frequently includes these measures in its trade agreements, which make it possible to temporarily annul the corresponding customs preferences in order to protect a particular national sector. Besides the banana, mainly produced in ultra-peripheral European regions, the EU establishes tariff contingents for some sensitive products like sugar, beef, sweets, sweetcorn, cows' milk, rum, mushrooms, and yogurt.

Table 1 Colombia's foreign trade (percentage of total)

	2017	2018	2019	2020	2021
Colombian exports destined to					
EU	14.5	11.8	11.7	12.9	12.1
China	5.3	9.0	11.6	8.6	9.0
US	29.1	26.5	31.1	30.4	28.5
Colombian imports proceeding from					
EU	14.5	13.7	14.8	13.0	12.9
China	16.2	17.1	18.3	21.4	23.5
US	29.0	29.5	29.3	27.4	26.9

Source Elaborated by the authors on the basis of Trademap

EU continues to occupy third place, after the USA and China. Although a relatively important fall can be observed in this case, with a drop from 14.5% to 12.9% of total imports made by Colombia in the 2017–2021 period, this does not involve a decline in absolute trade flows, but an increase at a slower speed than the purchases made from China by Colombia (European Beaumont et al., 2019; Commission, 2019).

As can be seen in Fig. 1, the EU had a negative foreign trade balance with Colombia until 2014, the year when a growing trade surplus began, which was duly nuanced by the pandemic in 2020. The fall in European imports proceeding from Colombia explains this change in favour of the EU, which registered a trade surplus of 1,848 million euros in 2021. It should be kept in mind that this change of tendency in the trade balance occurred only a few years after the signing of the Trade Agreement. Thus, this change and the high level of Colombia's trade deficit[12] with the EU at present become factors to be taken very much into account when analysing the effects of the Agreement for the two sides.

Therefore, in spite of the variable geometry approach used so as to favour a slower gradual liberalisation for Colombia, the Agreement seems to have been more favourable to the EU, insofar as the new institutional framework has facilitated the growth of European exports to Colombia to a greater extent than those of Colombia to Europe. In fact, during the 2013–2021 period Colombian sales registered increases in only three

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[12] This same tendency can be observed in the period following the signing of the FTA between Colombia and the USA, facing the fall in Colombian exports and the increase in imports (Ávila & Sánchez, 2015).
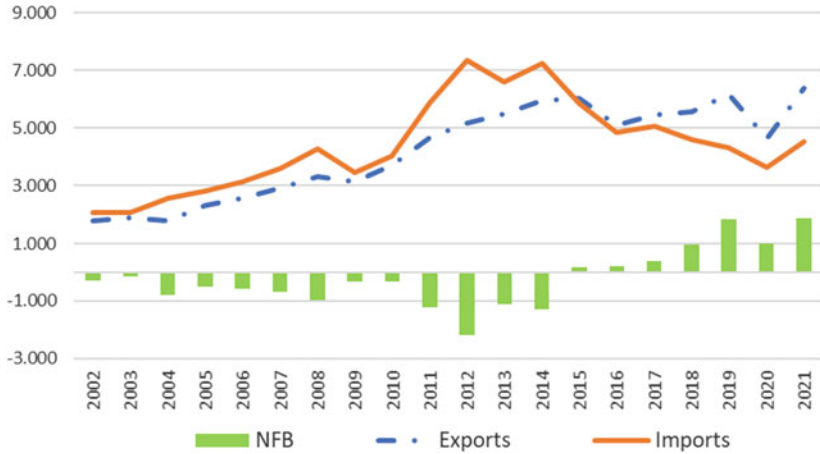
Fig. 1 Exports and imports and Net Foreign Balance (NFB) of the EU to/from Colombia (million euros) (*Source* Eurostat)

years, as against six years of falls. This fact stands out significantly, given that the dynamic prior to the Agreement's coming into effect in August 2013 was very different. Even so, the behaviour of European exports in the 2013–2021 period involves fluctuations, but is more satisfactory.

In addition to what has been noted above, trade relations also show divergent features for both sides when an analysis is made by sectors. Thus, the EU mainly exports manufactured products, such as chemical and related products, machinery and transport material and other manufactured goods, all of which are benefitting from the gradual elimination of the tariffs linked to the Agreement. On the contrary, Colombian exports basically consist in primary products, such as foodstuffs, drinks and tobacco, raw materials and combustible minerals, lubricants and related materials, and these products fall within the few restrictions to free trade existing between the two sides.

In any case, amongst the most significant trade benefits derived from the Agreement's implementation the increase in the exportation of diverse Colombian farming products, such as vegetables, fruit and dried fruit, stands out. In turn, amongst the negative effects on the agricultural and livestock sector the case of Colombian small producers of dairy products

must be underscored, as they are competing in disadvantageous conditions with the big European producers with high levels of technification (Ávila & Sánchez, 2015; Espinosa, 2013; Fairlie, 2022; Ruiz et al., 2017).

Analysing the impact of the Agreement on the agricultural sector is particularly relevant, given that its productive activities are basically developed in the rural sphere, one of those most afflicted by the decades of conflict in Colombia. The peasant communities have been demanding viable economic alternatives for their ventures, beyond the coercive mechanisms of crop elimination; such alternatives would enable them to replace coca cultivation[13] with other crops and make it possible for them to live with dignity. Identified as alternatives in this framework are projects aimed at establishing commercial ventures, conservation and tourism projects, research programs, marketing chains, etc. (Bermúdez & Garzón, 2020).

While attempting to avoid the distorting effect linked to the pandemic anomaly of recent years, it is possible to observe that already in 2018 Colombian agricultural and livestock export products had come to represent the same percentage of the total as minerals and hydrocarbons (43%), previously dominant in this trade relation. This involved a tendency towards greater diversification and a reduction in the levels of concentration of Colombian exports to the EU, whose trade relations with China and the USA still continued to be very much dominated by energy-producing minerals such as coal and petroleum (European Commission, 2019; Fairlie, 2022).

However, there is a new risk that could revert this differentiation of the European trade with respect to that existing with China and the USA. The 6th packet of EU sanctions on Russia, concretely the REPowerEU Plan adopted in May 2022, establishes the gradual elimination of the imports of Russian hydrocarbons, making it necessary to seek new suppliers in at least the short and medium term, which could strengthen the petroleum exporting profile of Colombia, at least in its transatlantic relations.

Even so, and considering all of the circumstances set out so far, it should be kept in mind that the improvement in terms of a greater diversification of Colombian exports in favour of agricultural and livestock products is mainly taking place in the primary sector. Therefore it does

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[13] It is estimated that over half a million people live from coca cultivation in the country, which is the agricultural production that occupies the greatest extension after coffee (Bermúdez & Garzón, 2020).

not contribute significantly to reducing the high primary-exporter dependence of its productive system, nor does it transform the export base of goods with little added value (Ávila & Sánchez, 2015).

With respect to the services sector, the main beneficiaries of the liberalisation linked to the Agreement on the supply side are the big European transnational companies that provide financial and insurance services, telecommunications, transport and logistics, etc. The same can be said about public procurement, where the European operators now enjoy greater access to the contracts of the national and local public administrations of Colombia, while mutual access to these markets does not enable any advantage to be taken in the opposite direction. All of this is also an example of the wide and growing surplus of the EU's balance of services facing Colombia in the 2014–2017 period, that is, following the coming into effect of the Agreement (Ioannides, 2019).

Concerning the area of investments, the EU is the main international investor in both Latin America as a whole (CEPAL, 2022) and in Colombia, centred on its priority productive sectors like mining, fuel and agriculture. Conversely, the flows of Colombian investment to Europe are negligible. As can be seen in Table 2, this situation has changed substantially over the last 20 years, to the detriment of the USA, previously the main investor in Colombia.

At the end of last century, European companies, especially Spanish ones, took advantage of the privatisation processes to acquire companies in the utilities sectors and, subsequently, fusions and acquisitions have enabled the entry of many more companies. Besides the acquisition of Colombian assets by European companies, it is possible to observe a

Table 2 Principal investors in Colombia (percentage of total)

	EU	*United States of America*	*China*
2002	3.97	36.59	0.03
2005	13.57	20.96	0.02
2010	5.24	24.77	0.01
2015	24.85	18.27	0.03
2020	42.46	24.71	0.86
2021	33.85	18.50	0.88

Source Elaborated by the authors on the basis of data from the Banco de la República

certain process of reordering of the productive assets, insofar as European companies dispose of their participation in Colombian companies which are then acquired either by other European companies, or by non-EU companies, such as Chinese or US ones. Similarly, the growing activity by Colombian (trans-Latin) companies should be underscored, although these are essentially active in other Latin American economies. Investments by Colombian companies in Europe only occurred timidly in a few countries in a regular way between 2008 and 2012; there have been greater flows of Foreign Direct Investment (FDI) but with big fluctuations following the signing of the Trade Agreement (Zygierewicz, 2018).

It should be recalled that at the global level the WTO is negotiating a multilateral agreement on facilitating investment for development, in the framework of the logic of trade facilitation policies,[14] placing the emphasis on cooperation between investors and states, so that conflicts can be prevented and the contribution of FDI to the sustainable development of the latter can be maximised (CEPAL, 2022). And besides the provisions of the Trade Agreement with the EU relating to the liberalisation of foreign investments, Colombia has signed investment protection agreements with Spain (signed in 2005), the Belgium-Luxembourg Economic Union (2009), the United Kingdom (2010), now an ex-member of the EU, and France (2014), with the intention of attracting more FDI flows to the country.

5 Is the Trade Agreement Coherent with Building a Stable and Lasting Peace in Colombia?

The EU's firm support for the peace process as a negotiated solution to the conflict in Colombia as a counterweight to the vision of the USA, has become one of the main lines of work and identity features of European foreign policy and cooperation in the country (Agudelo & Riccardi, 2019). Thus, on one side, the EU's approach has been based on working with civil society, especially in the rural zones most affected by

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[14] Facilitating investment expressly excludes the issues of investment protection and the solution of controversies that are usually addressed bilaterally in agreements signed between the two sides.

the violence of the conflict, based on what has come to be called a "territorial focus"; and on the other, the focus has been placed on confronting not the symptoms, but the structural factors that generate the conflict (social exclusion, extreme poverty and inequality).

To that end, as is reflected in other chapters of this book, the EU's support came together with other instruments including, initially, the Peace Laboratories, subsequently, programs like *Desarrollo Regional, Paz y Estabilidad Regional* (Development, Peace and Stability) and *Nuevos Territorios de Paz* (New Territories of Peace), and after the signing of the Peace Agreement, the Fiduciary Fund (Beaumont et al., 2019; Ioannides, 2019). The majority of those resources have been channelled towards rural zones, where the impact of the conflict has been greater, with the aim of contributing to building a stable and lasting peace through promoting rural development and improving the living conditions of the peasant population in those zones.

In this general framework of support for peacebuilding by means of development cooperation between the EU and Colombia, the commercial pillar is not seen as something alien and unconnected to that logic, but as a complementary element that is coherent with it. In fact, not by chance, the first years of the peace negotiations coincided with the strengthening of the commercial ties between the EU and Colombia and the signing of the Trade Agreement in 2012. Amongst other factors, the change of Uribe's government for that of Santos in 2012 facilitated the relations between the two sides, given the greater receptiveness of the latter to the EU's recommendations on human rights issues and the participation of civil society and its commitment to "de-securitise" Colombian foreign policy (Bodemer, 2019).

Thus, in the EU's discourse the policy of cooperation and the Trade Agreement form part of a joint package in which the aim, besides securing and deepening institutional relations between the two sides, is to improve the conditions of development in Colombia by promoting free trade, with the understanding that this goes together with the defence of universal values like human rights, employment rights and the environment (Zygierewicz, 2018).

However, prior to its approval, while different business groups[15] supported the Agreement, numerous groups from Colombian civil society

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[15] BusinessEurope and Eurochambres and other European business associations expressed their firm support for the Agreement (Zygierewicz, 2018).

and several groups in the European Parliament, as well as the trade union confederations on both sides of the Atlantic, made clear their serious reservations about signing it. Amongst their arguments the following stood out: the weakening of the Andean Community through individual agreements; the dangers of trade liberalisation for vulnerable groups and small producers in different sectors, such as dairy farming; the Colombian government's responsibility in the high levels of persecution and murder of trade union and social leaders; as well as the conflicts linked to access to land and resources, or the forced displacement of the indigenous population in rural areas as a consequence of the spread of mining and agrofuel industries, and the latter's environmental impact (ALOP et al. 2011; Beaumont et al., 2019; Ioannides, 2019; Just Trade, 2011; TNI 2012).

In fact, even the European Commission's two reports[16] evaluating the impact of the Agreement, in spite of foreseeing positive effects linked to job creation and wage increases in large-scale export agriculture[17] and food processing, amongst others, also pointed to some of these problems. Concretely, the reports made reference to the social conflicts that would be generated in rural areas by the expansion of mining, the extraction of hydrocarbons and forestry exploitation by transnational capital (Ioannides, 2019).

In that sense, it is indeed pertinent to ask about the coherence of the EU's policies in Colombia according to the two basic and confluent pillars of its foreign policy in the country, that of cooperation, mainly focused on peacebuilding, and the economic pillar, marked by the signing of the Trade Agreement.

Thus, on one side, the liberalisation of the trade in goods as a result of the Agreement has caused a change in the historical tendency of the trade balance between the two sides, with that of the EU moving from deficit to surplus, and that of Colombia in the opposite direction. While from the perspective of consumption all of this might have a positive reading in

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[16] These reports were published before the signing of the Trade Agreement to contribute to the debate that had arisen over the pros and cons of the latter (see Development Solutions et al., 2009; Francois et al., 2012).

[17] It should be taken into account that some Colombian agro-export sectors, such as the flower industry, where Colombia ranks second in the world after the Netherlands, are highly feminized, have low wages and high labour precariousness, and poses various health risks to the workers (González, 2014).

terms of consumer access to a greater range of products at a better price, from the production side this does not leave much room for doubt about which of the two sides is benefitting more from the Trade Agreement.

As noted previously, it should be recalled that prior to the coming into effect of the Agreement, Colombia already had privileged access to the European Union market in the framework of the GSP + , while European products did not have tariff reductions on entering the Colombian market. That is, the Agreement in itself entails asymmetry, insofar as it results in an improvement of the conditions for European exporters relatively greater than for Colombian ones.

It was not for nothing that the Agreement was viewed very positively by the coalitions of European companies, given the potential it holds for these companies in sectors like the chemical and pharmaceutical industry, wine and other alcoholic drinks, or telecommunications, construction, financial services and transport services, as well as in the sector of agricultural products and their processing (Zygierewicz, 2018).

Even so, in sectorial terms there has been an increase in Colombian agricultural and livestock exports[18] since the Agreement came into effect, as well as in the number of small and medium-sized companies that have made use of the preferential access (Ioannides, 2019; Tremolada et al., 2019). That is, beyond the fluctuations in the demand and prices of hydrocarbons in the anomalous context of recent years, the agriculture and livestock sector seems to be gaining weight with respect to the total exports of Colombia. Nonetheless, this does not mean a substantial change regarding the transformation of the country's productive matrix in inter-sectorial terms, given that no reduction has been achieved in its great dependence on the primary export sector, and that improvements in terms of diversifying or reducing this concentration are limited.

To all of this must be added the risk that the search for suppliers of hydrocarbons to replace Russia might strengthen the profile of Colombia as an exporter of natural resources even further, in spite of the fact that the recently appointed president Gustavo Petro has expressed his reluctance to continue relying on the extractive sector in general, and that of hydrocarbons in particular. In any case, for its part the EU is also increasing the percentage of primary products that it exports to the Colombian market.

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[18] In addition to crops like coffee and flowers, this has benefitted the production of vegetables, fruit and dried fruit, while it has been detrimental to the producers of dairy products (Ávila & Sánchez, 2015; Fairlie, 2022).

At the same time, the EUs' support for rural development through different funds and initiatives might seem coherent with the increase of the weight of agricultural and livestock products in exports. However, all of this seems to strengthen the commitment to a model of large-scale agriculture principally orientated to exportation that requires huge areas of land and intensive use of resources (water, fertilisers, pesticides…), normally in the hands of big national or transnational agro-export companies. Meanwhile, the peasant population, the majority of whom are indigenous, and many ex-combatants, still have serious problems in gaining access to land,[19] have small-scale plots and scarce resources,[20] and suffer from forced displacements when the land they are using comes to be occupied by big agribusiness companies or the extractive sector. Peasant protests and strikes from 2013 onwards have made the scale of this problem clear, as well as its link to the free-trade agreements signed (Coscione & García, 2014; Cruz, 2019).

This context evinces that the problems in the rural medium are important and enduring, and that the advances made in the necessary reforms are still minimal. In fact, as expressed by the Kroc Institute for International Peace Studies, one of the organisations entrusted with monitoring and verifying the Peace Agreements of 2016, the implementation of the commitments contained in the first point of the Peace Agreement on Integral Rural Reform and the replacement of illegal crops have made very little progress up to now (Echavarría et al., 2022). It is more than doubtful that the playing field established by the Trade Agreement will contribute to improving the complex problems in the rural medium, and in particular those affecting the small peasantry.

Concerning investments, the Colombian economy is mainly a recipient of FDI flows in its relation with the EU, both before and since the Agreement, while flows to the EU have been improving, although irregularly, after its signing (Zygierewicz, 2018). Nonetheless, it is obvious that the

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[19] The problem of land distribution amongst small farmers and close to 6 million displaced persons according to the stipulations of the Law of Victims and Restitution of Lands of 2011, is without doubt going to be a complex task given the lack of records or a property registry of the lands that were in the regions controlled by the guerrilla groups (Bodemer, 2019).

[20] The situation of scarce resources is especially notable in the case of rural women, whose incomes are estimated to be 33% lower than those of rural men (UN Women, 2022).

mere arrival of capital flows does not guarantee their potential contribution to the agenda of sustainable development (UNCTAD, 2020, 2021). Furthermore, the concentration of the main FDI flows to Colombia in the mining and hydrocarbon sectors and in transport and communications, finally results in big investments by extractive companies and different megaprojects that generate socioeconomic and environmental conflicts of diverse types with the respective local communities that are affected.

With respect to intellectual property rights, in spite of the references in the Agreement to cooperation in matters of technological transfer and protection of biodiversity and traditional knowledge, the dominant position of the European companies facing their Latin American counterparts in the registration of patents and brands leaves no room for doubt about the existing imbalance between the two sides. The low number of invention patents in Colombia evinces a low technological capacity, to which is added the high proportion of patents presented by non-residents as against residents. The situation of the EU is the complete opposite, that is, there is an extraordinarily higher number of invention patents, the majority presented by residents (European Commission, 2012; Zygierewicz, 2018). All of this has direct effects on the sector of technological manufactures and on that of the chemical and pharmaceutical industry, where the EU has a clear comparative advantage over its Andean counterpart.

Concerning the Agreement's chapter on trade and sustainable development, the European Commission monitors and periodically evaluates the efforts made by Colombia according to the recommendations made by the International Labour Organisation (ILO) in questions of employment rights. In that sense, nowadays Colombia has signed 61 of the ILO's agreements; these include 3 of the 4 that are considered to have a priority character, and 8 of the 10 that are considered fundamental, besides another 50 with a technical nature. Similarly, it should be underscored that the country has made various improvements through implementing initiatives to reduce the levels of informal and child labour[21] (Fairlie, 2022; Ioannides, 2019).

The formation of the Domestic Advisory Group (DAG) on the request of the organisations of Colombian civil society has also contributed to the

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[21] Agreements are being promoted through the *Red de Formalización Laboral* (Labour Formalisation Network) and there is a national strategy for the prevention and elimination of the worst forms of child labour.

latter's participation in labour and environmental matters. Nonetheless, in this forum the civil society organisations have repeatedly expressed their concern for, amongst other issues, the violation of human and employment rights, the corresponding impunity, the criminalisation of social protest, and the non-fulfilment of ILO Convention 169 on indigenous and tribal peoples. Diverse reports of organisations like the Transnational Institute (TNI) and the *Oficina Internacional de los Derechos Humanos – Acción Colombia* (OIDHACO—The International Office for Human Rights Action on Colombia) (2016), Amnesty International (2021) and Human Rights Watch (2021) have highlighted this situation. In this sense, the abundant and incessant cases of threats against and murders of trade union leaders, social leaders and human rights defenders, even following the Peace Agreement of 2016, making Colombia the country with the highest rate of murders of human rights defenders at the world level, continue to be a cause of great concern, although there have also been some recent advances and initiatives in this respect.[22] However, in spite of the EU's support in these matters through the available consultative mechanisms, the evidence shows that the effects of the Agreement in this respect are far from satisfactory, given that the discussions and compromises acquired are not binding, remaining restricted to mere declarations (Ioannides, 2019; Zygierewicz, 2018).

Concerning environmental issues, there have been advances through the *Consejo Nacional de la Lucha Contra la Deforestación* (National Council of the Fight against Deforestation) and the signing of the *Pacto Nacional de Economía Circular* (National Circular Economy Strategy) (Fairlie, 2022). However, the fight against the polluting activities of the big transnational corporations in the extractive sector, and in particular against their use of mercury, continues to be an area of great argument and conflict; all of this in a context in which a greater flexibilisation of the regulations linked to the energy-mining sector has been observed in recent years (Ioannides, 2019; Zygierewicz, 2018). The same can be said with respect to the rights to the land and resources of the indigenous peoples in rural areas, where there is a growing dispute with transnational capital and the authorities that are promoting the latter's activities.

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[22] In recent years, following decades of impunity, there have been 966 condemnatory rulings for crimes committed against trade unionists, and 301 trade union leaders and activists whose lives were threatened have been placed under a program of the *Unidad Nacional de Protección* (UPN—National Protection Unit).

In spite of these circumstances, the so-called democratic and human rights clause of the Trade Agreement has to date never been exercised in terms of the immediate and unilateral suspension of the Agreement, and the threat of exercising it has not even been raised. The EU understands that the demands established in that respect have been met to date thanks to the government's effort to improve the situation through the approval of a *Plan Nacional de Acción en Derechos Humanos* (National Action Plan in Human Rights) (Zygierewicz, 2018). All of this gives rise to huge doubts about the consistency of the fine words contained in the agreements and the will or capacity of the EU to put pressure on the government of Colombia in case of the non-fulfilment of the clauses on labour, human rights and the environment, beyond its commitment to monitor the situation in these fields and protect victims (European Commission, 2019; Ioannides, 2019).

6   Conclusions

In recent decades foreign relations between the EU and its preferential partners have changed significantly as a result of the competition, mainly from the USA, for respective areas of influence, together with the different changes in the multilateral regulatory framework introduced by the WTO. All of this has led to a drive towards trade reciprocity and the promotion of free trade areas, besides the inclusion of other issues on the trade agenda, such as services, investments, public procurement and intellectual property rights.

The EU's relations with Latin American countries in recent decades are a reflection of all that, whether in interregional or bilateral frameworks, and are based on the AAs and their three pillars: trade, political dialogue and cooperation.

In the case of Colombia this has been concretised in a bilateral Trade Agreement that includes many other aspects linked to the other two pillars, specifically to a policy of cooperation very much oriented towards peacebuilding and the defence of human rights. In that sense, the signing of the Trade Agreement with Colombia is interpreted by the EU as part of a joint package of measures that coherently pursue peacebuilding and the promotion of development through its cooperation policies.

There is no doubt that the efforts, initiatives, human resources and funds employed by the EU in questions of cooperation with Colombia have been considerable. Moreover, its accompaniment of the process

of peacebuilding in the country employing a broad perspective and with a territorial focus, trying to draw away from conventional security perspectives, has been generally welcomed. However, while many of these elements depart from the logic of the liberal approach to peace, others, and in particular that linked to the Trade Agreement, continue to draw heavily on that approach. Indeed, from that perspective trade liberalisation and the WTO agenda are considered valid as ideal instruments for generating conditions of development, in the particular context of an economy such as the Colombian one, and on the basis of its relations with the EU.

All of that appears to forget the imbalances generated in the balance of trade and services to the detriment of Colombia, as well as in the field of intellectual property rights, amongst others. And in spite of the slight improvement in questions of diversification in favour of the agricultural and livestock sector, this dynamic continues to be concentrated in the primary sector, with scarce inter-sectorial effects on the manufacturing sectors that generate the greatest levels of employment and added value.

Promoting processes that generate productive activities with greater added value on the basis of primary products should be amongst the EU's priorities in Colombia in the immediate future. All of that would contribute to sustainable development, rural development, the fight against drug trafficking, and productive diversification.

Similarly, in the area of investments there is also potential for attracting FDI towards sectors generating employment in productive activities with higher added value, like manufacturing and agriculture. The EU, in its current position as the main foreign investor, can play an important role in that respect. In turn, to the extent that the EU really intends its investment practice to be coherent with its cooperation policies, it must promote and monitor policies in investment matters that make a difference with respect to investments from other sources in terms of a high commitment to sustainable development and the defence of human rights, something that has not happened up to now.

At the same time, although diverse advances have taken place in the fields of employment rights, human rights and environmental protection, the lacks and limitations are extensive, conflicts with the activities of transnational capital are abundant, and recourse to the democratic and human right clause is non-existent. Thus, when it comes to evaluating the coherence of the EU's policies in its foreign relations with Colombia, as in the fields of its foreign activity in general, it can be concluded that there continues to be a substantial gap between its stated intentions and the

reality of its policies (Chicharro, 2017). This is expressed in the ample profits generated by the prioritisation of the economic agenda (trade, investments, intellectual property…) in its foreign policy, which does not always benefit its counterpart, and is not always compatible with achieving other goals of its policy of development cooperation.

The capacity that the new progressive government in Colombia might have to transform and improve all this, given its critical discourse on the free trade agreements and its support for the peasant cause, is something that only time will tell. But, from the outset it will have to play its cards on a pre-established playing field, subject to different limitations marked by the Trade Agreement and the economic relations that derive from it. All of this results in a limited margin of manoeuvre for designing and implementing the economic policies in the national and international fields that the government considers most suitable for improving the living conditions of its population, in particular in the rural areas most affected by the conflict, thus limiting its capacity to contribute to a stable and lasting peace.

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European Union Cooperation in Colombia: A Commitment to Peacebuilding in Historical Perspective

Juana García Duque

1 Introduction

Despite being a middle-income country and despite the fact that international aid represents less than 1% of the country's Gross Domestic Product, Colombia has been one of Latin America's main recipients of Official Development Assistance (ODA) from various donors (Bergamaschi et al., 2017). This chapter presents a historical exploration of the international cooperation relationship between the European Union and Colombia.

J. G. Duque (✉)
School of Management, Universidad de los Andes, Bogotá, Colombia
e-mail: juanagarcia@uniandes.edu.co

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Colombia's internal armed conflict dating back to the 1960s placed it on the international agenda and became a priority for many donor countries. In particular, the resurgence of violence in the 1990s, together with the entry of drug trafficking money and the consolidation of new illegal actors, led to new humanitarian emergencies and human rights violations. Meanwhile, the internationalisation of the armed conflict, a process led by the government of Andrés Pastrana (1998–2002) through the Diplomacy for Peace policy, brought an approach of co-responsibility in the fight against drugs to the international stage.

This is the context in which the European Union's international cooperation with Colombia originated. It started with some unfruitful approaches in 1996, in the context of the end of the Cold War, the opening up of international markets, and the EU's efforts to define its foreign policy and its position in unipolar international relations after the fall of the Berlin Wall. These efforts were not formalised in a cooperation strategy and a clear road map until 1998, with the government of Andrés Pastrana and especially after the failure of the Caguán peace talks with the FARC-EP in 2002. The moment coincided with the European Union's interest in playing a more prominent role in peacebuilding in Latin America and Colombia. Therefore, the end of peace talks did not prevent the EU from continuing its cooperation with Colombia. The EU adapted to a new discourse and formulated a commitment to peacebuilding in the midst of the armed conflict through the Peace Laboratories, its flagship programme in the country. This way, the EU distanced itself from the new international cooperation strategy defined by the Colombian government through the Plan Colombia, and found an alternative way of working through the Peace Laboratories, a Colombian civil society-driven programme.

From the Peace Laboratories to the creation of the European Peace Fund to support the implementation of the Havana Peace Agreement between the government and the FARC-EP, the European Union's international cooperation in Colombia has always been concerned with peacebuilding and has been marked by the promotion of democracy, human rights, and the active presence of civil society in development processes.

Despite Uribe administration's change of perspective on the conflict and the impossibility of talks with the FARC-EP and other armed groups during that time, the EU continued to support the Peace Laboratories, designed to build peace even in times of conflict by strengthening

local capacities to prepare the ground for future negotiations. Subsequently, during the Santos government's negotiations with the FARC-EP held in Havana, the EU ratified its commitment to peace. In 2015, the EU appointed Eamon Gilmore as its special envoy for the peace process in Colombia and created the European Peace Fund to support the implementation of the Agreement.

This chapter presents a "process tracing" of the EU's international cooperation with Colombia. To this end, we searched the literature, using academic and primary sources, and traced both the most relevant events on the subject and the academic analyses of the relationship between the European Union and Colombia, the European Union's regional international cooperation, the peacebuilding activities it has implemented in the country, and its relationship with different Colombian administrations. This analysis was completed, in a second stage, with eight semi-structured interviews with actors involved in the European Union's cooperation with Colombia. The chapter is structured in sections related to each of the three presidential periods from 1998 to the beginning of the negotiations leading up to the Havana agreements: those of Andrés Pastrana (1998–2002), Alvaro Uribe Vélez (2002–2010) and Juan Manuel Santos (2010–2018), although only the first years and the Havana negotiations are analysed for the latter.

2   General Guidelines for EU International Cooperation in Colombia

The EU formalised its policy of international cooperation for peace with the entry into force of the 1992 Treaty on European Union (TEU), and the Lisbon Treaty of 2009 is the most important milestone in the consolidation of the EU's international cooperation, as one of the main instruments of the EU's foreign policy.

In the late 1990s, the EU adopted five international cooperation goals: "(i) to strengthen regional cooperation and integration, (ii) to promote human rights, (iii) to promote democracy, (iv) to prevent armed conflicts, and (v) to fight organised crime" (Castañeda, 2009: 169). These goals have been adjusted over the years in order to contribute to other global cooperation agendas, such as the United Nations Millennium Development Goals (2000–2015) and, more recently, the 2030 Agenda for the Sustainable Development Goals.

Besides these priorities, the EU has a cross-cutting objective; that of respect for and promotion of human rights. Even lines of work such as trade, aid, and cooperation have been based on a political dialogue that demands respect for human rights as a legitimising condition for the counterpart (Gómez-Quintero, 2007). This is a basic condition set by the EU and, for Colombia, has been one of its constant demands, mainly on issues related to respect for human rights defenders and movements, NGOs, and even agencies of the United Nations System such as the UNHCR and the UN High Commissioner for Human Rights.

The EU has had a clear global cooperation strategy, which includes a regional strategy for Latin America and cooperation with Colombia. This cooperation began in the mid-1990s, in the period after the fall of the Berlin Wall and the end of the Cold War. With the changes in global dynamics and the emergence of the European Union as an increasingly important actor in a world reorganised in the unipolar shadow of the United States, the rapprochement with Latin America became significant as a new commercial opportunity for the EU and a new region where the EU could fulfil its cooperation objectives (Gómez-Quintero, 2007). Moreover, it was in the 1990s that the European Union began to include the dimension of conflict prevention and peacebuilding in its foreign policy, which could be considered a commitment to an aid-for-peace strategy (Woodward, 2013).

In this new global context, the EU saw opportunities in Colombia in three areas to strengthen its cooperation policies: (i) peacebuilding, (ii) the fight against drugs, and (iii) the environment, while respecting human rights as a cross-cutting issue. The first specific lines for Colombia emerged consecutively over time, starting with efforts to support the Pastrana government in peacebuilding, and then prioritising the fight against drugs from its development programmes with the Uribe government, although this did not mean that they were mutually exclusive. Also, in relation to the European Union's policies on environmental protection, the European Union saw in Colombia—a country with one of the highest levels of biodiversity in the world—the opportunity to integrate components of environmental protection into the other two agendas and to simultaneously create specific programmes for this line of action (Molano, 2009).

The EU has implemented various international cooperation mechanisms for over 20 years, focusing its actions on three thematic axes: human rights; institutional strengthening and governance; and, finally,

the sustainable socioeconomic development of the regions most severely affected by the armed conflict. Dorly Castañeda (2017) aptly draws the formation of these three axes of European action when she recalls that the EU began to work on peace in Colombia after its experiences in Central American countries such as El Salvador and Guatemala, where it had already worked on human rights, the reduction of economic inequalities, and institutional strengthening, particularly at local level.

Below, we present the evolution of European cooperation in Colombia through the main initiatives of the European Commission's Development Cooperation Instrument (DCI), from the 2000s until the signing of the peace agreement in 2016.

Despite not being the European Union's first programme in Colombia, the Peace Laboratories (2002–2009) programme was the one that most strongly marked the cooperation relationship between the two countries, as well as the programme with which the EU became directly involved in the resolution of the Colombian conflict. This EU programme in Colombia centred on the fight against poverty, strengthening the rule of law, sustainable economic development, the promotion of human rights, and the strengthening of civil society.

The Laboratories, initially of Colombian origin, offered the advantage that they were perfectly aligned with the values of the European Union. At the same time, they coincided with a time when the European Union wanted to distance itself from Plan Colombia, after the end of the negotiation talks held by the government of Andres Pastrana in 2000.

The EU joined a process of social mobilisation undertaken by different civil society actors in the Magdalena Medio region, under the Peace and Development Programme (PDP) in force since 1995. Under the structure and experience of the Magdalena Medio PDP, in 2002, the EU became involved in the process, in the context of peace negotiations with the Pastrana government and the possibility of establishing disarmament and reincorporation zones in the region (Restrepo & Aponte, 2009).

The EU became the main political and financial supporter of these initiatives. From the beginning of the Peace Laboratories, their work focused on three thematic axes: peace and human rights; democratic governance; and, finally, sustainable socioeconomic development (Baribbi & Arboleda, 2013). With this multisectoral programme, between 2002–2005, the Laboratories were operating in 11 of Colombia's departments and 220 of its municipalities. Subsequently, between 2003–2009, a second Peace Laboratory was established in several municipalities in Norte

de Santander, Oriente Antioqueño and Macizo colombiano/Alto Patía (Cauca and Nariño). Later, between 2006–2010, a third Peace Laboratory was structured in the department of Meta and in Montes de María (Guerrero, 2016).

At the end of 2007, the European Commission published the Colombia Country Strategy, following a programming instrument it had adopted in the early 2000s as part of the reform of the Commission's external aid management. Under this umbrella, the EU's bilateral development cooperation instrument (DCI) with Colombia was operationalised practically up to the signing of the peace agreement, establishing the following three sectors of intervention with which cooperation projects in the country were to be aligned:

1. Peace and stability, including alternative development to illicit crops: the Commission's goals were to promote sustainable human development, help reduce illicit activities (particularly drug production and trafficking), create spaces for peaceful coexistence by promoting peace and dialogue, and work towards sustainable socioeconomic development as a means to resolve the conflict. Nearly 70% of the overall allocation of the bilateral cooperation instrument, i.e., almost 112 million euros, was earmarked for this area.
2. Rule of law, justice and human rights: the European Union sought to strengthen the rule of law through a more effective legal system, safeguarding human rights and promoting good governance. Two-thirds of the planned budget allocation of 32 million euros was committed to this area. The programmes focused on legal assistance to victims of the internal conflict, particularly in relation to their access to justice, promotion of their rights, truth, and comprehensive reparation, including land restitution.
3. Competitiveness and trade: the purpose of cooperation in this priority area was to increase the capacity of the country's regions to integrate and become part of the global economy. It also sought to support local economic development by inserting small producers into local and regional markets, as well as through civil society networks' active participation in the design of local development policies.

Plans and programmes were developed under these guidelines, covering broad areas of action of the European Union's international cooperation in Colombia.

Following the end of the Peace Labs in 2010, the EU's peace strategy continued with the Regional Development, Peace and Stability (RDPS) programmes between 2009 and 2016, and New Territories of Peace, from 2011 to 2016. The RDPS supported several initiatives that had started in the Peace Laboratories and sought to ensure their continuity and sustainability. With the New Territories of Peace, a new stage in EU cooperation in Colombia began, articulating it with the State and civil society organisations, which would have been its main ally. The focus of these programmes was to support local processes where social organisations played a leading role and where regional specificities were prioritised for peacebuilding.

With these programmes, the EU expanded the regions of intervention in Colombia, while maintaining the main axes of its cooperation in the country, including institutional strengthening, the promotion of human rights, and support for local participatory processes.

Aiming to further the consolidation of its vision of cooperation and gathering the lessons learned from the Peace Laboratories, in 2016, the EU opted to work together with the GIZ (German Agency for International Cooperation) in delegated cooperation. Delegated cooperation is a cooperation modality whereby the EU entrusts the GIZ with the implementation of its action. This mechanism was embodied in a new project, Forpaz, which became the fourth component of Propaz (Support for Peacebuilding in Colombia), the leading German cooperation programme for peacebuilding with a territorial approach, transitional justice, and historical memory, and reparations for victims and land restitution (GIZ, 2016). This programme was intended to articulate the efforts of both Germany and the EU in the implementation of the Peace Agreement. Along the same lines, and following the signing of the Peace Agreement with the FARC-EP, the EU announced the creation of the Colombia Trust Fund, another international cooperation tool that, in post-conflict armed stages, serves to channel resources from various donors and guarantee speedy disbursements.

The EU has thus become one of the most important cooperation actors in Colombia, while taking advantage of the opportunity to test different tools to complement and continue its peacebuilding efforts here.

3   ANDRÉS PASTRANA (1998–2002): DIPLOMACY FOR PEACE AND THE EU'S MODEST INVOLVEMENT IN THE CAGUÁN PEACE TALKS

Towards the end of the 1990s, the EU was consolidating what would become its global peacebuilding policy. This was one of the main priorities of its foreign policy, defined as a counterweight to the often described as militaristic policies implemented by the United States. This was the framework for EU cooperation with Colombia during the government of Andres Pastrana (1998–2002).

Support from the international community allowed the Pastrana government to recover its legitimacy following the diplomatic problems between the Samper government and the United States, earning the country a new image among donors. For Pastrana, the official invitation of the President of the United States to the White House days before his inauguration on August 7, 1998, was an opportunity to change Colombia's image not only before the United States but also before the international community in general. Once formed, the new government improved relations with the United States, while the beginning of talks with the FARC-EP guerrillas and the promotion of good diplomatic relations with other countries allowed it to approach donor countries and cooperation actors that had not been particularly close to Colombia, as is the case of the EU.

For their part, donors, particularly the EU, saw the possibility of cooperating with a stable country, with institutional solidity and economic capacity, allowing them to implement the new cooperation instruments that were being formulated at the time, at a lower cost than in other parts of the world. This is what brought international cooperation to Colombia, despite it being a middle-income country. This offered the EU the opportunity to test its cooperation strategies in a controlled manner, the implementation of which had been problematic in regions such as Africa or Eastern Europe, which were less politically, economically, and socially stable than Colombia.

The Pastrana government had two main cooperation mechanisms during his term: Diplomacy for Peace and Plan Colombia. The EU assumed opposing positions for each of these strategies, as discussed below. Finally, towards the end of the government's term, with the end of the talks and the imminent arrival of a new government, the EU reoriented its efforts to increase cooperation with Civil Society Organisations

in the territories and began to formulate what would become its main tools for international cooperation in the country: the Peace Laboratories.

In an interview with President Andrés Pastrana, he reiterated that his government used three main strategies that attracted the attention of the European Union and were in line with its cooperation priorities. These were: (i) to explain the conflict as a humanitarian emergency, which required reaching a negotiated solution, correctly applying IHL and promoting human rights; (ii) to make an effort to make the countries with the highest consumption of narcotics in the world to accept a shared responsibility in the fight against drug trafficking, specifically their responsibility in the chain of supply of inputs for cocaine processing, and to see the solution to the problem in Colombia as a solution to their own problems linked to consumption; and (iii) to address the effects on the environment resulting from the illicit activities of drug trafficking and the armed conflict. These three strategies were clearly in line with the objectives of the European Union.

3.1 Diplomacy for Peace and Internationalisation of the Conflict

Diplomacy for Peace was the government's strategy to position the peace goal abroad. It constituted three donor roundtables to obtain international cooperation resources to finance peace initiatives and it assumed the objective of inviting countries and multilateral organisations to approach the talks with the guerrillas, support them, and thus legitimize them. The Pastrana government's approaches to the European Union and its member states began in October 1998, a little more than a month after taking office (Borda, 2012). In seeking the EU's initial support for the peace talks, two main objectives were pursued: the internationalisation of the conflict and the legitimisation of the government as the country's sole representative. Both objectives were interconnected and were the highest foreign policy priority of the Pastrana government.

Importantly, it is only since the Pastrana administration that different States and multilateral organisations (such as the Organisation of American States and the United Nations) began to show an interest and become involved in activities aimed at a negotiated solution to the armed conflict (Cujabante, 2016). This process led to what has been called the internationalisation of the Colombian armed conflict, and has been extensively addressed by authors such as Borda (2012) and Barreto (2016).

Diplomacy for Peace highlighted the connection between the government's domestic peace policy and the need to strengthen a foreign policy that would at least restore relations with the United States, damaged during the Samper administration, and also seek to strengthen relations with the nascent diplomacy of the European Union and its member states. Taking into account the importance of cooperation as a political rather than economic instrument, the government found in the support of European countries for a peace process to end the conflict with the FARC and the ELN, the possibility to legitimize both the process and the government itself. In addition, the Diplomacy for Peace policy managed to centralize any act of diplomacy in the Ministry of Foreign Affairs and limit the possibilities of parallel diplomacy on the part of the armed groups. Thus, the Pastrana government managed to consolidate itself as the country's sole representative internationally, an achievement that lasted over time. This also gave the government the possibility to internationalize and de-internationalize the conflict and the peace process as necessary, as it demonstrated that despite being grateful for its participation, it was not willing to depend on the international community for its continuity (Borda, 2012).

As of the Diplomacy for Peace project, the EU actively participated in the donor roundtables and encouraged the involvement of its member states (Spain and Germany, among others) in the Caguán negotiations, in the final phase of which, the EU would itself become involved. As Pastrana pointed out, the EU considered these talks an opportunity to influence peacebuilding, although it did not commit its cooperation resources to the extent the government expected. Moreover, when the talks began to break down at the end of 2001, the EU asked the national government to make a last attempt to safeguard the negotiating table. The government agreed to the EU's request, but set very clear limits on the EU's participation in the negotiation, in order to defend the political legitimacy it had gained. These kinds of tensions would become even more evident in the Plan Colombia negotiations.

During the peace process in Caguán, different countries' embassies in Colombia had the opportunity to visit the demilitarised zone where the negotiations were taking place. These visits conferred legitimacy to the process, brought it closer to the public and reassured the parties, especially the FARC, that the international community was aware of the issues being negotiated and would support their eventual fulfilment. Nevertheless, international participation was limited. It played a role as

a mere observer and, if necessary, guarantor of compliance with the agreement. In 1999, the Pastrana government decided to increase the presence and participation of the international community, which helped to dispel doubts about FARC abuses in the demilitarised zone, calm internal tensions from political sectors critical to the process, and show the international community that the State maintained control over the demilitarised zone (Borda, 2012).

3.2   Plan Colombia

Towards the end of 1999, the government decided to take on a second dimension of its foreign policy. While strengthening the process and international support for the talks remained a priority, it formulated a second priority line. The latter was intended to strengthen state institutions and the greatest possible social investment, in order to remedy the inequities in the territories most severely affected by the conflict, as an effort to prepare the communities for possible peace, under the principle that without this, it would not be possible to fulfil what had been agreed and the initial causes of the conflict would be reactivated.

This policy was called Plan Colombia. It was initially conceived as a Marshall Plan, similar to the post-World War II U.S. programme to promote the development of the territories most severely affected by violence and poverty in Colombia. Pastrana mentions that its initial formulation intended to allocate 75% of the resources for social investment and 25% to strengthen state institutions, mainly security institutions.

In order to meet Plan Colombia's goals, the government needed to obtain the necessary resources to implement it. These would come from the General Budget of the Nation, but unlike many other items, a majority participation, hopefully from international cooperation resources, would be sought. Pastrana began his search for resources with the United States. The Colombian Embassy in Washington made an enormous effort to obtain the resources from the Clinton administration, which, in turn, were accompanied by credits and cooperation from the World Bank and the Inter-American Development Bank.

The biggest problem was, as pointed out by some of those interviewed, that the United States did not disburse the funds as planned. When the disbursement was made, the allocation was 75% for institutional strengthening, with an even greater emphasis than originally planned on

strengthening the security forces, and, contrary to what had initially been requested, only 25% was for social investment.

In response to this situation, the government sought to increase social investment by seeking resources from other sources, such as the EU, but this did not go as expected. The results were, in Pastrana's own words, one of his greatest frustrations. An active lobby was articulated against Plan Colombia, both inside and outside the country, interpreting it as a US militaristic plan, to which the EU would refuse to contribute. This led the government to change its strategy with the EU and concentrate its relationship with it on two aspects: territorial social development projects, which would become the Peace Laboratories, and environmental protection projects, especially focused on protecting ecosystems affected by drug trafficking, mainly due to deforestation to plant coca and the indiscriminate use of chemicals to process coca paste, which ended up polluting rivers and other water sources and affecting the communities that depend on them.

Even so, the EU was absolutely clear from the outset that, in line with its peacebuilding policies and its commitment to alternative forms of conflict resolution in countries such as Colombia, it would not support Plan Colombia's military resources in any way. Despite this, the government managed to overcome this impediment by creating the possibility that the EU would only support development programmes through non-reimbursable cooperation. During the negotiations on this issue, there were internal tensions within the EU with member countries such as Spain and the United Kingdom that did agree to provide military support to Colombia.

In October 2000, the Council adopted conclusions on support for the peace process in Colombia, expressing its desire to actively follow the negotiation process together with the international community. Continuing the efforts it had been making, it undertook to implement "a substantial European programme of socio-economic and institutional support for the peace process in Colombia, intended to promote and safeguard respect for human rights, humanitarian law and fundamental freedoms, improve the living conditions of the local population, promote alternative crops and protect biodiversity, and support the implementation of structural reforms in all areas that fuel the armed conflict". The document also expresses its distance from Plan Colombia, as it has a different vision from the cooperation strategies and projects pledged by the European Union (European Council, 2000).

The EU thus committed itself not only to the Caguán talks, but also to increase its work with the organisations, NGOs, and people affected by the conflict, in the hope of finding other ways to end it and, above all, to solve the structural causes that started it and have caused it to persist.

3.3   The End of the Caguán Peace Talks and the Planning of the I Peace Laboratory

When the Caguán negotiations between the government and the FARC-EP ended on January 9, 2002, the EU had to decide on its strategy for the country. By this time, the peacebuilding strategies had not met its expectations (Gómez-Quintero, 2007) and the end of the talks marked the failure of the positions in favour of a negotiated solution to the armed conflict in Colombia. In this context, the EU created what would be its main cooperation tool for the rest of the decade in Colombia: the Peace Laboratories.

Faced with the end of these negotiations and the announcement of a military escalation in the framework of Plan Colombia, the EU structured the Peace Laboratories as a project that would allow for peacebuilding even in times of armed conflict. The Laboratories were a tool that allowed the EU to put into practice a new model that would not depend on the willingness of the government and an outlaw actor to engage in negotiations, but would focus on local initiatives, formulated and implemented by grassroots territorial organisations for social change, which would eventually represent a commitment to territorial peace. Castañeda (2009) identifies this project as one of the most important EU initiatives to design a useful mechanism for peacebuilding in times of conflict. The initiative, says the author, recognises that peacebuilding cannot depend on an official agreement between two warring parties, but begins with the reconstruction of the social fabric and dialogue with the communities affected by the conflict, so that when peace eventually materialises they will be truly prepared for its implementation and to meet its goals.

Officially, the specific purpose of the laboratories was to support human rights and a dignified life, to build zones of peaceful coexistence by strengthening local institutions and civil actors that promote peace, and to promote economic and social development, including, as far as possible, alternatives to the drug economy (Castañeda, 2009).

The changes in the EU's vision of cooperation after the terrorist acts of September 11, 2001, and as a consequence of the fight against terrorism

are important to bear in mind. The Colombian armed conflict, like other cases, entered the radar of the fight against terrorism with the inclusion of the most important guerrilla groups in the lists of terrorist groups in the US and later in Europe. This meant that its solution was no longer addressed only in terms of humanitarian assistance or tackling the drug problem, but now became a security issue for member states as well. This vision resulted in greater support for Peace Laboratories and social programmes that sought an alternative solution to the conflict.

The first Laboratory was implemented in Magdalena Medio between 2002 and 2004, thanks to the efforts of Father Francisco de Roux, as a mechanism to provide both financial and technical support to civil society organisations engaged in peacebuilding and conflict resolution activities. This first Laboratory, with its clear focus on civil society organisations, was distinguished from the other two later ones as the one with the least participation of State entities. This led to the Uribe government's later stigmatisation of some NGOs.

The EU's experiences during this period, following the failure of the Caguán negotiations, marked its future relationship with the Government of Colombia. The EU always maintained the idea (even during Uribe's term) that there was an armed conflict and that a negotiated peace agreement was needed. Indeed, the EU was relevant even during the government of Juan Manuel Santos, when there was again the possibility of peace dialogues and eventually, as it happened, the signing of an agreement for a stable and lasting peace.

4   Alvaro Uribe (2002–2010). Democratic Security Policy and EU Continuity in Peacebuilding

The EU's cooperation strategy during this period was based on development and humanitarian aid interventions to strengthen territories affected by illicit crops and to reduce conflicts that could have direct and indirect consequences for Europe. This was "consistent with the European vision of combating and preventing conflict, attacking the structural causes that generate and energize it" (Pastrana Buelvas & Aponte Castro, 2006: 302).

With the end of the peace talks in Caguán in 2002, and the imminent change of government, the EU had to modify its political and project formulation strategies in order to meet its goals. The main change, which would affect its activities in Colombia from that moment on, was its

distancing from the national government and the prioritisation of projects implemented with Civil Society Organisations.

Alvaro Uribe's government came to power in 2002, with a new security policy known as the democratic security policy, a distrust of civil society organisations and territorial peacebuilding projects, and marked by clashes with human rights organisations. In this context, relations between the government and the United Nations, the Inter-American Commission on Human Rights (IACHR) and some critical NGOs became increasingly strained as never before in the country. The government's discourse on security and stabilisation, which sought to reduce illicit crops and violence, contrasted with the approach of the Peace Laboratories, which became the tools through which the EU could justify its planned interventions, vis-à-vis a government that viewed peacebuilding initiatives with distrust and defended a discourse of fumigation and forced crop eradication over European alternatives.

The Peace Laboratory evolved positively during the Uribe period. The positive experiences of the first laboratory were transformed into the second and third laboratories, along with other parallel initiatives that strengthened local institutions and other peacebuilding processes. Also, thanks to the positive results of the EU initiatives, State institutions began to approach the EU again, allowing the latter to continue its work with civil society organisations while strengthening its relationship with the government.

4.1 *Continuity of the Peace Laboratories*

As we have seen, the first Laboratory was planned and started to be implemented in the pre-Uribe period, during the Pastrana presidency. During Uribe's term, the implementation of the first laboratory continued, and a second and a third laboratory were launched.

The idea of the Laboratories was to "foster the conditions of social laboratories for dialogue and coexistence, peaceful mechanisms of resistance and protection of the civilian population against the armed conflict" (Castañeda, 2009). As such, these initiatives were intended to strengthen peacebuilding processes in the regions through direct work and financial support to civil society organisations that had already been working on their own processes for some time. The first Peace Laboratory, which covered 30 municipalities, was launched in Magdalena Medio in 2002 with a budget of 42.2 million euros in its first phase (2002–2005) and

an extension of 7.4 million euros for its second phase (2005–2009). The second, impacting a total of 62 municipalities, was implemented in Oriente Antioqueño, Norte de Santander, Macizo and Alto Patía. The first phase (2003–2008) had an investment of EUR 33 million and the second (2008–2009), an investment of EUR 8.4 million. Finally, the third laboratory implemented in Montes de María and Meta between 2006 and 2010, covering 33 municipalities, was funded with EUR 24.2 million in its first phase, and a later addition of EUR 6.05 million.

This peacebuilding paradigm, linked to the population's socio-economic development, was widely accepted by the EU and its member states. However, although the Peace Laboratories initiative was financially sound and the first Laboratory had been created before Uribe's inauguration, their political management was difficult once he came to power. First, the Uribe administration created new guidelines for international cooperation projects, including a change in terminology, replacing "internal armed conflict" with "terrorism" (Borda, 2012). These changes forced the EU to adapt to a context in which the armed conflict, which the EU sought to solve, was denied and which created a negative image of its peacebuilding projects.

On the other hand, the EU intervened more than once to support multilateral agencies such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), to ensure their independence and respect from the government, which was particularly critical of them.

Tensions between the Uribe government and the EU continued throughout the period. However, the creation of the third Laboratory presented a novelty: it incorporated a component for the creation of public policy on peacebuilding, strongly supported by the National Planning Department (DNP), which institutionally saw added value in participating in this activity. This inclusion of a national entity was the second major change in the relationship with the government, after the Ministry of Agriculture became involved with the EU in illicit crop substitution and rural development projects. Johnny Ariza, EU cooperation officer from 2004, mentioned in his interview that the public policy component of the third Laboratory, which was born out of the second Laboratory's attempts to do something similar at local level, allowed, among other things, for the State to assume the costs and sustainability of

the projects, which guaranteed their installed capacity and their long-term implementation.

This was explicitly evident when, in 2005, prior to the launching of the third and last Laboratory, the DNP issued the CONPES document 3395, "Strategic importance of the Peace Laboratories in Colombia developed with the non-reimbursable financial cooperation of the European Community". The document included in its recommendations a call to declare the importance of the Laboratories for the country, as well as to advance the necessary procedures for Acción Social, the DNP and the Ministry of Finance and Public Credit to ensure the issuance of future allocations for the co-financing of the Laboratories (Government of Colombia, 2005).

Taking into account the above, both the political difficulties encountered and their final results as expressed in the CONPES document, it is important to highlight several results of the Peace Laboratories for the EU and for Colombia. In the first place, the Laboratories were a learning process; the actions taken in the first one made it possible to identify good practices and correct mistakes for the second and third Laboratories. Furthermore, these practices contributed to strengthening similar EU projects in other parts of the world, since their success had been such that different peacebuilding activities in Africa, Central America, and Eastern Europe were adapted to assimilate lessons from the Laboratories.

According to some of the interviewees, one of the biggest challenges (and, eventually, lessons learned) from the Laboratories was the recognition of a context as complex as the Colombian one, and in particular, of the local contexts for each of the territories in which the Laboratories were implemented. The second and third Laboratories forced the EU to adapt to the needs, processes, and contexts of each region. Indeed, as mentioned by several interviewees, the initial attempt to replicate the first Laboratory exactly had direct negative consequences in the implementation of subsequent Laboratories, so that new strategies had to be designed to suit each context.

4.2   Regional Development Peace and Stability (RDPS)

Once the Laboratories were completed in 2008, and especially after conditional EU support for the implementation of the Justice and Peace Law (which led to the disarmament of paramilitaries), the Uribe government agreed to further formalize EU projects and to greater rapprochement with them by state institutions. This led to a milestone in EU

cooperation with Colombia: the signing in 2009 of a formal strategy for cooperation in the country, which included the lessons learned from the Laboratories and formalised the EU's peacebuilding strategies as well as co-financing support from the Colombian state.

RDPS was mainly intended to "support some of the most outstanding, strategic and successful initiatives and projects of the Peace Laboratories in a second phase of financing, with a view to guaranteeing their continuity and stability" (Grandas & Barreto, 2020: 215). This new panorama allowed EU cooperation to grow in Colombia, and to guarantee the continuity of its interventions.

These interventions now directly and coherently included the strengthening of national and territorial State institutions for the implementation of alternative development projects; the substitution of illicit crops; and the development of peacebuilding initiatives led by civil society organisations, public–private partnerships, and local entities. This reinforced the EU's position that international cooperation should under no circumstances replace the functions and obligations of the State. Therefore, the formalisation of this RDPS strategy allowed the EU to transfer good practices and accumulated knowledge to its new activities, thereby enabling its articulation with civil society and guaranteeing an installed capacity, as it was the State and local authorities that had the capacity, willingness, and knowledge with which to continue with the initiatives and programmes.

The success of the Laboratories, the strengthening of the dialogue with the Uribe government in its second term (2006–2010), and the EU's commitment to continue with peacebuilding in the country, led to the signing of this RDPS strategy, whose nature would be taken up for subsequent EU country strategies for Colombia, and whose good practices have been replicated by both public entities and civil society organisations after the end of the Uribe period.

5   Juan Manuel Santos (2010–2018). Ratification of the EU's Support for Peacebuilding

Following his accession to power in 2010, President Santos began talks with the FARC-EP, first in a secret phase in Oslo and then in a public phase in Havana in 2012. In this context, the EU ratified its commitment to peace. In 2013, it made public its support for the peace process in Havana. The EU Ambassador to Colombia, Maria Antonia Van Gool, the European Commission and the European Council made their support

public on January 28 of that same year, in the framework of the EU-CELAC Summit. At the same time, that political support was ratified at the highest level, the EU continued to support cooperation programmes through the Peace and Stability Regional Development Project. It also led a donor coordination exercise in the country, seeking to prepare its international cooperation for the future post-agreement stage and the implementation of the Havana Agreements.

In 2014, the European Commission presented a positive report that led to a visa exemption for Colombian citizens, linking it, in part, to the achievements of the peace process. In the same year, the EU studied the possibility of creating a trust fund for peace. And in August 2016, the Irish diplomat Eamon Gilmore was appointed EU Special Representative to support the peace process, representing an important political endorsement of the process.

In 2016, the European Commission announced the approval of the establishment of the European Trust Fund for Peace in March, for an initial amount of €70 million, from the contributions of 9 member countries (Germany, Ireland, Italy, Sweden, Netherlands, Portugal, Slovakia, Spain and United Kingdom), which would become operational after the signing of the formal agreement between the Government and the FARC-EP. In May, a new resource package for the Fund was announced, for €575 million, combining reimbursable and non-reimbursable resources, which would be earmarked for the regions affected by the conflict, the green growth policy and land rights, as well as to support the Colombian Government's Rapid Response Plan for Peace Stabilisation (PRR). These resources were intended to support the implementation of the Havana Agreement and the consolidation of peace.

During this period, coinciding with the dialogues and the subsequent signing of the Agreement, the experience of the EU's work in Colombia was consolidated by transferring the lessons learned from the Peace Laboratories to the RDPS and the New Peace Territories, but also by diversifying cooperation instruments through delegated cooperation, budget support, and the Trust Fund. All this helped the EU consolidate its position as one of the main donors in the country, but also made Colombia an ideal scenario for the EU to apply its peacebuilding policy.

6   Conclusions

Despite being a middle-income country, Colombia is one of the main recipients of Official Development Assistance in Latin America. It has continued to receive cooperation resources because of the conflict and its goal of peacebuilding, having had two high points in terms of receiving aid: the Caguán negotiations that ended in 2002, and, more recently, the Havana Agreement of 2016. However, the percentage of ODA reaching Colombia is less than 1% of its GDP, which is why Borda (2012) and Castañeda (2009) affirm that the support of the international community through cooperation is political more it is economic.

The EU, in particular, is one of Colombia's main donors, and its international cooperation has focused on addressing the causes and consequences of the country's armed conflict. For more than two decades, EU cooperation has focused on peacebuilding, even in the midst of the armed conflict, leading it to implement actions with multiple actors and perspectives. Thus, it has worked hand in hand with civil society organisations, local authorities in order to apply a territorial vision, and different instances of the national government. At the same time, perhaps due to the particularities of the Colombian case, the country has served as a favourable setting in which the EU has been able to apply various international cooperation instruments. In this sense, the Peace Laboratories gave the EU a first opportunity to get to know the regions and their particularities, initiating a learning process for the search and application of new instruments.

In order to maintain its position with respect to peacebuilding, the EU has also managed to adapt to the different visions of successive Colombian governments, some, such as those of Pastrana or Santos, with a commitment to dialogue to overcome the armed conflict, and others, such as Uribe's, opposed to such dialogue and in favour of direct confrontation with the guerrillas. This continued support has allowed the EU to work especially with the civil society, which had already been implementing local peacebuilding processes. The support for ongoing social processes in different territories has been one of the great contributions of European cooperation. The territorial and differential approach has allowed the EU to adapt its peacebuilding efforts, taking into account that the conflict has developed differently in the country and has particularly affected fragile areas with a lack of state presence or environmentally vulnerable.

The search for new cooperation instruments, such as delegated cooperation, budget support and the Trust Fund, reflects the lessons learned by the EU in its peacebuilding work in Colombia. This includes its search to make future cooperation more agile and, at the same time, more sustainable by involving the State as a key actor in the processes it supports. While the EU was initially particularly active in working with civil society, it has subsequently played an important role as a mediator between the different actors in the territory.

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The Long Road Towards Reconciliation: Theoretical Elements and the EU's Contribution to Working Towards Peace

Mario López-Martínez

1 Introduction

Reconciliation has played a more or less important role in all peace-building processes. Its importance depends on multiple factors in play and on interests, not only material interests but symbolic, ethical–political and social ones. The literature shows that a lasting, stable and fair peace process cannot be carried out without undertaking profound changes and without the presence of a policy that supports some kind of reconciliation.

In this regard, the European Union, as an international and strategic actor in Colombia in recent decades, has been supporting different peace processes in the country. This support has manifested itself as an attitude open to dialogue not only with the authorities, but also with many other important actors in order to go even further than agreeing, implementing

M. López-Martínez (✉)
University of Granada, Granada, Spain
e-mail: mariol@ugr.es

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and establishing a lasting peace. This has meant, in practice, under-standing peace as the construction and strengthening of the rule of law, expanding the system of guarantees and openly promoting transitional justice processes, all elements that the European Union supported with the Peace Agreement of 2016; it even offered new approaches derived from the lessons learnt during the process of supporting the National Reparation and Reconciliation Commission (CNRR in Spanish) estab-lished by the 2005 Justice and Peace Law, as well as with the policies and experiences of the Peace Laboratories (2002–2012) in support of grassroots citizen movements for peace in certain areas especially affected by the armed conflict. Based on this experience, the European Union has concluded that, in order to support the Havana Agreement it was neces-sary to carry out significant changes in terms of the transfer of knowledge and methods in order to strengthen local-territorial initiatives and capa-bilities with a more bottom-up orientation, feeding partial processes and dynamics of dialogue and coexistence or promoting local reconciliation actions.

In short, without abandoning the promotion of the rule of law, transitional justice and support for other significant elements of the Havana Agreement, the European Union has favoured—via the powerful instrument of the European Fund for Peace in Colombia—a focus that stimulates local initiatives, dialogues with sensitive sectors (women, young people, ethnic groups) and the reconstruction of community relations that make possible an enhancement of peace, coexistence and reconcil-iation as a long process with committed actors and at different rhythms and times in accordance with the most local contexts.

This chapter aims to analyse the European Union's track record in terms of peace and reconciliation in Colombia, taking as a starting point the invigorating debates that exist within academia regarding the nature of reconciliation and its framework of reference in a peace process. Furthermore, it looks at the history of three European Union inter-ventions in Colombia through the Peace Laboratories, support for the CNRR and the creation and action of the European Fund for Peace. What has happened over the last two decades makes it possible to say that the European Union has considered different strategies in order to support laying down arms and the psycho-social reconstruction of the country with political and financial support in favour of a lasting, just and stable peace that allows a broad and plural reconciliation process. Finally, the text includes a series of reflections and suggestions about how to continue this work in favour of reconciliation in the South American country through European external cooperation and action.

2   Academic Debates About Reconciliation

In academic circles it is not open to question that, after an armed conflict, the arrival of peace via some kind of agreement must be sealed with a reconciliation process. Starting from this general postulate, there are multiple details on the road that can endanger not only peace but also possible reconciliation.

Reconciliation has become associated with many peace processes; in fact, over the course of the last four decades, the word reconciliation has become a talisman (López-Martínez, 2000: 53–56), something that provides the finishing touch to a long and difficult process. However, how to achieve it, what means to use and how to put it into practice is one of the hardest tasks in these processes. When talking about reconciliation we are referring to a broad spectrum of possibilities that includes different levels of amnesia or of memory, trials and purges, dialogues and settlements, etc. (Hauss, 2003; Rigby, 2001). As Cole (2007: 18–19) has pointed out, we are talking about a "spectrum", in two ways: with broad margins, and also as something ethereal. However, in general, the scientific literature tends to agree in characterising it as a range of multidimensional phenomena (that involve knowledge of the truth, reparation of victims, etc.), on some occasions more demanding than on others, with identity changes and transformations, in which many actors intervene, including where ad hoc policies or binding and profound agreements are made for a given society (Bendaña & Villa-Vicencio, 2002; Bloomfield et al., 2003; Lederach, 1997; López-Martínez, 2005; Rigby, 2006).

Taking as a starting point classic situations, for example societies that move from a dictatorship to a democracy or from an internal armed conflict to peace, it would be useful not to idealize the term reconciliation. Firstly, because there was not always a degree of conciliation in the past that can be returned to; secondly, because to reconcile would be more linked to the capacity—with knowledge and admission of violence suffered—to be able to specify a new social contract and a non-destructive way of managing great differences; and, thirdly, because a large degree of political realism is required. However, it also brings hope to society, a more democratic vision of political relationships, a greater tolerance with regard to discrepancies and a disposition favourable to reaching agreements without bloodshed.

For some authors, religious factors play in favour of reconciliation (Etxeberria, 1999; Lederach, 2008; Philpott, 2007; Tutu, 1999; Villa-Vicencio, 2002). In Catholic countries, as is the case with Colombia, Catholicism is usually identified with certain degrees and rites of forgiveness, offering the Church a role and a place which, in other cases, would only be available to the political sphere (López-Martínez, 2000: 86–92; Rigby, 2004: 109). Similarly, forgiveness and reconciliation mechanisms linked to other religious and cultural mechanisms have been identified.

Another focus of the academic debate has been the contrast of reconciliation versus justice. Much retributive justice, without being open to other models and procedures (restoration, rituals, alternative penalties, etc.), can sometimes hinder progress in the field of agreements. A balance between the two is more a question of pure pragmatism than dogmatism (Bloomfield et al., 2003: 97–121), although it is true that without justice there can be no reconciliation, and reconciliation can lead the way to a certain degree of justice.

Another matter is the time or, rather, the times (especially in relation to other variables: conflict, traumas, pacts, etc.) so that the process can proceed as harmoniously as possible. The questions of how to plan a reconciliation policy, specify and arrange the order of processes, foresee challenges and problems, have a clear vision, etc., can make it easier to understand that we are dealing with a matter of great importance, one that makes it possible to learn from the errors of the past and that any profound transformation requires different and complementary understandings of time and places (Crocker, 1999; Huyse, 2005; Lederach, 1995, 2005).

So, both transitional justice by means of instruments such as truth commissions and their reports, together with other dynamics of reparation and rehabilitation of victims; as well as peacebuilding processes that involve institutional and structural changes, if they are oriented—as a priority activity—by a spirit of reconciliation (Lederach, 2008), can be granted legitimacy, offering scenarios that are favourable to the intervention of human rights policies, and policies for the non-violent transformation of conflicts (López-Martínez, 2000: 97–101). This allows more intervention by civil society and by third parties, as well as the design of a reconciliation policy that has the national character (Kriesberg, 2007; Redekop, 2008; Schapp, 2005). They even, as Walter Wink (1998) points out, thinking about Africa and Latin America, allow many societies to cure the deep wounds that violent conflicts leave in their

nations, offering them not only a way out, but real solutions to rethink and rebuild.

It is clear that academia admits that reconciliation is a concept with a great political and spiritual strength, an example of moral recovery and human resilience. Following López-Martínez (2006: 187–194) it is possible to use the two metaphors of the cobweb and grammar in order to better understand processes of reconciliation, in accordance with national, regional and local differences, at different rhythms and times and with broader or more limited scopes. When he talks about a *cobweb*, this author is thinking of two meanings: firstly, the eye condition (often referred to in Spanish as "to have cobwebs in your eyes") that distorts visual reality, and secondly, the spider's web. A society gets trapped in this web, one that has, stuck to it, multiple key concepts and elements (amnesia, pain, guarantees, justice, memory, losses, forgiveness, reparation, rehabilitation, truth, violations, etc.), and which it cannot see clearly. To remedy this situation, López-Martínez considers that a society has to debate and enter into dialogue regarding how to clarify concepts, pathways and decisions regarding the importance of each one of the elements in play in order to aspire to building scenarios in which there is a *grammar* of reconciliation. This journey has to generate its own language, which allows the actors involved to communicate, understand each other and make progress in the path of reconciliation. Like all grammars of different languages, this grammar is a set of rules that makes it possible to convert the order of words into an act of communication. Therefore, reconciliation is a new form of social, political and spiritual communication (López-Martínez, 2006: 189–90). This author uses various examples in order to explain how different grammars of Reconciliation come together in order to grant more weight to knowledge of the truth, reparation of victims or to retributive justice, as well as to offer scenarios of *grammar* about past or future times.

The academic literature on the subject is very broad and each researcher emphasises some elements of the process or combines different variables depending on the specific study or on the model that has been created. Some of the models given in Table I make it possible to see that in the literature there is a consensus regarding reconciliation as a complex process involving multiple factors, involving elements that may be political, psychological, social, institutional, spiritual, etc. There are no rigid rules, and that is why it is better to speak about "grammars" in the plural. What for some societies may be important, such as knowing the

truth even at the expense of justice, for others is not. What for some may involve incorporating religious sentiments, for others may have to be done increasing processes of secularization. Some, in short, prefer to carry out reconciliation only thinking of the future, bypassing a part of the past. As a result, each historical context, each unique cultural component, the actors involved, the capacity to develop broad-based processes, discourses, instruments used, existing strengths, local initiatives, etc., will vary certain unique features within these broad models cited below and which, for reasons of space, will not be developed, and so the sources drawn on are given for further reading (Table 1).

For the case of Colombia, whose society has experienced various peace processes, at least between the end of the 1980s and the last major accord between the Government and the FARC-EP, the peace and reconciliation scenarios have changed, the debates within the heart of society with regard to the *cobweb* have been controversial and contested, even more so in contexts in which the violence had not completely come to an end. However, trailblazing initiatives of possible *grammars* of reconciliation have been developed, and the European Union has been present in some of these, supporting the initiatives or promoting scenarios that are favourable to a stabilization of peace and to ensuring agreements. Of all these experiences there have been three times and programmes that are worth examining for their practices: the Peace Laboratories, the CNRR and the current peace process.

3   THE PEACE LABORATORIES

The idea of the Peace Laboratories arose from the very interesting precedent of the Magdalena Medio Development and Peace Corporation (CDPMM in Spanish), led by the Jesuit Francisco de Roux. In the Magdalena Medio programme, alternative development models and approaches were introduced with the goal of building peace at a local and community level. So, the European Commission decided to take these experiments to different parts of Colombia with three goals: (a) to support specific agreements among parties in conflict; (b) to construct areas of peaceful coexistence by means of strengthening local institutions and support for civil actors that promote peace, and (c) to boost economic and social development based on the promotion of alternative development (Barreto Henriques, 2010).

Table 1 Models of Reconciliation processes

Academics	Main components in the model
John Paul Lederach (University of Notre Dame, United States)	Truth (recognition, transparency, revelation, clarity), Justice (equality, rights, restitution), Mercy (acceptance, forgiveness, compassion, healing) and Peace (harmony, unity, well-being, security, respect)
Mario López-Martínez (University of Granada, Spain)	(1) Social-political-moral recognition of the fact there have been victims and perpetrators. (2) Catalogue of the horrors and of the errors (truth commissions). (3) Stages of forgiveness, of recognition and of justice (alternative or not). (4) Definition of those who should be the actors (direct and indirect) of the peace, rehabilitation and reconciliation process; and agendas of reinsertion and rehabilitation. (5) General plan and specific plans for economic, social and psychological reconstruction. (6) Social-political model of coexistence and democracy
Louis Kriesberg (Syracuse University, United States)	Shared truth (recognition), Justice (reparation, remembering), Respect (acceptance, truth), Security (harmony, unity)
Hamber Brandon and Grainne Kelly (Ulster University, United Kingdom)	(1) Develop a shared vision of an interdependent and fair society. (2) Recognition of the past. (3) Construction of positive relationships. (4) Positive cultural and attitudinal change. (5) Substantial social, political and economic change

(continued)

Table 1 (continued)

Academics	Main components in the model
Vern Neufeld Redekop (Saint Paul University, Canada)	Prerequisites ([1] vision and mandate, [2] security, [3] Immediate needs for survival), Meta-requisites ([1] teachings, values and mental models, [2] reciprocal initiatives for reducing tension, [3] construction of institutions), Discursive and symbolic processes ([1] dialogue, [2] truth, [3] expressions of recognition of the harm caused, [4] expressions of victimization and openness to forgiveness, [5] justice and mercy) and Key results ([1] reorientation of the relationship, [2] healing of traumas and memories, [3] transformation of structures, [4] transcendence)

Sources Own elaboration based on Lederach (1997), López-Martínez (2000, 2006), Hamber and Kelly (2004), Kriesberg (2007), and Vern NeufeldRedekop (2008)

This meant not only that local and community peace and reconciliation processes were supported, but also that the European Union, by means of these Laboratories, was putting in place a new framing for its common foreign policy, better defining the profile of the EU as an actor in the exterior, and also underscoring differences with the United States, the country that had most influence over Colombia. Both the general goals and the strategic axes of the Laboratories focussed on clear elements characteristic of mid-conflict peacebuilding (integrated rights, peace culture, social and governability processes, institution building, democratic governability, citizen participation, dignifying life, public development policies, support for young people and women, etc.), giving European cooperation in Colombia a political and ethical value, and not a military or commercial one. Something else that was very evident was the profound dichotomy with regard to, for example, policies regarding the eradication of illegal crops, with a European Union favourable to funding alternative and sustainable agriculture and against massive crop spraying with its unhealthy environmental effects, and one that stayed clear of the Plan Colombia (with its excessive military component), which has sought to support the State's military capacities and has completely lacked in terms of building the social fabric (Castañeda, 2009; Molano Cruz, 2009; Roy, 2001).

Furthermore, the EU transformed the design of the Peace Laboratories reflecting the Union's significant capacity to adapt to the context of the conflict, especially when the Government-FARC conversations failed during the Pastrana presidency. So, the EU did not link its Official Development Aid policy to finalizing the conflict, and to reconstruction, but rather it became involved in it by means of strategies that have been more persuasive to the most influential actors and committed to that part of civil society that wanted peace and not victory. As Castañeda (2014) and Cepeda-Ladino and Costa (2017) have pointed out, this means, in terms of praxis, a commitment to the local and regional construction of peace programmes and initiatives that act as laboratories, fields of exploration and for registering and storing experiences regarding building coexistence and peace, not only in the midst of the conflict, something that was very complicated, but also as steps forward and ingredients for future post-conflict peacebuilding processes that would come in time.

In this regard, support in peaceful and non-militaristic sectors—such as NGOs that had been working already in the 1990s, for example PRODEPAZ, Consornoc, Asopatia, the Consejo Nacional Indígena del

Cauca, etc.—helped to legitimise the axes that the European Union wished to consolidate in the regions for intervention. These axes were peace and human rights, international humanitarian law, governability and citizen participation, and socioeconomic development for the improvement of vulnerable populations, seeking productive alternatives and local development. This support for the active and pacifist civil society was something that very clearly characterised the new exterior action of the European Union in Colombia.

The Peace Laboratories covered different regions: the first was set up in Magdalena Medio, the second in Norte de Santander, Oriente Antioqueño and Macizo Colombiano, and the third in Montes de María and Meta. All of them are territories where the armed conflict has been present, with illegal economies, areas of illicit crops, a fragile institutional presence, a high concentration of wealth and little social mobility (European Union, 2013). It involved helping 220 municipalities with a total of over 315,000 direct participants.

These experiments in territorial peace confirmed the importance of supporting peace initiatives against the war. Put another way, peace and civil society could overcome the adversities and negativities generated by the dynamics of the internal armed conflict. It was no less important that the EU's central analysis regarding the Colombian conflict persisted in taking a critical position with regard to the inequalities and poverty that acted as fuel keeping the fire of the conflict alive, and taking a line of civil diplomacy and understanding of the deep roots of the injustices (Lillo González & Santamaría García, 2009). This model, critical of the unjust historical structures, encouraged subaltern sectors, those mistreated by political dynamics of exclusion, which in practice offered other achievements in a positive direction, such as boosting human capital, rebuilding the social fabric, the empowerment of social organizations, a greater citizen involvement, a shedding of fear and paralysation; in short, it promoted the development of the population's endogenous capabilities, which had been left lethargic by the war.

Thanks to this support, and in these scenarios, some peace organizations started to work towards reconciliation. Often, the concept took on the shape of supporting the integration of demobilised combatants, and other times it was expressed through offering victims opportunities for employment; organizing community processes; setting in motion labour, production, distribution and selling cooperatives; generating local

dialogues about the negative impact of the violences; seeking opportunities for young people and mothers who were heads of a household; building relationships with local and regional institutions; strengthening the fabric of pacifist and environmental associations; and implementing many other experiences that made the Laboratories a unique style, with multiple lessons that are proving to be useful in the present.

3.1 Reconciliation through the CNRR[1]

The second process came through the legal and financial support by the EU of various institutions responsible for implementing transitional justice, including the National Reparation and Reconciliation Commission (CNRR in Spanish) and the High Council for Reintegration (ACR in Spanish). The philosophy consisted of supporting processes of reintegrating former combatants into civil life, as well as initiating broad-based support for the recognition of victims of the armed conflict, regardless of who had caused the human rights violations.

The EU's support and consultancy regarding Law 975 of 2005 (which, in theory, allowed the demobilization of over 25,000 members of paramilitaries) was done within a very precise institutional framework. This resulted from the mandate of the Colombian Political Constitution of 1991, which established the obligatory right to have peace implemented (art. 22), to education (art. 67), to the maintenance of peace (art. 95) and to establish a reconciliation policy (art. 30 provisional), as well as a strengthening of the Republic of Colombia within the international system of the United Nations and of the system for the preservation of and respect for human rights considered in the Universal Declaration of Human Rights, international agreements, non-binding protocols, the American Convention on Human Rights (Pact of San José 1969) and the obligations to be found in the Statute of the International Criminal Court (2002).

It was that Law 975 that allowed the creation of the CNRR, which would work on two lines: the reparation of victims and the establishment of some criteria for future reconciliation. One of these criteria consisted

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[1] This section has been written drawing on the knowledge of the author, who took part in the CNRR's International Strategic Committee as an external consultant of the UNDP Colombia for the peace process.

of making reconciliation into a public policy, something that was finally included in the final Havana Peace Agreement of 2016.

However, Law 975 was passed not only in order to begin the process of demobilization, but also in order to apply an ad hoc model of transitional justice, more formal than profound, which legitimised the process underway. In this regard, and in terms of reconciliation, the Law was rather vague from a conceptual point of view, general in content, and politically speaking offered little guidance, which allowed the CNRR to be able to work on this matter with greater freedom and meant that the EU could financially support—via the Spanish government and a basket fund—a line of social pedagogy, of dialogues with victims and of explorations in this field. Furthermore, two Decrees (4760 of 2005 and 3391 de 2006) which added details to Law 975, still left a great deal of room for action and interpretation. Article 21 of the first decree stated that one function of the CNRR would be to enable reconciliation together with state institutions, civil society and international organizations; the second piece of legislation mentioned the "Restorative Programmes for National Reconciliation", which would be the responsibility of the High Council for Reintegration of those demobilised, which developed the emphasis on carrying out reconciliation by means of "linking victims and perpetrators to productive projects" (art. 19c).

The second decree gave better shape to the governmental conception of reconciliation. This was based on the emotional and social reconstruction of the victim population, as well as offenders, the elaboration of a historical memory of the reconciliation process and the question of productive projects. The government would be the body to decide—via the ACR—which public or private institutions would receive money in order to implement these projects. A possible, though unusual, exercise of reconciliation through coexistence at work was considered. This idea came from the Peruvian Truth and Reconciliation Commission (2003: 2, 12, 89 and 90, Volume IX) when it spoke of "interpersonal reconciliation", leaving the entire weight of the process to the victim population which suffered the violence and to the perpetrators, avoiding the political and social components that may be involved in a reconciliation process, and ignoring the asymmetrical relationships of power that all violence creates between victims and offenders. Uribe's Colombia, then, prioritized a labour-based and bipolar (work involving victims and perpetrators) approach, as against a more political understanding of reconciliation (a much more demanding process with many more social actors involved).

In other words, the aim of the CNRR, particularly through its Reconciliation Department, was to work on a more political understanding of the concept of reconciliation, although the CNRR was always more involved in the reparation of victims than in a genuine socio-political debate about the second "R". However, despite this approach, the CNRR, through the Reconciliation Department, disseminated, through the territories and among the social and political actors, its strategic definition, aiming to "build a climate of peaceful coexistence based on the creation of new relationships of trust between citizens and the State's institutions, and among citizens, as well as extending democracy through participation in institutions and in civil society" (CNRR). Emphasising elements such as trust, democracy and coexistence situated the question within the parameters of reconciliation that were accepted in academia (Hamber & Kelly, 2004; Lederach, 2001; López-Martínez, 2006). To some extent, the definition was strategic, in that it aimed to be very broad and general, given that if it was not debated in depth then it could amount to nothing. Being critical, it should be observed that the CNRR's second "R" was given less importance, considered to be controversial and even uncomfortable for the commissioners (with some exceptions). In this regard, in practice the Reconciliation Department had greater autonomy given the lack of political direction, such that it designed a plan with various axes in order to prepare the ground and choose the appropriate seeds, before trying to pick the fruit. This process was followed very closely by the EU authorities in Colombia.

The idea of the CNRR's Reconciliation Area was not to emphasise or to work on interpersonal processes of reconciliation and forgiveness, but rather to focus on opening up a social debate with challenge-questions (Why is it positive for a society to reconcile? Who must create a favourable atmosphere for this? What actors must be at the centre of it? What is the aim of it? Where should it begin?), in order to give the concept a level of social and political development in the face of a society divided and convulsed by the violent conflict. The violence had destroyed not only people, but also the social and political fabric of many communities: to dismantle this violence meant not only to re-establish a lost order, but also to strip that violence of its political meaning.

The EU and the AECID (Spanish Agency for International Development Cooperation) supported the CNRR's Reconciliation Department—through UNDP Colombia—because this department worked not only within the framework of transitional justice (Bloomfield et al., 2003),

but also with a much broader vision of the non-violent transformation of conflicts, and of peacebuilding. The idea was that the journey towards reconciliation would be begin with justice and reparation, and also when the truth was known, even in a wartime situation, that is, without having totally extinguished the internal armed conflict. The matter was not to situate reconciliation at the end of the process but rather within the very process of transitional justice (together with the truth, justice, reparation, etc.). Another important element was to consider reconciliation as a way of resolving conflicts and not only as a last stage after pacification and reconstruction (Lederach, 2005). That reconciliation be present at all times enables a reduction in the logics of war and of victory in favour of those involving change and dialogue between adversaries, and predisposes reconciliation to be an instrument for doing politics, giving it a very powerful symbolic reading. Furthermore, from the peacebuilding viewpoint, it enables an understanding of transformations beyond the narrow margin of transitional justice, taking peace in the direction of institutional, structural and social changes.

Based on these positions, the CNRR's Reconciliation Department was authorized to carry out a series of workshops, dialogues and pilot projects which would allow it to extract some learnings. It cannot be described as a social consultation of the country, since the scope of these actions was limited, both in terms of its budget and in its logistics, but it can be said that a significant sample of activities was implemented, which will be listed here:

a. Workshops with the victim population. These were held at all the regional offices of the CNRR, with a maximum presence of 30 victims per event. These were done with them directly and never with their representatives or intermediaries. They lasted between two and a half and three full days. The methodology was highly participative, with the protagonists talking about their understanding of and feelings about reconciliation. Both photos and videos were taken, and artistic, therapeutic and testimonial activities were undertaken, all of which were registered in reports that were delivered to the CNRR, UNDP Colombia and the AECID.

b. Territorial dialogues carried out at each of the regional offices of the CNRR. Expressly invited were all the authorities present in each Colombian department (ACR, Acción Social, Justice and Peace units, Defensorías, National Police Force, Procuraduría, etc.), as well

as different levels of government: Gobernaciones, Alcaldías, Personerías; and sectors of civil society (universities, religious confessions, NGOs, specific populations) and some international organizations in the Colombian departments (MAPP-OEA, United Nations, etc.). The dialogues lasted a full day. The methodology consisted of a conference, a debate, the formation of focus groups, a sharing of viewpoints and conclusions. All this material (photos, videos, report) were also delivered to the CNRR, UNDP Colombia and the AECID.

c. A pilot project with non-extradited paramilitary leaders who had benefitted from the Justice and Peace Bill in the prison of La Picota (Bogota). Almost fifty people from the prison population participated in various workshops in which a wide range of topics were discussed (justice and peace, the meaning of the war, how to carry out reparation of victims, what kind of future should be constructed for Colombia, how to understand reconciliation, etc.). In this case, a unique situation, the project was not completed because of a lack of collaboration by the INPEC (National Penitentiary and Prison Institute) and because of political fears that the project would not be understood by public opinion.

d. Implementation of other methodological resources. Another series of types of dissemination and discussion of reconciliation with other groups. Workshops with journalist, dialogues with academics, qualitative interviews, national and international seminars, mini-courses, consultancy with respect to the TV series *Nunca más*, etc. The essential question was to ask these actors what could be done for reconciliation and what a public policy on this matter should consist of.

A great many results came from all these processes, but certain elements can be taken away. For example, the victims were quite generous and were disposed to contribute to reconciliation; they felt that the violence had lasted too long and that the best contribution would be to know the truth, obtain reparation and to live quietly within a framework of reconciliation. In the workshops, much emphasis was laid on helping to articulate a "governance of victims" that would empower them and strengthen them in terms of their interests as citizens who had suffered violations of their rights. On the other hand, those who worked for the authorities were less willing to offer their opinions. They liked the idea

of starting to talk about reconciliation, but they were more in favour of not taking initiatives in the territories. For them it was better to wait for instructions handed down from the government in Bogota. Some NGOs, universities and international organizations on the ground had already implemented specific campaigns regarding local reconciliation, within the framework of transitional justice, and looked with greater optimism at the potential use of a social pedagogy of reconciliation as a first step in the non-violent transformation of conflicts at a local level. The experience in La Picota was unsuccessful, and that was the opinion of the people who participated in it, who opted for more individual ways of resolving their personal situation. The courses with the media, etc., were carried out in a pleasant atmosphere, but also one of little commitment, since it was impossible to operate with a concept of reconciliation with a synchronic time, given that the majority had a linear view in which the actors saw it as the end of a very long process, and as something for after transitional justice, at a time (still with strong guerrilla activity, especially by the FARC-EP) which did not lend itself to seeing progress.

Perhaps the most interesting lessons gathered for the later peace process were: one, to learn from the Peace Laboratories that peace, coexistence and reconciliation were possible at local and community levels, and hence at a different pace at which it was experienced at the national level; and two, based on the work of the CNRR it was possible to think, debate, build and design reconciliation—together with people, authorities and the politicians responsible for it—as a public policy to accompany any peace process.

4   The EU's Commitment to the 2016 Peace Agreement: The European Fund for Peace

The European Fund for Peace is the EU's most important development cooperation instrument in relation to the Colombian Peace Agreement, funding a number of projects in this area. Its goal is to support peace, understood not only as the end of violence, but also as a long process of genuine support for and empowerment of the civil population in a given territory.

Its model of intervention is designed in accordance with a territorial viewpoint and with the active participation of local actors. This means respecting the special features of each region, its capabilities, priorities, and the needs of the institutional and social actors. In order to better deal

with this reality, the Fund is based on six strategic pillars that structure its common identity and strategic timescale, independently of the particular focus of each intervention.

In terms of this analysis, the first pillar refers to "Reconciliation and conflict reduction". For the EU, consolidating peace involves generating guarantees for reconciliation in its dimension of coexistence, tolerance and non-stigmatization among the different sectors of the population which have come into confrontation or which have become divided with the conflict. Reconciliation as an opportunity to bring together positions that are differing, intransigent, unbridgeable, given the challenge involved in building peace in a territory by means of changing dynamics created through historical exclusions accentuated by the pain and suffering caused by the war.

The fund understands reconciliation in very pragmatic and functional terms, avoiding giving the concept a supreme, absolute and grandiloquent value; it does not go into conceptual or academic aspects, either, but rather seeks to help in the transformation of the subjects and actors involved in the processes in order, thus, to break up asymmetrical power relationships and facilitate the actors' undertakings in the territory. So, the areas for action are related to the generation of capabilities for developing peaceful coexistence in the territory; the reduction of socio-territorial conflictivities often linked to the problems of different groups (peasants, indigenous people, displaced people, women heads of households, etc.); the implementation of a great deal of pedagogy and social communication in order to understand and explain the processes and their scope; running citizen campaigns that provide dialogue regarding what it means, in this territory, to build peace and resolve conflicts without violence; support for creating community pacts and agreements in terms of coexistence and peacefully living together; the construction of mechanisms for the prevention and peaceful resolution of conflictivities, generating a new culture of peace; strengthening the socio-community fabric in order to allow the creation of mutual trust and respect—especially in order to better understand the difficult incorporation into civil life of those who have voluntarily laid down arms—and the empowerment of victims who wish to stop being that, in order to be recognized as free citizens (European Fund for Peace, 2016).

As is explained in the quarterly reports which monitor the Fund's strategic pillars, in terms of Reconciliation and Conflict Reduction, it is possible to see the extent to which this pillar is understood as the

discovery, learning and development of capabilities and skills for living together more and better, in communities, and throughout the territory. The projects not only involve many people from the areas where intervention has taken place, but they do so oriented towards peace and reconciliation values. To learn, teach oneself, educate, dialogue, agree, link and commit are all verbs that acquire an important pragmatic dimension for the EU's action. To make this a reality, community radio stations have been funded; dialogue spaces have been set up; victims' association have been promoted; educational and informative workshops run; assemblies have been used as spaces for dialogue, deliberation and decision-making; groups have been trained in new communication technologies, etc. (European Fund for Peace, 2022).

The pragmatic idea of reconciliation is a connecting thread that runs through and across projects on sustainable economic development; on basic public infrastructure and goods; on access to the construction of a microbusiness fabric; on the production of family food security; on strengthening institutions linked to technical processes of planning, intervention and assistance; on organizational empowerment; on citizen participation; on political incidence and community networks; and on citizen platforms.

For the EU, talking about reconciliation in the territories involves understanding up to what point the conflict in its many forms has punished certain places, for example, El Caguán: during the negotiations between the Pastrana government and the FARC-EP this was a demilitarized area, and after the failure of these negotiations this territory was punished in a way that was especially harmful for the civil population; or El Chocó, a department, forgotten and abandoned by the public authorities, whose extreme poverty figures are around 40%; or the Montes de María, an area chosen for a socio-territorial "cleansing" in order to extinguish the possible social foundations of the guerrilla war (with over 50 massacres in 10 years). These are only some of a great many examples. However, it is also possible to see how the peace processes in the territories and the attempts at coexistence and reconciliation have gradually woven a lasting fabric of social regeneration, linked to communities and to pacifist associations. The Friedrich Ebert Foundation's annual peace prizes are evidence of this vitality: Mogotes (1999), los Nasa (2000), the Magdalena Medio Programme (2001), the Alto Ariari (2002), the Montes de María (2003), Cochaguán and the Guardia Indígena (2004), Quibdó Diocese (2005), las Madres de la Candelaria (2006), Puerto

Leguízamo (2007), las Voces del Secuestro (2008), Comunidad de la Unión Peneya (2009), Merquemos Juntos and San Carlos (2010–2011), Forjando Futuros Foundation and the Tierra y Vida Association (2012), the Campesinos de Buenos Aires Association (2013), Ruta Pacífica de Mujeres and Centros de Reconciliación (2014), etc.

Another important milestone has been to link a part of reconciliation to knowledge of the truth. In this regard, the EU's support for the Commission for the Clarification of the Truth, Coexistence and Non-Repetition, which formed a part of the 2016 Final Peace Agreement, as a temporary and extra-judicial state body, one of whose goals is to promote coexistence in the territories in order to transform relations and explore the peaceful resolution of conflicts. Its work between 2018 and 2022 has been considerable, with 28 territorial centres, known as "Houses of Truth", collecting over 27,000 testimonies, with 14,000 interviews, both in Colombia and in 27 countries, delivering over 1,800 reports with analysis and reflections that will enable a great national dialogue in favour of non-repetition. Although the Commission is not the owner of the truth, it has contributed to making truth into an incentive for making progress in peace and reconciliation with a solid basis in terms of the recognition of victims; of the harm that has been caused, where, by whom, when, with what aims, in which territories, to which populations; in order to contribute to bringing an end to a decades-old conflict.

The Truth Commission's Final Report reveals the importance of many sectors that were silenced and subjugated by the war, in its ten thematic strands (including the Historical narrative; Human rights violations and International Humanitarian Law; Women, indigenous people and the LGBTQ + population; Children and adolescents; Exile; Impacts and resistences; Testimonies and the territory) set out in eleven chapters (the last is on findings, conclusions and recommendations) (Colombia's Truth Commission, 2022). With this plural and multi-dimensional perspective, a holistic view is offered of the truth as a powerful instrument for building peace, coexistence and non-repetition. Although putting the controversial term "reconciliation" on the front page was avoided, it can be understood that its transformative message is nonetheless involved. The motto chosen for its presentation campaign: "If there is truth there is a future", implies that the crucial area of knowledge of the truth brings a liberation from prejudices and stereotypes, clearing the path to the coexistence which is both seed and fruit of reconciliation. In this last case, the Report

indicates conclusive elements that demand major changes in the structures that have exacerbated suffering and which will have to be taken into consideration in order to achieve a "greater peace" and its reconciliatory correlate. These are structuring elements such as drug trafficking; serious socio-economic exclusions; the neoliberal economic model; the State's security model; racial, ethnic, cultural and gender discrimination; and a lack of protection of regions and territories. This demands a profound, lasting and exacting peacebuilding that will make it possible to change identities, cultures, styles, and behaviours, which in turn will give rise to another Colombia.

It is perhaps an exaggeration to say that "peace is not made in the Capitol, it is made in the territories" (Sergio Fajardo, Governor of Antioquia), and perhaps it is more reasonable to point out, as María Patricia Giraldo, the Mayor of San Carlos (Antioquia) says: "peace is built in the territories. With opportunities for people, with the satisfaction of basic needs (health, housing, education, drinking water, etc.) and, most importantly, with hearts that are open to reconciliation" (Sierra Restrepo & Botero de la Torre, 2015: 133 and 137). It is possible and indeed necessary to build it in every place that influences and affects society as a whole. The goal is clear; it is the means that are up for debate.

In this regard, by supporting the Laboratories, the CNRR and the Final Peace Agreement (2016) the EU has built up a network of relationships and strengths that make it possible to talk about a new orientation for intervention. A liberal understanding of peace has been put into second place, instead prioritizing a local, community peace that is close to the people. The final scope of this new strategy is still to be seen, but its results are already tangible and positive.

5   Conclusions and Recommendations

Reconciliation in Colombia, as in other examples around the world, must be a historical task, and sooner or later it must be tackled as a problem and as a solution. In the case of Colombia, it is even a constitutional duty, which must be accompanied, if possible, by a public policy that has come out of a political consensus and broad agreements on the matter.

In fact, if we take reconciliation as the most similar thing to a new Social and Political Pact, that is, something that goes even further than the last peace agreement and which would be reinforced by the new presidency of the republic in the hands of Gustavo Petro, it is clear

that it can bring a great deal of motivation and benefit to society as a whole. In this regard, it seems that the *grammar* in Colombia is already being defined through a clarification of the truth and reparation of victims, but also with a presidency that is committed to transformations of the old historical injustices and contributing new solutions (dialogue whose nature is intergenerational, interclass, spans the rural–urban world, genders, majorities-minorities, etc.), and to all that can lead to inclusion and overcoming traumas and historical eliminations.

It seems that the EU has understood that all this requires a great deal of time and support (a significant turn in terms of policy, which now has 20 years of experience), a more synchronic than diachronic time, a support that involves commitments and continuities. The 'what' is clear: supporting Colombia on the way to peace and in achieving that its conflicts are resolved politically and creatively, and not destructively and violently. The 'how' has involved a change from a liberal conception of peace, carried out from the top and by major actors, to another that is more local, regional, closer to people and linked to both civil society and the strengthening of democratic and participative institutions.

The EU has demonstrated with its policies that it is seeking a peace and a reconciliation for Colombia that involves many acts (gestures and dialogues that are institutional, political, social, etc.) and for (individual, group) wills to converge; more than a goal, it is like a road to be travelled, stage by stage, and each one at its own pace. What is more, it is not just one road, but many. It is not so much a goal as a way of travelling together with others. It is responding to the question, how do we wish to produce something that we all want, but do not know how to achieve it?

In this long process there are actors, without excessive protagonism, who can help to bring forward times and responsibilities (the new president is one of them); but it is, above all, a group task for society as a whole. This is a task that permits the "normalization of Colombia": detecting problems, discussing solutions, learning to live in diversity, reducing negative passions and neutralizing dynamics of hate and exclusion.

The EU has invested in peace and reconciliation on the basis of strengthening the rule of law, human rights, the systems of guarantees and the culture of peace, in some cases directly in favour of transitional justice and in others with a support for local institutions and pacifist civil society. This has brought credibility to processes and given them considerable support.

The EU has understood that where there are obstacles, there are opportunities. It is learning from the processes it has experienced and from what others have done. Some lessons from failure and some epistemology from mistakes have been useful. History is a great laboratory where we can all learn from everyone. One of the opportunities is to understand and deal adequately with victims. Helping them is creating a social and cultural movement based on their reality. The governance of victims may mean just that, allowing them to deprivatise their pain and make it collective, dignifying them, decriminalising politics and taking the path of the citizens' victimhood.

The EU has understood, with its policy in Colombia, that it is better to work synchronically; for example, in terms of transitional justice, reconciliation is created when processes of truth, reparation and guarantees of non-repetition are supported, and it is not necessary to wait until linear and diachronic processes have passed. Time conceived dynamically, in terms of levels and scales, becoming familiar with local realities and occasional, isolated agreements. It might be said that the EU would adopt a progressive understanding of reconciliation (López-Martínez, 2000) in which society can help to close and heal wounds, to build or rebuild policies based on sustainable values and to think and design ways of overcoming and solving old forms of historical exclusion, as well as how to implement reconstruction plans.

With its policies, the EU has been able to harmonize both its reasoning and its hopes, which have been made a reality in the territories thanks to the work of civil society. All this has come together to create something greater and more powerful than simple specific experiences. It has stimulated the idea that peace is stronger than war and that it can indeed overcome it. This makes it possible to offer an optimistic hypothesis: if we continue to work well in this process, how will Colombia be in 25 years?

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Multilevel Support for the Process for the Reincorporation of FARC-EP: The Experience of the EU Trust Fund

Carlos Madridejos Ornilla

1 INTRODUCTION

The Peace Agreement signed between the Colombian Government and the Revolutionary Armed Forces of Colombia—People's Army (FARC-EP) in 2016 was a turning point in the conflict suffered by the country over the last five decades.[1] Despite the multiple difficulties arising in its implementation, Colombia's experience sets an example to the world on account of its innovative nature and range of approaches and instruments, which differentiate it from other negotiations and peacebuilding processes. A key aspect has been the reincorporation of ex-combatants

C. Madridejos Ornilla (✉)
Hegoa, Institute for International Cooperation and Development Studies, University of the Basque Country (UPV/EHU), Bilbao, Spain
e-mail: carlos.madridejos@gmail.com

[1] An English translation of the full text of the agreement is available from the University of Edinburgh PA-X Peace Agreements Database: www.peaceagreements.org/wview/1845/.

who formed part of the guerrilla forces and who are now in the process of rejoining civilian life. This aspect is covered by Point 3 of the Peace Agreement ("End of Conflict"), which sets out the procedures and commitments that have allowed 13,000 members of FARC-EP to lay down their arms. The EU, which had a strong presence and was widely recognised in the areas most affected by the violence, is formally considered one of the international backers of this component of the Peace Agreement and has become one of the main partners and funders. The EU's support has been channelled through the post-conflict EU Trust Fund, with a total budget of €130 million and participation from 21 Member States, alongside the United Kingdom and Chile.

The EU's support has played a fundamental role in the first five years since the signing of the agreement and the signatories have publicly acknowledged it on various occasions. Beyond political and diplomatic support, the EU Trust Fund has pursued a multilevel model of support, with investment structured around three levels: (i) promoting local and associative initiatives by ex-combatants; (ii) strengthening national organisations derived from the Peace Agreement, with an emphasis on two key areas of the reincorporation process (the solidarity economy and humanitarian demining); and (iii) supporting national public policy through budget support, with a mechanism to build the technical and operational capacity of the corresponding institutions. Despite the weaknesses and limitations of the logic behind the intervention, it represents a major effort by the EU to ensure compliance with some of the commitments in the Peace Agreement and provide pragmatic guarantees of certain aspects of progress and results in a national context characterised by high levels of polarisation, discord and scepticism. The multilevel approach encompasses different scales, dimensions and actors, which are interrelated and even interdependent, forming an ecosystem that connects the local reality to the national dynamic. The experience provides a range of lessons and conclusions that may be of considerable use for other institutions and organisations involved in post-agreement, peacebuilding and conflict management processes in other countries.

This chapter begins by providing a brief overview of the goals and dynamics of the reincorporation process. It highlights what makes it different from other cases and analysis the growing involvement of the EU in this aspect of the Peace Agreement, as well as the strategic framework that has defined its role and its technical and financial support. It then looks at each of the three levels of investment, analysing the results to

date and the key reflections shared by the parties involved. It ends with a discussion of the main conclusions from a political, institutional and technical perspective, paying particular attention to innovative and value-added aspects, as well as limitations and risks when it comes to ownership, scalability and sustainability.

This work is the fruit of over four years of research, including visits to the country, discussions with project technical teams and debates with the parties involved. During this period, I have made 15 trips to regions where EU Trust Fund projects are active and have held interviews and dialogues with over 50 people from public institutions, international organisations, development agencies and civil society organisations, as well as ex-combatants and members of communities neighbouring reincorporation areas. This information has been complemented by extensive documentary analysis and participation in various inter-institutional spaces for reflection, both academic and technical–institutional.

2 Overview of the Process for the Reincorporation of FARC-EP

The Peace Agreement is structured around six points, the third of which sets out a specific roadmap to transition from the end of offensive activities between the public forces and FARC-EP to the reincorporation of ex-combatants into civilian life. This process has taken place in three phases. The first involved the concentration of guerrilla troops in Village Zones of Transition and Normalisation (*Zonas Veredales de Transición y Normalización*, ZVTN). These temporary areas were defined by the signatories to allow the surrender of arms and initial activities to take place, such as civil registration, medical check-ups and education. The phase saw the certification of 13,202 former members of FARC-EP by the High Commissioner for Peace (Government of Colombia, 2020), 24% of which were women. The second phase focused on creating an inventory and collecting weapons and explosives. Over 7,000 individual weapons and 7,400 explosives of varying types were surrendered. This is the highest level per ex-combatant for disarmament processes in Colombia and is one of the highest in the world (Centro de Pensamiento y Diálogo Político, 2019; Fundación Ideas para la Paz, 2019). The third and final phase is currently ongoing and involves the long-term reincorporation of the ZVTNs, starting with their conversion to Territorial Education and

Reincorporation Spaces (*Espacios Territoriales de Capacitación y Reincorporación*, ETCRs). These spaces are at the heart of the implementation of the economic initiatives and political project of the FARC party (now Comunes).[2] So far, over 130 associative enterprises have been created by ex-combatants, primarily cooperatives and associations (García & Álvarez, 2020).

As previously mentioned, the Peace Agreement's approach to intervention is characterised by a number of innovative aspects compared to other peace processes. Three of these are particularly relevant to the analysis in this chapter:

a. *Providing recognition and legitimacy for the collective dimension of reincorporation*. This has been done in various ways. The first was the creation of the ZVTNs as community spaces where arms could be surrendered and the ground prepared for the reincorporation process (activities such as civil registration, legal advice and determining levels of education) and the subsequent transition of the ZVTNs to permanent settlements. The second was the provision of 8 million pesos (approximately €1,850) for each ex-combatant to allow them to undertake a productive project, either individually or collectively. The third is the explicit acknowledgement that the path to reincorporation goes beyond personal support and must take account of the interests of the community of FARC-EP members and their families, with activities to strengthen the social fabric, promote coexistence and reconciliation, and deepen local democracy. Despite Colombia's reintegration policy already incorporating a "community-based approach" (National Planning Department, 2008), this was limited in scope, with less opportunity for participation, reaching agreement and territorialisation.

b. *Giving a central and leading role to the social and solidarity economy*. There is a focus on collective association, supported by the creation of a group of cooperatives at the territorial and national levels. Not only is this model unprecedented in programmes in Colombia, it

[2] The FARC political party (*Fuerza Alternativa Revolucionaria del Común* or Alternative Revolutionary Force of the Common) has the same acronym as FARC–EP and was founded in 2017 after the signing of the agreement. It became the Comunes party in 2021. This article uses FARC–EP to refer to the guerrilla forces and FARC to refer to the political movement created subsequent to the signing of the Peace Agreement.

is also innovative at the international level (Valencia & Chaverra, 2019). It is structured around a national organisation Ecomun, whose full name is Social Economies of the Common (*Economías Sociales del Común*), established by Decree 899 of May 2017 in line with the powers and functions defined in item 3.2.2.1 of the Peace Agreement. Ex-combatants can also choose alternative routes based on individual reincorporation on the creation of other types of organisations and businesses, although this model was initially favoured by the majority of FARC-EP.

c. *Highlighting the importance of the cross-cutting incorporation of the territorial and differentiated approach, which are specific to the Colombian peace process.* The territorial dimension means the ex-combatants and receiving communities define their own projects based on their own interests, needs, identity and potential. The differentiated dimension ensures all initiatives pay specific attention to the situation of women and to gender inequalities, promoting the participation of victims, respecting the diversity and culture of ethnic peoples and taking into account barriers facing people with disabilities. While the inclusion of these aspects is an achievement, analysis shows their intangible nature and limitations when it comes to putting good intentions into practice (Figueroa et al., 2020; Sánchez & Sánchez, 2019).

The approval of legislation and policies has been needed to implement the commitments reached in Point 3 of the Peace Agreement. The first is Document 3931 of 2018 of the National Council of Economic and Social Policy (CONPES 3931), setting out a general framework for socioeconomic intervention. This was complemented by Resolution 4309 of December 2019, which contains provisions for accessing the rights to health, education, work and housing for ex-combatants and their families, incorporating a community dimension. This involves the implementation of the National Reincorporation System, which brings together 29 government entities (Government of Colombia, 2021), led by the Agency for Reincorporation and Normalisation, which is responsible for coordination and monitoring. The Peace Agreement also established the creation of a key new entity: the National Reincorporation Council. Together with the Commission for the Monitoring, Promotion and Verification of the Implementation of the Agreement, it provides a vital space for strategic planning and monitoring among the signatories. The reincorporation

pathway was approved by the National Reincorporation Council, albeit without the approval of Ecomun, which has criticised the lack of territorial agreement and the prioritisation of individual reincorporation over collective reincorporation. This framework has been gradually complemented by further legislation.[3]

Colombia has built up significant experience in this area, having demobilised more than 60,000 people in the 15 years prior to the Peace Agreement (Government of Colombia, 2019). The approach of the Peace Agreement is a major shift from previous reincorporation processes and their political instruments, which were more aligned with traditional disarmament, demobilisation and reintegration (DDR) approaches and focused on access to public services and obtaining certain financial and legal benefits. The evaluation of these policies had already pointed to a more integrated approach, through the incorporation of comprehensive strategies for reconciliation, repatriation, community integration and public participation (Ramírez & Sanabria, 2020; Villarraga, 2012).

The mechanisms and protocols for the disarmament and reincorporation of former members of FARC-EP were one of the most critical and controversial aspects of the negotiations. Tensions were clear right up to the signing of the Peace Agreement, since the victory of the No campaign in the referendum and the subsequent renegotiations took place after some of the guerrilla detachments were stationed to begin the concentration process (Grasa, 2020). These tensions have continued throughout the implementation process, which has been plagued by disagreement. Criticism from the FARC has ranged from semantics (challenging the use of concepts like "demobilised" and "reintegrated" on account of connotations of giving up on the political struggle and returning to a society that they never abandoned),[4] all the way through to more strategic aspects, accusing the government of torpedoing collective reincorporation processes in favour of individual support in a strategy more focused on counterinsurgency and weakening their political and social foundations.[5]

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[3] There are at least six pieces of legislation: Decree 660 of 2018; Decree 1629 of 2019; Resolution 1279 of 2020; Decree 965 of 2020; Decree 1341 of 2020; and Decree 1543 of 2020.

[4] Interview with a person in the process of reincorporation, from the Héctor Ramírez ETCR, in the Department of Caquetá. 9 May 2019.

[5] Interview with a person in the process of reincorporation, from the Tierra Grata ETCR, in the Department of Cesar. 11 October 2019.

This context of polarisation and continuous disagreements between the signatories has been compounded by other institutional and territorial dynamics. Four of these have had a particularly strong influence during this period. The first is the growing atomisation of ex-combatants, who have left the ETCRs and dispersed throughout cities and regions. This is shown by the creation of over 90 New Areas of Reincorporation (based on calculations from the National Reincorporation Council in 2020), which are now home to over 3,500 people (United Nations, 2021c). The second relates to the government's refusal to recognise these new spaces, the difficulties in facilitating ownership of the land on which people settle and the complexity of approving and implementing collective projects.[6] The third is the failure to make the rural communities in which they are located competitive (e.g. tertiary roads, productive infrastructure and access to technology) and the obstacles this creates for the sustainability of businesses and economic reincorporation. Fourth and most importantly, is security, both in terms of the threats and lack of guarantees in many of these areas. Five years from signing the Peace Agreement, more than 1,270 social leaders and 299 ex-combatants had been murdered (INDEPAZ, 2021).

3   EU Technical–Financial Support for the Reincorporation Process

From the start of the 2000s through to the New Peace Territories programme (the predecessor to the EU Trust Fund, running from 2011 to 2017), the EU's approach has primarily focused on promoting new models of rural development and territorial governance. Its objective has been to strengthen local and regional peacebuilding initiatives and to create the conditions for social dialogue and addressing inequalities, even in contexts of violence. This model, which is representative of the "local turn" in peacebuilding, has a number of features that make it different and potentially innovative compared to work in other countries. Working with ex-combatants (regardless of the armed group from which they originated) was not a strategic priority for the EU in terms of project design and intervention logic. Instead, its involvement was limited to the reintegration and demobilisation processes.

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[6] Interview with a member of the United Nations verification mission. 4 February 2020.

Its approach has expanded since the signing of the Peace Agreement, which defined the EU as an international partner in the implementation of Point 1 ("Comprehensive Rural Reform") and Point 3 ("End of the Conflict"), specifically for reincorporation. This has allowed the EU to play a considerably more active role than in previous processes, such as the Law for Justice and Peace of 2005, where its support was highly limited, without direct involvement in the disarmament and demobilisation process for the paramilitary organisation the United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia,* AUC) (International Crisis Group, 2006). This recognition formalised the EU's role and its financial support was increased following a high-level meeting with the national government in Brussels, with the announcement of a donation of €15 million to promote the socioeconomic inclusion of ex-combatants (Mogherini, 2018).

The EU Trust Fund for Colombia was created eight months before the signing of the Peace Agreement (European Commission, 2016) through an administrative act establishing the instrument and defining general objectives and priorities for specific issues and groups. These aspects remained general but are fleshed out in a subsequent strategic document, which identifies ex-combatants as the target group for the first time. The strategy emphasises three aspects: the role of the National Reincorporation Council as the competent authority, the cross-cutting nature of the territorial approach and the importance of respecting the principles of inclusion and a differentiated approach (Delegation of the European Union to Colombia, 2017).

The scope of the EU Trust Fund is broad, leaving certain aspects vague and lacking precision. This openness has given it versatility and flexibility in practice, allowing it to adapt to the demands of the signatories and the continuously changing political, institutional and territorial contexts. The remainder of this section will examine the three levels—territorial, national and institutional—that have characterised the EU's support for the reincorporation process.

3.1   *The Territorial Level: Community-Based Organisations and Community Reincorporation*

Although the first EU Trust Fund projects were signed in 2017, their implementation on the ground did not gather momentum until the start of 2018. This was already a year after the signing of the Peace Agreement and complications to the local ecosystem for the reincorporation

process had already begun to emerge. These included (i) the high level of scepticism among ex-combatants and recipient communities regarding the investments made and the capacity of public institutions (Ombudsman's Office of Colombia, 2017); (ii) the lack of involvement of territorial entities in planning and decision-making[7]; and (iii) technical, legal and administrative difficulties in formally establishing the entities of the solidarity economy for ex-combatants (United Nations, 2018). Other more structural issues included the lack of legal security for ETCRs and uncertainty over their sustainability. This had a significant impact on investment dynamics, population exodus and the future plans of ex-combatants. All this has affected the collective reincorporation model put forward and publicly defended by FARC. In this context of growing tensions, the EU's resources have taken on a strategic role in stabilising the situation and building trust.

The EU Trust Fund has deepened its participation since the second half of 2018. From a territorial perspective, this has been done in two ways. The first has involved offering to increase the budget by up to 20% for projects in the design and implementation phase, including specific measures to better address the needs of the ex-combatant population and neighbouring communities. A number of the implementing partners have taken advantage of this opportunity, particularly those with ETCRs in their areas of influence and whose institutional approach allows them to work directly with these population groups. The second was a call for civil society organisations to finance initiatives for socioeconomic reincorporation, launched in January 2018. This led to the approval of four new projects, with investment of around €3 million. Some of these projects have been implemented by organisations created by and made up of ex-combatants.

According to the EU Trust Fund monitoring and reporting system, 29 projects had been funded as of March 2022 (excluding the two budget support packages for the government), 19 of which directly supported socioeconomic reincorporation.[8] These initiatives involved at least 18 ETCRs and New Areas of Reincorporation in 12 departments

[7] Interview with a representative of the Departmental Government of Guaviare. 1 August 2018.

[8] Data obtained from the information published by the EU at www.fondoeuropeoparalapaz.eu for each of the initiatives financed and the activities, outcomes and indicators described in the official reports (11 quarterly and four annual).

across the country. There are also three more projects, which, despite not having direct investment in economic and community development terms, are nonetheless promoting reincorporation and reconciliation activities related to social dialogue, political advocacy and education in receiving communities. Approximately 75% of the initiatives funded through this instrument include specific measures to support the ex-combatant population. In thematic terms, the measures are focused on five areas:

a. *Funding economic initiatives to generate jobs and income*. This first area covers community-based cooperatives created in and around reincorporation areas. The EU Trust Fund has supported the creation of businesses in around 40 of these areas (generating day labour and employment opportunities for over 900 ex-combatants). These include agricultural projects, as well as others related to agri-industrial transformation, micro-businesses and services (primarily community and nature tourism).

b. *Construction of infrastructure to provide basic services or community integration*. This area primarily covers investment to improve access to water, electricity and the Internet. However, it also includes measures on education, with an emphasis on improving physical spaces, creating rooms with IT facilities and expanding the range of training and education. Lastly, it covers measures to create spaces for contact with receiving communities, including childcare and sports facilities and the adaptation of spaces for leisure and social life. These activities cover over 650 ex-combatants.

c. *Initiatives for reconciliation and contact between local communities and the ex-combatant population*. Over 4,000 people have participated in these activities, including former members of FARC-EP, local populations and institutional representatives. Activities have been broad in scope, including reconciliation laboratories, intercultural contact, and arts and sports events. Despite the wide range of methods employed, the focus is on the shared objectives of creating opportunities to allow these actors to gradually build new types of relationships at the local level. This means overcoming the

logic of conflict through community integration as a prerequisite for reincorporation and reconciliation in the medium and long term.[9]

d. *Technical capacity-building on entrepreneurship, business skills and finding work.* This educational component is common to many of the disarmament, demobilisation and reintegration processes. It is primarily focused on providing basic education and skills for work. However, the reality of FARC-EP members was markedly different from other international contexts: 90% were able to read and write and almost 60% had completed primary education (National University of Colombia, 2017). Given these figures, over 1,600 ex-combatants participated in training activities. The main focus was on knowledge and good practices for implementing productive projects, working in trades (e.g. construction, carpentry, metal-working) and agriculture. There was also a secondary focus on tools and skills needed to manage the cooperatives created for their reincorporation.

e. *Creation of spaces for institutional dialogue and public participation.* Some projects have promoted the involvement of ex-combatants in official committees and bodies for territorial planning and decision-making. At least 44 leaders (including men and women) and 11 organisations have received support in this area. While the EU Trust Fund does not have a role under Point 2 of the Peace Agreement ("Political Participation") and distances itself from activities with a political and ideological component, it does have a role to play in democratic governance. In this context, measures have focused on capacity-building for citizens and dialogue between the public and social sectors.

All the interventions and components share an associative approach. Investment has been aligned with the desire for collective processes expressed by FARC-EP in the Peace Agreement and which has characterised its reincorporation project, with local economic models based on cooperativism and the solidarity economy, which characterises its reincorporation project. The EU has respected this vision in its support for local

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[9] Interview with a person in the process of reincorporation who is a member of the COOMPAZCOL cooperative in the Amaury Rodríguez ETCR (Pondores, Department of La Guajira). 9 October 2019.

initiatives led by ex-combatants and neighbouring communities, which have made up a large percentage of resources.

There are four aspects that help us to understand the EU's strategic support at the local and territorial levels. First, the EU's reaction to the request by the national government and the rapid deployment of allocated resources (primarily through budget increases to projects) represents an exceptional measure in terms of the EU's traditional logic of cooperation, showing both its ability to adapt and its institutional willpower. This flexibility has benefited the post-agreement process, allowing a versatile response to a continuously changing territorial, institutional and political context. The EU Trust Fund, which has more autonomy and room for manoeuvre than traditional sources of EU funding, has proven itself to be a useful instrument. Additionally, the use of an open and competitive call to social organisations has boosted civil-society participation in a context in which development agencies and international organisations have shouldered much of the responsibility for implementation (perhaps excessively so).

Second, the projects have been subject to a wide-ranging and inclusive negotiation process with ex-combatant communities and cooperatives. Investment has been the result of a participative and cross-cutting dialogue process, showing the willingness of the EU and implementing partners to adapt to local circumstances and requirements. The partners also highlight good practices, such as the Financial Support to Third Parties mechanism, which allows the direct implementation of funds by community-based organisations (Delegation of the European Union to Colombia, 2020). At least 14 projects have been implemented with the ex-combatant population. This has increased levels of inclusion and ownership, at the same time as strengthening community-based organisations.[10] This mechanism is not without its challenges, including (i) administrative requirements that remain complex for generally weak associations; (ii) the complexity of overcoming traditional leadership structures and the hierarchical structure that prevailed during the years of

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[10] Interview with the person responsible for the technical coordination of a project funded by the EU Trust Fund. 15 September 2021.

armed struggle; and (iii) the difficulty of incorporating a vision sustainability, focused on measuring results and the pursuit of profitability and growth.[11]

Third, the Peace Agreement stands out for its cross-cutting incorporation of the territorial approach, a perspective also expressed in the projects funded by the EU. Participative design processes have avoided standard intervention models and allowed the identification of specific lines of work for individual territories. This is evidenced by the range of production chains that have been prioritised (in line with the potential of local areas), the involvement of ethnic communities, adaptation to environmental circumstances (e.g. productive systems, conservation strategies) and the different ways of working with territorial entities, depending on the political and institutional dynamics (including traditional indigenous and Afro-descendent authorities). The territorial approach helps identify structural weaknesses with the potential to threaten the continuity of certain initiatives, such as the lack of institutional presence and capacity, the lack of a business community and regional markets, and deterioration in public order.[12] At all times, the EU has respected the idea of "territorial peace", which formed the backbone of the negotiation process.

Fourth, support for the dialogue and reconciliation process at the local level has been common across all components. The productive initiatives, business units and infrastructure work directly contribute to this aspect by creating spaces for contact and exchange between ex-combatant communities and neighbouring communities (the majority of which are victims of the armed conflict). Such initiatives favour more gradual and organic integration than explicit "truth and reconciliation" events and activities, allowing communities to move at their own pace and reach certain agreements naturally.[13] This joined-up approach, which connects economic development, community coordination and the promotion of new forms of governance, linked to public institutions, is reflected in the logic of a significant proportion of projects, in line with the Peace Agreement. In a certain sense, it involves creating "ecosystems" that provide foundations

[11] Interview with the management team of a project funded by the EU Trust Fund. 12 August 2021.

[12] Interview with a member of the technical assistance team of the post-conflict EU Trust Fund. 28 April 2021.

[13] Interview with the person responsible for the reincorporation component of a project financed by the EU Trust Fund. 11 August 2021.

for reincorporation, without losing sight of the objective of transitioning from ex-combatants to fully fledged active citizens.[14]

3.2   The National Level: Strengthening the Platforms for Coordinating Key Aspects of Reincorporation

In addition to the associative structures created by the ex-combatant population in the country's regions, two national-level organisations were created under the Peace Agreement: Ecomun and Humanicemos DH. Although they have different missions and remits, both permit the materialisation of strategic aspects of the reincorporation process and display an innovative approach (including internationally) to reconciliation and peacebuilding. At the start of 2018, following a dialogue process between the national government (the High Council for Post-Conflict[15] and the Office of the High Commissioner for Peace) and FARC leaders, the EU decided to provide technical and financial support to both initiatives. This has meant working at a new level, since it seeks to promote these two "umbrella" organisations that go beyond the local logic of the previous two initiatives. The remainder of this section provides a description of the context and intervention model for each.

3.2.1   Ecomun

The backbone of the reincorporation strategy put forward by FARC-EP since the negotiating phase has two methodological and strategic components: (i) collective work and (ii) the social and solidarity economy. Not only does this reflect its ideology and vision of development, it is also aligned with its political project (Zambrano, 2019), seeking to draw on existing support among its social base in certain territories to progressively build its status as a political force. With ex-combatants concentrated in different parts of the country, FARC identified the need to create a second-level platform, bringing together different cooperatives to support, strengthen and coordinate both the cooperatives themselves

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[14] Interview with a person in the process of reincorporation, from the Miravalle ETCR, who is a member of the MMAVECOOP cooperative. 23 September 2019.

[15] This entity was renamed the Presidential Council for Stabilisation and Consolidation under the presidency of Iván Duque, a change that is indicative of the shift in approach under the new administration.

and their core business areas. This is explicitly set out in and given legitimacy by the Peace Agreement, which states that this organisation shall have national coverage and may adopt a territorial structure (Government of Colombia, 2016). The process to create Ecomun officially began seven months after the Peace Agreement with Decree 899 of 2017. In consensus with the signatories, the EU then pledged almost €8 million of budget support, based on two strategic priorities.

The first was that the group would be cooperative in nature. Here, the EU suggested that experience of the Mondragón Corporation of Cooperatives in the Basque Country could be adapted to the situation in Colombia. This involved discussions within Ecomun and the FARC component of the National Reincorporation Council, which noted some differences in the approach and favoured other models, such as Cuban cooperativism (more representative of the rural and peasant reality of peripheral territories). In the end, it was decided that the conditions existed for participation in the project and that this could contribute to the organisation's success at a stage of high expectations and institutional disengagement.[16] Over the three years of implementation, there have been a number of achievements, primarily in three areas[17]:

  a. *Creating a business structure that brings together and coordinates the associative enterprises created by the communities in the process of reincorporation.* The by-laws, rules and governance mechanisms that establish the cooperative group and govern its operation were drawn up in line with the legislation in force. There have also been broad efforts to engage with society and discussion with the community base through meetings and visits to build consensus and ensure the legitimacy of the organisation's model. Lastly, the organisation aims to encourage new ex-combatant cooperatives to join, with the goal of expanding territorial coverage and the range of products and services. As of the most recent report at the time of writing (June 2021), Ecomun has attracted 153 associative structures.

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[16] Interview with a person in the process of reincorporation who is a member of the Ecomun technical team. 13 December 2019.

[17] The data is taken from the EU Trust Fund monitoring system and is based on the progress indicators at www.fondoeuropeoparalapaz.eu, alongside quarterly and annual reports to Brussels.

b. *Specialised technical assistance and building knowledge and capacity on the social and solidarity economy.* While some State bodies have provided training to some leaders, at the territorial level, there remains a dearth of business experience and this is a major barrier to growth and stability. During their guerrilla period, some figures from FARC-EP were involved in commerce, building up some knowledge of production and sales. However, this does not transfer across to a business environment, since the concepts, approaches and logics of management are quite different to life in clandestinity.[18] The project has built an online platform and curriculum to develop the business skills of over 250 associates of Ecomun.

c. *Design and promotion of the productive chains prioritised by Ecomun and the corresponding community-based cooperatives.* Ecomun is focused on and specialises in a number of value chains to connect local potential (products and services provided by ex-combatants) and national business units. This requires sectoral strategic plans, technical specialisation, public–private partnerships and leveraging resources to develop the different lines of business. These components are still in the development phase.

The second strategic priority addresses the need for quick results for at least some business units and has seen specific support provided to develop a fish farming production chain. This support represents a significant proportion (around 60%) of the budget and aims to (i) ensure the direct participation of community-based cooperatives (through territorial nodes) in the chain, creating jobs and generating income for the ex-combatant population and (ii) promote innovation and the addition of value, ensuring an economically, socially and environmentally sustainable business model. Although the project has suffered significant delays, primarily from institutional and administrative issues, it remains Ecomun's biggest source of direct support for developing its business model and ensuring its sustainability.

While the first of these projects (implemented by the Mondragón Group) is focused on creating the infrastructure and technical capacity for business development, the second is focused on putting in place a viable

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[18] Interview with a person in the process of reincorporation, from the Jaime Pardo Leal ETCR (Colinas, Department of Guaviare), who is a member of the COOJAPAL cooperative. 1 August 2018.

business model with economic benefits but above all showing Ecomun's potential as a national platform, alongside the support it can provide for local organisations in terms of knowledge transfer, specialist advice, leveraging resources and access to markets.

In general, the EU's support for Ecomun makes a fundamental contribution to the spirit of the Peace Agreement and the architecture agreed for its implementation. The EU has become a key partner of the organisation and has made a decisive contribution to collective reincorporation (promoting cohesion among the ex-combatant population), cooperativism (as a business model and form of social inclusion) and the territorial approach (tapping local potential and the know-how of communities).[19] The EU Trust Fund's technical and financial investment has been the international community's main contribution to this organisation (alongside the participation of Norway and various social and development organisations). Moreover, it has also weathered the institutional changes and strategic reorientation pursued by the administration of President Iván Duque. This has shown that, despite seeking consensus with the national government, the Delegation of the European Union to Colombia has kept a certain amount of autonomy in its criteria and actions and has been able to uphold agreements with the signatories during the EU Trust Fund's initial design and formulation phase.

Despite the positive results in technical training, specialisation and the creation of the cooperative group, the EU's support has faced three main challenges.[20] The first is the lack of institutional support and the reduction in the role initially defined for Ecomun. Despite the Peace Agreement stipulating that Ecomun should play a fundamental role in the approval and implementation of resources for collective projects, this has not occurred. In terms of dialogue, negotiating has fallen to the FARC component of the National Reincorporation Council, not Ecomun. Similarly, at the operational level, the national government has not given it the envisaged administrative role. The second challenge has been an internal dispute in Ecomun over two models of organisational management, generating fierce debate and conflicts. One of the models argues

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[19] Interview with a representative of the Delegation of the European Union to Colombia (Bogota). 18 March 2022.

[20] Interview with a member of one of the Ecomun support projects (Bogota). 14 March 2022.

for a more vertical approach and for the integration of political and business strategies, with a bigger role for the Comunes political party created out of FARC. The other backs a federal structure with more room for the participation and decision-making of the community-based cooperatives and territorial leaders that emerge from the organisational ecosystem. The third challenge involves growth and consolidation, touching on issues such as how to increase the value of productive chains and connect them to specialist markets; how to build the portfolio of services for local initiatives that form part of Ecomun; and how to access new financing and guarantee mechanisms.[21]

3.2.2   Humanicemos DH

Humanicemos DH, whose full name is the Corporation of Colombian Ex-combatant Brigades for Peace and Development (*Corporación Brigadas Colombianas de Excombatientes para la Paz y el Desminado Humanitario*), is the world's first humanitarian demining organisation exclusively made up of people in the process of reincorporation (United Nations, 2021b). The organisation stems from item 3.2.2.6 of the Peace Agreement, which states that the removal of anti-personnel mines, unexploded munitions and improvised explosive devices from affected territories must be considered a priority programme for the recruitment of ex-combatants following the agreement. This strategy has the potential to have a multidimensional impact, since it combines economic reincorporation (creating jobs and generating income), reconciliation (through reparations to victims) and peacebuilding (through awareness-raising and preventive campaigns in the most-affected communities).[22]

The demining strategy was launched in 2018 and has been supported by the EU from the outset. However, certain structural factors have hampered the process. In Colombia, demining has traditionally been certified by the Organization of American States. However, this has not been possible in this instance, since a large proportion of the organisation's funding comes from the United States, which has kept the FARC on its list of terrorist organisations (a decision reversed by the Biden

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[21] Interview with a member of one of the Ecomun support projects (Bogota). 11 March 2022.

[22] Interview with a person in the process of reincorporation, from the Héctor Ramírez ETCR (La Montañita, Department of Caquetá), home to one of the territorial offices of Humanicemos DH. 11 August 2021.

administration in November 2021). This has hindered working with ex-combatants (Humanicemos, 2020). A second factor has been the new national government, bringing new ideas and approaches to the implementation of the Peace Agreement. In the end, the United Nations Mine Action Service has been recognised as the verification authority by the competent institutions. This allowed the first 24 individual certifications enabling people to carry out these activities to be approved in the second half of 2020.

The EU's financial support began that same year and, as of March 2022, 116 ex-combatants were directly employed in demining activities, over 1,200 community members had been educated on the risks and on preventive strategies, and a team of 12 people had received full training for the long-term strategic, administrative and financial leadership of the organisation. Patricia Llombart, the EU Ambassador to Colombia, has described the process as a shining example of reconciliation and reincorporation (El Espectador, 2020). Activities to remove explosive artefacts are currently ongoing in municipalities in the Department of Caquetá.

In general terms, support for Humanicemos DH provides a valuable opportunity for innovation and for piloting a reincorporation model that combines occupational inclusion, peacebuilding and reparations to victim populations (Kroc Institute, 2021). This experience has the potential for international replication and it will be essential to transfer the lessons learned by the EU Trust Fund to other relevant EU delegations and bodies. Both the EU and the United Nations Mine Action Service can play a key role in this respect. In addition to crucial progress in deactivating explosives and educating the most vulnerable communities, this work is also helping rebuild social capital and relationships between ex-combatants, victim populations and the relevant public institutions (United Nations, 2021a).

The challenges for the next phases will be centred on coordination with other international organisations and public institutions, and on generating financing and support mechanisms to allow the scaling-up of demining to other regions of the country, to meet a key commitment on reparations. Lastly, the Humanicemos DH project has shown a number of good practices in terms of complementarity. The first phase, which was focused on its structure and establishment (2017–2019), was supported by the United Nations, while the second (2019–2022) has focused on the implementation and development on the ground and has been supported by the EU Trust Fund. This bridge between the financial instruments

of the two organisations is an interesting precedent and provides a long-term support model, particularly for unstable contexts that require solid and persistent foundations for cooperation and trust.

3.3   The Institutional Level: Promoting the Implementation of Sectoral Public Policy

Since 2019, the EU Trust Fund has focused on larger projects, identifying priority issues for the national government and the EU to promote strategic aspects of the Peace Agreement. Support has been provided in three areas of intervention: development programmes with a territorial approach to implementing the Comprehensive Rural Reform; the National Reincorporation Policy (Point 3); and the Land Fund and process for formalising ownership (Point 1). The last two of these areas have been supported via budget support. This form of cooperation, which is widely used by the European Commission in different places, allows the direct transfer of resources to the treasury of the partner country. This guarantees greater autonomy in handling funds and facilitates management by results, since funds are disbursed in variable tranches, subject to compliance with previously agreed indicators. The main objectives of the instrument are to facilitate political dialogue on key issues, promote ownership and transparency, and create a favourable environment for the reform of policies and the regulatory framework (European Commission, 2017). However, this type of cooperation requires a high level of trust between parties. This is true of Colombia, now in its second cycle of budget support. This is the first cycle where the EU has specifically targeted issues related to peace, since previous support has focused on policies in areas such as rural development, competitiveness and sustainable development. In this instance, as the body charged with coordinating the incorporation process, the Agency for Reincorporation and Normalisation is the counterpart of the budget support, with responsibility for its implementation and compliance.

The main objective of the EU financing (€10.5 million for the period 2020–2024) has been to ensure the materialisation of the commitments made in CONPES 3931 of 2018 and increase financing for the peace chapter of the National Development Plan. Budget support has been designed based on a negotiation process between the EU and the national government, which ran for various months and defined the performance

indicators that will determine and enable financial flows. Nine indicators and five strategic areas were defined, structured around two dimensions[23]:

- a. *Economic reincorporation.* Two of the five strategic areas can be grouped under economic reincorporation, which is focused on the percentage of people in the process of reincorporation implementing productive projects or enterprises with the 8-million-peso payment under the Peace Agreement. These projects can be collective or individual. Rather than merely measuring the disbursement of funds, the focus is on whether initiatives have technical assistance to strengthen their operation and sustainability. For collective projects, the number of women leaders is analysed to ensure gender balance in the design and management of businesses in order to promote the inclusion and financial autonomy of women. The second strategic area that falls under this dimension covers professional training programmes and the development of skills for work. Since the phase for the surrender of arms, people in the process of reincorporation have received training and workshops on various occasions. However, only a small number have had access to long-term education opportunities. Aside from the creation of enterprises, inclusion in the workplace will be one of the main sources of employment among people in the process of reincorporation. Accordingly, budget support facilitates measurement of the current level of coverage from institutions and the percentage of students gaining qualifications (broken down by gender).
- b. *Increased focus on fundamental rights.* The other three strategic areas can be grouped under improving fundamental rights. The first aims to address a key issue for ex-combatants, namely the lack of land ownership and the difficulties in accessing quality housing. There are two indicators that help to raise the profile of these issues. These measure the percentage of people in the process of reincorporation who have benefited from access to land and housing but from the standpoint of a broader, rights-based approach, including the availability of sustainable public services (water, sanitation and energy).

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[23] The strategic priorities, measurement variables and disbursement criteria are set out in the Technical and Administrative Provisions of the Financing Agreement signed between the European Commission and the Colombian Ministry of International Relations. 7 May 2020.

The second strategic area related to fundamental rights addresses the exponential growth in births among the ex-combatant population that has accompanied the peace process. In the absence of official figures, it is estimated that 3,500 children have been born both inside and outside the reincorporation spaces since the Peace Agreement was signed. The budget support recognises this situation and includes an indicator to monitor compliance with their rights, measuring the percentage of children under five years of age who access the care services of the Colombian Institute of Family Welfare. The third strategic area of this dimension covers ex-combatants with disabilities due to causes related to the armed conflict. The Agency for Reincorporation and Normalisation estimates that 1,197 ex-combatants are in this situation, with either physical or mental issues that require special care. This is reflected in two indicators that measure the percentage of people whose disability has been evaluated and who have obtained the corresponding certification. This status recognises their condition and allows access to multidisciplinary health care services, as well as a range of other institutional services.

Around 20% of budget support is assigned to "complementary support" via a technical assistance contract to (i) strengthen the corresponding national institutions through the transfer of good practices, successful experiences and specialised knowledge; (ii) guarantee the effective inclusion of the gender-based approach and other cross-cutting priorities (including the territorial approach and sensitivity to the conflict); and (iii) promote the distribution and sale of products derived from the reincorporation process and increase the range of occupational training. Since 2021, this last point has been addressed via a special school in the city of Cali, which aims to train over 200 people (ex-combatants and neighbouring populations of ETCRs) and facilitate the inclusion of at least 60% of them in the workplace. This is the most recent initiative financed by the EU Trust Fund.

In terms of evaluating budget support, it should be noted that its logic of intervention goes beyond the scope of a single project. While territorial initiatives have played a stabilising role and provided direct support

to the most vulnerable populations, the instrument is focused on transforming public policy, which gives it a number of advantages.[24] To a certain extent, it allows the prioritisation and promotion of key issues that may not be high on the political agenda. Examples include commitments related to access to land, quality housing and women's leadership. At the same time, budget support also promotes normative and institutional changes (in many cases binding), with the potential for greater sustainability over time. Key examples of how budget support has played a major role in the reincorporation process include the prioritisation of children of ex-combatants in the programmes of the Colombian Institute of Family Welfare; the evaluation and certification of people with disabilities; the inclusion of the population in the process of reincorporation in the national employability roadmap; and recognition of urban housing for people living outside rural areas.

Although the budget support mechanism cannot address structural factors like the persistent issues surrounding land and ownership, it has shown its potential as a catalyst in key areas through negotiation and financing by results. While, more generally, some authors have questioned its efficacy and even connected it to forms of meddling by donors (Wolff, 2015), in Colombia it has positively shaped the institutional agenda, in line with the Peace Agreement and in a context in which the national government's willpower and commitment to implementation can be questioned. However, the sustainability of these decisions and their materialisation on the ground will ultimately depend on the political vision and budget allocation of the government over the medium and long term.

There are other technical and strategic aspects that also reflect potential changes derived from budget support. First, while the National Council of Economic and Social Policy had clear objectives, it did not have a specific measurement framework to monitor progress. The negotiation process with the EU has allowed the creation of a series of indicators and new procedures for gathering and analysing data. This constitutes real progress towards management by results. Second, budget support is ensuring the implementation of differentiated approaches by ensuring words are turned into actions. The indicators include aspects such as guaranteeing and measuring the inclusion of key groups like women, people

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[24] Interview with a representative of the Delegation of the European Union to Colombia (Bogota). 23 March 2022.

with disabilities and minors, as well as the urban–rural dynamic. This aspect is particularly relevant given the geographic and social diversity and wide range of contexts inherent to the reincorporation process. Third, the intervention logic and the corresponding indicators look beyond the individual vision of ex-combatants to encompass the family unit. Progress in this direction is a major step towards stabilisation and the return to civilian life.[25] Budget support promotes care for minors and the involvement of families in productive projects, from a rights-based approach.

All this represents a new direction for public policy. However, the challenge lies in transferring this national strategy to the territorial and local level, where technical, human and financial capacity is generally low. Nonetheless, budget support has helped deepen this approach. It has also proven itself as a versatile instrument that can take into account some of the structural changes in the reincorporation dynamic, such as the exodus of many ex-combatants from ETCRs, the growing relevance of reincorporation in cities and the reality of New Areas of Reincorporation.

4   Conclusions

There can be no doubting the significance of the EU's support for the reincorporation process. In the highly volatile and politically sensitive context of the post-agreement phase, the EU has played a decisive role in stabilisation and building trust, an aspect widely recognised by both parties to the agreement.[26] While this process is not without its weaknesses, challenges and difficulties, it has shown the important role international cooperation can play in a context of high polarisation and clashing territorial, political and institutional dynamics. This chapter will now conclude with some of the key lessons that can be learned from the EU's support.

At the political level, the EU has consistently expressed its support for the Peace Agreement and the reincorporation process. This has been

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[25] Interview with a person in the process of reincorporation, from the Miravalle ETCR. 22 September 2019.

[26] Representatives of both parties have publicly acknowledged this fact on numerous occasions. It was recently affirmed in November 2021 by Emilio Archila (High Presidential Councillor for Stabilisation) at the sixth Strategy Committee meeting of the EU Trust Fund and by Rodrigo Londoño (FARC/Comunes) at some of the celebrations and conversations to commemorate the fifth anniversary of the Peace Agreement.

particularly valuable when tensions have been running high and when political and social debates have significantly affected the morale and outlook of ex-combatants. The EU's relationship with the signatories has been characterised by pragmatism and diplomacy, keeping communication channels open and listening to both sides. This has allowed it to support certain demands of FARC-EP, particularly on community-based cooperatives, the promotion of Ecomun and in denouncing the lack of security guarantees in some regions. It has also allowed a growing connection with the national government, increasing funding through budget support and upholding priorities like supporting Territorially Focused Development Plans and investment in productive infrastructure and roads. This willingness to deal with both parties has required significant coordination within the EU Trust Fund itself to bridge the visions and positions of the 23 contributing countries and has generated criticism from the various political fringes. Ex-combatants have called for greater criticism of the State's failures to comply with the agreement and for increased attention to violations of their rights. In contrast, some political forces have criticised support for certain aspects of the Peace Agreement, arguing that it promotes impunity and favours people who were involved in armed conflict. Despite these criticisms, the institutions and FARC/Comunes have acknowledged the EU's capacity to build consensus and to finance strategic initiatives that establish and support reincorporation.

At the institutional level, the EU has shown a willingness and effort to respect the approach and commitments made between the national government and FARC-EP. This is clearly shown by two major decisions. The first is the decisive support for collective reincorporation processes, in line with the desires of the ex-combatant population, as set out in Point 3 of the Peace Agreement. This perspective has continued under the new government, which has shown reticence and erected barriers to the collective model (e.g. in the allocation of land, weakening the planning bodies derived from the Peace Agreement and the channelling of funds through Ecomun). The second is the decisive backing of Ecomun and the local initiatives of the social and solidarity economy, supporting the vision of development and the community approach of the population in the process of reincorporation.

The EU Trust Fund has also shown its versatility and ability to adopt different measures in response to changes in context, despite the technical challenges this has presented for the EU. Coordinated work inside the Delegation of the European Union to Colombia has allowed the

adoption of exceptional legislative and administrative decisions, showing a high level of assertiveness and flexibility. Examples include increasing the budget of projects in the short term, the search for ways to provide financial support to Ecomun, Humanicemos DH and ex-combatant cooperatives, and the cross-cutting inclusion of Financial Support to Third Parties to give community-based organisations direct access to funds. Nonetheless, the EU faces a number of persistent challenges. These include slow decision-making in a context that demands quick and effective responses and the volume and complexity of bureaucracy associated with its projects for some of the local implementing organisations, some of which possess limited experience and capacity to comply with these fixed rules (especially those stemming from the Peace Agreement).

At the technical level, the EU's experience contains added value that is worth highlighting and even adapting or replicating in other contexts. The intervention model promoted by the EU and implemented by its partners has adopted an integrated approach, combining economic reincorporation, inclusion and social dialogue. In addition to improving material conditions and increasing opportunities to obtain employment and an income, an important feature has been its ability to ensure the cross-cutting presence of two key aspects:

  i. *Reconciliation:* It has progressively opened commonplace, organic spaces for the coexistence of ex-combatants and receiving communities. This has resulted in new types of relationships and has helped overcome stigma created by the period of conflict, allowing ex-combatants to become accepted as individuals. In contrast, truth and reparation (covered by Point 5 of the Peace Agreement) have played a lesser role in EU projects.
  ii. *The inclusion of local institutions and the promotion of democratic forms of governance:* Projects have worked closely with municipal and departmental government, connecting them to the initiatives of ex-combatants and channelling the demands of local populations. Political tensions and budget limitations notwithstanding, these bodies will absorb the reincorporation process in the medium to long term.

In terms of the challenges and weaknesses of the EU's activities, there are two main points. The first is the perceived lack of participation and coordination with the bodies derived from the Peace Agreement. Despite being an international supporter, the EU has played a bit part in the Commission for the Monitoring, Promotion and Verification of the Implementation of the Peace Agreement and its relevance in the National Reincorporation Council has diminished. Although the national government's lack of willpower and political disputes between the parties have caused these spaces to gradually decline, the EU could have had direct contact with them and supported them more explicitly, given their status as legitimate bodies derived from the Peace Agreement. Similarly, there is limited coordination by the EU among the various levels of support for the reincorporation process (territorial, national and institutional), with no solid strategy to promote relationships between them. While coordination boards have been organised across projects at the territorial level, this does not appear to be the case at the sectoral level. Projects have achieved some synergies and collaboration at the local level when they are in the same area but this does not appear to be the case at other levels of intervention (departmental and national), especially for connecting local initiatives and public policy.

Lastly, the sustainability of initiatives remains a major challenge, most notably when it comes to productive units or cooperatives. Nonetheless, the EU Trust Fund has made significant progress in this area beyond financing and material support. Specialised technical assistance for projects has allowed communities in the process of reincorporation and their organisational structures to develop their capacity for business and, above all, to take a more realistic view of the market and how business works. The experience of clandestinity and contact with the informal or illicit economy have created a distorted perception of productive and commercial dynamics. The concepts of cost efficiency, profitability and competitiveness are not yet fully accepted, remaining controversial and at times a source of criticism. Implementing partners have considerable experience in the social sector but not when it comes to business, limiting the implementation of market-oriented business models. Projects have successfully positioned so-called "peace products" (products and services produced by people in the process of reincorporation). However, while this represents added value that customers are willing to recognise, certain quality requirements need to be met and ensured. This process of optimisation and standardisation is still ongoing in many cooperatives.

There are also structural weaknesses that must be taken into account. A clear example is the lack of land ownership. While the EU has gone ahead with its investment despite this uncertainty (prioritising areas with greatest support and stability) and has used budget support to promote the National Land Policy, legal uncertainty hinders the local assimilation and mobilisation of resources. This also connects with other factors that have increased the complexity of the reincorporation process, such as the national government's lack of support for New Areas of Reincorporation, the growing dispersal of ex-combatants and—it goes without saying— the shadow of threats and murders that hangs over social leaders and signatories to peace.

Like with many other programmes, sustainability will ultimately depend on the capacity to permeate national public policy and influence the intervention logics of the bodies who will take on the implementation of the Peace Agreement over a much longer time frame than is possible with international cooperation. While the EU has managed to put in place a range of successful strategies, methods and initiatives that are already delivering significant results on reincorporation, reconciliation and peacebuilding, there remains no clear inter-institutional consensus on how to ensure support and ownership by the Colombian public institutions going forward. This may prove one of the biggest challenges for the implementing partners and the Delegation of the European Union to Colombia in the final phase of the EU Trust Fund.

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A Review of the European Union's Gender Approach in Its Support for the Colombian Peace Process

Irantzu Mendia Azkue

1 Introduction

In Colombia, for decades the women's and feminist movement experienced a marginalization of their analyses, indictments and proposals with regard to political and scholarly inquiry into the causes and consequences of the armed conflict. However, its strong dynamism and growing capacity for political impact have been crucial for the inclusion of gender as part of the "differential perspective" which has permeated the current peace process, to the extent that the gender approach and the positions of the women's movement and, to a lesser degree, the LGBTI movement—now have a presence in the discussions about the armed conflict, the 2016 Peace Agreement and its implementation. As a result, the case of

I. Mendia Azkue (✉)
Hegoa, Institute for Development and International Cooperation Studies, University of the Basque Country (UPV/EHU), Bilbao, Spain
e-mail: irantzu.mendia@ehu.eus

Colombia is considered internationally as a peace process that is conceptually and politically innovative due to the importance given to the gender approach and to sex-gender diversity during the negotiations and in the Peace Agreement itself.

Within this framework, for international actors who support the Colombian peace process, such as the European Union (EU), their involvement in the gender and peace agenda has become both an unavoidable matter and an opportunity to establish a reputation and leadership in this area. The EU has reiterated its support for observance of the Peace Agreement and the institutional architecture created in relation to it (European Parliament, 2021). This has also meant supporting the set of gender measures in the Agreement, in a political-institutional and partly social context that puts barriers in the way of implementing them, and which has proven hostile to the gender provisions it contains. In fact, this matter was a vital one for the No supporters in the referendum organized by the Juan Manuel Santos government in order to endorse the Agreement. Among other arguments, they invoked the formula of "gender ideology" to spread fake news that attributed to the Peace Agreement, for example, the imposition of sex education, the removal of children from their parents' custody, and support for abortion (Gil Hernández, 2020).

The consequences have been negative from the point of view of human rights and peacebuilding in the country. In the revision of the agreement that took place after the referendum, these sectors managed to have the gender approach understood as a "women's issue", expurgating contents covering the rights of the LGBTI population, including traditional definitions regarding the family and working to "remove sexual and reproductive rights from the heart of the social pact" (Gil Hernández, 2020). Despite this backward movement, or perhaps precisely because of it, Colombia has offered the EU an opportunity to take on a role, both self-proclaimed and desired, of leadership in favour of gender equality.

The goal of this chapter is to carry out an analysis of the gender approach in EU cooperation in Colombia and its transformational potential in terms of moving towards a peace that includes gender justice, understood as the end of inequalities and subordination between genders (Goetz, 2007). In order to do this, I will firstly offer some background to the inclusion of the gender approach in the peace process and the central role played in this by the Colombian women's and feminist movement. Secondly, I will look at the gender and peace agenda in the EU's

cooperation in Colombia, based both on the pertinent body of regulations and how the gender approach has been implemented in its initiatives supporting the peace process.

At the methodological level, this study is essentially based on a bibliographical review and documentary analysis of, mainly, EU regulatory and planning texts related to the gender agenda and peacebuilding, as well as documents regarding the application of the gender approach in the European cooperation instruments employed in Colombia. It is important to underline the fact that these instruments are very diverse and they have been implemented for many years, and so this analysis can in no way, in intention or in fact, be exhaustive. In this respect, I add three considerations: firstly, to order the analysis I follow the description of instruments proposed by the European Cooperation in Colombia's Information System (known as SICEC)[1]; secondly, I describe the assessments of the EU's most recent actions related to the gender and peace agenda in the country (projects underway or recently finalized); and lastly, in reviewing projects I have taken as a criterion the appearance of aspects related to "gender", "gender equality", "women's empowerment" and/or "LGBTI population" in their titles, descriptions, goals and/or indicators. Additionally, I have interviewed two people with technical responsibilities in the EU Delegation in Colombia, and representatives of two networks of Colombian women's organizations with experience in carrying out European cooperation projects.

2   Background to the Inclusion of the Gender Approach in the Peace Process: The Leading Role of the Women's Movement

In Colombia, the women's and feminist movement has played an outstanding role for decades in terms of organizing and mobilising towards a negotiated solution to the armed conflict, in bringing to light violence against women, and in demanding truth, justice, reparation and guarantees of non-repetition (Gallego Zapata, 2017; Gómez & Montealegre, 2021). It is a broad and diverse movement, which includes different feminist currents, and which often acts by joining temporary or permanent networks and associations of groups.

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[1] https://sicec.eu/basic/.

In the period 1982 to 2017, women's organizations became involved in 363 collective pro-peace actions, as organizers in 33% and as participants in 67% of the cases, which shows that it is a social movement with a considerable capacity to build alliances with other sectors of civil society. The majority were actions that were against the armed conflict, and violations of human rights and International Humanitarian Law, and about seeking peaceful alternatives and in favour of dialogue processes and negotiated outcomes. These actions have included a broad range of methods, for example: marches and rallies, meetings, forums and seminars, cultural events, actions oriented at memory, civil resistance actions, collective statements, walkouts and strikes (Parrado Pardo, 2018: 4–6).

During the peace negotiations held in Havana between the Colombian government and FARC-EP, the women's movement managed to promote the creation of a Gender Subcommittee, in September 2014, with the goal of including the gender perspective in the partial agreements already adopted, as well as in the eventual Agreement that resulted from the dialogues. As a result of the work of this subcommittee, the gender approach of the Peace Agreement included content in eight specific areas: (1) Access and formalization of rights to rural property under equality of conditions; (2) Guarantee of economic, social and cultural rights of women and people with diverse sexual identities from the rural population; (3) Promotion of the participation of women in representation, decision-making and conflict resolution spaces; (4) Prevention and protection measures that attend to specific risks for women; (5) Access to the truth and justice, and to guarantees of non-repetition; (6) Public recognition, non-stigmatization and dissemination of the work done by women as political subjects; (7) Institutional management for the strengthening of women's organizations and LGBTI movements for their social and political participation; and (8) Separate information systems.

Since 2016, the women's movement in Colombia has contributed to the implementation of the Peace Agreement in the different territories. The conditions of violence and discrimination in which this task has been carried out are alarming. The already high rates of femicide, the most important indicator of the levels of inequality between women and men, have increased since the Peace Agreement. In the period between 2017 and 2021, 2,722 femicides were registered in the country, with four provinces leading in terms of the prevalence of this crime: Antioquia (488), Valle del Cauca (397), Cauca (181) and Bogotá D.C. (161) (Observatorio Feminicidios Colombia, 2021). That is to say, the Peace

Agreement has not brought a reduction in the levels of violence against women in Colombia, as expressed in femicides. The same happens with violence against LGBTI people, given the average of 110 murders per year since 2011 and a considerable increase to 226 in 2020, an especially violent year for this group. The *Report on the Human Rights of Lesbian, Gay, Bisexual and Trans Persons in Colombia* report, whose title eloquently states *Nada que celebrar* ("Nothing to Celebrate"), registers 1,060 victims, including victims of threats (443), murder (333) and police violence (284) in 2019 and 2020. Most victims are located, once again, in Antioquia, Valle del Cauca and Bogotá D.C. (Colombia Diversa, 2020).

From a territorial point of view, the greatest number of feminist peace actions between 1982 and 2017 were concentrated in Antioquia (25%), Bogotá D.C (21%), Santander (14%) and Valle del Cauca (9%) (Parrado Pardo, 2018). That is to say, in three of the four provinces where the highest rates of femicides have occurred in the last five years (as well as murders of LGBTI people in 2020). This could indicate a certain relationship between the dynamic of pro-peace feminist activism and the territorial occurrence of femicide. In fact, this occurrence reflects a geography of violence that is much more complex than the one offered in the usual analyses of the conflict, which focus on the variability of the areas of territorial control by the armed actors.

Furthermore, according to figures from the Somos Defensores Programme (2020), between 2013 and 2019 1,338 incidents of violence against women human rights defenders were registered, 31% of the total attacks on defenders. The figures for attacks on them have increased, particularly within the framework of the implementation of the Peace Agreement, with a greater percentage rise (165%) when compared to attacks on men defenders (a rise of 116%), and a significant increase since 2018. Many women defenders, whether in women's organizations or peasant, indigenous, Afro-descendent, popular, victims' and sexual diversity organizations, have stood out for their work in favour of peace, in such a way that, both before and after the Peace Agreement, women and their organizations are a target of violence.

In this context of structural violence against women and LGBTI people throughout the country, both sectors emphasize the fact that peace demands a profound transformation of the set of discriminatory, unequal and violent relations in Colombian society. In this regard, they point to the ways in which sexist, homophobic, transphobic, racist, classist and colonial relations feed on each other and are behind the armed

conflict itself and the construction of violent masculinities that contribute to maintaining it. Upon these bases, the feminist movement, as a diverse political subject, has been crucial to include the differential approach in the Colombian peace process. This covers not only the gender approach and sexual diversity, but also approaches that consider ethnic affiliation, age or life cycle and disability, as well as dealing with psychosocial and cultural matters, as has been assumed by the Colombian Truth Commission. The articulation of approaches based on intersectionality is a feminist contribution that challenges both the Colombian State, given its patriarchal, heteronormative, racist and classist foundations (Curiel, 2013), and the international cooperation, still saturated with essentialist views regarding the gender and peace agenda (Mendia Azkue, 2014) and with legacies of colonial modernity (Gómez Correal, 2016; Gómez Correal & Montealegre Mogrovejo, 2021).

3   THE EUROPEAN UNION'S GENDER AND PEACE AGENDA IN COLOMBIA

3.1   International and Regional Regulatory References

The actions taken by the EU in Colombia with regard to gender equality are based on various international and European regional instruments. Among the international sources of reference, it is worth highlighting that the Fourth World Conference on Women (United Nations, 1995) urged to adopt the gender mainstreaming strategy into all public policies and encouraged an interest in gender as a key dimension of the international peace and security agenda. For the first time in these kinds of conferences, a working group on Women and Armed Conflicts was created, one of whose results was the adoption of six goals in the Beijing Declaration and Platform for Action, which respond to strategic interests for the guarantee of women's rights in situations of armed conflict.[2]

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[2] The goals agreed were: (1) Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed or other conflicts or under foreign occupation; (2) Reduce excessive military expenditure and control the availability of armaments; (3) Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations; (4) Promote women's contribution to fostering a culture of peace; (5) Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally

Another reference point in terms of EU actions in Colombia is *Resolution 1325 on Women, Peace and Security* passed by the United Nations Security Council (2000). This recognizes different experiences of conflicts according to gender, calls for the protection of women from all kinds of violence against them and urges guarantees in terms of their participation in the promotion of peace at all decision-making levels. Resolution 1325 (R1325) was considered to be a watershed in terms of regulatory progress in the sphere of gender, conflicts and peacebuilding, largely because the UN Security Council approved it, an entity that had previously not been ready to consider violence against women as an international security and peace matter. In fact, the R1325 gave rise to approval by the Security Council of new resolutions on the same matter, contributing to the consolidation of what is known as the International Agenda on Women, Peace and Security (WPS).[3] Taken as a whole, this agenda promotes the participation of women in conflict resolution and peacebuilding, the prevention of violence, protection against violence and the rehabilitation of victims. In terms of gender and peace, the R1325 has become the main reference, and occasionally the only one, for governments and multilateral, international and local organizations. This includes the EU, which refers to R1325 much more frequently than to the Beijing Declaration and Platform for Action. In any case, this Resolution does not contain binding commitments for States (and so there are no international mechanisms for demanding compliance), but rather it leaves to the discretion of countries whether or not they pass a National Action Plan (NAP) for its application, both in terms of domestic and foreign policy.[4]

Lastly, at the international level, the UN's Agenda 2030 for Sustainable Development and the Sustainable Development Goals (SDGs) have now become a dimension to be mainstreamed at all levels in EU actions, particularly in its cooperation instruments (Sanahuja & Ruiz Sandoval, 2019). Therefore, SDG number 5, "Achieve gender equality and empower

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displaced women; and (6) Provide assistance to women in colonies and non-self-governing territories (United Nations, 1995: paragraphs 131–149).

[3] These are UNSC Resolutions 1820 (2008); 1888 (2009); 1889 (2009); 1960 (2010); Resolution 2106 (2013); Resolution 2122 (2013); Resolution 2242 (2015); Resolution 2067 (2019); Resolution 2493 (2019) and Resolution 2538 (2020).

[4] Colombia is one of the countries that has not yet passed a National Action Plan for the implementation of R1325, despite demands in this regard from numerous women's organizations in the country.

all women and girls" has acquired centrality as a guiding goal in the European gender and peacebuilding agenda in third countries.

As a result of the acceleration of the UN's regulatory development in the field of gender equality from the 1990s onwards, the EU has progressively promoted its own regulatory body in this area. In 2008, the Council passed the document *Comprehensive approach to the EU implementation of the United Nations Security Council Resolutions 1325 and 1820 on Women, Peace and Security* as a general framework for action and the evaluation of policies related to the peace and security of its member States (Council of the European Union, 2008). Along these same lines, in 2018, the Council sent to all external delegations the *Council Conclusions on Women, Peace and Security*, which included as an appendix the *EU Strategic Approach to Women, Peace and Security* policy document. This recognizes gender equality and the empowerment of women as a "prerequisite for dealing with the conflict cycle (prevention, management and resolution)" (Council of the European Union, 2018: 6). Soon afterwards, the Council passed the *EU Action Plan on Women, Peace and Security (WPS) 2019–2024*, which sets as interconnected goals: participation, prevention, protection and rehabilitation (in accordance with the WPS International Agenda goals); gender mainstreaming; and EU leadership through example. This Plan includes steps to be implemented by the EU, while the member States, third countries and international, regional and civil society organizations are "encouraged" to implement them "as appropriate" (Council of the European Union, 2019: 7). That is to say, in the same way as with the National Action Plans, the steps included in the *EU Action Plan on Women, Peace and Security (WPS)* are not binding for States, but are, rather, a set of recommendations.

The European Parliament (EP) is a space where the gender and peace agenda has been the subject of debate relatively often, and where several resolutions on this matter have been passed since the year 2000. The EP reiterates, in them, the need to integrate the gender perspective into peacebuilding, the prevention and resolution of conflicts, peacekeeping operations and rehabilitation and reconstruction after conflicts, as well as to guarantee that the gender factor is taken into consideration in all programmes on the ground.[5] Furthermore, the EP has promoted various

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[5] By way of example: the *Resolution on participation of women in peaceful conflict resolution* (European Parliament, 2000), the *Resolution on gender mainstreaming in EU external relations and peace-building/nation-building* (European Parliament, 2009), the

specific resolutions on Colombia, the last of them being the *Resolution on the fifth anniversary of the Peace Agreement in Colombia*, in which it states, once again, the importance of actively integrating the gender approach in all spheres of action (European Parliament, 2021).

In 2020, the European Commission presented the document *A Union for Equality: Gender Equality Strategy 2020–2025*. It confirms that gender equality and women's empowerment is an essential goal of the EU's exterior action, and so, it makes a commitment to continue to support "women's human rights, its defenders, sexual and reproductive health and rights, and efforts to curb sexual and gender-based violence throughout the world, including in fragile, conflict and emergency situations" (European Commission, 2020a: 18).

Another essential instrument approved by the EU that guides its exterior policy is the *Gender Action Plan* (GAP). From the point of view of the EU Delegation in Colombia, this Plan "has helped ensure that gender-related issues are a priority for the EU development cooperation in the country" (European Union, 2019). At this time, the *EU Gender Action Plan III: An Ambitious Vision on Gender Equality and Women's Empowerment for EU External Action* (GAP III) (European Commission, 2020b) is in force. This plan, which covers the 2021–2025 period, recognizes the limited progress that has been made in this area and sets the goal of accelerating and achieving greater effectiveness in terms of the EU's commitment to gender equality. Furthermore, it proposes that the achievements made since the adoption of the Beijing Declaration and Platform for Action be safeguarded. This admission of the limited effectiveness attained by the EU up until now occurs in the context of a significant regression in terms of international action in favour of equality, in parallel with a rise in anti-gender and anti-feminist discourses and the gradual reduction of sums of Official Development Aid (ODA) for women's rights and empowerment (Mendia Azkue, 2014).

The GAP III focuses on five pillars: (1) for 2025, 85% of all new actions in all exterior relations should contribute to gender equality, a target that requires "further gender mainstreaming in all external policies and sectors and a gender-transformative, rights-based and intersectional

Resolution on women's situation in war (European Parliament, 2012) and the Resolution on Gender Equality in EU's foreign and security policy (European Parliament, 2020).

approach"[6]; (2) a general strategic vision and close cooperation with member States and partners at the multilateral, regional and national levels; (3) six key thematic areas for intervention: a life free of violence; sexual and reproductive health; economic and social rights; leadership and political participation; women, peace and security; and green transition and digital transformation; (4) lead by example, and (5) measurement of the results. Therefore, the GAP III seeks not only greater effectiveness, but also more coordination, leadership and accountability in the EU's exterior action with respect to gender.

The EU's gender strategy in Colombia should be in alignment with these five essential pillars and with the six thematic outcomes prioritized in the GAP III. In particular, by setting the target that 85% of all new EU actions in the exterior should contribute to gender equality and women's empowerment, the EU aspires to lead a movement of change and to become an example of gender mainstreaming, both for other international actors and for national and local authorities in the countries where it intervenes. This is a requirement that clearly raises the level of exigency and the expectation of impact in terms of the actions of the EU Delegation in Colombia, and which could contribute to overcoming a certain degree of superficiality observed in support for gender equality so far.

With regard to the six thematic areas prioritized by the GAP III, the EU Delegation in Colombia has adopted four of them as specific areas for special attention: gender violence; economic, social and cultural rights; women, peace and security; and women and the ecological transition. This prioritization means that the other two outcomes envisioned in the GAP III have been "sacrificed": political participation, and sexual and reproductive rights and health, that is to say, areas of impact that the feminist movement has historically considered to be strategic in terms of the transformation of gender inequalities. This may be due to a lack of sufficient resources (funding and personnel) of the Delegations to promote the gender agenda (Villellas et al., 2016). Another explanation may be the intention to avoid supporting certain actions, particularly those relating to

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[6] In this Plan, the EU understands that the gender-transformative approach is that which "aims to shift gender-power relations, for a positive change of the paradigm(s) that produce discriminations and inequalities". Furthermore, it defines the intersectional approach as one "based on an acknowledgement of the multiple characteristics and identities of an individual, to analyse and respond to the ways in which sex and gender intersect with other personal characteristics" (European Commission, 2020b: 3).

sexual and reproductive rights, which may affect relations between the EU and the Colombian government, little inclined to guarantee the exercise of such rights.

As we can see, the EU has a very broad body of regulations and policies for the promotion of gender equality in its exterior action and in countries affected by armed conflicts or situations of crisis. However, it is possible to make critical assessments of these.

Firstly, the extent to which they are developed seems to be motivated not only by a desire for leadership in this area, but also particularly by the example set by the United Nations. Furthermore, this has happened with a certain delay, given that, despite the broad international consensus created by the Beijing Declaration and Platform for Action (1995), the EU did not adopt any indicators to evaluate the degree to which the six strategic goals regarding women and armed conflicts had been achieved until 2008 (Council of the European Union, 2009).

Secondly, the EU often links gender mainstreaming in peace and security policies with the objective of inserting more women into the military and police forces involved in United Nations peacekeeping operations and Common Security and Defence Policy (CSDP) missions. This is an interpretation that is unrelated to the Beijing goals, which tend precisely towards the demilitarization of international relations, and not to the militarization of more women.

Thirdly, a common criticism of the EU's exterior action in terms of gender equality is the gap between the existing regulations and their implementation (Villellas et al., 2016), which certainly affects the EU's credibility and its pretensions to leadership in this sphere.

Lastly, patriarchal and colonial biases undermine the EU's peacebuilding and conflict prevention discourses and policies (Davis, 2018; Martín de Almagro, 2017).

3.2   *Gender Action in European Cooperation in Colombia*

According to SICEC figures for European cooperation projects in Colombia underway in December 2021, 10 of a total of 55 projects enter into the Gender Equality category according to the classification of the SDGs. The majority of the projects are territorial (84.5%), with the presence of the following departments: Nariño (37.78%), Putumayo (18.83%), Caquetá (18.31%), Antioquia (7.32%), Guaviare (5.70%), Chocó (2.18%), Córdoba (1.98%), La Guajira (1.53%), Cesar (1.53%)

and others (4.84%). An evaluation of the geographical location of these projects reveals a high concentration in Nariño and Putumayo (56.61%), and a lesser presence in other departments where, as we have seen, violence against women, expressed in femicides, has been particularly high (Antioquia, Valle del Cauca and Cauca) in the last five years.

In terms of financial resources, these projects have a budget of 19.45 million Euros in subsidies, which is 4.2% of a total of 454.16 million Euros for all the European cooperation projects in the country (both repayable and non-repayable). This is certainly a very small proportion of the funds, and it is indicative of a lack of prioritization of gender equality in European external action.

Most projects are run by international bodies (25.79%) and by international NGOs (25.51%), followed at a considerable distance by non-state actors (7.81%), a result of which is a low level of direct organization of gender equality projects by Colombian civil society organizations, particularly women's organizations and LGBTI groups. The limited presence of these organizations among the subjects who implement projects is striking, if we bear in mind that, by their very nature, they are the ones with the greatest levels of specialization in the matter. In fact, of the 10 projects, only two are run by organizations in these areas: in one case by Corporación Sisma Mujer and in the other, Colombia Diversa.[7]

Furthermore, the SICEC orders projects according to the classification of the Organisation for Economic Cooperation and Development (OECD), in which the only item that expresses a direct relationship with gender equality is "Women's equality organisations and institutions".[8]

The OECD includes this item in the category of "Government and civil society". In December 2021, European cooperation had four projects within this category underway, for a value of €122.54 million Euros. These are projects of national scope (95.6%), whose principal actor is the Colombian State (92.29%) and none of them seems to have a relation to or a significant link to gender equality and women's empowerment. This is important, given that the strengthening of equality

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[7] The projects are: *Integrated attention for women victims of family violence in times of Covid-19* (Corporación Sisma Mujer), and *Taking Diversity forward II; social, political and legal forces for the effective protection of the rights of the LGBTI collective and its defenders in the Andean region* (Colombia Diversa).

[8] Item described as "Support for institutions and organisations (governmental and non-governmental) working for gender equality and women's empowerment".

organizations and institutions could be implicit in the general idea of support for "Government and civil society", when the reality, as occurs is this case, is that almost all of the funds are destined for the Colombian State and that the projects underway are not aimed at strengthening equality institutions or organizations.

With a first look at the gender approach in European cooperation according to the classifications of the SDG and the OECD now complete, we will now examine in greater detail the presence of this approach within the broad range of instruments and thematic lines implemented by the EU in Colombia.

a. Budget Support Programmes

The European Commission's Budget Support programmes are a particularly important mechanism by which the EU can have a significant influence on the design and implementation of public policies in the countries where it intervenes. These consist of the transfer of financial resources to the recipient country, once the previously agreed pay-out conditions have been complied with, based on a monitoring process by the EU of certain results indicators. In Colombia, this instrument does not include, among its budgetary priorities, support for the national gender equality policy and, as a result, compliance or non-compliance with this policy by the Colombian government is not the subject of a results evaluation process that might condition the pay-out of funds.

Budget support by the EU in the country, for a total sum of 81.1 million Euros, is concentrated into four programmes: (1) Support for the rural development policy; (2) National policy for the competitiveness and productivity of the dairy industry (stages I and II); (3); Sectoral reform agreement for local sustainable development; and (4) Territorial competitiveness strategy (SICEC, 2018). That is to say, only in that the public policies in these four areas provide for gender actions can the EU, indirectly, affect their implementation. This has happened, for example, in the case of the rural development policy; given that the National Land Agency already had its own strategy in terms of rural women, the EU has been able to contribute to developing it through the budgetary support mechanism. Although this is clearly a positive result in terms of the rights of rural women, it should not be forgotten that this has happened as an indirect effect, unplanned by the EU.

Other European cooperation mechanisms that have similarities with budgetary support programmes are: that known in Spanish as the "Presupuesto-Programa" and the Latin America Investment Facilities (LAIFs).[9] In the first case, the eight interventions that were underway in 2018 in Colombia cover matters such as: mine clearance, penal system, transparency, peacebuilding, digital television and public finances, with no sight of actions focusing on gender equality or women's and/or LGBTI rights. In the second case, the LAIF projects in Colombia are aimed at supporting: the management of water resources; the sustainable development of cities and regions; and the implementation of a "climate intelligent" rural landscape (SICEC, 2018); similarly, in this case, there are no actions that explicitly, centrally or significantly support gender equality or the empowerment of women and LGBTI communities.

b. European Fund for Peace

The European Union Trust Fund for Colombia (EUTF), also known as the European Fund for Peace, is one of the main instruments by means of which the EU channels its support for the peace process in Colombia, particularly point 1 of the Peace Agreement: Integrated Rural Reform. The Fund is based on six pillars or strategic lines that give focus to the EU's project-based interventions in the country. Therefore, a description of them offers a first level of information regarding the inclusion of the gender approach in this instrument (Table 1).

A closer look at the projects supported by the European Fund for Peace makes it possible to broaden the analysis. Of the 10 projects classified by the SICEC as in the "gender equality" category as of December 2021, a majority are supported by this fund (66.26%), followed by the EU (32.21%) and Spain (1.53%), which reflects the importance of this instrument, compared to others, in the promotion of this goal in Colombia. Among them, the following stands out: *Political and economic territorial empowerment with a focus on rural women. Women transforming Putumayo* (2019–2024). This project, designated by the EU as "Women who Transform", appears as an intervention oriented towards Point 1 of the

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[9] The LAIFs are a mixture of European Union donations with loans from financial organisations and other public or private subsidies, both regional and international.

Table 1 Gender approach in the description of the pillars of the European Fund for Peace

Pillar	Description
Reconciliation and conflict de-escalation	Does not explicitly establish goals or actions related to gender equality or the empowerment of women and LGBTI people and their organizations
Social and economic reincorporation of former FARC-EP combatants	Includes among its areas of action, the "empowerment of women in the process of reincorporation"
Social inclusion: youth, women and ethnic groups	Aims at the "integrated attention and effective protection of the rights of youth, women and ethnic groups, as well as the promotion of social and cultural initiatives, the generation of income and the strengthening of the social fabric in a way that responds to their interests and needs". It establishes actions of support specifically for women: participation in economic activities as producers within family units and as entrepreneurs; strengthening of mechanisms for political incidence and participation; prevention of and attention to gender violence, particularly family and sexual violence; and support for women's organizations in the implementation of their own social and cultural projects
Sustainable and inclusive productivity	Does not explicitly establish goals or actions related to gender equality or the empowerment of women and LGBTI people and their organizations
Legitimacy of the state and local governance	Does not explicitly establish goals or actions related to gender equality or the empowerment of women and LGBTI people and their organizations

(continued)

Peace Agreement, and it is considered by the EU Delegation in Colombia as the most emblematic example of this instrument aimed at women.

The main local partner is the Alianza de las Mujeres Tejedoras de Vida del Putumayo, a large network of grassroots women's organizations created in 2003. At first the funds were channelled through the German Caritas association (acting via the Pastoral Social de Colombia) and,

Table 1 (continued)

Pillar	Description
European Union value added	Does not explicitly establish goals or actions related to gender equality or the empowerment of women and LGBTI people and their organizations. It aims to capitalize the experience of the EU and visibilize the differential factors of its cooperation, in terms of innovation (in technology and technical knowledge), cooperativism, marketing, democratic values, institution building and public policy design. European skills and knowledge in the areas of "the consolidation of peace, human rights, humanitarian action and/ local development", and aspires to the "strengthening of the commercial and investment ties and relations between the European and Colombian private sectors" stand out. Gender equality is not mentioned among the values added

Source Own elaboration, based on European Fund for Peace (n.d.)

after it left the project, through the international NGO, the Interchurch Organisation for Development Cooperation based in the Netherlands. These are two organizations that, in principle, are not characterized by their level of specialization in gender and women's empowerment.

The action, promoted originally by the German and French embassies, has a very high budget—6.34 million Euros—compared to the other actions supporting gender equality and women's empowerment in Colombia. It was initially directed at women and their organizations, in order for them to develop productive and social projects and gain spaces for political participation and incidence in the territory. However, the project was opened up at an early stage to numerous mixed local organizations, which meant, for the Tejedoras de Vida alliance, an increase in the complexity of managing the project, due to the mandatory reorientation of the subject population, to the many actors involved (135 local organizations), and to the resistance of some mixed organizations to the inclusion of the gender approach and women's rights in their activities. At the present time, the project—halted on a number of occasions—carries

out three lines of action: women's rights (including psychosocial and legal attention in cases of gender violence, building women's organizational and leadership skills, and peacebuilding); economic empowerment of women through production-based initiatives in various industries, particularly the agriculture and fishing sector; and the promotion of legal and sustainable local economies with a gender approach. Looking at the indicators of the results of the action, it can be seen that women are given as the subject population in half of them, while in the rest the subjects are "people" or "families".

The project has also involved local authorities,[10] in that part of the Fund that promotes links between authorities and social organizations. The dynamics of interrelation in this case add complexity to the project, particularly when situations arise such as: a lack of political will to keep commitments that have been taken on, omission of institutional responsibility in guaranteeing women's rights, strongly-rooted clientelism and even corruption. Given these kinds of difficulties, and despite the efforts of the Tejedoras de Vida alliance as the main local partner, the sustainability of the social and productive processes generated by the project can be seriously questioned.

Another gender and peace action supported by the Fund for Peace, although with a substantially smaller contribution from the EU (522,000 Euros), is the project *MIA: Mestiza, Indígena, Afrodescendiente* ("Mixed race, indigenous, Afro-descendent women"), aimed to facilitate the transition to civilian life of women ex-combatants in parts of Caquetá and Chocó through personal, economic and political empowerment. This initiative is oriented at the fund's second pillar, regarding the reincorporation of former FARC-EP members.

Other Fund for Peace projects do not mainstream the gender approach throughout their activities, although they may contain occasional actions with women, for example: the *Sustainable territories of Caquetá for peace: a commitment to building development, peace and legal observance in post-conflict Caquetá municipalities*, or the *Territorial development in the Department of Nariño in conditions of peace* initiative. In the first case, the subject referred to in the results indicators is families, and only in

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[10] Alcaldías (municipal councils) of Mocoa, Orito, Puerto Asís, Puerto Caicedo, Puerto Guzmán, Puerto Leguízamo, San Miguel, Valle del Guamuez and Villagarzón, as well as the Gobernación (departmental government) of Putumayo.

one indicator out of 20 is there a reference to women, when a reference is made to a number of them being effectively linked to citizen participation and development processes promoted by the local authorities. In the second case, women appear as the target group in actions for promoting the participation of civil society, together with other subjects such as producers, youth and victims of the conflict. In more detail, only two of the 19 project indicators mention women, referring to the number of them who access protection of and attention to victims of gender violence, as well as economic empowerment attention services set up by the project.

c. IcSP projects

The Instrument Contributing to Stability and Peace (IcSP) is the instrument *par excellence* of the European External Action Service (EEAS) to guarantee the prevention of conflicts and situations of crisis or threats in stable countries and to strengthen security and peacebuilding in countries in crisis. Of the 15 IcSP projects carried out in Colombia, with a total budget of 27.9 million Euros (SICEC, 2018), not a single one can be seen, based on its title, to indicate that it is directed at transforming gender relations or the empowerment of women and/or LGBTI people.

Taking as a basis the conclusions and recommendations of the *Evaluation of IcSP actions supporting the Colombian Peace Process* report (Guardans et al., 2019: 46–53), in only one of the 13 projects assessed is there a reference to the gender question. This is the *Barometer Initiative: technical support to official verification of the application of the peace agreement in Colombia*, included among the EU cooperation actions supporting initial implementation of the Peace Agreement. Women's organizations are cited among the sources for data for this initiative, which supervises the observance of 578 Peace Agreement commitments, including the gender measures provided for. It can be said, then, that the sum total of IcSP projects that prioritize gender equality in the activities supported is rather a low one.

d. European Parliament Pilot Projects and Preparatory Actions

The European Parliament Pilot Projects and Preparatory Actions (PP-PAs) are "tools for the formulation of political priorities and the

introduction of new initiatives that can eventually become specific European Union activities and programmes with their own budgetary lines" (SICEC, 2018). They have an experimental nature and they act to test the viability and usefulness of an action.

European cooperation supports three PP-PAs in Colombia, two of which promote economic-labour initiatives and access to productive, financial and commercial resources and land for women in southern Cauca. The projects are: *Economic autonomy and empowerment of rural women in South Cauca*, and *Economic and social empowerment of rural women in the Alto Patía region in the south of Cauca department, as a commitment to peacebuilding and territorial development*. Both have the same budget, 0.83 million Euros, the first with an EU contribution of 0.75 million Euros and the second of 0.68 million. These are actions aimed at the empowerment of rural women that are in line with the women's autonomy focus and respond to strategic gender interests.[11] The third pilot project, *Harvests of peace: A sustainable investment for peace*, with a total budget of 1.875 million Euros and an EU contribution of 1.5, seeks the "reactivation of the economy of small peasant producers in the department of Cauca". It does not have a gender focus nor is it aimed at benefitting women, but rather "families", and it presents as a positive result the participation of women in leading productive processes. No women's or LGBTI organizations lead any of the three projects.

e. Thematic lines of European cooperation

The EU implements six thematic cooperation programmes in Colombia: four that are part of the Development Cooperation Instrument (DCI) (Support for non-state actors and local economic development, Environment, Investing in people and Managing migration and migratory irregularities); the European Instrument for Democracy and Human Rights (EIDHR), and Food Security (IFS-FOOD) (SICEC, 2018).

Of the six thematic programmes, with a total of 45 projects, we find actions explicitly related to gender equality or the empowerment of women or the LGBTI population in three of them, with a total of eight

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[11] The women's autonomy focus works based on the notion that this autonomy has various dimensions: physical, decision-making and economic. These permanently interact, in such a way that they cannot be either understood or dealt with in an isolated way.

projects (17.7%). They have a budget of 1.32 million Euros, that is to say, only 2.3% of the total sum of the projects.

Firstly, and by way of example, the DCI programmes include the *Effective participation of women in monitoring the implementation of the PA and vigilance of security conditions for women's organizations and platforms committed to a stable and lasting peace in Colombia* project. This is the only one focussing on support for women's organizations and the only one carried out directly by an organization in this sector, namely the Ruta Pacífica de las Mujeres.

Secondly, in the European Instrument for Democracy and Human Rights, in whose description women and LGBTI people appear as "vulnerable groups", of the 11 projects underway in 2018, four have an explicit link with the gender approach or the empowerment of women or the LGBTI population. Among them, the project *Reinforcing the strategic work of the defence and enforceability of the human rights of the LGBT population in Colombia, as a guarantee for the development and consolidation of democracy and the rule of law* (2015–2017), specifically attends to the rights of the LGBTI population and is executed by an organization within this movement, namely Colombia Diversa.

In June 2021 the number of projects in this line fell to six, with the gender approach appearing in two, in the description of their added value: the project *Safeguarding peace. Actions aimed at community protection, defence of human rights and the construction of historical memory in indigenous communities of the departments of Chocó and Antioquia*, which seeks "the participation of girls and women in community leadership spaces"; and the project *Protection of leaderships for an inclusive democracy*, carried out in Guajira, César and Córdoba, which recognizes that violating the human rights of political, social and community leaders "particularly affects women". A women's, feminist or LGBTI organization had carried none of these projects out.

4   Conclusions

The European Union is an influential actor in terms of the international peace and security agenda. In its exterior action, its positions in favour of democracy, human rights, the participation of civil society and gender equality in the prevention of conflicts and peacebuilding have offered it a source of legitimacy with respect to other international actors.

However, the abundant EU documents that point to gender equality and women's empowerment as a priority in its exterior action are only partly reflected in European cooperation in Colombia. It is not possible to conclude from this review, based on documents and interviews, that gender mainstreaming has been achieved in the instruments implemented and in the projects supported in the country, although the EU Delegation is making efforts in this direction. It is likely that the pathway indicated in the new EU Gender Action Plan (GAP III) will enable new levels of progress and impact, given that by 2025 85% of its actions are supposed to contribute to gender equality and the empowerment of women.

In general, EU projects in Colombia that explicitly include the matter of gender equality and women's empowerment seek: (a) to increase women's participation in community spaces that create multi-actor dialogue and in political and decision-making processes at the institutional level; (b) strengthen the skills of women as regards the prevention of violence and peacebuilding; and (c) sustain women's economic and social empowerment processes.

The instrument through which the EU is, to the greatest extent, promoting these goals is the European Fund for Peace, which funds the majority of the projects included by the SICEC in the gender equality category. An outstanding example is the Putumayo-based "Women who Transform", a major initiative and one that represents an example with a territorial focus by the Fund. Once it has been completed and assessed, this project could result in important learnings for future EU gender actions. Taking everything into account, it can be proposed that these kinds of experiences indicate the need to place special attention on matters such as: the level of completeness of the political, socio-economic and organizational analyses of the contexts in which they are occurring; the operational difficulties resulting from the Fund's complex administrative procedures, which require high administrative capacities from the grassroots organizations involved; definition of the intermediary role that international organizations have in the execution and, above all, their level of specialization in gender and women's empowerment; the relationship and power dynamics between the local partner organizations and the authorities that the Fund involves in the projects; and, linked to this last point, planning for mechanisms that guarantee the sustainability of the productive and social processes created.

Together with the Fund's actions, important projects are the two EU Pilot Projects that promote the economic autonomy and empowerment

of rural women. It is interesting to note that these projects have been considered and included in the category of "experimental", when (physical, political and economic) autonomy is an essential part of the strategic gender interests that have been promoted by the feminist movement for decades. In fact, this kind of project should form part of the habitual actions of the EU, and be granted with sufficient resources to produce notable progress in the autonomy of women and in the transformation of gender inequalities.

With respect to the gender approach, it is possible to identify some trends in the gender actions supported by the EU that need be looked at critically: (a) "adding" women to activities that have not necessarily been designed based on critical analyses of the causes of gender inequality; (b) adopting a "family focus" that presupposes equal impacts on all family members regardless of gender considerations; (c) reinforcing homogenizing and victimizing images of women when they are reduced to the category of "vulnerable groups"; (d) subsuming support for women into actions directed at a diverse group of civil society subjects, particularly youth and ethnic populations, without attending to their differentiated realities; (e) suffering from a lack of integrated gender and intersectionality focuses with the potential to reflect the matrix of inequalities rooted in the patriarchy, capitalism and colonialism that puts obstacles in the way of implementing peace; (f) lacking a dual strategy that, while promoting the integration of the gender perspective in existing cooperation instruments, also develops a specific line of action with its own funding.

In terms of financial resources, it is evident that the EU's narrative regarding the centrality of gender equality does not correspond to the sums it is allocating to this objective in Colombia. This is a recurring political incoherence that affects the forms of action of most international cooperation actors, not only in Colombia. At least until now, the EU has not allocated funds for gender equality in significant amounts and in proportions able to create substantial transformations in either social relations or in the living conditions of women and LGBTI people in this country.

Lastly, in terms of the subjects prioritized, if the organized action of the women's movement in Colombia has enabled the inclusion of the gender approach in the Peace Agreement, a strengthening of the movement's organizational and mobilizing capacities would seem to be the most probably way of favouring the governmental implementation of the Agreement

and in order to achieve important results with regard to gender equality. It might be useful to remember that Colombia has, for decades, had one of the most advanced bodies of regulations and public policies in terms of gender equity, at least in the Latin American region, and that the problem continues to be the repeated failure to comply with these at all levels of government. However, in its actions regarding women's participation, the EU does not give sufficient centrality to the movement's autonomous organization and mobilization when it comes to demanding compliance with existing policies, but rather focuses on the movement's presence in "government-society dialogue spaces". This way of acting is according to a "democratic governance" focus that may be ignoring the historical correlation of power that has not been favourable to the country's social and popular sectors, particularly the women's movement.

This study shows that women's, feminist and LGBTI organizations are recipients of a considerably lower proportion of European funding and, what is more, they do not have permanent mechanisms for dialogue with the EU. This is the result of comparisons with funds aimed at state building and for spaces of inter-institutional articulation created between the EU and the Colombian government, in which the true negotiation and decision-making dynamics regarding the orientation of European cooperation occur. In these unbalanced conditions, pushing for women's participation to happen in government-society dialogue spaces can act to erode these organizations, stimulate their instrumentalization by the authorities and, in the worst of cases, their persecution through political and penal channels, particularly in those territories where power dynamics resulting from the conflict and high levels of violence against them still last. This last case is a strong argument for, firstly, paying more attention to strengthening the women's and feminist movement and, secondly, to promoting such dialogue spaces in circumstances in which women's organizations have a solid local and national position, capacity for real incidence and secure conditions.

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CHAPTER 9

The European Union's Contribution to the Implementation of the Ethnic Approach Within the Colombian Peace Agreement (2016–2021)

Alba Linares Quero

1 Introduction

After the territory of present-day Colombia was colonised, the white Catholic minority imposed its hegemony and developed a system of social stratification and segregation. This has led to numerous struggles by ethnic minorities, especially indigenous and Afro-Colombian groups, through which they have gained some recognition by the Colombian government. However, despite the progress made in the 20 years since the 1991 Constitution was adopted, their social, political and economic exclusion continues to perpetuate these divisions. Likewise, the armed conflict has affected ethnic peoples in a differential and disproportionate

A. Linares Quero (✉)
Hegoa, Institute for Development Studies and International Cooperation, University of the Basque Country (UPV/EHU), Bilbao, Spain
e-mail: alba.linares@ehu.eus

manner, as they live in the areas most affected by the hostilities. Despite the Peace Agreement signed between the government and the Revolutionary Armed Forces of Colombia—People's Army (FARC-EP), the humanitarian situation of ethnic peoples remains critical.

Building lasting peace in Colombia depends to a large extent on resolving the structural causes of the conflict, which are related to the discrimination and inequality suffered by these peoples. Compared to other peace processes, the territorial-based approach is positive because it recognises the country's regional diversity and the differentiated impact of the war. It thus considers that actions cannot be standardised, but must respect this diversity and the local communities' varying initiatives and needs. However, decolonial studies warn against the danger of reducing territorial peace to the devolution of state institutions to the territories, as this could lead to the expansion of the modern state and a development model based on the capitalist economy (liberal peace). The construction of the nation-state has been a historical process of violent territorial integration, based on the narrative of the failed integration of the outer regions, when these may in fact be the centre of life, security and refuge for local communities. Territory is a controversial notion that encompasses a range of projects, models and collective imaginaries of territoriality. On this point, the state project does not consider the notions of territoriality that emerge from ethnic communities (Iranzo, 2022; Peña, 2019; Rodríguez Iglesias, 2018).

Pressure from ethnic communities in the Havana negotiations successfully ensured that the Ethnic Chapter was incorporated into the Agreement within days of its signature. The Agreement contains a set of principles, safeguards and guarantees that protect ethnic communities' interests and rights. It thus set a precedent for peace agreements around the world and is considered one of the most comprehensive, innovative and inclusive agreements ever reached (Koopman, 2020: 1; Kroc Institute, 2017: 12–13; 2021a: 8).

However, after five years of implementation, the ethnic commitments are lagging the furthest behind and most of these cannot be adequately enforced unless robust efforts are made to implement them (Kroc Institute, 2021c: 6).

In this chapter we look at ways in which the European Union (EU) has contributed to the implementation of the commitments made to ethnic peoples in the Agreement. The EU is one of the Agreement's strategic international partners. The points assigned to the EU to support

their implementation are the Comprehensive Rural Reform (Point 1) and the Reincorporation of former guerrillas (Point 3), for which the EU created the European Trust Fund for Colombia (EUTF). Likewise, the Delegation of the European Union (EU Delegation) to Colombia is carrying out a series of diplomatic actions, and supporting projects in the area of human rights and civil society that also contribute to different aspects of the Agreement. We will analyse these initiatives in light of their contribution to the ethnic approach.

This research has been conducted five years since the implementation of the Agreement began (2016–2021), and so it is a non-final review of the Agreement. Peacebuilding is a process that requires long-term changes, but the first few years after the signing of a peace agreement are crucial.[1]

The results obtained in this research are based on the analysis of primary documentary sources (reports by national institutions and international organisations, as well as internal EU Delegation working documents) and 21 semi-structured interviews with EU Delegation staff and their technical assistants, coordinators of EU-funded projects and representatives of ethnic organisations.

The chapter is divided into five parts. After this introduction, Sect. 2 provides the context for the situation of ethnic communities during the armed conflict. Section 3 discusses the incorporation of the Ethnic Chapter into the Agreement and its level of implementation beyond the first five years. Section 4 then analyses the EU's contribution to the implementation of the ethnic approach during this period. Finally, the last section concludes the chapter.

2   Ethnic Communities in the Armed Conflict

Colombia is a multi-ethnic and multicultural country where many ethnic groups of indigenous, Afro-descendant and Roma origin coexist. The indigenous population totals 1,905,607 people belonging to 115 indigenous groups. The Wayuu, Zenú, Nasa and Pastos are the most numerous, accounting for 58.1% of the country's indigenous peoples. Most of the indigenous population lives in the departments of La Guajira, Cauca,

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[1] Experience gained from peace processes around the world shows that around 45% of agreements fail within the first five years (Westendorf, 2015: 7) and a failure to implement them can lead to renewed conflict (Kroc Institute, 2017: 4).

Nariño, Córdoba and Sucre, although they do not constitute the majority in those areas. In the departments of Vaupés, Guainía, Vichada and Amazonas, the indigenous population represents more than 50% of the overall population (DANE, 2019a). Currently, 65 indigenous languages are still spoken (Landaburu, 1999) and there are 788 established indigenous *resguardos*[2] (ANT, 2021).

Colombia's Afro-descendant population, also known as the Black, Afro-Colombian, Raizal and Palenquero population (NARP),[3] numbers 4,671,160 people, or 9.4% of the total population, and is mainly located in the Colombian Pacific region and the Caribbean. In 2018 there were 196 collective territories of Black communities (DANE, 2021).

Finally, the Roma or Gypsy population is made up of 2,649 people, mostly belonging to two family groups, Kumpania and Vitsa. 72.4% still speak or understand Romani. Most of them live in the capital, Bogotá, and in the municipalities of Girón (Santander), Cucuta (Norte de Santander) and Sampues (Sucre) (DANE, 2019b).

The 1991 Constitution recognised the nation's ethnic and cultural diversity and established the constitutional obligation to protect it.[4] The Colombian government has also signed and ratified international instruments that recognise and protect the human rights of ethnic groups.[5] That recognition creates an obligation for the government to respect the self-determination and self-government of ethnic groups, as well as the right to free, prior and informed consultation.[6]

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[2] The indigenous *resguardo*—a concept of colonial origin—is a legal territorial division which guarantees, by means of title deeds, that a particular indigenous group has ownership of a territory owned jointly and traditionally inhabited by its members (OAS, 1993).

[3] To learn more about the specific characteristics of these groups, see: https://www.unidadvictimas.gov.co/es/comunidades-negras-afrocolombianas-raizales-y-palenqueras/277.

[4] The 1991 Constitution was the result of a constitutional process that brought together the leaders of the recently demobilised guerrillas, the M-19 movement, the Popular Liberation Army (EPL) and the indigenous guerrilla group known as Quintín Lame Armed Movement. The participation of ethnic groups in the process was key to the constitutional recognition of their rights (Laurent, 2005).

[5] These include the United Nations Declaration on the Rights of Indigenous Peoples, International Labour Organisation Convention 169 on Indigenous and Tribal Peoples, the Convention on Biological Diversity and the International Convention on the Elimination of All Forms of Racial Discrimination.

[6] It is a right of ethnic peoples, provided for in International Labour Organisation Convention 169 and recognised by the Colombian Constitutional Court, to participate in

Since then, there have been significant advances in the domestic policy framework for the protection of ethnic rights. However, there has been a clear gap between recognition and enforcement. In fact, from the 1990s onwards, political violence against indigenous people actually increased (UNHCR, 2006; United Nations Special Rapporteur, 2004).

The internal armed conflict has had a devastating impact on ethnic peoples. Despite their territorial rights, they have been forced to coexist with a variety of armed actors and live in the crossfire. Ethnic territories are historically located in remote and marginalised rural areas where the presence of state institutions has been reduced. They have therefore been favoured by armed groups as areas to take refuge, grow crops for illicit purposes and carry out illegal mining. Moreover, due to their high natural value, they are also coveted territories in which to develop mega-projects to exploit natural resources.

As a consequence, ethnic peoples have endured military occupation of their territories, massacres, targeted assassinations, disappearances, extra-judicial executions, mass displacement, confinement, forced recruitment, rape of women, arbitrary detentions, threats and the criminalisation of protest. Between 1974 and 2004, 6,745 individual human rights violations and breaches of international humanitarian law against indigenous people were recorded (Villa & Houghton, 2005: 59). In 2004, the Constitutional Court of Colombia recognised the disproportionate impact of the armed conflict on the indigenous population and declared 35 ethnic peoples to be at risk of physical and cultural extermination, forcing the Colombian government to provide them with special protection and draw up an Ethnic Safeguarding Plan However, the rights of indigenous peoples have continued to be violated in the absence of any effective protection (CCJ, 2015).

Ethnic peoples have been persecuted for resisting war and promoting peace, for defending their territory and opposing the extractive exploitation of natural resources, and for demanding that their individual and collective rights be fulfilled (United Nations Special Rapporteur, 2004: 9; 2018: 11). Ethnic peoples, especially indigenous peoples, have gained national and international recognition as agents of peace. A notable

decision-making on matters that affect them (e.g. mega-projects, education plans, exploitation of subsoil resources, etc.). States are required to respect this right and use instruments to guarantee consultation and thereby effectively uphold minority rights to land, territory and self-determination.

example of their contributions to peace is the creation of the Indigenous Guard, an unarmed community protection body that carries out non-violent resistance against armed actors (Sandoval Forero, 2008).

During the peace talks in Havana, organisations representing indigenous, Black, Afro-descendant, Raizal, Palenquero and Roma peoples mobilised to gain a place at the negotiating table as ethnic peoples and so jointly influence the negotiations. At the initiative of these organisations, the Ethnic Commission for Peace and Defence of Territorial Rights was created, which successfully advocated the inclusion in the Agreement of a series of ethnic commitments to protect their rights, which are contained in the Ethnic Chapter.

The signing of the Agreement has reduced some of the impacts associated with the armed conflict, such as forced recruitment and the effects of combat. However, the humanitarian situation of ethnic communities is still critical in the post-Agreement period. Following the demobilisation of the FARC-EP, a new cycle of violence has begun in rural areas, caused by territorial competition between criminal gangs, armed groups and FARC-EP dissidents. Violence is particularly concentrated in indigenous and Afro-Colombian territories, disproportionately affecting these communities, especially on the Pacific coast (United Nations Security Council, 2021: 15, 17). In many cases, the killing of social leaders and human rights defenders, as well as displacements and confinements, affects ethnic communities. For example, of 177 leaders and defenders murdered in 2021, 65 (37%) were ethnic leaders (55 indigenous and 10 Afro-Colombian) (INDEPAZ, 2021); and between July and September 2021 alone, 15,200 people were displaced and 46,321 were confined, of whom 44 and 96% respectively belonged to ethnic communities (United Nations Security Council, 2021: 3, 5). Likewise, since the Agreement was signed there have been 289 murders of former FARC-EP combatants, of whom 66 (22.8%) were of ethnic origin (22 indigenous and 44 Afro-Colombian) (United Nations Security Council, 2021: 14).

Furthermore, since the Agreement was signed, the problems that prevent ethnic communities from exercising self-determination have continued, particularly in relation to the autonomy of their territory; the exercise of free, prior and informed consultation; the lack of access to drinking water, sanitation and basic health services; nutritional problems; the contamination of water sources and other environmental impacts generated by mining; and the lack of effective recognition of ethnic

authorities by the state. As we shall see, the delays in the implementation of the Agreement are impeding the fulfilment of the economic, social and cultural rights of ethnic peoples. Of particular concern is the situation of indigenous peoples at risk of physical and cultural extermination in Amazonas, Guainía, Norte de Santander, Putumayo and Vaupés (OHCHR, 2021: 15).

3   The Inclusion of an Ethnic Approach in the Colombian Peace Agreement and Its Implementation

3.1   The Ethnic Chapter of the Peace Agreement

The Ethnic Chapter of the Agreement is a compendium of principles, safeguards and guarantees that promote respect for the historical rights acquired by ethnic peoples. It establishes that in no case may the interpretation and implementation of the Agreement be detrimental to the rights of ethnic peoples (the principle of progressivity and non-regression).

The Chapter includes the recognition by the Colombian government and the FARC-EP of the historical conditions of injustice experienced by ethnic peoples and their particular suffering during the internal armed conflict, as well as the active role they have played in peacebuilding. Furthermore, the signatory parties ratified the constitutional and international legal framework for the protection of ethnic rights as an interpretative frame of reference, in particular: the right to prior, free and informed consultation; cultural objection, or the right to oppose and prevent policies or plans that threaten their culture and survival as peoples; the right to self-determination, autonomy and self-government; the right to social, economic and cultural identity and integrity; and their rights over the land and territory occupied ancestrally and/or traditionally (and its resources), as well as the restitution of those lands.

The Agreement recognises the cross-cutting nature of the ethnic approach, which implies that the ethnic and cultural perspective must be incorporated and guaranteed in the implementation of all the aspects of the Agreement. The Ethnic Chapter encapsulates a series of specific measures to be taken into account in the implementation of the different points of the Agreement, which are summarised in the table below:

Point of the agreement	Safeguards and guarantees
Point 1. Comprehensive Rural Reform (RRI)	✓ Respect for the legal conditions of collective property; for the mechanisms of protection and legal security of ethnic lands and territories; and for the broad notion of territory (cultural and spiritual dimension) ✓ Special protection of endangered peoples and of Ethnic Safeguard Plans
Point 1.1. Access to land through the Land Fund	✓ Inclusion of ethnic peoples as beneficiaries of the Fund, without impinging on the rights they have already acquired ✓ Adjudication and formalisation of land for the constitution, extension, regulation, restitution and resolution of conflicts over use and tenure ✓ Respect for the ecological role of land and ancestral land practices over productivity ✓ Participation in the creation of mechanisms to resolve conflicts over land use and land tenure, and to strengthen food production
Point 1.2. Development Plans with a Territorial Focus (PDET)	✓ Consultation with ethnic peoples for the implementation of PDETs in their territories ✓ Special attention to the life plans, environmental management plans and land-use planning or ethno-development of ethnic peoples
Point 2. Political participation	✓ Participation in Special Transitory Electoral Districts for Peace (CTEPs) when they coincide with ethnic territories ✓ Participation in the different participatory planning bodies created by the Agreement
Point 3. End of the conflict	✓ Incorporation of the ethnic and cultural perspective in the design and implementation of the Security and Protection Programme ✓ Strengthening of ethnic peoples' own security systems (Indigenous Guard and Cimarrona Guard)

(continued)

Point of the agreement	Safeguards and guarantees
Point 4. Solution to the illicit drugs problem	✓ Participation and consultation in the design and implementation of the National Comprehensive Program for the Substitution of Crops Used for Illicit Purposes (PNIS) ✓ Respect for the cultural uses and consumption of traditional plants classed as used for illicit purposes ✓ Prioritisation of territories affected by crops used for illicit purposes belonging to ethnic peoples in danger of extinction or in a situation of confinement or displacement ✓ Consultation on the development of the Programme of Demining and Clearance ✓ Prioritisation of particularly affected indigenous peoples and community councils within the Demining Programme and the Land Return, Restoration and Restitution Programme
Point 5. Victims of the conflict	✓ Respect for the jurisdictional functions of traditional ethnic authorities within their territorial area ✓ Participation and consultation when designing judicial and extrajudicial mechanisms that affect them ✓ Creation of mechanisms for linking and coordinating the Special Jurisdiction for Peace with the Special Indigenous Jurisdiction and with Afro-Colombian authorities ✓ Creation of a Special Harmonisation Programme, in agreement with the ethnic peoples to promote the reincorporation of demobilised individuals in ethnic communities, and the creation of an educational and communicative strategy of ethnic non-discrimination

(continued)

Point of the agreement	Safeguards and guarantees
Point 6. Implementation mechanisms	✓ Creation of a Special High-Level Forum with Ethnic Peoples (IEANPE) to act as a consultant, representative and spokesperson for the Commission for Monitoring, Promoting and Implementing the Final Agreement (CSIVI) ✓ The non-inclusion of budgetary agreements adopted with indigenous peoples prior to the Agreement as sources of funding for implementation

In conclusion, we see that the ethnic organisations that participated in the Colombian peace process successfully achieved recognition of the differential ethnic approach, to the extent that an Ethnic Chapter was incorporated, including the principles, safeguards and guarantees that would ensure that their ethnic rights would be respected. In this regard, the Colombian Peace Agreement became a benchmark in Latin America and the rest of the world.

Another question, which we address below, is to what extent the ethnic approach of the Agreement has been successfully implemented in the five-year period since it was signed.

3.2   The Implementation of the Ethnic Approach During the First Five-Year Period (2016–2021)

Despite the commitments made by the signatory parties to ethnic communities, according to the institutions in charge of monitoring and verifying the Agreement (the Centre for Research and Popular Education (CINEP) and the Resource Centre for Conflict Analysis (CERAC) jointly as Technical Secretariat (STCIV), and the Kroc Institute), the main delays in implementation are occurring specifically in relation to the ethnic approach.

The results so far show that insufficient progress has been made in implementing the ethnic commitments. After the first five-year period (December 2016–October 2021), a significant number of ethnic commitments have either not been initiated (15%) or have been completed to a minimal degree (60%). Of the commitments with the highest level
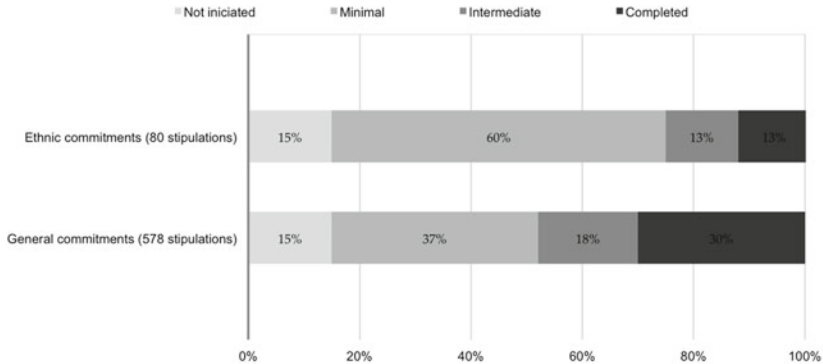
Fig. 1 Levels of implementation of general commitments and ethnic commitments (*Source* Own graph based on Kroc Institute (2021c: 6))

of implementation, 13% have reached an intermediate level of progress and only 13% of the commitments have been fully implemented (Kroc Institute, 2021c: 6).[7]

Furthermore, there is a gap between the fulfilment of the ethnic commitments and the progress made on the other commitments contained in the Agreement (Fig. 1). There is a difference of 17% points between the general commitments and the ethnic commitments that have been fully implemented. This divergence in the levels of implementation means that many of the actions that required the cross-cutting application of the ethnic approach in the different points of the Agreement have probably not been carried out.

The data collected by the Kroc Institute show that Point 1 on Comprehensive Rural Reform, Point 3 on the End of the Conflict and Point 4 on the Solution to the Illicit Drugs Problem have the lowest level of implementation of ethnic commitments, while Point 5 on the Victims of the Conflict and Point 6 on the Implementation, Verification and Public Endorsement mechanisms show the highest level of fulfilment of ethnic commitments. Below, we show the main advances made—as well as the

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[7] The Kroc Institute drew up a matrix with 578 stipulations taken from the text, which serve as implementation indicators. Of these stipulations, 80 (13 from the Ethnic Chapter and 67 distributed throughout the Agreement) are used to assess the implementation of the ethnic approach.

remaining difficulties or challenges—in implementing the ethnic approach within each point of the Agreement.

a. Comprehensive Rural Reform (Point 1).

Some of the main delays in incorporating the ethnic approach can be found in those aspects related to the Comprehensive Rural Reform (RRI): National Plans, Land Fund, Development Programs with a Territorial Focus (PDETs), Action Plans for Regional Transformation (PATR), etc.

Of the 16 National Plans provided for in the RRI, only 9 had been approved by November 2020 and none of these had properly incorporated the ethnic approach, as they do not contemplate consultation routes with ethnic peoples for planning actions and resources to ensure its implementation (Kroc Institute, 2021b: 54–55).

As of May 2020, 29,556 hectares had been handed over to ethnic peoples under the Land Fund for the collective titling of 27 indigenous *resguardos* and 4 Afro-descendant community councils (CPEC, 2020: 6), but there are long delays in resolving requests for the titling, extension and creation of inhabitable territories by both ethnic groups[8]; at the same time, the Roma people have not even been able to access these mechanisms (Kroc Institute, 2021a: 9–10, 28). Furthermore, among the ethnic population there is great concern over the actions of the National Land Agency (ANT), as these respond to processes that the communities initiated before the Agreement and no significant progress has been made since the Agreement was signed.

In relation to the PDETs and PATRs, the government states that the plans have been drawn up with the participation of ethnic peoples through 116 consultation routes in the 16 sub-regions, in which 517 community councils and 715 indigenous councils took part. As a result, of the 32,808 initiatives planned in this participatory process, 26% have been proposed by the ethnic organisations themselves (i.e. 8,381 ethnic initiatives); 28% have arisen from the communities' general interests; and the remaining 47% have been proposed by non-ethnic communities outside the ethnic territories (CPEC, 2020: 57). However, the PDET ethnic

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[8] Due, in part, to the accumulated delays in past territorial processes (Kroc Institute, 2021a: 28).

initiatives have been implemented to minimal levels, as no progress has been made in agreeing on the concrete actions needed to implement them (Kroc Institute, 2021a: 10; 2021b: 55).

To boost the implementation of the PDETs, in 2020 the Territorial Renewal Agency (ART) made progress in strengthening the Special Consultation Mechanisms (MECs) in 9 of the 16 PDET sub-regions. The MECs are roundtable discussions with the ethnic authorities that can help to promote the prioritisation, operability, implementation and monitoring of the PDETs' own ethnic initiatives. However, the MECs do not replace the prior consultation mechanism provided for in the Constitution and have not even taken place in regions where a significant number of ethnic communities are concentrated (e.g. Alto Patía, Norte del Cauca, Middle Pacific and Macarena-Guaviare) (Kroc Institute, 2021b: 56–57).

On the other hand, also in 2020, the government initiated a pilot test of the roadmap in the Catatumbo region with the participation of ethnic communities, and hopes to replicate it in the other regions. The challenge lies in ensuring the representative participation of ethnic communities in developing this roadmap, some of whom view it with suspicion (Kroc Institute, 2021a: 30).

Therefore, it is still necessary to move forward in collectively developing the PDET roadmap, to complete the MECs and connect them with the roadmaps, and to further develop the technical and financial resources needed to implement the ethnic initiatives and ensure prior consultation, as required by law (Kroc Institute, 2021a: 9, 30; 2021b: 65).

b. **Political Participation (Point 2) and effective participation in Agreement bodies and programmes**

Progress on Point 2 is shown in the provision of training to citizen watchdog groups with an ethnic focus; in the dissemination of ethnic content through radio stations and digital platforms; and in the election of two representatives of ethnic communities to the National Council for Peace, Reconciliation and Coexistence (CNPRC), one of whom— the Afro-Colombian Francia Márquez—was elected as president of the Council (CPEC, 2020: 8; Kroc Institute, 2021b: 17).

As for the remaining challenges, there are concerns over the 16 candidates from ethnic peoples who were scheduled to participate in the

Special Transitory Peace Voting Districts (CTEPs). The failure to regulate the CTEPs has made it impossible to ensure that the candidates can participate. Likewise, political and electoral reforms based on the recommendations of the Special Electoral Mission (MEE) have yet to be approved. These reforms would help to increase the political representativeness of the territories, for example by creating more voting stations in rural areas to make it easier for citizens to vote (Kroc Institute, 2021a: 25).

Furthermore, a cross-cutting issue that affects the entire Agreement, not just Point 2, is the effective participation of ethnic peoples, through their representatives, in all the bodies and programmes provided for in the Agreement, as well as in the processes of consultation and conflict resolution. Enabling communities to participate effectively is a determining factor in ensuring that the ethnic approach is properly included (Kroc Institute, 2021a: 23). Furthermore, should the lack of participation by ethnic communities lead to the violation of their rights to prior consultation and territorial autonomy, one of the main safeguards of the Ethnic Chapter—the non-regression of acquired ethnic rights—would be breached.

Ethnic representation has been achieved in some institutions (e.g. in the CNPRC), but there are still obstacles preventing ethnic peoples from participating. Since the first year of regulatory implementation through the Fast Track mechanism,[9] not all the required ethnic consultations have taken place, especially with Afro-Colombian communities, and those that have taken place have not followed the protocols or are being implemented differently from what was originally agreed, as in the case of the ethnic approach of the Multipurpose Cadastral Information System[10] (Frost, 2021; Kroc Institute, 2021a: 24–25).

The issues affecting effective ethnic participation are related to the lack of logistical, financial and technical guarantees. The greatest challenge lies in the PDET and the Comprehensive National Program for the Substitution of Crops Used for Illicit Purposes (PNIS), given that these

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[9] Fast Track is an exceptional rapid mechanism that limits the number of congressional debates required to pass laws and constitutional reforms needed to implement the Agreement.

[10] To improve the country's land management, land information is being updated and unified through a new land registry with multiple uses or purposes: fiscal, geographic, economic and legal.

consultation and implementation processes are the most expensive and logistically complex. Their application is also limited by the lack of technical knowledge of the regulations governing prior consultation, which could be resolved if the guidelines were properly disseminated (Kroc Institute, 2021b: 65), but so far this been carried out only partially (OHCHR, 2021: 16).

The lack of guarantees prevents ethnic peoples from having a real influence on policy, which particularly affects ethnic women. Ethnic women have been identified as less involved in the participatory processes of the Agreement's programmes (Kroc Institute, 2021a: 25). For example, only 17% of ethnic women participated in the PNIS Municipal Planning Councils, which is considered an achievement (CPEC, 2020: 9). Furthermore, there is concern that participation is limited to consulting traditional leaders and that the diversity of voices and visions within the communities is overlooked (Frost, 2021).

c. The End of the Conflict (Point 3)

The concerns of ethnic communities in this area are twofold: the reincorporation of demobilised ethnic guerrillas who wish to return to their communities of origin and the conflicts that this may generate[11]; and the presence of Territorial Spaces for Training and Reincorporation (ETCR) within ethnic territories or near to them. The latter issue has two different aspects: on the one hand, failures in the socio-economic reincorporation process and in security guarantees for ex-combatants are leading to rearmament and recruitment into other armed groups (largely FARC-EP dissidents), which particularly affects security in those ethnic territories; on the other hand, the establishment of ETCRs in ethnic territories, as is the case of the ETCR of Los Monos, in the municipality of Caldono (Cauca), located in two indigenous *resguardos*, which sometimes generate territorial conflicts between the ex-combatants and the communities.

With regard to the reincorporation of demobilised ethnic guerrillas, the Agreement established that a Special Harmonisation Programme with an ethnic approach should be established in consultation with the communities. However, the consultation phases planned for 2018 could not

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[11] In indigenous communities, those who became part of armed groups lost their rights in the organizational system (access to land and active political participation).

be completed due to a lack of resources. It was not until 2020 that the Agency for Reincorporation and Normalisation (ARN) received a budget to establish this programme and prepare a consultation with the communities (CPEC, 2020: 112).

For the time being, the ARN has worked with the Organization of Indigenous Peoples of the Colombian Amazon (OPIAC) and the Community Council of the Alto Río Naya region to draw up specific guidelines to harmonise socio-economic reincorporation and the ethnic approach. However, they have yet to be disseminated, validated and regulated by most ethnic organisations. Likewise, there have been several positive experiences of coexistence between reincorporated and ethnic communities in Cauca and Chocó that could serve as a reference in similar contexts (STCIV, 2022: 56–59).

Furthermore, proper needs planning with an ethnic approach requires more efficient tracking of demobilised combatants who self-identify as belonging to an ethnic community, as well as the communities affected. To date there is no definite number of ex-combatants: it varies between 1,800 (14%) and 3,000 (23%) (STCIV, 2022: 56).

Regarding the lack of security in ethnic territories, the humanitarian situation is critical and the government's response has been insufficient. Between 2016 and 2020, the Ombudsman's Office of Colombia issued 137 early warnings of situations of risk for ethnic groups due to the presence of armed groups in their territories (OOC, 2020: 64).

The worsening security in ethnic territories is caused by delays in the implementation of the Agreement, specifically the planning of the security and protection programme with an ethnic approach, and the strengthening of ethnic peoples' own security systems, recognised nationally and internationally, such as the Indigenous Guard and the Cimarrona Guard.

With the aim of calming and preventing violence in these territories, the Ombudsman's Office of Colombia (2020: 100–101) and the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2021: 17–18) recommend strengthening protection and prevention measures for social leaders and ethnic communities. A public policy is needed that recognises the Indigenous Guard and the Cimarrona Guard, coordinates their work and establishes their functions, operations and members (STCIV, 2022: 63).

In 2020, the National Protection Unit (UNP) made progress in characterising the Indigenous Guard and the Cimarrona Guard for individual and collective protection schemes, and in 2021 it provided equipment

(basic resources and transport) to the Indigenous Guard in Tolima and an Afro-Colombian community in Chocó. Also, for the first time, the Constitutional Court of Colombia ordered the UNP and the Ministry of the Interior to coordinate with ethnic authorities in drawing up collective protection measures (United Nations Security Council, 2021: 14).

These mechanisms must be improved, because the persistent violence and insecurity in ethnic territories causes setbacks in the special rights of ethnic peoples—violating the principle of non-regression—and limits the chances to make progress in fulfilling ethnic commitments. Insecurity affects all points of the Agreement, e.g. by preventing: access to land, return and restitution and the implementation of development plans (Point 1); political participation (Point 2); humanitarian demining (Point 3); the eradication of illicit crops (Point 4); and the participation of victims in the Special Jurisdiction for Peace (JEP) and the Truth Commission, as well as the work of the Unit for the Search for Persons Deemed as Missing in the context of and due to the armed conflict (UBPD) (Point 5).

d. **The Solution to the Illicit Drugs Problem (Point 4)**

The PNIS is being implemented through the signing of agreements with families, of which around 13,300 belong to ethnic communities that are mostly Afro-descendant. Most of the families linked to the programme have received a money transfer for immediate food assistance (UNODC, 2020).

By the end of 2020, progress had been made in the voluntary eradication of crops within indigenous *resguardos* and collective territories of Afro-descendant communities,[12] but no agreement has yet been reached on an ethnic route with a collective approach to address the voluntary substitution of crops used for illicit purposes in collective territories of ethnic communities (Kroc Institute, 2021b: 57).

In order to accelerate the implementation of the substitution programme, the government intends to replace the requirement to agree

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[12] As of 31 December 2020, 783 hectares of the 800 hectares verified within the boundaries of indigenous *resguardos* and 3,174 hectares of the 3,234 hectares verified within the collective territories of Afro-descendant communities had been eradicated (UNODC, 2020: 14).

on an ethnic route, provided for in the Framework Plan for Implementation (PMI), with guidelines that regulate the implementation of substitution models with an ethnic approach. These guidelines were drafted by the Territorial Renewal Agency (ART) in 2020 and are expected to be agreed and validated by the communities. So far, the only consultation process within the PNIS seems to have been with the ethnic communities of Miranda and Jambaló in Cauca, and Tumaco in Nariño (Kroc Institute, 2021a: 25).

It is vital to complete the process of agreeing on a collective ethnic route or set of guidelines, both to further the implementation of the PNIS and to guarantee long-term peace in Colombia. The regions involved in the programme are of great interest to criminal structures focused on illegal economies, so the success of the PNIS—and thus of the Agreement—depends largely on progress in the socio-economic development of ethnic territories (Kroc Institute, 2021b: 57; 2021c: 24).

There has also been progress on preventing psychoactive substance use. DANE conducted studies on consumption among ethnic peoples, and the Colombian Ministry of Health developed ethnic guidelines for prevention programmes (CPEC, 2020: 10; Kroc Institute, 2021b: 55).

Finally, with regard to humanitarian demining, progress has been made both in consultations with ethnic peoples and in the implementation of demining operations in their territories (CPEC, 2020: 9–10). Further processes were announced for 2020 in indigenous *resguardos* in Cauca, Nariño and Caquetá. However, the process is advancing slowly. Most of the consultation processes for humanitarian demining have not been carried out, not even with the ethnic peoples who were prioritised in the Ethnic Chapter (STCIV, 2022: 69–70). The Office of the High Commissioner for Peace (OACP) in Colombia has acknowledged the limited progress in this area and points to poor security conditions as one of the obstacles to demining (Kroc Institute, 2021a: 39).

e. Victims of the Conflict (Point 5)

This area has seen some of the most significant progress in incorporating the ethnic approach, particularly in adapting the institutional infrastructure of the Comprehensive System for Truth, Justice, Reparation, and Non-Recurrence (SIVJRNR), which has involved a variety of adjustments

such as: creating specialised groups and directorates[13]; adapting employment regulations to achieve gender and ethnic equity among senior positions and civil servants; developing differential protocols, methodologies and routes; adapting information systems; and prioritising cases (Frost, 2021; Kroc Institute, 2021c: 17).

In relation to ethnic justice, protocols have been created to establish links with the indigenous jurisdiction, and there has also been a key recognition of the justice systems of Afro-descendants and Roma. This has been achieved through the process of prior consultation on all the protocols for relations and specific methodologies. Currently, the Special Jurisdiction for Peace is working on a strategy to include indigenous peoples in designing and implementing their own sanctions, including tasks and activities aimed at reparation (United Nations Security Council, 2021: 14).

Regarding the reparation of victims, 64% of Colombia's collective victims belong to ethnic groups, and progress is being made in identifying those entitled to collective reparation and in developing plans. So far, 34 collective subjects have been compensated and 4 ethnic communities have received psychosocial care (CPEC, 2020: 10–11). In order to move forward in the comprehensive reparation of ethnic collectives, there needs to be better coordination between the SIVJRNR and the National System for the Attention and Comprehensive Reparation of Victims (SNARIV). For example, actions are still required to guarantee the return of 13 specific communities that were given priority in the Ethnic Chapter (Kroc Institute, 2021a: 44).

f. **Implementation, Verification and Public Endorsement mechanisms (Point 6)**

Five years after the Agreement was signed, the general commitments of Point 6 have achieved the highest level of implementation (58% of commitments completed). However, the longest delays in this area are found in the ethnic commitments (Kroc Institute, 2021b: 147; 2021c:

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[13] The Truth, Coexistence and Non-Recurrence Commission (CEV) created the Directorate of Ethnic Peoples; the Special Jurisdiction for Peace (JEP) created the Ethnic Commission; and the Unit for the Search for Persons Deemed as Missing in the context of and due to the armed conflict (UBPD) created a directorate for territorial groups.

8). Gaps are found both in the mechanisms in place to apply the ethnic approach and in the mechanisms for monitoring implementation.

Point 6.4 established the international community's financial and technical mandate to accompany the implementation of the Agreement. Several accompanying countries and institutions were assigned to each of the points of the Agreement. Likewise, the terms of accompaniment were established for the implementation of the gender-based approach. However, no terms of accompaniment were established for the ethnic approach, which may be contributing to the delay and lack of effectiveness in fulfilling these commitments.

Another problem concerning the lack of mechanisms is that many of the 97 ethnic indicators in the PMI do not have consolidated factsheets,[14] which delays implementation and makes it difficult to collect information to monitor the indicators (Kroc Institute, 2021b: 47; STCIV, 2021: 19).

Progress was made on this point through the creation of the Special High-Level Forum with Ethnic Peoples (IEANPE)[15] Ethnic organisations asked the IEANPE to monitor and promote the commitments acquired in the Ethnic Chapter while the PMI is in place. However, technical and financial shortcomings limited its mandate during the first few years, especially at the territorial level. In May 2020, a work plan was drawn up and was able to function for two years through funding received from the UN Multi-Partner Trust Fund Office.

4   The EU's Contribution to Implementation

Five years into the process, it is clear that the international community is making a positive contribution to the implementation of the Colombian Peace Agreement. Accompaniment is playing a key role in channelling resources, promoting spaces for dialogue and consultation, and carrying out detailed monitoring of implementation (Kroc Institute, 2021b: 21). However, this international accompaniment mechanism is not working in the case of the Ethnic Chapter.

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[14] The factsheets set out the variables and characteristics required to measure the indicators established in the PMI, as well as the annual monitoring targets.

[15] The IEANPE acts as advisor, representative and spokesperson before the Commission for Monitoring, Promoting and Implementing the Final Agreement (CSIVI) in all matters related to the ethnic approach. It is made up of eight delegates from the representative organisations of the ethnic peoples that helped to develop the Ethnic Chapter in Havana.

The EU is one of the Agreement's strategic international partners. In this section we will analyse the EU Delegation's peacebuilding strategy during the post-Agreement period (2016–2021) in relation to the ethnic approach. We will focus on analysing the ethnic component within: (a) the objectives, priorities and general guidelines of its peacebuilding policy; (b) the European Trust Fund for Colombia (EUTF), an instrument created in 2016 to support the implementation of the Agreement; and (c) actions in the area of human rights and civil society.

4.1   *Objectives, Priorities and General Guidelines*

Since the beginning of the post-Agreement period, the ethnic approach has not been a strategic objective or priority of the EU's peacebuilding and cooperation policy in Colombia (Interviews E1a and E3).

This failure to prioritise the ethnic approach is reflected in the EU Delegation's aid instruments. Respecting the needs and rights of ethnic communities is not a clear objective in the funding channels. In the calls for proposals of the different existing cooperation instruments, there are no specific funds earmarked for projects with ethnic populations and/or that focus on defending ethnic rights, demands or needs. Consequently, there are no such requirements for allocating resources in the terms of reference.

Likewise, the EU Delegation does not have an exclusive portfolio of projects with an ethnic approach, nor does it have a focal point or experts within its staff to promote and coordinate ethnic issues. As a result, there is no comprehensive monitoring or evaluation of ethnic needs and rights (by measuring an ethnic baseline and its progress), and no guidelines or methodologies have been established to guide the work done with ethnic communities. Moreover, it is not even clear that any guidelines exist to clarify what the EU Delegation considers the ethnic approach to be, or how ethnic issues should be dealt with in peacebuilding. Delegation staff themselves acknowledge that they do not know how to improve the way they support this approach (Interview E1a).

The failure to prioritise the ethnic approach also derives from the need to distribute limited funds among the different lines of cooperation (Interview E1a). Another reason cited is that the ethnic approach is so highly internalised in international cooperation in Colombia that it is not necessary to make an effort to differentiate project approaches or methodologies, and there is no need to prioritise them or give them a

special focus. Furthermore, Delegation staff do not believe it is possible to demand that the ethnic approach be applied to all projects because not all areas have an ethnic population. The calls for proposals therefore only establish in general terms that projects should prioritise or include vulnerable populations, including ethnic communities (Interview E3; EU Delegation, n.d.: 5).

Likewise, the failure to incorporate specific funds for ethnic issues within the calls for proposals may be due to an attempt to mainstream the approach within the EU Delegation. Instead of lending direct support to ethnic projects—as was previously the case in some calls for proposals—an attempt is being made to ensure that all actions incorporate this approach (Interviews E6 and E7). This can be positive if the mainstreaming approach is properly applied to all actions, but there is a risk that the support will be diluted (Interview E6).

In contrast, the gender approach—which is the other fundamental cross-cutting axis of peacebuilding in Colombia—is a clear priority within the EU Delegation: it includes specific objectives, a project portfolio, expert staff, monitoring indicators, etc. This is due, inter alia, to a European Commission requirement. The European Commission uses indicators to establish minimum standards that projects must meet in their gender-based approach (Interview E3). Support for a gender-based approach was previously superficial, but has now become a requirement in the funding lines. The EU wants to take the lead in incorporating this approach into the international cooperation system and, as of 2021, with the start of the new programming phase for EU cooperation, 85% of its funds will have to finance projects whose objectives include a particular focus on women (Interview E1a).

Despite the lack of prioritisation in the documents, the EU Delegation does express its concern over ethnic issues. Ethnic—mainly indigenous—demands generate a great deal of sympathy among development workers based in Colombia, including those who form part of the Delegation (Interview E1a). For example, the ambassador of the EU to Colombia and the political section are in continuous talks with indigenous organisations (Interview E3). This sympathy may work to the advantage of actors and/or projects aligned with ethnic demands. De facto, the end result is that ethnic communities are recipients of cooperation funds, which is evidence of the Delegation's concern (Interview E7).

In conclusion, the failure to prioritise the ethnic approach in the EU's peacebuilding strategy in Colombia does not respond to a lack of interest

in ethnic issues. Instead, it may be explained by several factors: (1) the need to decide how to allocate limited resources, so that rather than not being a priority at all, we would say that they are less of a priority than other issues; (2) with regard to decision-making and the governance of European funds, priorities are often determined by a European strategy that is broader than a country's own domestic strategy, as in the case of the gender-based approach; (3) prioritisation can also be influenced by the lack of knowledge, well-established skills and/or expertise within the EU Delegation and/or the EU in the area of epistemologies and methodologies with an ethnic perspective; (4) the assumption that there is no need to delve deeper into the ethnic perspective because it is already internalised within Colombia, and that it can only be applied to projects where there is an ethnic population; (5) the attempt to mainstream the ethnic approach in all actions; and finally, (6) the excessive workload of Delegation staff, which may prevent them from creating a new portfolio of projects and carrying out the monitoring required.

All these factors appear to point to a more deep-rooted cause that would explain the failure to prioritise the ethnic approach within the EU Delegation's strategy: it has underestimated the significance of the ethnic approach for achieving true positive and territorial peace in Colombia. If it had understood this, then the other factors might not have such an impact: the ethnic approach would be given priority over other actions; the need to support this approach could be advocated in Brussels; steps could be taken to acquire the expertise and knowledge to develop it; there would be a clearer need to apply it even in places where there is no ethnic population present (e.g. incorporating the approach at the institutional level); and Delegation staff would devote themselves specifically to promoting and coordinating these issues.

4.2   *European Union Trust Fund for Colombia (EUTF)*

In line with the current stance of the EU Delegation's peacebuilding policy, the EUTF has also failed to make the ethnic approach a strategic priority. The EUTF was conceived as a tool to support the implementation of the Agreement. As such, it would have been the ideal instrument to support the fulfilment of the Ethnic Chapter. However, none of the ethnic commitments provided for in the Agreement has been included in the EUTF's calls for proposals.

This is partly because the EU's mandate in relation to the Agreement is to support the implementation of Point 1 on Comprehensive Rural Reform and Point 3.2 on the Reincorporation of the FARC-EP into civilian life in economic, social and political matters. However, although the implementation of the Ethnic Chapter is not part of the EU's mandate (or that of any other cooperation agency), any action taken under the Agreement should meet the safeguards and guarantees of the ethnic approach, which ensure respect for the rights of ethnic peoples during the implementation process. On this point, the EU could have demanded that the ethnic approach be applied as a cross-cutting requirement for all rural development and reincorporation projects for ex-combatants, particularly in territories where ethnic communities are present. It is worth noting that in the areas where PDETs are being developed, there are 452 indigenous *resguardos* and 305 community councils (CPEC, 2018: 11).

EU Delegation staff acknowledge that the ethnic approach has not been a requirement for funding EUTF projects. When the projects were approved, the EUTF did not have clear guidelines on the differential ethnic approach, nor did it provide for specific ethnic indicators. Initially, the Delegation wanted to support the implementation of the Ethnic Chapter through the EUTF, in the framework of rural development actions. It sought the advice of a consulting firm on how to implement the approach, but did not pursue this course of action (Interview E1a and E6). Delegation staff felt that they had enough responsibility trying to make rural development and socio-economic reincorporation projects succeed (Interview E3). Furthermore, Brussels did not ask that the approach should be included, and during the project approval process the evaluators made no mention of the need to include it in the projects (Interview E3).

Nevertheless, the EU Delegation has tried to ensure that the approach is present "in some way" when the projects have been developed and implemented (Interview E1a). The idea is for projects to show a certain "ethnic sensitivity", meaning that they try to be inclusive by helping the most vulnerable groups and showing awareness of any potential differences between beneficiary groups. The incorporation of this type of narrative is part of the usual praxis in Colombia. "When you work on this type of project, you always make ethnicity the focal point, especially in this country. To say that the indigenous and Afro population is not included is absurd" (Interview E3).

As a result, many of the projects financed by the EUTF state in their planning that the implementation will have a differential ethnic approach, although they do not specify how that will work. In fact, the EUTF does not give clear guidance on what this "sensitivity" consists of or how the projects should apply it. The EU Delegation has only requested that the executors disaggregate the data, i.e. record how many beneficiaries are indigenous, Afro-Colombian, women, young people, older people, etc. (Interview E3). The ethnic approach thus seems to be limited to social inclusivity, i.e. it has focused solely on the number of people belonging to ethnic groups who have benefited from the projects, without considering *how* or *to what extent* they have been attended to according to their differentiated needs and/or rights.

We also found a noticeable gap between the narrative and the practical application of the approach, probably as a consequence of the opacity and laxity of the EUTF guidelines. Up to November 2021, out of 31 projects financed and €127 million invested by the EUTF, we only identified 10 projects (32%)—worth €33.66 million—with a specific ethnic focus, where at least one action had been carried out with the ethnic population, such as: strengthening leadership and traditional governments, enhancing productive processes, facilitating participation in decision-making spaces, promoting reconciliation, developing violence prevention protocols, recovering indigenous cultivated areas and traditional plants, harmonising traditional and western medicine, etc. Another 7 projects (22%) include the ethnic differential approach in their development, although they do not have any objective or activity assigned for that purpose. The remaining 14 (45%) do not even mention the approach.

On a positive note, the laxity of the EUTF's guidelines and requirements has allowed partners to broaden their activities with ethnic communities during the implementation phase (Interview E6). Similarly, the EU Delegation itself has been able to intervene in some projects to propose the inclusion of populations that had been excluded (Interview E3). Some of the ten aforementioned ethnic projects had not initially planned activities with ethnic populations or incorporated the ethnic approach in their narrative.

According to the EU Delegation, whether or not EUTF projects have an ethnic focus depends on the specific features of each context (Interview E3). However, it is worth asking what determines whether or not these contexts are different enough to need an ethnic approach. Comparing the local and regional contexts of the "ethnic" and "non-ethnic" projects, we

find similar problems as regards the need for territorial planning, strengthening of productive processes, and reconciliation and reincorporation of ex-combatants. Likewise, the presence of the ethnic population does not seem to be the reason, since there is also an ethnic population in the areas where "non-ethnic" projects are implemented. For example, in the projects supporting the socio-economic reincorporation of ex-guerrillas organised through the cooperative group Solidarity Economy Communities (ECOMUN), there is an indigenous and Afro-descendant population, but they are not working on the ethnic approach[16] They only manage the disaggregated data records requested by the EU Delegation (Interviews E10 and E11). Also, "ethnic" projects are implemented solely at the local level, even though the national scale of the projects should not prevent the ethnic approach from being applied. For example, the EU finances the national reincorporation policy, which provides for the adoption of a Harmonisation Programme with a differential ethnic and gender-based approach (CONPES, 2018: 121), and could therefore have had an impact on the implementation of the ethnic approach, as it has with the gender-based approach.

In addition to the contextual factor, the EU Delegation cites a second reason, which seems to have more explanatory weight: the projects with an ethnic component have implementing partners who are located in the territories and who have a long-standing history and relationship with ethnic communities; they therefore have specific approaches and methodologies they apply to ethnic populations (Interview E3). The project coordinators confirmed that, when developing the projects, the Delegation did not require any activities or objectives to be established with ethnic populations, nor did it introduce monitoring indicators, so that the inclusion of ethnic populations in their projects is simply due to their own experience and interests (Interviews E12, E14, E15, E16 and E17). The Delegation shows broad trust and respect for the decisions made by the implementing partners, and so whether or not the ethnic approach is included depends largely on them. In contrast, only one of the EUTF's projects involved an ethnic organisation as a direct executor, and its experience was negative due to the complex bureaucracy involved (Interview E13).

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[16] This is despite the fact that the project narrative does refer to ethnic sensitivity. On the other hand, the gender-based approach was worked on—they even had expert staff on the team—as it is a clearer requirement of the EU Delegation (Interview E11).

Furthermore, we found that the projects financed by the EUTF do not sufficiently address one of the primary issues prioritised in the Ethnic Chapter, which is: prior, free and informed consultation (whose application is specifically provided for in the PDETs). The EU has an opportunity to make an impact through the "PDET Routes" project, which is still being implemented; for the moment, however, there are no plans to carry out any prior consultation process. Prior consultation is impossible given the timeframe of the project, which requires swift action. Instead, the initiatives to be implemented are communicated to the ethnic communities and an attempt is made to reach agreement with them on implementation. The infrastructure initiatives were approved by all the communities; however, the productive chain initiatives encountered difficulties in the indigenous communities, as they do not match their comprehensive vision of the *chagras* (indigenous agroforestry systems) (Interviews E19 and E20).

Nevertheless, some of the projects have contributed somewhat to the implementation of other ethnic commitments made in the Agreement. Specifically, the "Amazonía Joven" and "Rural Paz" projects have provided methodologies for the reconciliation and reincorporation of ex-combatants with an ethnic approach in Guaviare, Putumayo and Nariño (Interviews E14 and E18). And the "Humanicemos DH" project has completed humanitarian demining in an Embera *resguardo* in the municipality of La Montañita (Caquetá) (EU Delegation, 2021a: 6).

Lastly, it should be noted that, at the outset, the EUTF did not have monitoring indicators on ethnic issues, and so the ethnic focus of projects was not monitored or evaluated, except in the disaggregation of data. From mid-2020 onwards, the common indicator framework of the EUTF underwent a restructuring, and its indicators were aligned to the strategic pillars (Interviews E2 and E6). As a result, a quantitative ethnic indicator measuring the number of "indigenous governments [that] have received technical support for their process of planning and institutional strengthening" was included in the EUTF's third Strategic Pillar on "Inclusion: youth, women, and ethnic groups" (European Fund for Peace, n.d.). As of December 2021, 58 traditional governments (representing 75% including indigenous councils and community councils) had received such support (EU Delegation, 2021a: 13). However, this indicator is inadequate for measuring all the needs of ethnic peoples. Moreover, as it was designed after the projects were approved, it did not influence the

development, approval and allocation of project resources; rather, the monitoring system serves to systematise the results achieved by the EUTF.

In conclusion, the incorporation of the ethnic approach in the EUTF is shown to be only a secondary, complementary and non-mandatory criterion, which is not applied in 45% of the projects financed, and in 22% it is reduced to a mere reference, without any specific activity or objective being associated with it. As the EUTF gives no clear guidance on what the ethnic approach is—beyond including the ethnic population— or on the specific controls to apply, the implementation of the ethnic approach depends on the will and good practices of the implementing partners. Indeed, several of the "ethnic" projects have in common the fact that the implementing partners include organisations with extensive experience in working and forming relationships with ethnic communities, which has inspired them to implement the approach and develop their own differential methodologies.

4.3   Actions in the Area of Human Rights and Civil Society

Within the area of human rights and civil society developed by the EU Delegation to Colombia, there are a number of aspects that are relevant for peacebuilding with an ethnic approach.

Firstly, the EU Delegation has a particular interest in strengthening state protection systems for community leaders and human rights defenders. The Delegation's political section and the ambassadors of Member States are concerned about the political violence in the country and its normalisation. This motivates them to carry out on-site visits and diplomatic actions to try to raise the Colombian government's awareness of the seriousness of the situation and push it to improve its response (Interview E4). The Delegation attends to individual cases of threats and tries to ensure that the National Protection Unit (UNP) responds appropriately (Interview E1b and E4).

In 2019, the EU Delegation, together with 11 EU countries, launched the *Defendamos la Vida* (Defend Life) campaign through which several activities are carried out, including accompanying specific cases of human rights violations. One of the most recent cases of concern is the situation of violence in northern Cauca, which is affecting the Nasa indigenous communities. Since the beginning of 2022, a high-level commission has been closely monitoring the situation, and measures are being developed with the Association of Indigenous Councils of Northern Cauca (ACIN)

and the Regional Indigenous Council of Cauca (CRIC) to strengthen their protection (Interviews E7 and E8).

The EU Delegation also has an emergency fund that ensures that defenders who are threatened can access urgent protection measures for themselves and their families. In the same vein, the Delegation uses the EU mechanism known as Protect Defenders to request support for human rights defenders at risk, including ethnic community leaders (Interview E1b).

Secondly, the EU has an interest in generating democratic governance ecosystems in areas particularly affected by the armed conflict. To that end, it strives to boost communities' capacity for decision-making and participation, and establish platforms for dialogue between public institutions and civil society organisations (CSOs) (Interview E5). Furthermore, the EU Delegation believes that lending support to CSOs is an indirect way to influence the sphere of human rights. The Delegation thus supports ethnic organisations to help them improve both their capacity to advocate with institutions and their prevention and self-protection systems (Interview E1b).

To increase its engagement with civil society, since 2014 the EU Delegation has established a Roadmap detailing the support needs of CSOs. This instrument, which is agreed with CSOs every three years, sets out the EU's priorities for civil society. For example, in the framework of the 2018–2020 Roadmap, an effort was made to strengthen the governments and the plans for life and ethno-development of the Kofán people and the Afro-Colombian communities of Putumayo and Nariño (EU Delegation, 2021b: 13).

Thirdly, the EU Delegation has two lines of financial assistance or instruments—the European Instrument for Democracy and Human Rights (EIDHR) and the Civil Society Organisations and Local Authorities thematic programme (CSO-LA)—through which projects strengthening human rights and civil society are supported, with ethnic populations as the main beneficiaries (DCI, 2018).

The 2014 EIDHR call for proposals had a specific batch of funding dedicated to supporting indigenous communities in the area of territorial and environmental rights. Within that, a project was approved to strengthen the capacities of the ACIN and the Indigenous Organisation of Antioquia (OIA) to defend their collective rights. The calls for proposals that followed (2017 and 2019) did not include this specific batch of

funding; despite this, a project was approved to support the protection systems of 30 indigenous communities in Antioquia and Chocó, with the aim of training their representatives and the Indigenous Guard and providing them with equipment, enabling them to strengthen their self-protection plans (EU Delegation, 2021c).

Through the CSO-LA instrument, in 2017 the EU Delegation approved two peace education projects that included several ethnic communities among their beneficiaries: one with the Nasa indigenous communities of Toribío, in northern Cauca; and another with the Afro-descendant communities of the Naya River, in Buenaventura. A similar project is currently being implemented with indigenous and Afro-Colombian youth leaders in Putumayo and northern Nariño to boost their capacities in sustainable entrepreneurship (Interview E7).

Fourthly, through the Instrument contributing to Stability and Peace (IcSP), the EU Delegation has supported a range of key initiatives to promote the implementation of the Agreement, focused, for example, on: humanitarian demining, disseminating the culture of peace, reincorporating former child combatants, strengthening protection systems, supporting the Truth, Coexistence and Non-Recurrence Commission (CEV) and the Special Jurisdiction for Peace (JEP), etc. (Interview E21). In particular, we can highlight four initiatives that promote the needs and/or rights of ethnic peoples: (1) strengthening the Ombudsman's Office of Colombia to improve its protection response to social leaders; (2) enhancing protection plans at the local level with the OHCHR's support; (3) supporting the creation of Local Justice Systems (LJS) that integrate indigenous and Afro-Colombian justice mechanisms; and (4) demining with priority attention to indigenous communities in highly affected areas (Guardans et al., 2019).

Furthermore, important differences were observed between indigenous and Afro-descendant ethnic communities. While we found that Afro-Colombian communities are also recipients of EU aid, indigenous communities receive more attention (Interviews E1b and E6). This may be due to the fact that during the armed conflict indigenous people have played a more relevant and visible role as actors in the defence of peace and human rights, and that their governments and communities suffer greatly from persecution, stigmatisation and criminalisation. Indigenous communities are also respected for their sustainable development model and their potential for environmental conservation, which is aligned with EU interests (Interview E4).

Finally, there is a positive perception among ethnic communities—both indigenous and Afro-descendant—with regard to the EU's actions. Both groups consider the EU's contribution to peacebuilding to be appropriate and necessary (Interviews E13, E15, E19 and E20). However, this positive assessment is based on a general perception of the EU's role in Colombia. Given that the EU lacks representation on the ground and direct relations with the communities, those communities can only assess the EU's economic contribution to their projects (Interview E15). They consider that contribution to be insufficient, both because the projects are failing to yield better results and because there are numerous communities in need that do not receive any aid (Interviews E8, E9 and E13). Indigenous communities are the only ones who highlight the support received by the EU with regard to insecurity and human rights violations (Interview E8).

5   Conclusions

During the negotiations in Havana, ethnic communities successfully introduced the Ethnic Chapter of the Agreement, which contains a set of principles, safeguards and guarantees that must be complied with during implementation so that acquired ethnic rights are not undermined. However, after the first five years of implementation (2016–2021), the institutions in charge of monitoring and verifying the Agreement are concerned about the lags that are occurring in the fulfilment of ethnic commitments (especially in relation to the effective participation of ethnic peoples in decision-making spaces and the exercise of prior consultation), as well as the new cycle of violence that continues to disproportionately affect ethnic communities.

In this article, we have analysed the extent to which the EU has incorporated the ethnic approach into its peacebuilding strategy. Although the implementation of the Ethnic Chapter is not one of its tasks—nor is it the task of any institution—the ethnic approach cuts across the entire Agreement and any action taken should guarantee its fulfilment. In addition, compliance with ethnic commitments is especially delayed in Point 1 and Point 3 of the Agreement, which are the ones covered by the EU mandate.

Our findings show that, during the first five years of implementation, the ethnic approach has not been a strategic priority for the EU in Colombia. The ethnic approach only appears to have been incorporated

in a secondary, complementary and non-mandatory way in the EUTF; indeed, no specific budget allocations focus on it, nor is it a requirement for allocating resources. Likewise, there is a lack of clear guidelines and direction on what the ethnic approach is and how it should be implemented, beyond the mere inclusion of the ethnic population among the beneficiaries. As a consequence, only 32% of the projects financed by the EUTF have a specific ethnic component. It is also apparent that, although the ethnic approach is a common practice in the country, there is a gap between narrative and practice. Whether or not the ethnic perspective is applied to projects depends on the implementing organisations having the proper knowledge, field experience and relationships with ethnic communities.

As well as the strategic guidelines, the terms of reference of the calls for proposals and the quality indicators, which can serve to clarify where EU cooperation in Colombia is heading, this chapter has also analysed the EU Delegation's specific actions and the initiatives it has financed through its various cooperation channels and instruments. We find that there is sufficient evidence to confirm that ethnic communities, and especially indigenous communities, are considered strategic partners of the EU in Colombia. In other words, despite a lack of explicit prioritisation in the related documents, the EU Delegation is nonetheless contributing to the well-being of ethnic communities, particularly by defending human rights, enhancing protection systems, and strengthening their organisational capacity to participate and influence public policies. To that end, it uses a range of financing instruments and channels available to it, as well as the discreet diplomatic and advocacy actions that the EU carries out with the government.

There are also reasons that lead us to believe that ethnic identity is not the reason why ethnic communities—particularly indigenous communities—become beneficiaries of EU action in Colombia, but rather other characteristics that define them: (1) they inhabit the areas most affected by the armed conflict (crops used for illicit purposes, illegal mining, lack of services and infrastructure, etc.) where international cooperation efforts are focused; (2) they are frequent victims of systematic violations of human rights and international humanitarian law; (3) they have organisations and governments that play a leading role in Colombian civil society; and (4) they are the primary defenders of the environment and sustainable development.

To conclude one outstanding issue for the EU Delegation since the Agreement was signed is its support for the implementation of the Ethnic Chapter, which could have already been carried out if the ethnic approach had been clearly incorporated into the EUTF. The EU's peacebuilding strategy in Colombia should strengthen this approach over the next 10 years. Implementing the ethnic approach is an ambitious—and costly—challenge, given the complexity of the participatory and intercultural processes involved, but it also constitutes one of the main opportunities to truly contribute to positive peacebuilding with a territorial approach in Colombia.

Interviews

Code	Profile of the person interviewed	Date
E1a	Staff of the EU Delegation to Colombia	September 29, 2021
E1b	Staff of the EU Delegation to Colombia	November 6, 2021
E2	Staff of the EU Delegation to Colombia	December 8, 2021
E3	Staff of the EU Delegation to Colombia	February 7, 2022
E4	Staff of the EU Delegation to Colombia	February 16, 2022
E5	Technical assistant of the EU Delegation to Colombia	April 29, 2021
E6	Technical assistant of the EU Delegation to Colombia	March 14, 2022
E7	Technical assistant of the EU Delegation to Colombia	April 8, 2022
E8	Representative of ethnic organisation	April 6, 2022
E9	Representative of ethnic organisation	April 13, 2022
E10	Coordinator of a EU-funded project	February 7, 2022
E11	Coordinator of a EU-funded project	March 3, 2022
E12	Coordinator of a EU-funded project	March 15, 2022
E13	Coordinator of a EU-funded project	March 17, 2022
E14	Coordinator of a EU-funded project	March 21, 2022
E15	Coordinator of a EU-funded project	March 22, 2022
E16	Coordinator of a EU-funded project	March 24, 2022
E17	Coordinator of a EU-funded project	April 5, 2022
E18	Coordinator of a EU-funded project	April 13, 2022
E19	Coordinator of a EU-funded project	April 28, 2022
E20	Coordinator of a EU-funded project	April 28, 2022
E21	Coordinator of a EU-funded project	May 17, 2022

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Keys to Interpreting the International Cooperation of the EU for the Special Jurisdiction for Peace

Ana María Ospina-Pedraza, Farid Samir Benavides-Vanegas, and Julián Darío Bonilla-Montenegro

A. M. Ospina-Pedraza
Secretaría Distrital de La Mujer, Bogotá, Colombia
e-mail: amospina@sdmujer.gov.co

F. S. Benavides-Vanegas (✉)
Faculty of Law and Political Science, Catholic
University of Colombia, Bogotá, Colombia
e-mail: fsbenavides@ucatolica.edu.co

J. D. Bonilla-Montenegro
Faculty of Law and Political Science, Free
University of Colombia, Bogotá, Colombia
e-mail: juliand.bonillam@unilibre.edu.co

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1   Introduction

The Peace Agreement reached between the Revolutionary Armed Forces of Colombia—People's Army (FARC-EP) and the Colombian Government in Havana, Cuba, was signed and ratified in Colombia in November–December 2016. It marked the end of over five decades of armed conflict between the two parties. Nonetheless, according to the International Committee of the Red Cross, there remain a further six ongoing armed conflicts that are not covered by the Peace Agreement (Oquendo, 2022). These include a conflict with the National Liberation Army (ELN), which, like FARC-EP, formed part of the first generation of guerrilla organisations in Colombia's armed conflict. The rest stem from paramilitary organisations that did not sign up to the negotiations between 2003 and 2005, as well as with new armed groups that have sought to fill the gaps in governability left by the demobilised armed actors.

Justice is a crucial part of the Peace Agreement. Chapter 5 of the agreement ("Agreement regarding the Victims of the Conflict") includes the creation of a Comprehensive System for Truth, Justice, Reparations and Non-Recurrence (*Sistema Integral de Verdad, Justicia, Reparación y no Repetición*), now known as the Comprehensive System for Peace (*Sistema Integral de Paz*).[1] The system comprises three institutions tasked with addressing the victims' demands for truth and justice and ensuring there is no impunity in its application, in line with the international obligations of the Colombian State. This has involved setting up a Commission for the Clarification of Truth, Coexistence and Non-recurrence (*Comisión para el Esclarecimiento de la Verdad, la Convivencia y la no Repetición*), whose brief mandate expired on 28 August 2022[2]; the Unit for the Search of Disappeared Persons (*Unidad de Búsqueda de Personas dadas por Desaparecidas*), with a mandate of 20 years; and the Special Jurisdiction for Peace, with a mandate of 15 years, extendible to 20.

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[1] This change is rooted in the communication strategy for the Special Jurisdiction as part of a broader mechanism to ensure awareness of the activities of the system's components as part of peacebuilding processes in Colombia.

[2] The Commission initially had a mandate of three years, starting in August 2018 (Gómez, 2022). However, the Constitutional Court extended this for an additional year due to the COVID-19 pandemic.

The Comprehensive System for Peace arose in a hostile environment. The defeat of the proposed agreement in the referendum on 2 October 2016 forced negotiators to return to the table and remove certain aspects of the Peace Agreement to satisfy the demands of far-right parties that had supported an armed solution to the conflict. Moreover, in August 2018, continued attacks on the peace process and dissatisfaction towards the end of the government of Juan Manuel Santos saw a return to *Uribismo* (that is, the policies of former president Álvaro Uribe), with Iván Duque's triumph in the presidential elections on a platform of tearing up the agreement (El País Cali, 2017). Various strategies were deployed to achieve this goal, seeking to paralyse the operation of the Special Jurisdiction. They include defunding the different programmes, ensnaring the certifications of the Office of the High Commissioner for Peace in bureaucracy (the certifications were the basis for determining the subjects covered by the Special Jurisdiction)[3]; and lodging objections to the Statutory Law of the Special Jurisdiction, making its work much harder. The political and technical support provided by international cooperation—particularly the EU—has been crucial in defending the system against attacks from the Government and has provided economic and technical support for the Special Jurisdiction's investigations.[4]

This chapter begins by examining the origins and nature of the work of the Special Jurisdiction. It then looks at the support received from international cooperation, particularly the EU. Finally, it examines the challenges and limitations of support from international cooperation for the legal apparatus in the cases submitted to the Special Jurisdiction.

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[3] During the government of Álvaro Uribe's Justice and Peace process between 2005 and 2010, the demobilisation of paramilitary groups allowed false demobilisations to occur, including drug traffickers who passed themselves off as paramilitaries. Consequently, as part of the process with the FARC-EP, it was agreed that the organisation would produce membership lists to be certified by the government (through the Office of the High Commissioner for Peace). This made it possible to root out impostors. It was also agreed to allow validation by other means, such as criminal records, instead of this certification.

[4] For more information on political support, see El Espectador (2019), Rosales (2019) and Montaño (2020).

2   The Colombian Model of Transitional Justice

Transitional justice describes the process of confronting crimes and serious and systematic violations of human rights committed by an authoritarian government or as part of armed conflicts, both international and domestic. Despite being a relatively new field, its mechanisms pre-date its founding in the 1990s (Kritz, 1995; Teitel, 2000; Weiss, 2022). In the Colombian peace processes, calls for amnesty and pardon were common ways of confronting the past. Such processes pardoned the majority of crimes, provided they had been committed by political actors and for altruistic ends. This took place as part of "pardon and forgetting" strategies, overlooking the construction of historical memory or mechanisms for victims. This same model held that atrocity crimes could not be subject to legal pardon. Moreover, the victims' absence was striking: excluded from the peace processes, at best they were able to exercise the right to financial compensation by claiming as civil parties in criminal cases against the few individuals that had not received amnesty or pardon (Benavides & Ospina, 2013; Orozco Abad, 1992; Tarapués Sandino, 2019).

It was only as part of the Justice and Peace process, as a result of the demobilisation of the paramilitary groups (2003–2006), that victims were first included in talks and the constitutionality of measures became dependent on the rights of victims to truth, justice and reparations. Nonetheless, participation remained marginal: while the victims played a central role in the initial hearings, where they had the opportunity to confront the perpetrators, their role then became a secondary one. This had the effect of limiting their involvement in reparations, as if their interest in the process were limited to financial demands for compensation, overlooking their right to truth and justice.

The Justice and Peace process was also characterised by its punitive approach: it sought sentences that would deprive individuals identified by the Government as responsible for crimes committed by paramilitary groups as part of the non-international armed conflict of their liberty. Moreover, while the assets surrendered to the Government by demobilised paramilitaries were used for reparations, in general, compensation was paid by the Colombian State in solidarity with the victims (Peña Valderrama, 2013).[5]

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[5] As part of their demobilisation, paramilitary groups had to surrender their arms, munitions and uniforms. They were also required to forfeit all assets—directly or via

One of the points discussed in the peace talks with FARC-EP under the government of Juan Manuel Santos Calderón (2010–2018) was an improved model for confronting a past characterised by large-scale violations of human rights and international humanitarian law. FARC-EP insisted that its members could not be tried by Colombia's criminal justice system, since it formed part of the State against which they had fought and was thus part of the judicial war and the establishment of enemy status for FARC-EP under criminal law. The general reference to the issue of victims and the creation of a system for truth, justice and reparations was one of the most contentious aspects of the Peace Agreement in the negotiations in Havana.[6] Despite progress on issues including drug trafficking and land, talks on the requirement to create a model of transitional justice were about to end, leaving the negotiation process open. The solution was provided by Álvaro Leyva's proposal for creating a sub-commission of representatives selected by the Colombian Government and FARC-EP. The group would ultimately be responsible for creating the transitional justice model set out in chapter 5 of the Peace Agreement, together with the corresponding legislation (Pizarro, 2017).

The precedent set by the Inter-American Court of Human Rights (Barrios Altos v. Peru, 2001), obliges states to sanction serious human rights violations. This makes the fight against impunity an inviolable obligation of signatories to the American Convention on Human Rights. However, FARC-EP insisted they would not sign the Peace Agreement if they were to be subject to sentences that would deprive them of their liberty. This meant a system had to be created that would satisfy the victims' demands for justice and the requirements of international law while respecting the demands of FARC-EP as a party to the Peace Agreement.

The sub-commission produced a hybrid model that sought to balance, on the one hand, the requirements for truth and reparations, and, on the other, renouncing the highest standards of justice. Under the

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intermediaries—to compensate their victims. However, not only did they fail to hand over all their assets, the number of victims far outweighed the assets available. This meant the state had to create reparations mechanisms and make provisions for compensating the victims of paramilitary groups in the national budget, even though the state and its agents had not been convicted of specific crimes.

[6] The General Agreement (*Acuerdo general para la terminación del conflicto y la construcción de una paz estable y duradera*) was the document setting the foundations for the negotiations.

arrangement, all patterns of macro-criminality and the most representative incidents would be sanctioned but not all crimes would be included in the final ruling. At the same time, the system would focus on those with the greatest degree of responsibility. The perpetrators of crimes eligible for amnesty or individuals who had committed crimes not eligible for amnesty but who were deemed to have a lesser degree of responsibility by the Chamber for the Recognition of Truth, Responsibility and Determination of Facts and Conducts were not subject to criminal sanctions.[7] It was also agreed that amnesty could only be granted to individuals with a proven link to the guerrilla organisation and who had committed political crimes or related offences (according to a list formalised by Law 1820 of 2016) before 1 December 2016. This ruled out amnesty for members of other armed illegal, insurgent or paramilitary groups and members of the Armed Forces.[8]

This has meant that the Special Jurisdiction model has focused on protecting the rights of victims based on the application of restorative sanctions that seek reparations for the damage caused, as opposed to sentences that would merely deprive the perpetrators of their liberty. The model avoids the punitive aspect of international law and seeks to ensure the response to crimes committed during the armed conflict is based on prospective justice. In other words, the State responds to the damage caused in a forward-looking manner, seeking to mend broken ties in the community and move on from the past.[9]

[7] One of the chambers of justice of the Special Jurisdiction for Peace, as described below.

[8] This does not mean full "pardon and forgetting": there is a requirement to participate in any legal proceedings required under the Special Jurisdiction system, as well as to seek authorisation for all foreign travel.

[9] Examples include legal sub-rules arising in rulings like SENIT 1 (Special Jurisdiction for Peace, 2019b) and SENIT 2 (Special Jurisdiction for Peace, 2019c).

3   The Special Jurisdiction for Peace and the Investigation of System Crimes[10]

This section examines the Special Jurisdiction's investigation of the war crimes and serious human rights violations committed as part of Colombia's internal armed conflict. The jurisdiction has priority for hearing these cases, provided they meet the following requirements:

i. They were committed by members of FARC-EP, members of the Armed Forces,[11] civilian third parties[12] or State agents.[13] In the last two cases, submission to the jurisdiction is voluntary, while the first two are mandatory.[14]

ii. The crimes were committed before 1 December 2016, the date the Congress of Colombia ratified the Peace Agreement at Teatro Colón, after it was signed on 24 November 2016.

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[10] The term system crimes refers to the presence of a system in crimes against humanity. That is, crimes that are committed systematically but also those that are committed as part of a system of criminality. On this point, see Judgement TP-SA 230 of 2020 and Reed-Hurtado (2008).

[11] In Colombia, the Armed Forces comprise the military forces (National Army, National Navy and the Colombian Air Force) and the National Police. The President of the Republic is the Commander in Chief of the Armed Forces.

[12] Civilian third parties are people who supported, promoted, financed or backed in any way any of the illegal armed groups, including guerrillas and paramilitaries. This status also applies to collaborators of the Armed Forces, provided they are not determined to have been de facto agents of the institutions they supported. The Appeals Section has analysed this issue in rulings TP-SA 1186 and 1187 of 2022.

[13] This can lead to a paradox of sorts: despite aspiring to a broad "stable and durable" peacebuilding model (as mentioned in the corresponding chapter of the Peace Agreement), the inclusion of other active illegal, insurgent or paramilitary armed actors is not considered. For this reason, consideration should be given to new rounds of negotiations. For example, the ELN has declared its intention to negotiate with the government of President Gustavo Petro Urrego (2022–2026) but only if the government was open to consider its conditions for new negotiations. This suggests the guerrilla organisation does not recognise the content of the Peace Agreement, including the Comprehensive System for Peace (Bolaños, 2022).

[14] The Appeals Section of the Court for Peace has established two classes of third-party collaborators of FARC-EP: subordinate collaborators (those subject to continuous control) and non-subordinate collaborators (individuals who served the group occasionally and discontinuously). See, for example, rulings TP-SA 350 of 2019; TP-SA 362 of 2019; TP-SA 424 of 2020; TP-SA 529 of 2020; and TP-SA 564 of 2020.

iii. The crimes committed were related to the non-international armed conflict to support the war effort of the armed actor.

The Special Jurisdiction is divided into chambers (*salas*) and sections (*secciones*), the latter of which are part of the Court for Peace (*Tribunal para la Paz*). During the first period of the jurisdiction (2018–2022), the chambers played a greater role due to their specific functions, including formulating accusations (Chamber for the Recognition of Truth, Responsibility and Determination of Facts and Conducts [*Sala de Reconocimiento de Verdad, de Responsabilidad y de Determinación de Hechos y Conductas,* Recognition Chamber]), selecting the individuals to be tried, awarding amnesties and renunciations of criminal prosecution (Amnesty and Pardon Chamber [*Sala de Amnistía e Indulto*] and the Legal Situation Chamber [*Sala de Definición de Situaciones Jurídicas*]).[15] During the second phase (2023–2028), which covers the trials, the Section for Recognition of Truth and Responsibility (*Sección de Reconocimiento de Verdad y de Responsabilidad*) and the Section for Cases without Recognition (*Sección de Ausencia de Reconocimiento*) will play a greater role.

The Recognition Chamber is responsible for investigating crimes not eligible for amnesty and that fall within the Special Jurisdiction. It also determines the individuals with the greatest degree of responsibility. If these individuals admit responsibility for the criminal behaviour attributed to them, adversarial proceedings are triggered with the First Instance Section for Cases of the Recognition of Truth and Responsibility (*Sección de Primera Instancia en Casos de Reconocimiento de Verdad y Responsabilidad*). If they do not, adversarial proceedings are triggered with the Investigation and Accusation Unit (*Unidad de Investigación y Acusación*) and subsequently the Section for the Absence of the Recognition of Truth and Responsibility of Facts and Conducts (*Sección de Ausencia de Reconocimiento de Verdad y de Responsabilidad de los Hechos y Conductas*).

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[15] Renunciation of criminal prosecution is equivalent to amnesties and pardons but only covers members of the Armed Forces, third parties and State agents. There is a second-level renunciation of criminal prosecution, which can be awarded to individuals who have committed crimes that are not eligible for amnesty or renunciation and who are classed as having a lesser degree of responsibility (Calle & Ibarra, 2019).

In its investigations, the Recognition Chamber has grouped the various trials into macro-cases. As at 1 October 2022, it had opened ten macro-cases, which can be grouped into four categories:

i. Three macro-cases analysing the crimes committed by FARC-EP: macro-case 01 (Taking of hostages, serious deprivations of liberty and other associated crimes); macro-case 07 (Recruitment and use of children in armed conflict); and macro-case 10 (Crimes not eligible for amnesty committed by members of the former FARC-EP caused by, on the occasion of directly or indirectly related to the armed conflict in Colombia.

ii. Three macro-cases involving members of the Armed Forces and State agents: macro-case 03 (Murders and Forced Disappearances presented as combat losses by State agents); macro-case 06 (Victimisation of members of the Patriotic Union); macro-case 08 (Crimes committed as part of relations between paramilitaries and State agents, regardless of whether they formed part of the Armed Forces).

iii. Three macro-cases prioritising the criminality of the armed actors covered by the Special Jurisdiction in different territories: macro-case 02 (Ricaurte, Tumaco and Barbacoas); macro-case 04 (the region of Urabá); and macro-case 05 (Norte del Cauca and Sur del Valle del Cauca).

iv. One macro-case seeking to determine the damage caused to indigenous and Afro-descendant peoples: macro-case 09 (Crimes not eligible for amnesty committed against ethnic peoples and territories during the armed conflict by FARC-EP, the Armed Forces, other State agents and paramilitaries).

In addition to these ten macro-cases, an 11th is currently being opened (Sexual and gender-based violence). However, this macro-case depends on the availability of staff to proceed. In the meantime, the Recognition Chamber will continue to investigate acts of violence in the ten macro-cases.[16]

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[16] There has been considerable debate regarding the decision to launch this macro-case: some suggest it is unnecessary, since the Special Jurisdiction is already investigating sexual and gender-based violence in the context of other crimes; others regard the delay in opening the case as a violation of the obligation to adopt a gender perspective that

As of October 2022, the Recognition Chamber had issued five rulings on facts and conducts (*autos de determinación de hechos y conductas*) and held three hearings for the recognition of responsibility. These rulings are decisions of the Recognition Chamber regarding the patterns of macro-criminality of the armed actors, the most representative events and the individuals with the greatest degree of responsibility. This legal decision is made available to the people found to bear the greatest degree of responsibility, who can then decide if they accept it. If they do so, they are summoned to a recognition hearing. Otherwise, the case is passed to the Investigation and Accusation Unit, triggering adversarial proceedings.

As an example, for macro-case 01, the Recognition Chamber found the members of the former secretariat of FARC-EP responsible for international crimes committed as part of the non-international armed conflict. They were also found to bear the greatest degree of responsibility for the patterns of attacks on the civil population and members of the Armed Forces, which resulted in kidnapping and hostage-taking. The ruling is the result of a process of investigation and the systematisation of information from the ordinary justice system, as well as the reports of the victims and their organisations.[17]

The Recognition Chamber proceedings usually begin with the reports of the victims and their organisations and of the Attorney General of Colombia and the Superior Council of the Judiciary. The reports of the victims and their organisations contain their claims and their versions of the crimes committed by the armed actors covered by the Special Jurisdiction. The judicial reports are the most important documents, since they provide a full account of investigations and rulings issued by the Colombian justice system against individuals covered by the Special Jurisdiction. The status of FARC-EP as an enemy of the Colombian State has made this process easier, since all its actions were investigated by the Colombian justice system. This means there is a considerable amount of information on the guerrilla group. The situation is different for the Armed Forces. Much less information is available, largely due to the strategy of impunity that characterised the criminal justice system's stance

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acknowledges the differentiated damage suffered by women and the LGBTI+ population. What matters most, however, is that the investigation proceeds, the violence is made visible and this is done in line with the protocols established for cases of this nature. See Martín Parada (2020), Cinco Claves (2021) and Mosquera et al. (2022).

[17] Recognition Chamber Ruling 19 of 26 January 2021.

on crimes committed by State actors (notwithstanding the fact that, in some cases, the ordinary criminal justice system has investigated events in depth and various rulings have been issued) (Osorio Valencia, 2015). A good example is the extra-judicial executions falsely presented as losses in combat (known as false positives), which were investigated under macro-case 03 and resulted in over 1,300 sentences handed down to many former members of the Armed Forces.[18]

Once the reports have been systematised, the Information Analysis Group (*Grupo de Análisis de la Información*) produces a document known as the Provisional Universe of Facts (*Universo Provisional de Hechos*) containing all the facts attributed to the armed actor. This can be done by blocks, fronts and battalions, making it possible to clearly determine the crimes committed in a given period of time and in a specific geographic zone. Alongside this document, the Information Analysis Group also submits pattern hypotheses for consideration by the Recognition Chamber, which has the legal power to accept them and determine the individuals with the highest degree of responsibility. These are the individuals who controlled the pattern of macro-criminality on account of their position of leadership or in the group's chain of command, or on account of the particular relevance of the crimes committed. However, it is debatable if the latter point is in fact a criterion for determining the degree of responsibility or if it is really a legal strategy to avoid impunity for particularly shocking or widely publicised events (Michalowski et al., 2020).[19]

Based on this information, the Recognition Chamber then invites the individuals with the greatest degree of responsibility to voluntarily provide their versions of events, thus allowing them to exercise their right to defence. At these hearings, individuals are questioned about all their activities in the group and if they accept the responsibility attributed to them. These accounts are made available to the accredited victims for each case to allow them and their organisations to make comments. Individuals facing attributions of responsibility must be able to respond to these comments in order to satisfy the victims' rights to the truth, especially in cases in which family members remain disappeared. Once the

[18] For more information, see Solano González (2020); for another perspective, see Vestri (2015).

[19] This point is analysed by the Appeals Section in ruling TP-SA 230 of 10 February 2021, in the case of John Jairo Moreno Jaimes.

responses to the victims' comments have been received, the ruling on facts and conducts is issued and transmitted to the individuals to determine if they accept responsibility. Comments can be delivered in writing or at a public hearing. Based on the personal experience of one of the authors of this text, victims often do two things at the hearings: the first is tell of their pain, since this is their first chance to be properly heard by a State authority, without their account being dismissed or discredited as false or unlikely[20]; the second is make remarks regarding the action of the Chamber.

To undertake this work, the Recognition Chamber must employ staff responsible for analysing and systematising all the information from the ordinary justice system, alongside the required technical resources. The budget cuts to the transitional justice system by the government of Iván Duque has made international support even more important in this respect. Accordingly, the following section analyses the role of international cooperation, particularly the EU, in the development of transitional justice in Colombia.

4   International Cooperation, the EU and Transitional Justice

International development cooperation is a relatively new phenomenon. Its origins can be traced back to the US Marshall Plan, conceived as a means to boost the economies of certain European countries in the aftermath of the Second World War and to check the expansion of the communist model on the continent (Pellizzon, 2018). Colombia first received international development aid for the first time in the 1960s, notably as part of the US-led Alliance for Progress programme. The programme was the brainchild of President John F. Kennedy and sought

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[20] Given the high numbers of victims of the crimes of the individuals covered by the Special Jurisdiction, the time available is very short (usually three to five minutes). Nonetheless, the victims appreciate having the chance to tell their story and share their pain. Some will have travelled more than 24 hours to give their testimony. It also allows the hearings to see their bravery and ability to overcome adversity. Unfortunately, these hearings are not broadcast on national television, despite considerable effort to ensure awareness of the work of the Special Jurisdiction. This exercise underpins the process for compensating victims, ensuring their need for recognition. From a psychological perspective, it also allows the expression of all the suffering caused by the activities derived from the armed conflict (Patiño Yees, 2010).

to promote the development of the region's national economies. At the same time, it sought to control the political development of the region in the context of the Cold War to ensure Latin American states aligned with the US and not countries with closer ties to the Soviet Union, notably Cuba, which declared its alignment with the USSR in 1962 (Tah Ayala, 2020). There have been few international cooperation programmes on legal matters. Notable exceptions include the Fulbright scholarships (Bettie, 2015) and assistance provided to develop the region's legal systems, whose scope and problems were analysed by Gardner (1981).

European cooperation began in the 1980s and was initially provided by individual states, not as part of what was then the European Economic Community. Development aid was largely focused on postgraduate scholarships for Colombian students, allowing them to study at universities in donor countries. As transitional justice did not exist, no aid was provided in this field. Nonetheless, it was common for European countries to provide aid to human rights organisations to defend people's rights against State bodies or for campaigns to raise awareness of their importance (Pontón, 2015; Restrepo Sylva, 2012). For example, various European States sought over a number of years to implement a system to promote the uptake of European "good practices" in the area of human rights and public administration under the assumption that this would strengthen the institutions of states in the region.[21]

The EU has a strong tradition of supporting international cooperation focused on protecting human rights and strengthening justice. This cooperation can be divided into three main periods. The first is from 2002 to 2009 and involved support for the creation of Peace Laboratories to promote the negotiations taking place between the government of Andrés Pastrana and the ELN (Gómez, 2007). The second ran until 2013 and began with the European Commission's *Country Strategy Paper* (2007). The paper was structured around three areas: (i) peace and stability; (ii) rule of law, justice and human rights; and (iii) competitiveness and trade. Lastly, the third period dates from the Peace Agreement with FARC-EP and has centred on the use of the European Instrument for Democracy and Human Rights, which provides a mechanism to strengthen and consolidate democracy and respect for human rights and fundamental

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[21] In the specific case of Spain, the Spanish language has facilitated Colombian students studying in the country. However, these collaboration mechanisms have seen cuts following the financial crisis of 2008 (Hernández-Armenteros & Pérez-García, 2019).

freedoms in non-EU countries like Colombia (Moreno-Brieva et al., 2018). We shall now examine in detail the relationship between international cooperation and the development of transitional justice across the three phases.

The Peace Laboratories were a major EU-led initiative for development cooperation aimed at supporting public participation to help deliver peace in six regions of the country. Keen to distance themselves from the US model of cooperation, the laboratories sought to create the social conditions for durable coexistence, political participation and peaceful opposition, as well as protecting the civilian population by supporting existing civil peace initiatives. Throughout the decade, these activities were incentivised using peacebuilding strategies and by supporting vulnerable groups from pre-transitional contexts with a view to improving the conditions of their lives. At this point, European cooperation in Colombia was second to the US. However, it was never more than 5% of the EU international cooperation budget, since Latin America was not a priority for EU cooperation. In this sense, its value in Colombia is purely political, insofar as it serves to cultivate links with other developed countries with an interest in finding solutions to the armed conflict in Colombia (Castañeda, 2009; Moreno León, 2009).

The issue of transitional justice first arose in response to the demobilisation of paramilitary groups in 2004, not in a legal or judicial sense but as part of the need to develop an adequate process for the transition and for ensuring victims were recognised.[22] It would provide a language for framing the different strategies for confronting the past outside the ordinary mechanisms of justice. Cooperation aid was timid at first. However, once the institutions of the Justice and Peace process began to operate, the various cooperation agencies provided support for organisations of victims, to institutions that lobbied State entities and to some State agencies. This support sought to ensure the smooth operation of the process and guarantee victims' rights to truth, justice and reparations.

For example, in the case of the justice system, Law 975 of 2005 created a special chamber in the high courts of Bogota, Bucaramanga, Medellín and Barranquilla. As this was the first experience of investigating system crimes, support from cooperation initially focused on building

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[22] Colombian academics had already begun to appropriate this concept. See, for example, Castellanos (2006).

knowledge among the judiciary of the techniques for investigating international crimes and on ensuring they had the required tools. However, for various reasons, the investigation mechanism remained based on an ordinary or conventional schema. The emphasis was on the range of punishments that could be received by people linked to the proceedings of the Justice and Peace system rather than ensuring a requirement for adequate compensation mechanisms for victims (Delgado, 2011).

The EU has also supported the consolidation of peace and economic development through the European Trust Fund for Colombia, created in 2016 "as a sign of solidarity and political support to the Government of Colombia" (European Trust Fund for Colombia, 2022). With a budget of €130 million, its mission is to support the implementation of the provisions in the Peace Agreement. It aims to assist rural development in the territories most affected by the conflict, promote the State's presence in these territories and support the economic and social reincorporation of ex-combatants. However, the creation of the Special Jurisdiction marked a new form of support, which had sought to ensure the progress of investigations for the first seven macro-cases opened by the Recognition Chamber.[23]

While certain aspects of European cooperation have taken place at the EU level, in the context of the Special Jurisdiction, others have come from individual Member States. Examples include Germany's role as an official international supporter for chapter 5 of the Peace Agreement and Swedish cooperation policies since 2018 for strengthening peacebuilding and transitional justice (Special Jurisdiction for Peace, 2019a).

The EU's formal role as a supporter of the implementation of the agreements is centred on the supervision of Chapter 1 (Comprehensive Rural Reform), chapter 2 (Political Participation) and chapter 3 (End of Conflict, particularly sections 3.2 on the reincorporation of the FARC-EP

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[23] The EU has provided recurring support to Colombia through international cooperation. However, as noted by Agudelo and Riccardi (2019), from the Ralito Pact negotiations with paramilitary groups in 2001, consideration was given to a design focused on improving the conditions for the implementation of the agreements, with a view to establishing peacebuilding guidelines for a context that can be described more as post-agreement than post-conflict.

into civilian life and section 3.4 on the creation of the Special Investigation Unit) (Special Jurisdiction for Peace, 2019a).[24] Resources from the European Trust Fund for Colombia have been provided for this purpose.

One of the fund's characteristics is an emphasis on using as a model the experiences and "lessons learned" from the Peace Laboratories designed by the EU from 2002 to 2012. In terms of the role of the Special Jurisdiction, the work organised around the economic and social reincorporation process for ex-combatants was important (Special Jurisdiction for Peace, 2019a). For example, once ex-combatants were located in the reincorporation zones, they could request amnesty from the Amnesty and Pardon Chamber, while receiving economic and social support provided by the EU through this cooperation mechanism.[25]

However, as previously noted, the Special Jurisdiction began life in a hostile environment, with many obstacles placed in its way by the government of Iván Duque. Duque was elected on a platform of tearing up the peace settlement and did everything possible to terminate the Peace Agreement and its institutions. The operations of the Unit for the Search for Disappeared Persons initially went unfunded, preventing its work from being carried out. It was only under pressure from the international community that Duque's government finally agreed to allocate funds to the unit in the budget. Another example of the Special Jurisdiction being supported by international pressure was the decision of the Prosecutor of the International Criminal Court to close the preliminary examination of human rights violations in Colombia. The document, signed by Iván Duque, president at the time, and Karim Khan, the court's Prosecutor, required the country's institutions to implement all the outstanding points of the Peace Agreement. Notably, the document requires the Special Jurisdiction and the Office of the Attorney General of Colombia to show greater flexibility, the Government to allocate budget for the judicial branch and protection to be provided for judges, prosecutors and individuals appearing at hearings (El Tiempo, 2019; Semana, 2021).

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[24] These are examples of State cooperation activities by EU Member States. However, non-Member States like Norway and Switzerland have also played a fundamental role in activities related to negotiations, transitional justice and peacebuilding in Colombia (Grasa, 2020).

[25] For details of the funds received between 2017 and 2018, see Special Jurisdiction for Peace (2018).

The Duque government's resistance was less pronounced in the case of the Special Jurisdiction and the Commission for the Clarification of Truth, Coexistence and Non-recurrence. However, efforts were still made to prevent the institutions carrying out their duties. Notably, the short mandate of the Commission and its need for a greater presence on the ground meant its work was significantly disrupted by measures put in place in response to the COVID-19 pandemic. In response to this situation, the commission and other actors submitted a petition to the Constitutional Court, arguing for the extension of the Commission's mandate for a further seven months on the grounds of unconstitutionality to compensate for the time lost during the pandemic. The Duque government opportunistically countered that if the term of the commission was to be extended, so too should the term of all elected bodies, including the presidency. The court rejected this unprecedented demand, countering that the Commission had a mandate of three years whereas the Government was permanent in nature. In this sense, the pandemic did not affect the existence and nature of the latter, since its functions included dealing with phenomena like pandemics.

In the context of the current cooperation mechanism, EU support has sought to ensure the Recognition Chamber issues as many resolutions of conclusions (*resoluciones de conclusiones*) as possible, thus activating the work of the Special Jurisdiction as a whole.[26] The EU has supported the work of the Recognition Chamber in different ways for the different macro-cases[27]:

- – Macro-case 01: The EU financed four analysts who worked for 13 months to systematise the information and support the Chamber's work in profiling the individuals selected for hearings. This important work provides valuable information on the careers of individuals in the armed organisation. It allows attribution of the crimes

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[26] The work of the Recognition Chamber is fundamental during the first phase, since the activation of the court's Recognition and Non-Recognition sections depends on the work of the Chamber. Recognition or non-recognition is what allows the sections to carry out their duties.

[27] Unfortunately, we do not have access to official public documents detailing the exact amounts of EU contributions to the Special Jurisdiction. However, the figure of €3.5 million is mentioned in press releases (Delegation of the European Union to Colombia, 2020; Special Jurisdiction for Peace, 2020).

committed by the corresponding structure based on the level of the individual and the causation used by the Chamber.

– Macro-case 02: The EU financed four analysts who prepared and systematised the accounts of the individuals selected for appearances, profiling and determining the careers of those with the greatest degree of responsibility, in addition to providing inputs for the rulings on facts and conducts. The experts also supported statistical and geospatial analysis of relevant acts by the Armed Forces.

– Macro-case 03: The EU supported eight analysts and a consultant on a methodology for comparing information for profiling the individuals selected for hearings, comparing the information in the voluntary versions with other sources. The team also produced analysis documents as inputs for the rulings on facts and conducts in Norte de Santander and carried out geographic and statistical analysis to identify patterns of macro-criminality.

– Macro-case 04: The EU funded four analysts for 13 months.

– Macro-cases 05 and 06: No EU support was received, although support was received from other international cooperation agencies.

– Macro-case 07: The EU provided support for the systematisation and analysis of information to determine the Provisional Universe of Facts for the case and to identify those presumed responsible and who would be called to provide their versions in a hearing.

– Case 10: The EU provided support via consultancy: first on the strategy for accrediting victims; and second on the methodological guide for the investigation and inputs for the case investigation plan.

5   The Challenges of European Cooperation in the Investigation of System Crimes

European cooperation for the investigation of system crimes has been an important part of ensuring the cohesion of the instruments created after the Peace Agreement with FARC-EP (Special Jurisdiction for Peace, 2019c). When considering this cooperation, we must remember that transitional justice itself and the Special Jurisdiction as an institution to implement it are relatively recent. This gives the intellectual freedom to analyse them from the perspective of anthropology of development, reflects politically and theoretically on the effects of social improvement projects promoted by experts and funds from the global North and

focused on the people and regions of the global South (Viola, 2000). Anthropology of development understands the promotion of progress and development plans by states as processes based on the interpretation of society under a specific concept that gives it order, be this progress, development or, in this case, justice (Escobar, 2011; Ferguson, 1994; Li, 2007; Scott, 2022). Its authors study the discourse of State planning and development in terms of their discursive constructions and their capacity to create realities. The discourse of development can thus be seen as describing a problem (the problem of underdevelopment) and rendering it understandable by the State, at the same time as providing technical tools to address it.

More than a critique of the notion of State-promoted development, Ferguson (1994) and Scott (2022) are interested in showing the permanent effect such intervention has on progress and development. Even in cases where planned objectives are not met (this appears to be the rule, rather than the exception), intervention nonetheless has significant and contradictory effects. These include the expansion and strengthening of the bureaucratic capacity of the State (its capacity to govern populations) and the depoliticisation of social and economic life in favour of technical knowledge. In the case of European cooperation to support the investigation of system crimes, the anthropology of development invites us to ask a series of questions: What are the long-term effects, even when technical intervention to improve the social and political conditions of a specific society "fails"? What are the effects of intervention in terms of the construction of a "problem" to be solved (in this case justice)? What effects do cooperation and its demands for results have on the interpretation of the experiences, populations and ways of understanding the conflict that arise from the Special Jurisdiction?

Like many interventionist projects from the perspective of development cooperation, we see that—even though the process is ongoing—the desired objectives of the intervention have not been met. This situation appears to be the norm if we compare the result of cooperation processes at the macro level. However, this does not necessarily indicate a "failure" in the process, according to the understanding of the word in Ferguson (1994) and Scott (2022). Furthermore, given the process is still under way, this diagnostic remains provisional. Nonetheless, there remains a gap between the cooperation objectives and results, raising questions about the very conception of cooperation.

One of the requirements of cooperation aid is that it delivers determined results.[28] The Special Jurisdiction had originally undertaken to issue resolutions of conclusions, which are contingent on the recognition of the individuals appearing in hearings. However, it realised that rulings on facts and conducts had to be issued before these resolutions. Consequently, the Recognition Chamber committed to issue at least one such ruling per sub-case. So far, however, it has failed to meet this commitment, calling into question the sustainability of cooperation aid.

In this instance, the cooperation agency has set a requirement for the justice system to issue judicial rulings within a given time frame, without understanding the complexity of the cases and without clearly knowing if it would be possible to take into account all the information within the time frame of the cooperation project. From the standpoint of the anthropology of development, this can be understood as an expectation (or demand) that simplifies social life and the multiple experiences of the conflict. Moreover, it does so based on technical expectations far removed from the processes themselves and closely related to the requirements of new public management models (Vargas-Hernández, 2016). Justice is thus understood as a technical product in the service of development. The dynamics and time scales of a unique process of justice are given less weight than achieving results in the context of the objectives of the intervention. As we have noted, aid was provided to the Recognition Chamber for just 13 months. However, experience shows that this is not sufficient and that a greater and faster flow of cooperation resources was needed. The result is that just five rulings have been issued by the Recognition Chamber. This frustrates the very purpose of cooperation: the lack of continuity of aid is an impediment to achieving results that are at the same time conditional on this very continuity. This shows how important it is for the design of cooperation projects to take into account the type of outputs required and the difficulty of transitional justice resolving in just months what has taken the ordinary justice system many years. Yet while the expectation of cooperation may overlook the complexity and slowness of implementing transitional justice, the effect at the political level has been different, resulting in the international defence of a national political process.

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[28] The official term is not "cooperation aid" but "cooperation projects". However, we have used the former to emphasise that we are talking about State aid, investment or intervention presented as cooperation.

6 Conclusions

In Colombia's recent history, the country has seen different forms of international cooperation. Some of the most prominent have been from the EU, especially in terms of the role it has played in promoting human rights within the context of the international system. The different approaches began with the experiences from the Ralito negotiations with paramilitary groups and the subsequent aid to establish the Justice and Peace system. The current cooperation mechanism is focused on activities of the Special Jurisdiction under section 5.2 of the Peace Agreement signed in 2016 and which aspires to create a broad model of restorative measures linked to international standards in transitional justice.

International cooperation has played a key role in the institutional consolidation of the Special Jurisdiction and in defending it against the Duque government's attacks on the institutions of the Comprehensive System for Peace. In the specific case of European cooperation, the various public interventions supporting the work of the Special Jurisdiction have gone hand in hand with the economic aid mentioned in this chapter. Yet it is also right to question the legitimacy of this kind of support, especially given that a key part of the work of an institution of Colombian justice is being supported by funds from another State.

Development and justice are concepts that organise economic, political and social thought. Yet their normative value is still not easily challenged in public debate. They have become lenses through which to understand social realities characterised by poverty and conflict, such as Colombia, albeit from the perspective of what they are missing, namely development and justice. And if cooperation projects make the implementation of standards of transitional justice and support for the institutions of the Special Jurisdiction conditional on technical expectations that are far removed from the realities of the process itself, we are not far away from the failed interventionist logic critiqued by the anthropology of development.

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CHAPTER 11

The European Union: A Strategic Partner for Colombia's Truth Commission

Tania Esperanza Rodríguez Triana

1   Introduction

Consolidating peace is an objective of all the world's countries and of humanity as a whole. The Colombian peace process has become a beacon for resolving complex internal conflicts that affect—and have affected—numerous countries across the world. The model of transitional justice adopted by Colombia in its transition to peace, guaranteeing the rights of victims to truth, justice, reparations and non-recurrence, is one of the most innovative aspects of the Peace Agreement signed in 2016 between the government of Juan Manuel Santos and the Revolutionary Armed Forces of Colombia—People's Army (FARC-EP). However, the transition has been far from smooth. The commitment and support of the international community has played an essential role in preserving the agreement and ensuring its implementation.

This chapter examines the political, technical and financial support provided by the EU to one of the institutions of the transitional justice

T. E. Rodríguez Triana (✉)
Pontifical Javierian University, Cali, Colombia
e-mail: tania.rodriguez.triana@gmail.com

system created as part of the agreement: the Commission for the Clarification of Truth, Coexistence and Non-recurrence (Truth Commission). The truth of the armed conflict is a prerequisite for the reconciliation process: reconciliation can only be possible by moving on from the void violence leaves in the spirit and by repairing the dignity denied to victims. Truth is essential for collective reflection on the types and quality of relations between people in Colombia, between State institutions and the public, between companies and the neighbouring communities, and between us, as human beings, and nature. It is the ethical imperative of truth that requires us to be mindful of the context of social structures and processes that are broader and span longer time frames and that are bound up with the persistence of multiple inequalities and linked to the political present. The EU's understanding of the importance of confronting the truth in all peacebuilding processes that follows armed conflict, war or dictatorship led it to prioritise its support and assistance for the Truth Commission as part of its cooperation with Colombia during the post-agreement period. This was largely a result of the lessons learned from the continent's own history.

2   Peace and Truth Do Not Come Easily

The title of the Truth Commission's Final Report, dated 28 June 2022, was *There Is Future If There Is Truth* (*Hay futuro si hay verdad*). It reflects the underlying premise of the Peace Agreement signed in November 2016 between the Colombian State and FARC-EP, marking an end to the insurgent-counterinsurgency war that plagued the country for over six decades.

It also reflects the premise of the transitional justice at the heart of Chapter 5 of the agreement, focused on guaranteeing victims' rights. The transitional justice model was designed for societies of legacies confronting large-scale and serious human rights violations and the task of building peace. Justice is focused on the rights and dignity of the victims as human beings and citizens. It seeks the recognition of responsibility, alongside reparations for the damage suffered, and paves the way for a renewal of the social contract and the path to reconciliation. In this sense, it aims to prevent repetition. As early as 2006, Louise Arbour, the United Nations High Commissioner for Human Rights stated that "Transitional justice must have the ambition to assist the transformation of oppressed

societies into free ones by addressing the injustices of the past through measures that will procure an equitable future" (Arbour, 2007: 3).

In other words, the mechanisms of transitional justice address the legacy of violations of human rights and international humanitarian law as part of the transition of societies recovering from armed conflicts or authoritarian regimes. It involves creating arrangements—legal or otherwise—to guarantee the "morality of the return to or progress towards normality" (Valencia, 2003). The return to morality comes in the form of guaranteeing the protection of fundamental rights and the basic principles of transitional justice—justice, truth, reparations and non-recurrence— in the context of serious violations of human rights and international humanitarian law (United Nations Security Council, 2004).

Chapter 5 of the Peace Agreement signed in 2016 provides the foundations for the Comprehensive System for Truth, Justice, Reparations and Non-Recurrence (*Sistema Integral de Verdad, Justicia, Reparación y no Repetición*). It is based on the understanding that the journey towards stable and long-lasting peace implies the search for truth, justice and reparations, alongside efforts to shine light on the cases of disappeared persons that formed part of the armed conflict. One of the points that became clear during the negotiations was the need for a comprehensive system to search for disappeared persons, provide the country with a moral, historical and political truth, and a justice system that would avoid any impunity for crimes committed. This resulted in the agreement to create the Comprehensive System, which comprises the Special Jurisdiction for Peace, the Unit for the Search of Disappeared Persons and the Truth Commission. Truth was to be the gateway to a long and difficult peacebuilding process for the country.

In a speech to the United Nations Security Council in February 2020, the Jesuit priest and president of the Truth Commission, Francisco de Roux, highlighted how the Colombian system of transitional justice has been enriched by the coordinated work of the three institutions of the Comprehensive System in pursuit of three types of truth:

> The first is the legal truth, the task of the Special Jurisdiction for Peace, which is responsible for ensuring there is no impunity. It is a truth that legally declares the guilty parties and issues sentences […] The punishment is not an act of revenge but a means of providing restorations for the victims and those responsible […]. The second truth is the moral, historic and social truth, which corresponds to the Truth Commission. It is a truth

that […] presents itself and cannot be silenced. It is the truth that begins with the testimonies of victims everywhere and that probes the reasons behind violent events and processes, calling for reflection in the pursuit of a common understanding of the tragedy in order to build a new future […]. It is a truth without political or economic interests and that seeks to be as independent as possible. It does not condemn anyone individually but establishes ethical public responsibilities. It also listens to the various parties to the conflict and weighs up their opinions and interpretations. It is not there to point fingers and stoke hatred but to overcome the social divides through a painful and liberating truth. Lastly, there is the third truth: the truth that is pursued by the Unit for the Search for Missing People that supports their families in coming to terms with the cruellest and most tangible form of crushing the human spirit: their disappearance forever […]. (De Roux, 2020)

As the Commission notes in the territorial chapter of its Final Report:

The public display of truth is not just an act of justice in itself with victims seeking explanations of the events, it also facilitates their emancipatory reparations for them. This transformation is only possible by clarifying the political, socio-economic and cultural situations caused by the violence and its persistence, and by identifying strategies and mechanisms for the transformation, thus promoting social justice and empowering excluded and marginalised sectors. (Truth Commission, 2022a: 21)

The Commission was designed to help Colombian society confront the truth of the tragedy that took place during the internal armed conflict. It sought to do so based on a commitment to prevent the violence continuing and happening again. Through the public recognition of responsibilities and the publication and communication of its Final Report, it aimed to contribute to efforts to create a transformative environment for the peaceful resolution of the conflicts and the broadest possible culture of democratic respect and tolerance (Office of the President of Colombia, 2017).

The Peace Agreement has profoundly transformed the Colombian State and society with the aim of consolidating democracy and peace. However, achieving peace or truth is not easy. The implementation of the Peace Agreement, the work of the Commission and the creation of peaceful coexistence have had to overcome major obstacles. These

include the continuation of the armed conflict with the National Liberation Army (ELN) and other localised armed conflicts in which criminal dynamics prevail; the murders of leaders and ex-combatants; the failure of the government of Iván Duque to decisively back the implementation of the Peace Agreement; and a climate that, instead of encouraging reconciliation, has been marked by polarisation, including for the referendum to approve the agreement itself.

The agreement signed between the Colombian government and FARC-EP not only renewed hopes for peace and democratic openness in Colombia, it also brought encouraging transformations towards this goal. Bringing the country's largest illegal armed group to the negotiating table and addressing historic problems that were at the root of long-standing violence (for example, the assignment of land ownership rights and distribution, political participation, drug-trafficking and paramilitary activities) was proof that the country had embarked on the path towards stable and long-lasting peace.

However, violence soon reappeared in parts of the country. Municipalities in which FARC-EP operated were captured by ELN, FARC-EP dissidents and deserters, and a new generation of paramilitary groups (Clan del Golfo, Caparros, Cordillera, La Constru, and Los Pechenca) vying for control of illicit economies, drug-trafficking and illegal mining. The struggle for political power at the national level no longer lies at the heart of the armed conflict in Colombia, insofar as actors are no longer challenging the State and pursuing its radical transformation or seeking to preserve the political regime. However, the relationship between politics and crime persists in certain forms (Gómez Buendía, 2021). A number of the armed groups that persist continue to meddle in elections and capture public funds. Moreover, some factions, especially ELN continue to fly political flags and implement strategies to build their base. Colombia is living through a traumatic transition, with the inertia of old conflicts and the emergence of organised violence and authoritarian projects linked to organised crime. Confrontations are concentrated in the geographic areas of illegal economies, where the presence of the State has historically been limited, negligible or non-existent. These include Catatumbo in the department of Norte de Santander, Arauca, Bajo Cauca Antioquia, the department of Cauca, the Pacific Coast and Putumayo. Other areas that have seen an increase in violence are the south of Córdoba, the south of Bolívar, the south of Cesar and the north and north-east of Antioquia.

Various factors explain the persistence of violence in Colombia: the limits of the Peace Agreement itself, which did not include all armed actors or address issues such as the model of security or high levels of inequality in the country; the continued prohibitionist stance in the face of the problem of drugs, which fuels trafficking and violent patterns of accumulation linked to organised crime; the failure of the government of Iván Duque to back the implementation of the Peace Agreement; the obstacles put in place by powerful political and economic forces in the country; "inherited hatred" and the inability to see peace as a national project; and, of course, the growing strength of armed groups, which continue to enjoy some legitimacy in certain territories and sectors (although these are growing fewer) due to social inequality, the continuity of anti-democratic and inequitable policies and the precarious presence of the State.

Despite Iván Duque's repeated declarations, particularly at the international level, portraying himself as a staunch defender of the Peace Agreement, the agreement was nonetheless undermined by his presidency (Varela, 2022). During his four years of government, it suffered numerous attacks from Congress in an attempt to hinder its implementation. This took place against the backdrop of deteriorating security conditions, the COVID-19 pandemic and, above all, the Duque administration's notorious attempt to halt implementation. The absence of a peace agenda in the government of Duque could be seen in many areas: the failure to assign sufficient funds; major corruption scandals, channelling funds away from the process for implementing the agreement and peacebuilding; hold-ups to key legislation in the agreement (for example, political reform, public participation and the regulation of protest, reform of the electoral court by the special transitory districts for peace); and setbacks to comprehensive rural reform.

In July 2022, the report *No Enreden La Paz* (*Don't Hold Up Peace*) was published by supporters of the peace process in Congress (18 senators and representatives from different parties monitoring progress in the implementation of the Peace Agreement). The initiative was led by Juanita Gobertus, representative of the Green Alliance, and found that while 12,820 signatories to peace were active in the reincorporation process (94.1% of the 13,616 accredited individuals) and the political reincorporation of FARC-EP ex-combatants has been guaranteed by the fixed seats in Congress, 36.3% of ex-combatants still do not have a government-financed productive project and, more seriously, at least 315 have been

murdered since the agreement was signed. In January 2022, this situation led the Constitutional Court to declare a State of Unconstitutionality due to the large-scale violation of the security guarantees for signatories to the Peace Agreement (Constitutional Court of Colombia, 2022).

These figures on the progress of the implementation must be seen in light of Duque's continuous attempts to distance himself from the Peace Agreement. Just six months into his presidency, he received the statutory law for the Special Jurisdiction for Peace from Congress. A month later, he announced in March 2019 that he would object to six of its 159 articles (Office of the President of Colombia, 2019). Duque's criticisms were centred on what he regarded as a lack of clarity in the obligation of perpetrators to provide comprehensive reparations to victims, cuts to the powers of the High Commissioner for Peace to verify the list of members of armed groups covered by the peace process, and the State's renunciation of criminal action against war crimes and crimes against humanity. In May 2019, after two months of analysis, debate and headlines, the Constitutional Court rejected the Government's objections and Duque had to approve without changes the law to allow the Special Jurisdiction to begin its work.

If Duque's election as president was defined by objections to the Special Jurisdiction, the end of his term was marked by his absence from Bogotá's Teatro Gaitán on 28 June 2022. There, after almost four years of investigation and having heard testimonies from over 30,000 victims, the Truth Commission presented its Final Report on Colombia's armed conflict. Duque's absence coincided with his declarations in an interview in Lisbon, in which he remarked that he hoped the report would not be a "post-truth report". He then went on to add that:

> truth cannot have biases or ideologies; it cannot have prejudices. It is objective. Truth must be incontrovertible and the reality of our history is clear: in Colombia we have had legal forces that provide order and that have defended the Constitution and the law, and we have had terrorism, which has sought to stifle and silence the voice of a democratic people. (RCN Radio, 2022)

These statements once again flatly denied the existence of the internal armed conflict. The election of the new president Gustavo Petro was fuelled by the social unrest that started with a wave of national strikes between November 2019 and February 2020. However, it also reflected

his presence at the presentation of the Final Report of the Truth Commission, at which he pledged to implement the report's recommendations on preventing repetition. Petro's election renewed hopes that Colombia was taking steps towards consolidating long-lasting peace. However, not only did the work of the Truth Commission take place in a context of polarisation in which peace and the agreement formed part of political conflict, it was also carried out against the backdrop of persistent violence, marked by continued fears and preconceptions among sectors of society wounded by the war. In this context, the political support and cooperation of the international community, particularly the EU, have played a fundamental role.

3   THE EU: A PARTNER
FOR COLOMBIA'S TRUTH COMMISSION

In the complex context described above, Colombia's implementation of the Peace Agreement, and transnational justice in particular, has faced at least three challenges: (i) carrying out its mission, while communicating progress effectively so the public understands its importance, building hope for a peaceful future; (ii) ensuring its methods guarantee the broadest possible access for the country's victims to ensure the political legitimacy of its results; and (iii) guaranteeing there are sufficient resources for this to take place.

The EU has been a strategic partner of the institutions of the Comprehensive System, especially the Truth Commission. Its permanent political, technical and financial support helped the Commission address the negative messaging of President Duque and other political opponents of the Peace Agreement. It has also allowed the Commission to expand its territorial presence, making it more accessible to victims and ensuring plural listening, which formed the basis of the method for clarifying the truth and helped boost the impact of the communication processes on Colombian society.

3.1   *Political Support*

The international community's support has been fundamental to the Peace Agreement. From the outset of the negotiations, the support of guarantor and supporter countries—Cuba, Norway, Chile and Venezuela—was key to creating trust between the parties and ensuring

that dialogue continued at difficult points in the process. Similarly, the specific support of certain actors, such as the EU and the United Nations, gave the negotiations further impetus. The United Nations Security Council has also unanimously backed the agreement and supported its implementation.

The political and financial support of the international community has also been fundamental in the implementation phase. The United Nations, through its Multi-Partner Trust Fund for Sustaining Peace, and the EU Trust Fund for Colombia are clear examples. In 2019, the EU's support allowed the Comprehensive System to boost its presence in regions throughout the country, despite cuts to national government funding of its institutions. The international community also played a key role in the face of President Iván Duque's objections to Statutory Law 1957 of 2019 (governing the functioning of the Special Jurisdiction), which were supported by the US government. The United Nations Security Council, the various United Nations organs in Colombia, the Inter-American Commission on Human Rights, and the International Criminal Court, alongside the embassies of the EU and various European countries all called on the government to sign the law. While the Constitutional Court ultimately ruled that the president must sign, political pressure from the international community was required to create the conditions for the correct operation of the Special Jurisdiction.

The EU's commitment to Colombia's peacebuilding process dates back over 20 years and includes programmes such as the Peace Laboratories (2002–2010) and New Peace Territories (2011–2016). However, while these have both made major contributions to post-conflict politics, its trust in the transitional justice model that forms part of the agreements represents a new landmark in European support for the Colombian peace process. The Colombian model has publicly been regarded around the world as an inspiration and example for other countries undertaking political transitions, both now and in the future. This has strengthened the internal legitimacy of the institutions of transitional justice and their activities in the face of persistent internal attacks. In 2019, the EU provided €4.5 million of technical and financial support to the Truth Commission. At the ceremony to announce the contribution, the EU ambassador to Colombia, Patricia Llombart, stated that the support for the Comprehensive System reflects its status as one of the "essential elements for guaranteeing the application of this innovative model of

transitional justice agreed for peace in the country" (Truth Commission, 2019a). Similarly, at a meeting with leaders of the Comprehensive System, Federica Mogherini, at the time the EU's High Representative for Foreign Affairs and Security Policy, stated that "the peace process remains at the heart of the EU's commitment to Colombia," adding that the Comprehensive System and its three institutions set "an example for future peace agreements" (Truth Commission, 2019b).

The EU has also shown its political backing through the presence of its ambassador and the ambassadors of European countries at various public events organised by the Truth Commission. At the first public event held to recognise the dignity of the victims of sexual violence during the armed conflict, *My Body Tells the Truth* (*Mi cuerpo dice la verdad*), organised by the Truth Commission in Cartagena on 26 June 2019, the Norwegian ambassador John Petter Opdahl read one of the selected testimonies. Similarly, at a public event called *Truths that Liberate* (*Verdades que Liberen*), organised by the Truth Commission on 23 June 2021 to recognise the responsibilities of FARC-EP for kidnappings, the EU's ambassador to Colombia, Patricia Llombart, stressed that:

> the path of transitional justice is innovative. It is a type of justice that aims to bring an end to a conflict not by forgetting the victims but by putting them at its heart […]. It is an approach that stands out from conflicts in other parts of the world. This is why the world is watching Colombia and learning from it. We are learning from you with every step you take, every step forward in the search for the truth, for justice, for reparations, to make sure it does not happen again […]. It is a bold system: it takes a lot of courage, energy, determination, humility, love and generosity to confront the truth after so many years of such a hard conflict, one that has left so much pain behind, and to do so through a series of new and innovative institutions. Over these years, I have watched the bodies of the system of transitional justice grow and mature. I have seen them reach territories, enter people's homes, create space in Colombian society. […] Colombia's experience is of vital interest to all of us who pursue peace, human rights and sustainable development […] recognition of the responsibility of the former FARC shows that peace continues moving forward […]. This is the first time that a former guerrilla actor has submitted to a court and has recognised and assumed responsibility for horrific crimes, rejecting all justification and, above all, expressing its desire to fully clarify the truth. (Truth Commission, 2021a)

The German ambassador Peter Ptassek appeared at a public event entitled
Generations that Don't Give Up (*Generaciones que no se rinden*), organised
in Bucaramanga on 2 December 2021 to recognise the responsibilities for
the effects of the armed conflict on Colombian public universities. Ptassek
explained that his motivation for attending the event was

> his love for the people of Colombia, who want to discover their past and
> who have the strength to confront the history, facts and events of the
> armed conflict. For those who have a thirst for truth, who are sick of
> not confronting, of denying and avoiding the question of guilt, pardon
> and preventing repetition. For his admiration of the victims and respect
> for the perpetrators who have come to ask for forgiveness today. For his
> admiration of the members of the Commission […] For the presence of the
> commitment to truth – the best and most valuable thing in the country
> at present. A truth with many faces, many nuances, many voices, with
> an immense underlying pain but above all the enormous force of hope
> […]. Germany took time to recognise the political value of memory. It is
> important to confront the past and accept it. Otherwise, a better future is
> not possible. Germany took a long time to do this. This makes the work of
> Colombia's Truth Commission all the more admirable, on account of all it
> has achieved in such a short period of time. (Truth Commission, 2021b)

Other European ambassadors have also appeared in public spaces for the
recognition of responsibilities, sharing similar messages of support and
admiration in other parts of the country, including Valle del Cauca, the
Pacific, Amazonía, Antioquia, the Caribbean and Huila.

In addition to the recognition processes, the EU has supported
dialogues for the prevention of repetition. The dialogues are an initiative
of the Truth Commission to provide spaces for conversation in society
for the territories in which violence persists. Exchanges between indi-
viduals from different sectors of society have helped to understand the
reasons why the conflict has persisted in these areas. At the sixth dialogue
for non-continuity and non-recurrence on 5 December 2019, which was
dedicated to understanding the murder of men, women and social leaders,
the EU ambassador, Patricia Llombart, accompanied by the ambassadors
of Germany and Austria, sent the following message: "We are here for the
long term to support Colombia in a peace process whose implementation
will be hard and will face challenges. Because of this, we know you will
need friends […] In this specific case, our commitment is to contribute
to ending the stigmatisation of leaders in society, to the fundamental role

they play in a democracy and how they are helping to transform territories from the territories themselves, including environmental conservation. In a specific initiative from Germany, we have launched the *We Defend Life (Defendamos la vida)* campaign, which aims to work with leaders to highlight and make visible their work. This should be an objective of the country: a political consensus on the fundamental role they play in democracy" (Truth Commission, 2019b).

As a sign of the respect for the Truth Commission's work, other dialogues to prevent the continuation of the armed conflict also saw the appearances of the ambassador of France, Gautier Mignot, at the dialogue in Catatumbo on 15 October 2020, and the first secretary of the ambassador of Switzerland, Mathias Zeller, at a dialogue in Bajo Cauca Antioquia on 20 November 2020.[1]

When, after two years of the Commission's mandate marked by the COVID-19 pandemic, victims and civil society organisations requested the Constitutional Court to extend the Truth Commission's mandate, the international community played a key role during the Court's evaluation of the request, particularly the ambassador of Ireland, backing the request in private conversations and through political influence, as well as in public declarations.[2]

Towards the end of the Commission's mandate and in reference to its Final Report, the EU ambassador to Colombia, Gilles Bertrand, remarked:

> the report that the Truth Commission will publish on 28 June is fundamental to this step being taken by Colombian society towards preventing repetition and better understanding what has happened. The most impressive part has been the immense and extraordinary work of the Truth Commission, involving over 28,000 testimonies from people from all backgrounds, from victims, from perpetrators, from members of the Armed Forces, from groups on the margins of the law. And this work has taken place throughout the whole country. It has involved recognising the truth in all its complexity and proposing a series of recommendations as a starting

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[1] The appearances of European ambassadors in the public events of the Truth Commission referenced in this document are just an example of the many occasions on which ambassadors from European countries and EU Member States have supported the Truth Commission in carrying out the functions of its mission.

[2] Interview for this research with the President of the Truth Commission, Francisco de Roux, S.J., 30 August 2022.

point for a genuine dialogue, a national dialogue. (Truth Commission, 2022b).

As the EU ambassador to Colombia, Gilles Bertrand has spearheaded the call to the various institutions and embassies to finance and support the legacy of the Truth Commission and its partners, who will allow its work to live on once its official mandate has expired.

Through all these interventions, the EU has reaffirmed not only its support for the peace process but also for transitional justice in Colombia as a means to consolidate world peace, based on liberal democracy, human development and respect for human rights, which presuppose, above all, a capitalist economic model with open borders to trade. As Francisco de Roux, President of the Truth Commission, has noted, the EU—in particular Patricia Llombart, and with her all the European ambassadors—"saw from the outset that the peace process in Colombia, as they have stated, was the best international news in a sea of solutionless conflicts at the start of the twenty-first century".[3]

3.2 *Technical and Financial Support*

The EU's political support to the Truth Commission was accompanied by technical and financial support. During the Commission's mandate, the EU financed the development of three programmes to support the Commission's territorial presence as part of efforts to make its institutions more accessible to victims, develop spaces for social dialogue that promote plural listening in the context of peacebuilding and the participation of various sectors of society in the process, and foster peaceful coexistence in different territories. These programmes also aim to make visible and promote the communication of activities and results to allow the country to understand the work and progress of the institution, thus strengthening its legitimacy.

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[3] Interview for this research with the President of the Truth Commission, Francisco de Roux, S.J., 30 August 2022.

(a) Clarifying the actions of resilience and positive transformations

The first grant received through the European Instrument for Democracy and Human Rights (EIDHR/2018/403-346)[4] aims to identify, highlight and strengthen initiatives for peaceful coexistence in Colombia, as providing a potential basis for reconciliation in territories and as a means to build a "parallel narrative" to the one of the horror surrounding the events that took place during the armed conflict. With a budget of €196,000, the project sought to contribute to the clarification and recognition of examples of resilience and positive transformations by civil society and Colombian institutions in the context of the armed conflict. This is in line with the mandates in articles 12 and 13 of the law establishing the Truth Commission:

> The Truth Commission has a mandate to clarify and promote the recognition of […] 12. Processes to strengthen the social fabric in communities and examples of individual or collective resilience. [and] 13. Processes of positive transformation of organisations and institutions throughout the conflict. (Office of the President of Colombia, 2017)

The Commission's general mandate included not only clarification of the truth surrounding the atrocities committed as part of the armed conflict but also making visible the positive experiences and capacity of civil society and institutions in the territories and at the national level to overcome these events and survive, confronting the war and looking for everyday and structural escapes. This meant showing and understanding the positive initiatives, processes and changes at the individual, social, cultural, structural and political levels during the years of war, promoted by civil society or the country's institutions, and which must now be taken into account as part of a transition process from war to peace. The overarching aim has been to ensure the dignity of the people behind the initiatives and decisions but also to use them as examples and building blocks for the peacebuilding process.

The EU grant had two specific goals: (i) develop a participative process involving key agents of change from civil society and institutions to gather examples of *resilience* and *positive transformation*; and (ii) contribute to

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[4] Details based on the technical and financial reports produced by the Truth Commission with finance and support from the EU in 2019 and 2020.

the recognition and dignity of victims by making visible and communicating practices and experiences of resilience and positive transformation during the armed conflict. The project set out to provide a broad survey of all experiences documented and systematised in some way in recent years. These included those with greatest importance and impact, the most inclusive and diverse, and further examples that have yet to be covered by the process but whose content and knowledge are fundamental for analysis (for example, to make them visible, since they have not yet been recognised). The project also resulted in the identification of practical, innovative and strategic guidelines to promote initiatives, decisions and inputs for public policy designed to manage coexistence and prevent the repetition of violence in the territories of Colombia. The project provided inputs for the Truth Commission's Final Report and allowed progress to be made in the design of communications strategies to support the clarification and making visible of the collective construction of truth by the Commission.

There were four main activities in 2019: (i) gathering documentation and systematising good practices in resilience and positive transformation that have been promoted and documented by universities, international cooperation, institutions and civil society organisations; (ii) review and comprehensive analysis of the various systematisations and documentation gathered; (iii) meetings to identify territorial experiences in the regions of Magdalena Medio and Orinoquia; and (iv) identifying common features to understand how the experiences took place and to allow their use as regional, national and international models for promoting coexistence and preventing repetition.

In 2020, activities were focused on ensuring the visibility and prominence of the common features of the examples of resilience and positive transformations. This was done in a number of different ways: events, audiovisual works, multimedia and transmedia, widely circulated works of art, writing and illustrations. The strategy was tailored to the specific contexts and key actors of individual regions, which were then presented at a national event. This ensured that not only did the process impact the participants at the meetings for the exchange of proposals but that it extended to the public as a whole. This process was complementary and took place in coordination with the other processes under the Truth Commission's remit as part of its deployment strategy and territorial approach.

The project was important because it contributed to an aspect that has not commonly featured in other truth commissions. Processes for clarification and justice are normally focused on clarifying "damages". Few commissions have called attention to the positive transformations and examples of resilience in the context of armed conflict.[5]

    (b) Support for the national and territorial compliance with and performance of the Commission's mandate

At the end of 2019, the EU ratified its support to the Truth Commission, with a contribution of €4.5 million. The funds were provided through a programme operated by the NGO Red Prodepaz, with a particular emphasis on supporting work in territories to guarantee the access of victims and ethnic communities to the entity, above all in the areas most affected by the conflict. This support contributed to the work of clarifying the events of the conflict and their impact on the population, especially children, adolescents and victims of gender-based violence.

This international cooperation programme was approved against the backdrop of the events of 2019, when the country faced a change of government and an incoming president, Iván Duque, who had been staunchly opposed to the peace process and agreement. It was a context of considerable distrust and pain, which was felt by society as a whole. There was also a climate of polarisation, which meant many people in Colombia failed to see the implementation of the Peace Agreement and its benefits as legitimate alongside the hope they offered. Moreover, the country was also experiencing a budget crisis and the resources for the implementation of the agreement had been cut, with a 40% cut to the Truth Commission's budget in 2019 alone.

The Truth Commission started promoting the creation of public spaces for encounters and social dialogue in pursuit of coexistence and preventing repetition, with an emphasis on recognition and satisfying victims' rights. However, despite the Commission's work to safeguard progress in consolidating its institutions in a context of budget constraints and polarisation, it still had to boost public mobilisation and awareness of its significance and scope. This directly impacted the construction of

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[5] For details of the Commission's work on processes of coexistence, resilience and positive transformations, see www.comisiondelaverdad.co/procesos-de-convivencia.

the Commission's legitimacy, which was crucial for ensuring broad, plural and inclusive social participation across territories in the clarification of truth and in creating the conditions for coexistence and preventing repetition. In this context, the project made a strategic contribution, since the funds gave the Truth Commission greater flexibility and helped to boost its territorial presence and public impact. The EU's support and backing also helped to build confidence among communities and different parties, closing the gaps of polarisation and strengthening the work of the Commission.

The EU's support to the Truth Commission pursued three specific objectives. The first was related to the territorial dialogue to ensure the public took ownership of the truth. The Commission's work and its Final Report had to be the result of a joint reflection of many voices, with participation from different sectors of society and public institutions from various regions of the country under a territorial approach. What made this aspect so important was that, in addition to documenting the violence that took place and the factors that allowed the armed conflict to persist, the Truth Commission's mandate also included promoting processes for reflection and dialogue at the political and social levels, as well as for cultural transformation. These helped ensure recognition of what had happened, while strengthening measures for coexistence and preventing repetition. This could only be achieved through broad and inclusive mobilisation and dialogue.

During the EU-funded programme, activities were funded for the recognition of the dignity of the victims and voluntary recognition of responsibilities, including preparatory spaces with victims and perpetrators and meetings between them. There were also public spaces, spaces for dialogue to prevent repetition of the violence (especially the murdering of social leaders) and lastly spaces to allow different parts of society to share their memory of the conflict. The programme was an important part of the Commission's activities in numerous regions (the Caribbean, the Pacific Coast, Antioquia, Córdoba, the Coffee Axis, Surandina, Magdalena Medio, North-East, Central, South-East, and Bogotá). Work also took place in the ethnic territories (indigenous, black, Afro-Colombian, Palenque and Raizal communities).

The second objective of the EU support related to the investigation and knowledge management processes. The investigation was designed in response to the agreement reached in the consultation process with the country's ethnic peoples. The violence they suffered as part of the armed

conflict has specific sociocultural connotations that require conceptual, methodological and cultural adaptation of the Commission's work to take account of and respond to these specific circumstances. The incorporation of an ethnic approach in the Commission's work was considered from the outset a historic opportunity to recognise the country's ethnic diversity, alongside the violence suffered by ethnic peoples in the Colombian armed conflict and their dignity and resilience. It was also a prerequisite for building a narrative of the armed conflict and peacebuilding that would ensure the visibility of the voice, perspectives and forms of analysis of ethnic communities.

The third objective of the EU's support was to ensure society took ownership of the truth, going beyond people who sympathise with the process to reach those who with a more distant, sceptical or indifferent attitude towards the Peace Agreement. This was done through communication initiatives that went beyond institutional positioning, taking steps to create a contract of legitimacy with society as a whole. This helped build a form of communication that not only transmitted messages and information about the Truth Commission's work and its progress but also made it possible to involve groups with a certain distance or indifference towards the process, making it part of their lives. This was done via content to raise awareness and generate interest in the violence of the past, the historic opportunity presented by the transition and, above all, the need for commitment among society to prevent repetition.

The star product of this strategy was the television programme *In front of the Mirror* (*Frente al espejo*), which was winner in the democracy category of the Latin America Television Awards in December 2021. The award recognised its role in stimulating public participation in public life, especially in the search for truth and the construction of a future that leaves the war behind (Truth Commission, 2021b). The programme also won the India Catalina award for best journalism and opinion production at the 37th Colombian Audiovisual Industry Awards (Capital, 2021). The EU programme also funded the production of the documentary *After the Fire* (*Después del fuego*), which premiered in Colombia on 30 October 2022, in addition to the television series *The Event of the Truth* (*El acontecimiento de la verdad*). These programmes complemented the Truth Commission's national and territorial strategy, which included the regional television programme *Let's Talk Truth* (*Hablemos de verdad*), a radio programme for regional, local and community stations entitled *Voices of Truth* (*Voces de la verdad*), and the podcast series *Light of the*

Night (*Luz de la noche*), whose broadcasting was also financed by the EU programme (Truth Commission, 2021d).

These products used different registers and focused on young people. They have helped to construct different imaginaries and to reinterpret events. They have also produced emotional, personal and collective transformations with effects in the short term (generating interest in the report), as well as the medium and long term (commitment to preventing repetition). These processes and the products stemming from them have served two further purposes: on the one hand, to raise awareness among disinterested groups and communicate the history of the events to future generations; on the other, they represent a strategy to document not only the work of the Truth Commission but also the process of building and implementing a grass-roots policy that has contributed to clarifying the truth as part of the transition to stable and long-lasting peace.

(c) Support for disseminating and fostering ownership of the Truth Commission's Final Report and legacy

In January 2022, the EU reaffirmed its support to the Truth Commission through an 18-month programme that provided €2 million to support the communication of the Truth Commission's Final Report and its legacy and foster ownership among society. The programme took place across the country's 32 departments, which were divided into ten macro-regions based on cultural, social, economic, territorial and operational factors[6]: Caribbean and Islands (Atlántico, Bolívar, Cesar, Córdoba, La Guajira, Magdalena, Sucre and San Andrés); Pacific Coast (Chocó, Valle, Cauca and Nariño); Antioquia and the Coffee Axis (Antioquia, Risaralda, Caldas, Quindío and Norte del Valle del Cauca); Surandina (Valle del Cauca, Cauca, Nariño, Tolima and Huila); Magdalena Medio (Santander); North-East (Arauca, Casanare and Norte de Santander); Central (Cundinamarca and Boyacá); Orinoquia (Meta, Guaviare, Vaupés, Vichada and Guainía); Amazonía (Amazonia, Putumayo and Caquetá).

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[6] To organise territorial deployment, the Truth Commission divided the country into 10 macro-regions, taking into account the social, political and cultural dynamics, the territorial trajectories of the conflict and the infrastructure and connectivity to allow the victims to access special offices for the truth process (*casas de la verdad*). The 10 macro-regions were complemented by an international one, which covered people who had been exiled from the country as a result of the internal armed conflict.

Likewise for the ethnic territories (indigenous, black, Afro-Colombian, Palenque and Raizal communities).

The pandemic affected over a third of the Commission's mandate, limiting its capacity to reach remote areas and communities and to build trust and dialogue with sectors that had distanced themselves from the process (for example, the private sector and the Armed Forces). Moreover, a resurgence of violence in some parts of the country, the daily killing of social leaders and human rights defenders, and the massacres and large-scale forced displacement that threaten entire communities, all of which disproportionately impact ethnic peoples and their territories, created additional challenges for the Truth Commission. The report's publication date (November 2021) also overlapped with campaigning for the presidential elections. This was perceived to have limited its impact in terms of coexistence and reconciliation due to its use in political contests and debates. This combination of factors led civil society to request that the Constitutional Court extend the Commission's mandate in order to allow fulfilment of the victims' constitutional right to truth.

The court accepted the request and granted a nine-month extension of the Commission's mandate, taking it to August 2022. The extension gave the Commission seven extra months (from December 2021 to June 2022) to complete its Final Report. This allowed it greater depth in some specific areas of the clarification process, allowing it to finalise the investigation, listen to more voices and hold private meetings and dialogues to draw up the recommendations for preventing repetition. It also provided extra time for the editing, proofreading and design of the Final Report and guaranteed its public reception after the election of the country's new president, Gustavo Petro. The Commission also set up a Monitoring and Follow-up Committee, which would run for seven years after the expiry of the Commission's mandate and was tasked with monitoring the implementation of the recommendations for preventing repetition. During the final months of the Commission's mandate (July–August 2022), it worked with its national and international strategic partners to promote broad, plural and democratic debate on its findings, conclusions and, more specifically, its recommendations for preventing repetition.

In the context of the extension of the Commission's mandate, the EU's third grant focused on ensuring all the effort and work over the three years was brought to a successful conclusion and delivered to victims and the public, ensuring its long-term sustainability as a contribution to peacebuilding and the implementation of the Peace Agreement in Colombia.

The grant allowed the Commission to make visible and position the Final Report as broadly, educationally, assertively and innovatively as possible (especially the conclusions and recommendations for preventing repetition) among the various target groups and sectors. It allowed support for the consolidation and transfer of its legacy as a strategy to ensure its sustainability upon completion, tied to the work carried out with the network of partners and the creation of the Monitoring and Follow-up Committee.

It is essential that the Commission's final recommendations, which are oriented towards structural and cultural transformations to support peace building are implemented, since Colombia has seen a rise in the number of massacres and murders since the Peace Agreement was signed in 2016. Mobilisation among society in recent years, alongside the election of a new president and congress in 2022, have created a window of opportunity to build long-lasting peace, addressing some of the main factors driving the persistence of violence and conflict in Colombia and putting them on the public agenda. These include inequality, exclusion, racism, stigma and the denial of the internal armed conflict. All were analysed in depth as part of the Truth Commission's work.

The Commission's recommendations for preventing repetition mush reach the relevant parties, decision-makers and society as a whole, who must also take ownership of them. The structural and contextual factors that have allowed violence and armed conflict to persist in Colombia for decades must be addressed as part of an agenda covering the short, medium and long terms, promoting the transformation needed to create the conditions for reconciliation and sustainable peace.

This EU support programme also had three strategic objectives. The first was to contribute to the completion of the Final Report by strengthening investigation and comparison, alongside feedback for the findings, conclusions and recommendations for preventing repetition. The second was to contribute to large-scale and focused communication and promotion of the Final Report through communication and educational initiatives focused on victims, stakeholders in the taking ownership of the implementation of the recommendations for preventing repetition, decision-makers and the public as a whole. The third was to support the Truth Commission's strategies to ensure the sustainability of its legacy.

The first of these objectives involved funding consultancy work for the completion and review of the Final Report. Here, the emphasis was on issues related to the recommendations for preventing repetition, alongside

external reading and feedback on draft chapters of the report. Meetings and spaces with strategic parties and sectors were also financed to allow them to contribute to the conclusions and recommendations of the Final Report. Participants included members of the Armed Forces, the business community, universities, victims, civil servants and international experts. These activities took place at both the national and territorial levels.

For the second objective, the EU funded a tour of the members of the Commission in the ten macro-regions (32 departments of the country). This included public and private events to present the report, alongside meetings with decision-makers to ensure ownership and implementation of the report's recommendations and conclusions (at the territorial and national levels). It also funded the design and communication of the communication campaign *There Is Future If There Is Truth* (*Hay Futuro si hay verdad*), which was broadcast on national and territorial television and radio stations, as well as in the country's main airports and public sites in regions. The EU programme also funded the fourth season of the television programme *In front of the Mirror* (*Frente al espejo*), in recognition of its extraordinary success (Truth Commission, 2021c).

To help ensure the sustainability of the Commission's legacy, the programme is funding the structuring of work plans and agendas agreed with partners, which will run until June 2023. It is also providing indirect support to partner-led initiatives to ensure the sustainability of the Commission's legacy[7] and is cofunding the launch of the Monitoring and Follow-up Committee, alongside the phase for participative preparation and monitoring of the recommendations.[8]

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[7] In the second half of 2022, the Commission defined its strategy for working in a network with partners. The strategy aimed to strengthen relations with partners and among them, with five specific goals: (i) help create a favourable environment for the Commission's report and generate interest ahead of its release; (ii) contribute to the broad dissemination of the report and the generation of national debate; (iii) make progress towards society taking ownership of the archives that will be left by the Truth Commission for the country and the world through transmedia, which will be hosted with a repository entity and at the National Museum of Memory; (iv) support the recognition and coexistence processes promoted by the Commission; and (v) support the work of the Monitoring and Follow-up Committee, alongside political advocacy for the implementation of the recommendations for preventing repetition.

[8] The Committee began work the same day the report was published. This allowed the Commission and the Committee to work together for two months. This period was used to provide the Committee with details of the recommendations. Effort was also made

4   Conclusions and Lessons Learned from the EU's Support for the Truth Commission

This chapter invites three main reflections on the EU's support for Colombia's Truth Commission as part of this collection's broader analysis of its international cooperation for peace:

(a) Processes for the transition to peace in the aftermath of internal armed conflicts are not easy, especially the clarification of the truth. This is particularly true of societies where none of the armed actors can declare itself victor or where peace agreements are followed by high levels of political and social polarisation around the agreement itself. In such contexts, permanent political support is required to complement technical and financial cooperation for the implementation of the measures in the agreement. Public interventions by ambassadors, their political and diplomatic advocacy on government decisions, and their participation in and support for the processes to implement peace agreements are fundamental. This political commitment to peace, alongside permanent references to the experiences of other countries, not only aids the implementation and financing of the agreement but also helps foster public trust in the peacebuilding process.

(b) European cooperation with the Colombian transnational justice system exemplifies the international view that peacebuilding needs to be a comprehensive process that guarantees victims' rights. Truth, justice, reparations and non-repetition are non-negotiable principles of processes for transitioning to peace. They are the cornerstone of the process to rebuild the social contract, which continues after the war is ended. Although the results of clarifying the truth are intangible and can be hard to capture in quantitative indicators, the EU has made an invaluable contribution to the national reconciliation taking place in the country by encouraging the State and society to come to terms with the truth of what happened during the armed conflict in Colombia: the pain, the tragedy and also the strength of resistance.

to ensure strategic links between the Committee and the various partners, which were fundamental to the Commission's work.

(c) European cooperation with Colombia's Truth Commission was based on three principles that underpinned the success of the programmes it funded: determination, a joint understanding of the key requirements and challenges, and a long-term, process-oriented perspective. Its continued and relevant cooperation across the Commission's mandate spanning almost four years and its ongoing contribution to ensuring the sustainability of its legacy have helped consolidate processes that have been essential for delivering on its objectives. These include plural listening, with a territorial and ethnic approach as the basis for the investigation process for clarifying the truth and for ensuring the legitimacy of the Final Report. They include promoting recognition among society of the tragedy caused by the armed conflict and the responsibilities of the different parties involved. They also include fostering understanding of the processes of resistance and coexistence among Colombian civil society in the midst of the war, which provide a source of inspiration and learning in the peacebuilding process. Lastly, its strategy for communication and educating people about the progress of the Commission's work laid the ground for the Final Report and underpinned its dissemination.

The EU has adopted a long-term view. It has supported the Truth Commission's legacy and the establishment of the Monitoring and Follow-up Committee for the recommendations for preventing repetition, alongside civil society initiatives to ensure the dissemination, ownership and monitoring of the report and its recommendations. All this is proof of the EU's understanding that peacebuilding processes go beyond the disarmament of combatant groups: they are long-term endeavours that require the effort of both the State and civil society.

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The European Union's Cooperation for Peace in Colombia: Achievements, Contributions and Limits with Respect to Guaranteeing Victims' Rights

Diana Gómez Correal and Ainhoa Zugadi Bengoa

1   Introduction

The European Union has played an important role in Colombia in fields related to development and peacebuilding. Unlike the United States' cooperation, European cooperation has been characterised by a less militarist approach to the armed conflict, which has been reflected in lines

D. Gómez Correal
Interdisciplinary Centre for Development Studies (CIDER), Andes University, Bogotá, Colombia
e-mail: dm.gomezc@uniandes.edu.co

A. Zugadi Bengoa (✉)
Hegoa, Institute for Development Studies and International Cooperation, University of the Basque Country (UPV/EHU), Bilbao, Spain
e-mail: ainhozuga@gmail.com

of intervention more directly linked to civil society; these include peace-building cooperation and realising victims' rights. This chapter aims to identify and analyse the ways in which the European Union (here-inafter EU) has contributed to the realisation of victims' rights, and the potentials and limiting factors of this cooperation.

This text is framed by critical studies in peacebuilding and political transitions. In this regard, we situate victims' rights as an essential part of transitional justice, which is understood broadly here. Transitional justice includes a set of legal and extra-legal mechanisms for moving towards peace and full democracy, and for guaranteeing victims' rights. At the same time, it is an invitation to think in terms of transition, change and peacebuilding, ideas that have no single meaning for society as a whole.

Understanding transitional justice broadly leads us to explore both EU approaches and programmes that have explicitly contributed to victims' rights to truth, justice, reparation and guarantees of non-repetition; as well as others that are crucial to peacebuilding and political transition, since we consider that separating rights from processes, policies proposed and contexts, stops us from reaching an adequate understanding of the contributions and effects of the EU's support in Colombia.

In order to achieve the goal proposed, we cover the most significant initiatives implemented by the EU since the turn of the millennium, which includes its major lines of support and working approaches. We then iden-tify the contributions of its actions in the sphere of guaranteeing victims' rights. In a third section, we analyse the limits to its action, and we end with some brief conclusions.

2   The European Union and Victims in Colombia

The EU's cooperation in favour of victims and the realisation of their rights can be grouped into three significant stages. The first, between 2002 and 2010, is related to the Peace Laboratories and the first experi-ence of applying transitional justice in Colombia focussing on the process of paramilitary demobilisation. It is important to point out that the back-ground for this first stage was characterised by negotiations with the FARC-EP and explorations of dialogue with the ELN in the very late twentieth and early twenty-first centuries; and, later, by a closure of the channels of negotiation and the entry into power of a right-wing government.

The second stage (2010–2016) coincided with a change of government and of approach to peace-related matters, with the election of Juan Manuel Santos as president. Unlike his predecessor, Santos recognised the importance of a negotiated outcome to the conflict; he continued with the application of transitional justice, granting the victims a central place is the discourse; and at the same time made progress in establishing a negotiating table with the FARC-EP, which concluded with the signing of the Havana Peace Agreement. The third stage (2016–2022) is related to the implementation of this Peace Agreement.

The EU's cooperation work during the first two stages followed the outlines of the European Commission's Country Strategy Paper, an instrument that was adopted in the early 2000s as part of a reform of the way the Commission managed foreign aid. Part of this involved the introduction of the bilateral EU-Colombia Development Cooperation Instrument (DCI), which ran practically up to the signing of the Peace Agreement in 2016.

This document prioritises three sectors of intervention, according to which plans and programmes have been implemented covering broad areas of action of the EU's international cooperation in Colombia. These sectors are:

(a) Peace and stability, which includes sustainable human development as an alternative to the illegal drug economy, as well as the creation of spaces for peaceful coexistence, dialogue and socioeconomic development as a means to promote peace and resolve the armed conflict.

(b) Rule of law, justice and human rights, which has sought to strengthen the rule of law by means of a more effective legal system, safeguarding human rights and promoting good governance. The programmes within this sector have been focussed on legal attention to victims of the armed conflict, prioritizing access to justice, uncovering truth and comprehensive reparation.

(c) Competitiveness and trade, involving prioritising increases in the capacity of the country's regions to join and form a part of the global economy; and supporting local economic development.

2.1   *The Peace Laboratories and the Justice and Peace Law (2002–2010)*

The Peace Laboratories, initiatives of Colombian origin, can be considered as the first programmes in which the EU developed its international cooperation policies with regard to resolving the armed conflict in Colombia. The EU linked up with a social mobilisation process that was begun in 1995 by different civil society actors in Magdalena Medio as part of the Peace and Development Programme (PDP). The EU became involved in the Laboratories within the structure and experience of the PDP in Magdalena Medio, in 2002, in the midst of peace negotiations between the ELN and the Pastrana government.

The Magdalena Medio Peace Laboratory (2002–2006) was considered to be a pilot experience, and it attracted considerable national and international attention. It was to be reproduced in other regions with similar scenarios: peripheral, rural areas that faced situations of extreme poverty, deprivation, violence, the existence of coca plantations and a weak State presence (Guerrero, 2016). In 2003 negotiations began between the European Commission, the Colombian government, the PDP and the World Bank with the goal of creating other Peace Laboratories. Between 2000 and 2010 the Laboratories were present in 11 states and 220 municipalities around the country.

From the beginning of the Peace Laboratories, the EU's work focussed on three thematic lines: (a) Peace and human rights; (b) Governance; and, (c) Sustainable socioeconomic development (Baribbi & Arboleda, 2013). With regard to attention to those victims of the armed conflict that formed part of the Peace Laboratories, EU reports state that, through the Peace and human rights line, an increase in the effective realisation of rights of the victim population of the conflict and "vulnerable communities" was achieved through support for different economic and social initiatives (Baribbi & Arboleda, 2013).

Likewise, the EU accompanied victims and their organisations in individual and group reparation processes during the first decade of the century. The Peace Laboratories overlapped with the process of paramilitary demobilisation and the application of the Justice and Peace Law (2005). In this context, the Colombian State created measures for guaranteeing victims' rights, focussing on processes of justice, uncovering the

truth and reparation. The EU estimates that, through the Peace Laboratories, legal attention was provided to 7,200 victims with respect to their applications for reparation (Baribbi & Arboleda, 2013).

The EU's work contributed to reinforcing the structure of various social organisations with the intention of promoting demands for human rights through the Laboratories. Finally, it is important to highlight the role of the Laboratories in strengthening the Ombuds Office for the protection of victim populations, as well the public policy recommendations resulting from the implementation of the Peace Laboratories. An example of this is Document CONPES 3726 of 2012, entitled *Guidelines, Target Execution Plan, Budget and Monitoring Mechanism for the National Plan for Attention and Comprehensive Reparation for Victims*; and the contribution to the formulation of the Victims and Land Restitution Law (Law 1448) of 2011 (Baribbi & Arboleda, 2013).

2.2   Extending the Application of Transitional Justice in Colombia (2012–2016)

When the Peace Laboratories were concluded, in 2009, based on the experiences and learnings extracted from these initiatives, other peace-building projects funded by the EU were undertaken, including the New Territories of Peace, and the Regional Development Peace and Stability plans (1 and 2). The programmes were carried out during the change of government from the Álvaro Uribe Vélez to the Juan Manuel Santos administration, reflecting the difference of approaches, given that there was a change from a government that emphasised a military response to the continuity of guerrilla organisations to one that prioritised the negotiation of the armed conflict and the realisation of victims' rights. This last aim was to be tackled by means of the creation and implementation of Law 1448 (Victims and Land Restitution Law) and the peace process with the FARC-EP.

The New Territories of Peace programmes, implemented by the EU and the Colombian government, had a cross-cutting approach, and included the matters of human rights and innovation for peace. From 2011, they ran peacebuilding initiatives in four regions of the country strongly affected by the armed conflict: Canal del Dique and Zona Costera, Bajo Magdalena, Caquetá, and Guaviare (European Union, 2016). In order to implement this initiative, the EU linked up with 16 implementing partners, and it achieved a figure of 22,336 beneficiaries.

The lines of strategic intervention, following the path set by the Laboratories, were: socioeconomic inclusion, land and territories, strengthening local capabilities and knowledge management. With regard to attention to victims of the armed conflict, the strengthening local capabilities line involved the creation of spaces for consolidating dialogue and local governance. In this regard, a network comprising 39 victims' organisation was created (European Union, 2016). All this was happening at a time when the victims' demands were becoming recognised by the State and civil society, when organisational processes were much more consolidated, and the victims' agendas and the application of transitional justice had become urgent matters.

The EU (2016) states that 1,190 victims were attended with legal and psychosocial guidance during the first six years of the project. Furthermore, strategies were designed for monitoring Territorial Action Plans for the attention of victims. Finally, according to an EU report (2016), in the area of training, the empowerment of six victims' committees, with the participation of 85 community leaders, was achieved. It should be noted that victims' committees were included in the design of Law 1448, and they were conceived as a mechanism by which victims could participate in making their rights a reality.

Within the context of this Law being passed, the European Union also offered technical assistance on the matter of support for reparation, in which a chapter was included about the restitution of land to people who had been dispossessed (*El Espectador*, 2011). The European Commissioner for Development at the time, Andris Piebalgs, stated that the EU's focus "was on the victims and land restitution because this process is crucial for Colombia" (Reliefweb Colombia, 2011). This assistance was targeted at State institutions and had three elements: political dialogue, institutional reform and specific actions.

The reports on this collaboration indicate that, through the activities supported within the framework of land restitution, work was done on recognising the rights of victims of the Colombian conflict to land and territories (Ruiz & Cantero, 2015). The support granted to the Restitution Unit was useful in making progress in the "creation of legal instruments, methodologies and documents that support the facilitation and guarantees of the right to land restitution" (Ruiz & Cantero, 2015).

With respect to the Victims and Land Restitution Law, and with the support of the EU and Intermon Oxfam, the project "Offering Protection and Support to Victims and Those Reclaiming Land in the Fulfilment

of the Rights Granted to them by Law 1448", was implemented. The project funded organisations such as the Ruta Pacífica de las Mujeres, the Corporación de Mujeres Ecofeministas-COMUNITAR, and the Centro de Investigación y Educación Popular (CINEP) and its Peace Programme, in order to carry out reports and research with regard to the application of the Law and land restitution. Additionally, other non-state actors were provided with backing via various projects.[1]

Furthermore, from 2009, the European Commission, by means of a collaborative agreement with the Colombian government, set in motion what were called the Regional Development, Peace and Stability 1 and Regional Development, Peace and Stability 2 plans, with goals similar to those set for the Laboratories: "to strengthen conditions for development, peace and reconciliation, through processes that promote human, territorial, alternative and socioeconomic development". While the first programme was located in Meta, Montes de María and Nariño, the second was located in Magdalena Medio, Oriente Antioqueño, Norte de Santander and Macizo Alto Patía (Government of Colombia, 2016).

The programmes were focussed on helping the displaced population though actions aimed at socioeconomic recovery, strengthening institutions and communities, and reconstructing the social fabric; and they supported monitoring the fulfilment of the recommendations of Ruling T025 by the Constitutional Court "for the attention of victims of forced displacement" (Government of Colombia, 2009).

Additionally, through the European Union's Instrument for contributing to Stability and Peace (IcSP), other victim support projects were carried out whose general goal was to help build the rule of law, aid in the fight against impunity, and the effective exercise of victims' rights to truth, justice and reparation.[2] In this same context, publications were produced with the support of the EU, dealing with justice and the

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[1] Among them were projects focussing on: (a) collective land titling, through the Foro Interétnico, Solidaridad Chocó (FISCH) and the Fundación Hogar Juvenil on the Caribbean coast; (b) displacement, together with the Dutch and Colombian Red Cross in Cesar; and (c) land conflict resolution in Chocó, through Mercy Corps.

[2] This instrument is an EU funding mechanism for responding rapidly and in a flexible way to crises around the world. Projects funded have included: Institution-Building for the Attention of Victims; Pro-victim Assistance as a Contribution to Peace and Reconciliation in Colombia; and The Dynamic of Forced Disappearance and Kidnapping in Colombia (1970–2010), a Contribution to Truth and Historical Memory in order to Secure Guarantees of Non-repetition.

penal process; human rights violations and the penal code; and forced disappearance and genocide.

Within the framework of EU instruments other than the IcSP, in the 2010s, additional projects were carried out that dealt with crucial matters for the realisation of victims' rights such as participation, democracy, peace, memory, impunity, torture and mental health.

2.3   *Victims' Rights in the Implementation of the Peace Agreement (2016–2022)*

With the ratification of the Peace Agreement and the start of its implementation, the EU's main efforts to support peacebuilding in Colombia have occurred through the work of the European Fund for Peace. The Fund was created in late 2016 when the EU was given the role of international accompanier to Point 1 of the Agreement (Integrated Rural Development) and Point 3 (End of the Conflict), on this last point, specifically with regard to the socioeconomic reincorporation of former FARC-EP members.

The Fund set up five Strategic Pillars in order to make its scope and work operational. One of these pillars, Reconciliation and Conflict Reduction, was the one that most explicitly channelled EU support for victims. The EU states that this pillar builds strategies for strengthening the social fabric in the communities most affected by the armed conflict, by means of backing for "social networks, movements and organisations for their effective participation in planning and decision-making spaces" (European Fund for Peace, 2021b).

By 2021, the Fund had backed 12 local and territorial participation processes, which received technical assistance and backing in defence of human rights and peacebuilding. The processes involved contributions by victims' committees and municipal peace councils in the states of Guaviare, Nariño, Valle del Cauca, Cauca, Chocó, Meta, Caquetá and Putumayo; which were supported on matters related to communication and advocacy with the aim of generating coordination platforms at the local level (European Fund for Peace, 2021b).

The EU has also given its backing the Integrated System for Truth, Justice, Reparation and Non-repetition (in Spanish, the SIVJRGNR), created by the Peace Agreement for the realisation of victims' rights (point 5). This system seeks to consolidate "the universe of guarantees that must be granted to victims in order to achieve the satisfaction of their rights"

(Mora, 2021), and comprises three authorities: the Jurisdicción Especial para la Paz ("Special Jurisdiction for Peace"), or JEP; the Comisión para el Esclarecimiento de la Verdad, la Conveniencia y la No Repetición ("Truth, Coexistence and Non-repetition Commission", or CEV; and the Unidad de Búsqueda de Personas dadas por Desaparecidas en el Contexto y en Razón del Conflicto Armado ("Unit for the Search for Persons Assumed Disappeared in the Context and Because of the Armed Conflict") or UBPD.

In 2019, the EU granted funding, political support and technical assistance to the SIVJRGNR and its institutions, with funds of over 7.7 million Euros (Ioannides, 2019) in order to back its mission and its work.[3] In early 2019, the EU donated 4.5 million Euros in order to "encourage the participation of victims in the [Truth] Commission, especially the participation of those located in the areas most affected by the conflict". As Patricia Llombart, the then Ambassador and Head of the EU Delegation in Colombia, explained, the donation was aimed at backing territorial deployment and the participation of ethnic communities, as well as "spreading the word regarding the activities of the Truth Commission and its importance in the dignification of victims". At a press conference, Llombart stated that the goal of the EU and its member states was to "support the active role of the victims and their centrality" (Truth Commission, 2019).

The EU also donated money (3.2 million Euros) to the UBPD. With regard to the JEP, this has received considerable political, technical and financial assistance from the EU. In July 2020, the two entities initiated the project Support for Boosting Judicial Decisions and Building the Legitimacy of the Special Jurisdiction for Peace, and 3.5 million Euros of funding was donated. According to the EU, the goal of this project

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[3] These institutions are funded through the European Instrument for Democracy and Human Rights, as well as by means of contracts for non-governmental organisations which work to assist the SIVJRGNR institutions. The European Commission has been developing this instrument for several decades. Although this is not considered to be a bilateral EU-Colombia mechanism, given that it is aimed at strengthening the consolidation of democracy and respect for human rights and fundamental liberties in "third countries" that do not belong to the EU, since the Peace Agreement has been signed, 10 projects have been set in motion as part of this instrument in support of transitional justice and the protection of social leaders and human rights defenders, as well as indigenous groups in highly vulnerable situations.

was to boost skills in compiling, analysing and comparing information in order to satisfy victims' needs (Special Jurisdiction for Peace, 2020).

It is important to consider the fact that all these donations occurred at a time in which the Duque government was making budgetary cuts that affected the implementation of the Agreement, particularly the Integrated System.[4] In this regard, the EU's support for the implementation of the Peace Agreement has not been only economic, but also political, granting legitimacy not only to the Agreement, but also to the institutions that were created in order to realise victims' rights. This has been ratified in the interviews we carried out with Truth Commission personnel.[5]

One of the people with whom we spoke (2022) pointed, for example, to the EU's political support for the CEV. "In political terms, the EU has been accompanying us publicly since we began. (…) The EU's assistance is part of what we call structural supports, because they are really deep-rooted". The CEV staff-member interviewed pointed out that the EU's work with the SIVJRGNR has been aimed at the institution-building of public bodies for peace, which has allowed them to be present in the territory in order to work with the population and victims' groups directly. The interviewee also said that the "EU [is pushing] the matter [of peace] in Colombia".[6]

In parallel with the Fund, Eurosocial+, a programme for cooperation between the European Union and Latin America that "contributes to reducing inequalities, improving levels of social cohesion and institution-building", began work by giving support to the post-agreement in Colombia. In general, Eurosocial+ projects work with the goal of

[4] The governing party of the former president Iván Duque, the Centro Democrático, actively supported the No vote in the 2016 referendum. This position was maintained when the party reached government, and was shown in various ways. One of them was a proposal to change essential elements of the Agreement related to the SIVJRGNR (Marín, 2019). The second was budgetary cuts to the Integrated System in 2020. In this year, Duque cut its budget by 30% (Agencia Prensa Rural, 2019). The JEP suffered a reduction of 28%; while the Truth Commission was given 40% less than the budget they applied for that year; and the UBDP had to operate with 68% less than the resources required to perform fully (Generación Paz Colombia, 2019). This happened again in 2022, a year when there was a major reduction in at least seven of the institutions related to the implementation of the Agreement (*Diario Criterio*, 2021).

[5] Interview No. 1. Technical staff from the Truth Commission in the area of international cooperation (Bogota, 17 March 2022).

[6] Interview No. 1.

adapting the development plans of many of the country's states to the needs of the victim and historically marginalised population. Eurosocial+ selected some pilot states (Bolívar, Tolima and Putumayo) and municipalities in order to back the methodological route for constructing the Programas de Desarrollo con Enfoque Territorial ("Development Programmes with a Territorial Focus" or PDET), a central part of the Peace Agreement (EUROsociAL+, 2021a). Since 2017, Eurosocial+ has accompanied victims of the armed conflict with the objective of achieving comprehensive inclusion in territorial planning in order to make progress in terms of reconciliation.

In this line, the programme accompanied the creation of the methodological proposal for articulating the Territorial Action Plans for the victims policy with the PDETs, with the aim of adapting the Agreement's directives to the particular realities and needs of the victims of different Colombian territories. For 2021, "through victim support personnel", six Territorial Plans for the improvement of sub-national policies for attending to victims of the armed conflict had been drawn up (EUROsociAL+, 2021b).

Eurosocial+ has likewise worked directly with the Attention to and Integrated Reparation of Victims Unit on the incorporation of the territorial focus into victim reparation policy (EUROsociAL+, 2021a). One of the organisations involved in this process is Narrar para Vivir, an organisation of women victims present in the Montes de María.

For over 20 years, and now, during the post-agreement period, EU work has been characterised by the three thematic pillars indicated above: human rights, institution-building and governance, and the sustainable socio-economic development of the regions affected by the armed conflict. These have linked up with the three sectors of intervention mentioned at the beginning of this chapter, which have structured the EU's cooperation in Colombia since it began. Until now, attention to victims has mainly been covered within the human rights pillar, although there is also evidence that the EU works with victims' organisation through the other lines of action.

3   Contributions by EU Cooperation to Realising the Rights of Victims in Colombia

The EU has made various contributions to the realisation of victims' rights. These contributions can be classified as follows: (a) Defence of

life; (b) Promotion of the peaceful resolution of conflicts and support for a negotiated outcome to the armed conflict; (c) Peacebuilding; (d) Positioning of human rights as a right; (e) Constructing active citizenship; (f) State building; and (g) Promotion and guarantee of victims' rights. It has done this to different degrees through the three thematic pillars indicated above. Although these contributions are significant, the cooperation that the EU has offered so far has had its limits, including ones of a structural nature. Below, we look at these contributions, and, in the following section, the limits, by means of an assessment of its peacebuilding endeavours in Colombia.

As has already been mentioned, the human rights thematic pillar has been the EU's way into Colombia. Since 2002 this has been one of the main focusses of its work. This is visible in the first Peace Laboratories, through which the EU sought to contribute, as noted by Barreto (2016), to the protection of life; to do this it supported social processes in defence and protection of the most vulnerable civil population. The launch of the human rights pillar was, at that time, intimately related to efforts to reduce attacks on civilians and on social, private and/or productive spaces (Guerrero, 2016). In this context, work was done on preventing forced displacement, on reducing villagers' vulnerability, and on passing on to them instruments of civil resistance (Barreto, 2016).

The view of human rights in the programmes funded by the EU meant that, from the beginning, a contribution to the empowerment of the communities affected by the armed conflict was included, which resulted in the construction of active citizenship. The human rights-related work in the Peace Laboratories and in the New Territories of Peace focussed on raising awareness in communities with regard to human rights as rights. These have been understood by the EU as an instrument that the population should appropriate and demand, as a direct way to rebuild a fragmented social fabric and to recover collective symbols of solidarity and dignity (Barreto, 2016).

Through the human rights pillar, work was done on dynamics of dialogue and negotiation in order to foster social cohesion and contribute to building active citizenship in the management of problems resulting from the armed conflict (Guerrero, 2016). This emphasis on rights as contributing to building active citizenship was an essential part of the EU's focus during the peace negotiations with the FARC-EP and the stage of implementing the Agreement with regard to victims' rights.

Human rights have kept a position as a transversal element in all the interventions funded by the EU, although depending on the context, in terms of place and time, this has covered different actions. During the running of the Peace Laboratories it is possible to see that the defence of human rights focussed on efforts to reduce attacks on civilians and their social, private and/or production facilities; and in the context of the 2010s this emphasis evolved and expanded to also cover the raising of awareness of these effective rights among communities (Guerrero, 2016). Within the framework of the Peace Agreement and its implementation, the EU became renowned for the efforts it made to contribute to realising demands for truth, justice, reparation and guarantees of non-repetition; that is to say, having their human rights recognized as rights by the victims, the State and society as a whole.

What is more, the EU has performed a role as an accompanier and, sometimes, as a mediator and facilitator of the efforts at peaceful conflict resolution in the country, at the local and national scales. As Dorly Castañeda (2017) says, the EU's understanding of human rights is integrated into the Human Security perspective proposed by the United Nations Development Programme (UNDP) at the end of the 1990s. This view of security has favoured a negotiated outcome to the armed conflict, which has been of great importance for the country given that, instead of contributing to the consolidation of military strategy and war as a form of politics, as other approaches have done, it has enabled a de-escalation of the armed conflict and an opening of the possibility of dialogues and local, regional and national agreements. This viewpoint is evidenced by the EU's support for the peace process between the Colombian government and the FARC-EP and for the Agreement's implementation.

The EU has also contributed to encouraging active citizenship in the country through the institution-building and governance pillar. With respect to the implementation of the Peace Laboratories, for example, the EU understood governance as boosting civil society, with a view to empowering important social actors in order to create active political subjects. As Barreto (2016: 216) explains, its actions were focussed on "increasing democratic governance by means of strengthening expressions of civil society and through the transformation of institutions at local and regional levels". This process of building active citizenship certainly was not the exclusive responsibility of the EU, and has been coordinated with local and national initiatives, which were also favoured by discussion in the country about democracy during the second half of the 1980s and

the 1990s, and by the new views on the matter, globally speaking, after the fall of the Berlin Wall.

The institution-building and governance pillar was set up as a direct way to have an impact on the matter of political exclusion and the fragility of the State in different regions around the country, which was a way of undermining one of the causes of the armed conflict in Colombia (Barreto, 2016). This view of the Colombian State has stayed with the EU's actions since the Peace Laboratories and in its efforts to contribute to the realisation of victims' rights. One example of this is the support for Law 1448 on Victims and Land Restitution and the building of institutions created within the framework of the Peace Agreement that were directly responsible for guaranteeing victims' rights, for example the CEV, the JEP and the UBPD.

With this emphasis, the EU has, to a certain extent, contributed to building the State by means of various processes and actions. As Guerrero (2016) has pointed out, the EU understands institution-building and governance as the implementation of models of representative democracy, and so it has sought to close the gap between public institutions and citizens. Apart from contributing to State building, this has also contributed to constructing active citizenship.

The State building goal has grown in importance over the years in the work of the EU. With the New Territories of Peace, a commitment was made to relations between communities and public institutions in order to foster a "process of legitimising the public" (Madridejos & Coy, 2018). Since 2016, the EU, as an international accompanier of the Agreement's implementation, has conceived institution-building as a legitimizing presence of the State throughout Colombian territory. The European Fund for Peace defends "expanding State coverage (…) as one of the key elements in terms of consolidating peace" (European Fund for Peace, 2021a).

Since the signing of the Agreement, it has been widely noted that State building has become a greater priority for the EU. The Fund's interventions favour "institution-building in each region in order that the State's presence play its role in coordinating the territory". The EU has understood governance as the construction of a legitimate authority in the country (Guerrero, 2016); while "it comprehends institution-building as accountability, in the sense of the public good and legality, which allows a legitimate authority and democratic representation" (Barreto, 2016: 249). As will be argued below, these concerns for democracy and State

building are in harmony with the views of peace and political transition that the EU supports, and with the historical contexts of the late twentieth and early twenty-first century.

Some of the contributions pointed out so far indirectly assist the realisation of victims' rights, as they impact on building citizenship. More explicitly, during the first application of transitional justice in Colombia, which focussed on paramilitary demobilisation and the implementation of the Justice and Peace Law (2005), and later on throughout the 2010s, the EU undertook more direct actions explicitly linked to promoting and guaranteeing victims' rights. This has included the prevention of forced displacement, strengthening organisational processes with regard to victims and human rights, as well as the consolidation of State institutions and laws and mechanisms directly responsible for the rights of this population, such as the Ombuds Office, the Public Prosecution, Law 1448 and the SIVJRGNR.

It is worth pointing out, for example, that with the passing of Law 1448 on Victims and Land Restitution, in 2011, the European Commission's budget item with regard to this line of action focussed on empowering both the ordinary and transitional justice systems in order to concentrate on improving institutions and public policy with respect to victims. The EU was looking for more coordinated work between State institutions and civil society in order to make progress on resolving problems such as impunity and political corruption.

All this has constituted political backing from the EU for peace, and has been a help in peacebuilding. Its firm and open support for the Havana negotiation process and the implementation of the Peace Agreement have been vital in a context in which the negotiation, signing and implementation have had serious opponents. The support, as was briefly pointed out, has not only been in economic terms, but also in technical and political dimensions. As on other occasions, with the recent peace process, the EU has played an important role in pressuring the Colombian State, politically speaking. This has served to bring greater attention to civil society's unheeded demands and needs.

4   Limits to the EU's International Cooperation in Terms of Realising Victims' Rights

The contributions of the EU's cooperation with respect to the realisation of victims' rights and to peacebuilding set out already in this chapter have

also been accompanied by major limitations. One of these is related to the above-mentioned work on political pressure. This is possible due to the current world order in which Colombia occupies a subordinate place; and at the same time is limited by the conditions imposed by diplomacy in contemporary nation-states, and by the economic and political interests of the EU.

This limited political pressure can be seen, for example, in the implementation stage of the Peace Agreement. As some EU delegates in Colombia have noted, they have been obliged to reduce their critical interventions regarding the guarantee of citizens' rights and a faster and/or more correct implementation of the Peace Agreement due to direct pressure by the then president, Iván Duque. Furthermore, faced with "diplomatic political pressure" the civil society organisations interviewed called on the EU to break its neutrality and take a clear position with respect to the human rights violations and killings of social leaders in Colombia. This is how a human rights defender interviewed in 2022 put it: "the constant decision to be seen in a position of neutrality, being such an important political subject as the EU is, limits the scope of its support considerably."[7]

Castañeda (2017) points out that the EU has been "politically timid" on many occasions, showing passivity with regard to the State and the different Colombian governments. The same author mentions that the EU, in general, has prioritised smooth diplomatic relations with the Colombian government over political support for civil society (2017). This is also related to the EU's commercial interests in Colombia.

A second limiting factor is associated with the distribution of the financial resources of cooperation. A large proportion has been devoted to the building of state institutions, which do not always respond to victims' needs and to the parameters that they have with regard to realising their rights. Another significant share of resources reaches mainly national organisations which manage the funds and set in motion projects for victims.

Although the work they do is very important, and many of these victims' organisations are rigorous in their work and recognise victims as subjects of rights and political subjects, victims' organisations have not been strengthened by the experience of resource allocation. Although

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[7] Interview No. 2. Human Rights Defender, representative and member of national victims' organisations (virtual, 7 July 2022).

there has been a recognition of victims as citizens and political subjects, the vertical way in which cooperation has been distributed continues to conceive victims as beneficiaries. In addition, approaches created by national organisations and international cooperation, which have sometimes been very far from resolving victims' needs appropriately, are applied.

This is risky in the sense that it can contribute to consolidating a reified identity of victimhood, to making these victims dependent on cooperation and creating citizens who, although active, are not critical. Additionally, this distribution of cooperation reinforces power relations among social organisations, while also reproducing the centralism that has so strongly characterised Colombia, given that the majority of the organisations that administer and benefit financially from this administration of resources and projects are from Bogota, as we were able to see when carrying out this study.

Part of building the organisational processes of victims includes the possibility of possessing financial autonomy. This can contribute to strengthening the agency of victims, their character as active and critical citizens and to a reduction in the conditions of economic marginalization that many of these subjects live in. With the allocation of resources, organisations, NGOs and State institutions that receive these funds not only finance actions that contribute to realising victims' rights and to their well-being, but they also benefit, funding themselves. Part of the weakness of victims' organisational processes is related to the lack of economic resources for the funding of their activities and in order to guarantee dignified living conditions for their members.

This idea was corroborated by an interviewee who forms a part of a national victims' organisation, and who considers that the current form of distributing cooperation, focussing on consolidated bodies and organisations, "is not conducive to building the civil society [so fundamental to peacebuilding] … in the areas most affected by the conflict … [C]ooperation is not reaching those that it should reach".[8]

The EU itself admits that this kind of financial distribution is a limiting factor for the effectiveness of its support for social projects implemented in the context of the peace process in the Colombian territories. In an

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[8] Interview No. 2.

interview, a member of the Human Rights area of the EU's Delegation to Colombia stated that these dynamics are part of the institution's working model: "we are demanding when we run a project: we require capacity, prior knowledge, certain financial guarantees, etc. This means that we often work with organisations that are used to receiving this kind of cooperation. Perhaps we sidestep organisations that are not so good at formulating proposals, but which do have good ideas, and which we do not reach because they are not sufficiently trained in formulating good quality projects (…) This is a problem that maybe we should look into."[9,10]

This weakness with regard to the way resources are distributed is not only related to the place of victims' organisations in different actions and projects, but also to the dependence that international cooperation generates in them and in other organisations that receive EU support. This dependence is not limited only to financial reliance, but, in a situation that has been analysed by feminist intellectuals, is also a technical and political dependence, as well as a loss of autonomy that can even be characterised as a new form of colonialism (Cumes, 2014). Barreto (2016) sees this as a dependence on the policies of foreign bodies; while Castañeda (2017) indicates that cooperation fosters an environment of competitiveness and fragmentation of the organised social fabric, which, in turn, contributes to atomising social processes, making them unsustainable as soon as funding ends. Furthermore, some of these funding streams run the risk of being short-term solutions that do little to help in eradicating the structural causes that caused the armed conflict, something that would serve to realise the right to non-repetition.

In this regard, an academic who worked as a coordinator in the Barrancabermeja area on the first Magdalena Medio Peace Laboratories, interviewed for this study, discussed the changes that the EU's action brought to local dynamics and power relations. "The [EU's] bureaucracy

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[9] Interview No. 3. Technical staff of the EU's Delegation in Colombia, in the area of Human Rights (virtual, 6 November 2021).

[10] Although currently the European Fund for Peace has projects that focus on building civil society and its organisations, assessing their impact is difficult because precise reports with the results of these projects are not available. It is worth noting that in interviews with EU personnel (Interview No. 3), there was a feeling that the EU's precise contribution to victims' rights was unknown, even though this had existed for a number of years. This could be partly because few official, primary and secondary sources exist to give accounts of this support and its results.

changed the axes of power. The commitment of these development strategies was empowerment, that is to say, to put the capacity for agency onto local and social actors, onto peasants, women, leaders, youth… that they would have the capacity to decide and choose from among certain options … the EU bypassed all of that. It changed the axis of power and, then, the power of decision-making lay in their procedures."[11]

This last sentence spoken by the interviewee brings us to a third factor that has limited EU cooperation. This is related to the introduction of a cooperation bureaucracy that has ended up prioritizing technical aspects and neglecting the political side. Staff from Colombian civil society organisations that are central with respect to carrying out peacebuilding and victims' rights programmes funded by the EU shared this view in the interviews run for this chapter.

One researcher with the Centro de Investigación y Educación Popular (CINEP), for example, argued that high administrative and bureaucratic demands continue to be an essential part of the selection processes for receiving EU funding.[12] The interviewee pointed out that these demands eventually displace the political goals of the organisations, putting them in second place, due to the obligation to focus more on the process's results. This had already occurred with the Peace Laboratories, where the correct allocation of financial resources acquired a greater level of importance than the project's main activities and its goals in terms of peace and development (Castañeda, 2014: 169). This limiting factor reproduces a problem that we have already mentioned and which is related to the imposition of agendas, and even to perspectives on well-being and paths to follow.

From the beginning, the EU understood the governance pillar as a concern for building civil society, with a view to empowering important social actors so they would create active political subjects. For over 20 years, the EU has said that it has accompanied and empowered the presence of local civil actors for their participation in public life, the defence of their rights and the inclusion of these agents in all areas of public decision-making. However, this work of advocacy and mediation is not always assessed in the most positive terms.

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[11] Interview No. 4. Technical staff with the Magdalena Medio Peace Laboratories programmes and educator at the University of the Andes (Bogota, 9 March 2022).

[12] CINEP research and technical staff for projects (Bogota, 18 March 2022).

Some of those interviewed shared the perception that the EU has a very State-centred view of democracy and advocacy: "the actor that it addresses is the State: if you achieve changes, you do so as part of the institutional network. (…) Advocacy is looking up from below, and never, or almost never done horizontally. What has happened to this work of analysing our own processes, or the internal empowerment of organisations and their own mandates?".[13]

People from civil society interviewed bemoaned the direction taken by the focus of the EU's international cooperation for development in Colombia, feeling that this focus moved towards State actors: "cooperation [in] the 90s was largely focussed on civil society. Now, particularly after the Agreement reached between the Santos government and the FARC-EP, we feel that the Colombian State is the actor that attracts the cooperation funding. This matter is often complicated, because resources are becoming scarcer and organisations have to adapt more and more to the interests of international cooperation."[14]

European assistance and funding have traditionally brought with them a series of administrative procedures and regulations that have often distorted and fragmented the participation processes of civil society (Castañeda, 2014). In this regard, authors such as Barreto (2016) make themselves very clear when they state that the EU's participation put in serious danger different social processes when it introduced an inappropriate and burdensome technical and bureaucratic methodology. This not only shows an obvious incoherence between the goal of the EU, to combat the socio-political exclusion of the population, and the excluding reality of its technical and financial processes; it is also an indication of the Western and liberal perspective of the density of the European body of regulations with parameters imposed regarding efficiency, effectiveness, measurement of impacts, etc. In this regard, Castañeda (2014: 192) considers that the "quality standards" proposed by the EU "reflect the European understanding of what the correct use of public resources is and… a liberal doctrine with respect to the economic and the political".

A fourth limiting factor to the EU's actions is related to coherence between goals and actions. Critical readings of its work have considered that, although the EU has privileged political negotiation and the social

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[13] Interview No. 2.

[14] Interview No. 5.

participation of grassroots organisations, as well as the promotion and protection of human rights and attention to victims, its programmes "at all times lacked the coherence needed to support such ideas" (Guerrero, 2016). It has even been considered by civil society and academic actors that, for a time, the EU departed completely from political support of the territory; and that on some occasions did not react publicly in cases of paramilitary violence and serious violations of the human rights of people on the programmes it was behind, generating, within some initiatives, victim creation processes (Barreto, 2016, 460).

Furthermore, related with this last limiting factor, the emphasis on forms, sometimes at the expense of content, has made it impossible to fulfil the goals set by the EU itself. In this regard, Barreto (2016) analyses how the EU's participation in the Peace Laboratories had "harmful effects on the social fabric and on grassroots mobilisation" by making organisations "think about cooperation resources, projects and quantifiable elements, and the activity and timing parameters defined by the EU, instead of about the real social processes". This has other effects, including, it is worth pointing out, the construction of liberal subjectivities that are eventually problematic in contexts where this is not the logic that governs the organisation of life and society.

A fifth limiting factor, linked to the previously-mentioned ones, is related to favouring universal resolutions, such as transitional justice, which ultimately limits the national and local political imagination to the politics of global governance. Although transitional justice is already a standardised form of transition towards peace, of realising victims' rights and of peacebuilding, serious criticism is faced regarding the impossibilities of fulfilling what has been promised. This fifth limiting factor leads us to what we consider to be the most serious of them all, and the most difficult to confront, since this would involve structural transformations of cooperation and the global political system. The next section covers these kinds of limiting factors.

4.1   Structural Limits

International cooperation has attained its structure in a world with serious social, political, economic and cultural inequalities. These are directly related to the modern geopolitical order, a result of long-term relationships and processes, such as the colonial experience. This global order orients and conditions the EU's cooperation in countries such as

Colombia, while also giving rise to structural limits to the EU's cooperation, such as a Eurocentrism and the coloniality of its power. These are expressed, among other ways, in political and economic interests. The political interests are related to what kind of society is sought and the routes by which to achieve it; and the second with economic policies that favour the countries of the global North.

As decolonial theorists have pointed out, the end of colonialism did not bring the end of colonial relations between the Americas and Europe. These relations were sustained through the coloniality of power, a central element in the global pattern of capitalist power and in the modern/colonial world system that has been constituted through the encounter of the two worlds and which has lasted after the independence processes (Quijano, 2007).

In the twentieth century, the discourses of development, peace and transitional justice became expressions of this global pattern of power. These discourses, which are also global governance mechanisms, are a means by which the power of the dominant West is deployed, through benevolence and the imposition of a specific model of society. This model of society has various cornerstones, including the nation-State, liberal democracy and capitalism. The discourses of global governance demand, generally diplomatically, although violence has also been employed, the consolidation of societies in which these three cornerstones replicate the way in which the "first world" is organised.

The imposition and consolidation of these three cornerstones occurs independently of whether the societies in which development projects or peacebuilding processes are implemented seek to do so in the way proposed; whether the policies and actions that have gradually become models and recipes have worked in other contexts; or whether these cornerstones and their replicas are responsible for the problems that the societies which receive the cooperation have experienced.

In this way, the discourses of development, peace and transitional justice reproduce a linear view of time that contributes to the invisibilization and elimination of plurality. On this path, the diversity of proposals on the economy, conflict resolution, the organisation of society, views of the world, and even notions of peace, run the risk of becoming lost, concealed or marginalised, losing the potency they have to build scenarios of well-being that are more in accordance with those desired by the societies in which the problems have emerged that are being worked on in order to find solutions.

This is, in turn, accompanied by a masking of the deep reasons behind armed conflicts or what are incorrectly called "states of exception", which serves to hide the responsibility of the global North in the creation of these very problems (Gómez, 2016). Although the EU recognises that political exclusion and social inequalities are structural causes of the armed conflict in Colombia, its perspective does not involve a questioning of the role of capitalism in creating these inequalities, or the repercussions of colonialism in the structuring of nation-States of former colonies, or the problems that have been created by the imposition of a Western model of civilisation, or the limits of transitional justice and the dominant peacebuilding models.

As noted in previous sections, the EU's cooperation explicitly favours consolidation of the State and the introduction of liberal democracy, and is aimed at fostering peacebuilding and the application of transitional justice. Additionally, it structures peace and transition processes according to its lines of work, with the consolidation of a capitalist economic model. This is something that characterises the liberal peace and transitional justice models, as described by Paris (2010), and Chesterman et al. (2005).

These models have serious difficulties when it comes to attending to the structural problems generated by armed conflicts and socio-political violence, and at the same time they impose a very specific roadmap for transformation, one that is kept within the limits of liberal thinking. Change, for example, is seen as possible only through the State, public policies and the exercise of representative democracy, which consolidates State-centric practices that leave out other visions of peace and transformation, such as those that emerge in local contexts or from social movements.

For all the above reasons, EU cooperation should bring to bear a more critical view of the peace and transitional justice that it promotes. This is even more necessary because in different contexts of application of both, there is evidence that the promises for change that are trumpeted meet serious difficulties in practice when the formulas used up until now are employed. This is to the direct detriment of the victims' rights, including, particularly, the right of non-repetition.

Although the EU's call to consolidate the State makes sense in the contemporary world, this has not been done correctly in the Colombian case. Although the State has been called to account for its responsibility in the violation of human rights in the different applications of transitional

justice that have taken place in the country, the structural changes that this way of organising society requires have not been tackled seriously. An example of this is the increase of State violence under the Uribe Vélez and Iván Duque governments.[15]

The EU's effort to consolidate active citizenship and democratic societies has acted, to a certain extent, to strengthen organisational processes, contribute to realising victims' rights by means of their enforceability, and in some contexts improve the relationship between the State and civil society. However, the representative democracy that is defended via its programmes continues to be restrictive both in terms of its vision of change and the possible routes for achieving it, and in terms of what the true essence of democracy is. In Colombia, since the 1990s, there have been a growing number of participatory democracy scenarios; however, this continues to be limited since citizens have no real impact on decision-making. Political exclusion can be maintained through exercises in representative democracy that do not question the different logics of exclusion that can coexist with liberal democracy.

Another problematic aspect of the EU's actions is the insistence on linking peace and human rights with development. This has been done through the lines of action prioritised by the EU and in the different programmes that it has set up. Through the Peace Laboratories, the socioeconomic development line has been based on the integration of "unprotected groups and poor communities, by allowing them to enter and take advantage of the market's potential" (Barreto, 2016).

Although it is hardly recognised, both war and peace have specific political economies, as do transitional justice and international cooperation, something that makes the EU's action even more complex in the contexts being discussed here. The application of transitional justice and peace processes since the 1980s in Latin America has been accompanied by the implementation of neoliberalism (Chile), neo-extractivism (Guatemala and Peru) and a reduction of the State in terms of its social function.

During the Peace Laboratories, the productive projects supported by the EU, such as rubber, cocoa and particularly the African palm tree, have been surrounded by controversy (Barreto, 2016). Critical voices state that villagers and peasants were encouraged to give up their forms of

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[15] It remains to be seen what will happen with the Colombian State during the transition process framed by the 2016 Peace Agreement.

producing traditional crops in order to commit them to agricultural products that had subsidies and tariff preferences, prioritizing monoculture produce (Guerrero, 2016).

Furthermore, EU projects have sought to introduce traditional economies into the market in order to make them profitable and competitive, and enable producing families to overcome subsistence economies (Madridejos & Coy, 2018). This is problematic because it imposes economic logics other than those of the diverse economies (subsistence versus economic growth; reciprocity and solidarity versus competition; redistribution versus accumulation) that have existed for decades and even centuries in the country.

Although the EU understands poverty as one of the structural causes of the armed conflict and in this regard it promotes economic trends focussing on job creation and economic alternatives (Barreto, 2016), it does not ask the question of where poverty comes from. This is something that, in Latin America, is strongly related to colonialism and capitalism, but instead of interrogating this matter, much orientation in terms of EU development is aimed at consolidating the existing liberal economic logic.

A serious problem with regard to the EU's action is that it has hardly analysed the role of development and of the economic model in the generation of violence. It would be important, then, to think more carefully about what the most useful development policies would be with regard to an effective construction of peace, in order to contribute to the eradication of the structural causes of violence and to guarantee victims' rights. Precisely one of the most serious limiting factors of the dominant views of peace and transitional justice is related to its difficulties in identifying and transforming the many roots of armed conflicts and violence.

To a certain extent, this has been changing in recent years, with a turn, in the work of the EU, towards more Latin American and local perspectives on development. An example of this is the joint work of the Centro de Estudios Interdisciplinarios del Desarrollo (CIDER) and the Asociación de Agencias de Desarrollo Económico Local (ADELCO), funded by the EU. In a publication that has come from this collaboration (Montero, 2021), while it is recognised that local economic development (LED) was designed in the global North, this approach is theoretically reworked; guidelines for making it a reality are presented; the relationship between illegal economies and LED in a post-conflict context is analysed (Vargas et al., 2021); and perspectives regarding well-being that are more

linked to the historical and cultural traditions of Colombia are proposed (Gómez & Pineda, 2021).

5   CONCLUSIONS

The EU has contributed to the realisation of victims' rights in different ways during three different periods in Colombia: Peace Laboratories and the implementation of the Justice and Peace Law (2002–2010); the Santos government and the peace process (2010–2016); and the implementation of the Agreement (2016–2022). During these three periods, the main contributions have included: (a) Defence of life; (b) Promotion of the peaceful resolution of conflicts and support for a negotiated outcome to the armed conflict; (c) Peacebuilding; (d) Positioning of human rights as a right; (e) Building of active citizenship; (f) State building; and (g) Promotion and guarantee of victims' rights.

The EU's cooperation has also faced significant limits in terms of realising victims' rights. These are related to a limited political pressure at crucial moments; a distribution of the resources for funding cooperation that has not been channelled directly at victims' organisations and that has been very centralised, and of which a large proportion has been directed at the Colombian State; the replication of a cooperation bureaucracy that neglects political as well as social processes; the distances between some of the goals proposed by the EU and the actions taken and results achieved; and the favouring of universal solutions for promoting peace and transitional justice that lack more particular and local viewpoints.

This last limitation is directly related to what we call, in the text, structural limits to the EU's cooperation and which are related to Eurocentrism and the coloniality of power, and which are also expressed in political and economic interests. These are linked to the realisation of a model of society that reproduces the Western civilisation model and which, economically speaking, favours the countries of the global North in the development processes proposed and in commercial exchanges.

The EU supports a civil peace, with social participation and that tackles local needs, and it incorporates into its action some of the premises of critical peace studies. However, the way that this peace is being built is of a liberal kind, and this is reflected in its actions and in the three pillars that have guided its activity in Colombia. Following the reflections of Barreto (2016) and Castañeda (2017), the model proposed by the EU is one of "intermediate peace"; a proposal that falls between "peace as

the mere absence of violence and peace as social justice". The liberal bias carries within it the legitimisation of values such as the market economy, representative democracy and consolidation of the State; insufficient to guarantee the right of victims to truth, justice, reparation and guarantees of non-repetition.

The EU needs to revise the approaches to peace and transitional justice that it is promoting in Colombia. One way of consolidating the realisation of victims' rights comprehensively is to implement peacebuilding processes that carry national, regional and local perspectives within them. Another is to implement transitional justice from below, which, in a manner closer to the victims' demands, makes progress in terms of the materialisation of the rights to truth, justice and reparations, and in structural changes able to eliminate the conditions that created the armed conflict and socio-political violence.

To do this, it is crucial to rethink the pillars of State building, representative democracy and economic development, in order to encourage and give space to those other ways of organising society that are already present in Colombia and which foster the sustainability of life. It is also necessary to think and implement a much more horizontal cooperation between the EU and countries such as Colombia, which allow for a dismantling of ethnocentrism and the coloniality of power.

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The EU's Peace Work in Colombia: Conclusions, Lessons Learned and Future Prospects

Karlos Pérez de Armiño

1 Introduction

During its 20-year presence in Colombia, the EU stands out for having maintained, throughout different stages and political contexts, a standpoint geared towards peacebuilding and a negotiated agreement that would tackle the root causes of the conflict. It defended these positions from the beginning, even when Álvaro Uribe's government (2002–2010) rejected dialogue and framed the conflict as a mere problem of terrorism, internal security and territorial control. Through its Peace Laboratories and other programmes to support local peace and development initiatives, the EU became a forerunner, together with much of civil society, of an approach to dialogue and peacebuilding that would eventually be

K. Pérez de Armiño (✉)

Hegoa, Institute for International Cooperation and Development Studies, University of the Basque Country (UPV/EHU), Bilbao, Spain
e-mail: karlos.perezdearmino@ehu.eus

enshrined in the 2016 Havana Agreement. Subsequently, the EU accompanied the negotiations that resulted in the signed Agreement, and since then it has been one of the international actors that has provided the most political, technical and financial support to bring about its implementation, which is all the more remarkable considering the reluctance shown by the Duque government (2018–2022).

The EU's long history of commitment to building peace through dialogue has earned it considerable recognition among various institutional and social actors in Colombia, which it has successfully capitalised on in the period after the Agreement was signed, and which is an important asset for its involvement in the new era that has opened up in the country since President Petro was elected.

These two decades coincide precisely with the period in which the EU has developed its common foreign policy, including its conflict prevention policy, which has been nourished in part by its experiences in Colombia. This has helped the EU to consolidate its own positions that are distinct from those of the US: to envisage itself as a normative and peace-making power and to configure a European model of development cooperation at the service of local peacebuilding in the midst of conflict, in partnership with civil society.

The experiences that the EU has garnered in Colombia provide lessons that have great potential to enrich the normative framework and repertoire of tools for its policy for global peacebuilding. As we shall see, the EU seems to have been more prepared to experiment with new approaches and operational instruments in Colombia. This may have been due, among other factors, to the fact that the Colombian conflict is relatively far-off and has not posed a threat to the EU's strategic interests.

The focus of the EU's actions in Colombia has been based on their continuity and consistency over time, since it has followed the same premises in different contexts and phases, as shown by documents and interviews with actors from different backgrounds. The EU's assumptions have had three main characteristics:

a. Advocating a negotiated solution to the conflict, considering that it could not be ended by military means. The EU has always maintained a clear position that 'only a negotiated solution can provide the basis for lasting peace in Colombia' (EEAS, 2012), and has therefore supported negotiations with the Revolutionary Armed

Forces of Colombia-People's Army (FARC-EP) and the National Liberation Army (ELN).

b. Arguing that building durable peace means addressing not only the consequences but also the root causes of the conflict, such as deep socio-economic inequalities, human rights violations and illegal activities. As defined in its *Colombia Country Strategy Paper 2007– 2013*, the EU has tackled the various components of the conflict through areas of activity with different timeframes: bringing short-term relief by providing aid for victims of the conflict; promoting peace at local and national level in order to contribute to a settlement in the medium term; and endeavouring to attack the root causes of the conflict by promoting development for all (European Commission, 2007: 6).

The European approach thus goes beyond the mere absence of violent conflict and is based on a broad scheme of human security (Kurtenbach, 2014: 497). It forms a 'holistic and multidimensional' perspective, which seeks to build peace linked to the concepts of positive peace and human security, and which incorporates various dimensions related to social justice, the fight against socio-economic exclusion and poverty, human rights, stronger institutions, and the culture of peace (Barreto et al., 2015: 14–15).

c. Making a commitment to building 'peace from below' through European cooperation, assigning a key role to civil society and communities in both formulating and implementing its initiatives. Thus, from the time of the Peace Laboratories to the present day, the EU has advocated for a stronger civil society and support for its peacebuilding processes, even in the midst of armed conflict.

It should be noted that this European approach to peace has differed from that of the two Colombian governments mentioned above: President Uribe, with his policy of *democratic security*, aimed at achieving the military defeat of the guerrilla groups classed as terrorist organisations, and that of his co-religionist, President Duque (2018–2022), whose policy of *peace with legality* implemented the Agreement in a highly restrictive and selective way and included the use of coercive measures in the territories. According to several sources in the EU Delegation in Bogotá, these discrepancies have led to difficulties and conflict with the Duque government on some issues. The forced eradication of illicit crops by military means, which causes a clash with local communities, is the

result of 'an obsession with the idea that coca is illegal' and an unbalanced security doctrine based on that of the US, which fails to see that it is a development problem. In contrast, the EU focuses on crop substitution through rural development, using an 'integrated approach' that combines numerous aspects (security, development, humanitarian action, etc.). 'We would like to see more development and a different security doctrine'.[1]

These varying approaches thus resulted in disagreements between the EU and the Duque government on several issues, such as illicit crops and the attacks and assassinations suffered by social leaders and ex-guerrillas in the territories. These are areas in which each side is aware of the other's position. Despite this, the EU has always endeavoured to maintain positive relations with the Colombian government, issuing numerous public statements underlining that good relationship, and praising the government's efforts to make progress in implementing the Agreement, all with the aim of keeping the Agreement alive. An example of this difficult task of balancing diplomatic language could be seen in the statement by the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini, following a meeting with President Duque. She acknowledged that the situation of human rights defenders and social activists was one of the greatest challenges and causes for concern, but asserted that bilateral relations were in excellent health and recognised the Colombian government's efforts and continued commitment to the peacebuilding process, while also calling for those efforts to be increased (EEAS, 2019).

Through political dialogue, the EU has therefore been able to put challenges and disagreements on the table, but with restraint and avoiding any open confrontation with the Colombian government. Apart from a few European Parliament resolutions, it is only very recently that the EU as a whole has publicly expressed criticism of President Duque's government with regard to the assassinations of social leaders. Indeed, the chief reproach made against the EU by different Colombian social and political sectors was specifically its failure to confront the government over serious human rights violations committed in the country.

In this regard, aside from human rights violations and other conflictive issues, the dialogue with the government has been open and positive on issues such as public policies for reincorporation and land restoration. According to those responsible for European cooperation in Colombia,

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[1] Interview No. 1. Representative of the European External Action Service (EEAS) of the EU Delegation in Colombia (online, 16 February 2022).

agreements have been reached to promote the implementation of the Peace Agreement.[2] In fact, they maintain that the EU has a level of influence in Colombia that is unusual in other countries, due to several factors: its track record of cooperation in the country; its role as an international observer in the Peace Agreement, which gives it legitimacy to take part in some strategic debates; and the credibility and widespread recognition of the advisory role played by the Special Envoy for Peace.[3] For their part, government sources confirmed that they enjoy a relationship of great trust with the EU, and that, unlike other countries, the EU is characterised by the fact that it collaborates with the government to support national development goals without imposing its own priorities, which has allowed for a cooperation of greater visibility and impact.[4]

With regard to the EU's approach, it should be added that this exclusively civilian and soft approach is also markedly different from the interventionist approach of the US, based on its objectives centred on security and war against two threats: drugs and guerrilla groups. Numerous interviewees, particularly from social organisations, highlighted these differences. The fact that USAID at the time supported president Uribe's Plan Colombia, based on military intervention against drugs and guerrilla groups in the territories, means that many organisations refuse to work with the agency, which is now barely present in the territories. Furthermore, it has supported the Duque government in forcing the eradication of coca crops and banning the beneficiaries of its projects from growing coca crops or being engaged in the process of substitution. In contrast, the EU does not impose this requirement and works in areas where coca crops are grown in order to promote production alternatives, which leads to an alternative perspective based on greater respect for human rights and an increased impact on local politics. According to the interviewees, the EU has a greater capacity for dialogue, including with critical organisations, and its perspective is more

[2] Interview No. 2. Representative for EU Cooperation in Colombia (online, 14 September 2021).

[3] Interview No. 3. Technician with the EU Delegation in Colombia in the area of human rights (online, 6 November 2021).

[4] Interview No. 4. Technician for the Colombian Presidential Agency of International Cooperation (APC) (Bogotá, 13 September 2022).

democratic, progressive, flexible and respectful of Colombian actors.[5] In addition, USAID has not provided any specific aid for reincorporated ex-combatants, which is a priority group for the EU.[6]

The EU has jointly deployed a wide range of instruments to support peacebuilding in Colombia. First, it has provided political support in the form of public statements (by the Delegation and ambassadors in Bogotá, the European Parliament and other EU institutions) as well as regional dialogue, high-level bilateral dialogue with the Colombian government, and discussions with civil society and other actors. In this regard, a particularly significant move was the appointment in 2015 of a Special Envoy for the Colombian Peace Process, of high political profile, who visits the country regularly to monitor implementation. Second, another important instrument is budget support provided to the government (40 million euros in 2022), which is conditional on fulfilling a series of specific objectives and is mostly oriented towards developing public policies related to the armed conflict, such as comprehensive rural development, the reincorporation of ex-guerrillas (housing, health, children) and providing land to peasants. Third, it has deployed various development cooperation instruments, such as calls for projects involving civil society and human rights, or the innovative European Trust Fund for Peace in Colombia.

In the period since the Agreement was signed, EU actions have prioritised rural economic development and the reincorporation of ex-guerrillas. However, they have also tackled a wide range of other areas, such as the strengthening of civil society and transitional justice. Geographically, these have been concentrated in the departments of Putumayo, Caquetá, Guaviare and Nariño, whereas support for the various aspects of reincorporation is being given across the country.

In the Introduction to this book, we asked to what extent the EU has managed to construct a peacebuilding model in Colombia that goes beyond the dominant formulations of the international peacebuilding agenda. Overall, it is reasonable to conclude that it seems to have developed a hybrid model, with some objectives and principles typical of liberal peace, but with others that suggest certain elements of post-liberal peace.

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[5] Interview No. 5. Technician for Colombian network of civil society organisations (Bogota, 7 September 2022). Interview No. 6. Researcher and technician in the field of social organisation (Bogotá, 18 March 2022).

[6] Interview No. 7. Technician for the EU Trust Fund for Colombia (Bogotá, 14 September 2022).

The elements typical of liberal peace are visible essentially on two levels. First, in the importance given to the development of state institutions and their establishment in territories where they were absent; as we have seen, this has been captured in a strong relationship with the government based on political dialogue and support for various public policies. In this respect, although the EU has been a power in its role as a cooperation donor, it has shown insufficient political and diplomatic muscle in asserting its demands that the government be held accountable for failing to comply with the Agreement or allowing the security situation to deteriorate. The second level is the commitment to economic development within the framework of the market economy, although two clarifications should be made: that this is consistent with the fact that the Agreement does not call into question either the country's economic model or its private property; and that, as we shall see, many of the EU's actions support social and solidarity-based economic initiatives centred on principles other than those of the market economy. The predominance of economic interests has meant that the democracy and human rights clause included in the Trade Agreement has not been activated or used to put pressure on the government.

However, different innovative approaches and instruments can be seen in the actions the EU has taken to support the Colombian peace process, particularly in the area of development cooperation. Although they may have their shortcomings and limitations, they go further than conventional liberal peace. As we will break down in the following points, three of them are worth highlighting. First, its commitment to strengthening civil society, an objective that is also present in other countries but which is of particular significance in Colombia. Indeed, for two decades the EU has formed a special partnership with civil society, based on a common position in favour of tackling the root causes of the conflict, which has given the EU considerable social legitimacy. Second, the defence of human rights, a controversial but relevant area, as it incorporates cross-cutting aspects of socio-economic rights as well as the rights of various groups such as women and ethnic communities. And third, perhaps the most innovative element with respect to actions deployed in other countries, a territorial approach that has enabled the EU to adapt noticeably to the specific circumstances of each local context, something that the liberal peace framework tends to lack.

2   Support for the Strengthening of Civil Society

The EU has worked closely with Colombian civil society over two decades. Of all donors, the EU is the one that has made the strongest commitment to supporting civil society[7] and maintained the most consistent partnership with it over time.[8] This support has primarily been financial, via projects funded through bilateral cooperation of EU countries or through calls for proposals in the framework of the Instrument Contributing to Stability and Peace (ISP), the European Instrument for Democracy and Human Rights (EIDHR), and the Non-state Actors and Local Authorities in Development programme. In addition, the EU has supported Trust Fund projects since the Agreement was signed, and given the government budgetary support, which is conditional on the participation of civil society.[9] Second, the EU has also provided political support in the form of questions submitted in the European Parliament, statements issued by various EU bodies, and spaces created for political dialogue with the Colombian government.

The importance that the EU attaches to Colombian civil society has been motivated by the fact that it is very broad, diverse, representative and organised. It has a proven ability to perform analyses, construct discourses and voice criticism to the government, as well as putting forward proposals and implementing projects. Furthermore, it is well-connected in international networks, which gives it a considerable influence at the United Nations and in the EU institutions in Brussels. Indeed, a network of Colombian organisations and European NGOs has traditionally been very active in lobbying European governments and the European Parliament and Commission; it helped to secure the EU's rejection of the Uribe government's Plan Colombia, and, at the start of the 2000s, played a role in developing the EU's own peace programme based on the Peace Laboratories (Bocchi, 2009: 193–194; Castañeda, 2012: 23–25).

[7] Interview No. 8. Technician for the EU Trust Fund for Colombia (Bogotá, 8 September 2022).

[8] Interview No. 9. Technical consultant for EU in Colombia (Bogotá, 2 September 2022).

[9] Interview No. 9.

These laboratories, through which the EU supported a variety of local peace and development initiatives during the armed conflict, are often cited as the origin of the EU's links with numerous civil society organisations. Indeed, the two forged an alliance in defence of a negotiated peace that would tackle the underlying causes of the conflict, thus sharing a discourse that deviated from the postulates of the Uribe government. This strong relationship of trust continued through the New Territories for Peace programme and has survived to the present day.

Certainly, supporting civil society is an objective of EU action in all countries, not only in Colombia. However, as we can see, in this case specific circumstances have led the EU to play a particularly relevant role for Colombian social organisations.

Since 2014, EU support for civil society in all countries has been based on the EU Country Roadmaps for Engagement with Civil Society. These documents constitute a framework for establishing a more regular and strategic dialogue between civil society organisations and the EU, and are based on a common approach by the EU Delegation in the country and the EU Member States (Concord, 2018: 2; Roadmap Facility, 2017). They provide a roadmap that defines the space for dialogue, long-term objectives and priorities to be supported by European cooperation

In the case of Colombia, the first Roadmap was drawn up for the period 2014–17, and was then updated for the periods 2018–20 and 2021–24 after consultation with various platforms and social organisations. The document in Colombia has obviously been influenced by the implementation of the Peace Agreement. The Roadmap for the period 2021–24 focuses on two key themes—the environment and peace—and defines the following three main priorities (Unión Europea, 2021: 9–10):

a. Fostering an enabling environment, i.e. the conditions and rights that create an appropriate space for civil society to operate. This is a problematic issue, as some government policies, such as the 2016 tax reform and a decree that made it more difficult for social organisations to recruit staff, can reduce the space in which civil society organisations can work. The EU has funded studies on the impact of such measures and advocates new laws being broad enough for organisations to operate and become established.[10]

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[10] Interviews No. 3 and 9.

b. Promoting the involvement of civil society organisations in public policymaking by encouraging their participation in drafting, implementing or monitoring policies. The EU has thus pushed for civil society to oversee the implementation policies of the Peace Agreement. An interesting example is the 'Te da Paz' project (https://ted apaz.co/), which has supported the creation of a network in Alto Patía, North of Cauca and South of Valle, made up of grassroots community organisations, with the aim of monitoring and influencing the manner in which the Development Programmes with a Territorial Approach (PDET) are implemented in those areas. Likewise, the EU has maintained a process of consultation with civil society with regard to its development cooperation, for example the updating of the Multi-annual Indicative Programme (MIP) 2021–2027, the Roadmap, as well as its strategies for democracy, human rights and gender.

c. Strengthening the capabilities of grassroots organisations, both internally (organisational strengthening; work plans) and externally (networking, fundraising, advocacy with the authorities, etc.). This is the area with the greatest impact on the organisations, as all EU-funded projects include activities aimed at bolstering them. For this purpose, since 2005, the EU Delegation has used the OCI (organisational capacity index) methodology, which consists of a series of indicators to measure the strengthening of organisations' capacities, enabling them to self-assess their capacities and draw up plans to fortify their organisation. For many of its projects, the EU requires organisations to present these plans, and provides support during the implementation phase. Ultimately, this helps to improve the organisations' capacities and impact.[11]

Several of the people interviewed expressed their appreciation for the positive support that the EU gives to social organisations in numerous fields.

First, several sources confirm that EU-funded projects have helped to strengthen social organisations that represent vulnerable groups (such as women and indigenous peoples), especially in the areas hardest hit by the conflict, and even to create new organisations in order to implement

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[11] Interviews No. 3 and 9.

them. The projects have helped to enhance their management capacities, train their leaders, and ensure their participation in policymaking processes at the territorial level.[12]

Second, thanks to its ongoing dialogue and partnership with the EU, civil society has increased its capacity for advocacy. This dialogue allows civil society organizations (hereinafter CSO) to give the EU their opinion on what is happening in the territories, the progress of public policies, the issues to be addressed in bilateral talks with the government, and EU actions and policies. Moreover, when civil society has needed to put an issue on the political agenda, for example in the field of human rights and the protection of human rights defenders, the EU has facilitated dialogue between civil society and national, regional or local authorities, organising consultations in contexts where spaces for dialogue were previously lacking.[13] The presence of EU representatives in these forums has enabled the opinions of social organisations to be taken more seriously.[14] The dialogues have been held in the spirit of ensuring compliance with the Agreement[15] and maintaining good relations with both parties and a neutral position.[16] This neutral attitude has been considered problematic by certain sectors of civil society,[17] especially during the Duque presidency, when some believe that the close relationship between the EU and civil society weakened compared to the period of President Santos' term of office (2010–2018).

Nevertheless, many believe that the EU's support for civil society has helped not only to support and draw attention to their work in the territories, but also to provide them with a form of protection and shelter in violent contexts. Such support has even allowed many organisations to continue operating and avoid closure,[18] as it has had a preventive effect in

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[12] Interview No. 10. Director of Colombian network of civil society organisations (Bogotá, 7 September 2022).

[13] Interviews No. 3 and 6.

[14] Interview No. 3.

[15] Interview No. 10.

[16] Interview No. 1.

[17] Interview No. 6.

[18] Interview No. 11. Coordinator of international network of cooperation organisations in Colombia (Bogotá, 9 September 2022).

some areas where 'there are very powerful forces that would have silenced these voices if they could'.[19]

Finally, we should add that European cooperation, from the definition of its priorities, has also had an impact on and raised awareness of some of the country's social organisations. Thus, the EU has promoted the incorporation of a gender perspective in projects, despite the reluctance shown by some rural organisations.[20] Likewise, it is worth mentioning the peace education work carried out through a project with evangelical churches—a sector that previously opposed the Agreement—in which so-called schools of non-violence were organised with the participation of pastors and ex-combatants.[21]

Even so, the EU's relationship with civil society has been subject to some criticism. One of the main complaints, which was already pointed out at the time of the Peace Laboratories, warns that the EU's strict administrative procedures for selecting and implementing projects results in the exclusion of grassroots organisations with less technical capacity (Barreto et al., 2015: 20). Moreover, this forces organisations to focus on technical and administrative requirements (budget management, indicators, results, etc.) rather than on peace and development objectives (Castañeda, 2014) and on grassroots empowerment and mobilisation processes.[22]

Indeed, as EU staff themselves acknowledge, their procedures are demanding because they require organisations to prove their capacity to develop and manage projects, while also providing financial guarantees. This prevents many organisations from leading projects, but not from participating in them, as a consortium-based model with cascading grants is used. In other words, a large international or Colombian NGO is responsible for the project, but it is implemented with several local grassroots organisations. To be sure, this model establishes unequal power relations between organisations, with tensions arising over issues such as salary differences.[23] However, civil society sources consider this system

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[19] Interview No. 8.

[20] Interview No. 8.

[21] Interview No. 9.

[22] Interview No. 12. Technician for the Peace Laboratories in the Magdalena Medio region and lecturer at the University of the Andes (Bogotá, 9 March 2022).

[23] Interview No. 8.

useful for strengthening and empowering small and medium-sized local organisations, which would not be able to present projects but can still take part in them accompanied by larger organisations. This allows them to improve their capacity to mobilise and to influence local governance, thus making it more transparent and accountable.[24]

Finally, there are those who value the EU's contribution to establishing a stronger civil society, but also understand that its role as a donor subjects the recipients of its funds to asymmetrical power relations. In their opinion, the EU sets the agenda by promoting the issues prioritised in its calls for proposals or in its own standpoints on issues such as peacebuilding or territorial peace.[25]

3   Defending and Promoting Human Rights

Much of the EU's action in Colombia has centred on defending and promoting human rights, which it considers crucial to reduce violence, build trust even during armed conflict, and encourage peaceful coexistence (Kurtenbach, 2014: 504). To this end, the EU has worked, and continues to work, with public institutions and civil society at local and national level.

Work in this area has been particularly sensitive and controversial, and has been conditioned by a variety of circumstances. On the one hand, the security conditions on the ground have deteriorated since 2020, with a sharp rise in threats and assassinations of social leaders, ex-combatants and human rights defenders. This situation has hindered actions on the ground. On the other hand, successive Colombian governments have adopted inconsistent approaches and policies on security, peace and human rights. According to various members of the Delegation, human rights have not been a priority for the Duque government, with its doctrine of *peace with legality*, which has made it difficult to maintain a dialogue in this area, where there have been differences and disagreements.[26]

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24 Interview No. 10.

25 Interview No. 6.

26 Interview No. 8 and 13.

Despite this, dialogue has been possible. According to European External Action Service (EEAS) representatives, unlike in other countries, where working on human rights can mean being shut out of ministries, the Colombian government has been open to multilateral action and diplomatic dialogue on the issue, with the intention of making improvements in this area.[27]

The EU's action on human rights has relied on a variety of mechanisms. One of them has been based on various cooperation projects implemented by CSOs and financed through the European Instrument for Democracy and Human Rights (EIDHR), and through calls for projects from civil society. The Trust Fund, on the other hand, which focuses mainly on productive aspects, does not finance specific human rights projects. Nevertheless, it does address human rights issues in a cross-cutting manner, particularly economic and social rights, while its projects are flexible enough to be adapted in situations of insecurity and to assist leaders under threat.

The projects focus on promoting, preventing, protecting and guaranteeing the human rights of vulnerable groups such as indigenous people and women. With regard to women, it is worth mentioning an emblematic project, 'Mujeres que Transforman' (Women who Transform), implemented in Putumayo by the Dutch NGO ICCO and the association Mujeres Tejedoras de Vida (Women Weavers of Life), which brings together numerous local organisations. It centres on women who are victims of gender-based violence, through activities focused on accompaniment and protection, economic empowerment, radio campaigns, and advocacy for the development of municipal gender policies.[28]

In the area of victims' rights, the EU has worked directly with organisations that bring victims together. To a large extent, however, they have reached them indirectly through projects on issues such as land restitution, sexual violence, recruitment of minors, etc. This indirect impact can be seen, for example, in the two areas on which the Trust Fund has focused: its Comprehensive Rural Reform projects have provided access to land for people who have been dispossessed of it; while in the area of reincorporating ex-combatants, several projects have been implemented

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[27] Interview No. 1.

[28] Interview No. 14. Technician for the EU Trust Fund for Colombia (online, 8 December 2021).

to rebuild the social fabric, aimed at beginning the reconciliation process between victims and perpetrators.[29]

Some of the human rights projects have also had some impact on public policies, but indirectly, depending on the capacity for advocacy of the social organisations that implement the projects. For example, a Christian Aid project with the Red Nacional de Mujeres Defensoras (National Network of Women Defenders) has ensured that the protection given to women under threat has a stronger gender focus.[30]

Another mechanism for EU action has been its support for public policies, although this has been limited by insufficient policy development and differences of opinion with the government. One of the policies supported has been the Comprehensive Programme for Safeguards for Women Leaders and Human Rights Defenders, in which there has been convergence between civil society and government. Similarly, support is being provided to the Ombudsman's Office to strengthen its strategy to protect threatened leaders, which includes increasing the capacities of local authorities to improve their response to early warnings and the protection measures they offer. However, work in this field has been hampered because, according to a Delegation official, the EU 'has not had sufficient mutual understanding with the Ministry of the Interior', and has seen no way of supporting the ministry's protection policies because its analysis of the context and proposals for a response were not sufficiently comprehensive. In other words, the government has given the EU little opportunity to help it to improve its public policy in this area.[31] Similarly, the EU was keen to support the National Commission for Security Guarantees, but this has not been possible due to the government's lack of political will to make it function properly.[32] In this respect, EU staff acknowledge that it is difficult to estimate the EU's impact on human rights public policies, concluding that there has been some change but no real transformation.[33]

Another important area of action in the field of human rights has been the political and financial support given to the transitional justice system,

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[29] Interview No. 3.

[30] Interview No. 3.

[31] Interview No. 3.

[32] Interview No. 3.

[33] Interview No. 3.

in particular to the Special Jurisdiction for Peace and the Truth Commission. With regard to the latter, for example, the EU has provided full and continuous political support through visits, meetings and public messages, which has been particularly important when the Commission has faced difficult situations. At the financial level, the EU has provided crucial funds to strengthen it as an institution and to implement three strands of the Commission's work: deploying its teams in the country's territories; defining its work with ethnic peoples; and establishing a communications strategy, for which the EU communications team also provided technical support. On the other hand, the EU decided not to finance the Commission's work with people in exile, as its priority was the activities carried out within Colombia.[34]

Another area of activity in the sphere of human rights has been the bilateral dialogue between the EU and the Colombian government, in a variety of spaces. These include regular dialogues on human rights, which are meant to be held annually—although the government has sometimes postponed or cancelled them—and which make it possible to tackle issues and adopt commitments at a high diplomatic level. We should also mention the high-level dialogue held with the government during the Special Envoy's visits to the country, approximately twice a year. In addition, the EU Delegation carries out advocacy work at the level of the Presidency and Vice-Presidency, and holds regular discussions with different ministries and government bodies (such as the National Protection Unit) on various issues, particularly on the threats and assassinations of social leaders, human rights defenders and ex-combatants, which are seen as a serious impediment to achieving durable peace.[35] For example, the EU has alerted the government to situations in which people have been at risk or threatened, urging it to protect them and pointing out the weaknesses of the state protection system.

On this point, a source in the Delegation insisted that this is a sensitive issue but not a particularly controversial one, as both parties share the need to overcome the situation. Moreover, the interviewee added that in diplomatic dialogues the EU's role is not to assess whether or not

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[34] Interview No. 15.

[35] Interview No. 3.

the government is doing enough to curb the problem; instead it repeat-edly urges the government to act, and shows its willingness to help.[36] However, several sources have stressed that the Duque government was not very open to dialogue on this issue, which has been difficult to tackle as a result.[37]

Finally, the EU has also carried out intense public advocacy on human rights. The Delegation, the ambassador, the Special Envoy and the Member States themselves have contributed with messages, public state-ments and visits to conflict zones. It has sought to put the issue on the agenda and press the government to shoulder its responsibility to protect and address the situation of threats and killings in the territories, without seeking confrontation on the issue.[38]

Added to this is the diplomatic support given to CSO advocacy work. This has involved holding regular meetings with human rights defenders and building bridges between them and the government.[39] A notable example is the Defendamos la Vida (Defend Life) campaign, organised jointly by the Delegation and all the European embassies, to protect social leaders and human rights defenders, drawing attention to their situation with a strong media campaign (Colombia#defendamoslavidacolombia). The 16 EU ambassadors have travelled to the territories bringing minis-ters as guests to meet with CSO. These meetings help to reduce the stigmatisation of social leaders and strengthen the security of social organ-isations; they require the security forces and authorities to shoulder their responsibilities and commitments towards them[40]; and they facilitate dialogue between civil society and the government, where lacking.[41] The campaign model can be applied to other countries where there is little space for CSOs.[42]

Despite all these types of activities, it is perhaps in the area of human rights that the EU has received the most criticism, both from academics and civil society. It is already 10 years since Castañeda, for example,

[36] Interview No. 2.

[37] Interviews No. 9 and 13.

[38] Interviews No. 1 and 7.

[39] Interview No. 1.

[40] Interviews No. 7 and 8.

[41] Interview No. 1.

[42] Interviews No. 9.

claimed that the EU had 'been able to maintain a continuous ambiguity over its demands to the central government with regards to respect for human rights': the European Parliament made statements condemning government-paramilitary links and army abuses, while the European Council adopted a low-profile position on the issue (Castañeda, 2012: 55–6). It was also noted that the EU did not always take a public stance on violence or rights violations committed against people involved in the programmes it funded (Barreto, 2016: 460).

Similar criticism has also been voiced since the Peace Agreement was signed, as threats and murders of social activists and ex-combatants have since increased in many areas of the country. Some argue that the EU has often failed to go beyond statements and has not been tough enough in pressuring the government at high-level summits on human rights (Ioannides, 2019: 1). It is claimed that although various EU bodies have shown concern for the plight of human rights defenders and social leaders, they have exerted insufficient pressure on the government.[43] Instead, their key approach has been to highlight the importance of consolidating the bilateral partnership, and recognise the commitment and efforts made by the Colombian government in the peacebuilding process (Forero, 2021: 449).

Moreover, although the European Parliament has made several pronouncements on such killings, European diplomats have done little more than communicate their concern and had, until recently, failed to issue any express and formal criticism of the government's role. According to Forero, the EU has only made a few statements on the matter since 2020, when Special Envoy Gilmore referred to the need for the government to make its presence in rural areas a reality, not only in terms of security but also social services (Forero, 2021: 45). Even more explicitly, in January 2021 the current High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell, demanded 'an effective response by the Colombian state' to the upsurge in murders of social leaders, human rights defenders and FARC-EP ex-combatants, which requires 'adopting structural measures', starting with 'implementing the Peace Agreement in its entirety' (INFOBAE, 2021).

Similarly, the EU has been criticised for 'being very indulgent with the government's pace and decisions', and for its failure to make progress on

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[43] Interviews No. 10 and 11.

or allocate funds for the implementation of the Agreement. Numerous people have spoken of the EU's same weakness and lack of assertiveness on contentious issues such as the reduction of public funding for the Special Jurisdiction for Peace or the resumption of coca crop spraying (Forero, 2021: 44–46). Likewise, it has said little about the protestors killed by police in recent years, or the cases of corruption and misappropriation of funds in the government's system of awarding contracts with funding earmarked for peace.[44] It should be added that, as mentioned above, the 'democracy and human rights clause' of the EU-Colombia Trade Agreement has never been activated, on the grounds that dialogue and cooperation with Colombian actors is the most appropriate instrument to improve their situation (Ioannides, 2019: 20).

There may be several reasons for the EU's somewhat cautious position on human rights. One of them is its determination to show that the Peace Agreement has not failed and is still alive, and this is reflected in its discourse, which has always highlighted the progress made. Another explanation is its desire to maintain smooth relations with the government, given the importance attached to the country and to bilateral economic relations. As several sources in the Delegation pointed out, the EU has tried to strike a balance by establishing good relations both with successive governments and with CSOs, thereby helping to strengthen civil society and improve public policies, and building bridges for dialogue from a neutral standpoint.[45] It should also be added that, according to Delegation sources, much of the human rights advocacy has not been publicised, but has been done discreetly with the government by diplomatic means, seeking to keep the channels of communication open in order to be effective.[46] Ambassadors' efforts to influence the Duque government have required diplomatic skill in raising the issues of insecurity and reincorporation without generating controversy, in order to prevent the dialogue from breaking down and to expand the available spaces and move forward.[47]

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[44] Interview No. 11.

[45] Interviews No 1 and 2.

[46] Interview No. 16.

[47] Interview No. 8.

4   The Territorial Approach

One of the most characteristic features of EU cooperation in Colombia, from its origins to the present day, has been its territorial approach. This is due to the country's great diversity and the needs triggered by precarious government presence in many areas. But it is also linked to the EU's other objectives, such as tackling the causes of the armed conflict and strengthening civil society. Although the territorial approach may also be part of the EU's external action in other countries, many of the actors interviewed consider it to be fundamental in Colombia. It cuts across the different policy areas, enabling the EU to prioritize the territories most affected by the armed conflict and adapt to the conditions in each of them.

The EU has been developing and applying its territorial approach for two decades: it therefore predates and can be considered a precursor to the concept of 'territorial peace' that inspired the 2016 Peace Agreement. In fact, its origins can be traced back to the financial and political support given to the Peace Laboratories since the early 2000s. This marked a commitment to peacebuilding at the local and territorial level, in the midst of war and without waiting for armed actors to achieve peace at the national level. The support and visibility given to previously marginalized local processes and actors was like 'a vast oxygen tank in the middle of the war', and in fact transcended the local level, as it was a political gesture of support for a negotiated solution to the conflict.[48]

Later, the territorial approach materialised as support for initiatives inherited from the Laboratories, such as the Regional Development, Peace and Stability programmes between 2009 and 2016 and the New Territories for Peace between 2011 and 2016. The EU has also supported numerous local initiatives focused on peacebuilding, resisting armed actors, reconstructing the social fabric, boosting socio-economic development and defending rights, thus strengthening so-called 'zones of peace' (Castañeda, 2012: 33). The territorial approach continued to be implemented after the Peace Agreement was signed, particularly through the Trust Fund, which aims to finance activities in the areas most affected by the conflict. These activities are mainly dedicated to supporting the implementation of two points of the Agreement that have a deep-rooted territorial aspect: rural reform and the reincorporation of ex-combatants. The

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[48] Interview No. 12.

Trust Fund is concentrated in four departments (Putumayo, Caquetá, Guaviare & Nariño), which has given it greater territorial impact.[49]

The territorial approach means that EU-funded projects are implemented by grassroots and other local social organisations, with the close involvement of peasants, women, indigenous people, Afro-descendants and ex-combatants. These links with local grassroots organisations ensures that the EU's approach remains context-aware and responds to local needs (Forero, 2021: 29). This territorial, bottom-up perspective based on the participation and strengthening of local social organisations contrasts sharply with that of the Duque government, which was top-down and has prioritised the presence of military forces in conflict zones, which has affected the reconciliation process (Forero, 2021: 39).

Likewise, several interviewees, both from the EU and from CSOs, stress that the EU's territorial approach is characterised by a very open dialogue with local actors that include social organisations and communities as well as local authorities. Regular visits from the EU Ambassador and Delegation staff on the ground contribute to this.[50]

There are reportedly some cases of EU cooperation projects that have been developed by foreign technical staff, with minimal participation from the local population.[51] However, most sources emphasise that the projects originate in the territories and are based on their own reality and context. Some appreciate the fact that 'the EU has the sensitivity to go into the territories and listen to them',[52] and that its actions show respect for the dynamics of the country and the territories, as well as being flexible and adapting to complex contexts and changes in government. This, they say, contrasts with USAID's policy, which they describe as rigid, vertical, imposing and having minimal contact with the territories.[53]

The territorial approach has materialised in a wide range of actions aimed at boosting socio-economic development in the territories and fostering a dialogue between the various actors on the ground, as well as improving local governance capacity. Indeed, one of the EU's main

[49] Interview No. 14.

[50] Interview No. 9.

[51] Interview No. 13.

[52] Interview No. 10.

[53] Interviews No. 10. Interview No. 17, Director of Colombian network of civil society organisations (Bogotá, 7 September 2022).

contributions, which distinguishes it from other international coopera-
tion actors, is to facilitate local spaces in which communities and local
CSOs can engage in dialogue with local and national authorities and
the private sector. The aim is to build strategic alliances for territorial
development[54] and to strengthen local institutions and their capacity
for democratic governance and service provision. In turn, these spaces
have allowed the EU to influence local processes[55] and, at the request
of local CSOs themselves, to act as a go-between with national institu-
tions in order to communicate CSOs' concerns about the situation in the
territories, including the violence they experience.[56]

Many projects have aimed to strengthen local capacities, such as
the 'Municipios Visibles para la Paz' ('Visible Municipalities for Peace')
project in 2017–18 organised jointly with the Colombian Federation of
Municipalities.[57] But perhaps the most striking example of the way the
EU has applied its territorial approach is the department of Nariño, where
the strongest territorial network has been established. In this department,
an interlocking structure has been created involving the governor's office,
the mayors' offices and CSOs—with the latter creating a platform for
social innovation, 'Nariño Decide' ('Nariño Decides'), which has enabled
all of the department's social groups to be involved in territorial decisions.
By means of this organisational structure, territorial planning has been
carried out based on local needs, mobilising various sources of funding
to implement actions in a range of areas. Specifically, water has been the
key sector that has catalysed joint work and territorial planning through
the creation of water boards and a dedicated unit in the Nariño gover-
nor's office, which has developed several water projects. In addition, Spain
has cooperated by providing experts in decentralisation and municipal
management, while pilot projects focused on tax collection, land registry
etc. have been implemented.[58]

One interesting mechanism promoted by the Fund has been the
Territorial Roundtables. These are spaces for dialogue organised in the
territories once or twice a year with the participation of all actors: the

54 Interview No. 10.

55 Interview No. 7.

56 Interview No. 14.

57 Interview No. 9.

58 Interview No. 14.

governor's office, mayors' offices, national government agencies, social organisations, etc. The Roundtables have several objectives: to listen to what is needed in the territories so as to better understand the context; to promote the exchange of valuable experiences; to encourage joint political advocacy; and to improve coordination between the Fund's various projects in a given department. Indeed, the Roundtables have sought to mitigate the fact that the Fund has lacked a territorial strategy or agenda at the departmental level. In fact, in its early days the Fund approved individual projects, each with its own objectives, proposed by its participating states and linked to their own bilateral cooperation.[59] But the fact that the Roundtables have lacked a clear methodology seems to have limited their capacity as a space for coordinating actions and making decisions.[60]

However, in 2018 it was decided that the Fund would replace microactions with projects that take a more strategic and comprehensive approach in order to have a greater territorial impact. This resulted in the heavily funded (22 million euros) 'PDET Routes' project, which operates in areas covered by the Development Programmes with a Territorial Approach (PDET) in the departments of Caquetá and Putumayo. This is a pilot initiative that seeks to implement the PDET as a key tool for realising Point 1 of the Agreement, on the Comprehensive Rural Reform. It has a clear focus on territorial development, aiming to achieve sustainable production in the territories by involving sectors such as business, institutions and communities. Although the government's initial intention was to limit the project to road-building, it has gradually included other aspects such as support for cocoa (Putumayo) or dairy (Caquetá) marketing chains, funding for small and medium-sized enterprises, governance, etc..[61]

Another indicator of the EU's territorial approach has been its strong support for Colombia's Network of Local Development Agencies (ADELCO), which brings together 14 agencies, many of them working in areas with vulnerable communities affected by the armed conflict. Many of these were created with support from the United Nations Development Programme (UNDP), but were later backed by the EU, which has

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59 Interview No. 7.

60 Interview No. 19. Consultant for EU Delegation in Colombia (online, 4 July 2022).

61 Interviews No. 7 and 14.

provided ADELCO with 70% of its funding for more than a decade.[62] Each agency implements projects with a territorial focus in areas related to livelihoods (water, tourism, fishing, etc.), bringing together the work of local actors: organised civil society, the private sector and the public sector.[63] These actors are working with a methodology called 'shared vision of the territory' in order to develop, with the support of the EU, a common economic development agenda adapted to their territory's specific conditions. Representatives of ADELCO value two particular features of EU support: first, it backs projects that are adapted to each territory's circumstances, including the different capacities of its actors; and second, although the projects may be short-term, they are developed with a view to long-term processes.

Another area in which the territorial approach is being seen is in the support given to the reincorporation of ex-combatants, with a view to reconciliation. The projects seek to enhance their links with the surrounding communities (with whom their relationships have varied, ranging from close to hostile) and promote local spaces for coexistence, peace and sustainable 'territorial development' (EUTF, 2021). Specifically, the EU has made a decisive contribution in three areas with territorial implications. First, it has remained steadfast in its commitment to the collective reincorporation model adopted in the Agreement, despite the government's reluctance. Second, its political backing and funding of productive projects have built confidence among reincorporated ex-combatants and ensured their unwavering commitment to the Agreement, despite the government's non-compliance. And third, as in the Agua Bonita ETCR (Territorial Space for Training and Reincorporation) (Caquetá), it has built bridges between ex-combatants and neighbouring communities, addressing their misgivings and helping them to work and reflect together in their territory.

The EU's territorial approach can also be seen in other spheres of action. For example, the EU was instrumental in supporting the land restitution process after President Santos came to office. Its support for the territorial deployment of the Truth Commission was also crucial, as it largely financed the so-called Houses of Truth. It has also boosted

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[62] Interview No. 17.

[63] Interview No. 18. Technician for Colombian network of civil society organisations (Bogota, 7 September 2022).

the image of the territories in the media, as a contribution to the culture of peace in Colombia. For example, the Colombia 2020 project has broadcast journalistic analyses on various topics, so that the country's population becomes aware of the problems and progress made in achieving peace.[64] Similarly, in the area of rural development with a territorial approach, it has supported the government's budget to anchor its land policies and governance in specific territories, improving cooperation at territorial level between the relevant government agencies.[65]

To sum up, the EU's territorial approach has been applied with striking results at the community level in the municipalities where projects have been implemented. However, its impact, particularly in terms of the implementation of the Havana Agreement at national level, has been limited for a number of reasons.

First of all, the territorial approach is hindered by a precarious institutional presence in large areas of the country. This is exacerbated by the fact that Colombia has not implemented a decentralisation process, resulting in a significant lack of resources for departments and municipalities.[66]

Another major obstacle to peacebuilding has been the worsening security situation in the communities most affected by the conflict, where the EU is active. In addition to the actions of various armed groups and the assassinations of social leaders and ex-combatants, there has been an higher police and army presence in many areas, sometimes sparking tensions in communities.

Another hindrance to the EU's strongly civilian and civil society-supported territorial approach is that it has not matched the Duque government's approach, which has prioritised military control of the territories. This divergence has limited the EU's capacity to build sustainable peace in those areas (Forero, 2021: 48). Indeed, according to EU staff in Bogotá, the EU's territorial approach—based on dialogue with all actors, including the national authorities—has failed to ensure that the Duque government has developed a parallel territorial approach. In fact, territorial policies should be realised through the PDETs (to which the EU has

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[64] Interview No. 3.

[65] Interview No. 14.

[66] Interview No. 14.

tried to contribute through its 'PDET Routes' project), but the government has failed to implement them, meaning they are little more than a wish list compiled by municipalities for their territories.[67]

One relevant issue is that, according to various sources, although the EU's discourse on the territorial approach is clear, the fact is that when it comes to actually implementing the approach, it lacks an explicit written strategy on territorial development. In the Trust Fund in particular, each project establishes its own objectives and activities, with its own individual vision, so that the territorial construction is carried out according to the organisations behind the project. As mentioned above, efforts have been made to address this strategic weakness through the Territorial Roundtables, which aim to link all the projects in each department under a shared agenda, as well as through the 'PDET Routes' project, based on a unifying approach.[68]

In this respect, two further factors seem to limit the implementation of the territorial approach. On the one hand, although the EU has extensive historical experience in territorial development, this is focused on the economic sphere rather than peacebuilding contexts. On the other hand, many of the European projects in Colombia are not in line with existing land-use planning in the country's departments, which sometimes generates parallel development agendas and fragmented initiatives.[69]

5   Lessons Learned for Other Contexts

The EU's action in Colombia in recent years has followed the principles and standards that have guided its presence in other countries. It is worth noting, however, that in this case some aspects have taken on particular significance and are more innovative than its practices in other contexts. It can therefore be said that the EU's experience in Colombia offers some useful lessons that can help to enhance the range of peace-building strategies and instruments that it uses throughout the world. The following list details what we consider to be the most relevant lessons.

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[67] Interview No. 7.

[68] Interviews No. 7 and 13.

[69] Interview No. 19.

a. The first striking aspect is the type of peacebuilding approach that the EU has adopted in Colombia, even in the midst of the armed conflict: it seeks to address the root causes of the conflict and is multidimensional. In other words, it combines actions in a variety of areas, mainly socio-economic development of the most vulnerable sectors, human rights and the strengthening of institutions (especially local ones) and their public policies. It also includes activities in the fields of historical memory, transitional justice and the culture of peace, among others.

b. Second is peacebuilding with a territorial approach, which the EU has developed during its two decades of engagement in the country. This approach prioritises the territories most affected by violence, focusing on the specificities of each of them, boosting the capacity and participation of local social organisations, strengthening local institutions and promoting local spaces for dialogue between civil society, institutions and even private actors. An interesting mechanism for this is the Territorial Roundtables, as spaces for dialogue in the territories, which help to prevent individual projects from fragmenting. In addition, the EU has supported these actors in forming strategic alliances to make progress with territorial planning processes, often through practical initiatives such as promoting certain productive and commercial activities or managing essential services such as water. The territorial approach has also been reflected in the EU's support for the collective model of socio-economic reincorporation of ex-combatants, with productive projects and other activities involving neighbouring communities, with the aim of promoting local development with a territorial vision and fostering reconciliation. Likewise, it can be seen in the EU's funding of local development agencies, which are adapted to local conditions and whose projects form part of long-term territorial development processes.

c. A third lesson is the multi-level dialogue that the EU holds with all actors, at both political and technical levels, building on its good relations with civil society and government and facilitating communication between the two. The EU has played a particularly noteworthy role in promoting spaces for dialogue and acting as a catalyst for building bridges between CSOs and institutions, both at territorial and national level. The EU's 'good offices' function has helped to overcome the lack of trust caused by years

of armed conflict, and has been particularly useful in a context of increasing political polarisation during the Duque government. Striking a sometimes difficult balance, the EU has helped to draw the government's attention to civil society's concerns about the situation in the territories, while at the same time helping to make the institutions more accountable to local populations.

As senior EEAS representatives in Colombia point out, the EU has highly developed mechanisms for dialogue with the government on numerous issues (human rights, security, etc.), more so than in other countries.[70] These channels have been open at all times, despite differences with the Duque government's approach and the EU's insistence on the need to implement the Peace Agreement in its entirety.

d. It is worth highlighting the impact of the EU's budgetary support to the government, particularly in a context in which, under President Duque, the government has been unwilling to implement several points of the Agreement. This mechanism has enabled a direct and continuous dialogue with government agencies, as well as technical work that has allowed various issues to be raised to a higher political level so as to motivate the government to address them. One such issue, discussed in the Trust Fund's governance bodies, was the government's need to adopt a holistic approach to land governance, instead of considering land titling, registration and formalisation to be separate processes. By including this issue in the budget support framework, it was given a compliance indicator, which has encouraged the government to promote common agendas among the government agencies involved – with common objectives that have improved their joint work – and to create mechanisms for territorial land governance.[71]

Another example of the impact of budget support is that, by including relevant indicators, it has encouraged the Duque government to develop its policy on the reincorporation of ex-combatants, in particular by granting them land.[72]

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[70] Interview No. 1.

[71] Interview No. 14.

[72] Interview No. 8.

e. Of all the instruments used by the EU, the European Trust Fund for Peace in Colombia stands out as particularly relevant. Its importance is demonstrated by the fact that, of the four funds created by the EU, it is the only one focused on supporting a specific peace process. Established a few weeks after the Agreement was signed and designed to support its implementation, it was allocated 130 million euros, which have supported different projects related to rural reform and the reincorporation of ex-combatants and provided budgetary support to the government for reincorporation efforts. The Fund ceased to exist on 1 December 2021, although it continues to implement the actions to which it is committed. Indeed, through its new Team Europe Initiative (TEI), the EU aims to increase coordination with Member States in order to make it more effective and impactful. According to several people in the Bogotá Delegation, the Fund resulted in experiences and lessons that can be seen as precedents for the TEI.[73]

One of the main distinguishing features of the Fund is that it is the only one with decentralised management, in Colombia rather than in Brussels, which has allowed participating states to be more involved and have a direct link with the Colombian government. The TEI, on the other hand, aims to centralise decision-making in Brussels. However, the delegation and Member States have called for the decentralised decision-making bodies of the Trust Fund to remain within the TEI.[74]

Both EU development cooperation staff and diplomatic staff in Colombia express their satisfaction with the Fund's contributions. They highlight that it has created a space for more coordinated cooperation between all Member States, fostering a culture of working together.[75] The Fund has also helped to give cooperation a more holistic perspective. Although it initially financed small projects proposed by individual Member States, with no strategic vision or shared priorities, it later adopted a more coordinated and comprehensive standpoint, for example in the 'PDET Routes' project mentioned above. The Fund has sometimes required a major effort

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[73] Interview No. 14.

[74] Interview No. 14.

[75] Interview No. 14.

to reach common positions among EU Member States on some issues, such as land. But once those were achieved, it has provided much greater visibility and political impact with the government than individual States could have done.[76] For example, the Fund boosted the Duque government's reincorporation policy, convincing it to tackle issues such as the granting of lands, housing provision, and health, education and childcare services.[77]

One of the Fund's contributions is that it designed an innovative monitoring system for its projects, structured around several pillars and with follow-up indicators. Another aspect highlighted is the Fund's flexibility and adaptability in responding to new demands from the government, such as support for the reincorporation of ex-combatants, and in incorporating already existing projects. In this respect, the Fund is also innovative in its use of EU mechanisms, both projects with civil society and budget support for public policies.

f. Another relevant feature of EU action in Colombia, emphasised by a prominent representative of European diplomacy in Bogotá, is the high degree of unity—apparently higher than in other countries—among the various EU bodies. On the one hand, the EEAS and the Commission's development cooperation work together. On the other hand, there is a high degree of consensus among ambassadors on the issues at stake, and they are closely involved in supporting the Delegation's activities, unanimously backing its positions on sensitive issues such as human rights.[78]

g. Although strengthening civil society is a key position of the EU on a global scale, the strong commitment made to civil society in Colombia is noteworthy. For example, the fact that the EU has maintained a permanent alliance with CSOs to continue to move towards negotiated peace and a fully implemented Agreement. While we should not overlook the criticism voiced with regard to its heavy bureaucratic requirements, EU cooperation in support of social organisations offers a wide range of interesting experiences, areas for action and working mechanisms. Moreover, it is worth

[76] Interviews No. 14 and 16.

[77] Interview No. 14.

[78] Interview No. 1.

emphasising the steps it has taken to move beyond a logic based on individual projects towards support for broader social and territorial processes.[79]

h. Related to the above, another highly relevant experience is the support given to social and solidarity-based economic initiatives—a model that already had roots in the country—as a mechanism for promoting peace in the areas most affected by the conflict. For example, through local development agencies and other types of organisations, the EU is supporting various projects to promote production and marketing chains for coffee and cocoa, as well as sustainable tourism, local trade, etc. It also promotes this economic model through its support for ECOMUN, the association of cooperatives for ex-combatants, which, despite the many internal and external problems it faces, is an entirely new experience in reincorporation processes around the world. The EU is giving funding for productive projects such as fish farms, training in the principles of the social and solidarity-based economy, and consultation on its organisation and operation. In short, EU action in this area provides practical lessons that can be extremely useful for other peace processes around the globe, as well as empirical inputs that can enrich debates on the relationship between peacebuilding and local human development.

i. One final experience that deserves to be highlighted is the Defendamos la Vida (Defend Life) campaign in support of threatened leaders, as it provides lessons that can be replicated in other countries with high levels of violence. This campaign unanimously involved both the Delegation and the Member States and reflects the Delegation's strong commitment to taking a coordinated approach to human rights and civil society. The EU is reportedly considering it as a model for other countries where civil society does not have a strong presence.[80]

[79] Interview No. 9.

[80] Interview No. 9.

6   FUTURE PROSPECTS AND ROOM FOR IMPROVEMENT

The appointment of Gustavo Petro as President of Colombia in August 2022 has opened up a new landscape for the country and for the peace process. The new government has expressed its commitment to fully implementing the Havana Agreement and has already begun to unblock some of the points on which little progress has been made, such as the comprehensive rural reform, while also taking on board the recommendations of the Truth Commission's final report.

In this context, all sources predict a strengthening of the space for cooperation between the new Colombian government and the EU with a view to implementing the Agreement. With good reason, both parties now share a common approach that the EU has been promoting for two decades, based on addressing the root causes of the conflict and dialogue with civil society and the territories. They also share the same concerns, as EU cooperation, in its new Multi-annual Indicative Programme (MIP) 2020–2027, has defined peace (including human rights) and the environment as its priorities, which are also two focal points of President Petro's programme. In fact, shortly after he came to office, both he and various ministers held their first meetings with the EU in order to establish cooperation.

Delegation sources interviewed expressed a strong interest in supporting the government on aspects such as rural development and dialogue with the territories. They believe that the EU has added value that can give it a relevant role for this new era: so far it has been an important and reliable partner in the pursuit of peace, and has experience in the territories, as well as links and legitimacy in civil society.

In this new scenario, some areas are emerging as challenges that will become increasingly important and require greater attention from the EU in Colombia. One of these is comprehensive rural reform—a point of the Agreement that was ignored by the previous administration, but which the current government has made a priority. This is a major challenge of historic significance, requiring substantial financial resources and careful dialogue with relevant actors in each territory—two areas in which the EU can contribute.

Another area that will become increasingly important for both the government and the EU is the environment. Beyond relevant issues such as biodiversity protection or energy transition, the EU will need to develop strategies and operational mechanisms that link environmental

issues with those of peacebuilding and human rights protection. In this way, it could make a stronger contribution to preventing and managing environmental conflicts, which are a growing source of tension in the territories, to protecting environmental leaders in situations of risk, and to developing environmental policies with greater involvement from civil society.

Learning from the experience garnered in recent years, the EU also faces the challenge of improving the quality and sustainability of the productive projects it has supported in the areas of rural development and the reincorporation of ex-combatants. As various sources have pointed out, many of these projects were launched hurriedly in order to demonstrate the EU's support for the Agreement and to build confidence in its implementation. However, many of the initiatives are not workable due to a lack of marketing infrastructure and many other factors. A key challenge is therefore to transform such initiatives so that they are sustainable over the long term.

Another area for improvement concerns the EU's territorial approach in Colombia. Although, as we have seen, this is one of the most deeply rooted and inspiring features of EU action, it has been implemented without a clear strategy at national or departmental level, but to a large extent according to the actions of the implementing organisations. It would therefore be of great interest to analyse and systematise the EU experience of applying the territorial approach in Colombia. This would provide the EU with valuable input for a task which, in our view, would contribute decisively to the development of its peacebuilding policy around the world: creating a strategy or programme document on peacebuilding and territorial construction in post-conflict contexts, incorporating local human development objectives, local governance and civil society participation. Its theoretical foundations could be drawn from existing debates on the local turn in Peace Studies and on the relationship between space and peace in the Critical Geography of Peace.

Similarly, as noted in previous chapters, the Colombian experience highlights the need for the EU to develop strategies and methodologies that focus on indigenous populations and other ethnic minorities, which in some countries are often among the groups worst affected by armed conflict. With reason, there is a growing awareness of the importance of identity in peacebuilding processes, in conjunction with other economic and political aspects. Similarly, it would be appropriate to develop policies and strategies specifically designed for the victims

of armed conflict, rather than merely reaching them indirectly through actions in other areas. Furthermore, although gender equality has been incorporated into the EU's foreign policy discourse and objectives, there is room for improvement in gender mainstreaming in its various policies and actions in Colombia, in particular based on an analysis of the causes of gender inequality.

One final aspect that deserves attention is the degree of internal coherence of the various EU instruments in Colombia. As numerous studies have shown, the different policy instruments used by the EU in the context of conflict prevention and peacebuilding have been characterised by a fragmentation of their objectives and rationales. This problem has recently been addressed by developing an integrated approach that seeks to increase coherence between them all, but this has only been achieved to a limited extent (Debuysere & Blockmans, 2019; Pérez de Armiño, 2020).

In this regard, the EU representatives interviewed in Colombia generally underline a high level of internal coherence between the EU areas of cooperation, EEAS policies and trade policy. However, it is worth recalling that this assessment is mitigated by criticism from civil society. Civil society acknowledges that EU development cooperation has worked to promote the human rights, including socio-economic rights, of the most vulnerable groups. However, it also often questions whether the EU's political and diplomatic action towards the Duque government was assertive enough in view of its non-compliance with the Agreement (especially in areas of priority for the EU, such as comprehensive rural reform and the reincorporation of ex-combatants) and its inadequate response to the killings of social leaders, human rights defenders and reincorporated ex-combatants. Indeed, in its political dialogue with the Duque government, the EU consistently raised these and other human rights violations, but always with restraint and without jeopardising the channels of communication. Furthermore, the EU's trade policy does not seem to have been conditioned by human rights issues in the country. In this respect, the EU has never activated the democracy and human rights clause of its Trade Agreement with Colombia, nor has it used it to put pressure on the government.

Therefore, as can be seen at the global level, there is still room for greater coherence and integration of EU policies (cooperation, diplomacy and trade) with Colombia. Its action so far has been coherent in two respects, both of which are worth highlighting. First, it has shown

commitment over time, maintaining a consistent discourse in favour of a peace process based on tackling the root causes of the conflict. Second, it has maintained a high level of coordination and joint work between the Member States, as a result of the gradual development of a common position, culminating in the Trust Fund for Peace. However, there remains the challenge of improving coherence in a third sense: linking the different areas of EU presence in Colombia.

As a final assessment, it is worth emphasising the innovation found in many of the approaches and operational mechanisms used by the EU in Colombia over two decades, especially after the Havana Agreement was signed in 2016. When these innovations are examined in depth, they provide interesting insights to illustrate and feed many of the recent debates in the field of Peace Studies. They also offers lessons that can be useful for moving beyond conventional formulations of liberal peace and, specifically, for broadening the normative and operational framework of European peacebuilding policies around the world.

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