

## COLOMBIA'S NEW REINCORPORATION POLICY, PART I: INTERNATIONAL AND NATIONAL HISTORICAL CONTEXT

In response to the issuing of CONPES 3931 in July 2018, in which the Government of Colombia (GOC) outlines its new reintegration/reincorporation policy, we begin this 2-part Spotlight with a detailed look at the international and national experiences of Disarmament, Demobilization, and Reintegration (DDR) which have informed the new policy. Through examples, this Spotlight shows how traditional approaches to DDR around the world have largely sought military and security objectives at the expense of host

communities and local, cultural, or gendered conceptions of rehabilitation and resocialization. In this context, reintegration has often been sidelined because of its complexity, which implies long time periods and diverse stakeholders, and DDR efforts have tended to overlook the needs of both former combatants and broader society which synchronism with transitional justice mechanisms would address.<sup>1</sup> Part II will draw on lessons learned to analyze the policy document itself in more detail.

## International Experiences of DDR

GUATEMALA<sup>8</sup>

Civil war from 1960 to 1996, with 600 massacres at the height of military repression in the early 1980s, and military and armed forces responsible for 93% of war crimes and human rights abuses. DDR responded to the historical mistrust of former combatants and was built around the protection of the fragile peace and the general public in a context of macro-level insecurity. Former combatants did not have control over these processes due to their lack of experience, fear, mistrust of the government and DDR programs, and limited literacy and economic capacity, and consequently felt vulnerable during negotiations and reintegration. However, studies highlight the benefits of providing former combatants with the political space to lead reconstruction efforts.<sup>9</sup> Legally recognized collectives of former combatants actively negotiated the purchase of collectively-held land to create a social, political, and economic model based on equality, where they emphasized the importance of being united, autonomous, connected, visionary, and setting an example for successful reintegration.

PHILIPPINES AND DEMOCRATIC REPUBLIC OF THE CONGO<sup>11</sup>

Experiences of community-based reintegration in these countries show that participatory communities eased former combatants' social reintegration, and reduced the need for them to organize amongst themselves.

## SIERRA LEONE

The 10-year civil war ended in 2002 and DDR for 76,000 fighters included 5-phase disarmament, transition through demobilization sites covering basic necessities, allowances, counseling, and transportation, and ending with in-community training for reentry into the local economy. Results showed that higher unemployment engendered greater dissatisfaction, and that former combatants who did not trust their historical enemies also did not trust democratic processes to resolve their concerns.<sup>2</sup> Reconciliation efforts were also found to increase communities' forgiveness and trust towards former combatants.<sup>3</sup>

NORTHERN IRELAND<sup>10</sup>

"The Troubles" 30-year ethno-nationalist conflict ended with the Good Friday or Belfast Agreement signed in 1998. The Agreement was largely concerned with the decommissioning of weapons and the "normalization" of former combatants, did not include a clear outline for demobilization, reintegration, or social and State reconstruction, and the political process was characterized by distrust. The success of DDR was largely thanks to released political prisoners' own initiatives and commitment to self-help, mutual aid, and community development under an inclusive umbrella organization.

ERITREA<sup>4</sup>

War with Ethiopia from 1998-2000 (final peace agreed in 2018). Ethiopian combatants (who lost the war) experienced failure and disaffection, while highly politicized and committed Eritrean insurgents led their own reintegration and reconstruction of liberated areas, drawing on family and community networks and the skills of self-help and self-reliance built during the war. However, former combatants often lack formal credentials and are therefore at a disadvantage in the job market, and in many cases reintegrate into poverty with limited employment opportunities, making training for work programs less effective in the short term. The 30% of combatants who were women, and who had experienced equality under arms, were largely rejected as partners in peacetime, and in general are less likely to benefit from cash payments, land redistribution, and training.

## UGANDA

By 2006, the government had displaced 90% of the population as part of its counterinsurgency campaign against the Lord's Resistance Army (LRA), meaning that DDR was implemented in displacement camps in which the lack of education and economic opportunities were compounded by

restricted mobility in a context of continued violence. In a conflict in which 26% of girls and young women and 47% of young male former combatants were abductees,<sup>5</sup> formal reintegration processes were largely based on the innocence of returning youth. This focus may increase stigma, however, and although teaching youth to internalize behaviors may be less threatening to family and community security, they also need to assert themselves and resolve conflicts in order to become full, active members of society.<sup>6</sup> Studies also show that former combatants were more trustworthy and trusted than civilians, and had greater community engagement.<sup>7</sup>



## National Experience of DDR

**1982-6<sup>12</sup>**

The Belisario Betancur administration created the “Unconditional Amnesty in Favor of Peace Law (35),” which focused on amnesty at the expense of planning for former combatants’ treatment beyond demobilization. Building on this law, the La Uribe contract and ceasefire were agreed in 1984, and the FARC formed the Unión Patriótica (UP) political party. However, a lack of security guarantees resulted in the assassination of 3,000 UP members.<sup>13</sup>

**1990-1998:**

Based on Virgilio Barco’s “Amnesty and Pardon Law (77)” for political crimes, and his subsequent “Peace Initiative,”<sup>14</sup> five left-wing guerrilla groups, the M-19, Quintin Lame Armed Movement (MAQL), Popular Liberation Army (EPL), Revolutionary Workers’ Party (PRT), and the Socialist Renewal Current (CRS) negotiated peace deals and enjoyed public acceptance and space for their legitimate political participation at the local and national levels thanks to four key factors:<sup>15</sup>

**International and domestic political and normative contexts**

Internationally, the end of the Cold War meant sympathy towards the rehabilitation of former outcasts, and amnesties and political reforms were justified in the name of democracy. Nationally, the negotiations and their outcome enjoyed legitimacy, and M-19 combatants were pardoned for their “political crimes.” This was considered fair, given the failings of the State and the “objective” causes of their rebellion.

**The nature and behavior of the illegal armed groups**

The M-19 entered negotiations with the GOC against a backdrop of violence and calls for dealing with the root causes of conflict (poverty and inequality). The group, which carried out symbolic actions against selected political targets, condemned drug trafficking during the DDR process, and proposed reforms to open the elite-controlled bipartisan political system, both avoided the degradation of war and cultivated a broad-based political identity to compete in democratic elections.

**The terms of the peace negotiation**

The M-19 had always considered becoming a political party, so addressed this during the peace negotiations. The group was framed as a political actor in the public sphere, and enjoyed bureaucratic and legal flexibility in its registration as a political party, was permitted to keep its financial assets, received government maintenance subsidies, and was guaranteed two seats in Congress.

**The practical dimensions of exercising political interlocution**

The M-19 (and some EPL and PRT members) went on to achieve electoral triumphs, including 3rd place in the Presidential elections, and 19 of the 70 seats on the National Constituent Assembly in 1990. However, the party faded from politics after 1998, having made political compromises, lost contact with their grassroots, reduced communication between members, and a lack of political know-how. More than 1,000 demobilized guerrillas were assassinated by peace spoilers.<sup>16</sup>

**Mid-1990s to 2002**

The growth of guerrilla and paramilitary groups, and security responses to them; the degradation of the war; rise of drug trafficking; perceived abuse of trust by the FARC during the 1998-2002 peace negotiations; and the post-9/11 “war on terror” caused a shift in public perceptions of armed actors as greedy, criminal, or terrorists, and resulted in calls for punishment and tougher human rights, security, and anti-drug regimes.

**2002-2006**

Alvaro Uribe won the 2002 elections and responded to these demands by pursuing peace talks with the AUC, with negotiations and DDR criticized for following a discourse of conflict rather than reconciliation.<sup>17</sup> The collective demobilization of 31,671 AUC members took place in a hotly-debated 18-month process shaped by changing international and national concerns:

**International constraints influenced negotiations and political reintegration**

Changes in international norms limit the granting of leniency to perpetrators, forcing governments to address the transitional justice issues of truth, justice, and redress, and to move beyond the military and security frameworks of traditional DDR programs.<sup>18</sup>

**Victim-survivor organizations challenged the 2005 “Justice and Peace” Law**

Although the Law set higher standards with regards human rights, it was criticized for its leniency and lack of robust mechanisms to ensure victim-survivors’ rights to truth, justice, and reparations.

**Public reticence towards paramilitary political participation**

The AUC negotiations were colored by public knowledge of massacres, drug trafficking, forcefully appropriated land, and political manipulation. In addition, the leadership did not share a clear political agenda or vision for reintegration, rather focusing on protection from extradition. The resulting agreement did not include transition instruments, and former combatants were not permitted to create political parties, but continued to influence Colombian politics “under the table.”<sup>19</sup>

**Limited satisfaction amongst former combatants**

Former combatants expressed doubts regarding State independence from paramilitary groups, collective demobilization mixing those deciding to demobilize and those following orders, and justice based on threat. Although the agreement established a National Commission on Reparation and Reconciliation (CNRR), DDR was implemented in isolation from this, and former combatants showed little awareness of national reconciliation efforts.<sup>20</sup>

**Limited consultation of host communities<sup>21</sup>**

Limited public consultation prior to the establishment of farms and shelters for people in the process of reincorporation (PPR) led to rejection and mutual fear, continued isolation, and further stigmatization. In addition, continuing mistrust and rancor indicate limited success in the adjudication of conflicts, redistribution of resources and power, and promotion of the rights and demands of victim-survivors and host communities.

**2006**

The High Council for Reintegration and its successor, the Colombian Reintegration Agency (ACR), led reintegration policies and programs from 2006, promoting a (mostly individual) reintegration route consisting of eight areas of attention: education, health, personal, citizen, productive, security, habitat, and family. The ACR has assisted 51,120 PPR, with 20,490 successfully completing the process, 12,103 receiving economic insertion benefits, and 70% finding employment.<sup>22</sup>

However, the psychosocial aspects of reintegration are more difficult to measure than economic indicators, and although community initiatives launched in 84 municipalities showed some success in that 81% of civilians participating in social organizations favor the inclusion of demobilized people, and 95% of former combatants felt that the ACR program helped them be of use to their communities, efforts were criticized as insufficient, and 41% of community members continue to view former combatants with fear and distrust.<sup>23</sup>

## A Note on Gender:

Gender roles in insurgent groups are often less marked than in civil society (although there is evidence of gender bias and rank privilege),<sup>24</sup> and women find they are limited to domestic, sexual, and reproductive roles when they demobilize. As a consequence, women often struggle with economic reintegration but find community reintegration easier than men, who struggle with stigma and building trust.<sup>25</sup>

Past DDR programs in Colombia have risked perpetuating gender stereotypes by not explicitly addressing the fact that women often care for children while men participate in DDR program requirements, thus reinforcing the patriarchal family unit with a gendered division of labor, and the continued devaluation of “feminine” characteristics. There is also evidence of the domestication of violence when men lay down their weapons, relinquishing a key component of their “militarized masculinity,” but often not gaining access to civilian symbols of masculine prestige (education, a legal income, or decent housing). When the benefits of DDR programs are dependent on the good behavior of former combatants, dependent women and families have limited opportunities to denounce abusive behavior.<sup>26</sup>

## Lessons Learned and Challenges in DDR:

- **DDR programs around the world have often prioritized security objectives** over the concerns of justice, thus sidelining the rights of both former combatants and victim-survivors. Reintegration should be developed alongside transitional justice mechanisms and include robust instruments for the achievement of historical clarification, justice, reparations, reconciliation, and non-repetition.
- **Improving the social vibrancy of host communities promotes the inclusion and legitimacy of DDR**, and reconciliation efforts increase communities' forgiveness and trust towards former combatants, as well as the latter's sense of belonging and community engagement. Community-based approaches which provide training and services jointly with communities should therefore be deepened to reduce stigma, build social capital and trust, foster inclusion, open spaces for restorative justice, and protect and promote the rights of former combatants and host communities. Efforts should also be made to raise awareness and ensure that reintegration occurs within the framework of national reconciliation and restructuring efforts.
- **Former combatants who trust their historical enemies are more likely to use democratic processes to resolve their concerns** and remain in the peace process. Trust in governments should be fostered through verifiable political will and timely implementation of peace agreements and the structural adjustments included in them, and by offering former combatants security and legal guarantees. These actions will mitigate against uncertainty and promote former combatants' commitment to the peace process, thus reducing recidivism.
- **Former insurgents are often highly politicized and committed**, and can draw on the skills of self-help and self-reliance built during the war. Their active participation in their own reintegration programs should be encouraged, and they should be provided with the space and funds to develop social, political, and economic models to transform conflict and lead the reconstruction of society.
- **Former combatants often lack formal qualifications and are therefore disadvantaged in the job market.** In addition, dissatisfaction,

crime, and recidivism are more likely if DDR means reintegration into poverty and limited economic opportunities. Reintegration should therefore be a stage in a long-term process to foster the economic revitalization of society overall, with efforts to formalize former combatants' credentials being accompanied by joint combatant-community training and educational programs.<sup>27</sup>

- **Insurgent groups that enjoy political legitimacy at the time of demobilization often do not enjoy long-term political successes.** In addition to economic and social considerations, reintegration efforts should also include guided preparation for political reintegration, and safeguards in terms of electoral advantages for several terms.
- **Public acceptance of former combatants may depend on the identity and conduct of the armed group from which they demobilize.** This should be taken into account in the design of DDR to ensure that reintegration runs alongside appropriate transitional and restorative justice mechanisms and national reconciliation efforts.
- **DDR programs can perpetuate gender stereotypes and inequalities**, indicating the need to offer further training in gendered approaches for DDR staff, open spaces for alternative masculinities within DDR programs, and make structural changes to dismantle gendered symbolic violence and socio-economic inequalities. This will involve the participation of men and women former combatants and civil society in general.
- **Children and youth are participating agents in their experiences**, and reintegration efforts can both increase stigma and limit their sense of self and options in civil society. Programs should consider young people's own sense of reintegration and the issues relevant to them in their daily life, and should teach them to assert themselves and resolve conflicts to achieve full, accomplished, meaningful identities and citizenship.
- **The transition from war to peace is a lengthy and complex process**, and reintegration programs should include medium- and long-term commitments, with appropriate legal frameworks, schedules, and resources for their fulfillment.
- **In the peace negotiation process, conflict transformation should be prioritized over the prior surrender of insurgent weapons.**

<sup>1</sup> Theidon, K. 2007, "Transitional Subjects: The Disarmament, Demobilization and Reintegration of Former Combatants in Colombia" *The International Journal of Transitional Justice*, Vol 1, p. 66-90.

<sup>2</sup> Humphreys and Weinstein, 2007, "Demobilization and Reintegration" *Journal of Conflict Resolution*, Volume 51:4, p.531-567.

<sup>3</sup> Bauer et al. 2017, *Trusting Former Rebels: An experimental approach to understanding reintegration after civil war*. *The Economic Journal*, 128, p.1786-1819.

<sup>4</sup> Rolston, 2007, "Demobilization and Reintegration of Ex-Combatants: The Irish case in international perspective." *Social & Legal Studies*, Vol 16(2), p.259-280.

<sup>5</sup> Annan et al. 2011, *Civil War, Reintegration, and Gender in Northern Uganda*. *Journal of Conflict Resolution* 55(6), pp.877-90

<sup>6</sup> Annan et al. 2009, "From 'Rebel' to 'Returnee': Daily Life and Reintegration for Young Soldiers in Northern Uganda."

<sup>7</sup> Bauer et al. Op cit.

<sup>8</sup> Janzen, 2014, "Guatemalan Ex-Combatant Perspectives on Reintegration: A Grounded Theory" *The Qualitative Report* Volume 19, Article 41, p.1-24.

<sup>9</sup> Rolston. Op cit.

<sup>10</sup> Ibid.

<sup>11</sup> Kaplan and Nussio, 2015, "Community counts: The social reintegration of ex-combatants in Colombia." *Conflict Management and Peace Science*, Col 35:2, pp. 132-153.

<sup>12</sup> Theidon, 2008, "Reconstructing Masculinities: The Disarmament, Demobilization, and Reintegration of Former Combatants in Colombia." *Human Rights Quarterly*, January 2008

<sup>13</sup> Ibid.

<sup>14</sup> Pares, 2015, "Los Indultos Otorgados en Colombia." Available at: <https://pares.com.co/2015/12/04/los-indultos-otorgados-en-colombia/>

<sup>15</sup> Guáqueta, 2007, "The way back in: Reintegrating illegal armed groups in Colombia then and now". *Conflict, Security, & Development*, 7:3, 417-456

<sup>16</sup> Ibid.

<sup>17</sup> Mesa, J.D. 2017, "Hacia una nueva mirada de la reintegración de desmovilizados en Colombia: conceptos, enfoques y posibilidades" *Revista CS*, 23, pp.105-133. Cali, Colombia

<sup>18</sup> Guáqueta. Op cit.

<sup>19</sup> Ibid.

<sup>20</sup> Theidon, 2007. Op cit.

<sup>21</sup> Ibid.

<sup>22</sup> Verdad Abierta, 2018, "Documento CONPES." Available at: <https://verdadabierta.com/wp-content/uploads/2018/07/CONPES-3931.pdf>

<sup>23</sup> Kaplan and Nussio. Op cit.

<sup>24</sup> Theidon, 2008. Op cit.

<sup>25</sup> Mesa. Op cit.

<sup>26</sup> Theidon, 2008. Op cit.

<sup>27</sup> For more information on the Colombian history of economic reintegration, see our Spotlight from May 2016:

[https://repository.oim.org.co/bitstream/handle/20.500.11788/1889/2.%20RPR%20Spotlight\\_Economic%20Reintegration\\_May2016.pdf?sequence=1&isAllowed=y](https://repository.oim.org.co/bitstream/handle/20.500.11788/1889/2.%20RPR%20Spotlight_Economic%20Reintegration_May2016.pdf?sequence=1&isAllowed=y)