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Colombian Peace Process: IOM Weekly Report

July, 2013



1. Background

On September 4, 2012, President Santos announced the signing of a General Agreement for Termination of the Conflict between the Government of Colombia and the FARC, setting in motion the fourth official peace talks with this group. The initial agenda includes: 1) integrated rural reform, 2) guarantee of functional political opposition and civic participation, 3) end of conflict (laying down arms and reintegration into civilian life); 4) drug trafficking; and 5) rights of victims. Preparatory talks started in Oslo on October 17, 2012 and substantive negotiations, in Havana, on November 19, 2012. An agreement on the first point on the agenda, integrated rural reform, was announced on May 26, 2013.

2. Key Developments from June 26 to July 2

Eleventh round of talks begins in Havana

Round 11 of talks began this Monday on the second agenda item: political participation.¹

Governors propose peace agenda to Santos

Colombia's 32 Governors met in Bogotá to create an agenda to assure political and social peace in a post-conflict context. The agenda will be proposed to Santos.²

Timochenko and Marquez face another conviction

A Villavicencio court condemned 22 FARC guerrillas to 40 years in prison on charges of terrorism, rebellion and homicide for an improvised bomb in August 2003 in the Department of Meta that claimed four lives. Top leader Timochenko and current negotiator Ivan Marquez are included in the 22.³

Inspector General requests investigation into Piedad Cordoba and FARC ties

The Inspector General believes new evidence from Mono Jojoy's recovered computer could prove a link between former senator Piedad Cordoba and FARC's Front 30 and has requested an investigation.⁴

Colombians not in favor of FARC impunity

¹ <http://www.elespectador.com/noticias/paz/articulo-430924-se-inicia-un-nuevo-capitulo-el-proceso-de-paz>

² <http://www.caracol.com.co/noticias/actualidad/gobernadores-del-pais-haran-propuesta-de-paz-a-santos-federacion-de-departamentos/20130627/nota/1923027.aspx>

³ <http://www.elnuevosiglo.com.co/articulos/6-2013-otra-condena-timochenko-y-m%C3%A1rquez.html> and <http://www.elespectador.com/noticias/judicial/articulo-429818-condenan-40-anos-de-prision-alias-timochenko>

⁴ <http://www.elespectador.com/noticias/judicial/articulo-430118-procuraduria-pidio-investigar-presuntos-nexos-entre-piedad-cordo>



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80% of Colombians surveyed disagree with FARC receiving impunity to allow their political participation, should a peace agreement be reached. The Gallup poll surveyed 1,200 people between June 15 and 24.⁵

3. Negotiations & Agenda

FARC reiterates request for delay in 2014 elections

FARC continues to push for a postponement of 2014 presidential elections to allow the Santos administration to see the peace talks through the end.⁶

FARC rejects disarmament

FARC Commander Pablo Catatumbo announced last Thursday that the group will not disarm, and suggested that alternatives existed to avoid the use of these weapons in conflict. Catatumbo emphasized any disarmament or cessation of the use of arms would require demilitarization of the Colombian countryside by the Armed Forces.⁷

Second agenda point: weapons for ballot boxes

GOC lead negotiator de la Calle expressed that “the central point underpinning this discussion is exchanging weapons for ballot boxes.” He furthered that FARC needs to recognize victims and reparations issues to earn the right to political participation.⁸

4. Other Voices

Farmer strike in Catatumbo continues

Vice President of the Catatumbo Farmers Association (Ascamcat) Juan Carlos Quintero stated the protest is due to the historic abandonment of the region and stalling in the creation of a rural reserve zone. They will not stop the strike until the GOC participates in the Regional Dialogue and Agreement Table. The farmers reneged on a meeting planned for July 2 in Bogotá when they learned Santos would not be present.

Demands include creating a rural reserve zone and suspending illicit crop eradication programs until alternative livelihoods can be implemented. The farmers have also denied allegations that they have received support from, or are affiliated with, FARC.⁹

⁵ <http://www.elespectador.com/noticias/paz/articulo-430624-mayoria-de-colombianos-rechazan-impunidad-farc>

⁶ <http://www.elespectador.com/noticias/politica/articulo-431098-constituyente-el-inicio-y-no-el-final-de-un-proceso-santos>

⁷ <http://www.elespectador.com/noticias/paz/articulo-430502-farc-reiteran-no-entregaran-armas>

⁸ http://www.eltiempo.com/politica/humberto-de-la-calle-sobre-participacion-politica-de-las-farc_12895682-4



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Context note: The Catatumbo region covers nine municipalities in Norte de Santander and is a strategic drug trafficking region.

5. International Context

Colombia to share information with NATO

In a first for Latin America, Colombia signed a Security of Information Agreement (to share information and security, counter-narcotics and counter-terrorism best practices) with NATO. Left-leaning South American leaders expressed discontent. NATO Ambassador Vershbow said “Allies have agreed to pursue tailored cooperation with Colombia on a case-by-case basis... the Security of Information Agreement does not formally recognize Colombia as a NATO partner but constitutes a first step for future cooperation in the security field.”¹⁰

Context note: Colombia previously participated in the 2011 NATO Conference on Building Integrity, in Monterey, California.

6. Timeline

⁹ <http://www.semana.com/nacion/articulo/campesinos-del-catatumbo-no-dialogaran-este-martes/349364-3> and <http://www.elespectador.com/noticias/politica/articulo-429810-campesinos-del-catatumbo-rechazan-senalamientos-de-infiltracion>

¹⁰ <http://www.globalpost.com/dispatch/news/afp/130625/colombia-signs-deal-nato-latin-america-first> and http://www.nato.int/cps/en/SID-5BD27A88-B376D2C3/natolive/news_101634.htm



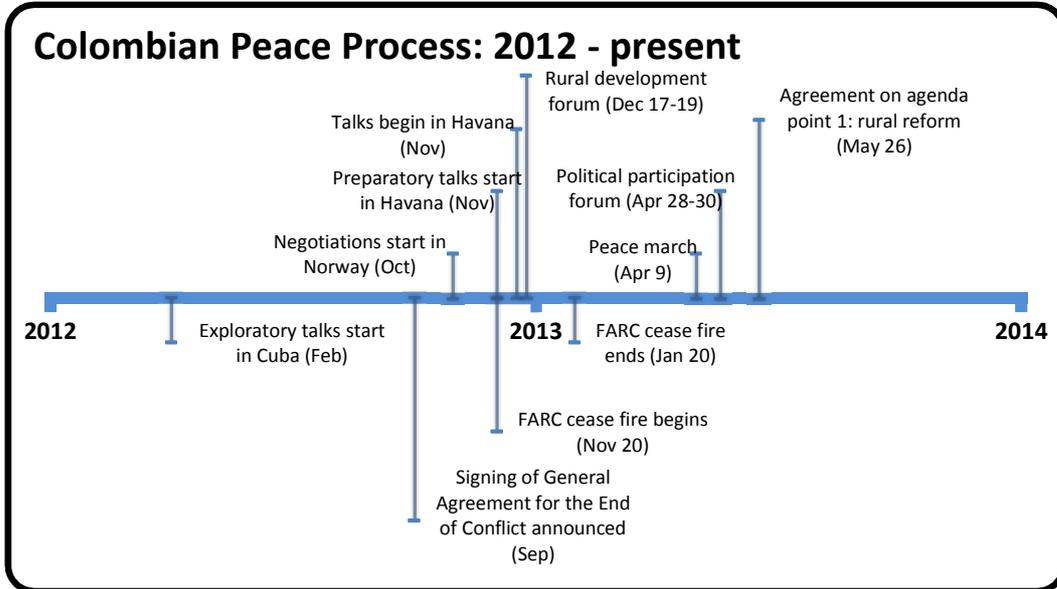
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7. Further Reading

In an opinion piece, Elisabeth Ungar Bleier posits that “political will” has become a cross-cutting concept in Colombia, applying to civil society as well as the public sphere, and will be responsible for the success or failure of peace.¹¹

¹¹ <http://www.elespectador.com/opinion/columna-430317-voluntad-politica-y-el-proceso-de-paz>



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2. Key Developments from July 3 to July 9

Possible peace process with ELN back in public agenda

In a joint communiqué FARC leader alias “Timochenko” and ELN leader alias “Gabino” affirmed “the need for peace.”¹² The ELN also stated that unconditional dialogues between the guerrilla group and the government were “urgent.”¹³ President Santos responded by saying that he was “interested” in the process¹⁴ but that the ELN must release all kidnapped victims, especially Canadian geologist Jernoc Wobert.¹⁵

Attorney General Montealegre changes tone on FARC political participation

Despite previous statements that he could see the FARC participating legally in politics, Attorney General Eduardo Montealegre stated that this possibility is becoming more as charges of crimes against humanity mount against FARC leaders. The Colombian Constitution does not allow anyone found guilty of crimes against humanity to participate in politics.¹⁶

3. Negotiations & Agenda

Latest dialogue round in Cuba ends without agreement on political participation

On July 9, the first round of talks regarding “the guarantee of functional political opposition and civic participation” ended. No agreement was reached.¹⁷ FARC also argued that “popular power” should be the “fourth branch” of the Colombian government.¹⁸ Recently, FARC released its 10-point agenda regarding the issue.

¹² http://www.eltiempo.com/politica/ARTICULO-WEB-NEW_NOTA_INTERIOR-12917790.html

¹³ <http://www.elespectador.com/noticias/paz/articulo-431945-eln-dice-urgente-iniciar-un-dialogo-incondicional-gobierno>

¹⁴ <http://www.elespectador.com/noticias/paz/articulo-431343-proceso-de-paz-eln-depende-de-liberacion-de-canadiense>

¹⁵ <http://www.elespectador.com/noticias/paz/articulo-431945-eln-dice-urgente-iniciar-un-dialogo-incondicional-gobierno>

¹⁶ <http://www.elespectador.com/noticias/judicial/articulo-432510-fiscal-reverso-frente-llegada-de-secretariado-de-farc-al-congres>

¹⁷ <http://www.caracol.com.co/noticias/actualidad/hoy-concluye-el-ciclo-en-la-habana-sobre-participacion-politica/20130907/nota/1929468.aspx>

¹⁸ <http://www.elespectador.com/noticias/paz/articulo-431369-farc-proponen-crear-un-cuarto-poder-el-poder-popular>



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FARC announce Constituent Assembly not non-negotiable

In a move that could change the dynamics surrounding the negotiations of political participation, FARC announced that any of their demands, including a Constituent Assembly, are not set in stone and that other options could be evaluated and negotiated. The government has firmly rejected the possibility of such an Assembly.¹⁹

FARC propose Army and Police be “forces of peace”

FARC has requested an “broad national debate” regarding the restructuring of the Army and Police Forces, including their reduction. The guerrilla group stated that the Colombian Armed Forces doctrine is based on Cold War thinking,²⁰ and that if the guerrillas lay down their arms, the Army and Police simply will not need so many members or guns.

Context note: Colombia is second in total military spending in South America; Brazil is in first place and Venezuela in third. Colombia is also in second place for military spending as a percentage of GDP, at 1.89 percent in 2010.²¹

4. Other Voices

Victims from Southern Colombia present proposals for peace

On July 5, in the southwestern city of Neiva, victims and social organizations from Amazonas, Putumayo, Caquetá and Huila met to present their proposals for the peace process. A total of 253 people attended the meeting, 53 percent of them women. The proposals – collected by the UN (the ninth such meeting since peace talks began) – were connected to the issues of multinational companies’ actions in the region and their role in the conflict, and regional truth processes involving civil society and armed actors. Participants asked for more information regarding the peace process and to be directly involved, as well as mechanism to monitor the potential agreements.

Protests continue in Catatumbo, FARC deny involvement

Protests that began on June 11 in the Catatumbo region continue despite negotiation attempts between peasants and the GOC. Many voices, including that of President Santos, have stated that the marches are infiltrated by FARC, a charge that both FARC and demonstrators have denied.²² Emails from the guerrilla group seem to imply a connection between FARC and protest leader

¹⁹ http://www.eltiempo.com/politica/ARTICULO-WEB-NEW_NOTA_INTERIOR-12917790.html

²⁰ <http://www.elespectador.com/noticias/paz/articulo-431855-farc-plantean-ejercito-y-policia-sean-fuerzas-paz>

²¹ <http://www.elnuevosiglo.com.co/articulos/5-2012-colombia-segundo-en-gasto-militar-en-la-regi%C3%B3n.html>

²² <http://www.elespectador.com/noticias/paz/articulo-432294-farc-niegan-infiltracion-crisis-del-catatumbo>

<https://www.anncol.eu/index.php/noticias/noticias-2013/3158-julio-8-comunicado-de-ascamcat-no-al-montaje-judicial-contra-nuestro-companero-cesar-ijerez>



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César Jérez.²³ Four people have died and 42 members of the Armed Forces have been injured since the demonstrations commenced.²⁴

Experts argue that FARC's change of tone has helped peace talks

Analyst Laura Gil and Minister of the Interior Fernando Carrillo stated that three recent statements by FARC have helped give a new, more positive rhythm to the peace negotiations, citing FARC's 1) position that the proposal for a Constituent Assembly is negotiable, 2) interest in dialoguing with ex-president Álvaro Uribe, and 3) recent meeting with ELN to help push forward an ELN peace process.²⁵

5. Further Reading

FARC proposals on the first point about guerrilla political participation

The second point of the original negotiating agenda is “the guarantee of functional political opposition and civic participation.” FARC has already presented its 10-issue list of discussion topics regarding this broader point, the first of which is “democratic State restructuring and political reform.” Just for this first issue, FARC set out 11 points for further dialogue:

- 1) Political participation and democratic State restructuring
- 2) Citizen participation and limits on the concentration of power
- 3) Citizen participation and popular power creation
- 4) Redesign citizen participation mechanisms
- 5) Citizen participation and decentralization process reform
- 6) Citizen participation and juridic-economic order redesign
- 7) Citizen participation and Police and Military changes
- 8) Citizen participation and democratic justice reform
- 9) Popular election for representatives to control organisms and other public institutions
- 10) Democratic political and electoral reform
- 11) Democratic electoral power reform²⁶

FARC has published the ideas behind each one of these points.²⁷

²³ <http://www.semana.com/nacion/articulo/catatumbo-correos-implican-lider-protesta/349856-3>

²⁴ http://wsp.presidencia.gov.co/Prensa/2013/Julio/Paginas/20130705_05-Presidente-solicito-llegar-conclusiones-rapidas-por-hechos-del-Catatumbo-dijo-el-Fiscal-General.aspx

²⁵ http://www.eltiempo.com/politica/ARTICULO-WEB-NEW_NOTA_INTERIOR-12917790.html

²⁶ <http://anncol.eu/index.php/colombia/insurgencia/farc-ep/comunicados-de-las-farc-ep/3132-la-delegacion-de-paz-de-las-farc-en-la-habana-presenta-once-propuestas-minimas-para-la-reestructuracion-democratica-del-estado-y-la-reforma-politica>.

²⁷ For more detailed FARC analysis of points 1.1 to 1.3, see <http://anncol.eu/index.php/colombia/insurgencia/farc-ep/comunicados-de-las-farc-ep/3132-la-delegacion-de-paz-de-las-farc-en-la-habana-presenta-once-propuestas-minimas-para-la-reestructuracion-democratica-del-estado-y-la-reforma-politica> ; for points 1.4 to 1.7, see <http://anncol.eu/index.php/colombia/insurgencia/farc-ep/comunicados-de-las-farc-ep/3146-julio-5-las-farc-presentan-los-puntos-1-4-1-5-1-6-1-7-para-las-propuestas-minimas-reestructuracion-democratica-del-estado-y-la-reforma-politica> ;



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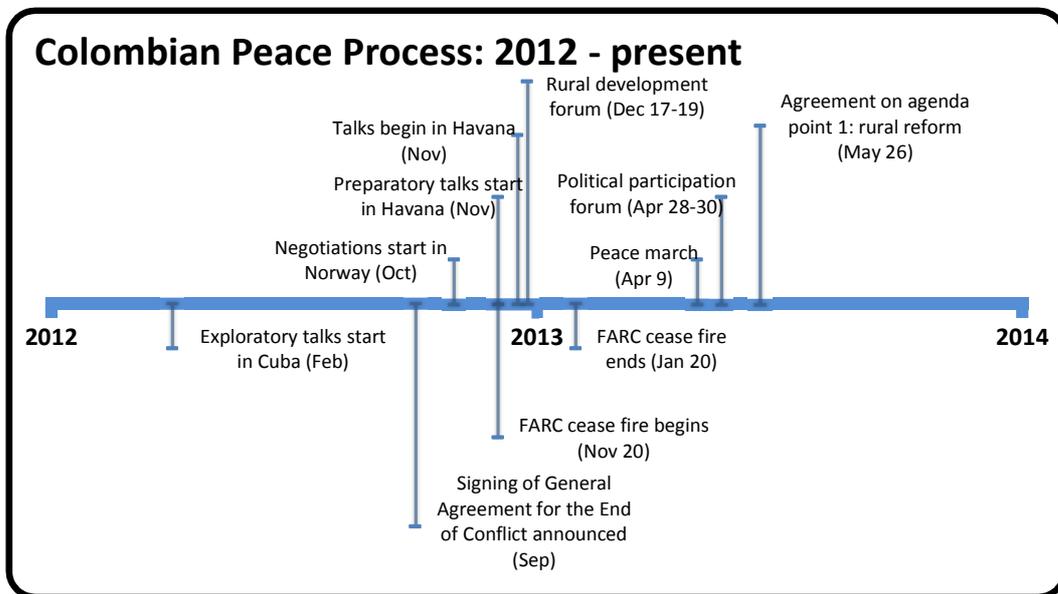
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FARC proposals: variations on a theme

Contributing to the debate on whether FARC has overstepped with their requests²⁸, Carlo Nasi, author and professor at the Universidad de los Andes, analyzes the 10 political participation points proposed by FARC. He argues that the 10 points are not full blown proposals, but rather discussion topics. At the same time, eight of the ten are directly related to the guarantee of functional political opposition and civic participation.²⁹

6. Timeline



for points 1.8 to 1.11, see <http://www.pazfarc-ep.org/index.php/2012-12-18-12-20-14/delegacion-de-paz-farc-ep/item/1335-propuestas-9-10-y-11-reestructuracion-democratica-del-estado-y-la-reforma-politica.html>

²⁸ <http://www.semana.com/nacion/articulo/de-santos-farc-jueguen-limpio/348643-3>

²⁹ <http://www.razonpublica.com/index.php/econom-y-sociedad-temas-29/6943-participacionpolitica-lo-bueno-lo-malo-y-lo-que-falta-precisar-en-el-decalogo-de-las-farc.html>



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2. Key Developments from July 10 to July 16

Unión Patriótica can return to elections ballot

A State Council returned political party status to the Unión Patriótica (UP). The FARC had requested that the UP be reinstated in their proposals on political participation earlier this year.³⁰ The new status means that the UP can receive state funding and run in elections.³¹ UP President Omer Calderón said that the party will assess whether they have enough popular support to participate in the 2014 elections.³²

Context note: After being established in the 1980s during GOC-FARC peace talks, the UP and its supporters were the targets of systematic violence due to the party's ties to the guerrilla group and its liberal ideology. The party's activity decreased in the 1990s and its political party status was revoked in 2002 as a result of new electoral laws related to representation.

Continued debates over GOC-ELN dialogues

A group of bishops called for the ELN to disarm and engage in negotiations with the GOC. The guerrilla group responded that peace should be achieved by making political reforms to reduce inequality, and that a ceasefire during peace talks would have to be bilateral, not unilateral.³³

3. Negotiations & Agenda

Debate over FARC commander political participation

³⁰ http://www.eltiempo.com/justicia/la-unin-patritica-recuper-su-personera-juridica_12921988-4

³¹ http://www.eltiempo.com/politica/claves-del-fallo-que-revivi-a-la-unin-patritica_12928187-4

³² http://www.eltiempo.com/politica/la-unin-patritica-dice-no-tener-afn-electoral_12928185-4

³³ <http://www.elespectador.com/noticias/paz/eln-descarta-desarme-iniciar-proceso-de-paz-gobierno-articulo-433685>

and http://www.eltiempo.com/politica/eln-insiste-en-que-no-se-desarmara-para-dialogar-con-gobierno_12929588-4

and <http://www.elespectador.com/noticias/paz/articulo-433077-eln-rechaza-el-gobierno-imponga-condiciones-dialogo>



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Attorney General Eduardo Montealegre stated that FARC high commanders cannot hold positions in politics due to their responsibility for crimes against humanity. FARC negotiator “Iván Márquez” responded that the AG’s comments impede the progress of the dialogues.³⁴

4. Emerging Challenges & Responses

40% increase in child disengagement from the illegal armed groups

The ICBF reported that the number of children disengaging from the illegal armed groups and entering their programs is up 42.7% from last year. The institution attends an average of 30 new young beneficiaries per month, and as of June 2013 had attended a total of 5,252.³⁵

President Santos attends ELN demobilization

30 members of the ELN demobilized together in Cali on Tuesday, representing the largest known demobilization from that group in its history. President Santos received the guerrilla members and congratulated them for opting to take advantage of benefits in Colombia’s DDR programs.³⁶

5. International Context

Santos-Maduro meeting date set

The long-awaited meeting between President Santos and Venezuelan President Maduro will take place on July 22 on the shared border. Venezuela was reconsidering its role as mediator in the current Colombian peace process after Santos met with presidential candidate Capriles of Venezuela. Meeting topics include security issues affecting both countries.³⁷

6. Timeline

³⁴ <http://www.elespectador.com/noticias/paz/el-fiscal-atravesia-palos-al-proceso-de-paz-ivan-marque-articulo-433677>

³⁵ <http://www.caracol.com.co/noticias/actualidad/se-incrementa-en-mas-de-un-40-el-numero-de-ninos-desvinculados-del-conflicto-armado/20131107/nota/1931280.aspx>

³⁶ <http://www.elespectador.com/noticias/judicial/santos-recibe-30-guerrilleros-del-eln-desmovilizados-articulo-434070>

³⁷ <http://www.elespectador.com/noticias/politica/santos-confirma-encuentro-maduro-tras-crisis-reunion-ca-articulo-434014>



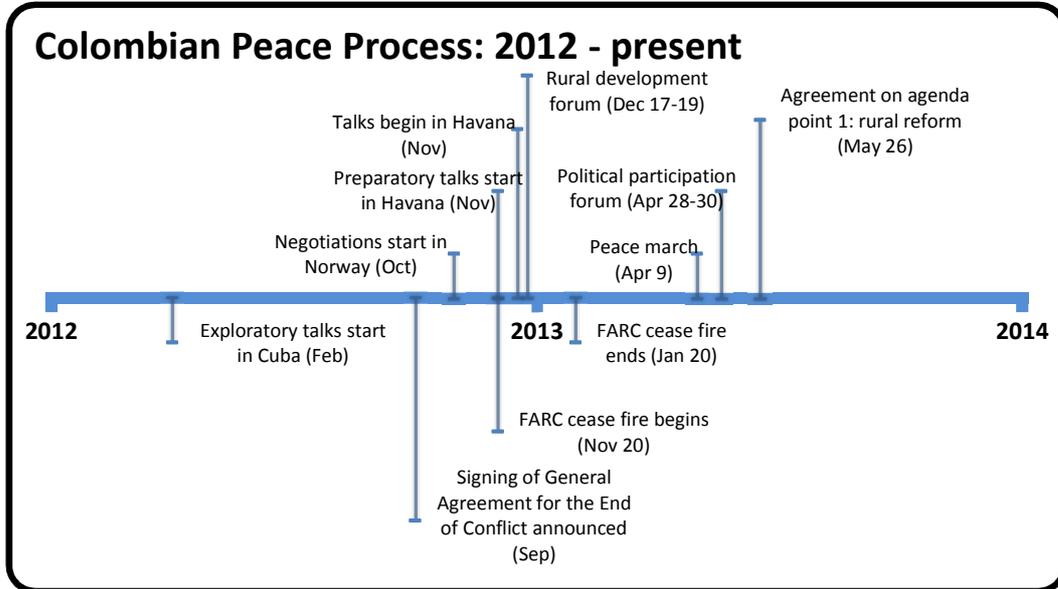
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7. Further Reading

Regional peace analysis

El Espectador published an analysis of territorial needs in terms of facilitating and sustaining peace. The article discusses decentralization and local investment by the State, as well as regional political participation.³⁸

The political economy of peace

Dr. César Ferrari of the Universidad Javeriana wrote an analysis of the political economy of peace after a possible agreement between the FARC and the GOC. In it, he evaluates the situation of demobilized combatants, inequality, and market competitiveness.³⁹

³⁸ <http://www.elespectador.com/noticias/paz/articulo-432667-paz-una-mirada-regiones>

³⁹ <http://www.elespectador.com/noticias/economia/politica-economica-y-paz-articulo-433452>



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2. Key Developments from July 17 to July 23

New Congress takes effect

Juan Fernando Cristo, one of the authors of the Victims' Law, was voted in as Senate President to replace Roy Barreras.⁴⁰ Cristo, who is expected to support Santos on the peace process, stated that three months is enough to reach a peace agreement. Due to its four-year term, this legislature will be the one in effect if a GOC-FARC peace agreement is reached.⁴¹

FARC to release kidnapped US soldier

Kevin Scott Sutay, a retired US marine, was on vacation in Colombia when he was kidnapped by the FARC on June 20th 2013. The guerrilla group has agreed to release the hostage as an act of goodwill in the framework of the GOC-FARC peace process.⁴²

3. Negotiations & Agenda

Delay to start of twelfth round

The GOC and FARC made a joint statement announcing that the twelfth round of talks will begin on the 28th of July, not the 21st as planned. The GOC wishes to dedicate as much effort as possible to its defense of the judicial framework for peace before Congress on Thursday.⁴³

Possibility of military political participation

A proposed constitutional reform to allow military personnel to participate as actors in social and political movements is being reviewed in the Chamber of Representatives. This could result in an expansion of the peace talks on political participation to include the military.⁴⁴

⁴⁰ <http://www.elespectador.com/noticias/politica/juan-fernando-cristo-nuevo-presidente-del-senado-de-rep-articulo-435017>

⁴¹ http://www.eltiempo.com/politica/juan-fernando-cristo-tres-meses-son-suficientes-para-llegar-a-un-acuerdo-de-paz_12940305-4
and http://www.eltiempo.com/politica/ultima-legislatura-del-actual-congreso_12941287-4

⁴² <http://www.elespectador.com/noticias/paz/embajador-de-eeuu-colombia-pidio-liberacion-de-militar-articulo-434988>

⁴³ <http://www.elespectador.com/noticias/paz/se-aplaza-reinicio-de-dialogos-habana-articulo-434491>



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Unease after FARC offer support to protesting peasants

GOC negotiators in Havana expressed unease after the FARC offered weapons and other support to the peasants in Catatumbo, who have been protesting for over a month.⁴⁵

Uribe supporters call for suspension of talks

Fifteen soldiers were killed in an ambush by 80 members of the FARC in Arauca on July 12th. Eleven guerrilla members that were injured during the combats were arrested in connection with the ambush.⁴⁶ Uribe supporters have called for a suspension of the peace talks until the FARC agree to a unilateral ceasefire.⁴⁷

4. Emerging Challenges & Responses

ELN demobilizations cause debate

The demobilization of 30 ELN members in Cauca last week was accused by some of being a state-sponsored falsification. This is due to the new-looking uniforms and guns sported by the combatants, and the significant number of them who demobilized. The Ministry of Defense has defended the veracity of the act and said that the uniforms and weapons were probably acquired on the black market. Semana Magazine also conducted a thorough investigation of the documentation and details of the demobilization, and found it to be trustworthy.⁴⁸

EPL wish to initiate dialogues

EPL commander Víctor Ramón Navarro, better known by his alias “Megateo”, did an interview with Semana Magazine in which he expressed the guerrilla group’s desire to initiate dialogues with the GOC. Megateo and the EPL are believed to maintain control over significant parts of Catatumbo and the cocaine that is produced in and moves through that region.⁴⁹

5. International Context

UNOHCHR extends term in Colombia

The UN High Commissioner for Human Rights, Navi Pillay, visited Colombia last week with the objective of renewing her Office’s presence in the country. The GOC approved this renewal, but limited the term to one year instead of the usual three. Pillay stated that Colombia must continue

⁴⁴ <http://www.elespectador.com/noticias/politica/tras-proceso-de-paz-militares-podrian-presentarse-candi-articulo-435386>

⁴⁵ <http://www.elespectador.com/noticias/politica/tras-ofrecimiento-de-farc-catatumbo-hay-desconcierto-ne-articulo-435397>

⁴⁶ http://www.eltiempo.com/justicia/soldados-asesinados-en-arauca_12941290-4 and

<http://www.semana.com/nacion/articulo/guerrilleros-responder-muerte-militares/351630-3>

⁴⁷ http://www.eltiempo.com/politica/uribistas-piden-suspender-dialogos-de-paz_12941982-4

⁴⁸ <http://www.semana.com/nacion/articulo/los-30-desmovilizados-del-eln/351384-3> and

<http://www.elpais.com.co/elpais/judicial/noticias/cuatro-grandes-dudas-sobre-desmovilizacion-guerrilleros-eln-cauca> and

http://www.elcolombiano.com/BancoConocimiento/E/ejercito_defiende_desmovilizacion/ejercito_defiende_desmovilizacion.asp

⁴⁹ <http://www.semana.com/nacion/articulo/megateo-capo-del-catatumbo/351401-3>



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to improve its human rights record, and that part of this effort would be to keep victims' interests at the forefront of the current peace negotiations.⁵⁰

Much-awaited meeting between Maduro and Santos

President Santos met with his Venezuelan counterpart, Maduro, in Puerto Ayacucho in Venezuela on Monday after weeks of tension following Santos' meeting with Venezuelan presidential candidate Capriles. Meeting topics included commerce, energy, and security. Maduro reiterated Venezuela's support for the peace process, and Santos his thanks.⁵¹

IDB will invest if peace agreement is reached

Inter-American Development Bank President Moreno stated that the Bank will invest in Colombia if a peace agreement is reached. He specified that the bank could have a role in expanding state presence in areas where it is currently relatively absent.⁵²

Congress for Peace in Colombia to be held in Venezuela

Social movements and prominent figures from around the world will attend the International Congress for Peace in Colombia in Caracas on the 4th- 6th of September. The objective of the event is to develop an international context that facilitates a GOC-FARC peace agreement.⁵³

6. Timeline

⁵⁰ http://www.eltiempo.com/politica/ofrezco-mi-asistencia-para-ayudar-en-la-paz_12939565-4 and http://www.eltiempo.com/politica/oficina-de-dd-hh-de-la-onu-acepta-prrroga-por-un-ao-en-colombia_12937020-4

⁵¹ http://www.eltiempo.com/politica/reunion-entre-juan-manuel-santos-y-nicolas-maduro_12942854-4

⁵² <http://www.elespectador.com/noticias/paz/bid-invertira-colombia-si-negociacion-de-paz-tiene-exit-articulo-435157>

⁵³ <http://anncol.eu/index.php/noticias/noticias-2013/3284-julio-18-hacia-el-congreso-internacional-por-la-paz-en-colombia-caracas-4-5-y-6-de-septiembre>



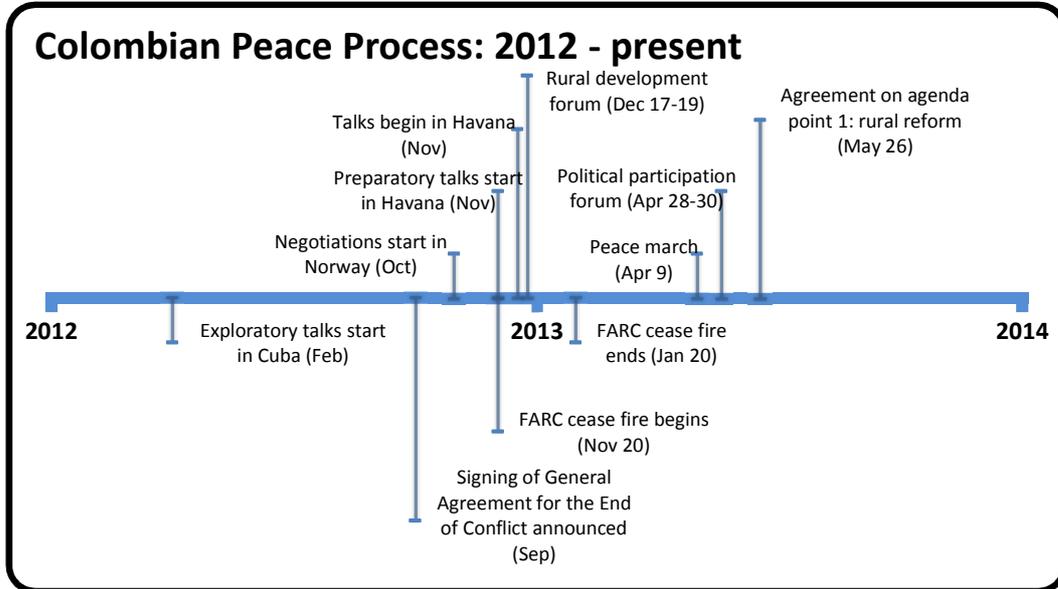
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7. Further Reading

Perspectives on the judicial framework for peace

Jorge Pretelt, a magistrate in charge of investigating the constitutionality of the judicial framework for peace, was interviewed by El Tiempo. He discussed possible arguments against the framework, and more general concepts related to transitional justice in Colombia.⁵⁴

Land Restitution Law most effective in reparations

An article in El Tiempo discusses the success of the Land Restitution Law in comparison with the Justice and Peace Law, which it believes has not served as many victims of the conflict.⁵⁵

⁵⁴ http://www.eltiempo.com/justicia/entrevista-a-jorge-pretelt_12941245-4

⁵⁵ http://www.eltiempo.com/politica/reparacin-de-tierras-con-cifras-superiores-a-justicia-y-paz_12938764-4



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1. Background

On September 4, 2012, President Santos announced the signing of a General Agreement for the Termination of the Conflict between the Government of Colombia and the FARC, setting in motion the fourth official peace talks with this group. The initial agenda includes: 1) integrated rural reform; 2) the guarantee of functional political opposition and civic participation; 3) the end of the conflict (laying down arms and reintegration into civilian life); 4) drug trafficking; and 5) rights of victims. Preparatory talks started in Oslo on October 17, 2012 and substantive negotiations, in Havana, on November 19, 2012. An agreement on the first point on the agenda, integrated rural reform, was announced on May 26, 2013.

2. Key Developments from July 24 to July 30

Judicial Framework for Peace debated in Constitutional Court

The Judicial Framework for Peace is the transitional justice foundation for the demobilization of illegal armed groups, their sentencing for crimes committed in the conflict, and the victims' right to truth. The document was debated in Constitutional Court on Thursday after a group of lawyers from civil society brought a case against it, claiming that it is unconstitutional. After speeches by representatives from all sides of the political spectrum, the vote at the end of this first debate was 17 in favor and 12 against the measure. The Court will continue discussing the document, with a final decision about its constitutionality expected in August.⁵⁶

The document is significant as it would govern the judicial processing and benefits of ex-FARC combatants if they demobilize as part of the GOC-FARC peace process, as well as guiding other transitional justice mechanisms such as a possible truth commission. More on the arguments surrounding the Judicial Framework for Peace can be found in "Further Reading".

Center for Historical Memory report published

The Center for Historical Memory published its report on 50 years of conflict in Colombia. The document states that 180,000 civilians and 40,000 combatants have died, 25,000 people forcibly "disappeared", 27,000 kidnapped, and at least 23,000 selectively murdered. There have been almost 2,000 massacres and at least 5,000 children recruited as combatants in illegal armed groups. The research and report were supported, among other entities, by IOM and USAID.⁵⁷

3. Negotiations & Agenda

New round of talks begins

⁵⁶ <http://www.semana.com/nacion/articulo/se-destapan-cartas-favor-contra-del-marco-juridico/351938-3>

and http://www.eltiempo.com/justicia/ponencia-daria-via-libre-al-marco-juridico-para-la-paz-en-la-corte_12949142-4

⁵⁷ <http://www.centrodememoriahistorica.gov.co/micrositios/informeGeneral/descargas.html>



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The twelfth round of GOC-FARC peace talks began in Havana on July 28. This round of talks will last until August 8 and focuses on the second point on the agenda – political participation.⁵⁸

FARC's 10 points on political opposition guarantees

The FARC presented 10 points on political opposition guarantees on Monday. They include: state financing for political opposition parties; measures to facilitate political participation by minorities; State commitment to fight against paramilitary activity; and reparations for the Unión Patriótica and other political parties who have been the target of political violence.⁵⁹ These new FARC proposals on political participation are additional to those made at the beginning of June when talks on this agenda point began.

Victims' representative to participate in negotiations

Minister of the Interior Fernando Carrillo spoke at the debate on the Judicial Framework for Peace. As he addressed the issue of fulfilling victims' rights in the peace process, he stated that when the talks progress to the point about victims reparations, a victims' representative will be invited to the negotiating table in Havana to talk with GOC and FARC negotiators.⁶⁰

4. Emerging Challenges & Responses

FARC reintegration could take 25 years

ACR Director Alejandro Eder stated that it could take up to 25 years to complete victims' reparations programs, reintegration programs for ex-combatants, and other initiatives to overcome the effects of the armed conflict in Colombia.

5. Timeline

⁵⁸ http://www.eltiempo.com/politica/nuevo-ciclo-de-conversaciones-en-la-habana_12953223-4

⁵⁹ <http://www.pazfarc-ep.org/index.php/2012-12-18-12-20-14/delegacion-de-paz-farc-ep/item/1368-desarrollo-del-punto-2-de-las-10-propuestas-minimas-de-politica-para-la-democratizacion-real-la-paz-con-justicia-social-y-la-reconciliacion-nacional.html>

⁶⁰ <http://www.wradio.com.co/noticias/actualidad/un-representante-de-las-victimas-se-sentara-en-la-mesa-de-negociacion-con-las-farc/20130729/nota/1941226.aspx>



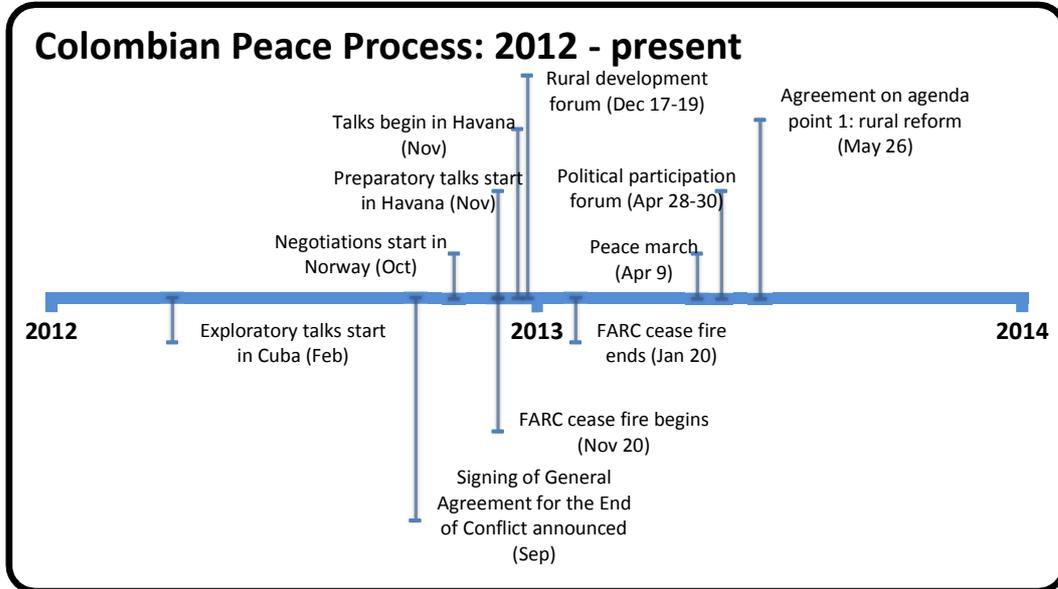
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6. Further Reading

Arguments for and against the Judicial Framework for Peace

Arguments for the Judicial Framework for Peace were made by the GOC and other political representatives who in general support the GOC-FARC peace process: 1) after 50 years of conflict, maximalist transitional justice proposals that aim to investigate all possible perpetrators of violence are not realistic; 2) mechanisms such as truth commissions that aim to clarify the facts will prevent impunity; 3) international norms prohibiting amnesties for human rights violations are flexible in the interests of peace as long as the victims' rights are upheld.

Arguments against the Judicial Framework for Peace are generally made by more conservative politicians: 1) international norms prohibit amnesties for human rights violations, and the selection of emblematic cases to be investigated leaves too many violent acts aside; 2) the Judicial Framework for Peace allows incomplete justice that does not fulfill the victims' right to truth, justice, and reparations, and will therefore be rejected by international transitional justice bodies; 3) the document is unconstitutional because it aims to suspend an article of the Constitution that requires the State to investigate all grave human rights violations.⁶¹

President Santos spoke at the debate, and focused on what he called false claims that the Judicial Framework institutionalizes impunity. He also admitted State responsibility for human rights

⁶¹ http://www.eltiempo.com/justicia/intenso-debate-por-marco-juridico-para-la-paz_12948362-4



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violations in the conflict.⁶² Gustavo Gallón, Director of the Colombian Jurist Commission who brought the case against the measure, also spoke at the debate.⁶³

“BACRIM are the result of a bad process”

The narco-paramilitary commander Daniel Rendón alias “Don Mario” gave an interview with El Tiempo. In it, he states that the bandas criminales or “BACRIM” (criminal groups) currently conducting widespread violent activity in Colombia are the result of a bad peace process with the paramilitary group AUC.⁶⁴ Reports indicate that some members of the BACRIM are ex-combatants from the AUC who did not reintegrate into society.

⁶² <http://www.semana.com/nacion/articulo/lea-discurso-integro-del-presidente-santos/351990-3>

⁶³ http://www.semana.com/upload/documentos/Documento_352018_20130725.pdf

⁶⁴ http://www.eltiempo.com/justicia/entrevista-a-alias-don-mario-sobre-justicia-y-paz_12946591-4