

DDR AND CHILD SOLDIER ISSUES

A MONTHLY REVIEW
DECEMBER 2016

USAID supports the International Organization for Migration (IOM) in Colombia through the **Recruitment Prevention and Reintegration (RPR) Program**. The RPR Program provides institutional strengthening for the Government of Colombia (GOC) to support legal, social and economic reintegration services to demobilized adults and disengaged children, as well as to prevent new recruitment.

The GOC supports demobilized adults through its **Colombian Reintegration Agency (ACR)**. The DDR initiatives of the ACR aim to fulfill the following objectives: 1) Create conditions for demobilized ex-combatants to become independent citizens, 2) Strengthen socio-economic conditions in receptor communities, and 3) Promote reconciliation.

Children and adolescents who disengage from illegal armed groups, recognized as victims, receive special attention through programs and policies led by the **Colombian Family Welfare Institute (ICBF)** through its Specialized Assistance Program, which aims to reestablish and guarantee rights with special emphasis on protection, education and health.

This monthly review, produced by IOM, provides a summary of news related to disarmament, demobilization and reintegration (DDR) in Colombia, along with statistics on ex-combatant adults and disengaged children.

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KEY DEVELOPMENTS

Amnesty Law Passes

On Wednesday, December 28th, Colombian Congress overwhelmingly passed the Amnesty & Pardon Law. The event marked the inaugural use of the Legislative Act for Peace Fast Track process, which was designed to accelerate legislative processes pertaining to the implementation of the peace accord. It was also the first step in implementing the peace accord between the FARC-EP and the GOC, signed on November 24th and passed through Congress on November 30th. The passing of the Law did much to alleviate the difficult to maintain tensions between FARC-EP members and the GOC and public forces that have persisted since the accords unexpectedly lost in the October 2nd plebiscite. It grants the FARC-EP the juridical security that they need to continue movement to the official transitional zones – an important advance in maintaining the momentum of peace accord implementation.¹ President Juan Manuel Santos signed the newly minted Law 1280 on December 30th.²

Colombian President Juan Manuel Santos receives Nobel Prize in Oslo

On December 10th, President Juan Manuel Santos received the Nobel Peace Prize in Oslo, Norway. During an on-site press conference, he emphasized the role that the Prize played in facilitating the new peace accords, and used the opportunity to urge the Constitutional Court to pass the “fast track” element of the Legislative Peace Act, which was, at the time, a worrying uncertainty for those eager to implement the peace accords.³

IMPLEMENTATION OF THE PEACE ACCORDS

FARC

Commission for Monitoring, Promotion, and Verification of the Peace Accord Implementation (CSIVI) launches

Thursday, December 1st, 2016 marked the official D-Day – or beginning of the implementation clock – for the final peace accords passed through the Colombian Congress. The following day, the GOC and the FARC officially launched the Commission for Monitoring, Promotion, and Verification of the Implementation of the Peace Accord (CSIVI). The Accords included in their design the work of the CSIVI, which will track the implementation of the peace accords on a constant basis for up to ten years, and whose members comprise three GOC and three FARC members who led the negotiations process in Havana. The CSIVI is one element of a three-pronged approach to ensuring fulfillment of the commitments outlined in the peace accords: the remaining two include the National Reincorporation Council (CNR) and the GOC-FARC-UN tripartite Monitoring and Verification Mechanism (MM&V). It is the role of the CSIVI to address all disputes between actors implicated in the accords that do not fall within the mandate of the MM&V.⁴

¹ <http://www.mininterior.gov.co/sala-de-prensa/noticias/con-amplias-mayorias-comisiones-primeras-aprobaron-proyecto-de-ley-de-amenistia>

² <http://www.elcolombiano.com/colombia/paz-y-derechos-humanos/ley-de-amenistia-e-indulto-para-las-farc-fue-sancionada-por-el-presidente-santos-HM5680801>

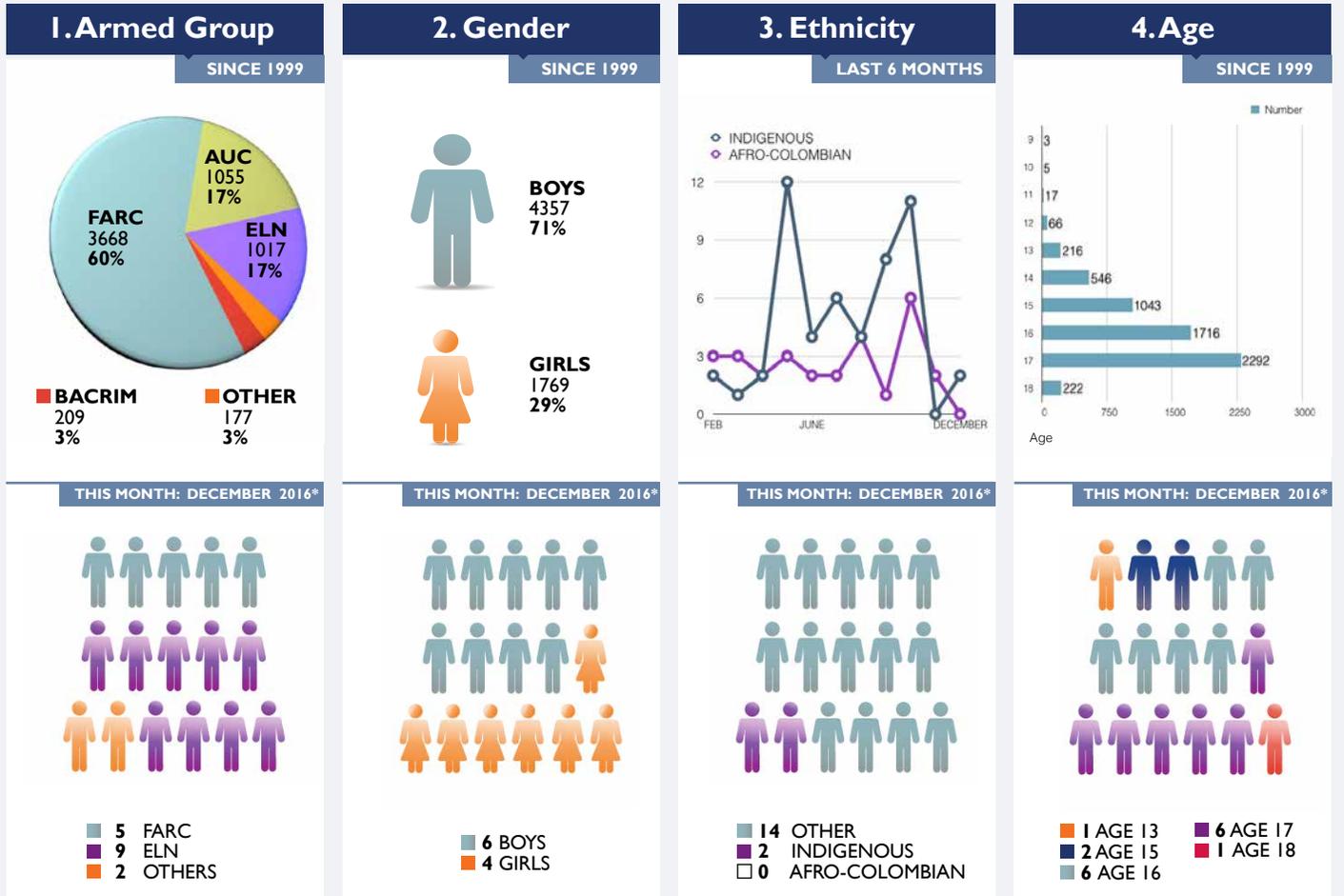
³ <http://www.semana.com/nacion/articulo/juan-manuel-santos-en-oslo-habla-del-acuerdo-de-paz/508624>

⁴ <http://es.presidencia.gov.co/noticia/161114-Comunicado-conjunto-numero-5>

FIGURES & TRENDS

* These data are estimates based on the information available

Disengaged Children & Adolescents TOTAL 6,126

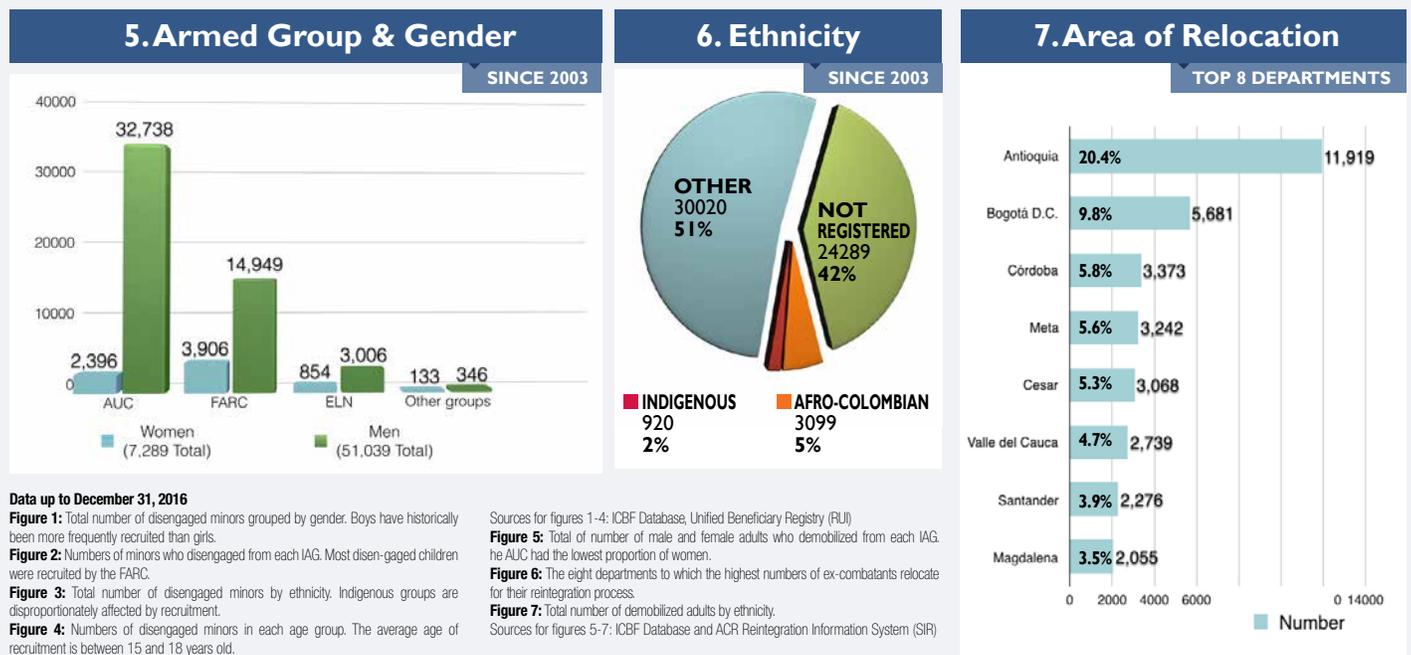


5: Victims of Forced Recruitment

TOTAL 8,039**

** Number of cases of child recruitment reported to the Victims Unit.

Demobilized Adults TOTAL 58,328



FARC movement to transitional zones experiencing early challenges

D+5 (Tuesday, December 6th) marked the day on which the FARC began to move to 27 transitional points and zones. However, some delays have occurred in the process due to logistical challenges in the regions and a lack of funding, reports GOC High Commissioner for Peace, Sergio Jaramillo.⁵ Another sticking point early on in the month related to the Constitutional Court delays on approving the Legislative Act for Peace, which was required to set the Amnesty Law proceedings in motion – a critical precursor for FARC willingness to move forward with laying down their arms. Without the guarantees included in the proposed Amnesty Law – namely, the suspension of a wide range of arrest warrants for crimes related to rebellion - FARC expressed concern about gathering in these zones, where insurgents might be collectively captured by GOC officials.⁶ As a result, FARC members decided to linger between their pre-grouping points and the transitional zones. This had the unfortunate effect of allowing time for other organized crime elements to close in on FARC locations, prompting concerns for an eventual confrontation.⁷

GOC prepares the names of individuals eligible for amnesty

Minister of Defense, Luis Carlos Villegas, announced on December 20th that the GOC and the Office of the Attorney General are developing a list of both state and non-state actors who will be charged with crimes related to the internal armed conflict with the end goal of determining who among them will be eligible for amnesty provisions. One important goal of this process is to ensure that those who benefitted personally from illegality in the armed conflict (e.g., drug traffickers or common criminals) do not likewise benefit from the amnesty provisions in the peace accord. These lists, which will eventually end up in the hands of the Special Jurisdiction for Peace - delineated within Point Five: Victims of the final accord - are to be evaluated on a case by case basis.⁸ President Juan Manuel Santos had previously suggested that roughly 4,000 guerrillas would gain their freedom under the Amnesty Law by the end of the year; another 6,000 would have clearly defined juridical statuses.⁹

FARC leader Rodrigo Londoño reports alleged harassment by the Colombian Army

Rodrigo Londoño (previous alias, ‘Timochenko’) reported to the MM&V an alleged violation of the bilateral ceasefire in Meta by nine members of the Colombian Army on the 20th of December. Londoño asserts that they had visual contact with the soldiers for two hours after they had entered, unauthorized, into one of the FARC pre-grouping zones.¹⁰ Army commander General Alberto José Mejía responded Thursday, saying that no such event occurred, and that the only Army movements in the area were in order to capture seven members of the ‘Clan del Golfo’ – an operation which did not occur within the FARC pre-grouping zones, according to the General. Mejía also called for the events to be brought before the MM&V in order to clear the Army of any wrong doing in this instance.¹¹

Monthly actions of the Monitoring & Verification Mechanism (MM&V)

On December 7th, the MM&V published a press release with their findings to date. The release contained six observations and four urgent challenges. The observations included the following: (1) the locations of all 27 transitional camps and zones have been identified; (2) both the GOC and the FARC have shared with the MM&V their member lists; (3) beginning D+5 (December 6th), the FARC started to move towards the transitional zones; (4) the MM&V has begun operating both in its national headquarters, and in six out of eight of its planned regional sites; (5) all members of the MM&V have been trained; and (6) the MM&V has worked to guarantee and resolve disputes regarding the Bilateral Ceasefire and Laying Down of Arms (CFHBD).

Among the major concerns are the following four items: (1) the habitability of the transitional points and zones; (2) logistical demands of maintaining the FARC in their pre-grouping zones; (3) Medellín and Quibdó regional site launches; and (4) improvement of the MM&V’s own operational and information processing capabilities.¹²

⁵ <http://www.elcolombiano.com/colombia/acuerdos-de-gobierno-y-farc/este-martes-iniciara-la-movilizacion-de-las-farc-a-las-zonas-veredales-AA5516714>

⁶ <http://www.elcolombiano.com/colombia/paz-y-derechos-humanos/avance-a-las-zonas-veredales-sigue-en-duda-LC5523195>

⁷ <http://www.elcolombiano.com/colombia/paz-y-derechos-humanos/mas-problemas-con-las-zonas-veredales-NY5562935>

⁸ <http://www.elcolombiano.com/colombia/acuerdos-de-gobierno-y-farc/gobierno-prepara-lista-de-querrilleros-que-seran-arnistiados-AX5617570>

⁹ <http://www.elespectador.com/noticias/politica/amnistia-promesa-de-fin-de-ano-articulo-671856>

¹⁰ <http://www.elespectador.com/noticias/paz/farc-denuncian-hostigamiento-del-ejercito-zona-de-preag-articulo-671642>

¹¹ <http://www.elcolombiano.com/colombia/paz-y-derechos-humanos/ejercito-dice-que-no-hubo-hostigamientos-a-farc-YF5632177>

¹² <https://colombia.unmissions.org/mecanismo-de-monitoreo-y-verificaci%C3%B3n-comunicado-de-prensa-primer-informe-de-actividades-del-mm&v>

Monthly actions of the Monitoring & Verification Mechanism (MM&V)

On December 9th, the MM&V released another statement regarding the November 12th confrontation between the FARC and the GOC, the first break in the ceasefire agreement that demanded the attention of the Mechanism. After finding operational errors on both sides, the FARC assumed responsibility for their part in the encounter, agreeing that they violated a protocol that prohibits them from engaging in any act that threatens the civilian population.¹³

On December 30th, the MM&V confirmed after its investigation that a member of the FARC-EP's 24th Front left his pre-grouping zone in Antioquia unarmed but nonetheless without previous authorization, additionally engaging in a "hostile verbal discussion" with a young person from the region. The unauthorized exit is a violation of the protocols in place for the management of the zone, and the MM&V subsequently recommended that the FARC-EP exercise greater control over its structures according to the established guidelines. The MM&V additionally responded to the governor's previous accusations of "constant movement" of minors in and out of this zone and of prostitution of these minors, noting that no evidence of such movements had been found over the course of their investigations.¹⁴

PEACE PROCESSES

ELN

ELN talks postponed until January 10, 2017

The GOC announced that, after consultation with ELN representatives, the public phase of the peace talks is rescheduled for January 10th, 2017. This postponement comes after more than a month of delay following the original proposed date of October 27th, a delay largely linked to the ELN's failure to release its final high profile hostage Odín Sánchez from Chocó. On December 1st, the ELN peace delegation member Pablo Beltrán also released a five minute video articulating his concerns with the slow-to-start peace process: the seemingly inflexible demands of the GOC, increased persecution of social leaders, especially on the left, intensified counterinsurgency operations against guerrillas, and the liberation of incarcerated ELN prisoners.¹⁵

ELN attacks cast shadow over hoped for January 10th launch of GOC-ELN peace negotiations

Despite rescheduling the public phase of the peace talks, the ELN guerrilla group continued to conduct attacks in certain regions of the country throughout the month of December. Colombian Minister of the Interior, Juan Fernando Cristo, denounced such an attack against a police station on the morning of the 22nd in the department of Cesar, in which shots and explosives against the station resulted in two injured police officers.¹⁶

Furthermore, on December 28th, an attack attributed to urban militias from the ELN occurred in the northern area of Bogotá, and resulted in one police officer killed and seven others injured by shrapnel.¹⁷ And while a new proof of life video was released on December 31st, chief GOC negotiator for the ELN peace talks, Juan Camilo Restrepo, asserted that, while the proof of life was a positive gesture, continued attacks by the ELN create unfavorable conditions for a bilateral ceasefire, and that the opportunity for dialogues will not endure indefinitely.¹⁸

INTERNATIONAL SUPPORT

United Nations Food and Agriculture Organization (FAO) to support rural reform strategy in peace accords

On December 7th, FAO Director-General José Graziano da Silva announced that the Agency UN Agency will support the rural reform component of the peace accords under its mandate to assist the GOC in safeguarding people's rights to property or access to land, forests, and fisheries. They will offer technical support and expertise in monitoring and evaluating Colombia's social protection programs linked to family farming. Da Silva noted that he hopes that the significant changes proposed in the peace agreement will contribute to diversified production, improved incomes, and responsible governance of land and natural resource tenure.¹⁹

¹³ <http://nacionesunidas.org.co/blog/2016/12/09/comunicado-de-prensa-mecanismo-tripartito-de-monitoreo-y-verificacion-mm/v/>

¹⁴ <https://colombia.unmissions.org/mecanismo-de-monitoreo-y-verificaci%C3%B3n-comunicado-de-prensa>

¹⁵ <http://www.arcoiris.com.co/2016/12/pronunciamentos-del-eln-y-gobierno-en-torno-a-los-dialogos/>

¹⁶ <http://www.elespectador.com/noticias/politica/el-eln-no-ha-querido-dejar-paz-los-colombianos-ni-navidad-articulo-671643>

¹⁷ <http://www.elcolombiano.com/colombia/atentado-del-eln-es-otra-barrera-en-los-dialogos-XE5677231>

¹⁸ <http://www.semana.com/nacion/articulo/juan-camilo-restrepo-habla-sobre-negociaciones-con-el-eln/511258>

¹⁹ http://www.un.org/apps/news/story.asp?NewsID=55751#.WG_zBFPhDIJ

European Union signs 600 million euros support package for Colombia

The European Union announced on December 12th a support package of loans, technical assistance, and grants totaling 600 million euros. The EU and its 19 member states have previously committed €1.5 billion to the peace process over the last 15 years.²⁰ Notable among this most recent backing is a fiduciary trust of €95 million for social programs supporting post-conflict development in Colombia, with a focus on rural areas of the country. Upon receiving the backing, President Juan Manuel Santos said that the funds would be used to support initiatives in Caquetá, Meta, Guaviare, Valle del Cauca, Chocó, and Cauca. The EU's High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, noted that the fiduciary trust will be used for projects related to the implementation of the peace accords and that promote reconciliation.²¹

International Fund for Agricultural Development (IFAD)

In mid-December, the Executive Board of the IFAD approved a new country strategy for Colombia, and with this strategy, ongoing commitment to supporting the country in the form of \$33 million USD to be invested in the country's rural areas between 2017-2018; this complements the existing allocation of \$70 million. IFAD operations in the country will focus on helping small farmers to increase their productivity, competitiveness, and income by providing them training, facilitating their access to means of production and strengthening their organizations. IFAD-funded projects will also improve small farmers' access to markets and financial and public services, with provisions for prioritizing disadvantaged groups such as rural women and youth, indigenous peoples, Afro-descendant communities and victims of the conflict.²²

Spanish Army trains Colombian troops in demining

The Spanish Army will be training Colombian troops in humanitarian demining techniques. Colombia is the country with the second highest level of casualties in the world related to landmine incidents, with 11,460 deaths registered between 1990 and September of last year. The Spanish Army has been conducting this work since an operation in Bosnia beginning in 1995, and developed its own competencies through deactivating ETA terrorist group explosives on its own soil. Despite these efforts, comprehensive intelligence on mine locations in previously FARC-held territories is still weak, and the effort to clear landmines in the country will face many challenges.²³

INSTITUTIONAL PROGRESS

Constitutional Court debates, approves constitutionality of Congressional approval of peace accords – Sets Fast Track in motion

On November 30th, the Colombian Congress passed the revised set of peace accords. Following, it was up to the Constitutional Court to determine whether or not the approval qualifies as a popular referendum. While some magistrates believed that members of the Senate and the House of Representatives do qualify since they were popularly elected, others argued that only another plebiscite or cabildo (community consultation) process would catalyze the Legislative Peace Act tied to the implementation of the peace accords.²⁴ That Fast Track mechanism is critical in that it would be required to implement the peace accords within the agreed-upon time frame. On December 13th, the Court voted 8-1 in favor of the accord approval process, setting the Fast Track in motion.²⁵ The first debate on the Amnesty and Pardon Law marked the inaugural use of the Fast Track mechanism, and the first step in implementing the peace accords between the GOC and the FARC.²⁶

Voices of Peace and Reconciliation to exercise citizen oversight over implementation of peace accords

On Thursday, December 15th, in the National Electoral Council announced the formation of "Voices of Peace and Reconciliation," the political group created to accompany the FARC in its transition to political life. The group will be responsible for ensuring citizen oversight over the implementation of the peace accords through participation (voice, but no vote) in only those Congressional debates related to the accords. They are not FARC members, nor are they the eventual party that the FARC will form; they are instead a transitional body of citizens permitted by the content of the accords to exercise oversight in the first nine months following D Day (December 1st). Their first action was to participate in Congressional debate on December 19th, when the conversations over the Amnesty Law began.²⁷

²⁰ http://europa.eu/rapid/press-release_IP-16-4292_en.htm?locale=en

²¹ <http://www.elcolombiano.com/colombia/con-fondo-fiduciario-arranco-en-firme-apoyo-de-la-ue-al-posacuerdo-DY5562500>

²² https://www.ifad.org/newsroom/press_release/tags/p83/y2016/36637916

²³ <http://www.efe.com/efe/english/world/spanish-army-trains-colombian-troops-to-clear-minefields/50000262-3127182>

²⁴ <http://confidencialcolombia.com/es/1/actualidad/27646/Contin%C3%BAa-debate-sobre-'Fast-Track'-en-la-Corte-sin-consenso-a-la-vista-Noticias-Confidencial-Colombia-Fast-Track-Acuerdo-de-Paz.htm>

²⁵ <http://www.eltiempo.com/politica/justicia/corte-constitucional-aprueba-el-fast-track-para-nuevo-acuerdo-de-paz/16772050>

²⁶ <http://www.semana.com/nacion/articulo/ley-de-ammnistia-en-el-congreso-que-es-la-ammnistia-para-las-farc/510813>

²⁷ <http://www.lapatria.com/nacional/voces-de-paz-y-reconciliacion-encargado-de-la-implementacion-del-acuerdo-en-el-congreso>

Colombian Armed Forces announce plan to increase offensive actions against FARC dissidents

On Monday, December 19th, General Juan Pablo Rodriguez, Commander of the Colombian Armed Forces, announced plans to directly combat the estimated 190 FARC dissidents, and to increase actions in territories that have been traditionally controlled by the FARC, but which are now under threat by other illegal armed groups. The Army will deploy an estimated 15,000 troops in order to protect the citizens living around the Pre-Grouping and Transitional Zones where the former guerrillas will be gathering over a period of 150 days in order to lay down their arms.²⁸

DIVERSITY ISSUES

Afro-Colombian female victims of the armed conflict host Women's Congress in Bogotá

On the first Friday in December, the Association for Afro-Colombian Women for Peace (AFROMUPAZ) hosted an all-day congress in the main plaza in front of the Presidential Palace in Bogotá: Congress of Exchange for Peace – In the Bodies and the Faces of Women. AFROMUPAZ is an organization comprising Afro-Colombian women victims of the armed conflict and has worked for more than ten years in social and humanitarian work defending the rights of women. This event received support from the Victims Unit, the Colombian Agency for Reintegration, USAID, IOM, UN Women, and the Presidential Council for Women's Equity, among others. The purpose of the event was to convene various artistic expressions promoting the Colombian peace agenda, and included works of performance and fine arts. The second day of the Congress included conference sessions attended by more than 500 women and featuring 10 national and international panelists.²⁹

Norwegian Center for Conflict Resolution (NOREF) calls for focus on minors and rural education for ending the conflict

In its December report, NOREF calls for the GOC to focus particular efforts on supporting the "Special Plan for Rural Education," the "National Plan for Education in Human Rights," and the successful reincorporation of minors exiting the FARC ranks components of the peace accords. The Center cites incriminating statistics on rural education and development to support their assertion that there exists a strong link between poverty, education access and quality, and decisions to arm and enter illicit activities. They note that 45.6% of the individuals living in rural areas experience multidimensional poverty, and that the number increases to 63.8% when ethnic groups and forcibly displaced persons are included. Half of all children in rural areas do not continue past the fifth grade. The report concludes that lack of education, job opportunities, and conditions of poverty have contributed to the ongoing recruitment of minors and perpetuation of the armed conflict.³⁰

FURTHER READING

Five years on: Significant challenges for land restitution to indigenous and Afro-Colombian communities

Certain decrees within the Victims Law of 2011 prioritize land restitution for ethnic and Afro-Colombian communities that have been victimized in the armed conflict. Marking the 5th anniversary of these decrees, Indepaz released a report on December 9th in which they highlighted the challenges facing land restitution claims for these communities. Of the 61 claims made by these communities (37 indigenous, 24 Afro-Colombian) since the Law went into effect, only four have been legally resolved, representing a mere 6% of the contested lands. The organization reports five key challenges to the process: lack of political will, public policies that work against land restitution to ethnic communities, illicit economies that complicate the process, lack of guarantees for non-repetition regarding impunity for the crime of violent displacement, and restitution without the guarantee of related rights.³¹

Worrying uptick in assassinations of social leaders

Various think tanks, social organizations, and government institutions released statements in December decrying the significant increase in threats against and assassinations of social leaders in Colombia that have surged, particularly in the final months of the year. Although official statistics vary, the United Nations, Ideas for Peace Foundation (FIP), and the Colombian Ministry of the Interior estimate somewhere between 52-71 homicides of social leaders, with more than 200 threats against the lives of others.^{32,33} According to FIP, indigenous leaders have been the most affected by these actions, with labor and other union leaders following, and finally other categories of social leaders occupying the third most threatened category. A comparison to the late 1980s-early 1990s massacre of more than 3,000 members of the Patriotic Union – a FARC-linked leftist political party – has been quick to emerge, especially given that some of those recently killed belong to the Marcha Patriótica political party. As a result of these killings, the Office of the Ombudsman created a working group, effective as of December 15th, in order to assess the risks posed to members of the Marcha Patriótica, and develop appropriate means of protection for them. However, uncertainty remains as to the extent to which these murders are systematically orchestrated, or the result of an organized paramilitary element. The most affected departments include the following: Valle del Cauca, Cauca, Antioquia, Caquetá, and Norte de Santander.³⁰

Last minute changes to final accord alleviate command responsibility for military leaders

The Colombian Association for Retired Military Officers (ACORE) successfully petitioned for the removal of automatic command responsibility from the final accord. Command responsibility holds military leaders accountable for the actions of their subordinates. Historically, such responsibility has been automatically included in transitional justice mechanisms because they operate independently from impunity proceedings and other already established legal norms. In this instance, however, responsibility for the actions of subordinates will not be automatically conferred to their commanders, but will instead require a comprehensive set of conditions to be in place. Namely, the superior officer needs to have had some knowledge of the criminal act before, during, and after its occurrence, as well as the means to prevent the act from occurring and/or conduct a follow up investigation. However, Razon Pública asserts that the exclusion of automatic command control both breaks precedent and reflects the strong degree of political control that the Armed Forces have in Colombia.³⁴

²⁸ <http://www.elcolombiano.com/colombia/paz-y-derechos-humanos/gobierno-ordeno-a-fuerzas-militares-combatir-190-disidentes-de-farc-AY5607288>

²⁹ <http://nacionesunidas.org.co/blog/2016/12/06/congreso-de-intercambio-por-la-paz-en-cuerpo-y-cara-de-mujer/>

³⁰ <http://reliefweb.int/report/colombia/el-verdadero-fin-del-conflicto-armado-j-venes-vulnerables-educaci-n-rural-y>

³¹ http://www.indepaz.org.co/wp-content/uploads/2016/12/7_12_16-publicacion-5-AN%CC%83OS-DL-VI%CC%81CTIMAS-E%CC%81TNICAS-1.pdf

³² <http://contactos.ideaspaz.org/t/r-EBD2DFCB19BA58FE2540EF23F30FEDED>

³³ <http://www.elcolombiano.com/colombia/marcha-patriotica-ha-perdido-125-integrantes-por-violencia-XX5514055>

³⁴ <http://www.razonpublica.com/index.php/conflicto-drogas-y-paz-temas-30/9926-el-conejo-a-favor-de-los-militares-en-el-acuerdo-final.html>