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***Transitional justice: a new approach in the
resolution of the Colombian conflict.
Details and outcomes of the rehabilitation
plan of former FARC-EP combatants under
the 2016 peace accord.***

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“Si no conocemos la verdad de lo que nos pasó, la verdad de lo que ha sido el funcionamiento del Estado, de las fuerzas militares, de la guerrilla, de la izquierda, de la derecha, de todo el mundo, no podemos entender porque estamos metidos en una tragedia tan grande”

*Francisco De Roux
President of the Commission for Truth, Coexistence, and Non-Repetition.
Después del fuego - Fragmentos de una transición (2002)*

Index

Introduction.....	5
Chapter 1 The historical, economic, and socio-political roots of the Colombian conflict.	7
1.1 Oligarchic democracy (1909-1940): a determinant factor in the understanding of the Colombian armed conflict.	7
1.2 The '20s and the economic growth together with social changes and unrest	9
1.3 The consequences of the global crisis in Colombia and the Liberal Republic (1930- '46).	12
1.4 Back to conservative rule and the explosion of violence.....	18
1.5 The dictatorship of Rojas Pinilla as an attempt for peace (1953-1957), and the Military Junta (1957-1958).	24
1.6 The Institutionalization of the National Front.	27
1.7 The '60s and the Pursuit of Development.....	29
Chapter 2 Actors, dynamics, and responsibilities in the Colombian Conflict.	35
2.1 The appearance of revolutionary groups in the second half of the XX century and the Villarica conflict.....	35
2.2 International policies' influence on the rise of Guerrillas in the 1960s.....	38
2.3 The "First-generation Guerrillas".....	39
2.3.1 The "Marquetalia operation".....	40
2.3.2 The FARC-EP, the ELN, and the EPL.....	41
2.4 The Role of Cuba.	44
2.5 The end of the National Front and the intensification of violence.....	46
2.5.1 The M-19.....	47
2.5.2 The '70s and a new agrarian reform attempt.....	48
2.5.3 The counter-reform to Law 135 with President Pastrana.....	49
2.6 Paramilitarism.....	50
2.7 Actors' strategies in the conflict.	51
2.8 The dimensions of violence and its investigation.	52
2.8.1 The impact of violence in numbers and armed groups' responsibilities.	54
2.9 Narcoterrorism.....	56
Chapter 3 Peace Negotiations: from the Betancur government in the 1980s to the presidency of Santos in the 2010s.	59
3.1 The 1980s and the boom in drug trafficking.	62
3.1.1 The U.S.-led war on drugs.....	62
3.2 The Betancur administration (1982-1986) and the new political discourse.....	64

3.3 The Barco administration.	67
3.4 Human rights and NGOs.	70
3.5 The 1990 elections: a pivotal moment in democratisation and the fight against guerrillas.	71
3.6 Gaviria’s peace negotiations.....	74
3.7 The 1991 Constitution.	76
3.8 The end of the 1990s: the decline of peace negotiations and the reinforcement of military strategies.	78
3.9 The 2000s and the military approach: the decade of Uribe.....	81
3.9.1 The Humanitarian Tragedy of False Positives.	84
3.10 The way back to institutional solution after the humanitarian tragedy with the Santos administration.	86
3.10.1 Santos and the FARC-EP peace talks.	89
Chapter 4	90
The 2016 Peace Agreement between the Santo’s Government and the FARC-EP.....	90
4.1 The points reached by the agreement.	94
4.1.1 Finally a proper agrarian reform: the RRI.	95
4.1.2 Political Participation of the FARC-EP and new openings for democracy and peace.	96
4.1.3 The Ending of the Conflict.....	97
4.1.4 A solution to the problem of illicit drugs.....	98
4.1.5 The Victims of the Conflict and the "Integral System for Truth, Justice, Reparation and Non-repetition".....	100
4.2 The Special Jurisdiction for Peace.....	102
4.3 Transitional and restorative justice approaches in the Final Agreement.	105
4.3.1 Amnesty and Pardon.	107
4.4 Economic support and social security plans for reintegration.....	109
4.5 Restorative measures in the sanctioning system of the JEP.	110
4.5.1 The reintegration phase before the implementation of TOAR in 2024.	114
4.6 Reincorporation Program in Data.	115
4.6.1 Life conditions of former combatants in the reintegration programs.....	117
4.7 Strengths and challenges of the JEP.....	118
4.8 FARC-EP’s dissidents and the refusal to disarm: the formation of the GAOR....	121
Conclusions.....	123
Bibliography.....	131

Abbreviations in the Text

AFP: Alliance for Progress

ANUC: National Association of Peasants

ARN: Agency for Reincorporation and Normalisation

AUC: United Self-Defence Forces of Colombia

BAC: Colombia's Banco Agrario

CNGSB: National Guerrilla Coordinator Simón Bolívar

CNMH: National Centre for Historical Memory

CNR: National Reincorporation Council

DAS: Administrative Security Department

DDR: Disarmament, Demobilisation, and Reintegration process

DPS: Administrative Department for Social Prosperity

ELN: National Liberation Army

EPL: People's Liberation Army

ETCR: Territorial Training and Reincorporation Spaces

FARC: Revolutionary Armed Forces of Colombia

FARC-EP: Revolutionary Armed Forces of Colombia – People's Army

GAOR: Residual Armed Organized Groups

GMH: Historical Memory Group

IACHR: Inter-American Court of Human Rights

ICJ: International Court of Justice

INCORA: Colombian Institute for Agrarian Reform

ISI: Import Substitution Industrialization Mode

JEP: Special Jurisdiction for Peace

M-19: Movement 19

MAQL: Indigenous Armed Movement Quintín Lame

NF: National Front

PCC: Colombian Communist Party

PDET: Territorially Focused Development Programs

PRT: Workers Revolutionary Party

RRI: Comprehensive Rural Development system

SIVJRN: Comprehensive System of Truth, Justice, Reparation, and Non-Repetition

SRVR: Truth Recognition, Responsibility, and Determination of Facts and Behaviours Chamber

TOAR: Works, projects, and activities with reparative-restorative content programs

UFCO: United Fruit Company

UN: United Nations

UP: Patriotic Union

URSS: Soviet Union

U.S.: United States of America

ZVTN: Transitional Veredal Normalization Zones

Introduction.

The Colombian conflict stands as one of the most protracted and complex armed struggles in modern history, characterized by decades of political upheaval, social unrest, and violence. This work provides a vision of the causes originating such a conflict and its consequences. In addition, it seeks to understand the long and complicated peace process undertaken by Colombia four decades ago to bring the conflict to an end. Particularly, this thesis will address the peace agreement signed by the government and the *Revolutionary Armed Forces of Colombia – People’s Army* (FARC-EP) in 2016. The implementation of such an accord signifies a pivotal moment in Colombian history, marking a departure from previous conflict-resolution approaches towards embracing transitional justice and alternative juridical measures. This work aims to analyse the effectiveness of these mechanisms in contrast to previous methodologies. To assess their efficacy, the outcomes of reintegration processes serve as key indicators.

This thesis provides an in-depth exploration of Colombia's economic, historical, and socio-political landscape, tracing its evolution from the 1920s onwards. It follows a trajectory characterized by social unrest, economic disparities, political polarization, and upheavals, leading by the late 1940s to widespread riots and, ultimately, to armed confrontation. The first chapter of this work explores the roots of the Colombian conflict, examining key events and circumstances such as oligarchic democracy, economic fluctuations, international influences, social upheaval, and shifts in governmental regimes. These factors are scrutinized as they played a fundamental role in the escalation of violence and political instability within Colombia, ultimately resulting in the eruption of a national armed conflict and the emergence of revolutionary armed groups. The second chapter will analyse the multifaceted nature of such conflict, exploring the emergence of the revolutionary movements and their characteristics; it will also deepen the roles of international actors, and the rise of paramilitarism and drug trafficking. It will provide an idea of the destruction caused by the conflict and its aftermath and will present data regarding the responsibilities of the various actors involved in the conflict. These first two chapters will provide an understanding of the complexity and brutality of the Colombian internal confrontations.

Once analysed the background of the conflict and its dynamics as well as the actors involved in it, their motivations and responsibilities, chapter 3 will shift from the study of the conflict to the study of its resolution. This chapter deals indeed with peace negotiation attempts, providing an overview starting from the Betancur government in the early 1980s and continuing until the 2012-2016 peace negotiations. These latest peace talks are analysed in-depth in chapter 4,

which is entirely dedicated to the negotiations between Juan Manuel Santos' government (2010-2018) and the FARC-EP. These are the ones resulting in the 2016 *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*. This chapter serves as the focal point of the thesis, offering a comprehensive examination of the agreement's fundamental components and ramifications. It delineates the core principles and mechanisms encompassing the rehabilitation of former FARC-EP combatants, reparations for victims, transitional and restorative justice approaches, agrarian reform, and political participation. Additionally, the chapter explores the challenges encountered during the agreement's implementation, as well as its shortcomings and achievements in reintegrating former combatants into society.

The conclusions drawn in the thesis underscore the transformative potential of the 2016 peace model in addressing the causes of the Colombian conflict. It emphasizes the importance of transitional justice mechanisms, reintegration programs, and reconciliation efforts in fostering sustainable peace. Furthermore, the thesis acknowledges the ongoing challenges and the need for continued efforts to consolidate peace and stability in Colombia. In sum, this work provides a comprehensive analysis of the Colombian conflict and the 2016 Peace Agreement, elucidating the complexities of post-conflict reconstruction and the pursuit of justice in a society ravaged by decades of violence. It underscores the significance of the Colombian experience as a case study for conflict resolution efforts, offering valuable insights into the complexities of transitioning from war to peace.

Chapter 1

The historical, economic, and socio-political roots of the Colombian conflict.

1.1 Oligarchic democracy (1909-1940): a determinant factor in the understanding of the Colombian armed conflict.

Colombia, from its beginnings as a Spanish colony until well into the 20th century, struggled with the dominance of oligarchies over the nation. The establishment and solidification of an oligarchic state were then a consequence of various historical, political, and economic factors. The influence of the oligarchy was not merely theoretical or hidden, it was evident through the connections among influential families who wielded power and shaped politics since colonial times, controlling not only political spheres but also significant sectors of society such as the press, business entities, and factors of production.¹ Colombian oligarchy has been criticised since the beginning of the 20th century for its monopoly on political and economic power as well as for its lack of representation of people's interests. However, as we will see in this chapter only by the early mid-half of the XX century figures like Jorge Eliecer Gaitán popularised the term "oligarchy". The expression denounced the presence of an elitist and wealthy group of the population controlling the government, the Church, the armed forces, and the economy. This phenomenon in Colombia has perpetuated its power through political competition between two traditional parties, the liberal and the conservative ones. Their rivalry has indeed cooperated to maintain their dominance over the country, excluding other parties from the political scenario, consolidating oligarchic control over the country's political system.²

This mechanism of dominance took the name of oligarchic democracy and characterized Colombia for almost the whole XX century. This type of constitution was theorized by Roberto Gargarella in *The Legal Foundation of Inequality (2010)*. Based on Latin American cases, Professor Gargarella detected and distinguished three constitutional

¹ Collins C. (1988) Local government and urban protest in Colombia. In *Public Administration and Development*, Volume 8, Issue 4.

² Bushnell D. (1993). *The Making of Modern Colombia: a nation in spite of itself*. University of California Press. Berkeley and London.

categories: conservative, liberal, and radical. The first category focused on preserving order and authority, safeguarding existing power structures, and upholding traditional societal values and practices (Gargarella, 2010: 90-152). Liberal constitutions instead had the primary concern to safeguard individual rights and limit the power of the state whether used to uphold conservative traditions or to address radical issues like inequality (Gargarella, 2010: 153-214). Gargarella's division of these two categories explains the rise of an oligarchic democratic system of governance in Colombia, resulting from the blending of conservatism and liberalism. Despite their differences, both liberal and conservative thinkers held an oligarchic view of governance: they were cautious about giving too much power to the population and both contend, even if for distinct reasons, that governance should have been overseen by elites. Therefore, Colombian politics and democracy have been characterized by elitism for almost four decades, despite the party in power.

The origin of this political structure in Colombia dates back to the “Republican Union” of 1909 (Wilde, 1978: 37). This was when the conservative president Rafael Reyes (1904-1909) after the civil war known as *la Guerra de los Mil días* (the War of the thousand days, 1899-1902) allowed the participation of liberals to his government to promote political and economic stability. This phenomenon found fertile ground in the peculiar formation of the Colombian state; indeed, the conservative and liberal parties represented the base of the Colombian political scenario since the formation of the republic back in the XIX century. Namely, in a state that was not consolidated yet, the two parties were already mighty formed and held the authority that the State, weak and fragmented, did not own. Bipartisanship was then the element politically integrating the nation and holding the monopoly of state administration. Such bipartisan authority was possible thanks to the weakness of the Colombian state and its fragmented and diversified presence all over the national territory. This party polarization, as we will see, led soon to a pronounced division among citizens who strongly identified with their respective parties, contributing over time to the emergence of waves of violence (Tufano 2023: 51). Therefore, a fragile state and strong parties were two of the ingredients for “*la Violencia*”, namely one of the most enigmatic rural phenomena of

South America, and to the general extreme violence that took place in Colombia.³ However, oligarchic democracy was not only a simple political setting with outputs limited to this sphere. It was rather a defining social trait of the state. Indeed, such a dynamic reflected and was at the same time the reflection of Colombians' social bonds, characterized by classism and strong inequality, in income as well as in opportunities and state facilities availability. The concentration of political and economic power as well as corruption and clientelism led to social exclusion and marked disparities. This form of elitist democracy therefore, as we will see further on, not only played a political role in the outbreak of violence but also a social one.

1.2 The '20s and the economic growth together with social changes and unrest

In the '20s Colombia was living through a moment of economic hype characterized by the boom of coffee exportations, oil resources, the growth of the banana commerce, and the receipt of an indemnity of 25 million dollars from the United States of America for the separation of Panama back in 1903. This period was called "*la danza de los millones*" (the million's dance), a flourishing moment coinciding with the Roaring Twenties that stimulated the state's investments.⁴ Public services were implemented as well as the working places in factories, encouraging migrations from the countryside to cities, sites where a new working class and syndicates started consolidating. While cities were quickly growing, in the international market the price of coffee and its demand rose to double. This for the Colombian countryside meant the implementation of cultivation, which awakened old disputes over land possession and, due to a lack of property rights, to agrarian conflicts.

Such a gap in owning titles originated in the previous century. Indeed, in Colombia during the second half of the 19th century, a distinct pattern emerged in land ownership compared to other Latin American countries (Tufano 2023). A new class of small peasant landowners began to form, influenced by the availability of vast expanses of unclaimed land, which by 1850 made up a significant portion of the national territory. As the export

³ Wilde A. (1978). Conversations among Gentlemen: Oligarchical Democracy in Colombia. In *The breakdown of democratic Regimes: Latin America* (pp. 28-81). The Johns Hopkins University Press. Baltimore.

⁴ Tufano, S. (2023). Colombia: una herida que no cierra – Los procesos de paz de los años ochenta, Ariel p. 52.

of crops and commodities gained success, there was a surge in the expansion of agricultural frontiers, drawing farmers to settle on these vacant lands and establish small communities. However, these settlements lacked formal property titles for the land they occupied. These peasants' autonomy generated conflicts with large landowners: as the peasants controlled their own means of production, they were not available to work on the estates. So, to resolve this problem, landowners took advantage of the lack of property titles of the peasants to dispossess them and force them to sell their labour to pay rent.⁵ However, through legislation favourable to settlers, such as Law 61 of 1874 and Law 48 of 1882, it was established the principle that whoever cultivated the vacant land was its legal owner. Despite this legal recognition, conflicts persisted, leading to confrontations between settlers and landowners. The structural changes of the 1920s reignited the peasants' resistance against the dominance of large landholdings. They started claiming and acting to have back their land, keeping alive their awareness of the endured injustices.⁶

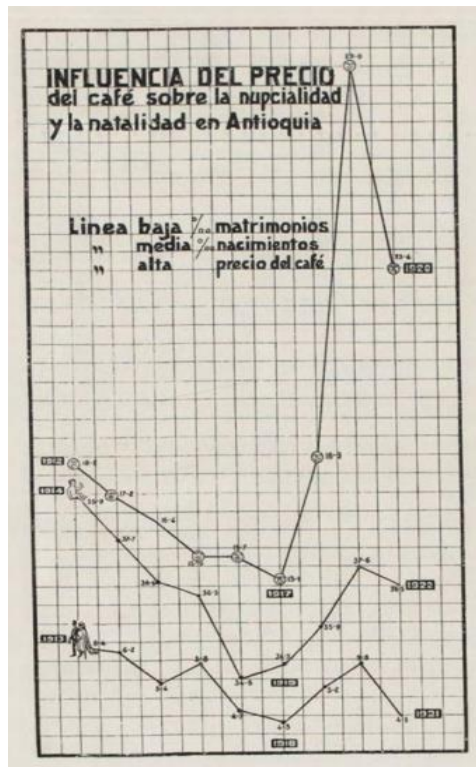
The rise of the export of commodities, especially coffee, characterized Colombian economic development and international relations as well as regional daily life and political rapprochement. Coffee producers belonging to both political factions associated, creating in 1920 the first Coffee Congress of Colombia and in 1927 a federation to promote and administrate the production of coffee and its fees. Colombia thanks to exports was involved in the international economy and started being influenced by this.⁷ A striking example of it can be found in a study of the historian Diego Monsalve (1927). Contributing in the first half of the XX century to the global analysis of Colombia, he demonstrated a direct link between international coffee prices and social indicators in Antioquia, the main Colombian coffee-producing region. He showed that fluctuations in coffee prices influenced marriage and birth rates, indicating the profound impact of the global economy on Colombian life. Rising coffee prices led to prosperity, increasing marriage and birth rates, while declining prices resulted in economic strain,

⁵ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 54-55.

⁶ LeGrand C. (1986) Los antecedentes agrarios de la violencia: el conflicto social en la frontera Colombiana, 1850-1936 - Pasado y presente de la violencia en Colombia. 2nd edition. Bogotá: CEREC.

⁷ Melo, J. O. (2017). Historia mínima de Colombia. El Colegio de México AC. P. 181.

discouraging marriage and ultimately reducing birth rates (image. 1).⁸ This correlation underscores the significance of the international market on Colombian societal dynamics, highlighting how changes in global economic conditions shape local communities and livelihoods.



Img. 1. Monsalve 1927, p. 206. “Coffee’s price influence on nuptiality and birth rate in Antioquia. “Lower line: % of marriages. Middle line: % births. Upper line: % coffee prices”.

Meanwhile, cities were experiencing labour strikes because of the uncontrolled rise in population numbers, the expansion of suburbs, unhealthy life conditions and non-existent guarantees related to work or proper public services. Moreover, new urban citizens experienced totalizing control by their employers and by the government, which required workers a complete devotion to work up to the sacrifice of their personal lives.⁹ Employees' working rights were regulated by internal rules decided by companies' administrators and were widely moral and patriarchal. New working standards and assurances arrived only in the second half of the '40s when less autocratic regulations for employees were imposed by the law.¹⁰ While in cities the Colombian working class

⁸ Monsalve D., *Colombia Cafetera*. (1927) Edition Banco de la República Bogotá 2016.

⁹ Tejada, L. (1919) *El espectador*, May 2, 1919. *La fiesta obrera*.

¹⁰ Arango, L. (1991) *Mujer, religión e industria. Fabricato 1923-1982*, Editorial Universidad de Antioquia Universidad Externado de Colombia. Medellín, p. 55.

was claiming social justice and better life and labour conditions, in the countryside, farmers were claiming property rights over lands occupied by landowners. As we saw above, a general gap in the title deeds of lands permitted landowners to take possession of lands originally (informally) owned by farmers, who were forced to sell their working force to freeholders to rent the land that once belonged to them. As in cities workers were organizing and claiming new rights under syndicates, in the countryside farmers formed category leagues and invaded their former properties in an attempt to limit the dominance of large estates.¹¹ This specific moment of the long Colombian agrarian conflict constitutes another ingredient in the phenomenon of violence in the country.

By the end of the decade, the onset of the Great Depression affected Colombia, abruptly interrupting its period of boom in commodities exportations. Due to worldwide excess of production, in early 1928 coffee prices began to fall. Then, the collapse of the international economy in 1929 further worsened the situation: alongside the fall in coffee prices in the international market, rural wages plummeted steeply by 50% to 60% meanwhile, with the suspension of foreign credits in 1929, public works projects were cancelled, and thousands of workers lost their jobs (LeGrand 1988). It was in this scenario and as a direct outcome of the economic collapse that, in 1930, after 30 years of conservative rule, Conservatives lost the presidential elections. This led to Liberal candidate Enrique Olaya Herrera taking office, marking the beginning of the Liberal Republic, a 16-year-long period during which six consecutive presidential terms were won by Liberal candidates.

1.3 The consequences of the global crisis in Colombia and the Liberal Republic (1930-'46).

Towards the end of the decade of 1920 but before the world crisis, the government of Miguel Abadía Méndez (1926-1930) was already losing support and dealing with riots in the country. Protests against governmental corruption and clientelism resulted in violent state reactions with the Banana Massacre of December 1928 being one of the most tragic and emblematic cases. Such a massacre and the precedent confrontations between striking workers and their employer, namely The United Fruit Company (UFCO), were pivotal events in Colombian history, with significant social and political

¹¹ LeGrand C. (1988). *Colonización y protesta campesina en Colombia 1850-1950* p. 144.

implications. The UFCO was a powerful U.S. corporation that had acquired vast land holdings in Colombia for banana cultivation destined for export to the United States. The presence and practices of the UFCO in the country were a source of tension, as the company wielded significant economic and political control over the regions where it operated. Workers of the UFCO were often underpaid and subjected to harsh and unsanitary working conditions. Additionally, the company was accused of corruption and exploitation practices, fuelling growing discontent among the labour force and the local population. Protests against government corruption and clientelism intensified, culminating in a strike by UFCO workers. The government of Abadía Méndez, already facing a crisis of legitimacy, responded violently to the protests by sending in the military to quell the demonstrators. The result was extreme brutality, with over 1000 striking workers estimated deaths in the Magdalena department, although contemporary sources initially reported a lower number of victims (img.2). These events highlighted the conflict between the interests of foreign corporations and the Colombian population, as well as the political and social tensions within the country. The Banana Massacre of 1928 became a symbol of the struggle for workers' rights and against foreign interference in Colombian politics and economy.



Img. 2. *La Prensa*, 14th of December 1928. “100 dead and 238 injured in the conflict in the banana’s region”.

Despite this national climate of social unrest and while the rest of Latin America was experiencing a wave of disorder in form of coups and military governments, the rising liberal leadership represented by Enrique Olaya Herrera, encouraged Colombian voters to participate in political life and debates through a process of popularization of politics;¹² politically oriented newspapers massively appeared as well as the first radios,

¹² Melo, J. O. (2017). *Historia mínima de Colombia*. El Colegio de Mexico AC. pp. 198.

tools spread from cities up to the countryside with educational and informative purposes for everyone. Indeed, the Colombian Liberal Party, since its founding in 1848, has represented a political current with a progressive and socially-oriented approach. Its ideology has focused on defending individual and social rights, advocating for reforms that promote equity, social justice, and greater state involvement in the economy. As we will see, it has supported measures such as state intervention to guarantee the welfare of the population, the protection of labour rights, and the promotion of social inclusion policies. It also affiliated with social democratic currents. In economic terms, it has advocated for redistributive policies and greater state regulation in key sectors of the economy.¹³ On the other hand, the Colombian Conservative Party has maintained a more traditional and conservative stance in political and social terms. Since its establishment in 1849, it advocated for the defence of traditional values, private property, and state authority. It has opposed radical changes and defended the established social order, as well as moral and religious principles. In economic terms, it has supported free market policies and less state intervention, promoting private initiative and property as fundamental pillars of economic development. Its focus has been on institutional stability and the protection of individual rights, but with an emphasis on personal responsibility and free enterprise.¹⁴

It was at the beginning of the '30s that the first signs of bipartisanship violence appeared. Indeed, the legislative elections of 1931 were prepared in a hostile climate: the two factions accused and attacked each other in legal and illegal terms and, while central dirigeants were trying to calm violence, local chiefs alimented conflicts. Even after the elections, when the liberal president Olaya formed a parity coalition government, conservative opposition was intense and aggressive. To grasp the events unfolding in Colombia, it is essential to contextualize them within what was occurring in the old world in the same years. While in Europe new ideologies like Nazism and Fascism were spreading, in the Latin American country a new group of young politicians called *los Leopardos* (the Leopards) appeared. It was an extremist group of students who introduced the rhetoric of European rights in Colombia, exacerbating the social and

¹³ Llano R. (2009) Historia Resumida del Partido Liberal Colombiano.

¹⁴ Directorio nacional Conservador (2020) Manual del Conservador. Bogotá. Available: <https://www.partidoconservador.com/wp-content/uploads/2021/04/Manual-del-Conservador-1.pdf>

political unrest in the country through propaganda and violent acts. The influence of Italian Fascism, Spanish Falangism, and German Nazism emerged and impacted the Colombian political landscape and daily life while, as we will see in the following paragraphs, popular reforms were implemented.¹⁵

The political clash temporarily lost intensity in September 1932 thanks to an exogenous cause: Peruvian forces took control of Leticia, a city situated in the Colombian Amazon, originating a conflict between the two countries. This external threat started up an unexpected wave of patriotism in a nation still grappling with the aftermath of Panama's separation.¹⁶ In 1903, indeed, Panama declared independence from Colombia with the support of the United States, which was seeking to build the Panama Canal. This separation left Colombia feeling weakened, as it lost control over a vital territory. Consequently, the Panama affair fuelled resentment and nationalist sentiments among Colombians, who perceived it as a violation of their sovereignty. However, while conservatives showed themselves as more fervently nationalistic than the ruling administration, the government answered to the belligerent act of Perú with undisclosed backing, signing an armistice agreement on the 24th of May 1933. Conservatives took advantage of the situation to depict the government as lacking in courage and, therefore, legitimacy, fortifying the conservative's militant rhetoric against liberals. To underline once more their opposition to the government, conservatives did not participate in the presidential election of 1934, leaving the path free of obstacles for the election of Alfonso López Pumarejo (Melo 2017: 200)

The new Liberal president Alfonso López Pumarejo governed until 1938 with a unified cabinet without parliamentary opposition. This was possible since, during his presidency, he implemented significant political and social reforms aimed at improving the living conditions of the working and peasant classes, gaining widespread popular support and diminishing parliamentary opposition. Additionally, he exercised strong political control over the country, consolidating his power and neutralizing opposition forces through strategic alliances and skilful negotiations.¹⁷ Therefore, the combination of popular policies, social reforms, and effective political control enabled López

¹⁵ Melo, J. O. (2017). *Historia mínima de Colombia*. El Colegio de México AC. P. 197-199.

¹⁶ *Ibidem*. P. 200.

¹⁷ *Ibidem*. P. 201.

Pumarejo to govern without parliamentary opposition and maintain a homogeneous cabinet throughout his presidential term. More in detail, he implemented a program called “*la Revolución en Marcha*” (the revolution in progress) a project aiming at modernizing the country which represented the first effective attempt to build a modern state out of Colombia. The *Revolución en Marcha* introduced the right to vote for poor people and analphabets, it promised state education, secularization, progressive taxation, and a solution to the agrarian matter. Moreover, the liberal government accepted forming together with the Communist Party a popular front called “*Frente popular*”. This was a new political coalition supporting syndicates and the working class which helped in the organization and resolution of strikes and demonstrations. The coalition allowed the Liberal Party to attract new supporters among academics, intellectuals, and leftist politicians, transforming the party into a flexible alliance between capitalistic sectors, trade unions and popular groups. Moreover, such a coalition brought the rising national working class to join liberals (Melo 2017: 201).

The Liberal Republic represented a moment of change in social rights: Laboral regulations were implemented, and politics became more inclusive in terms of cultural and social rights. Not only voting rights were extended to low-income male citizens, but for the first time, Colombian cultural and ethnic diversity was recognised by the government which designed new public spaces to encourage the daily interchange of people from different cultural and economic backgrounds. These encompassed the creation of parks, national universities, cultural hubs, the actualization of public education, and communal meeting spots like the *Museo del Oro*, which opened in 1939 in the capital valorising for the first-time indigenous culture through their art. Moreover, attempts were made to enhance public transportation and infrastructure which strengthened social exchange. During the liberal rule was also implemented a new interventionist economic policy through an accord signed in 1942 between the Colombian and the U.S. governments. It was a military and commercial agreement which aimed at promoting economic cooperation and trade between the two countries.¹⁸ The purpose was to enhance Colombian exports, particularly coffee and bananas, by establishing favourable trade conditions and securing access to American markets.

¹⁸ Leonard T., Bratzel J., (2007). *Latin America During World War II*. Rowman & Littlefield. Maryland.

Through tariff preferences for Colombian goods, the agreement aimed to boost exports and stimulate economic growth. In exchange, Colombia supported the United States in its efforts against Axis powers during World War II. The protocol marked a significant milestone in U.S.-Colombian economic relations, fostering increased cooperation and collaboration between the two countries. All these social improvements may have been limited and had scarce results. However, the *Revolución en Marcha* represented a turning point for Colombian politics: “López Pumarejo left a mark that all governments (...) had to respect. Social policies could not be erased, the modern university could not be eliminated, the sensitivity of the state could not be stopped, and interventionist economic policy could not be interrupted.” (Ardila Duarte Benjamín)¹⁹.

The Liberal Republic also postulated the antecedents for the collapse of oligarchic democracy. Indeed, during his second mandate, President López Pumarejo (1942-1945) gradually lost control over the political situation and entered a phase of institutional rupture. The opposition to the reformists' efforts of the *Revolución en Marcha* was growing, the political radicalization of parties was getting stronger and, in July 1944, during the final stage of the Second World War, an attempt of Coup took place in Pasto. In those years, indeed, Colombia experienced a social and political polarization between the Liberal and Conservative Parties. The president's social and agrarian reforms threatened the interests of conservative oligarchs, leading to violent opposition from some conservative factions. Political divisions were further exacerbated by differing views on cooperation with Axis or Allied powers during the II World War and the rise of far-right politics. The Pasto Coup took place when military officers stationed in Pasto attempted to overthrow President López Pumarejo while he was observing military exercises in the area. The president and his cabinet were held hostage, but the military ultimately refused to support the coup, showing the fragmentation of the army as well.²⁰ In this condition, López Pumarejo abandoned the presidency and was substituted by Lleras Camargo who formed a cabinet of National Unity that lasted until the end of the Liberal Republic in 1946 (Tufano, 2023: 59).

¹⁹ Ardila B., (2017) Alfonso López Pumarejo y la revolución en marcha. Banrepcultural. Online at <https://www.banrepcultural.org/biblioteca-virtual/credencial-historia/numero-192/alfonso-lopez-pumarejo-y-la-revolucion-en-marcha>. Last actualization: March 9, 2022.

²⁰ Banrepcultural, La red cultural del Banco de la República en Colombia.

1.4 Back to conservative rule and the explosion of violence.

In this period, another personality detaching from the Colombian political landscape was the lawyer and party leader Eliécer Gaitán, a controversial figure for both liberals and conservatives. He was more than a liberal dissident. He represented the extremely anti-oligarchic fragmentation of the party, was very close to socialist ideology, committed to the mobilization of popular classes and the opposition to oligarchy. As we will see, his figure influenced the results of the presidential elections of May 1946 and the democratic process that was taking place in the country. Indeed, in 1946 conservatives went back to power, and violence in the country intensified. This brought Colombia into the first phase of the political phenomenon known as *la Violencia*, a period of extreme political and social violence that occurred roughly between 1946 and 1966.²¹ The victory of the Conservatives was possible thanks to the internal division of the Liberal party which had on one side Julio César Turbay Ayala, namely the official liberal candidate presented to the election, and on the other side Gaitán, supported not by officialism but by the popular opinion (Img 3). That is why the return of Conservatives to power after 16 years of liberal rule, is thought to be a consequence of liberals' division and Gaitán's enormous popular support. Proof of his success was the fact that in the legislative elections of March 1947 (the first with senators elected by direct vote), the majority of votes went to the Gaitanist liberal branch.²² This was how Gaitán turned soon into the head of the party and the official candidate for the elections of 1950.²³

²¹ Tufano, S. (2023) *Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta*. Ariel. Bogotá. Pp. 60.

²² *Ibidem*.

²³ Karl, R. (2017) *Forgotten Peace. Reform, Violence, and the Making of Contemporary Colombia*. Oakland: University of California Press. P.43.



Img. 3. Photo of Sady González. El tiempo 02 de abril 2019. “The voice of Bogota”²⁴

The surge in political tensions and division between the Liberal and Conservative Parties that Colombia lived in the '30s would ultimately culminate in the late 1940s, giving rise to the brutal and tumultuous era known as *La Violencia*. While Conservatives were taking back state control, party violence was quickly intensifying. Political tensions between the Liberals and Conservatives manifested in violent confrontations, often leading to widespread suffering and loss of life. Such clashes occurred across various regions of Colombia, reflecting the nationwide scope of the conflict, fuelled by factors like socioeconomic disparities, land disputes, and ideological differences.²⁵ These events highlighted the growing political tensions and social divisions characterising Colombia during that period.

Political violence surged throughout the country, exacerbating the already volatile situation, up to the point that in February 1948 Gaitán organized a “silent march” in which a hundred thousand people took part. Representative of this moment is Gaitán’s speech known as the “Prayer for Peace” in which he asked President Ospina to stop the political persecution and the killings of liberals all over the national territory.²⁶ He recited: *“No screams, no applause, just black flags swaging and citizens begin for the end of public violence, for the stop of authorities’ abuses and unconstitutionality. (...) We only ask for the defence of human life, which is the least people can ask for”* (Gaitán,

²⁴ Rodríguez, J. (2019, April 3). El ritual de Jorge Eliécer Gaitán para dar discursos electrizantes. El Tiempo. <https://www.eltiempo.com/colombia/otras-ciudades/fragmento-del-el-hombre-que-invento-un-pueblo-de-antonio-caballero-345086>

²⁵ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 62-63.

²⁶ Ibidem. P.61.

Prayer for Peace 1948).²⁷ In March of the same year, Liberals left the government due to a lack of guarantees and violent threats. This was the situation in Colombia even before the intense explosion of the conflict on the 9th of April of 1948 (Tufano 2023: 61).

What gave the hint for a new phase of violence (detached from the previous for dynamics and intensity) was the *Bogotazo*, an episode of extreme violence that followed the pivotal moment of the murder of Eliécer Gaitán on the 9th of April 1948 (img. 4). However, the reasons beyond the Bogotazo's violence had deeper roots than just the pretext of Gaitán's killing. Indeed, a consistent part of the population was living a deep dissatisfaction toward societal dynamics, the state, and the economy, and was dealing with social exclusion. Moreover, besides the significant political polarization, on both sides, citizens were unhappy with the political system, which was perceived as corrupted and exclusive. So, the killing of the liberal leader in 1948 was just the peak of an unresolved social conflict, resulting from the exclusionarism of bipartisanship. Indeed, on the one hand, the conservatives were determined to maintain the status quo while, on the other, the radical liberals were determined to change social balances. This all culminated in the partial collapse of state authority and uncontrolled violence.²⁸

Beyond the deaths and the destruction of the Bogotazo (seen ahead) this event left behind an enduring and profound imprint on both Colombian society and its political landscape. This event was the undisputed proof that social structures in the country were changing and that those changes were undermining the maintenance of the oligarchic democracy characterizing Colombia (Wilde,1978). The ruling class could not deny the necessity of political changes, but it became significantly divided regarding which type of political modernization should have been led. On the one hand, the conservative Laureanist faction of the government represented the interests of landowners and capitalists, claiming an authoritarian political system based on the example of Francoist Spain; on the other hand, the liberal wing led by López Pumarejo

²⁷ Jorge Eliécer Gaitán, "Oración por la paz". Colombia nos une, Ministerio de Relaciones Exteriores. (n.d.). <https://www.colombianosune.com/content/Jorge-Eli%C3%A9cer-Gait%C3%A1n%2C-%E2%80%9COraci%C3%B3n-por-la-paz%E2%80%9D>

²⁸ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P.65-66.

and contaminated by Gaitán's ideas wanted to stimulate the industry through popular and democratic reforms. (Oquist, 1978).



Img. 4, 5. Photos: Archivo fotográfico de Sady González, Biblioteca Luis Ángel Arango.

It is widely understood that the Bogotazo which lasted approximately 10 days resulted in the loss of thousands of lives amidst the violence and its subsequent repercussions, precisely 2.585 following the studies of Oquist (1978). Photos capturing the destroyed centre of Bogotá became representatives of those days with dead bodies in the streets and trams set on fire (image 4,5). The damage to properties was widespread, leaving numerous areas of the city in ruins: the Colombian newspaper *El Tiempo* three days after the beginning of the riots was already talking about a “partially destroyed Bogotá” (image 6).



Img. 6. Newspaper El Tiempo 12, April 1948

Gaitán's killing represented the most serious episode of the socio-political tensions of that time, and, together with the Bogotazo and its aftermath, played a significant role in

shaping the course of politics in Colombia, leaving a lasting imprint on the nation's collective memory. Indeed, it delineated a pivotal moment: oligarchic democracy was compromised, the political period known as “La Violencia” began and the country collapsed. Violence was out of control in Bogotá as well as in the countryside since, even if the outbreak of violence and riots originated in the capital, they spread fast.

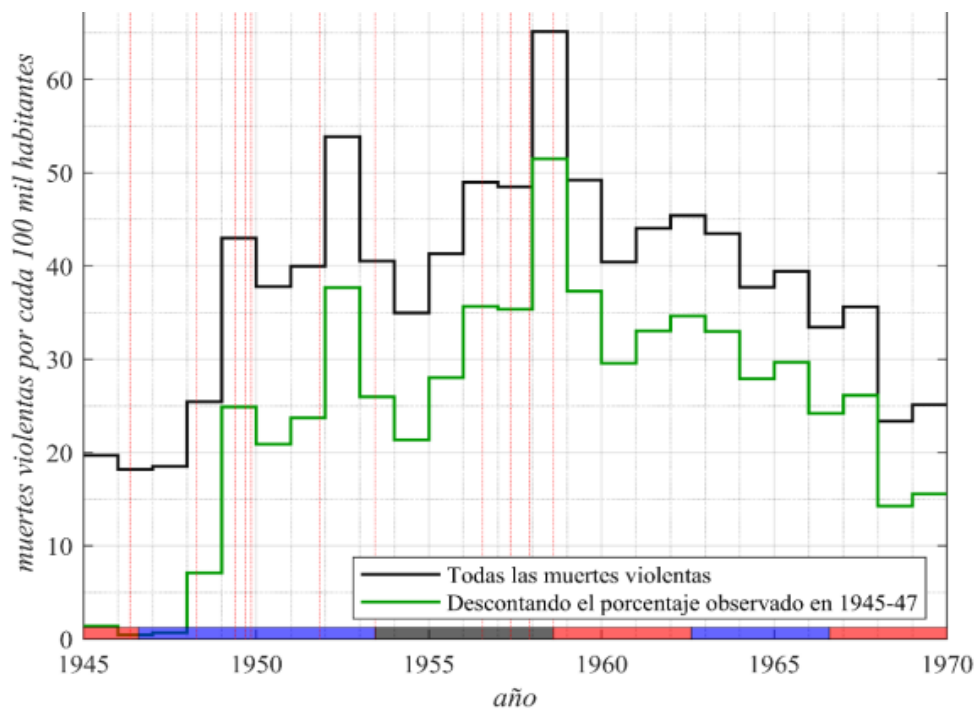
In those years ideological radicalization was more and more intense since Conservatives started perceiving liberals as a real threat, due to the growth in the support they gained in urban areas. In his work, Wilde (1978) argued that conservatives feared being excluded from the dynamics of power also because the social changes the country was going through were distancing Colombians from their strong adherence to the Christian faith, an element of significant support to conservative ideals. Indeed, they were devoting emphasis to principles like social rights and justice. Lined up with the Conservatives, the Church started calling liberals ‘communists’ and it started asking the population to not support them. This rhetoric selling liberals and communists as the same thing was supported by the closeness in political orientations between the two parties and the strategic coalitions they elaborated; an example being the formation of the *Frente Popular* during the first presidency of López Pumarejo (1934-1938).

However, such an anticommunist position was influenced by the eruption of the Cold War. Indeed, from 1947 the bipolar confrontation between the U.S. and the Soviet Union (URSS) caused the implementation of anticommunist measures in the regions influenced by the U.S.. This international pressure together with national influences of anti-Marxist elites over governments, meant for Latin America the banning of communist parties and the removal of communist union leaders.²⁹ In this scenario Colombia did not represent an exception. Indeed, after the death of Gaitán, the government of Ospina started persecuting the members of the Colombian Communist Party (PCC). He also closed the Congress and decreed a state of emergency, consequently putting into effect a series of extraordinary measures, like imposing discretionary oversight on the press (that is censorship) and enforcing a strict prohibition on public assemblies and meetings.

²⁹ Pettinà, V. (2022) A compact history of Latin America’s Cold War. Chapel Hill: University of North Carolina Press. P. 43-44.

These events officially determined the end of oligarchic democracy, and the faltering of the established two-party system.³⁰ Liberal governors were removed from their official capacities, whispers of an impending civil war in Colombia like in other Latin American countries were spreading, and during a parliamentary debate, the conservative member Gabriel Sierra reportedly shot Liberal legislators.

At the beginning of the '50s in Colombia the instability was deep; Only Laureano Gómez, head of the conservative party, ran for the election of 1950. Indeed, even though the Liberals secured the majority in Congress, at the end of 1949 due to the precarious state of public order and the killings of his brother for alleged political motivations, the only liberal candidate Darío Echandía withdrew his candidacy.³¹ As we can see in image 7, in the '50s Colombia reached a level of violence and killings never reached before; a peak of violent fatalities coinciding with the clue of tension between the Liberal and Conservative factions. Also, the year 1949 took profound significance for the county: from that moment on the numbers of victims of violence remained persistently high, reaching higher peaks but never returning to pre-1940s levels.



Img 7. Death rate and fatal years of Violence in Colombia, 1945-69. Source: Cuadernos de historia económica. Y- axis: Violent deaths every 100.000 inhabitants.

³⁰ Henderson, J. D. (1984). Cuando Colombia se desangró: un estudio de la Violencia en metrópoli y en provincia. Bogotá: El Áncora Editores.

³¹ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 65.

1.5 The dictatorship of Rojas Pinilla as an attempt for peace (1953-1957), and the Military Junta (1957-1958).

In November 1951, Roberto Urdaneta was appointed to take charge of the presidency since President Gómez travelled to Spain due to health issues. One year and a half later, on the 13th of June 1953, General Gustavo Rojas Pinilla peacefully seized power in an initiative that, despite being peaceful and subsequently ratified by the Congress, was in every way a coup d'état. Ospinists (Ospina's supporters) and Alzatists (a group of military and politicians against the government) were the ones that around May 1953 began seeking support from the army against the feared return of Gomez to the presidency, fear that became reality on June 13 of the same year. Therefore, the army commander Rojas Pinilla (former minister of Ospina's presidency) together with the Alzatists and other generals reacted to forcibly remove Gómez. Once President Gómez was dismissed Urdaneta and Ospina were asked to assume the presidency, but both refused.³² This was how Rojas in 1953 took power until 1957 with the first military coup in the country since 1854 (image 8).

Despite Rojas Pinilla's closeness to the Conservative Party, his regime went beyond the traditional divisions between conservatives and liberals. During his government, the General adopted policies that often challenged conventional ideological lines, making it difficult to classify him accurately within a strict ideological spectrum. Indeed the dictatorship took place as an attempt to end the cause of bipartisan violence, namely the mere run for power of the two parties. Rojas in his inaugural speech presented the dictatorship as a peace agent: he enunciated the importance of putting an end to political violence and destructive actions from any party to guarantee peace, rights, freedom, and justice for all citizens, with special attention to less privileged social classes.³³ Colombians were facing the rhetoric of a non-partisan political strategy for the first time in the century. Since there was no doubt that the violence that was gripping the country was the result of the clash of bipartisanship, the army untied by both Liberals and Conservatives, thought to be able to guarantee peace and order.

³² Melo, J. (2017). *Historia mínima de Colombia*. El Colegio de México, Turner. Madrid. P. 220-221.

³³ Señal Memoria. (November 4, 2021). *Discurso de Posesión de Gustavo Rojas Pinilla*. <https://www.senalmemoria.co/timeline/discurso-de-posesion-de-gustavo-rojas-pinilla>



Img.8, El País, 14, July 1953, Cali (COL). "Rojas Pinilla took office. Absolute tranquillity reigns throughout the country"

<https://www.labernardi.com/wp-content/uploads/2021/01/Rojas-El-Pa%C3%ADs-scaled.jpg>

On the one hand, the government of Rojas in 1954 achieved the right to vote for women and, thanks to his speech on amnesty and guarantees, and the decrease of violent deaths in the national territory, Liberal combatants were allowed to go back to living in their villages, previously abandoned due to forced displacement. However, on the other hand, the new government did not maintain its promises to support the reconstruction of the countryside affected by the conflict up to that point (Palacios, 1995). Rojas also intensified censorship, closing historical national newspapers like *El Tiempo* and *El Espectador* which opposed the dictatorship since its beginning. He also forbade the radio, namely one of the main educational tools used in the country to reach isolated areas, to transmit any political information or debate.³⁴ In 1956 it was evident that the government failed in its purpose of pacification: rural violence increased once again and arbitrary acts against dirigeants and political activists were anew. The government was increasingly losing support both among political and business groups, facing stronger criticisms from the media despite censorship. As we can see in image 7, Rojas managed to reduce violence during the first years of his presidency, but the situation changed in 1958 when the number of violent deaths reached a new peak going from 35 in 1954 to 65 each of 100,000 citizens.³⁵

³⁴ Melo, J. (2017). *Historia mínima de Colombia*. El Colegio de México, Turner. Madrid. P. 223.

³⁵ Romero J., Meisel A. (2019) "Análisis demográfico de la Violencia en Colombia," *Cuadernos de Historia Económica*, N. 50, Banco de la República de Colombia. P. 17.

In this context, Rojas did not enjoy majority support. Liberals, led by the journalist Alberto Lleras Camargo, didn't trust President Rojas anymore and aimed to return to an elective civil government, without a corrupt and arbitrary persecutory police force. Conservatives, meanwhile, were divided among different factions with the *rojistas* being the only ones providing unconditional support to the president, while the *laureanistas* remained in total opposition and the *ospinistas* transitioned into the opposition endorsing Guillermo León Valencia as a candidate for the elections of 1958.³⁶ This crisis of support began in 1956 after Rojas' tried to create a new political movement called the Third Force, then intensified in 1957 when he sought re-election through a National Constituent Assembly and worsened even more with the house arrest of Guillermo León Valencia. This resulted in public discontent which animated Bogota's students to start a 10-days-long strike followed by the closure of newspapers, banks, and businesses in a paralysis that spread to other cities like Medellín and Cali. The government in May 1957 lacked political and public support and could count only on the backing of a few conservative officials and bureaucrats (civil as well as military).³⁷

Therefore, the desire of Rojas to run for the presidential elections for the mandate of 1958-1962 was an illusion that he had to give up soon: on May 10, 1957, his government ended and he was forced to yield power to a Military Junta.³⁸ From May 10, 1957, to August 7, 1958, the *Junta Militar* headed the country with its five members, all of them general officers of the Colombian Armed Forces that, despite the supposed apoliticism of the military, were oriented to conservatism. However, the agreement signed by General Rojas before his renouncement included the creation of a parity Cabinet composed of Conservatives as well as Liberals ministers and so it was done.³⁹ The Military Junta served as an incubator for the formation of the National Front (*Frente Nacional*), a four presidential-mandates-long system of rotational sharing of power between liberals and Conservatives aiming at quelling the problem of bipartisan violence.

³⁶ Melo, J. (2017). Historia mínima de Colombia. El Colegio de México, Turner. Madrid. P. 224-227.

³⁷ Ibidem. P. 224-229.

³⁸ Banrepcultural, Aguilera, M. (9 marzo 2022) Caída de Rojas Pinilla: 10 de mayo de 1957. Available at: <https://www.banrepcultural.org/biblioteca-virtual/credencial-historia/numero-117/caida-de-rojas-pinilla-10-de-mayo-de-1957>

³⁹ Melo, J. (2017). Historia mínima de Colombia. El Colegio de México, Turner. Madrid. P.229.

1.6 The Institutionalization of the National Front.

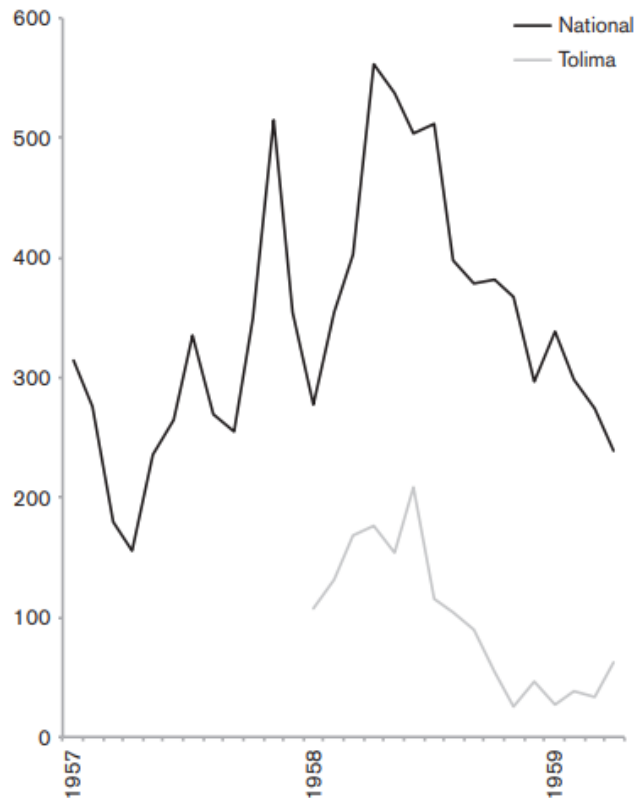
In 1957 Lleras Camargo and Gómez as representatives of the liberal and conservative parties, stipulated a proposal known as the Declaration of Sitges, an agreement on a new type of government to bring Colombia back to republican democratic rule and constitutionalism. Since going back to a bipartisan open rivalry was a democratic but problematic option, an alternative was needed. Indeed, such an option would have posed the risk of triggering another wave of political violence in the country. It is essential to keep in mind that the dictatorship of Rojas took place as an attempt to end the cause of bipartisan violence, namely the simple presence and antagonism of the two parties. That is why the Sitges pact proposed the institutionalization of a *Convivencia*, a 12-year-long plan (then turned into 16) of Conservative-Liberal parity and joint rule. The two parties would have alternated presidencies and ensured parity in ministries, elective organisms, and bureaucracy at a national level as well as in regions and municipalities. The alleged aim was to put an end to the dictatorial regime and to create a power-sharing coalition able to end the rivalry between liberals and conservatives and, therefore, the bipartisan violence that affected the country the decade before. On December 1, 1957, was held a plebiscite for the approval of the new government proposal and the constitutional revisions that would have been implied. The population answered enthusiastically: the recorded affluence to polling stations was the highest in Colombian history (over 72%), and the result was 95% of positive votes.⁴⁰

Colombian “Second Republic”, as Lleras Camargo called the period inaugurated by the settlement of the National Front (NF), began in 1958 with his presidential election. He became the first head of state under the National Front rule. The first government of the new regime was chosen to be Liberal by the former conservative premier Laureano Gómez and seemed to calm down the tensions in the country. Indeed, the beginning of the NF appeared to have brought political peace and reduced the victims of the conflict, in the illusion of achievement of non-violence in the country.⁴¹ If in image 7 the NF’s year of settlement constitutes one of the peaks of violence in Colombia, it is because the data includes the victims killed during the mandate of the Military Junta, ended in

⁴⁰ Karl R., *Forgotten Peace. Reform, Violence, and the Making of Contemporary Colombia*. P. 33

⁴¹ El interminable Frente Nacional. <https://bibliotecanacional.gov.co/es-co/proyectos-digitales/historia-de-colombia/libro/capitulo12.html>

August 1958. In image 9, showing the homicides attributed to partisan violence on a monthly scale, is visible indeed that since the taking of office of the NF killings in the country decreased.



Img. 9. Monthly homicides attributed to partisan violence, January 1957–April 1959.

Source Forgotten Peace P. 72.

This moment also represented a turning point for Violence. The institutionalisation of the National Front in 1958, indeed, set an end to the period known as “Early Violence”, which started back at the end of the 1940s, and coincided with a change in the type of conflict. Bipartisan violence started turning into subversive violence, a new form of violence conceived as a tool to pursue rights and impose obligations; not a political act but a “corrupt political enterprise” (Karl 2017: 43). However, both parties’ banditry persisted as remnants of the previous violence as well as the peasant self-defence groups influenced by the communist party. Therefore, the problem persisted in the rural isolated areas called “independent republics”, those territories never reached by official authority, always escaped from the state’s control.

Various academics considered the National Front in different ways. For some of them, like Dávila (2002), it was a critical juncture between the military regime and a limited democracy, while for others, like Wilde (1978), it was a specific step back in time to

oligarchic democracy. In his view, the National Front's effort and commitment to prevent inter-party competition resulted in intra-party divisions, a phenomenon that weakened parties, allowing personal interests to influence the shaping of party identities. Therefore, party visions were altered: politicians divided into groups with unclear political identities and unity which slowly brought voting discouragement among citizens and, therefore, the abandonment of popular political participation.⁴² In this interpretation, politics seemed to be once again an elitist and clientelist matter.

1.7 The '60s and the Pursuit of Development.

The peak of the crisis in terms of deaths, forced displaced⁴³ (*desplazados*), policy and economics, in 1958 brought President Lleras to try addressing the underlying causes of *La Violencia* proposing new agrarian reforms, national investigations and international development projects. Indeed, during his first year of mandate, Lleras required a national investigation regarding the origins of violence. The aim was to collect information to be able to develop new strategies to end violence by formulating a specific methodological approach to solve the conflict. This attempt followed the path of a similar project undertaken in 1957 by Canal Ramírez, a writer tasked by the Military Junta to go and investigate the situation of the 'displaced' in the countryside, but whose policies never took shape.⁴⁴ From June to November 1958, the *National Investigatory Commission on the Causes and Current Situations of Violence in the National Territory* collected testimonies and information by entering into direct contact and interviewing people affected by the conflict in the regions of Gran Tolima (composed by Tolima and Huila), middle Magdalena and upper Cauca river valleys. However, the redacted work of the commission ended up being more a memory-investigation work rather than a peace-making project. Indeed, a strategic approach to violence was not formulated.⁴⁵ Lleras also found himself facing a critical economic moment since Rojas left the country with significant deficits in the national budget and interrupted relations with the International Monetary Fund (IMF). Therefore, Lleras inaugurated a policy of austerity,

⁴² Tufano, S. Colombia: una herida que no cierra – Los procesos de paz de los años ochenta. P. 70-72.

⁴³ When talking about 'displaced' we refer to those Colombians victims of the conflicts who had to abandon their houses due to the violence that started spreading in the country from the decade of 1940.

⁴⁴ Karl, R. *Forgotten Peace. Reform, Violence, and the Making of Contemporary Colombia*. P. 42.

⁴⁵ *Ibidem*. P. 44-45.

with restrained imports and newly shaped state subsidies, driving Colombia through the phase with the highest level of taxes in the history of the country.⁴⁶

In the meanwhile, by 1960 the number of monthly homicides reduced while the repatriation of desplazados was increasing which, following what the newspaper *El Tiempo* reported in mid-1960, was an indicator of peace and revival of the economy, at least in the urban areas of the country. Indeed, this climate of austerity launched by Lleras changed soon thanks to one of the most significant events that took shape during the first decade of the National Front. It was the initiation of the Alliance for Progress (AFP), an international development program seamlessly aligned with Lleras's vision for peace and national rehabilitation. Such alliance was made up of an economic development plan going from 1961 to 1969 targeting Latin America. It was part of the foreign policy of President Kennedy, emerging from concerns about heightened Cuban and Soviet influence in Latin America. Indeed, the imperative to contain the spread of Cuban influence across this area prompted President Kennedy (1961-1963) to formulate for the first time since the onset of the Cold War, a comprehensive foreign policy approach for the region.⁴⁷ This initiative aimed to deliberately stimulate economic and social development in Latin America through planned measures, committing the U.S. external aid program to the provision of \$1.000 million in aid for public spending and 20.000 million more in a combination of grants and loans to enforce political stability and avoid the progress of communism in the scenario of the cold war.⁴⁸

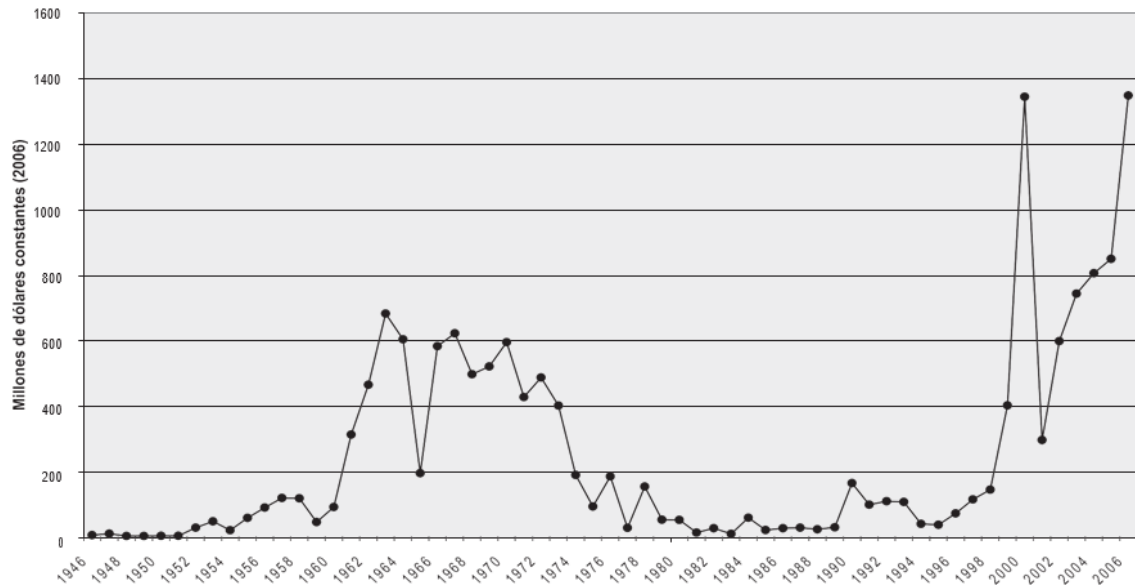
This initiative, constituting the most extensive U.S. assistance program for the developing world up to that time, also called for substantial reforms in Latin American institutions to support and promote a process of “state construction” under the North American style and interest. Indeed, in 1961 Latin America turned into one of the focal scenarios of the Cold War. In this context, Colombia, thanks to its status of unconditional ally of the U.S., its political desire to reform the country, and the extreme necessity of

⁴⁶ Ibidem. P. 36.

⁴⁷ Pettinà, V. (2022) A compact history of Latin America's Cold War. Chapel Hill: University of North Carolina Press. P. 80.

⁴⁸ Rojas D.M., La Alianza para el Progreso en Colombia. In “Análisis político n. 70” Bogotá septiembre-diciembre (2010). P. 97.

Washington to prove the efficacy of the AFP, had been the second country out of twenty-four to receive U.S. aid under the Alliance (Rojas, 2010).



Img 10. U.S. aid to Colombia 1946-2006. Source: Rojas (2010) - Data from the U.S Overseas Loans and Grants (Greenbook)

The country of Lleras served as a “showcase” for the efficacy of the Alliance since it had the role of convincing other Latin American countries to choose the capitalistic and occidental path instead of the communist one and to control the risks represented by instabilities permeating the region like coups and government changes. The decision to give this role to the country was not casual but driven by the political relations that characterised years of international politics in the continent in the name of bilateral interests. Colombia was chosen for its international politics which was based since the ‘20s on a policy called “Respice Polum” from Latin “to look at the pole” namely toward the north, the U.S. This implied decades of closeness between the Andean country and North America from which Colombia tried took advantage and ensured its interest (Img. 10). On the other side, since 1914 when the Urrutia-Thompson Treaty was signed engaging the U.S. to compensate Colombia for the loss of Panama, the U.S. government tried to improve its relations with Colombia through a combination of economic and diplomatic missions. This was due to Colombian strategic geographical, regional, diplomatic, and economic role.⁴⁹ Furthermore, these aid programs generated over time

⁴⁹ Bermúdez, C. La doctrina respice polum ("Mirar hacia el norte") en la práctica de las relaciones internacionales de Colombia durante el siglo XX, in MEMORIAS Revista digital de Historia y Arqueología desde el Caribe colombiano (2010).

a mechanism favouring the U.S. intervention in Colombian politics. Indeed, such foreign aid caused over-time cycles of expansion and restriction of growth and wealth in the Colombian economy, originating a dynamic of strict dependence of the country on international aid. This mechanism favoured the capacity of the U.S. to intervene in the Colombian economy.⁵⁰ Coherently with this half-century-long political orientation, President Lleras welcomed Kennedy's foreign policy, seeing in it the chance to implement new reforms and industrialize the country, building a sustainable economy in a climate of national peace.

On December 15, 1961, U.S. President John Fitzgerald Kennedy arrived in Bogotá to inaugurate the Alliance and a housing complex for low-income families called *Ciudad Kennedy* and a program of new schools (img. 11). This first phase of the alliance lasted until the beginning of the following presidential mandate of León Valencia (1962-1966) and was based on the necessity to converge an abundant national demand with a low supply of resources. The alliance, therefore, provided public funds to implement development strategies and reforms regarding the agrarian matter, the taxation system, the institutionalization of national organs of economics, educational and social policies, state control over demographic growth, and international agreements over the exportation of coffee.



Img. 11 President J.F. Kennedy at the Alliance for Progress Ceremony at Techo Housing Project, Bogotá,
17 December 1961⁵¹

⁵⁰ Rojas D.M. La Alianza para el Progreso en Colombia. In "Análisis político n. 70" Bogotá septiembre-diciembre (2010). P. 101.

⁵¹ Source: Archives John F. Kennedy Presidential Library and Museum.

However, the national scenario changed within one year. President León Valencia by 1962 found himself facing a moment of national discontent towards the National Front, and the lack of international support since the U.S. did not consider him a leader they could trust and give their economic aid to. Moreover, throughout Johnson's presidency (1963-1969) the AFP was increasingly left aside, with the escalation of the Vietnam War casting a shadow over the Latin American strategic role in the U.S. foreign agenda.⁵² Those political and economic conditions brought to the adoption of an austerity program. This reversed Lleras' expansionist policy under the AFP and proved the instability of the development model adopted over decades in Colombia; a model that structurally tied the country to an extreme dependence on North American loans and aid.

By the end of the Alliance in 1969, Colombia adopted a new development program. The import substitution industrialization model (ISI) incremented from the '30s was abandoned to opt instead for an outward-oriented economic growth model. The country was still in a condition of underdevelopment and economic struggle. Indeed, the difficulties in carrying out social and economic reforms through the AFP stemmed from the weak capacity of the Colombian government to develop and implement viable projects, as well as the challenge of reconciling opposing views and interests within Colombian society, still polarised between the two parties. This prevented the realization of the transformation of the country's social and economic structures.⁵³ However, thanks to the reforms implemented during the AFP the state as an institution and political actor gained support. Indeed, the AFP in Colombia resulted in an efficient plan for political stabilization more than in terms of development; it gave credit to the National Front and strengthened the role of the state (Rojas 2010).

Many of the AFP resources ended up benefiting the political and economic elites of the country rather than reaching the neediest sphere of the community. This unequal distribution of resources exacerbated social tensions and increased discontent among those who felt marginalized and excluded from the development process. Moreover,

⁵² Pettinà, V. (2022) *A compact history of Latin America's Cold War*. Chapel Hill: University of North Carolina Press. P. 86.

⁵³ Rojas D.M. *La Alianza para el Progreso en Colombia*. In "Análisis político n. 70" Bogotá septiembre-diciembre (2010).

the Alliance promoted the implementation of neoliberal economic policies which contributed to the concentration of wealth and the increase of inequality in Colombia. This favoured large corporations and the financial sector while marginalized small-scale farmers and urban workers, leading to resentment and higher levels of conflict within society. Indeed, economic aid from the U.S. diverted attention from redistributive measures, focusing instead on agricultural modernization which favoured landowning elites. Consequently, the lack of emphasis on wealth redistribution, coupled with the perception of the AFP benefiting corrupt elites, intensified social tensions and contributed to the increase of violence in the country.⁵⁴

⁵⁴ Florián J. (2013). *Reforma Agraria y Alianza Para el Progreso en Colombia 1960-1967*. Bogotá.

Chapter 2

Actors, dynamics, and responsibilities in the Colombian Conflict.

During the Cold War, international events like the Cuban Revolution spreading the socialist ideology in Latin America influenced Colombia where some social and political groups embraced its ideas in response to conditions of long-standing social injustice. This led in the 1960s to the formation of "first-generation guerrillas", groups with revolutionary political and social objectives. This chapter delves into the constitution of these and the other groups involved in the Colombian armed conflict, starting in the 1950s with the emergence of guerrilla groups linked to the Colombian Communist Party. The chapter analyses then the massacres and forced displacements that followed, which led to the prolonged armed struggle in Colombia that continues nowadays, albeit to a lesser extent. The chapter also underscores the intricate interplay of socio-political, economic, and international factors that have shaped Colombia's guerrilla movements over the decades, highlighting a multifaceted history of conflict and resistance.

2.1 The appearance of revolutionary groups in the second half of the XX century and the Villarica conflict.

During the 1950s, Colombia experienced the emergence of several guerrilla groups associated with the Colombian Communist Party (PCC). This party, founded in 1930, was based on a Marxist-Leninist ideology and started establishing connections with peasant movements. However, it was only in the late 1940s, following the assassination of Jorge Eliécer Gaitán and the onset of the Violence that it gained momentum. Indeed, in its first years the PCC complied with liberal programs positioning as a subgroup of liberalism and gaining in this way legitimacy, by the late 1940s it significantly slid toward a communist Soviet model.⁵⁵

In the context of violence and perceived abandonment by liberalist elites, some leftist peasants sought new forms of resistance and organisation. The PCC played a key role in channelling their aspirations, distancing them from the traditional liberal party. Marxism-Leninism indeed proposed as an ideological alternative to elitist liberalism, and

⁵⁵ Arcilla M. (2009). "El experimento del Partido Comunista". En Una Historia Inconclusa: Izquierdas políticas y sociales en Colombia.

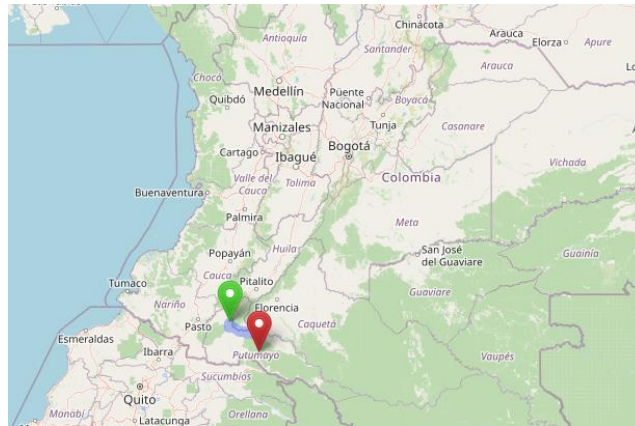
it gained ground. This success was enabled by the violence inflicted by conservative forces on peasants and by the lack of intervention from liberalism. In this scenario, individuals like the guerrilla's leader Manuel Marulanda, influenced by relatives and educated people who discussed the Russian Revolution, Marxism and revolutionary figures such as the Nicaraguan leader Sandino and Lenin detached. This knowledge led them to believe in the inevitability of communism and to distance themselves from traditional liberalism, orienting toward a new political and social vision embraced by the PCC. In the 1950s these individuals formed new movements; groups of peasants influenced by Marxist ideology dedicated to the armed struggle. They fought against the government and landowners due to political exclusion, the agrarian conflict for redistribution, and inequitable economic conditions between cities and the countryside.⁵⁶ Hence, the political violence of conservative factions plus the political abandonment of the liberals in respect of the agrarian problem, led several groups of peasants to embrace communism, with the PCC acting as a catalyst for this ideological change.

In 1954, aligning with the global anti-communist policy spreading in Latin America after the outbreak of the Cold War, General Rojas Pinilla declared PCC's activities illegal. However, in Villarrica, Tolima (Img. 12), resistance against this ban on communism unfolded and PCC's representatives continued their work covertly. In those years of bipartisan tensions, an armed conflict erupted in Tolima with violent clashes between supporters of the Liberal and Communist parties on the one side and Conservative and the army on the other. The strains were exacerbated in November 1954 with the army's arrest of the Communist leader Isauro Rosa, alias Major Lister.⁵⁷ These confrontations resulted in murders, massacres and forced displacements of party supporters but also of peasants and rural communities, as they were perceived as sympathisers of one party or the other. Villarrica's communist self-defence -structured as guerrilla warfare⁵⁸- persistently harassed the military, ultimately compelling their withdrawal.

⁵⁶ Graaff D. (2021). Marx, Mao y Marulanda: sobre la historia de las ideas políticas en las FARC. Bogotá. Instituto Colombo-Alemán para la Paz (CAPAZ). P.13-14.

⁵⁷ Richani N., *Systems of Violence: The political economy of war and peace in Colombia*, New York, SUNY, 2002.

⁵⁸ This is "a type of warfare fought by irregulars in fast-moving, small-scale actions against orthodox military and police forces and, on occasion, against rival insurgent forces, either independently or in



Img. 12. Map of Colombia. Green dot: the location of Villarica. Red dot: the location of Sumapaz.

By April 1955, the government designated as military operation zones eight municipalities in Sumapaz, located in the Cundinamarca department at approximately 20 km in a straight line from Villarica (Image 14). This implied the imposition of curfews, alcohol bans, permit requirements for movement, and electrified barbed wire enclosure. There, the Army established "work centres" as a forced destination for alleged communists. From there, in June 1955, the Army resorted to bombing the close town of Villarrica initiating a war. It was the first Army offensive in Colombia against a communist population and its self-defence. Six months later, families were forced to abandon the territory since the military interventions incorporated both ground and air offensives, like bombings, which displaced the population. This pushed the armed groups along with hundreds of families to undertake a southward march. It is estimated that around a hundred thousand people were displaced due to the Villarrica events.⁵⁹ In 1957, such communist-orientated armed groups decided to suspend guerrilla actions but retained their weapons in anticipation of possible government or other group attacks. Indeed, in the following years, they frequently clashed with other liberal guerrilla groups vying for control of their territory and faced some government attacks.⁶⁰

conjunction with a larger political-military strategy." (<https://www.britannica.com/topic/guerrilla-warfare>)

⁵⁹ COMISIÓN DE LA VERDAD. Villarrica: La guerra olvidada. Comisión de la Verdad. Available at: <https://www.comisiondelaverdad.co/villarrica-la-guerra-olvidada> (Accessed:14/12/2023).

⁶⁰ Melo, J. (2017). Historia mínima de Colombia. El Colegio de México, Turner. Madrid. P. 234.

2.2 International policies' influence on the rise of Guerrillas in the 1960s.

As we have considered in the first chapter, in 1961 the Lleras Camargo government approved a series of new national measures including a new agrarian reform. The Kennedy administration applied pressure in support of this reform, aiming to encourage democratic governments in the region and advocate for social change with the goal of preventing new revolutions similar to the one in Cuba. Indeed, on January 1, 1959, Fidel Castro took power in Cuba and embraced a communist ideology in 1961, aligning himself with the Soviet Union and becoming an adversary of the United States. It has been underlined that such an alliance between Cuba and the URSS was also a result of U.S. hostility toward the revolutionary process.⁶¹ The Cuban Revolution then turned into an example for radical revolutionary waves in Latin America, including Colombia where, despite a stagnant, bipartisan, and clerical political landscape, rapid social and economic changes had occurred (Melo, 2017).

As it will be in-depth in paragraph 2.4, the revolution garnered sympathy from wide-ranging student and labour sectors who called for swift and profound changes to address increasingly serious social issues. Despite the decrease in violence, the increase in the national economy and the improvement of basic education, Lleras's government could not maintain the almost unanimous support it enjoyed at the beginning of his mandate. His resolute response to illegal strikes and urban disorders resulted in the loss of support from leftist groups. Moreover, his foreign policy, aligned with that of the United States, resulted in the termination of relations with Cuba, leading those who sympathised with the Caribbean revolution to see Lleras as an agent of imperialism.⁶² Many university students, occasionally former disillusioned communists disappointed with the legalistic approach of their leaders or expelled from their party, believed that advocating for an armed revolution was imperative and between 1959 and 1963 they formed and joined various small groups initiating urban and rural uprisings. These groups were swiftly quelled due to their inexperience, resulting in the demise or exile of their instigators.⁶³ Instead, the Communist Party and the guerrilla groups it influenced,

⁶¹ Pettiná V., (2022) *A Compact History of Latin America's Cold War*. The University of North Carolina Press. P. 63.

⁶² Melo, J. (2017). *Historia mínima de Colombia*. El Colegio de México, Turner. Madrid. P. 233.

⁶³ *Ibidem*. P. 233-235.

ultimately implemented a more successful strategy due to the experience of the endured violent attacks of the '50s in the Tolima department.

Therefore, the arising of the first guerrillas was driven by national socio-political and economic matters and influenced by international phenomena. Besides the triumph of the Cuban Revolution, indeed, the African anticolonial movements which started in the 1920s and reached their peak in the 1950s/1960s, plus the process of decolonization in Asia in the same period, stimulated and inspired the rise and action of guerrillas in Latin America. The Tupparos appeared in Uruguay, the Guerrilla Army of the Poor (EGP) and the Revolutionary Organization of Armed People (ORPA) in Guatemala, the Monteros in Argentina, and the Movement of the Revolutionary Right (MIR) in Chile.⁶⁴ In Colombia the rise of leftist guerrillas, coinciding with these international variables, signified the division of the leftist scenario, now split into the traditional faction and a new left. The first one was oriented on promulgating self-defence to protect its members and territories while the revolutionary leftist vision promoted a new armed struggle to take control of power.⁶⁵

2.3 The “First-generation Guerrillas”.

Insurgent groups that emerged in Colombia between 1964 and 1967 took the name of "first-generation guerrillas". These armed factions were characterised by their Marxist-Leninist ideology and aimed to transform Colombia's political and socio-economic system through armed conflict. The historical-political background of their formation includes the conservative-liberal confrontation of La Violencia, the effects of General Gustavo Rojas Pinilla's dictatorship, and the subsequent establishment of the National Front at the end of the 1950s. This grouping of irregular organisations was composed of the National Liberation Army (Ejército de Liberación Nacional, ELN), the Revolutionary Armed Forces of Colombia–People's Army (Fuerzas Armadas Revolucionarias de

⁶⁴ Detti T., Gozzini G. (2017) *Storia Contemporanea* vol. 2 Il Novecento. P. 241.

⁶⁵ Tufano, S. (2023) *Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta*. Ariel. Bogotá. P. 75.

Colombia—Ejército del Pueblo, FARC-EP), and the People's Liberation Army (Ejército Popular de Liberación, EPL).⁶⁶

2.3.1 The “Marquetalia operation”.

Before introducing in detail the First-generation guerrillas it is necessary to talk about what happened in the city of Marquetalia (Caldas department) during the 1960s. At the beginning of the decade, Marquetalia was an enclave of liberal guerrillas who did not disarm after the bipartisan violence of the 1950s and sought refuge in the rugged mountainous area of the Central Cordillera, aiming to escape the harassment of the authorities. On May 27, 1964, Colombian armed forces conducted a raid in Marquetalia with around one thousand of soldiers, supported by fighter planes and helicopters.⁶⁷

This operation was part of a wider plan called *Plan Lazo*, designed in 1962 to attack the three communist settlements of Marquetalia, El Pato and Rio Chiquito, to eliminate the armed groups that established there. The Plan Lazo was inspired both by the counterinsurgency guidelines of the United States and by Colombian own experiences.⁶⁸

The military officer and politician Ruiz Novoa was the mastermind behind the Plan, considered one of the pioneering military documents in the strategic planning and conduct of national war. The objective was to undertake military operations necessary to eliminate bands of bandits and prevent the formation of new antisocial focal points. The result should have been the achieving and maintaining of a state of peace and tranquillity throughout the national territory.⁶⁹

The army’s attack in Marquetalia was indeed against the insurgent stronghold founded by communist peasants in the central Andean mountains, where the “Marquetalia Agrarian Movement”, led by the veteran guerrilla leader Pedro Antonio Marín alias Manuel Marulanda or *Tirofijo* (Sure Shot). Situated in the Tolima department,

⁶⁶ Defensoría Delegada para la Prevención de Riesgos de Violaciones a los Derechos Humanos y el DIH. Sistema de Alertas Tempranas (SAT). (2017). Grupos Armados Ilegales y nuevos escenarios de riesgo en el posacuerdo. Bogotá D.C., Colombia.

⁶⁷ Sánchez G., Ronderos M.T., Schoening M. (2012) *Violentology, A manual of the Colombian conflict*. Umbrage Editions, Printed by El Espectador / Carvajal. P. 30.

⁶⁸ Official Site Comisión de la verdad. El Plan Lazo y la acción cívico-militar. Available:

<https://www.comisiondelaverdad.co/el-plan-lazo-y-la-accion-civico-militar>

⁶⁹ Comisión de la Verdad (2022). *Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia*. Bogotá. P. 102.

Marquetalia was inhabited by around fifty veterans of La Violencia and their families, ostracised Liberals, and other outsiders, who rejected government amnesty offers and chose to retain weapons, controlling territory and establishing one of the so-called communists "independent republics" (Ferry 2012). By 1964, the Colombian government, fearing the spreading and radicalization of Marquetalia and other "independent republics", launched the "*Operación Marquetalia*". The objective of the operation was to eradicate the perceived threat of a communist insurgency in Colombia to establish government control in the area.⁷⁰

The military intervention in Marquetalia in 1964 occurred after several attacks of local rebels against the police and civilians, and after a group of politicians led by Alvaro Gómez Hurtado (son of the former president Laureano Gómez) advocated for the government of Valencia (1962-1966) to reclaim the "independent republics." The operation lasted nearly two months. Marulanda and his forces were outnumbered and outgunned, but they repelled the military and escaped. Five months later, the survivors regrouped and held their First Conference, marking the beginning of the guerrilla insurgency that would evolve into the FARC-EP group, marking the beginning of the longest-running communist insurgency in Latin America.⁷¹ State's violent attack led by General José Joaquín Matallana showed as counterproductive: the so-called "*bandoleros*" had to relocate, but they rebuilt their armed organisations in new focal points and grouped into mobile guerrillas, they created an agrarian political program and succeeded in getting the Communist Party to join the peasant guerrilla.⁷² The outcome of the operation, therefore, yielded an unexpected effect from which significant consequences are still experienced nowadays.

2.3.2 The FARC-EP, the ELN, and the EPL

In 1966 following the Marquetalia attack, Marulanda and the communist Jacobo Arenas founded a guerrilla force called the Southern Bloc, the first bloc of the *Revolutionary Armed Forces of Colombia-People's Army*. Subsequently, they formed the FARC-EP,

⁷⁰ Melo, J. (2017). *Historia mínima de Colombia*. El Colegio de México, Turner. Madrid. P. 234 .

⁷¹ Bargent J. (March 28, 2017). *The FARC 1964-2002: From Ragged Rebellion to Military Machine*, in Insight Crime. Available at: <https://insightcrime.org/investigations/the-farc-1964-2002-from-ragged-rebellion-to-military-machine/>

⁷² Melo, J. (2017). *Historia mínima de Colombia*. El Colegio de México, Turner. Madrid. P.234

drawing inspiration from Marxism-Leninism and Simón Bolívar, the nineteenth-century hero of the War of Independence. The FARC-EP, indeed, adopted fundamental principles of Marxism-Leninism, like the revolutionary vanguard and class struggle. Moreover, it drew inspiration from the revolutionary thought of Simón Bolívar, incorporating also elements of Jorge Eliécer Gaitán's popular liberalism. Thus, the group developed its own ideology, shaped by foreign currents but adapted to the Colombian reality. The result was an anti-imperialist approach focused on equality, the well-being of the people and a class revolution.⁷³

The FARC-EP appeared in response to the government's repression and the Marquetalia attack. In the countryside, besides fighting for peasants' land dispossession and exploitation, the FARC-EP aimed to take control of territories through arms. They opposed what they considered "an oligarchy that illegally held on power" referring to the civil regime instituted by the National Front.⁷⁴ The FARC-EP represented an exception compared to other guerrilla groups of that time. Indeed, besides being influenced by the historical effervescence of revolutionary groups present in the country since the beginning of the XX century, it enjoyed a characterizing deep rural background. Indeed, the FARC-EP originated from the rural groups of resistance of the '20s, which, after the explosion of the late 1940s violence in the country, transformed into Communist rural self-defence groups. Finally, after the Villarica war (1955) these organizations turned into guerrillas and, just after the Marquetalia attack, into the FARC-EP.

Another important actor of the First Generation Guerrillas group was the National Liberation Army (ELN), the Colombian guerrilla mostly influenced by the Cuban revolution. Indeed, it was founded by a group of students who in 1964 travelled to Cuba under the invitation of Fidel Castro to receive training. Returned to the homeland, such students aimed to create a new guerrilla. The result was the formation in the Magdalena department on the 4th of May 1964 of the ELN, a group composed of liberal dissidents and Catholics. However, it was only after January 1965 that the group took control of

⁷³ Graaff D. (2021). *Marx, Mao y Marulanda: sobre la historia de las ideas políticas en las FARC*. Bogotá. Instituto Colombo-Alemán para la Paz (CAPAZ). P. 8-13.

⁷⁴ Arena, J. (1964) "Programa agrario de los guerrilleros," July 20, in *Diario de la resistencia de Marquetalia* (Bogotá: Ediciones Abejón Mono, 1972). P. 128

the area of Simacota (Santander) and officially started its military activity. The group participated in armed conflicts with the Colombian government as a means to advance its political goals. It also carried out kidnappings, bombings, and various violent acts, targeting security forces, politicians, and infrastructure in pursuit of its objectives.⁷⁵ Such objectives included the struggle against imperialism and capitalism to seek the establishment of a socialist system in the country, the pursuit of social justice and equity aiming to improve the living conditions of disadvantaged classes and combat economic inequality. They also pointed to obtaining self-determination of peoples and national sovereignty over foreign interference in Colombia's affairs. Moreover, they claimed an agrarian reform to address the issues related to land concentration. According to independent reports and estimates of the investigation organisation *InSight Crime*, currently, the ELN operates in at least 23 out of the 32 departments in Colombia and 8 out of the 24 states in Venezuela. This process of transnationalization allowed the group to consolidate itself.⁷⁶ Throughout its existence, the ELN has participated in intermittent peace talks with the Colombian government. Discussions have occurred on multiple occasions, including the declaration of certain ceasefires; however, attaining a comprehensive and enduring peace agreement has remained elusive. Currently, the guerrilla has resumed peace talks with the president of Colombia, Gustavo Petro, in a new attempt to end the conflict at the negotiating table. However, these discussions are facing several challenges, including the federated structure of the guerrilla, which grants a degree of independence to the commanders of each warfront.⁷⁷

In contrast to the FARC-EP, which had its roots deeply entrenched in rural territories and communities, the ELN arose from a sense of voluntarism and the belief in armed vanguardism among a group of students and workers who envisioned the possibility of achieving revolution within a short span of time. They established a relatively modest guerrilla presence in the jungle, while urban factions engaged in acts of violence and

⁷⁵ Rood M. (November 12, 1999) International Labour Organization report. *Colombia: One of the most serious cases in regard to the right to life. The Committee expresses its disappointment at the Government's inaction*. Geneva.

⁷⁶ InSight Crime (2017). ELN. Updated Dec 21, 2023. Available: <https://insightcrime.org/colombia-organized-crime-news/eln-profile/>

⁷⁷ Henry Shuldiner and Lara Loaiza (2023). Colombia's Total Peace May Be Unraveling. In InSight Crime. Available: <https://insightcrime.org/news/colombia-total-peace-may-be-unraveling/>

impactful armed propaganda.⁷⁸ Therefore, the FARC-EP and the ELN differed in origins and ideology as well as in tactics and targets (as will be in-depth in paragraph 2.7). The first group, which originated from rural resistance, maintained a focus on rural insurgency and the claim of agrarian reform. The ELN, instead, focused on the establishment of socialism, combating imperialism and capitalism, and taking power. However, both represented liberals' dissidents.

In February 1967, the People's Liberation Army (EPL) was founded by Fabio Vásquez Castaño, a former member of the PCC. It was the third and last guerrilla included in the ones of First Generation. Originally formed as an armed wing of the PCC, the group then turned into an independent guerrilla, marking the internal division of the Communist Party. This irregular organisation was based on a Maoist tendency, namely inspired by the Chinese communist revolutionary model. The group's main distinctive characteristic lay in the endorsement of the Maoist principle of protracted people's war, which is a prolonged guerrilla warfare strategy waged by peasants in rural areas to eventually encircle and capture cities.⁷⁹ The EPL started establishing its control in the south of the Cordoba department and northern Antioquia, undertaking as other groups armed struggles against the government, kidnappings, bombings, and attacks on security forces and infrastructure. During the mid-1990s, the EPL initiated peace negotiations with the Colombian government and, in 1991, a portion of the EPL membership demobilised leading to the group's significant reduction. Differently from the FARC-EP and the ELN, the EPL stopped being one of the major armed entities in the country. Even if the group largely demobilised, certain breakaway factions continued to operate autonomously, involving themselves in illicit activities such as drug trafficking and extortion.⁸⁰

2.4 The Role of Cuba.

While the NF was taking power, the impact of the Cold War was intensifying in the Latin American region. Therefore in Colombia in August 1961, the government of Lleras

⁷⁸ Hay Futuro si hay Verdad. No matarás - relato histórico del conflicto armado interno en Colombia. (2022). Informe Final para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición. P. 110.

⁷⁹ Tufano S., (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 78.

⁸⁰ Grupo Memoria Histórica (2013). ¡BASTA YA! Colombia: Memorias de guerra y dignidad. Informe final Bogotá: Imprenta Nacional. P. 146-148.

Camargo decided to take distance from Cuba, adopting a position enshrined by the signing and implementation of the Alliance for Progress. Therefore, while Fidel Castro proclaimed the socialist character of the Cuban revolution, Colombia aligned itself with the anti-communist movement and broke off diplomatic relations with Cuba, accused of financing and arming Colombian guerrillas.⁸¹ Indeed, since before the Missile Crisis of 1962, various armed irregular groups coming from different countries started receiving ideological and military training from and in Cuba. The U.S. intelligent system services estimated that between 1961 and 1964 almost 2.000 Latin Americans received military and ideological training from Cuba. (Pettinà 2022). Between them members of the ELN and the FARC-EP.

In January 1966 in Havana, Cuba hosted the first Tricontinental Conference, a global assembly of anti-imperialist movements and revolutionary parties. Orchestrated under the government of Fidel Castro, the event drew representatives from revolutionary movements across Asia, Africa, and Latin America, declaring the systematic support of Cuba to Third World countries' revolutions. On this occasion was established the Organization of Solidarity with the People of Asia, Africa and Latin America (OSPAAAL) and, the following year, the Latin American Solidarity Organization (OLAS). The aim of these two organizations was to spread the ideological word about the Cuban revolutionary model and to provide materials to support the armed struggle in the Third World.⁸²

Within Colombia, specific factions empathised with guerrilla movements as a reaction to prevailing social and political circumstances. Indeed, since the emergence of armed groups, motivated by inequality, insufficient political representation, and bipartisan tensions, they aimed to pursue a substantial social transformation. So, despite encountering setbacks and repression, these groups garnered followers who endorsed the notion of effecting social change through armed resistance. The Tricontinental Conference left its imprint on those segments of Colombian society aligned with leftist movements and anti-imperialist endeavours. Indeed, the conference delved into issues

⁸¹ Official Site Comisión de la Verdad. La revolución cubana. Available: <https://www.comisiondelaverdad.co/rompimiento-de-relaciones-con-cuba>

⁸² Pettinà, V. (2022) A compact history of Latin America's Cold War. Chapel Hill: University of North Carolina Press. P. 68.

associated with combating colonialism, neo-colonialism, and imperialism, resonating with individuals seeking alternatives to foreign influence in Latin America.

In Cuba, Castro's public endorsement of the Warsaw Pact's invasion of Czechoslovakia in 1968 marked the culmination of Cuba's alignment with the Soviet Union, a period often referred to as 'Sovietization.' This event signalled the conclusion of Cuba's most vigorous phase in supporting revolutions across Latin America. This diminishing support for the guerrilla movements of the region was influenced by a combination of internal political shifts, including the passing of Guevara in 1967. Additionally, Cuba's increasing isolation occurred as the rest of the region moved away from armed conflicts, opting for left-leaning political transformations through democratic means. Examples include Chile's electoral route in 1970, with the election of the Marxist Salvador Allende, and the progressive military takeover in countries like Panama and Peru in 1968. Consequently, Cuba adopted a more diplomatic strategy to restore relations with various Latin American countries, like the pursuit of economic and trade initiatives aimed at strengthening collaboration through trade agreements, investment partnerships, and economic collaboration.⁸³

However, until the 1980s Cuba played a significant role in providing both political and military support to Colombian guerrillas. Indeed, members of armed groups including the ELN, the EPL, the FARC-EP, and the M-19, testified to the Truth Commission⁸⁴ that they received military training in both Cuba and other socialist countries. Moreover, they confirmed the receiving of logistical aid and humanitarian protection when needed. Military reports on the conflict supported these claims as well, indicating varying degrees of support provided to the various armed groups. Indeed, the FARC-EP's ideological distance from Cuba limited the amount of aid received from the island (Pettinà 2022: 73).

2.5 The end of the National Front and the intensification of violence.

Until the end of the National Front in 1974, the presence of guerrillas in Colombia did not reflect a condition of proper war. Violence remained relatively low, partly due to the

⁸³ Pettinà, V. (2022) A compact history of Latin America's Cold War. Chapel Hill: University of North Carolina Press. P. 73-75.

⁸⁴ See chapter 3.

fact that these armed groups operated in peripheral regions and partly because the National Front had promised reform, modernization, and equality, all while suppressing protests and social mobilisation. This scenario lasted until the end of the National Front, a moment in which a new guerrilla movement emerged altering the course of the insurgency. It was the M-19, an urban armed group originating in the mid-70s, which conducted military actions seeking a significant political impact and support from the general population.⁸⁵

The M19's attention-grabbing activities, such as the theft of Bolívar's Sword or a thousand rifles from a military garrison, coincided with the profound disillusionment of the population with traditional political parties and the incomplete reforms of the National Front. This governmental disillusionment erupted in the forceful protest of the nationwide civic strike of 1977. The participation in it was massive and involved a coalition of labour unions, students, and civil society organizations demanding reforms to address issues such as economic inequality, repression, and corruption. In such a tense climate, the success of the Sandinista revolution in Nicaragua further energised the rebellious movements. Indeed, if the Cuban Revolution initially inspired all guerrilla groups, the decisive moment for the insurgency came with the triumph of the Sandinistas in Nicaragua in 1979. This event underscored the perceived necessity of expanding the social foundations of the revolution and filled rebel groups with hope for the potential of combining popular uprisings with prolonged people's war.⁸⁶

2.5.1 The M-19.

From 1974, with the end of the National Front period and during the following liberal governments, namely until 1982, violence intensified. As we just saw, one of the reasons was the birth of a new irregular organisation: the guerrilla movement M-19. The name of the group stood for May 19, 1970, the day of the presidential elections won in an alleged fraudulent way by the Conservative Misael Pastrana, which is considered to be the trigger behind the creation of the group in 1974 (Tufano 2023). The peculiarity of

⁸⁵ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 79-80.

⁸⁶ Cátedra Basta ya (2014)!. Orígenes, dinámicas y crecimiento del conflicto armado. Módulo 2. Centro Nacional de Memoria Histórica. P. 7.

<https://www.centrodememoriahistorica.gov.co/micrositios/informeGeneral/catedra.html>

the M-19 was being the first urban guerrilla in Colombia. Indeed, Bolivarian and populist in character, the group was composed of urban youth from middle-class backgrounds, many of them former communist or leftist militants, with a flair for theatrical and media operations. In fact, M-19's activity characterised itself for uprisings and spectacular kidnappings concentrated in urban areas, especially throughout the Turbay government (1978-1982) during which they increased their military activity.⁸⁷

2.5.2 The '70s and a new agrarian reform attempt.

The M-19 brings us to the fact that even if rural areas were the places that suffered the most guerrillas' military action, cities were also affected. In the '70s discontent in rural areas was intensifying as a direct consequence of failing agrarian reforms, but this social unrest also reached urban centres. As proof, the national strike of September 14, 1977, was considered by Ramírez and Restrepo (1989) as a major sign of the political crisis of the regime. Indeed, during the '70s the fast spread of guerrillas and the increase of popular mobilisation, brought the administrations that succeeded between the late '60 and the '70s, namely the Lleras Restrepo administration (1966-1970), the Pastrana (1970-1974), the Lopez (1974-1978) and Turbay (1978-1982), to elaborate new reforms attempts. Their aim was to boost economic development and democratize politics.

Carlos Lleras Restrepo was the one who mostly understood that if the elites did not undertake the necessary reforms to overcome economic and political exclusion, guerrillas would have had a broad field of action, especially in the rural sector where they created their support bases. Lleras Restrepo was committed to promoting the agrarian reform elaborated by Law 135 in 1961. Indeed, five years before, he actively supported the same legislation in Congress. Such a law was approved as a mechanism to contain the revolutionary wave sweeping across the country but always remained on paper without a concrete application.⁸⁸ Therefore, Lleras Restrepo promoted Law 135 through the creation in 1969 of an organisation for peasants; it was the *Asociación Nacional de Usuarios Campesinos* (ANUC). The organisation was -and still is- a non-profit that sought to integrate the rural community to exert pressure on government entities.

⁸⁷ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 79-80.

⁸⁸ Comisión De La Verdad. Relato histórico - Hay futuro si hay verdad. available: <https://www.comisiondelaverdad.co/vetos-regionales-la-reforma-agraria>

The aim was to achieve a better quality of life for peasants and increase the support for rural production by overseeing the formulation of new political and economic models based on peasants' needs (Tufano 2023: 79).

Despite its popular objectives, the association's presence in the territory originated incidents compromising the personal and collective security of its members. These incidents encompass kidnappings, threats, stigmatisation, and the targeted killings of affiliates and leaders. Alongside feelings of fear, instances of displacement, and forced exile, representatives of the ANUC asserted that their organisation was witnessing a decline in visibility, stigmatisation, and constraints in freely expressing its opinions. Indeed, the organisation was moving away from institutionalism gaining independence and autonomy while being blamed for being used by irregular groups to pursue personal interests in the context of the conflict. That is why the ANUC ended up being targeted by paramilitary groups which received the order to exterminate the group, considered a refuge for guerrilla fighters. This all brought President Pastrana in the 1970s to backtrack the agrarian legislation. Despite these adversities and victimizations, the ANUC has survived, with an organisational and operational structure with a current active presence in over 500 municipalities across 25 departments in the country.⁸⁹

2.5.3 The counter-reform to Law 135 with President Pastrana.

Under the presidency of Misael Pastrana Borrero (1970-1974), not only did land reform come to a halt, but the government also embarked on a counter-reform. This perception was particularly widespread among thousands of peasants who, on February 21, 1971, surprised the nation with the simultaneous occupation of 316 farms across thirteen departments, involving 16,000 families. By the end of 1971, a second wave of "land takeovers" unfolded, affecting 120 farms in seven departments, primarily concentrated in the Caribbean region. In response, the government declared a state of siege. Newspapers such as *El Tiempo* described the events as an "orchestrated invasion of properties," a "subversive plan," and "outbursts of anarchy." During this period, the ANUC expanded to encompass 28 departmental associations and 634 municipal

⁸⁹ Unidad para las Víctimas - Gov.Co (2016, April 25). Asociación Nacional de Usuarios Campesinos de Colombia (ANUC). Available at: <https://www.unidadvictimas.gov.co/es/asociacion-nacional-de-usuarios-campesinos-de-colombia-anuc/>

associations, maintaining a dual nature as both a state initiative and an independent social movement.

On January 9, 1972, the process of land titling received a severe blow: in Chicoral (Tolima), during a gathering that included congressmen from the Liberal and Conservative parties - each with significant land interests, particularly in Cauca, the Orinoquía region, and the Caribbean - a reform to Law 135 of 1961 was negotiated. This reform completely altered the essence of such law by eliminating the right of expropriation of unproductive large estates, favouring corporate exploitation over peasant development.⁹⁰ The history of the ANUC was used by the political scientist Francisco Gutiérrez (2007) to observe how stimulating social reforms in Colombia at that time meant to put in danger the national delicate social system, compromising the process of democratic transition and peace. For the author, this precarious balance was the clearest explanation for the national incapacity to implement agrarian reforms in the country despite political will.⁹¹

2.6 Paramilitarism

With the beginning of Turbay's government (1978-1982), the guerrilla faced a new significant threat to its survival, namely the emergence of paramilitarism. This is a phenomenon rising in the Magdalena department in response to guerrillas' attacks on landowners and local politicians. Supported by local military commanders, financed by landowners, trained by retired military personnel and adopting in 1981 the name "autodefensas campesinas" (peasant self-defence), paramilitarism rapidly expanded. Since its birth in the 1980s, in Colombia paramilitarism has been gaining strength as a strategy against insurgency, based on an anti-communist ideology. This political culture is rooted in violence, corruption, clientelism, and involvement in the drug trade, influenced significantly by external forces, particularly from the United States. The chosen methods of engagement involved selective massacres, assassinations, and the

⁹⁰ El pacto de Chicoral: la contrarreforma. Informe Final - Comisión De La Verdad. Available:

<https://www.comisiondelaverdad.co/el-pacto-de-chicoral-la-contrarreforma>

⁹¹ Gutiérrez (2007) ¿Lo que el viento se llevó? Los partidos políticos y la democracia en Colombia 1958-2002. Grupo editorial Norma. Bogotá. P. 97

displacement of civilian populations suspected of supporting or collaborating with guerrilla groups.⁹²

According to members of paramilitarism, these groups have emerged as a reaction to the perceived excesses of guerrillas' criminal actions. Moreover, the peace negotiations with guerrilla groups undertaken from 1982 to 1985, started by the Turbay government and continued by President Betancur (1982-1986), presented a further motivation for paramilitary action. Indeed, these accords created a scenario where the government seemed open to substantial concessions to the guerrillas without demanding much in return. This was the paramilitary's perception, which found in this lecture the motivation to pursue their main objective. Namely, to combat the guerrillas and sabotage any negotiations that might confer them a semblance of power.⁹³

Paramilitarism since its birth in the 1980s spread throughout the Colombian territory and permeated all levels of state power, aspiring to establish itself as a comprehensive national project encompassing political, military, social, and economic dimensions.

2.7 Actors' strategies in the conflict.

Each armed faction adopted the warfare strategy of targeting the civilian population and did not hesitate to use violence. Nevertheless, the specific methods of violence employed and the level of intensity in their actions vary contingent upon the actor's evaluation of the territory, the war's stage, and the strategies implemented. The historical memory reconstruction of emblematic cases studied by the Historical Memory Group (GMH)⁹⁴ shows that guerrillas, paramilitaries, and members of the Armed Forces reconstructed and adjusted their violent practices according to changes in the logic of war and the objectives pursued by each of these groups. Some practices were more or less commonly used by each group, becoming their distinctive features.

⁹² Velásquez E. (2007) Historia del paramilitarismo en Colombia.

⁹³ Grupo Memoria Histórica (2013). ¡BASTA YA! Colombia: Memorias de guerra y dignidad. Informe final Bogotá: Imprenta Nacional.

⁹⁴ In 2005, the Colombian legislature enacted the "Justice and Peace Law" to disband numerous paramilitary groups that gained significant economic and political influence through the profitable drug trade, contributing to decades of violence. This legislation included the establishment of the Historical Memory Group (GMH), an initiative committed to formulating and spreading a comprehensive historical portrayal of the armed conflict in Colombia. The primary goal was to create, advance, and advocate for a narrative that delves into the origins of the internal armed conflict, with a focus on identifying its origins and contributing to the prevention of its recurrence.

Paramilitary groups organized and executed a range of violent actions, including targeted killings, massacres, forced disappearances, torture, brutality, threats, large-scale forced displacements, economic blockades, and sexual violence. Guerrillas instead engaged in tactics such as kidnappings, targeted assassinations, assaults on civilian property, looting, terrorist attacks, threats, illicit recruitment, and specific forced displacements. Additionally, they adversely impacted the civilian population as a byproduct of attacks on urban areas and the widespread, indiscriminate deployment of landmines. In other words, the hallmark of paramilitary violence is the assault on physical integrity, whereas guerrilla violence is characterised by actions against freedom and property. Therefore, paramilitaries are more prone to commit homicides, whereas guerrillas are more likely to engage in kidnappings and inflict more social destruction and disorder than paramilitaries. The Armed Forces' violence was instead characterized by arbitrary detentions, torture, targeted assassinations, forced disappearances, "false positives" assassinations, and collateral damage arising from bombings, as well as the excessive and disproportionate use of force.⁹⁵

2.8 The dimensions of violence and its investigation.

Determining the true extent of violence resulting from the armed conflict in Colombia has been a challenging task. One of the reasons behind this has been the delayed initiation of information collection and processing in the country systems, caused by a lack of political will to acknowledge, confront, and take responsibility for the issue. Additionally, the armed conflict itself has not been fully acknowledged in its actual magnitude since the challenges include logistical and methodological obstacles in capturing and recording information, compounded by the dynamic nature of the war. Factors such as its prolonged duration, changes in the operative mechanisms of armed actors, and the intertwining of multiple types of violence, further contributed to the underreporting of violent events. However, due to its lethal violence, the Colombian armed conflict stands out as one of the deadliest episodes in Latin America's contemporary history. According to research carried out by the Historical Memory Group, around 220.000 people lost their lives in the fraction of the conflict standing

⁹⁵ Grupo Memoria Histórica (2013). ¡BASTA YA! Colombia: Memorias de guerra y dignidad. Informe final Bogotá: Imprenta Nacional. P. 35.

between January 1, 1958, and December 31, 2012. The magnitude of this violence is staggering, equating to the population disappearance of entire cities like Popayán or Sincelejo within the domestic context.⁹⁶

One of the first and main organs of data collection regarding the Colombian armed conflict has been, and still is, the National Centre for Historical Memory (CNMH). This is a national public institution affiliated with the Administrative Department for Social Prosperity (DPS) established under Law 1448 of 2011 known as the “Victims Law” (Article 146), through Decree 4158 of 2011. Its primary objective is the reception, recovery, preservation, compilation, and analysis of all documentary materials, oral testimonies, and other relevant sources regarding the violations that occurred during the Colombian internal armed conflict. Its aim is to contribute to the comprehensive preparation and concretization of the juridical right to truth by recovering, preserving, and disseminating the diverse memories of the victims. This includes fulfilling the State's and all perpetrators' responsibilities, a duty of memory concerning the violations occurred within the framework of the conflict. The CNMH conducts investigations and engages in museum activities, educational initiatives and other related efforts aiming at establishing and clarifying the causes of the conflict, uncovering the truth, and trying to contribute to the prevention of recurrence in the future. The information gathered by the CNMH is meant to be accessible to victims, researchers, and a large public, enriching the understanding of Colombia's political and social history.⁹⁷ Despite the difficulties encountered in the process of creating a historical memory regarding such a recent and complicated reality, the establishment of the CNMH was possible thanks to the growing political commitment to peace. As we will consider in the following chapters, indeed, the second decade of the XXI century marked a historical change in the dynamics of the Colombian conflict. Various political sectors showed commitment towards justice, the end of the conflict, and the promotion of human rights. This commitment translated into the enactment of laws and the creation of institutions like the CNMH to promote truth, justice, and reconciliation in the country.

⁹⁶ Ibidem. P. 32.

⁹⁷ Informe de gestión (2022). Centro Nacional de Memória Histórica.

2.8.1 The impact of violence in numbers and armed groups' responsibilities.

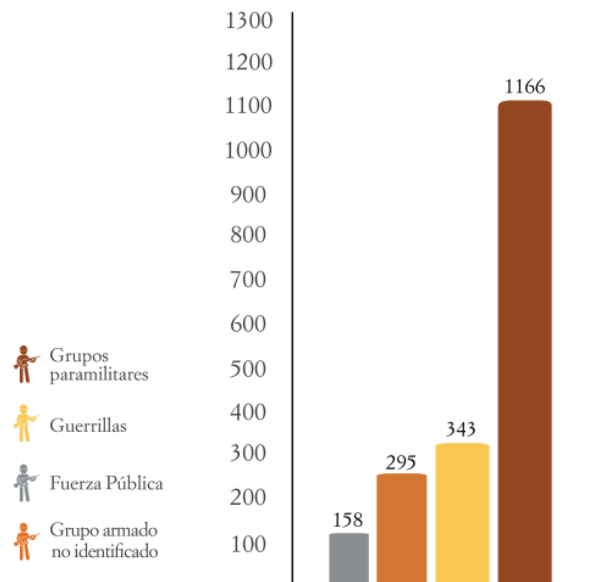
It is essential to recognize that Colombia's prolonged violence is not merely a sum of events, victims, or armed actors. Rather, it stems from deliberate actions linked to political and military strategies, rooted in intricated party alliances and social dynamics. This perspective allows the identification of various political and social responsibilities concerning the unfolding events. The GMH emphasises it clarifying the dimensions of the conflict—when and where it occurred, how it unfolded, who was involved, and who suffered consequences—as the foundational narrative of the conflict. Acknowledging the historical dynamics of violence involves rejecting the normalisation of war, restoring a sense of indignation, and breaking the cycle where explanation morphs into justification, unreservedly condemning the atrocities and those responsible.⁹⁸

The GMH in the General Report of the CNMH provided data regarding armed groups' responsibilities over massacres, selective assassinations, kidnappings, forced disappearances and damage to civilian property that occurred during the conflict. They are reported below.

- Massacres is the definition of intentional homicide of four or more people who are defenceless and is characterised by the public display of violence. Indeed, massacres are perpetrated in the presence of other individuals, or they are transmitted through indirect vision, as a horror spectacle. It results from the brutal encounter between the absolute power of the perpetrator and the complete impotence of the victim. Reporting the data and the graph provided by the GMH in 2013 (image 13), we can state that out of the 1.982 massacres documented by the governmental group between 1980 and 2012, paramilitary groups perpetrated 1.166, constituting 58.9% of the total. Instead, Guerrillas were accountable for 343, making up 17.3%, and the Armed Forces for 158, equivalent to 7.9%. Conversely, 295 massacres, or 14.8% of the overall count, were executed by armed groups whose identity remained unclear. The remaining twenty massacres were attributed to collaborative actions involving paramilitary groups and members of the Armed Forces, or actions carried out by

⁹⁸ Basta Ya. Colombia: memorias de guerra y dignidad. (2013) Informe General - Grupo de Memoria Histórica. P. 31-37.

other armed groups (foreign agents or popular militias). This signifies that, on average, for each massacre committed by guerrilla groups, paramilitaries were responsible for three.



Img. 13. Distribution of the number of massacres in the armed conflict by armed group, 1980-2012. Source: GMH, database of massacres in the armed conflict in Colombia (1980-2012).⁹⁹

- The document also reported data regarding the cases of selective assassination occurred between 1981 and 2012. There were 16.346 incidents resulting in 23.161 victims. Among them, 38.4% (8,903 individuals) were victims of paramilitary groups, 27.7% (6,406 victims) of unidentified armed groups, 16.8% (3,899 victims) of guerrillas, 10.1% (2,339 victims) of members of the Armed Forces, 6.5% (1,511 victims) of unknown perpetrators, 0.4% (83 victims) from joint actions of paramilitary groups and the Armed Forces, and 0.05% (13 victims) by other groups. Please notice that in this counting which is officially provided by the GMH the addressing of responsibility of 7 victims is missing.
- Regarding reported kidnappings occurred between 1970 and 2010, guerrillas were responsible for 90.6% (24,482 cases), while paramilitaries carried out 9.4% (2,541 cases). This means that approximately nine out of ten kidnappings were attributed to guerrillas and one out of ten to paramilitary groups.

⁹⁹ Base de datos GMH, Masacre del conflicto armado en Colombia (1980-2012) available at: <https://www.centrodememoriahistorica.gov.co/micrositios/informeGeneral/basesDatos.html>

- Information about perpetrators of forced disappearances, namely the practice of abduction, detention, or seizure of individuals by state agents or paramilitary groups frequently acting without facing legal consequences, is notably lacking. However, from documented cases and as a characteristic of this type of violation of human rights, it is suggested that the alleged authors also in Colombia were concentrated in the Armed Forces and paramilitaries.¹⁰⁰ Of the 5.016 documented cases, the presumed author was identified in only 689 cases. Among them, 42.09% (290 cases) were attributed to the Armed Forces, 35.70% (246 cases) to paramilitary groups, 19.88% (137 cases) to other armed groups, and 2.32% (16 cases) to guerrillas.
- Between 1988 and 2012 the GMH documented 5.137 cases of damage to civilian property. The illicit activities considered were attacks on properties, burning of houses, destruction of infrastructure and theft of livestock, sabotage against electrical, energy, and road infrastructure, and attacks against private institutions. Of these, guerrillas were held responsible for 84.1% (4.322 cases), unidentified armed groups for 6% (308 cases), paramilitary groups for 5.2% (270 cases), members of the Armed Forces for 3.5% (182 cases), joint actions of two or more conflict actors for 0.9% (49 cases), and other armed groups for 0.1% (6 cases).

2.9 Narcoterrorism

In the turbulent decade of the seventies, Colombia found itself immersed in a social and political conflict of great intensity. In this context, the drug trade emerged as a key player, radically transforming the country's reality, and making it one of the epicentres of world drug trafficking. The appearance of drug trade was followed by the emergence of a new element known as narcoterrorism. This new phenomenon was characterised by the convergence of drug trafficking and terrorist activities.¹⁰¹ It found fertile ground in Colombia, where during the peak of the conflict in the 1980s and especially in the late

¹⁰⁰ Office of the United Nations High Commissioner for Human Rights. (2009) Enforced or Involuntary Disappearances - Fact Sheet No. 6/Rev 3. Printed at United Nations, Geneva.

¹⁰¹ Rollins J., Sun Wyler L., Rosen S. (2010) International Terrorism and Transnational Crime: Security Threats, U.S. Policy, and Considerations for Congress Congressional Research Service P.39

20th century, insurgent groups like the FARC-EP, the ELN, and paramilitarism engaged in drug trafficking to finance their operations.

Various factors, such as the lack of state integration in marginalised regions and the economic crisis, led farmers to cultivate marijuana, coca, and poppy as alternative sources of income. Cartels found these raw materials attractive and consolidated Colombia as a leader in this illicit business. The FARC-EP, initially against coca cultivation, changed their position by directly purchasing coca paste from farmers to finance their criminal operations. They also set their role as defenders of farmers against the exploitation of cartels and their private armies. This shift and the new role of guerrillas created tensions with drug traffickers, leading to violent conflicts. Indeed, guerrilla groups, at this point involved in drug trafficking, began demanding payment for allowing drug laboratories to operate. It also began extorting money in areas where drug traffickers held land ownership. This has led to a transformation in roles and alliances within a complex network involving drug trafficking, political dynamics, and violent activities, suggesting a complex interplay between different actors in the region, including guerrilla groups, paramilitary groups, drug traffickers, and potentially political entities.

The infiltration of drug trafficking into Colombian politics was evident since the 1970s presidential campaigns. Both the Liberal and Conservative parties received funding from drug traffickers, including prominent figures like Pablo Escobar, namely the most powerful drug lord and narcoterrorist in the country. The convergence of interests between politicians and drug traffickers led to an early tolerance for the mafias, creating ethically questionable connections. Initially opposing the illicit business, guerrillas became entangled in a complex fabric of conflicts, alliances, and struggles for territorial control. This period left an indelible mark on Colombian history, signifying an era of social, political, and economic transformation driven by narcoterrorism.¹⁰²

Understanding the full scope of violence stemming from Colombia's armed conflict and the dynamics shaping and fuelling it has proven challenging but fundamental for orienting the country towards a new phase of the conflict. The negotiations one. As

¹⁰² Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá. P 160-170

delved into in the following chapter, indeed, from the 1980s the country adopted a political commitment towards justice, conflict resolution, and human rights promotion.

Chapter 3

Peace Negotiations: from the Betancur government in the 1980s to the presidency of Santos in the 2010s.

Between 1982 and 2002, Colombia witnessed a complex and explosive confluence of events. Despite the negotiations carried out by the government starting from the 1980s, guerrillas reached a gradual expansion. Moreover, the drug trade experienced a surge, paramilitary groups rose, and the army experienced reinforcements receiving substantial support from the United States. The simultaneous strengthening of these opposing factions resulted in a significant upswing in violence. Another major contributing factor was the escalating availability of weapons and the gradual expansion of criminal gangs exploiting the State's difficulties in combating large-scale illegal activities. The Truth Commission, together with the Special Jurisdiction for Peace and the Data Analysis Group on Human Rights Violations, carried out a project integrating a large amount of data. The investigation revealed that between 1985 and 2018, 450,664 people lost their lives due to the armed conflict. Approximately 80% were civilians and 20% were combatants. It means that 8 murdered of the Colombian conflict out of 10 were civilians.¹⁰³

Jorge Orlando Melo (2017) identified two primary factors contributing to the substantial growth that the guerrilla movement experienced in Colombia in those years. Firstly, the army's inadequate response to social unrest –fuelled by limited resources and civilian mistrust– brought the army to deviations from legal norms, resulting in violence against civilians, torture, and extrajudicial executions. These actions also prompted criticism, mobilising the population to advocate for human rights and pursue negotiations to end the conflict. The second factor was the guerrilla's effective use of new criminal financing methods. Indeed, kidnapping, extortion, and threats were techniques that prevailed until the early '80s. Then things changed: the ELN shifted to extorting oil companies as

¹⁰³ Comisión de la Verdad (2022) Cifras de la Comisión de la Verdad presentadas junto con el Informe Final. Available at: <https://web.comisiondelaverdad.co/actualidad/noticias/principales-cifras-comision-de-la-verdad-informe-final#:~:text=Seg%C3%BAn%20el%20CNMH%2C%20desde%201958,179.076%20v%C3%ADctimas%20de%20asesinatos%20selectivos.>

the foundation of their military growth while the FARC-EP started charging for the protection of coca crops.¹⁰⁴

To have a clear chronological vision of guerrillas' activities in the country it might be useful to divide their existence into periodization. Since their constitution in the 1960s, guerrillas experienced an extended period of relative stagnation and marginalisation, spanning between the mid-1960s to the early 1980s. This interval was characterized by slow and almost imperceptible growth, with armed activities confined to remote rural areas. At the beginning of the 1980s, guerrilla started growing, gradually achieving influence in strategically vital areas due to the accumulation of economic resources and military power. Indeed, from the early 1980s to 2002, the guerrilla witnessed a rapid territorial expansion, establishing a presence encircling the country's major political-administrative centres. Notably, their presence in areas rich in oil, minerals, illicit crops, and active agriculture remained constant and, by the 2000s, they reached to influence both central regions and peripheral ones. However, their activities ran into obstacles and challenges in achieving their strategic goals through armed means which set the stage for negotiations with the government. Therefore, Guerrillas engaged in peace talks aimed at concluding the conflict that endured for more than fifty years. Over this period, shifts in the conflict dynamics have occurred, some of which represent significant disruptions, preventing a straightforward linear peace assessment. Finally, with the beginning of the new century, guerrillas growth came to an end. During this last phase, the violence instigated by paramilitary groups and the military's offensive actions compelled the guerrillas to retreat and curtail their armed engagements.¹⁰⁵ Consequently, they inclined towards institutional negotiations (Image 14).

¹⁰⁴ Mainwaving S., Bejavano A., Pizarro e., (2006) *The Crisis of Democratic Representation in the Andes*. Stanford University Press. P. 298.

¹⁰⁵ Echandía C., (2015) *Cincuenta años de cambios en el conflicto armado colombiano (1964-2014)*. The Faculty of Finance, Governance and International Relations (ZERO) of the Universidad Externado de Colombia. Available: <https://zero.uexternado.edu.co/cincuenta-anos-de-cambios-en-el-conflicto-armado-colombiano-1964-2014/>

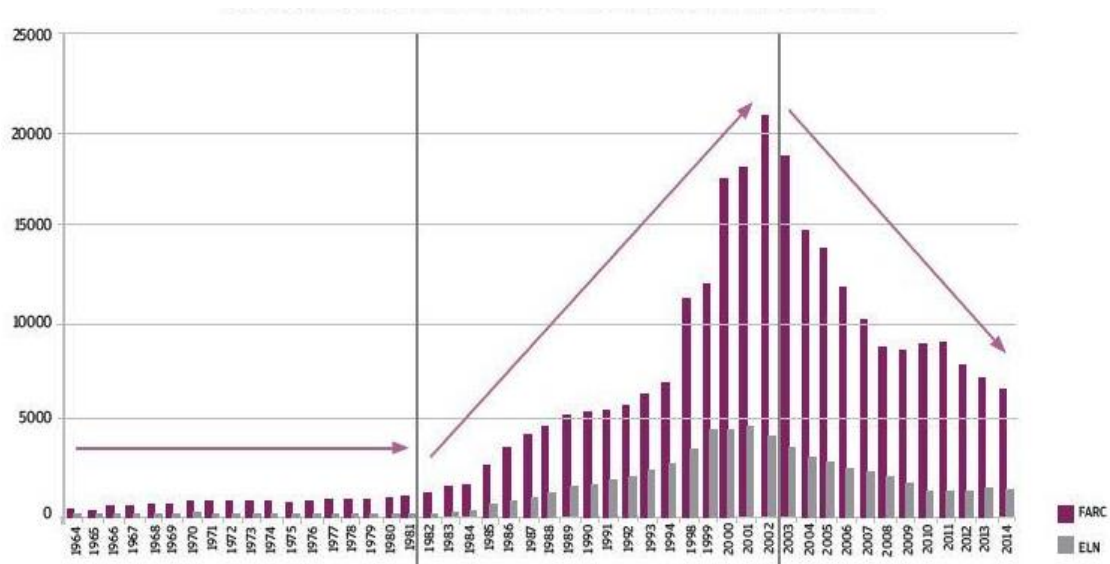


Image 14. Graphic of the three phases of evolution in the Colombian armed conflict based on FARC and ELN growth and degrowth.

1964-1981: Stagnation and marginalization. 1982-2002: Territorial expansion and intensification of guerrilla activity. 2003-2014: Retreat and strategic defeat.

Source: Oficina del Alto Comisionado para la Paz. Elaborated by Professor Echandía Castilla in *“Cincuenta años de cambios en el conflicto armado colombiano (1964-2014)”*

By 1982 the expectations of a social revolution or a seizure of power diminished in Colombia as well as in the rest of the world. The fall of the Berlin Wall in 1989 and the failure of the Cuban project eroded socialist models while in Colombia the implementation of a new constitution in 1991 created a new climate of hope. Radical youth shifted from insurgencies to urban networks for human rights defence and social organisations, causing a decline in guerrilla attractiveness. As a violent seizure of power became an improbable utopia, the guerrillas sought some medium-term objectives. The first was to consolidate local power in their areas of peasant influence through participation in the election of mayors and municipal councillors with the support of legal political movements; the second was to obtain broad concessions from the government that would provide favourable conditions for their legal political participation.¹⁰⁶

¹⁰⁶ Echandía C., (2015) *Cincuenta años de cambios en el conflicto armado colombiano (1964-2014)*. The Faculty of Finance, Governance and International Relations (ZERO) of the Universidad Externado de Colombia. Available: <https://zero.uexternado.edu.co/cincuenta-anos-de-cambios-en-el-conflicto-armado-colombiano-1964-2014/>

3.1 The 1980s and the boom in drug trafficking.

The growth of guerrillas, increasing steadily between the early 1980s and 2002, occurred in concomitance with a national increase in violence. As we saw in the previous chapter, by the end of the National Front violence expanded. This was due to a boom in drug trafficking, especially of cocaine. This illicit business permitted the growth of the FARC-EP, the ELN, and paramilitary groups, which led to an escalation of the conflict thanks to the new economic possibilities of the involved armed groups. Therefore, narcoterrorists' activities, empowered by the *narcoguerrilla* and its counterpart the *narcoparamilitarism*, improved as well, leading to increases in the killing and forced displacement of entire communities due to clashes for land control. Drug trafficking also penetrated state institutions and the political class, giving rise to corruption, weakening the efficiency of public administrations and political ethical standards, undermining the state's capacity to address the armed conflict and violence. At the same time, institutions and political figures opposing drug cartels were targeted by terrorist attacks. Another concerning facet of the reshaped contours of Colombian reality was the massive acquisition by narcotics traffickers of land, resulting in a concentration of properties undermining governmental agrarian reform initiatives.¹⁰⁷ Culturally and socially, narcotrafficking induced profound shifts in the social perception of criminals. The mystique figure of guerrilla fighters was replaced with the pragmatic one of narcotics traffickers, seen as an example of possible upward mobility. The 1980s also marked a general transition from viewing armed means as an explanation for violence to considering it a justified response to it. The idea of the right to insurrection expanded, blaming structural problems within the system, leading to the justification of the armed struggle due to social inequalities, democratic constraints, and politics deficiencies.¹⁰⁸

3.1.1 The U.S.-led war on drugs.

State repression changed in character in the 1980s, with a shift from political violence to the so-called war on drugs. Indeed, the Colombian government in a joint effort with the U.S. Reagan and then George H.W. Bush administrations, engaged in military actions

¹⁰⁷ Grupo Memoria Histórica (2013). ¡BASTA YA! Colombia: Memorias de guerra y dignidad. Informe final Bogotá: Imprenta Nacional. P. 143-148.

¹⁰⁸ Melo (2017) elo, J. (2017). Historia mínima de Colombia. El Colegio de México, Turner. Madrid. P. 258-259 HMC

against drug traffickers. The Andean country already under the Turbay administration (1978-1982) adopted an active role in terms of security policies, following the North American posture of President Raegan (1981-1989). Indeed, such republican administrations during the 1980s and early 1990s implemented aggressive policies to address the issue of drug trafficking both domestically and internationally. This orientation was motivated by the U.S.' growing concern about the significant increase in drug use experienced in the nation from the late 1960s. President Nixon (1969-1974) was the first who denounced the issue represented by illicit drugs, its business and consequences, stating in June 1971 that drug abuse was the “public enemy number one”.¹⁰⁹

Reagan's administration, aggressive in character, approached foreign politics in Latin America moving away from the pro-human rights policies adopted by his predecessor, Jimmy Carter (1977-1981).¹¹⁰ Marked by fervent anticommunism, both Reagan and Bush presidencies pursued a strategy against communism in Latin America, which materialized in the Reagan Andean Initiative of 1983. Commonly referred to as the War on Drugs, this initiative officially aimed at tackling drug production at its origin, providing military and economic assistance to Andean nations such as Colombia, Bolivia, and Peru to eradicate drug production through state intervention. However, the approach was criticised for prioritising anticommunist objectives over the battle against drug trafficking, exemplified by the U.S. backing of the anti-Sandinista Contras in Nicaragua.¹¹¹

The economic world situation between 1981 and 1982 also represented a motivation for Colombia to tighten bonds with the U.S. Indeed, in those years of global severe economic recession, Colombia supported US foreign policy to preserve its own economic interests, guaranteeing the receipt of grants. Moreover, Colombian support for U.S. foreign policy was motivated by two other reasons. Firstly, by the resurgence of Nicaraguan claims over the Colombia archipelago of San Andrés after the Sandinista

¹⁰⁹ Richard Nixon Foundation (2016). President Nixon Declares Drug Abuse "Public Enemy Number One" [Video]. Available: <https://www.youtube.com/watch?v=y8TGLLQID9M>.

¹¹⁰ Pettinà, V. (2022) A compact history of Latin America's Cold War. Chapel Hill: University of North Carolina Press. P. 141.

¹¹¹ Official Site Comision de la Verdad. América alineada contra las drogas. Available: <https://www.comisiondelaverdad.co/america-alineada-contra-las-drogas>

revolution's success in 1979. Secondly, the Cuban support for the M-19 in March 1981, which facilitated the suspension of diplomatic relations between Colombia and Cuba. This attachment with the U.S. resulted in Colombian diplomatic isolation in Latin America. (Tufano 2023: 89). Besides this, internal factors also played a role in explaining the Colombian heightened support for the U.S. foreign policy. They were the government legitimacy crisis, the escalating levels of internal violence, the nation's quest for greater international recognition and prestige, and President Turbay's ideological orientation which was anti-communist and pro-American.¹¹²

This era saw increasing human rights abuses linked to the fight against drug cartels and leftist guerrillas, in a climate of political immobility --an informal legacy of the National Front, persisting in the country until 1991.

3.2 The Betancur administration (1982-1986) and the new political discourse.

U.S. President Jimmy Carter (1977-1981) during his mandate promoted human rights protection. Following this trail and example, at the beginning of his presidency in 1982 the Colombian President Belisario Betancur chose to engage in dialogues and initiate a peace process with the guerrillas, granting amnesties for political crimes of sedition and uprising. After years of State negationism well represented by President Turbay's statement "*In Colombia the only political prisoner is me*" (1979) President Betancur set a turning point in the national political discourse. When this first peace process in Colombia began, there were no international models for resolving a civil war through negotiations. There were winners or losers, but there were no cases of successful negotiations within the history of civil conflict resolutions. Despite this lack of templates, President Betancur engaged in initiating one of the longest peace negotiation processes of Latin America.¹¹³ During his government the country experienced changes in the political discourse with the introduction of two new elements. The first was the recognition of armed insurgencies as a political actor and consequently, the necessity of opening dialogue with them, while the second was the necessity to lead a process of democratic opening. These new elements shaped Betancur's approach to the conflict,

¹¹² Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 87-90.

¹¹³ Chernick M., (1996) Introducción. Aprender del pasado: breve historia de los procesos de paz en Colombia (1982-1996). Colombia Internacional - Revistas Uniandes Núm. 36

which set the fundamental step for Colombian democratisation on negotiations with guerrillas and their eventual participation in a reformed political system.

By March 1984 in La Uribe town (Meta department), agreements on a ceasefire were reached and signed between the governmental Peace Commission and the FARC-EP. In the meanwhile, discussions on major issues affecting the country were initiated, and substantial political reforms were proposed concerning agrarian, urban and legislative situations, as well as human rights. The government also committed to peace with the M-19 and the EPL which in July and August signed truce agreements with the Peace Commission.¹¹⁴ However, the Congress as well as the army did not back the agreements and opposed it (Ramírez y Restrepo 1989). Despite the orders, the state's military forces rejected the cease-fire defaulting on the presidential orders implemented through La Uribe agreement. The military attacked on several occasions the guerrillas during the truce, which brought to escalations of human rights violations. Consequently, there were gradual breakdowns of cease-fire agreements and a return to hostilities between 1985 and 1987. The M-19 seizure of the Palace of Justice on November 6, 1985, is a striking example of it. Armed members of the guerrilla broke-in the headquarters of the government and held the Supreme Court hostage until the following day. The takeover represented an "armed petition" for justice. The M-19 indeed advocated for a public trial against Betancur's government and its peace policy, accused of betraying the truce established in the La Uribe agreements.¹¹⁵

Six months before the occupation of the Palace of Justice, the Patriotic Union (UP) was established as a deliberate effort to turn the armed insurgents into a political actor using civil and legal means. This initiative was part of the La Uribe agreement, envisioning the transition of guerrillas, particularly the FARC-EP, towards civilian life and legality in accordance with their stated intentions. It provided a platform for former guerrilla members to participate in the democratic process and, subsequently, it emerged as a noteworthy third political force. However, the UP faced significant challenges, among

¹¹⁴ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 101-103.

¹¹⁵ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 107-110.

them becoming a target for political violence. Numerous members, including political leaders and activists, were systematically attacked and killed by paramilitary groups and other adversaries.¹¹⁶ The La Uribe agreement envisioned that one year after military cessation, members of the FARC-EP would have been afforded guarantees to "organise themselves politically, economically, and socially." The government pledged to provide assurances and incentives during this period, emphasising the need to restore civilian normality in the areas affected by violence.

In 1982, the Amnesty Law gave rise to the National Rehabilitation Plan (PNR) which focused on three key areas: road infrastructure, the agricultural sector, and participation/reintegration. The PNR stood out as one of the noteworthy achievements of the negotiation process with the FARC. Notably, it engaged the community in project formulation through Municipal Rehabilitation Councils. It engaged also in prioritizing Colombians who directly or indirectly suffered from the ravages of violence."¹¹⁷ However, President Betancur peace negotiations did not result in the fulfilment of definitive agreements in any field; the truce agreements did not last, and peace was not achieved.

Betancur peace negotiations, however, represented a novelty in security matters. They introduced significant changes in political discourse, they recognized armed groups as a political actor, promoted a democratic opening, and, for the first time in history, they have set at the same table insurgent groups and the government. Therefore, it would be incorrect to classify these peace negotiation attempts as a failure since they set a precedent never seen before and established the groundwork for a political consensus that ultimately paved the way for the enactment of the 1991 Constitution.¹¹⁸ Moreover, despite its unsuccess in the short term, Betancur's negotiation effort legitimised a political solution to the armed conflict in the long term. This approach proved to be the

¹¹⁶ Rojas Puyo A., (2018). *La paz, un largo proceso*. Relato autobiográfico de Alberto Rojas Puyo.

¹¹⁷ Comisión de la Verdad (2022) *Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia*. Bogotá.

¹¹⁸ Padilla Berrío M.J., (2016) *Los embates por la paz: historia de los diálogos de paz durante el gobierno de Belisario Betancur con los grupos guerrilleros, Colombia*. Universidad Nacional de Colombia. *Revista Forum*, ISSN-e 2216-1767, Nº. 10-11, 2017, págs. 85-104

only realistic one, and subsequent governments, even if with specific differences, returned to it.¹¹⁹

To thwart President Betancur's early and preventive peace efforts were a series of players. Firstly, the military, stronger in funding and power, contested the ceasefire as if decisions regarding public order were under their domain and as if the president had usurped their role. Secondly, the elites abandoned President Betancur in his peace proposal, advocating only for the surrender or disarmament of the guerrillas. Thirdly, insurgent groups were rapidly growing, gaining a sense of success. Fourthly, the emergence of drug trafficking as a political and economic force entered as a tipping point in the balance of power of the counterinsurgency war. Lastly, the onset of the UP genocide massacre highlighted the obstacles to the expansion of democratic space.

3.3 The Barco administration.

Upon assuming power in 1986, President Virgilio Barco (1986-1990) and his government assessed the peace policy of his predecessor Betancur. The new advisers concluded that the previous administration lacked a defined project, clear goals, specific timelines, and widespread dissemination. For them, there were too many social actors involved without a clear and effective commitment from the government. Based on these evaluations, Barco's government established the *Counseling for Reconciliation, Normalisation, and Rehabilitation of the Presidency* as a symbol and guarantee of the government's commitment. Through this new office, the government narrowed the scope of the negotiations with guerrillas to issues it considered manageable. Instead of a broad and open negotiation agenda, Barco aimed to negotiate with the guerrillas solely on the disarmament process and their subsequent integration into legal political life.¹²⁰ No other subject or compromise would have found space at the negotiation table.

The government wanted to reaffirm the authority of the State as a State. Thus, along with the project of restricted negotiations with the guerrillas, President Barco developed a series of programs aimed at the rehabilitation of those areas affected by violence. This

¹¹⁹ Grupo Memoria Histórica (2013). ¡BASTA YA! Colombia: Memorias de guerra y dignidad. Informe final Bogotá: Imprenta Nacional. P. 258-259.

¹²⁰ Chernick M., (1996) Introducción. Aprender del pasado: breve historia de los procesos de paz en Colombia (1982-1996). Colombia Internacional - Revistas Uniandes Núm. 36

included the creation of the National Rehabilitation Plan and the establishment of municipal and departmental rehabilitation councils, which were supposed to promote citizen participation. However, the objective of his approach was not to negotiate with the guerrillas a solution to the armed conflict, but to legitimize the State and delegitimize the guerrillas. In this scenario negotiations were not set between two equal parties, but between a state consciously representing the citizenry and irregular groups yet aspiring to participate in the country's political life. This strategy was summarised in the motto "outstretched hand, firm pulse".¹²¹

In the second half of the 1980s, guerrillas' activity expanded and intensified, with repeated military incidents and assassinations of members of the UP. During this period, forms of guerrilla coordination and joint operations emerged. In October 1987, the Guerrilla Coordinator –then called the National Guerrilla Coordinator Simón Bolívar (CNGSB)– was established. It was composed of the FARC-EP, the M-19, the ELN, the ELP, and two minor guerrillas, namely the Workers Revolutionary Party (PRT) and the Armed Movement Quintín Lame (MAQL). This grouping aimed to create a strategic unification of the insurgency, focusing on the modernization of communications, improvements in firepower, and more advanced devices. In different regions, joint actions were carried out, originating more impact against state military forces.¹²²

In 1988, due to the escalation of violence driven by guerrillas, drug trafficking, and other forms of crime, Barco's government had to change its approach to peace policies, following civil society's demands for stabilization and the end of violence. Barco then issued the "Peace Initiative". This was a policy acknowledging the possibility of dialogue on wider subjects with guerrillas, as long as they were willing to pursue peace. This new approach postulated détente toward the cease of subversive actions, with procedures and guarantees for the guerrillas. Combatants were provided with legal incorporation, the right to political participation, and temporary assistance through national and regional normalisation councils. The new orientation of Barco's government immediately showed results. The M-19, indeed in 1989 decided to independently initiate peace negotiations with the government, distancing itself from the CNGSB. So,

¹²¹ Ibidem.

¹²² Villarraga A., (2016). Los acuerdos de paz Estado-guerrillas en Colombia, 1982-2016. In *Derecho y Realidad* - Vol. 14 - Núm. 28, julio - diciembre 2016. P. 118.

In January 1989, amid narcotrafficking and paramilitary violence, as the massacre against the PU unfolded and many prominent individuals were forced into exile, Carlos Pizarro (M-19 leader between 1986 and 1990) met with the presidential peace adviser Rafael Pardo to initiate new peace negotiations. Although attempts were made to involve other guerrillas from the CNGSB, the M-19 negotiated independently. It adopted the slogan "peace for the nation, truce for the Armed Forces, and war against the oligarchy" and aimed at political and judicial reforms.¹²³

The M-19 decision to seek peace was based on several reasons, including the negative impact that arose from the Palace of Justice siege, and the perceived impracticality of armed struggle. The group accepted the challenge of abandoning arms and reintegrating into legality assuming the risks of peace. The Political Pact announced the demobilisation of all M-19 fronts, the surrender of weapons and ammunition, and the integration of its members into the country's institutional life. The National Normalisation Council was created to coordinate the implementation of peace agreements and the reintegration plan for ex-combatants into civilian life, implementing programs for their social and productive reintegration. Additionally, a security plan and a Commission for Monitoring Commitments of the Parties were established.¹²⁴ The FARC-EP maintained instead its political position of fighting for a democratic change based on significant reforms within a strategy of war and a "Plan for taking power". The EPL reiterated its proposal to demand a National Constituent Assembly for the guerrillas to transform into political parties within a framework of guarantees and democratic political reform. Finally, the ELN, even if initially reluctant to peace talks with the government, nonetheless proposed an agreement for the humanization of war between the government and the guerrillas.¹²⁵

The limit of Barco's strategy lay in its own conception: it was a program that was too Machiavellian, preventing substantive negotiations. This resulted in the loss of three years (between his take of office and 1998) on the path of negotiations. During this period, also due to the ineffective ceasefire agreements signed with the FARC-EP during

¹²³ Tufano, S. (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años Ochenta. Ariel. Bogotá. P. 160-161.

¹²⁴ Villarraga A., (2016). Los acuerdos de paz Estado-guerrillas en Colombia, 1982-2016. In Derecho y Realidad - Vol. 14 - Núm. 28, julio - diciembre 2016. P. 119-121.

¹²⁵ Ibidem. P.116-119.

Betancur's government in 1984, the conflict intensified. Barco's strategy achieved partial success, concluding peace agreements with the M-19, a portion of the EPL, and the Indigenous Armed Movement Quintín Lame (MAQL). However, this peace was partial, incomplete, and its overall result was limited as it left out the main guerrilla groups.¹²⁶

3.4 Human rights and NGOs.

In March 1979 the First National Forum on Human Rights was held, which led to the establishment of the Permanent Committee for the Defense of Human Rights (CPDH). Amnesty International conducted a visit to Colombia in January 1980 and released a report supporting victims' testimonies, asserting that the torture of political prisoners in military facilities was a systematic practice in the country.¹²⁷ In April 1980, the Inter-American Court of Human Rights (IACHR) made its inaugural visit to Colombia. Both Amnesty International and the IACHR recommended the lifting of the state of siege and the repeal of the Security Statute implemented in 1978 by President Turbay. The Statute granted the military greater autonomy of action and gave military tribunals the power to prosecute civilians. These events laid the foundation for human rights movements in Colombia and brought the country's issues to international attention.¹²⁸ In the 1980s, social movements emerged as a powerful force working towards the democratisation of society and, despite the Security Statute's attempt to suppress dissents, protests underwent a significant transformation; alongside traditional agrarian, labour, and student organisations, new civic, urban, and regional groups emerged, advocating for a range of causes, including social, feminist, ecological, and human rights issues. Throughout the decade, these movements actively campaigned for social inclusion, public goods, equality policies, political rights, and against impunity. Various human rights groups emerged to advocate for reforms in Colombia leading to significant advancements and legal reforms. Human rights NGOs and victim groups also brought cases to international venues, such as the IACHR. Among them, one resulted in an official admission of state responsibility for prolonged human rights violations by President

¹²⁶ Chernick M., (1996) Introducción. Aprender del pasado: breve historia de los procesos de paz en Colombia (1982-1996). Colombia Internacional - Revistas Uniandes Núm. 36. P. 2-3.

¹²⁷ Amnesty International report (1979). Amnesty International Publications, England. P. 56-59

¹²⁸ Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá.

Ernesto Samper (1994-1998).¹²⁹ While major arrests or prosecutions were lacking, this admission marked a turning point for truth and justice initiatives in Colombia. Human rights organisations continued to address impunity for political crimes, paving the way for subsequent national legal reforms.

3.5 The 1990 elections: a pivotal moment in democratisation and the fight against guerrillas.

The 1990 Colombian presidential elections were alarmingly overshadowed by insecurity and the constant threat of drug trafficking. In 1989, the discussion within the Colombian Liberal Party revolved around the possibility of holding a popular consultation to choose the presidential candidate for the elections. This was a condition set by the politician Luis Carlos Galán for his return to the party. Indeed, liberalism was going through a moment of ideological differences among its members which brought to the rise of new parties, like the New Liberalism (*Nuevo Liberalismo*) founded precisely by Galán in 1979. Meanwhile, the Conservative Party experienced divisions between the Pastranista faction, and the Alvarista faction, in favour of Álvaro Gómez Hurtado, son of the former president Laureano Gómez. In May 1989 the liberal César Gaviria, former Minister of Government, chose to lead Galán's campaign. However, on August 18, 1989, Galán was assassinated, marking a crucial point in the fight against drug trafficking in Colombia. The murder indeed, was carried out by drug traffickers led by Pablo Escobar with the support of Alberto Santofimio, a liberal politician serving mafias, who was convicted for the crime in 2007. Galán was killed for supporting the extradition of drug traffickers to the U.S. and for his frontal fight against this illicit business. In the background, Santofimio sought to eliminate his political rival for the 1990 Presidential elections.¹³⁰

Escobar was a drug lord representing one of the main enemies of the Colombian state from the 1980s until the early 1990s. He had been the leader of the Medellín Cartel since its foundation in 1976 until he died in 1993. Besides managing drug trafficking, Escobar ordered tons of contract killings targeting judges, politicians, journalists, and police. He was also the mastermind behind the terrorist attacks that were bending the state.

¹²⁹ Official site Comision de la Verdad. El Estado reconoce responsabilidad. Available: <https://www.comisiondelaverdad.co/el-estado-reconoce-responsabilidad>

¹³⁰ El Tiempo (2019). 30 años después, en qué van las investigaciones por asesinato de Galán. Available: <https://www.eltiempo.com/justicia/investigacion/magnicidio-galan-que-se-sabe-del-asesinato-de-luis-carlos-galan-400934>.

Simultaneously, he cultivated influential contacts within security and justice institutions, shielding the members of his Cartel from prosecution. The state-registered terrorist attacks organised by Escobar have been 623. Moreover, 5.500 killings were reported only between 1989 and 1993, namely the years of the boom in activity for the Medellín cartel.¹³¹ The day after Galán killing, the Barco government implemented strict state-of-emergency measures against drug trafficking with the support of public opinion, enacting severe legislation and extradition.

In the legislative elections of March 11, 1990, the Liberal Party experienced a remarkable victory and the Conservative Party suffered losses in the Senate and several mayoral offices. Additionally, Gaviria replaced Galán as a liberal presidential candidate and massively won the popular consultation, becoming the official representative of the party. For the first time since 1974, the Liberal Party presented united to the presidential elections. These elections were considered historic in the national landscape as independent voting won. That means that Colombian Liberals could vote for the first time for the political personality they pleased rather than who the elites proposed as a presidential candidate. This popular consultation was then considered a significant milestone in Colombian democracy, which began to shift from a formal one into a real one.¹³²

In the meanwhile, violence persisted against the Patriotic Union (UP). On March 22, 1990, Bernardo Jaramillo –the UP's presidential candidate– was assassinated. The crime was attributed to Pablo Escobar as most of the political assassinations at that time. A month later, Carlos Pizarro, former commander of the M-19 and presidential candidate, was also assassinated. Amidst the crisis, the idea and need for a Constituent Assembly became the dominant theme in the national political debate, with an unanimity between different political sectors and opinions rarely seen in the country's history.¹³³ The Constituent Assembly was perceived as a kind of blessing that could bring at least a glimmer of hope to the Colombian people in those tumultuous times. Despite this, the idea of convening a National Constituent Assembly was not new and did not come from

¹³¹ Semana (2018). Pablo Escobar: 25 Años Del Fin De Una Pesadilla. Available:

<https://especiales.semana.com/la-muerte-de-pablo-escobar/la-violencia-de-pablo-escobar.html>

¹³² Tufano S., (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años ochenta. Ariel. Bogotá. P. 168-170.

¹³³ *Ibidem*. P. 172.

high-profile politicians, business figures, or academic analyses. Indeed, it initially surfaced at the Negotiation Table between the government of Belisario Betancur and the EPL. Subsequently, it gained momentum through the assertive stance of the student movement that emerged during the 1990 presidential campaign, representing a civic reaction to the violence associated with drug trafficking and guerrilla activities.¹³⁴

The 1990 elections revealed popular support for carrying out constitutional reforms using an extraordinary formula that involved mechanisms beyond the established constitutional limits. Indeed, just a few days before the elections, Decree No. 927 for the state of emergency was issued. This authorised the administration of voting during the presidential elections for the establishment of a Constituent Assembly. The purpose of the constitutional reform was to strengthen institutions and, therefore, address the serious Colombian crisis of legitimacy.¹³⁵

Besides being considered the bloodiest and most dramatic in Colombian history, these presidential elections reached the highest level of abstentionism (58%) in 20 years. The newspaper *La Semana* attributed the low voter turnout to terrorist intimidation, influencing also the inability of candidates to conduct public campaigns. This would have diluted the diversity of opinions making both candidacies more homogeneous. However, on May 27, César Gaviria was elected president, and a firm approach to the conflict rather than a conciliatory one was anticipated.¹³⁶

In the same month of the elections, the Barco government initiated new negotiations with other guerrilla groups, including the MAQL, and the EPL which would extend into the Gaviria administration.¹³⁷ These negotiations aimed to show the adaptability of Barco's strategies to various guerrilla groups. However, critics argued that the demobilisation of the M-19 of March 1990 was possible because of the military defeat and political backdrop of the guerrilla.¹³⁸ Moreover, the expectations generated by the

¹³⁴ Official Site Comisión de la Verdad. El camino a la Constituyente. Available: <https://www.comisiondelaverdad.co/la-constituyente>

¹³⁵ Ibidem. P.172.

¹³⁶ Tufano S., (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años ochenta. Ariel. Bogotá. P. 169.172.

¹³⁷ Villarraga A., (2016). Los acuerdos de paz Estado-guerrillas en Colombia, 1982-2016. In *Derecho y Realidad* - Vol. 14 - Núm. 28, julio - diciembre 2016. P 122.

¹³⁸ Comisión de la Verdad (2022). *Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia*. Bogotá. P. 232.

call for a National Constituent Assembly played a crucial role in prompting other guerrillas to engage in negotiations. Additionally, in 1990, the Armed Forces regained control in combat, with increased budgets, enhanced training, and the establishment of the first Mobile Brigade with professional soldiers specifically formed to counter-guerrilla forces. Moreover, the government successfully changed public opinion's stance, which during the Turbay era (1978-1982) viewed guerrillas as legitimate victims of repression. Yet, practices like kidnapping and extortion caused the guerrillas the loss of political ground, credibility, and popular support. They were increasingly perceived as common criminal groups. Consequently, in early 1990, the presidential advisor asserted that there was no objective, political, economic, or social justification for the existence of guerrilla groups. Concurrently, the changing international landscape, marked by the end of the Cold War, began to shape the discourse on counterinsurgency.¹³⁹

3.6 Gaviria's peace negotiations.

In 1990, César Gaviria assumed the presidency amid a deep political crisis and social unrest, marked by the assassination of Luis Carlos Galán and other left-wing candidates. In addition to electing Gaviria, the electorate overwhelmingly supported the idea of a Constituent Assembly as a response to such a crisis.

"Welcome to the future". This was how Gaviria concluded his inauguration speech on August 7, 1990, extending to the guerrillas its invitation to join the Constituent Assembly upon their disarmament, showing a willingness for inclusivity. In October of the same year, the CGSB showed interest in taking part in the National Constituent Assembly. During the early months of 1991, all these events stimulated state agreements with the PRT, the EPL, and the MAQL. The processes of dialogues culminated in their demobilisation and transformation into political movements, actively participating in the 1991 Constituent Assembly, together with the Democratic Alliance M-19. At the same time, peace talks were held in Caracas (Venezuela) involving the FARC-EP, the ELN, and a minority faction of the EPL.¹⁴⁰

¹³⁹ Tufano S., (2023) Colombia: Una herida que no cierra: Los procesos de paz de los años ochenta. Ariel. Bogotá. P. 173-175.

¹⁴⁰ Villarraga A., (2016). Los acuerdos de paz Estado-guerrillas en Colombia, 1982-2016. In Derecho y Realidad - Vol. 14 - Núm. 28, julio - diciembre 2016. P. 122-124.

On December 9, 1990, elections were held to choose the 70 representatives for the Constituent Assembly. As part of the government's efforts to solidify the ongoing peace process with the guerrilla groups, it was approved the inclusion of four constituents – each with a voice but no vote– to represent them. These included one representative from the EPL, two from the PRT, and one from the MAQL. The composition of the assembly resulting from the election was of 25 seats for the *Partido Liberal Colombiano*, 19 for the *Alianza Democrática M-19* (the political party resulting from the 1990 demobilization of the M-19), 11 for the *Partido Conservador Colombiano*, and 2 for the Movimiento Unión Cristiana as well as for the UP and the Indígena Movements.¹⁴¹ The three parties forming the majority of the assembly agreed on the establishment of a tripartite presidency. Due to the exclusion from the agreement, the leader of the conservatives Misael Pastrana (president between 1998-2002) resigned from the Assembly. On February 5, 1991, the National Constituent Assembly was formed, offering the option of public participation, with the aim to guarantee that the constitution mirrored the desires and aspirations of the various fractions of the population, giving them weight in shaping the new foundational legal structure of the nation.¹⁴²

The following year, in Tlaxcala (Mexico) efforts were made to define peace agendas with the FARC-EP, the ELN and a minority faction of the EPL. However, no agreements were ultimately reached, and the peace process was abruptly halted following the assassination of former minister Argelino Durán Quintero while he was being held hostage by a dissident wing of the EPL during the Tlaxcala talks.¹⁴³

In conclusion, direct talks with guerrillas were validated. The peace policy included political agreements and guarantees for guerrillas' political integration based on disarmament. Additionally, in the atmosphere created by the new Constitution and new measures for judicial accountability, the scenario for peace negotiations opened, leading to discussions and divisions within the guerrillas. The government negotiated indeed with the *Socialist Renovation Current (CRS)*, an urban and intellectual faction of the ELN,

¹⁴¹ González C. (2012). *Memoria para la Democracia y la Paz: veinte años de la Constitución Política de Colombia*. Alcaldía Mayor de Bogotá. P. 75.

¹⁴² Chernick M., (1996) *Introducción. Aprender del pasado: breve historia de los procesos de paz en Colombia (1982-1996)*. Colombia Internacional - Revistas Uniandes Núm. 36.

¹⁴³ Villarraga A., (2016). *Los acuerdos de paz Estado-guerrillas en Colombia, 1982-2016*. In *Derecho y Realidad* - Vol. 14 - Núm. 28, julio - diciembre 2016. P. 122-124.

which disarmed in April 1994. However, many former militants engaged in politics (coming from different guerrilla groups) were either killed or disappeared.¹⁴⁴

By 1994, despite Gaviria and the two previous administration's attempts to formulate a strategy to end the conflict, the comprehensive peace sought by the Constituent Assembly collapsed. Indeed, even if peace agreements were reached with various guerrilla groups, the FARC-EP and ELN maintained hostilities with the government, being subjected to military operations. Peace was not achieved, on the contrary, both state and guerrilla actors were willing to maintain and intensify violence. Also, oppositely to Cesar Gaviria's initial expectations, paramilitarism was revitalised and became way more powerful. This period reflected two contradictory processes of the 1980s, namely the implementation of democratic reforms and the intensification of violence. Even if Gaviria led the Constituent Assembly and promoted the new Constitution as well as efforts to civilianize the military sphere, his approach to guerrilla groups resembled Barco's strategy, seeking their demobilisation as a primary requirement for peace. His policy, although implemented with greater difficulty due to ongoing conflicts, continued the previous Machiavellian line.¹⁴⁵

3.7 The 1991 Constitution.

The 1991 constitution represented for Colombia a milestone in the expansion of the political community and the establishment of a state with more democratic and inclusive principles. While there were notable strides towards democratisation, not all armed groups could be integrated into the constitutional process. Indeed, the FARC-EP and the ELN did not participate, despite several attempts to include them. This constituted one of the three primary challenges of the Constituent Assembly. The first, indeed, was to encourage the individual participation of guerrillas to disarmament given the fracture within the CGSB. The second was putting an end to the war initiated by

¹⁴⁴ Official Site Comision de la Verdad. Otros desarmes. Available:

<https://www.comisiondelaverdad.co/la-constituyente>

¹⁴⁵ Chernick M., (1996) Introducción. Aprender del pasado: breve historia de los procesos de paz en Colombia (1982-1996). Colombia Internacional - Revistas Uniandes Núm. 36.

Pablo Escobar against the state and society. And third was deactivating the paramilitary presence in the Magdalena Medio and Urabá regions.¹⁴⁶

By the beginning of 1990, insurgent movements split between those advocating for armed insurrection and socialist revolution, and others seeking to open democracy through peace agreements and reforms. This shift was linked to a favourable international context for peaceful transitions. Indeed, dictatorships in the Southern Cone fell, Eurocommunism and social democratic currents gained strength, the Cold War declined, socialism collapsed, and wars in Central America leaned towards negotiated solutions.¹⁴⁷ On the night of the 9th of November 1989, thousands of East Berlin residents dismantled the Berlin Wall. In the following months, Germany underwent reunification and the Soviet Union dissolved. Socialist nations embarked on transitions toward electoral competition and market economies. Concurrently, the apartheid regime in South Africa crumbled, and negotiations for resolving armed conflicts commenced in Ireland, the Philippines, El Salvador, and Guatemala. Thus, the 20th century, which commenced with World War I and the Bolshevik revolution, concluded with the waning of the communist project and a legitimization of representative democracy, particularly in the Western world.¹⁴⁸

The Constituent National Assembly began its sessions on February 5, 1991, under the presidency of Horacio Serpa from the Liberal Party, Álvaro Gómez Hurtado representing the National Salvation Movement, and Antonio Navarro Wolff of the Democratic Alliance M-19. The optimism for a more peaceful nation resulting from this democratic endeavour was overshadowed by the looming presence of Pablo Escobar. Indeed, in late 1986 a faction of drug traffickers led by Escobar initiated hostilities against the Colombian state in opposition to the reintroduction of extradition during President Virgilio Barco's tenure. That is why on June 19, 1991, the plenary session of the National Constituent Assembly voted and approved the 35th article of the new Constitution,

¹⁴⁶ Comisión de la Verdad (2022). *Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia*. Bogotá. P. 240-241.

¹⁴⁷ *Ibidem*. 172.

¹⁴⁸ Official Site Comision de la Verdad. El derrumbe del socialismo. Available: <https://www.comisiondelaverdad.co/el-derrumbe-del-socialismo>

prohibiting the extradition for crimes committed by Colombian citizens by birth.¹⁴⁹ On July 4, 1991, with the enactment of the new Constitution, the "*Extraditables*", namely an appendix of the *Cartel de Medellín*, declared the disbandment of their criminal organisation. Nevertheless, that did not signal the end of either drug trafficking or criminal violence.¹⁵⁰

The 1991 Constitution introduced mechanisms and institutions to enhance the protection of Colombians' rights, particularly acknowledging those of ethnic minorities. It laid down a pivotal institutional framework for the checks and balances of power and the assurance of citizens' rights. Additionally, it marked a significant moment by uniting the majority of political forces around a shared vision embodied in a new national charter. The new Constitution represented a qualitative advancement for democracy in Colombia. Yet, it also underscored a range of unresolved political and social issues that persisted.¹⁵¹

3.8 The end of the 1990s: the decline of peace negotiations and the reinforcement of military strategies.

During the presidency of Ernesto Samper (1994-1998), the political nature of guerrillas was acknowledged, but peace negotiations were limited due to a presidential crisis which moved the attention away from peace talks. This period was marked by an increase in violence and territorial disputes, up to the point the U.S. considered the country as about to collapse. There was a split in the sovereignty of the State, with two informal "states" coexisting. On the one side the institutional Bogotá, geared towards maintaining presidential and state legitimacy, while on the other side there was a state made of rural regions gradually contested by guerrillas and paramilitaries.¹⁵² In both cases, drug trafficking played a fundamental role. Despite the implementation by President Samper of human rights policies, Colombia experienced territorial struggles and anti-narcotics policies that affected peasants. The consequences of these policies

¹⁴⁹ Lombo J., (2021). El Espectador. El debate por la extradición en la Constituyente de 1991. Available: <https://www.elespectador.com/politica/el-debate-por-la-extradicion-en-la-constituyente-de-1991/>

¹⁵⁰ Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá. P. 247-248.

¹⁵¹ Ibidem. P. 248.

¹⁵² Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá. P. 296.

had enduring effects on communities impacted by the extensive fumigation of drug cultivations using glyphosate, a toxic herbicide known for its adverse effects on both human health and the environment.¹⁵³

In 1999, driven by public and social pressure for peace, the conservative President Andrés Pastrana (1998-2002) entered into negotiations with the FARC-EP in San Vicente del Caguán. Simultaneously, less prominent talks were conducted with the ELN. The peace process was marked by initial distrust, with both the government and the FARC-EP showing reluctance to embrace peace, focusing instead on reinforcing their military strategies. Indeed, in the early days of his government, President Pastrana held discussions with the U.S. President Bill Clinton. On this occasion, Clinton committed to support peace efforts in Colombia by increasing provision and U.S. military assistance. By 1999 the two governments announced the Plan Colombia, an initiative of financial and military aid presented by the U.S. Congress to address the problem of Colombia illegal drug production.¹⁵⁴

Conflict's intensity grew throughout the peace discussions, leading to a gradual erosion of public support, with the situation becoming unsustainable by early 2002. Despite aspirations for peace, the military aspect of the conflict escalated due to the expansion of paramilitarism, the enhancement of Armed Forces' capabilities, and the FARC-EP's prioritisation of militarism over political engagement. All these elements collectively contributed to the breakdown of peace talks. In just three years the nation –initially committed to peace– shifted towards abandoning negotiations to stance against violence, opting for a military response to national terrorism.¹⁵⁵ Moreover, the economic downturn resulting from the 1997 Asian financial crisis, caused Colombia a negative index of growth of -4.1% adding economic uncertainty to persisting violence, contributing to the amplification of pessimism in the country.¹⁵⁶

¹⁵³ Ibidem. P. 318-320.

¹⁵⁴ Beittel J. S. (2021). Congressional Research Service. Colombia: Background and U.S. Relations. Updated December 16, 2021. P. 28.

¹⁵⁵ Official Site Comisión de la Verdad. Los diálogos de paz entran en estado crítico. Hacer la paz en el momento más duro del conflicto. Available: <https://www.comisiondelaverdad.co/el-caguan>

¹⁵⁶ Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá. P. 354.

In the two years after the establishment of the negotiation table with the FARC-EP until July 2001, a dual dynamic unfolded: while discussions about peace took place in El Caguán, the war persisted. Both factions underwent financial and military reinforcement, and the FARC-EP commenced recruiting minors in its ranks. Meanwhile, San Vicente del Caguán turned into a focal point where various societal sectors tried to express their concerns. In April 2000, Jorge Briceño Suárez –a high-ranking member of the FARC-EP– also reiterated the guerrilla's discontent over the state's strengthening of Armed Forces and the U.S. influence over national matters, all enforced by the 1999 Plan Colombia.¹⁵⁷

With trust shattered and negotiations on the brink of collapse, Pastrana played his last card: he went to Caguán on February 9, 2001, holding a personal and solitary meeting with Manuel Marulanda, one of the founders of the FARC-EP. It was the first time that the guerrilla's leader met directly with a president. According to former guerrilla members, Marulanda conveyed to the president that the way to save the peace process was putting an end to paramilitarism. This encounter resulted in the Los Pozos Agreement, striving to rescue the peace process and placing the cessation of fire and hostilities at the forefront of discussions.¹⁵⁸ Despite it, since 2001, the FARC-EP carried out a series of military actions focused on attacking police stations in areas where they sought to increase their influence. Therefore, President Pastrana and his Police Director decided to withdraw police forces from 200 municipalities. Their presence, indeed, represented only a threat to local populations and to the safety of the police officers allocated to these areas. This was because guerrilla takeovers of towns where there was an army presence were particularly brutal and destructive, and did not respect the principles of distinction, limitation, and proportionality. An example of this was the takeover of Algeciras (Huila) on June 25, 2001; the FARC-EP aimed to eradicate the police presence in the municipality destroyed the town through the uncontrolled use of gas cylinders, causing severe harm to the civilian population. This scene was repeated

¹⁵⁷ Official Site Comisión de la Verdad. Los diálogos de paz entran en estado crítico. Available: <https://www.comisiondelaverdad.co/los-dialogos-de-paz-entran-en-estado-critico>.

¹⁵⁸ Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá. P. 364.

hundreds of times in Antioquia, Putumayo, Caquetá, Cauca, Sucre, and wherever the fronts could do so.¹⁵⁹

On October 17, 2001, the FARC-EP left the Peace Talks table, and the discussions would not resume until January 2002.

3.9 The 2000s and the military approach: the decade of Uribe.

After the kidnapping of Senator Jorge Eduardo Géchem on February 20, 2002, President Pastrana definitively ended the peace process. He withdrew the political recognition of the FARC-EP and restored police control in the 200 demilitarised zone. Two days later, the operation "Todo Honor" began with the presidential order for the Armed Forces to retake the territories ceded during the peace talks.¹⁶⁰

By the beginning of the 2000s Napoleón Franco, the pioneer of political polls in Colombia, highlighted a shift in Colombian public opinion. One of its surveys in 2001 showed that 76% of respondents believed that the peace process had not yielded positive outcomes for the country and 52% were pessimistic about the prospect of achieving peace within five years. Moreover, the survey revealed that a substantial 92% of respondents considered violence to be the most pressing issue affecting the population. In terms of political actors, the FARC-EP garnered the least favourability, with only 3% of the voters expressing a positive opinion and a striking 91% holding an unfavourable one. Paramilitaries, although more favourably viewed, still faced significant disapproval, with a 13% approval rating and a notable 78% of disapproval.¹⁶¹ Indeed, during the Pastrana administration, in just four years, the FARC-EP experienced a growth of its army of 150%, the ELN of 94% and the other self-defences of 273%. This increase in the number of guerrilla soldiers represented the peak of the expansion of these groups and their activity, which caused popular fear and discontent. Moreover, by 2002 the recruitment of underage soldiers was at its highest peak. The main cities of the country were surrounded by FARC-EP fronts, paralysing part of them with mass

¹⁵⁹ Official Site Comisión de la Verdad. Doscientos municipios sin Policía. Available: <https://www.comisiondelaverdad.co/el-caguan>.

¹⁶⁰ Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá. P. 367.

¹⁶¹ Ibidem.

kidnappings, truck burnings, and roadblocks, causing serious consequences on the economy.¹⁶²

This scenario served President Uribe (2002-2010) in building a broad consensus around the war and around his restorative security policy. At first, he received great support from the population, proved by the commitment of high-income citizens in paying the wealth tax earmarked for military efforts, raising a total of \$800 million throughout Uribe's governments. Uribe's approach also aligned with the United States' new anti-terrorism agenda, significantly shaped by the aftermath of the September 11 terrorist attacks under the leadership of George W. Bush. Consequently, the U.S. continued to provide financial backing and support for Plan Colombia. Following the failure of the peace talks in Caguán, Uribe's administrations endeavoured to achieve the military obliteration of the FARC-EP. However, despite the economic support and direct military guidance received from the United States, he did not succeed.¹⁶³

The beginning of the 2000s marked a significant shift in the political scenario. Indeed, the presidential elections of 2002 were won for the first time ever by a candidate who did not belong to either the Conservative or the Liberal party. As a member of the right-oriented *Primero Colombia* political movement, Álvaro Uribe took office on the 7th of August 2002 and held the presidency until 2010. This was possible thanks to a constitutional reform carried out and approved by the same administration in 2005, which allowed presidential consecutive re-election for a total of a maximum of eight years of mandate, which previously was forbidden. This was one of the political moves made by President Uribe criticised for being antidemocratic.

The government of Uribe implemented and represented the first military operations based on the logic "to search and destroy" the enemy. In this logic the 'collateral damages' were civilians. Indeed, even if the centre of his security policy was a democratic reinforcement of state legitimacy, the orientation of his approach stigmatised and treated the civilian population, considered as part of the enemy and/or

¹⁶² Ibidem. 446.

¹⁶³ Villarraga A., (2016). Los acuerdos de paz Estado-guerrillas en Colombia, 1982-2016. In *Derecho y Realidad* - Vol. 14 - Núm. 28, julio - diciembre 2016. P. 133.

a coordinated ally of criminal structures.¹⁶⁴ This vision contributed to the atrocious phenomenon of extrajudicial killings or of False Positives (discussed in paragraph 3.9.1), part of the critical aspects of the Uribe government, accused of pursuing military victory through irregular means, like the engagement of paramilitary groups. Therefore, during his mandates civilians not only faced the major impacts of the insurgents' war, but also the strategies and policies of the state. This became a determining factor in the occurrence of confrontations, making it extremely challenging for the state to restore trust in the territories affected by the war.

In 2005, the Colombian legislature enacted the "Justice and Peace Law" to disband numerous paramilitary groups that gained significant economic and political influence through the profitable drug trade, contributing to decades of violence. This legislation included the establishment of the Historical Memory Group (GMH), an initiative committed to formulating and spreading a comprehensive historical portrayal of the armed conflict in Colombia. The primary goal was to create, advance, and advocate for a narrative that delves into the origins of the internal armed conflict, with a focus on identifying its origins and contributing to the prevention of its recurrence.¹⁶⁵ One of the GMH notable investigations includes a 2022 report delving into the connection between political parties and paramilitarism and how the alliance between these two actors originated new critical phenomena. Among them the consolidation of the United Self-Defence Forces of Colombia (AUC). This was a far-right paramilitary and drug trafficking group using violent actions and subjugating communities to hide their illegal financial operations under the pretext of a war against guerrillas and criminals.¹⁶⁶ The group, formed in 1997, incorporated various self-defence groups and evolved into an irregular counterinsurgent force with influence in both rural and urban areas. The group gained local and regional power, economically and politically, since local elites directly supported the AUC's presence, contributing to its expansion. In this para-political cooperation, the AUC provided its services to kill, treat, or just forbid the political

¹⁶⁴ Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá. P.448-450.

¹⁶⁵ La memoria histórica: una apuesta por la paz.

<https://www.centrodememoriahistorica.gov.co/micrositios/balances-jep/memoria-camino.html>

¹⁶⁶ Restrepo J., (2022) «Partidos políticos y paramilitarismo: “el Estado de Autodefensa”». Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición. P. 4.

competitors of their allies from engaging in politics. The report highlights the presence of this phenomenon by examining 87 condemnatory judgments issued by the Supreme Court of Justice and other specialized courts from 2006 to 2022. These judgments were against Senators, Representatives, and Governors involved in paramilitary cooperation.¹⁶⁷ As it will be seen ahead, it is not a coincidence that these para-political relations intensified during the years of presidency of Álvaro Uribe. On August 5, 2020, the Colombian Supreme Court, indeed, ruled the end of Uribe's political career, sentencing him to house arrest following the incrimination for involvement in corruption and procedural fraud.¹⁶⁸

During the first phase of Uribe administration the FARC-EP suffered blows from the army and the paramilitary offensive. However, despite the strategically challenging conditions, by 2007 they regained military initiative. Nevertheless, for that time the state –confronted with the high overall costs of the war and the prolonged duration of the conflict– could not defeat them immediately. Concurrently, the guerrillas grappled with the strategic impracticality of their power takeover project and faced increasing public disapproval due to violations of humanitarian law implicating them.¹⁶⁹

3.9.1 The Humanitarian Tragedy of False Positives.

The term False Positives was adopted in 2008 to describe the military killing of at least 16 young men in Soacha, in the periphery of Bogotá, presented as enemy combatants. The term describes a series of killings in which Colombian civilians were indiscriminately murdered by soldiers of the Colombian army amid the national conflict. The victims were generally shot, dressed as guerilla fighters, and declared as combatants killed during confrontations.¹⁷⁰ After 2005 a wave of false positive denunciations surfaced nationwide, and Colombia's False Positives revealed a pattern coinciding with the

¹⁶⁷ Restrepo J., (2022) «Partidos políticos y paramilitarismo: “el Estado de Autodefensa”». Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición.

¹⁶⁸ Human Rights Watch. (2020) Colombia: Uribe's House Arrest Tests Rule of Law. Government, Ruling Party Should Respect Judicial Independence. Available: <https://www.hrw.org/news/2020/08/05/colombia-uribes-house-arrest-tests-rule-law>

¹⁶⁹ Villarraga A., (2016). Los acuerdos de paz Estado-guerrillas en Colombia, 1982-2016. In Derecho y Realidad - Vol. 14 - Núm. 28, julio - diciembre 2016. P. 133.

¹⁷⁰ International Federation for Human Rights (FIDH) (2012). Report: “Colombia. The war is measured in litres of blood. False positives, crimes against humanity: those most responsible enjoy impunity”. P. 19. Available: http://www.fidh.org/IMG/pdf/rapp_colombie_juin_2012_anglais_def.pdf

phenomena of extrajudicial executions. This is, based on the work of the *Special Rapporteur on extrajudicial, summary or arbitrary executions* of the ohchr,¹⁷¹ the unlawful killing of individuals by government authorities or individuals acting on behalf of the government, without proper legal procedures or judicial oversight. Between 2002 and 2008 the proven cases of extrajudicial executions in the country were 3,345.

These numbers and such a phenomenon stemmed from the alleged intention of the Uribe government to inflate the state's body counts of guerrilla fighters. This move was aimed at bolstering the legitimacy of its policies, garnering public support for its management of the conflict. Soldiers were motivated to submit to this criminal mechanism through a governmental secret reward system providing personal gains such as holidays, training, promotions, and cash rewards for the showcase of positive military results.¹⁷² Data proved that the phenomenon intensified during the Uribe administration and the military commandment of General Padilla, turning this system into a cornerstone of Uribe's Democratic Security Policy. Despite widespread condemnation of this system by NGOs, opposition senators, and even certain army members and generals, the government refrained from taking action, continuing in the assassination of innocent civilians in order to inflate statistics of killed enemy combatants.¹⁷³

To sum up, Uribe implemented successful security measures, supported by U.S. aid, which significantly weakened the FARC and ELN guerrilla groups. However, despite his popularity for bringing stability and economic growth, his administration faced serious issues. Uribe's mandates were marred by secret wiretapping, corruption scandals, and human rights abuses. The *Departamento Administrativo de Seguridad* (DAS) was exploited for the president's political purposes, and several ministers faced corruption charges, contributing to a compromised legacy. A further critical concern was Uribe's administration's ties to the AUC, responsible for numerous human rights abuses. Uribe's

¹⁷¹ Ohch: Office of the High Commissioner for Human Rights. The leading UN entity on human rights.

¹⁷² European Centre for Constitutional and Human Rights (2023) Dossier: General Freddy José Padilla de León. P.8.

¹⁷³ Godfrey Wood R. (2009) Understanding Colombia's False Positives. Oxford Transitional Justice Research Working Paper Series.

relatives involved in politics also faced charges related to supporting paramilitaries.¹⁷⁴ Moreover, Uribe's creation of the Justice and Peace law aimed at demobilising paramilitaries and reintegrating them into society, faced criticism for granting a de facto amnesty to them. Through this law in October 2004, the paramilitaries of the AUC began a series of collective demobilizations that lasted until April 2006. 36 armed structures including blocks and fronts were dissolved, registering the disarmament of a total of 30,944 paramilitars across the national territory. However, many middle-ranking commanders among them were unable to fully reintegrate into civilian life. Therefore, they became the nucleus of successor groups of paramilitars, new structures that merged old legacies with new contexts.¹⁷⁵

Human rights abuses escalated during Uribe presidency, with extrajudicial killings and the "false positives" scandal. The extreme militarization displaced millions of individuals and disproportionately affected marginalized communities, with increased sexual violence against women. Uribe's political influence dwindled as Colombia shifted direction, and his popularity declined with the changing of political landscape. While once seen as a war hero, he faced challenges when his chosen successor, Juan Manuel Santos, in 2016 signed a peace agreement with the FARC-EP, which he refused to implement years before.¹⁷⁶

3.10 The way back to institutional solution after the humanitarian tragedy with the Santos administration.

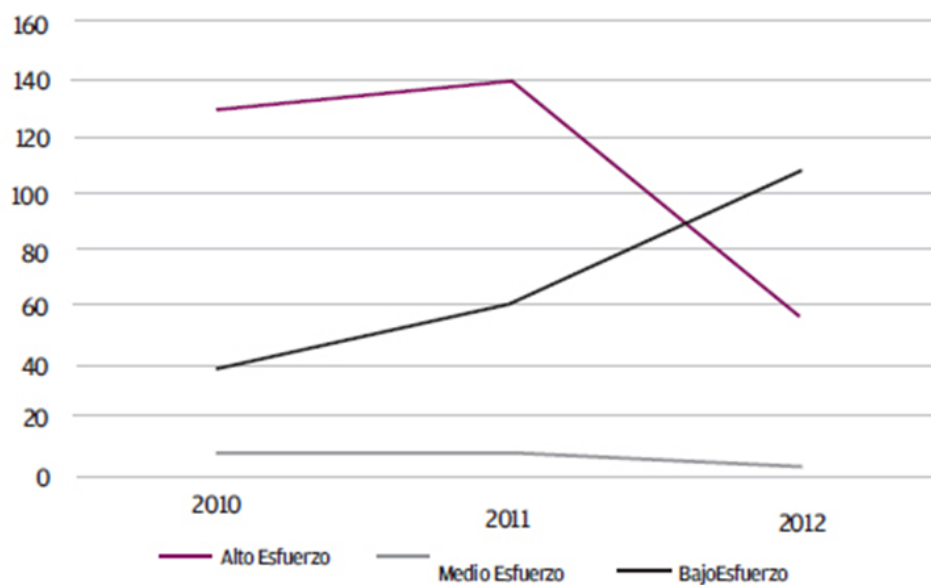
The Uribe government launched the most extensive political, military, and legal offensive against the guerrillas in the history of the Colombian conflict, significantly impacting the FARC-EP. Despite this, it fell short of delivering a decisive blow. As a result, the FARC-EP adapted to the evolving dynamics of the armed conflict, with an increase in military activity between 2011 and 2012. However, such an increase regarded

¹⁷⁴ Silva M. (2019) The Council on Hemispheric Affairs (COHA). Alvaro Uribe: The Most Dangerous Man in Colombian Politics. Available: <https://coha.org/alvaro-uribe-the-most-dangerous-man-in-colombian-politics/>

¹⁷⁵ Official Site Comision de la Verdad. Negociación con paramilitares: el tratamiento político de las AUC. Available: <https://www.comisiondelaverdad.co/verdad-justicia-y-reparacion>

¹⁷⁶ Quesada J.D. (2023) El País. The long agony of Álvaro Uribe The former president of Colombia — who governed from 2002 until 2010 — is set to go on trial. Available: <https://english.elpais.com/international/2023-10-07/the-long-agony-of-alvaro-uribe.html>.

activities requiring minimal military effort, such as explosions, vehicle burning, and sabotage against infrastructures, while high military intention activities decreased drastically (image 15). Moreover, this modus operandi concentrated in peripheral areas of the country, far from regional centres and cities. This all indicated a diminished offensive capacity of the group. Therefore, the negotiation undertaken by the Santos' government with the FARC-EP undoubtedly stems from the condition of the guerrilla group during this phase of the conflict.¹⁷⁷



Fuente: Base de datos del conflicto - FIP.

Img 15. Differentiation of FARC-EP military action based on the military effort
Upper line: high military effort. Middle line: medium military effort. Lower line: low military effort
From Echandía Castilla (2015). Source: Database of the conflict – FIP.

Built upon precarious social and economic foundations, coupled with the exhaustion of the Uribe Democratic Security Policy, the government of Juan Manuel Santos (2010-2018) assumed a role in an armed conflict with a military rearranged guerrilla and a fragmented and volatile rearmed paramilitarism. In this context, his government decided to combine three elements. First, to pursue military action while reassessing the Democratic Security Policy to make it more suitable for guerrilla warfare. Second, to give social and political recognition to the victims of the armed conflict, elaborating the

¹⁷⁷ Echandía Castilla (2015). Cincuenta años de cambios en el conflicto armado colombiano (1964-2014). For the Faculty of Finance, Governance and International Relations (ZERO) of the Universidad Externado de Colombia.

Victims' Law, a flagship of his presidency; and finally, the beginning of a peace process with the FARC-EP. It was understood that the political solution was irreversible given the proven and costly inadequacy of the military solution. Santos's commitments materialised with the adoption and implementation of the Victims and Land Restitution Law of July 2011 as well as the start of peace talks with the FARC-EP in Havana in October 2012. Therefore, despite his belonging to the Uribista party "Partido de la U" and his previous role as a minister of Defense under Uribe presidency, President Santos undertook a governmental change. Distancing from his predecessor, he opted for an approach with less confrontation and more institutionalisation.¹⁷⁸ He formed the National Unity coalition, incorporating the Cambio Radical and the Liberal Party, undertaking a presidency supported and legitimised by a high electoral turnout.

According to the Human Development Report "*Colombia rural: Razones para la esperanza*" of 2011, the GINI index for land distribution at that time was 87.5 over 100, placing Colombia between the countries with the highest rural land ownership inequality in the world.¹⁷⁹ For the GMH this was a consequence of the historical lack of state investments in the development of rural areas, financed and controlled instead by elites and paramilitary groups. There were no investments in rural public policies and reforms. On the contrary, there was an orientation towards radicalising economic liberalisation in rural areas, reducing state intervention, encouraging competitive agro-industrial projects (forestry and biofuels) and the expansion of large-scale breeding. The result was the massive purchase of land by entrepreneurs who turned the abandonment caused by the forced displacement into a market opportunity. Under the Santos government, the land restitution policy opened a direct confrontation between the institution and paramilitary forces, resulting in an upsurge of violence, particularly targeting land claimants. This stands as a prominent obstacle in the effective execution of the Victims' Law.¹⁸⁰

¹⁷⁸ Comisión de la Verdad (2022). *Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia*. Bogotá. P. 140.

¹⁷⁹ United Nations Development Program (2011). *Colombia rural: razones para la esperanza*. Informe Nacional de Desarrollo Humano. P. 197.

¹⁸⁰ *Hay Futuro si hay Verdad. No matarás - relato histórico del conflicto armado interno en Colombia*. (2022). Informe Final para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición. P 189-193.

3.10.1 Santos and the FARC-EP peace talks.

In 2012 the Colombian government led by President Santos publicly announced the initiation of discussion with the FARC-EP and the intention to begin a negotiation process to find a solution to the armed conflict. After four years of peace talks in Havana, the process culminated with the joint drafting of a Final Agreement signed on August 26, 2016. It was the "Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace", differing from previous peace attempts for several factors. Let's see which.

Authors like William Zartman and Christopher Mitchell identified some general factors leading to conflict maturity, phase in which parties feel the growing need to negotiate and overcome differences. Several of these elements were present in the Colombian case by the beginning of the 2010s. Firstly, both parties acknowledged the impossibility of a decisive military victory. They realised that prolonging the conflict would have been costly and unsustainable; it would have led to a foreseeable escalation of violence harming even more the civilian population and society, translating in further violations of human rights. Just as President Santos understood that war could not be won through armed confrontation, the FARC-EP realised they would have never attained political power through armed actions. This consciousness held them to their political decision to end their war against the Colombian state, embracing an attitude markedly different from previous peace processes. The Uribe government also played a crucial role in the confrontation with the FARC-EP. The military's increased professionalism under Uribe's leadership, indeed, shifted the perception of forces, establishing a superiority of the National Army over the insurgency. However, it is not accurate to claim that the FARC-EP arrived at the negotiation table in a defeated state. While the Uribe government achieved territorial recovery, delegitimize the guerrillas in civil society, and dealt significant blows to their leadership, the country was far from witnessing an absolute victory by the Armed Forces and the dismantling of the FARC-EP.¹⁸¹

¹⁸¹ Moreira A., Forero M., Parada A.M. (2015) Barcelona Centre for International Affairs - CIDOB. Dossier proceso de paz en Colombia. El proceso de paz con las FARC-EP. Updated in May 2019.

Chapter 4

The 2016 Peace Agreement between the Santo's Government and the FARC-EP.

On May 21, 2009, Juan Manuel Santos stepped down from his position as Minister of Defence in order to pursue his presidential candidacy. Having played a crucial role in strategic actions against the FARC-EP during Uribe's presidency, he was taught to be the chosen successor to continue the former President's legacy. However, he soon distanced himself from Uribe, showing a distinct approach to politics and the matter of peace.¹⁸² On the 25th of June 2010, Santos won convincingly in the second round of elections with nearly 70% of the vote. In his presidential inaugural speech, he asserted that achieving a peaceful Colombia was possible and that he would strive to demonstrate it either through diplomacy or by force if necessary.¹⁸³ He maintained his promise. Indeed, soon after his election, in September, the Armed Forces and Police carried out Operation Sodoma, a military operation to attack a battalion of the FARC-EP commanded by Jorge Briceño, alias Mono Jojoy, namely one of the most influencing figures of the guerrilla. The Commander was killed in the mission along with 20 other combatants. President Santos after the operation insisted that Colombia could be a country without guerrillas.¹⁸⁴ However his military commitment did not end there and, in August 2010, the government undertook Operation Anorí against the ELN and, in November 2011, Operation Odiseo, against the FARC-EP. On this occasion, the army killed Guillermo León Sáenz Vargas, alias Alfonso Cano, another leader and main personality of the group. Ten months later, on November 19, 2012, peace dialogues began.¹⁸⁵ Delegates of the National Government, presided by President Juan Manuel Santos, and delegates of the FARC-EP, sat at a negotiation table in Havana to bargain an agreement to pursue and maintain peace. The state also engaged in regional and international meetings under the supervision of the Peace Commission to collect victims' claims to bring to Havana. In the meanwhile, the FARC-EP acknowledged for the

¹⁸² Comisión de la Verdad (2022). Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia. Bogotá. P. 540.

¹⁸³ Official site Comision de la verdad. La Puerta de la Paz se Abre. Available: <https://www.comisiondelaverdad.co/dialogos-de-la-habana>

¹⁸⁴ Official site Comision de la Verdad. La Operación Sodoma. Available: <https://www.comisiondelaverdad.co/dialogos-de-la-habana>

¹⁸⁵ Official site Comision de la Verdad. Mesa de negociación en La Habana. Available: <https://www.comisiondelaverdad.co/dialogos-de-la-habana>

first time their share of responsibility for the thousands of deaths in the armed conflict.¹⁸⁶

As we saw at the end of the previous chapter the government and the FARC-EP reached negotiations in a climate of hope driven by resignation. Indeed, military confrontation was not an option anymore. On the one hand, the government –representing a population that could not accept atrocities any further– was conscious that a military victory over guerrillas was not enforceable. Indeed, as shown by previous presidential attempts like in the case of Uribe and the first period of the mandate of President Barco, military action against guerrillas and peace processes short of negotiation margin, would have not given results. On the contrary, they would have only prolonged the suffering of the population. On the other hand, the FARC-EP entered into negotiation due to the harsh maintenance of the military confrontation and the absence of perspectives for the future of the armed struggle.¹⁸⁷ Moreover, the group aimed at obtaining socio-political and rural changes, besides the pursuit of political participation. Therefore, the open negotiations proposed by the Santos government represented an acceptable way for the guerrilla to reach its objectives.

Taking a step back to the beginning of Santos' presidency we can also see a clear sign of the government's commitment to the pursuit of Peace. It was through the implementation of Law 1448 of the 10 of July 2011, known as The Victims' Law, treated in paragraph 10.3 of this work. This law showed the commitment of the government to the victims of the armed confrontation, namely the new central actors in the national approach to conflict resolution. An essential component of this law was the concept of comprehensive reparations for victims. Together with initial actions such as legal assistance, humanitarian aid, and psychosocial support, the law postulated the implementation of measures of indemnification, restitution, rehabilitation, and guarantees of non-repetition. It was recognized that these comprehensive reparations were crucial for fostering Victims' reconciliation with the state, which for decades could not protect them from the atrocities of the conflict. This would have set the basis for a

¹⁸⁶ Oficina del Alto Comisionado para la Paz, Presidencia de la república (2018). Biblioteca del proceso de paz con las FARC-EP. Tomo I – Inicio del proceso de paz. La Fase Exploratoria y el camino hacia el Acuerdo General. Bogotá.

¹⁸⁷ Moreira A., Forero M., Parada A.M. (2015) Barcelona Centre for International Affairs - CIDOB. Dossier proceso de paz en Colombia. El proceso de paz con las FARC-EP. Updated in May 2019.

reconciliation process with former guerrilla members as well, permitting the implementation and functioning of a peace model promoting the reintegration into society of the former combatants.¹⁸⁸

Peace negotiation began in 2012 with the discussion of a fundamental subject: a comprehensive agricultural development policy. Within this framework, agreements were reached regarding land use, formalization of property rights, restitution of unlawfully seized lands, and provision of resources for landless farmers. This encompassed the creation of a land fund with 300,000 hectares available, updating of land registries, delineation of agricultural boundaries, and preservation of reserve areas.¹⁸⁹ The two negotiating parties also reached an agreement on implementing a transitional justice system to establish a stable and lasting peace. This system did not endorse impunity but rather aimed at developing a justice framework centred on truth disclosure and acceptance of responsibility.¹⁹⁰ All participants in the armed conflict, including guerrillas, military personnel, politicians, and supporters of paramilitarism, would have faced judgment before a specialized judicial body. The sentences they received would have been more lenient than the ones stipulated under retributive justice, focusing on reintegration rather than punishment. Common ground was found during *La Havana* peace talks also regarding the Colombian Constitutional Court's acceptance of the entrance into political life of disarmed combatants not convicted of genocide¹⁹¹ or crimes against humanity. The final agreement also guaranteed the FARC-EP with 10 seats in the Colombian Congress for the elections of 2018.¹⁹² Moreover, it defined the formation of the Commission for Truth, Coexistence, and Non-Repetition. Such a Commission was committed to clarifying what happened throughout the conflict

¹⁸⁸ Official Site Comisión de la Verdad. La reparación integral. Available: <https://www.comisiondelaverdad.co/dialogos-de-la-habana>

¹⁸⁹ Colombian government (2016). Final Agreement To End The Armed Conflict And Build A Stable And Lasting Peace. P. 14-21.

¹⁹⁰ Juan Manuel Santos. (October 1, 2016). Intervención en el acto de instalación de la Misión Internacional de Observación Electoral para el plebiscito del 2 de octubre. In Biblioteca del proceso de paz con las FARC-EP. Tomo VIII. P. 81-84.

¹⁹¹ The Final Report of the Commission for the Clarification of the Truth, Coexistence and Non-repetition, denounces the political genocide of the UP and of indigenous communities of the Amazon region.

¹⁹² Colombian Government (2016) ABC del Acuerdo Final. Cartilla Pedagógica - ACUERDO FINAL para la TERMINACIÓN DEL CONFLICTO y la construcción de una PAZ estable y duradera. Colombia. P. 44.

and creating a series of scenarios for the recognition of the victims; this was part of the negotiators' accordance for the reparation of victims.

Despite moments of crisis during the peace talks, the Government and the FARC-EP –led and represented by Rodrigo Londoño Echeverri, also known as Timoleón Jiménez or Timochenko– reached in June 2016 an agreement for a bilateral ceasefire. Finally, a few months later, on September 26, the *Final Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace* was signed. The parties agreed on definitively ending the internal armed confrontation and embarking on the route of peacebuilding since both recognized that the armed path could no longer constitute a strategy for political action. After more than half a century of conflict and violence, Colombia was undertaking a path towards a profound social, economic, and political transformation.¹⁹³

Once the agreement was reached, the government decided to submit it to popular opinion: on the 2nd of October 2016, Colombians had to vote for the approval of the stipulated accord. Such a referendum resulted in 63% of abstention showing the discontent of a significant portion of the population. Moreover, with 50,21% of votes against its implementation, the referendum showed that voting Colombians were polarized.¹⁹⁴ The ones opposing the implementation of the peace agreement primarily perceived the accord as excessively forgiving toward the rebels and deemed it unjust on both financial and political fronts. Others were just sceptical about the rebels' commitment to permanently disarm. Former President Alvaro Uribe also positioned against the accord, undertaking a prominent campaign for the “NO”.¹⁹⁵ After the results of the referendum were announced, the government did not give up and engaged in dialogues with all political forces to define a new peace accord to implement. Those actors who stood against the original agreement were included in dialogues and

¹⁹³ Arias G., Prieto C., Instituto para las Transiciones Integrales (2020). El Espectador. Así llegaron las FARC a la mesa de negociaciones hace ocho años. Available: <https://www.elespectador.com/colombia-20/paz-y-memoria/asi-llegaron-las-farc-a-la-mesa-de-negociaciones-hace-ocho-anos-article/>

¹⁹⁴ Oficina del Alto Comisionado para la Paz, Presidencia de la república (2018). Biblioteca del proceso de paz con las FARC-EP. Tomo VIII - La refrendación al acuerdo del colón. El plebiscito, el Gran Diálogo Nacional, el Acuerdo Final y su refrendación. Bogotá. P. 90.

¹⁹⁵ BBC News (3 October 2016) Colombia referendum: Voters reject Farc peace deal. Available at: <https://www.bbc.com/news/world-latin-america-37537252>

provided with particular attention. In less than two months, the National government and FARC-EP delegations announced a new Final Agreement. On the 24th of November 2016, the commission presented an accord complete of adjustments addressing the suggestions raised by those sectors of the society that denied the previous peace proposal.¹⁹⁶

The new Accord safeguarded the core of the previous document, constituting the groundwork for achieving a stable and enduring peace in Colombia. On the 30th of November 2016, the Congress of the Republic endorsed the Final Agreement without submitting it to a popular referendum. By December 1 of the same year, the document was ratified and implemented. Emphasising his willingness to build greater consensus around such an accord, President Santos declared, referring to dissident voices: "We cannot ask for the discussion to cease. However, we can hope that the significant national decision to set in motion the execution of the agreements, overcomes the armed conflict, paving the way for reconciliation and deeper efforts to achieve an equitable society."¹⁹⁷

4.1 The points reached by the agreement.

Thanks to the meetings with the representatives of the opponents of the initial agreement, the peace delegation agreed on several modifications, adjustments, and clarifications, aimed at improving the clarity and effectiveness of the accord. The resulting modifications appeared to strengthen the peace agreement by providing reassurances to all involved parties while maintaining the integrity of previously established reforms.¹⁹⁸

Just as the previous negotiations' production, the new agreement was structured on points, each one focusing on a crucial topic for the pursuit of peace. Of these points, the

¹⁹⁶ Juan Manuel Santos. (2016) Intervención tras conocerse los resultados del Plebiscito por la Paz. In Biblioteca del proceso de paz con las FARC-EP. Tomo VIII. P. 93.

¹⁹⁷ Oficina del Alto Comisionado para la Paz, Presidencia de la república (2018). Biblioteca del proceso de paz con las FARC-EP. Tomo VIII - La refrendación al acuerdo del colón. El plebiscito, el Gran Diálogo Nacional, el Acuerdo Final y su refrendación. Bogotá. P. 37.

¹⁹⁸ Juan Manuel Santos, Presidente de la República (November 9, 2016). Declaración sobre avances para el nuevo Acuerdo de Paz Ajustes al Acuerdo en materia de desarrollo rural, lucha contra el narcotráfico, enfoque de género y justicia. In Biblioteca del proceso de paz con las FARC-EP. Tomo VIII. P 164.

first considered the drafting of a Comprehensive Rural Development system; the second the design of Political Participation; the third the End of the Conflict; the fourth a Solution to the Problem of Illicit Drugs; and the fifth Victims' reparations and Special Jurisdiction for Peace. A last point elaborated then the principles for the implementation of the agreement.¹⁹⁹

4.1.1 Finally a proper agrarian reform: the RRI.

The first point of the agreement regarded the definition of a Comprehensive Rural Development system (RRI). To reverse the aftermath of the conflict and prevent its recurrence, indeed, a radical change was needed in the social and economic conditions of Colombian rural areas. To achieve this, the peace commission agreed on a complete rural reform to transform the countryside, aiming to close the gaps between rural and urban areas. The RRI aimed to provide the countryside with more credit, technical assistance, and support in marketing agricultural production. Moreover, the commission emphasised formalising land ownership and created a Land Fund with properties coming from donations and recovered illegal lands. The purpose was to distribute rural fields fairly among those who lost everything due to the war. The rural development model also focused on balancing family farming and commercial agriculture with a business-oriented approach, promoting competitiveness and investments while supporting family and peasant agriculture.²⁰⁰

All the objectives of the RRI are articulated around four fundamental pillars. The first aimed to guarantee the access and the use of land distributing it to farmers through the Land Fund. The second consisted of national rural plans aimed at reducing poverty creating public services and infrastructure, as well as supporting family farming. The third pillar involved the implementation of *Territorially Focused Development Programs* (PDET) in needy territories heavily affected by violence and the conflict. PDET coordinated state interventions to stabilise these regions and foster reconciliation.

¹⁹⁹ Oficina del Alto Comisionado para la Paz, Presidencia de la república (2018). Biblioteca del proceso de paz con las FARC-EP. Tomo VIII - La refrendación al acuerdo del colón. El plebiscito, el Gran Diálogo Nacional, el Acuerdo Final y su refrendación. Bogotá. P 38-39.

²⁰⁰ Ibidem. P.187-188.

Finally, the fourth pillar focused instead on food and nutritional security, aiming to increase food production and improve nutrition.²⁰¹

The RRI identified some key points to reach the goal of overcoming poverty and inequality by providing better conditions of life for rural inhabitants. Among these elements, we can find making it possible for the displaced to return to their lands and live in peace; reconstructing those territories affected by the conflict and providing rural territories with opportunities for education, health, decent work, and housing. Moreover, access to credit would have been facilitated as well as technical assistance and support in agricultural marketing, together with the creation of public goods services like tertiary roads, irrigation and drainage districts, electrification, and digital connectivity, still scarce at that time in the rural Colombian. Also, the access to justice needed to be improved as well as the formalisation of work and improvement of rural social protection.²⁰²

4.1.2 Political Participation of the FARC-EP and new openings for democracy and peace.

The final agreement wanted to establish a lasting peaceful communication system overcoming differences, and creating a context of cultural reconciliation, coexistence, and tolerance. To pursue such an objective, the parties engaged in negotiations reached a fundamental agreement regarding political participation, a fundamental element for strengthening democracy. To enable it, the agreement aimed to facilitate the creation of new political parties and movements, providing opportunities for those who have been for a long time on the margins of the political system due to the threat of violence. Additionally, they agreed on the implementation of measures to promote transparency in electoral processes and to reform the electoral system. They also valorised the importance of promoting the participation and influence of local communities in the formulation and execution of territorial planning for local development. The aim was to give greater importance to citizen oversight and control.

²⁰¹ Colombian Government (2016) ABC del Acuerdo Final. Cartilla Pedagógica - ACUERDO FINAL para la TERMINACIÓN DEL CONFLICTO y la construcción de una PAZ estable y duradera. Colombia. P. 32-33.

²⁰² Ibidem.. P. 30-32.

In the same point of the agreement, the commission treated the matter of FARC-EP's political claims, defining that once demobilised the group would have abandoned its status of armed counterinsurgency gaining the recognition of political movement.²⁰³ The agreement also involved the creation of an Opposition Statute, developed in collaboration with all legally recognized political parties and movements. This statute aimed to enhance and ensure the political participation of all dissenting voices in opposition to the government. The aim was to strengthen political plurality and ensure that divergent voices had a significant role in the country's political actions, aiming to create more favourable conditions to fulfil an essential democratic principle, namely alternation in power.²⁰⁴ An imperative of the agreement was to ensure that those leaving arms as well as everyone participating in politics would have been guaranteed their rights, including protection from violent threats. Indeed, the dignification and protection of political activity are fundamental for peacebuilding and democracy. Therefore, an Integral Security System to protect politicians, political movements, and organisations' leaders would have been created. In the same mark of political inclusion, the participation of 16 special peace representatives of victims in the House of Representatives for the constitutional periods of 2018-22 and 2022-26 (then postponed to 2022-26 and 2026-30) was designed. This temporary representation in Congress would have ensured a better integration of those territories and populations mostly affected by the conflict. Also, citizen engagement would have been strengthened, so that the population could finally have more influence on decisions affecting them.²⁰⁵

4.1.3 The Ending of the Conflict.

The third point of the agreement was the last one chronologically defined in the Havana negotiations. Its accordance, originally reached in June 2016, defined a bilateral and definitive ceasefire, the cessation of hostilities, disarmament, and security guarantees. Negotiators agreed on the complete silence of weapons by the FARC-EP, signifying the

²⁰³ Oficina del Alto Comisionado para la Paz, Presidencia de la república (2018). Biblioteca del proceso de paz con las FARC-EP. Tomo VIII - La refrendación al acuerdo del colón. El plebiscito, el Gran Diálogo Nacional, el Acuerdo Final y su refrendación. Bogotá. P. 188-189

²⁰⁴ Law No. 1909 - 9 JUL 2018. PDF available at:

<https://dapre.presidencia.gov.co/normativa/normativa/LEY%201909%20DEL%209%20DE%20JULIO%20DE%202018.pdf>

²⁰⁵ Misión de Observación Electoral (MOE). Circunscripciones Transitorias Especiales de Paz para la Cámara de Representantes 2022-2026 y 2026-2030.

end of its existence as an armed group. They also abandoned illicit activities such as kidnapping, extortion, and drug trafficking. Therefore, the guerrilla shifted from being known as FARC-EP to FARC, not a “people’s army (EP)” but a political actor instead. They handed over their weapons to the United Nations (UN) which would have used them to build monuments in Colombia, New York, and Cuba. The UN would have also been supervising the disarmament process through a mechanism involving the Government and the FARC, regularly providing final reports to the public. Thanks to this shift, former combatants were allowed to participate in politics and be represented in Congress, while those members who did not aspire to reintegrate into civilian life would have still been pursued by the Public Force.²⁰⁶

The plan to end the conflict, besides the ceasefire and the disarmament, designed a process of reintegration of former combatants. Its first step consisted of the gradual dislocation of FARC members into 22 transitional zones specifically chosen to facilitate the surrender of weapons and the transition of guerrillas to civilian life. The movement into these areas called *Transitional Veredal Normalization Zones* (ZVTN) would have been accompanied by security measures managed by the Public Force, verified and monitored by the UN. The ZVTN constituted the first step toward the final goal of reintegrating demobilized combatants into political, economic, and social life. Point 3 of the agreement also encompassed guarantees regarding the undertaking of State actions for the dismantling of criminal organisations as well as programs of demining of areas affected by explosive devices.²⁰⁷

4.1.4 A solution to the problem of illicit drugs.

Even though the conflict originated before the appearance of drug trafficking, the construction of a stable and lasting peace would not be possible without facing such a problem and its territorial expressions. This is the issue of illicit crops and the illegal economies associated with them as well as the threat represented by territorial networks of drug traffickers. In a condition of peace, without the armed conflict, there

²⁰⁶ Colombian Government (2016) ABC del Acuerdo Final. Cartilla Pedagógica - ACUERDO FINAL para la TERMINACIÓN DEL CONFLICTO y la construcción de una PAZ estable y duradera. Colombia. P. 10-15

²⁰⁷ Oficina del Alto Comisionado para la Paz, Presidencia de la república (2018). Biblioteca del proceso de paz con las FARC-EP. Tomo VIII - La refrendación al acuerdo del colón. El plebiscito, el Gran Diálogo Nacional, el Acuerdo Final y su refrendación. Bogotá. P. 189-191.

would have been legal development opportunities for farmers previously involved in illegal activities and threatened by the conflict. Therefore, through programs for the substitution of illicit crop cultivation developed in the Peace Agreement, those farmers would have been provided with real alternatives and possibilities to live and work within the bounds of legality. The implementation of such programs would have also positively affected the strengthening of state presence and the support of such institutions by the inhabitants and communities of the rural lands.²⁰⁸

Regarding the effective measures for the eradication of illicit crops, the Agreement counts on voluntary crop substitution from illegal to regular ones. However, the peace accord defined that, if voluntary substitution does not occur, the government will not rule out forced eradication, including spraying. Moreover, it established that the crop substitution should benefit not only the farmers owning the land but the entire community living in the territories previously affected by the cultivation of irregular crops. To encourage farmers to participate in the process of substitution of illicit cultivations, the agreement stated incentivising measures, for example the access to land-owning titles. Indeed, for former illicit crop farmers, the substitution of their productions with legal ones and the commitment to refrain from replanting would have meant the formalisation of land properties.²⁰⁹

The solution attempts to the problem of illicit crop cultivation aimed to transform the conditions of territories involved and affected by the presence of the drug business, pointing at creating well-being for their communities and guiding them toward a legal economy. Point four of the Agreement clarified that the goal of the accord was not just about eradicating coca plants but rather about working with communities, fostering a commitment with the government in a logic of territorial integration and social inclusion. To achieve it, the RRI would have established the *Comprehensive National Program for the Substitution of Illicit Crop Cultivation and Alternative Development*, a special project for the structural transformation of rural areas. Another wide objective

²⁰⁸ Colombian Government (2016) ABC del Acuerdo Final. Cartilla Pedagógica - ACUERDO FINAL para la TERMINACIÓN DEL CONFLICTO y la construcción de una PAZ estable y duradera. Colombia. P. 26.

²⁰⁹ Oficina del Alto Comisionado para la Paz, Presidencia de la república (2018). Biblioteca del proceso de paz con las FARC-EP. Tomo VIII - La refrendación al acuerdo del colón. El plebiscito, el Gran Diálogo Nacional, el Acuerdo Final y su refrendación. Bogotá. P. 191.

was the elimination of illicit drug use due to public health reasons; such a goal was pursued through the institution of the *National Programme of Comprehensive Intervention against Illicit Drug Use*. This project was elaborated for coordinating institutions with competence in the field and overseeing a participatory process of reviewing, adjusting, and implementing policies.²¹⁰

A seriously challenging point for the government would have been to combat drug trafficking and related criminal organisations to ensure citizens with security conditions. A new criminal policy strategy was elaborated and launched in the Final Agreement to strengthen and coordinate instances, mechanisms, investigation, and judicial capacities at the national and regional levels. State security forces would have focused on combating large criminal organisations, namely the stronger actors of the drug trafficking chain, without persecuting former farmers of illicit crops. This strategy aimed at allowing a more efficient use of judicial resources. Moreover, the state would have continued to target assets involved in drug trafficking and money laundering, formulating a new statute for the prevention and combat of illicit finances; this also involved state controls on the production, import, and commercialisation of chemical precursors used in drug production.²¹¹

4.1.5 The Victims of the Conflict and the "Integral System for Truth, Justice, Reparation and Non-repetition".

The peace accord prioritized the comprehensive reparation of victims over other aspects, placing this principle at the core of its mission. Point 5 was the section of the agreement dedicated to the elaboration of this subject. To address such a matter, the Peace Commission elaborated the *Comprehensive System of Truth, Justice, Reparation, and Non-Repetition* (SIVJRN), a complex mechanism able to facilitate disarming while combatting impunity. As we will see more in detail in the following paragraphs, such a system combined judicial mechanisms enabling the investigation and sanctioning of severe human rights violations and serious breaches of international humanitarian law. In addition to these measures, it implemented supplementary extra-judicial

²¹⁰ Colombian Government (2016) ABC del Acuerdo Final. Cartilla Pedagógica - ACUERDO FINAL para la TERMINACIÓN DEL CONFLICTO y la construcción de una PAZ estable y duradera. Colombia. P. 25.

²¹¹ Ibidem. P. 24-28.

mechanisms to uncover the truth about what occurred in over 50 years of conflict; to locate the missing and to provide reparations for the harm and injury inflicted upon individuals, groups, and entire territories. Moreover, the Peace Commission agreed that, in recognition of the Colombian national tragedy, victims should have been included in the peace process as political actors. Therefore, victims played an active role in shaping the agreement: over 3,000 of them were involved in national forums while 60 travelled to Havana to share their testimonies and recommendations directly with the Negotiation Table. Additionally, more than 17,000 peace proposals from victims and other citizens were brought to Havana, contributing to the shaping of the agreement. The peace commission aimed to satisfy at best the fulfilment of victims' rights and establish accountability for past events. At the same time, it had to provide legal security for ex-combatants, contributing to fostering coexistence and reconciliation, preventing the recurrence of conflicts.²¹²

The conflict caused unprecedented suffering and losses throughout the nation's history. Millions of Colombians have experienced forced displacement, hundreds of thousands have lost their lives, tens of thousands have disappeared, and numerous families, groups and communities across the country have been profoundly affected. Also less visible but no less serious forms of victimisation such as sexual violence, psychological damage or simply living in fear were perpetuated. Recognizing this tragedy meant placing victims at the centre of the peace process and committing to ensuring their right to truth, justice, reparations, and non-recurrence. The hope was that through the implementation of this document, the dignity of victims could be restored through the recognition of their sufferance and the serving of justice, ensuring that no one in the country becomes a victim again.²¹³

The SIVJRN was constituted by several organs such as the *Truth, Coexistence and Non-Recurrence Commission*, the *Special Unit for the Search for Persons deemed as Missing in the context of and due to the conflict* and the *Special Jurisdiction for Peace*. All of them enforced specific reparation measures. The role of the commission and the special unit

²¹² Ibidem P. 16-19.

²¹³ Colombian government (2016). Final Agreement To End The Armed Conflict And Build A Stable And Lasting Peace. P. 132-135.

was extrajudicial: they were responsible for the elucidation of national violence patterns. Indeed, the two institutions were not crafted as administrative justice mechanisms but designed to satisfy the rights of the victims to truth and comprehensive reparations.²¹⁴ The Special Jurisdiction for Peace (JEP), instead, was established as the justice component of the *SIVJRN*. Its primary role was to administer transitional justice, the juridical model chosen to adjudicate the crimes that occurred during the armed conflict before the 1st of December 2016. As we will see ahead, transitional justice is a juridical mechanism to dig the truth regarding human rights abuses perpetrated during armed conflicts. Its particularity is the aim of holding perpetrators accountable for their crimes through extrajudicial processes when possible. The JEP also manage comprehensive reparation measures for peacebuilding, striving to guarantee the reparation of the victims encompassing rights to restitution, indemnification, rehabilitation, realization, and non-recurrence. The *SIVJRN* aimed to address the rights of all victims, including those affected by state agents. Its mechanism was designed to incentivise cooperation from individuals who were involved or committed crimes in or due to the context of the armed conflict, committing them to Victim's reparation.²¹⁵

4.2 The Special Jurisdiction for Peace.

The JEP was the first case in which a government and an irregular armed group defined together an accountability system before a national tribunal to investigate, judge, and sanction criminal behaviours committed during an armed conflict. More precisely, the JEP was crafted to dedicate to the most severe and emblematic crimes of the conflict, filtered through selection and prioritisation criteria set by its statute and managed by its magistrates. The JEP is charged with the authority to address crimes committed with direct or indirect involvement by former FARC-EP members as well as other guerrillas eventually signing the final peace agreement and disarming; members of the Public Force or other state agents; and civilian third parties, namely individuals who, without being part of armed organizations or groups, have participated indirectly as financiers

²¹⁴ Colombian Government (2016) ABC del Acuerdo Final. Cartilla Pedagógica - ACUERDO FINAL para la TERMINACIÓN DEL CONFLICTO y la construcción de una PAZ estable y duradera. Colombia. P. 19.

²¹⁵ *Ibidem*. P. 20.

or collaborators in the conflict and have had responsibility in the commission of serious crimes.²¹⁶

It's important to note that the JEP will operate with full adherence to traditional fundamental procedural rights, such as the right to legal assistance and the presumption of innocence for the defendants.²¹⁷ Unlike ordinary justice, the JEP is dedicated exclusively to serious cases that occurred in the context of the conflict and applies a transitional approach to justice (seen in paragraph 4.3). The overarching goal is building a stable and enduring peace. Such a jurisdiction has been established to safeguard the rights of victims by ensuring justice through the revelation of truth about crimes, bringing charges against the perpetrators, and providing reparations. The JEP approach to peace as a moral conscious choice led to a system of justice that emphasizes resolution and dialogue, focusing on meeting the needs and upholding the dignity of the victims, a goal achieved through a comprehensive method. Indeed, to access JEP special treatment as an accused is necessary to contribute to the peace process by providing full truth witnesses, repairing victims through participation in dedicated programs and ensuring non-repetition.

The JEP is a temporary institution, and its operational lifespan hinges on its effectiveness in meeting its goals. Nevertheless, the maximum duration specified in its mandate is set at 20 years. To reach its final goals, the JEP can count on an articulated composition constituted by a Governing Body, the Executive Secretariat, the Investigation and Prosecution Unit, the Plenary Chamber and the Magistracy. The latest is composed in turn of the Peace Tribunal, the Justice Chambers, the Information Analysis Group and further organs.²¹⁸ Such a framed construction is motivated by the huge amount of cases of different natures submitted to the JEP that need to be investigated, judged and sanctioned. Therefore, its complexity reflects the intricacy of the armed conflict and its resolution.

²¹⁶ JEP-CEV-HRDAG (2022) Informe metodológico del proyecto conjunto JEP-CEV-HRDAG de integración de datos y estimación estadística. P. 62.

²¹⁷ Biblioteca del Proceso de Paz con las FARC-EP. Presidencia de la República (2016). Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera. P. 143-147.

²¹⁸ Oficial Site Jurisdicción Especial Para La Paz. Estructura orgánica de la JEP. Available: <https://www.jep.gov.co/Paginas/organigrama.aspx>

For this same reason, the JEP employs a systematic selection and prioritization process to filter cases involving crimes such as genocide,²¹⁹ crimes against humanity, serious war crimes, hostage-taking, political victimization, and other severe violations of liberty. Once identified, the cases undergo analysis by the Chamber in charge. The adoption of this selective and prioritising criteria was driven by the impossibility of dedicating judicial individual proceedings for all the crimes perpetrated during the Colombian conflict. Indeed, the selective principle was elected to allow the pursuit of justice for the over 9 million victims of the conflict²²⁰ even without undertaking single proceedings for the individual perpetrators of the crimes. The JEP pointed indeed at addressing with severe sanction those individuals standing behind the dynamics of perpetration of violence while using the specific chambers to address minor cases eligible for amnesty or pardon. Indeed, as we will better see in paragraph 4.3.1, two fundamental concepts for the implementation of the SIVJRN were amnesty and pardon. Judicial cases deemed eligible for either principle were granted different types of conditional freedoms. Instead, cases of serious non-amnestic and non-pardonable offences were judged by the Peace Tribunal, the organ charged with the cases of individuals accused of serious human rights violations and breaches of international humanitarian law.

Another important aspect of transitional justice was the definition of “transitional sanctions”. Indeed, the JEP defined three categories of jurisdictional measures for those judged guilty, depending on their degree of collaboration and recognition of responsibility. Indeed, those who contribute truth reconstruction and acknowledge responsibility before the responsible Chamber (the SRVR) will be addressed with works and tasks pursuing the restoration of the caused harm. Moreover, they will be condemned to an effective restriction of rights and freedoms for 5 to 8 years in non-prison facilities. This type of sanctioning was called “inherent sanctions”. Instead, those who acknowledge late responsibilities will be addressed with 5 to 8 years of condemnation in penitentiary establishments, while those who never acknowledge it,

²¹⁹ The Final Report of the Commission for the Clarification of the Truth, Coexistence and Non-repetition, denounces the political genocide of the UP and of indigenous communities of the Amazon region.

²²⁰ Official Site of the Colombian Government. Victim’s Unit. *Cifras*. Available: <https://cifras.unidadvictimas.gov.co/Cifras/#!/infografia> Data on January 15, 2024.

will be condemned for 15 to 20 years in prison regime.²²¹ This was a fundamental functioning aspect of the 2016 peace model since it stimulated the participation of criminals in the juridical process, in the addressing of conflict responsibilities and demobilisation. Indeed, the provision of inherent sanctions allowed former criminals the opportunity for a facilitated social reintegration process, exempting them from traditional punitive measures of justice and imprisonment. They could have fulfilled their sentence through social contribution to reconstruction while living in semi-liberty, provided they committed to abstaining from engaging in illicit activities.

The JEP judges crimes committed by public security forces as well. However, this study did not include the differentiated reintegration measures applied to their cases. Information regarding their juridical proceedings can be found in Chapter 3 of Law 1820 of December 30, 2016, regarding the provisions of amnesty, pardon, special penal treatments, and other provisions for former criminals. Nevertheless, it must be mentioned that in no case public forces members convicted and/or sanctioned by the JEP will be reinstated into active service.²²²

4.3 Transitional and restorative justice approaches in the Final Agreement.

Transitional justice works through the integrated collaborative effort of legal and political systems and institutional reforms. It establishes mechanisms to dig the truth about past events and hold perpetrators accountable through judicial as well as extra-judicial processes. It also implements and enforces initiatives providing reparations to victims in the form of financial compensation, pensions, property restitution, restoration of civil and political rights, or simply the acknowledgement and memorialization of the abuses they endured. Such measures contribute to steering a society through the transition from conflict to sustainable peace, and from a history of mass human rights abuses to a culture that upholds human rights and rejects impunity.²²³ In the Colombian case, the system of transitional justice did not provide economic compensation nor

²²¹ Quintero R. (2019). Colombia: The Special Jurisdiction for Peace, Analysis One Year and a Half After its Entry into Operation. International Commission of Jurists, Geneva. P. 91.

²²² Law 1820 (December 30, 2016) Por Medio De La Cual Se Dictan Disposiciones Sobre Amnistía, Indulto Y Tratamientos Penales Especiales Y Otras Disposiciones. Art. 51.

²²³ International Center for Transitional Justice ICTJ What Is Transitional Justice? Available at: <https://www.ictj.org/what-transitional-justice>

granted administrative reparation to the victims of the armed conflict. Rather, the JEP opted for collective restorative measures provided in terms of truth, justice and guarantees of non-repetition. However, despite the impossibility of obtaining economic or material reparations under the JEP, Law 1448 of 2011 on "*measures for the attention, assistance, and comprehensive reparation of victims of the internal armed conflict*" offers complementary measures for land restitution, rehabilitation, and the satisfaction of victims.²²⁴

As we already said, the comprehensive peace accord of 2016 is grounded in the key principles of truth and reconciliation, social reintegration, and disarmament, and stands out for the application of the transitional as well as restorative and dialogical practice of justice. Led by the Santos government, this final accord distinguishes itself from earlier peace attempts by addressing critical issues including human rights violations, impunity, and the rights of the victims.²²⁵ Bringing to its elaboration was the aftermath of the violent conflict; indeed, Colombia encountered substantial difficulties in recovering, envisioning a brighter future, and preventing a return to conflict. The nation grappled with a profound dilemma: how to manage the delicate balance between the victims' desire for justice, the perpetrators' quest for leniency, and the country's necessity for lasting peace and stability. Achieving a positive peace going beyond the simple absence of direct violence required in fact finding an equilibrium between the pursuit of justice and the act of forgiveness—a compromise aimed at easing the frustration and despair of victims while also uncovering the truth about the events of the past. Therefore, Santos' government tackled the conflict by adopting a transitional justice approach, a specialised method tailored to handle sensitive issues arising from extensive human rights violations. Such an approach operates on four key pillars, namely truth-seeking, prosecution, reparations, and institutional reforms²²⁶ that together form a comprehensive framework to address the challenges of post-conflict societies. The aim

²²⁴ Official site Jurisdicción Especial para la Paz Gobierno Colombiano (JEP). Preguntas frecuentes sobre la JEP. Available at: <https://www.jep.gov.co/ServicioAlCiudadano/Paginas/preguntas.aspx>

²²⁵ Quintero R. (2019). Colombia: The Special Jurisdiction for Peace, Analysis One Year and a Half After its Entry into Operation. International Commission of Jurists, Geneva. P.13.

²²⁶ American Friends Service Committee (2011) Transitional Justice Mechanisms: Lessons Learned from Truth and Reconciliation Commissions. Burundi.

is to uncover the truth, hold perpetrators accountable, provide reparations to victims, and implement institutional changes to prevent future conflicts.²²⁷

In crafting the Final Agreement, another employed method was restorative justice. This is an innovative paradigm opposing the traditional retributive model which emerged as a positive framework for negotiations in post-conflict scenarios. Unlike the longstanding preference for retributive justice, which asserts that punishment is morally justified as a suitable response to wrongdoing, restorative justice offers a more fitting alternative for resolving conflicts after decades of reliance on punitive measures.²²⁸ Together with transitional justice, the restorative strategy collaborated in addressing minor crimes, favouring mediation and direct communication between victims and offenders, dedicating to the enforcement of extra-judicial and informal bottom-up processes. Indeed, the core goal of restorative justice is to pursue a social, political and economic reintegration of both actors in the community by encouraging the accountability of crimes and the restoration of victims without dealing with legal and punitive measures.²²⁹ During a June 2023 conference, Deputy Minister of Criminal Policy Camilo Umaña emphasized the significance of restorative justice as a fundamental mechanism of the SIVJRN; he highlighted its role in supporting the success of the JEP and advancing the objectives of transitional justice. Additionally, he underscored the importance of enhancing the restorative approach within the framework of ordinary criminal justice.²³⁰

4.3.1 Amnesty and Pardon.

The implementation of the JEP relies on fundamental legal concepts, namely amnesty and pardon. These terms refer to grace measures that can be applied in the context of legal penalties, providing the granting of forgiveness or leniency regarding the imposition of judicial sanctions. Their main difference is that pardon is a mechanism to

²²⁷ Subsecretaría Ejecutiva Republica de Colombia (2022) Jurisdicción Especial Para La Paz. Estrategia Integral Para La Participación De Las Víctimas Y La Ciudadanía en la JEP. P. 6.

²²⁸ Stanford Encyclopedia of Philosophy (2014). Retributive Justice. Revision Jul 31, 2020. Available: <https://plato.stanford.edu/entries/justice-retributive/#EtymMeanRetr>

²²⁹ Organización Internacional para las Migraciones (2019). Spotlight: Restorative Practices and Justice_Part II. <https://colombia.iom.int/es/news/spotlight-restorative-practices-and-justicepart-ii>

²³⁰ Official Site Gov.Co (June 2023) En el cumplimiento de las sanciones propias de la JEP nos vamos a jugar gran parte del Acuerdo de Paz: MinJusticia. Available at: <https://www.minjusticia.gov.co/Sala-de-prensa/Paginas/En-cumplimiento-sanciones-propias-JEP-nos-vamos-a-jugar-gran-parte-del-Acuerdo-de-Paz-MinJusticia.aspx>

forgive a penalty of an individual who has been already convicted, while amnesty is a grace measure that pardons the crime whether or not there is a conviction. Therefore, amnesty is the legal forgetting of crimes extinguishing the responsibility of their authors. Its particularity is that such indulgence is enforced as a collective measure applicable to categories of defendants accused of the same crime; it aims to achieve the greater good of public order, promoting reconciliation and facilitating societal transition. Pardon, on the other hand, is applied individually in the enforcement of restorative justice through the implementation of the resolution process entailing dialogue, understanding, and the restoration of relationships among victims, offenders, and the community. It is configured outside of the legal framework and involves elements such as apologies, restitutions, and the provision of community service as part of the resolution process.²³¹

The Statutory Law of the JEP (1957 of 2019) clarifies some characteristics of the cases in which such concessions are granted. However, an exhaustive institutional definition is missing. The document stipulates that amnesty will be granted as broadly as possible to those accused or convicted of political crimes and related offences. Instead, it prohibits the granting of amnesties or pardons to perpetrators of serious crimes classified as war crimes, crimes against humanity, extrajudicial executions, recruitment of minors, sexual violence, massacres, hostage-taking or other serious deprivation of liberty; this is torture, forced disappearance, abduction of minors and forced displacement. However, in the Peace Agreement, the normative framework for the implementation of amnesty and pardon has an open-ended structure with interpretative flexibility. Therefore, the JEP to select cases eligible for indulgences must take into account international directives of Human Rights, International Humanitarian Law and International Criminal Law; while, at a national level, it has to consider the Colombian Penal Code and legislation.²³² This is to enforce the fulfilment of Colombian obligations to investigate, elucidate, bring legal proceedings and impose penalties for breaches of human rights and International Humanitarian Law that occurred in the course of the armed conflict.

²³¹ Diccionario panhispánico del español jurídico (2023) Real Academia Española (RAE).

²³² Ley Estatutaria JEP. Los crímenes que no serán amnistiables ni indultables en la JEP <https://www.jep.gov.co/Sala-de-Prensa/Paginas/Los-cr%C3%ADmenes-que-no-son-amnistiables-ni-indultables-en-la-JEP.aspx#:~:text=Sin%20embargo%2C%20la%20misma%20Ley,Ejecuciones%20extrajudiciales>

4.4 Economic support and social security plans for reintegration.

Economic support is a fundamental aspect of the reintegration of former combatants. Therefore, the types of contribution stipulated by the Agreement were three: an initial normalisation allowance, a monthly basic income, and the support in form of small capital for individual or collective productive projects. The first was a single-shot benefit of 2 million Colombian Pesos allowed to everyone involved in the reintegration process which served to supply initial basic needs. The second typology, instead, was a monthly income equivalent to 90% of the national legal minimum wage. It was granted to accredited former combatants for 2 years starting from the end of their permanence in the ZVTN (see paragraph 4.1.3) whether they did not have another regular legal income; the period could be extended depending on individuals' constant participation in reintegration activities. Finally, the state offers the supply of economic support for entrepreneurship. Such a benefit can be provided only once in a lifetime for a total amount of 8 million Colombian pesos to invest in individual or collective productive businesses or organisations as well as to improve housing conditions. International cooperation, the private sector, territorial entities, and national authorities will provide the resources for the development of such projects. To deliver this service it was necessary to introduce former combatants to the financial system: the *Banco Agrario de Colombia* (BAC) was the entity in charge of facilitating this process of bank registration and assignment of state economic aid.²³³ The government's economic compromise with former combatants in the mark of the Final Agreement was to attain financial closure, boost productive projects, and foster territorial development.

Is in section 3.2.2.7. that the final Peace Agreement outlines the provisions for "Sustainable Economic and Social Reintegration." This section, addressing social security, stipulates that the National Government is committed to offering financial support to those former combatants addressed with reintegrating measures, also through payments for health and pensions. Such an aid is designed to provide care for 36 months. The individuals receiving such support would be guided toward specific social security institutions providing these services. In exceptional cases involving severe

²³³ Official site Gov.Co - Generación de ingresos. Available: <https://www.reincorporacion.gov.co/es/reincorporacion/generaci%C3%B3n-de-ingresos>

and high-cost illnesses, as well as the rehabilitation of injuries stemming from the conflict, the government will establish a specialised system. This mechanism of aid operates within the National Reincorporation Council framework (CNR), receiving collaboration from both national and international entities.

In the same section, the Agreement express its commitment to identify essential plans and programs for addressing the fundamental and comprehensive rights of the individuals involved in the reintegration process. These included different levels of formal education, from basic to technical and university. The validation of general civil and cultural knowledge as well as domestic and environmental would have also been covered. Based on the agreement, the reintegration programs would have also dealt with provisions for psychosocial support aimed at facilitating recovery. Moreover, it would have worked on the reunification of families and extended families and caring systems for vulnerable individuals; this is the implementation of protective measures for the elderly and the attendance of the children of FARC-EP members undergoing reintegration.²³⁴ The National Government is responsible for ensuring the continuity and effectiveness of these programs and services, with specific terms and durations defined by the CNR. Furthermore, priority treatment and special attention and support from the government would have been allocated to the identification of projects and mechanisms facilitating access to housing, including self-construction projects.²³⁵

4.5 Restorative measures in the sanctioning system of the JEP.

The restorative component of the sanctioning system of the JEP is embodied by the *Works, projects, and activities with reparative-restorative content* program (TOAR). The application of such a plan is executed in compliance with the restriction of freedoms and rights established by the JEP system. Indeed, the TOAR encompass a series of different activities designed for individuals subject to the competence of the JEP; this is former FARC-EP combatants, members or former members of the security forces, State agents and third parties, who have been addressed with the exclusive sanctions of amnesty or

²³⁴ Colombian Government (2016) ABC del Acuerdo Final. Cartilla Pedagógica - ACUERDO FINAL para la TERMINACIÓN DEL CONFLICTO y la construcción de una PAZ estable y duradera. Colombia.

²³⁵ Official site Gov.Co. Extractos del Acuerdo Final con las FARC en materia de reincorporación. Available: <https://www.reincorporacion.gov.co/es/reincorporacion/Paginas/La-reincorporaci%C3%B3n-en-los-Acuerdos.aspx>

Pardon. These sanctions are imposed directly through the sentencing process, following the defendant's acceptance of truth and responsibility.²³⁶ The actions implemented by the TOAR, besides mitigating the former defendant's legal obligation, serve to contribute to the reparation of victims. Therefore, TOAR respects victims' centrality while conciliating it with former criminals' reintegration, with a system of measures to consolidate the dialogical processes, supporting transitional and restorative sanctions. It facilitates reconciliation, the strengthening of civic trust, and the reconstruction of the social fabric. The projects prioritize the inclusion of victims not only as end users of the final outputs but also as active decision-makers. Indeed, they actively participate in drafting recovery plans and must approve them before implementation.²³⁷

The Constitutional Court in Law 1957 of 2019 established indicative and non-exhaustive guidelines to follow in the elaboration of restorative sanction projects. Article 141 specified that such sanctions must be designed in compliance with the content of the Final Agreement, focusing on the facilitation of comprehensive rural reform, political participation, and the solution of the illicit drugs problem. The same article includes a list of types of projects the TOAR should implement in different contexts. You can find it reported below:

A. *In rural areas* (should be implemented projects of):

Effective reparation for displaced farmers; environmental protection of reserved areas; the building and repairing of infrastructure like schools, roads, health centres, housing, community centres, municipal infrastructure, etc; rural development programs; waste disposal in needy areas; improvement of electrification and communication connectivity; substitution of illicit crops cultivations; environmental recovery of areas affected by illicit crop cultivation; the construction and improvement of road infrastructures for the marketing of agricultural products in areas of crop substitution; literacy programs and training in various scholastic subjects.

B. *In urban areas* (should be implemented projects of):

²³⁶ Conditions explained in paragraph 4.2.

²³⁷ Jurisdicción Especial Para la Paz (2020). Lineamientos en materia de sanción propia y Trabajos, Obras y Actividades con contenido Reparador - Restaurador. Sección de Reconocimiento de Verdad y Responsabilidad Tribunal para la Paz.

building and repairing infrastructure like schools, public roads, health centres, housing, community centres, and municipal infrastructure; urban development; access to clean water and construction of sanitation networks and systems; training in various scholastic subjects and literacy.

- C. *Regarding the cleaning and eradication of war explosive remnants, unexploded ordnance and anti-personnel mines from the areas of the national territory that may have been affected by these devices (should be implemented projects of):
Cleaning and eradication of war explosive remnants and unexploded ordnance;
clearing of anti-personnel mines and improvised explosive devices.*²³⁸

Regarding the restitution of lands as a measure of reward, TOAR does not have any competence. Such a measure falls under the responsibility of the *Land Restitution Unit* and the *Unit for Comprehensive Attention and Reparation for Victims* of the JEP.

Another focus of TOAR projects is the social and working reintegration of former criminals. Indeed, by actively participating in reparative actions, former offenders can work on rebuilding trust and fostering direct reconciliation within affected communities, while acquiring new working skills. To understand the importance of this latest aspect, consider that former combatants were often recruited as children and lived for years or decades in remote areas, often in forests. A Human Rights Watch report of 2003 outlined that at least one combatant out of four was under eight years old. Therefore, they were raised as guerrilla fighters and formed to combat, without having the possibility to develop other expertise to contribute positively to society.²³⁹ Thus, participating in TOAR's projects provides former guerrilla fighters with the chance to improve their employability, facilitating their civic reintegration. Other recuperation aspects resulting from the reconstruction processes of the TOAR are the fostering of a sense of shared responsibility and the deepening of a sense of belonging which contributes to the acknowledgement of the caused harm, preventing recidivism.

²³⁸ El Congreso de Colombia. Ley 1957 de 2019 Estatutaria de la Administración de Justicia en la Jurisdicción Especial para la Paz. Art.141. Componente Restaurativo de las "Sanciones Propias Aplicables A Quienes Reconozcan Verdad Exhaustiva, Detallada Y Plena En La Sala De Reconocimiento De Verdad Y Responsabilidades".

²³⁹ Human Rights Watch (2003) "YOU'LL LEARN NOT TO CRY"- Child Combatants in Colombia. United States of America.

The elaboration of specific TOAR programs took a long time, but in December 2023, their launch was finally announced. On December 28 the president and magistrate of the JEP Roberto Carlos Vidal participated in the radio program of the judicial centre '¡Por fin lo sabemos!'. On this occasion, he stated that in January 2024 the first three restorative programs of the TOAR will be implemented and that, in general, the duration of all TOAR projects will be eight years. He also reported that the crafting of such projects aimed at intervening in seven macro-area, namely:

- 1) Comprehensive action against mines.
- 2) Environment, nature, and territory.
- 3) Rural and urban infrastructure.
- 4) Memorialization and symbolic reparation.
- 5) Differential harms and macro-victimization.
- 6) Education, literacy, and training.
- 7) Search for persons reported as disappeared.²⁴⁰

For the implementation of these measures defined by transitional and restorative justice, Colombia could count on the assistance of the international community. Indeed, between December 2020 and January 2024, the State received from the UN Development Programme a total contribution of 1,593,644 dollars to finance the administrative and legal sectors of the JEP as well as its restorative projects, including TOAR.²⁴¹ Moreover, in 2016, the UN initiated a mission that continues today, aimed at overseeing the entire development and work of the JEP. The objective of the mission is twofold: to ensure the implementation of the Final Peace Agreement and to assist Colombia in fulfilling its commitment to ending the conflict and promoting a peaceful environment.

The last statistical report regarding data on the main aspects of the JEP showed that by January 19, 2024, the individuals who expressed their commitment and submission to the processes and jurisdiction of the JEP were 13,964. Of them, 70.8% belonged to FARC-EP, 27.9% to the public forces, and 1.3% to other entities like state administration and

²⁴⁰ Official site Jurisdicción Especial para la Paz Gobierno Colombiano (JEP) sala de prensa. (December 2023). ¡Por Fin Lo Sabemos! capítulo 20 - Lo que debes saber del sistema restaurativo de la JEP. Available at: <https://www.jep.gov.co/Sala-de-Prensa/Paginas/-en-2024-la-jep-pondra-en-marcha-el-sistema-restaurativo.aspx>

²⁴¹ Official Site United Nations Development Programme - SANCIONES PROPIAS - JURISDICCIÓN ESPECIAL PARA LA PAZ. Available at: <https://www.undp.org/es/colombia/proyectos/sanciones-propias-jurisdiccion-paz-jep>

third. By the 23 of January 2024, the JEP addressed 12.105 defendants with alternative sentences; therefore, they were allocated to the reincorporation process.²⁴² It means that, as confirmed by Roberto Carlos Vidal in the interview reported before, almost 90% of the individuals presenting before the JEP addressed their responsibilities in the conflict and accessed alternative sentences, starting their reintegration process into society. These individuals will be gradually selected to participate in TOAR initiatives bit by bit as they are implemented.

4.5.1 The reintegration phase before the implementation of TOAR in 2024.

The Peace Agreement of 2016 addressed in different sections the issue of disarmament, demobilisation, and reintegration (DDR) especially in point 3. As considered in paragraph 4.1.3. of this work, the agreement covered the matter of the end of the conflict and the conditions for the reintegration process, which included security guarantees for the FARC's demobilising members and safety measures for their civil transition. Additionally, point 3 addressed reintegration matters comprehensively encompassing economic, social, and political dimensions. The Agency for Reincorporation and Normalization (ARN) was tasked with implementing these measures. The ARN coordinated and executed programs to facilitate the transition and adaptation of former combatants into civilian life. Moreover, specific protocols to ensure and empower sustainable and successful programs were implemented as part of the Final Peace Agreement.

As we saw in paragraph 4.1.3, FARC-EP combatants, before presenting in front of the JEP, were accommodated in the *Transitory Normalisation Veredal Zones* (ZVTN). These areas which embodied the first phase of the DDR process, ended their service within less than a year and demobilised in August 2017. After the transition period spent there, former combatants could be presented before the JEP. Then, the ones receiving leniency sentences could start the effective reintegration process which consisted of the allocation of the pardoned in *Territorial Training and Reincorporation Spaces* (ETCR). These areas were administered by the ARN and were composed of 24 housing complexes, located mainly in rural contexts chosen to facilitate the initial phase of adaptation to civilian life of former combatants and their families. Nevertheless, these

²⁴² República de Colombia (2024). JEP report - principales estadísticas Acumulado histórico. Update of January 19, 2024.

individuals owned full citizenship and the right to free movement, so they were not obligated to stay in the ETCR. Therefore, the JEP reintegration offer was implemented both within and outside the ETCR.²⁴³

The ARN stated that the first phase of the reintegration process should have provided individuals with health support, basic education, identification of individual skills, proper use of free time, emotional stabilisation, and academic as well as occupational and economic assistance. These types of aid would have helped former combatants to prepare for their entrance into the job market. Therefore, the crafting of the ETCR system focused on providing these supports. The rendered environments were fruitful for the development of working skills and the generation of socio-economic roots through access to land, housing, and productive projects. However, these centres were thought as temporary solutions and, on August 15, 2019, they reached the end of their legal status. Nevertheless, these habitational spaces would have been maintained for those who did not want to leave them.²⁴⁴ The temporary nature of the ETCR was justified by its function as a transitional context for former combatants during the reintegration process. The idea was that once their inhabitants acquired the necessary skills and stability, they could leave the ETCR and continue independently their reintegration process into society while addressing the substitutive measures defined by the tribunal of the JEP.

4.6 Reincorporation Program in Data.

The last report of the ARN dates to the 23 of January 2024. The document accredited that 14.099 persons were judged before the High Commissioner for Peace and that the ones involved in incorporation processes are currently 12.105. Of them, 9.952 left ETCR to move to independent contexts, while 1.934 decided to stay in the former ETCR, now housing contexts without any legal recognition. Information about the location of the other 219 individuals is missing. Regarding economic stabilization, the ARN reported instead that:

²⁴³ Official site Gov.Co Espacios Territoriales de Capacitación y Reincorporación (ETCR). Available: <https://www.reincorporacion.gov.co/es/reincorporacion/paginas/los-etcr.aspx>

²⁴⁴ Ibidem.

- Between August 2022 and December 2023, 12.477 of the persons accessing the reincorporation process received the monthly allowance.
- By the end of 2023, 10.775 former FARC-EP combatants benefitted from the special investment loan for the implementation of 5.738 productive business projects.
- The total amount of invested resources directly addressed to former combatants was estimated to be a total of 293.390 billion Colombian pesos, approximately 75.000.000 American dollars.

In the field of education and health assistance, the ARN provided the following information:

- By November 2023 the individuals reported as introduced to different types and levels of education were 2.785. Most of them (2.032) could adhere to the system of itinerant teaching resulting from the agreement between the ARN and the National Open and Distance University (UNAD). It was a flexible educational model designed to reach former combatants living in areas of challenging accessibility.
- Thanks to the institutional collaboration between the ARN and the Ministry of Health, 12.051 former FARC combatants were integrated into the public health system and 11.290 were affiliated with a pension.²⁴⁵

The Observatory of Human Rights and Conflicts of *Indepaz*, investigating violence, reported a reduction in the total number of victims of the conflict in the national territory. The annual average of killings decreased from 430.000 deaths between 2003 and 2008 and 200.000 between 2009 and 2015 to less than 100.000 in the annual average between 2016 and 2021. They also indicated a decrease of more than 95% in forced disappearances, extrajudicial executions, false positives, kidnapping, and torture.²⁴⁶

²⁴⁵ ARN (December 2023). ARN en cifras. Así avanza la reincorporación en cifras.

²⁴⁶ Indepaz. Instituto de estudios para el desarrollo y la paz (2021). Report 5 AÑOS DEL ACUERDO DE PAZ.

4.6.1 Life conditions of former combatants in the reintegration programs.

Point 3.4.7.1 of the Final Agreement is dedicated to personal and collective security measures. Since the accord between the state and the FARC contained aspects of Political Participation, a *Comprehensive Security System for Political Engagement* was established. However, such a system lacked tools to ensure the protection of individuals involved in the peace process. The security guarantees should have provided safety assurances for the new FARC political movement, including the provision of security for all FARC-EP demobilised members. Nevertheless, as reported by Indepaz, between November 2016 and September 2023, 1.539 leaders and supporters of human rights and the reintegration program were killed. Moreover, 385 of the around 2.000 signatories of the Peace Agreement were Killed in the same years.²⁴⁷ This factor shows an obstacle in the implementation of the Agreement. Indeed is good to take in mind that while FARC-EP demobilized other guerrillas and paramilitary groups continued their armed struggle in the country.

Security uncertainty was not the only aspect threatening the functioning of the DDR program. The daily life of former combatants, indeed, was also affected by economic subsistence struggle. The aid provided by institutions was fundamental, but most former combatants lived in a state of economic insecurity on the brink of the poverty threshold. The journalists Chaussoy and Le Bouquin in a report of May 2021 talked about the challenging life conditions of former combatants, both in the city and in the countryside. They interviewed a former member of the FARC-EP living in a rural context; the man reported his experience –shared by several former combatants– struggling to find economic entrances compensating or substituting government aid. An abundance of journalistic articles recounting stories like this exist. Indeed, such economic contributions can be very scarce to guarantee economic tranquillity or improve living conditions.²⁴⁸ This could represent a threat to the decision of former combatants to remain in the legal framework.

²⁴⁷ Ibidem.

²⁴⁸ France24 (May 2021) La difícil reintegración de exguerrilleros de las FARC. Available: <https://www.france24.com/es/programas/en-foco/20210514-dificil-reintegracion-exguerrilleros-farc-colombia>

4.7 Strengths and challenges of the JEP.

In June 2019, the International Commission of Jurists (ICJ) published a report titled "*Colombia: The Special Jurisdiction for Peace, Analysis One Year and a Half After its Entry into Operation*". This report identified both the strengths and challenges faced by the JEP. The strengths section highlighted those initiatives crucial for safeguarding and ensuring the rights of victims. It emphasized actions that have propelled the JEP toward fulfilling its designated role of transitional justice mechanism. On the other hand, the Challenges section examined elements that, if not appropriately addressed and managed, could potentially adversely impact the operations of the JEP, jeopardizing the assurance of victims' rights and former combatants' reintegration.

The first strength noted by the ICJ was the swift initiation of JEP mechanisms. Within the first eighteen months of implementation of the Peace Agreement, the jurisdiction centre rapidly began addressing significant human rights violations and offering reparations. It established specialised departments for victim assistance and, since its outset, facilitated direct communication with social organizations and authorities. The second positively crucial element was the strong coordination of truth, Justice, Reparation, and Non-Repitition Institutions. Indeed, the JEP fostered several collaborative efforts, especially with the *Unit for the Search of Missing Persons* (UBPD) and the *Commission for the Clarification of Truth, Coexistence and Non-Repitition* (CEV). Another fundamental aspect detected by the ICJ was the respect that the Colombian High Courts nourished for the Special Jurisdiction for Peace. This recognition not only facilitated but enabled the effective enforcement of the JEP authority. Furthermore, the consistent support from the International Community, backing the peace process since the beginning of peace talks in Havana, was detected. Indeed, the significant economic support from various international funds facilitated JEP's quick work implementation. Moreover, such support bolstered the legitimacy of the SIVJRNR entities.

The Implementation of the Differential Approach was another strengthening aspect of the JEP together with the implementation of the prioritization criteria. Considering that the conflict caused more than 9 million of victims, the court acknowledged the need to prioritize the most serious cases and to organize investigations in macro-cases. Indeed, it would have been impossible to do otherwise, investigating and prosecuting

individually all the crimes committed during the conflict. This structure enabled the revealing of criminal structures and patterns of serious violations of law and human rights. The last two individuated assets favouring the success of the JEP's restorative system were the coordination with the *Indigenous Peoples' Jurisdiction* and the institution of opportunities for dialogue with victims and their associations. The first permitted the establishment of coordinated mechanisms and protocols with ethnic communities, ensuring respect for their collective legally recognized rights. Moreover, referring to the second, the JEP enabled institutional hearings for victims before the *Judicial Panel for Acknowledgement of Truth*. Additionally, it organized informative and educational events across the country regarding its activity, decentralising the presence of the institution including a wider public.²⁴⁹

On the other hand, when discussing the challenges of the JEP, the ICJ divides them into two categories. To the first pertains challenges related to the judicial independence of the institution, while the second concerns the guarantees of victims' rights. Let us delve into them.

As previously discussed, securing recognition and respect for the JEP as a legitimate court is crucial for implementing transitional justice and meeting international human rights obligations. Challenges to its autonomy stem from two main factors: the national funding of the JEP system and its effective legal recognition. Regarding the first, the ICJ expressed concerns about the challenges faced by the JEP in obtaining resources from the General Budget of the Nation. In 2019, indeed, the JEP received less than 80% of the requested budget, raising concerns about the government's priorities and commitment to implementing the Final Peace Agreement. Moreover, under the same presidency, namely the one of the Conservative Iván Duque (2018-2022), the government decided not to prioritize the consolidation of peace, national reconciliation, or the rights of victims in the National Development Plan. Indeed, the fear regarding the non-recognition and non-respect of the JEP as a proper jurisdiction came from authorities' complaints, from smaller levels up to Presidential objections. During Duque's

²⁴⁹ International Commission of Jurists (2019). Colombia: The Special Jurisdiction for Peace, Analysis One Year and a Half After its Entry into Operation. P. 61-71.

presidency, the premier (uribista) declared concerns about the JEP's ability to prevent impunity and protect victims' rights.²⁵⁰ Also, the Minister of Foreign Affairs Claudia Blum (2019-2021) requested the cancellation of some of JEP's Attorney General's statements.²⁵¹ These political positions raised concerns about the organ's independence, contributing to the creation of polarization around the Final Agreement implementation which represented a potential risk for the fulfilment of commitments with the FARC and international human rights obligations.

The first challenges concerning instead the victims' rights regarded the need for concrete actions to apply the principle of victim's centrality. Indeed, the ICJ found two categories of actions that should be implemented and enforced to guarantee respectively effective participation and the right to reparation. One was the collaboration of the JEP with other state entities responsible for reparations, taking in this way a leading role in suggesting appropriate reparation measures. Another was the clarification of the role of victim hearings and data reports. The JEP indeed encouraged victims to submit reports to enhance its knowledge of human rights violations perpetrated during the conflict. However, their role and legal contribution were not clear. They were secondary and extra-judicial since the JEP could act even without the specific information they reported. Therefore, challenges included managing victim's expectations, clarifying their role in the process, avoiding however to lose their support.

Given the ICJ's recommendation for the JEP to take a leading role in managing national reparation measures, it is worth mentioning that one of the elements endangering the JEP peace enforcement is exogenous to the 2016 Agreement. Indeed, the maintenance of peace and the reintegration process of former guerrilla members could be threatened by popular dissatisfaction with the program of governmental redistribution of land established by the Santos government with Law 1448 of 2011. Indeed, initially, the Santos administration put forth a significant amount of resources and bureaucracy to advance the Law. However, this support decreased over time, and by 2019, only about

²⁵⁰ Peoples Dispatch (2019). Iván Duque objections to the JEP put Colombia's peace process in jeopardy. Available: <https://peoplesdispatch.org/2019/03/12/ivan-duque-objections-to-the-jep-put-colombias-peace-process-in-jeopardy/>

²⁵¹ International Commission of Jurists (2019). Colombia: The Special Jurisdiction for Peace, Analysis One Year and a Half After its Entry into Operation. P. 73.

12% of the total victims registered were compensated.²⁵² The calculations of the Truth Commission suggested that, if such an implementation rate continued, it would have taken up to 50 years to achieve the necessary reparations goals, generating widespread popular discontent with one of the principles lying at the base of peace, namely land redistribution.

A further menace concerned security measures. Such a challenge was worsened by the risks faced by leaders, supporters and members of human rights movements and the reintegration process. Therefore, for the ICJ a prompt and effective response to security threats was crucial. The court stated that the coordination between JEP bodies and other state entities was essential to guarantee safety and to enable everyone's participation in politics and justice proceedings. Another threat to the efficacy of the Truth, Justice, Reparation, and Non-Repetition system was represented by the popular lack of understanding of the JEP mechanisms. Training workshops for victims and the general public, along with a better publicising of JEP decisions, were necessary to avoid the polarisation of the population and the creation of false expectations. Improvements in the JEP's case database and transparency could also enhance the public understanding of its decisions. The last challenge detached by the ICJ concerned the consolidation of the JEP's role as a court of justice for human rights violations offering victims answers not provided by the ordinary justice system. In this landscape, the jurisdiction system of criminals' voluntary submission should have been encouraged more, as well as the implementation of measures to explain to the popular opinion that JEP's measures do not translate into impunity. At the same time, the jurisdiction must make sure to uphold firmly victims' rights while providing accountability, without prioritizing one aspect over the other.²⁵³

4.8 FARC-EP's dissidents and the refusal to disarm: the formation of the GAOR.

During the interview on the radio program "¡Por fin lo sabemos!" in December 2023, Vidal stated that out of the over 14,000 fighters who surrendered their weapons as part

²⁵² Comisión de la Verdad (2022). *Hay Futuro Si Hay Verdad Informe Final - No Matarás Relato Histórico Del Conflicto Armado Interno En Colombia*. Bogotá. 544.

²⁵³ International Commission of Jurists (2019). *Colombia: The Special Jurisdiction for Peace, Analysis One Year and a Half After its Entry into Operation*. P 71-86.

of the 2016 agreement, 95% remained engaged in the DDR process. The residual 5% summed to an initial number of combatants that never embraced the Agreement, avoiding disarming as well as demobilising and reintegrating into society. They created new groups gathered in the category named by the Colombian government as *Residual Armed Organized Groups* (GAOR), insurgent armed organizations that originated from the dismantling of the FARC-EP. These groups do not have political recognition and emerged as new actors in the internal Colombian armed conflict. They seek territorial control and engage in illegal activities such as extortion, drug trafficking, and illegal mining.

According to an official Indepaz²⁵⁴ report issued in October 2021, it was estimated that, at the time, the GAOR were composed of approximately 5,500 fighters present in 123 national municipalities and consisting of about 34 operative structures.²⁵⁵ Nevertheless, other sources suggest they already had up to 7,000 active members.²⁵⁶ Currently, some GAOR undertook ceasefires with the government of Gustavo Petro (2022-present), awaiting the installation of peace talks with the Colombian government.²⁵⁷ It is important to remember that these new guerrillas are not the only elements threatening national peace. Indeed, even before the 2016 Final Accord, the FARC-EP was not the sole Colombian armed group. Therefore, the negotiations between them and the government never expected to eradicate violence in the country but to initiate a real path toward Peace. The presence of the ELN, paramilitary structures and criminal groups as well as the ongoing drug trafficking, and the persisting of inequalities continues nowadays, constituting a breeding ground for the continuation of the conflict as well as the rise of new ones.

²⁵⁴ Observatorio de Derechos Humanos y conflictividades.

²⁵⁵ Indepaz (September 2021). Los focos del conflicto en Colombia - Informe sobre presencia de grupos armados. Available: <https://www.indepaz.org.co/wp-content/uploads/2021/10/INFORME-DE-GRUPOS-2021.pdf>

²⁵⁶ Semana (August 2021). Exclusivo: el computador de Gentil Duarte, en los correos se habla del Polo Democrático, Maduro, Irán y planes terroristas. <https://www.semana.com/nacion/articulo/exclusivo-el-computador-de-gentil-duarte-en-los-correos-se-habla-del-polo-democratico-maduro-iran-y-planes-terroristas/202156/>

²⁵⁷ El Espectador (January 20, 2023) Cese al fuego con disidencias de las Farc: ¿cómo impacta en disputas territoriales? <https://www.elespectador.com/colombia-20/conflicto/cese-al-fuego-con-disidencias-de-las-farc-como-impacta-en-disputas-territoriales/>

Conclusions.

This thesis provides a comprehensive examination of the 2016 Peace Agreement between the Santos Government and FARC-EP representatives. Before doing this, the work delves into a historical analysis unravelling the complexity of the Colombian armed conflict, its origins, the actors involved, and the underlying dynamics fuelling it. Such analysis serves to understand the resulting intricacy of the peace model developed to tackle national instability. Therefore, this work provides a comprehensive and exhaustive understanding of the roots behind Colombia's dramatic conflicts, focusing only by the end of the third chapter on Santos' peace agreement.

The thesis begins by examining the Colombian armed conflict from its origins in the social, economic, and political unrest of the 1920s, culminating in the 1948 riots and leading to the armed confrontation. This analysis also discusses the emergence of new national actors such as guerrilla groups, paramilitaries, and drug trafficking, which keep on shaping Colombia's present. Indeed, the conflict, which caused tragic losses and marked permanent scars of human rights violations in the country, even if on a smaller scale still endures the reality of Colombia. One of the reasons behind this reduction is the Peace Agreement signed by the Santos government and the FARC-EP. Indeed, as seen in this work, the 2016 Agreement shaped the conflict resolution model achieving the best results in the history of the Colombian armed conflict. It stems from here the interest of this thesis in analysing such a conflict-resolution model; a contemporary case of peace resolution for a problem that still affects thousands of people.

The analysis of the Agreement undertaken in this work focuses on the aspects regarding former combatants' reintegration, including a delve into the sanctioning model of the JEP, a pivotal aspect of the peace agreement. The case study highlights the shift away from a retributive and punitive peace approach towards embracing a restorative paradigm. The JEP indeed aims to tackle the complexity of the conflict through reintegration and reparative programs reconstructing social bonds and reconciliation between victims and those who perpetrated the crimes. The choice of this focus was driven by the aim to clarify the applicability of the transitional justice model in the context of the Colombian conflict, and to evaluate its success rate through demobilisation data.

In this regard, it is important to highlight that the government provides constantly updated official documents reporting the number of individuals presented before the JEP and data regarding how many of them entered into rehabilitation as well as economic and sanitary aid programs. However, while carrying forward the elaboration of this thesis, it has been noticed a lack in the governmental provision of official data regarding the specific social and working rehabilitation programs of former FARC-EP combatants. It includes information detailing the habitational and reintegration plan they have been inserted in and how it goes the fulfilment of their judicial restorative penalties. Accomplish to this is the fact that the elaboration of specific application plans of the TOAR managed to reach results only by the end of 2023. Therefore, data regarding the official repair programs are unavailable since the first programs will be implemented by the beginning of 2024. Nevertheless, not even official information regarding the already designed TOAR plans –like the number of former combatants that will be involved in it– were found. Other data difficult to find during the elaboration of this thesis were official reports regarding the post-integration life conditions and challenges of former guerrilla combatants transitioning into civilian life. Current information about their lives and their reintegration process are not reported in easily accessible governmental dossiers. They are instead collected by national and international newspapers through articles dedicated to individual experiences. Similarly, information about the security threats these individuals face every day is mostly available through journalistic sources.

This thesis provides a comprehensive lecture on the SIVJRN peacebuilding pattern evaluating it as a crucial element of change in Colombian contemporary history. As discussed in Chapter 3, indeed, multiple attempts to address the armed conflict through political solutions were undertaken in Colombia starting from the 1980s. However, they reached varying but generally scarce degrees of success due to their fragmented nature and the limited willingness to negotiate among the involved parties. Such limits were driven mainly by the historical context and political posture. If on the one hand guerrillas were undergoing rapid growth, living a period of expansion, on the other, elites and the army (growing as well) appeared unwilling to respect peace measures, even when enshrined by governmental orders. Furthermore, the peace process was compromised by the intensification of drug trafficking and narcoterrorism, a phenomenon that marked

the decades of the 1980s and the 1990s with terror and political violence. Besides being the reason behind the economic reinforcement of the guerrillas, drug trafficking gave origin to narcoterrorism, a plague destabilising the state through terrorist attacks and political massacres. Therefore, such an issue constituted a priority for Colombian political agendas, moving away from the focus on peace negotiations. From this phenomenon stems also another factor which has compromised peace talks, namely Colombian alignment with the U.S. repressing policies. This, summed with guerrillas' enrichment, translated into the implementation of military programs like Plan Colombia, threatening guerrillas and originating distrust between the armed actors.

As subsequently seen in the thesis, things changed only in 2012, with the beginning of the 4 years-long negotiations between the Government and the irregular group of the FARC-EP, confronting each other on the design of a Peace Agreement. The negotiations resulted in the 2016 peace model, the first one achieving concrete results in the enforcement of democracy and the pursuit of peace in Colombian history. This accord indeed represented a historic opportunity for Colombia to definitively undertake a root moving away from violence. How? Enhancing victims' comprehensive reparation, advancing truth clarification, acknowledging responsibilities, and fostering reconciliation, non-repetition, and territorial stabilisation. Its combination of transitional and restorative justice mixed with the "Truth, Justice, Reparation, and Non-Repetition" logic achieved what other approaches could not accomplish in more than 30 years. However, the thesis underlines that Santo's agreement represents just the initial step in a long-term process to stabilize the country. Indeed, violence cannot be said eradicated; paramilitary and guerrilla groups keep existing and human rights and reintegration activists keep on being killed in the country. This shows that one of the limits of the 2016 Peace Accord is the fact that it was not signed and implemented by all Colombian armed groups. Therefore, even if the majority of the FARC-EP –representing one of the bigger armed actors of the conflict– demobilised, the Accord left out revolutionary groups that are still active and determined to carry on the legacy of the armed struggles. This underlines the necessity of the Colombian Government to focus on engagement in new peace talks for the reaching of other armed groups to include in the peace process.

The analysis carried out in this thesis, while underscoring the progress and achievements of the Santos Agreement, inevitably exposed its vulnerabilities and challenges. Indeed, a critical point of the Agreement that emerged during this study is the late implementation of the *Works, projects, and activities with reparative-restorative content program*. The TOAR represent in fact a fundamental aspect of the Disarmament, Demobilisation, and Reintegration process. They are the restorative component of the sanctioning system, one of the elements ensuring that impunity is averted. The fact that their elaboration and implementation took more than seven years represents a huge threat to the legitimacy of the agreement. As this thesis considered in Chapter 4, this delay could be read as governmental disinterest throughout Duque's presidency (2018-2022) with peace, national reconciliation, and victims' rights. This time lag, despite threatening the Agreement with accusations of impunity, compromises the social reintegration of former combatants by procrastinating it and making it even longer. Another endangering factor for the 2016 peace agreement's success found in the work was the popular dissatisfaction with the program of governmental redistribution of land established by the Santos government with Law 1448. Indeed, by 2019 only 12% of the victims selected for the addressing of indemnifications were being compensated. The discontent resulting from this slow and almost inconclusive indemnification system could have flowed into new social clashes and upheavals, originating new violence. However, this lack seems to be a problem of the past. Indeed, the actual President Gustavo Petro, former member of the M-19, consistently invested in the rural reform since taking office in 2022.²⁵⁸

The aforementioned lack of availability of official sources regarding the output of the 2016 peace agreement made it harder to elaborate an overall balance of the applicability of the transitional justice model designed by Santo's government. However, this work suggests that the comprehensive assessment of the perks and limits of the Santos Agreement is positive and that such an Accord represents a significant success in the country's journey toward peace. Based on data confirming this accomplishment it can be sustained that the 2016 peace model can serve as a reproducible framework

²⁵⁸ Official site Gov.Co (2023). Así avanza la reforma rural integral en el Gobierno del Cambio, punto uno del Acuerdo de Paz. Available: <https://www.funcionpublica.gov.co/-/as%C3%AD-avanza-la-reforma-rural-integral-en-el-gobierno-del-cambio-punto-uno-del-acuerdo-de-paz>

adaptable to negotiations with other national armed actors. Undoubtedly, as seen in this thesis, the agreement presents some lack and it could be refined; however, it constitutes a milestone in the worldwide conflict resolution scenario and national perspectives. After nearly six decades of conflict, the Santo's and FARC-EP Peace Agreement represents an opportunity for future faster negotiations and the achievement of peace, security, and economic stability in the country. Indeed, despite the ongoing violence, the accord achieved significant results in the reduction of it and of the armed conflict as well as a substantial demobilization and the improvement of security. It addressed advancements in rural stabilization and development, social integration and political participation, undertaking the path toward the construction of a new Nation, composed of new citizens and new community roles. The main challenge of this peace model is that it can be hardly accepted as a method of justice enforcement. However, as President Santos said in 2016 "*An imperfect peace is better than a perfect war*" and the agreement elaborated by his government confirmed it.

Riassunto in lingua italiana.

Nel corso del Novecento, la storia colombiana è stata segnata da instabilità economica e sociale, nonché da una profonda polarizzazione politica. I cambiamenti generati negli anni '20 dal boom economico sommati al dilagante scontento sociale originarono proteste e scontri tra la popolazione e lo stato. Tali scontri, insieme ad instabilità sociale e mancanza di rappresentazione politica culminarono alla fine degli anni '40 in una serie di proteste di massa e, nel 1948, alla devastante rivolta del Bogotazo. La prima parte di questo elaborato esamina come tali eventi, in cui si manifestava un profondo malcontento popolare nei confronti di un sistema politico oligarchico, abbiano portato allo scoppio del conflitto armato interno.

Il primo capitolo di questo lavoro esplora appunto le radici del conflitto colombiano, esaminando temi, eventi e circostanze chiave per la sua evoluzione, come la democrazia oligarchica, fluttuazioni economiche, influenze internazionali, il problema della distribuzione delle terre e cambiamenti nei regimi governativi. Questi fattori sono esaminati per il ruolo fondamentale che hanno avuto nell'escalation di violenza e instabilità politica all'interno del paese; una spirale che ha portato all'esplosione di un conflitto nazionale e alla formazione di gruppi armati rivoluzionari. Oltre alle conseguenze sociali causate da tali tumulti, il capitolo espone le conseguenze che questi fenomeni e avvenimenti hanno avuto sul piano governativo. Vengono esaminate infatti la dittatura del Generale Rojas Pinilla (1953-1957) e l'istituzione del Frente Nacional (1958-1974), un sistema di governo alternato tra le due potenze politiche che controllavano il paese: i Liberali e i Conservatori.

Il secondo capitolo analizza la natura sfaccettata del conflitto colombiano. In questa parte il lavoro si dedica allo studio della nascita dei movimenti rivoluzionari e le loro caratteristiche. Le guerriglie, infatti, sorsero a partire dagli anni '50 da contesti e matrici che, per quanto simili, marcarono differenti percorsi, obiettivi, evoluzioni e processi di pace. In seguito alla formazione e al consolidamento di questi gruppi di guerriglieri d'impostazione marxista sorsero altri due attori fondamentali nell'evoluzione ed inasprimento del conflitto: il narcotraffico e il paramilitarismo. Durante gli anni '70 arrivò

il narcotraffico, il quale contribuì al rafforzamento economico dei gruppi armati. In seguito, verso la fine della stessa decade apparve il Paramilitarismo, una risposta armata di estrema destra impegnata nella lotta alle guerriglie del paese. Questi nuovi attori cambiarono il panorama nazionale e le dinamiche del conflitto, esacerbando la violenza e le dimensioni dello scontro. Nel capitolo viene fornita un'idea della distruzione causata in Colombia da questi fenomeni. Viene inoltre attribuita la responsabilità dei vari attori coinvolti discutendo i dati ufficiali disponibili.

Una volta analizzati il background del conflitto, le sue dinamiche e brutalità nonché gli attori coinvolti, le loro motivazioni e responsabilità, il terzo capitolo cambia focus. La tesi passa infatti dallo studio del conflitto allo studio della sua risoluzione attraverso un'analisi dei tentativi di pace portatisi avanti nel paese. Il capitolo fornisce una panoramica che va dal governo di Betancur all'inizio degli anni '80 fino ai negoziati di pace del governo Santos tra il 2012 e il 2016. Vengono analizzati individualmente i vari tentativi dei governi alternatisi in questo lasso temporale sottolineando i loro limiti e risultati, purtroppo generalmente scarsi. Infatti, nel corso degli anni, i tentativi di negoziare la pace hanno avuto un successo limitato. Se in alcuni casi le parti coinvolte mostravano disinteresse nel raggiungere la fine del conflitto per via diplomatica, in altri invece l'ostacolo per la pace era rappresentato dai margini di negoziazione offerti, che risultavano troppo limitati e insoddisfacenti. Complice in questa difficoltà anche la diffidenza tra lo stato e i gruppi armati. Infatti, mentre entrambe le forze armate (irregolari e non) stavano crescendo rapidamente, le élite e l'esercito mostravano una riluttanza a rispettare le misure di pace anche quando disposte dal governo. Inoltre, la pace in Colombia è stata ostacolata dall'aumento del traffico di droga e del narcoterrorismo, fenomeni che hanno portato ad anni di violenza politica e terrore urbano. Infatti, il narcoterrorismo ha rappresentato negli anni una priorità per vari governi, facendo passare in secondo piano i programmi di negoziato con le guerriglie.

Il capitolo conclusivo rappresenta il cuore di questo lavoro di tesi. Viene svolta qui un'analisi approfondita dei negoziati di pace tra il governo di Juan Manuel Santos (2010-2018) e le FARC-EP avviati nel 2012 e conclusi con la firma dell'accordo di Pace del novembre 2016. Nel capitolo viene fornito un esame completo dei componenti

fondamentali dell'accordo, dei suoi principi e meccanismi centrali. Tra questi il reinserimento degli ex combattenti delle FARC-EP nella società, le riparazioni per le vittime, gli approcci di giustizia, la riforma agraria e la partecipazione politica. Elementi fondamentali affrontati all'interno dei capitoli sono l'implementazione di una giustizia transizionale e ristorativa, e i principi di amnistia e indulgenza, alla base del sistema giuridico speciale per la pace (JEP) stabilito dall'accordo con le FARC. Il capitolo affronta inoltre i piani di disarmo e reintegrazione abitativa, economica e sociale degli ex guerriglieri e gli indici di successo di questi piani, ovvero quanti ex membri delle FARC si sono smobilitati, entrando e permanendo nel quadro della legalità. Vengono inoltre esplorate le sfide affrontate durante l'implementazione dell'accordo e i suoi punti deboli, usando come punto di vista l'analisi di enti ufficiali così come le testimonianze degli ex combattenti.

La tesi evidenzia l'importanza dei meccanismi di giustizia transitoria, dei programmi di reintegrazione e degli sforzi di riconciliazione nel promuovere una pace sostenibile. Al tempo stesso però evidenzia che le condizioni di sicurezza nel paese sono ancora critiche; che la violenza continua a rappresentare un problema nel paese e che l'accordo presenta punti deboli che mettono a rischio la sua missione. La tesi riconosce infatti le sfide del paese e la necessità di continuare ad agire per consolidare la pace e la stabilità in Colombia. Ciononostante, questo lavoro espone tutti i punti di forza del funzionamento del sistema di pace implementato da Santos, sottolineando il potenziale trasformativo di tale modello nella risoluzione del conflitto armato. In sintesi, questa tesi fornisce un'analisi completa del conflitto colombiano e dell'Accordo di Pace del 2016, evidenziando le complessità della ricostruzione post-conflitto e della ricerca della giustizia in una società devastata da decenni di violenza. Questo lavoro vuole sottolineare inoltre l'importanza dell'esperienza colombiana come caso studio per gli sforzi di risoluzione dei conflitti, offrendo spunti sulle complessità del passaggio dalla guerra alla pace.

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