

Implementing the peace agreement in Colombia: between “territorial peace” and land disputes

Consuelo Ahumada ^a

^a Faculty of Human and Social Sciences, Center for the Study of Social Dynamics, Externado University of Colombia, Colombia
Email address: cahumadabg@gmail.com;

Date received: May 20, 2019.

Date accepted: October 16, 2019.

Abstract

The signing of the Final Agreement between the Colombian National Government and the Revolutionary Armed Forces of Colombia (FARC) on November 24, 2016, created many expectations. However, key advances that were achieved during the subsequent months gave way to a period of stagnation and even actual backsliding in its implementation. This paper analyzes the difficulties of fulfilling the Final Agreement, in particular as concerns its first point regarding Comprehensive Rural Reform (CRR). The analysis is based on the argument that if the Agreement was focused on generating the conditions necessary to end armed conflict and reestablish democratic conditions in the country, it also contains structural factors which infringe upon the consolidation of peace.

Keywords: Peace Agreement; armed conflict; land disputes; neoliberalism; FARC.

1. INTRODUCTION

Amidst a strong political polarization which has marked the last few decades of Colombia's history, the definitive signing of the Final Agreement (AF)¹ in order to end the conflict and build a stable and long-lasting peace (AF, 2016) between the National Government and the Revolutionary Armed Forces of Colombia (FARC)² on November 24, 2016, created all sorts of expectations in the country, the region, and the whole world.³ Nevertheless, the important advancements during the following months, especially in the political and judicial fields, gave way to a period of stagnation and, frankly, even backsliding in their implementations.

For the sake of context, the confluence of interrelated factors determining the circumstances Colombia has gone through need to be understood. The first of these is the persistence, intensification and degradation of an armed conflict which stretched on for more than half a century.⁴ The second factor is the State's history of being absent or having a precarious presence in important regions of the country, and the failure of the elites to create a development model which incorporates, recognizes, and preserves their diversity, while procuring for their inhabitants better living conditions. The third is their imposition of exclusionary policies, derived from the neoliberal globalization of the 1990s. These policies were eagerly embraced, and without question, by all the governments of Latin America.

Said measures resulted in a reduction of the State's and institutions' social and economic roles, particularly in the rural sector; reducing the importance of domestic production and the internal market, for the benefit of big foreign and domestic businesses, as well as implementing policies of fiscal adjustment and restricting public spending, among others. Furthermore, since the mid-1980s, the dispute for territorial control and the production and commercialization of the drug derived from coca, and other illicit dealings, spilled over into the armed conflict like a flood, creating a machine of mass destruction. The aforementioned factors had a decisive impact on the crisis of the rural sector and prolonged the country's armed conflict.

It was during the process of negotiation and signing of the AF that it was finally accepted that the main objective of the agreement was to reestablish the basic democratic conditions which would allow resolving the conflict peacefully, favoring broad political and social action and competing for the power of the State not with arms, but with legal guarantees. In other words, the end of the armed conflict would allow them to clear the road for the State and society to focus on tending to, and resolving, crucial topics regarding their deferred economic and social development. This was the purpose of the negotiation. Left out of the discussion was the change in the development model and the policies derived from it.

In this paper, we will analyze the prospects and difficulties of carrying out the AF, in regards to its first point. We should start with the approach that if it is true that the Agreement was focused on generating conditions to end the armed conflict, reintegrating ex-combatants into civil and political life, as well as democratizing the country, there are also serious structural factors which make it difficult to consolidate a “lasting and stable peace.” These include: 1) the ongoing dispute for territorial control; 2) control of the State by enemies of the AF; and 3) the predominant development model in Colombia and in the world.

The analysis is structured in four parts: the first is this introduction, while in the second we will examine some of the primary theoretical approaches on the relationships between institutions, peace, and development, and the manifestation of these in the concept of “territorial peace.” The third section will analyze the territorial dispute and the political polarization surrounding the AF while the fourth focuses on the primary difficulties regarding the point of CRR within the new national context. Lastly, we will present some conclusions.

2. THEORETICAL DISCUSSION: THE RELATIONSHIP BETWEEN PEACE, INSTITUTIONS, AND DEVELOPMENT

Institutions and development

In the last few years, implementation of the peace Agreement brought to the forefront a long ongoing debate. In the field of economic policy and studies on development, the relationship between consolidating peace and social and economic prospects was taken on using a variety of approaches. To begin with, we must keep in mind that the resulting reforms of the Washington Consensus of 1989, known as the first generation, gave way at the end of the 20th century to the institutional reforms called the second-generation. Through these they hope to reorient the weakened role initially given to the State, with the premise that institutional deficiencies had brought about the failure of the first reforms. The international economic authorities thereby found the theoretical and political arguments to give legitimacy to these measures and adjudicate to the governments the primary responsibility for its consequences, unaware of international pressures (Banco Mundial, 1997).⁵

The economic school of thought which in the last two decades has steered the decisions of financial organizations is New Institutionalism. Although the term has various overtones, this approach has a leading figure in the Nobel economics prize winner, Douglass North, who defined institutions "as humanly devised constraints that shape human interaction" and whose primary function is to "reduce uncertainty" (North, 1993, pp. 2–3). According to this notion, institutions, both formal and informal are understood to be the rules of the game in a society and fundamental for explaining its behavior and economic change; they must guarantee adequate functioning of the capitalist system and protection for property rights. There must also be a system of impartial and efficient justice which guarantees a resolution to conflict (Kalmanovitz, 2003).

Since the end of the 20th century, the new institutionalist vision imposed itself on the field of social sciences in the broadest context with the idea that the primary role in national development is to be had by institutions and organizational change, rather than the accumulation of capital as had been proposed by development theoreticians. In this regard, Portes analyzes how development sociology also "changed directions" and created a new consensus expressed in the "attempt to export legal codes and organizational plans to countries in the South, in a uniform manner and without nuance." The question that he poses on what in that discipline is known as new institutionalism comes from the neglect of a rich theoretical heritage, without proposing any alternatives, but rather recurring to imprecise notions. A key point is the lack of understanding of power relations in forming said institutions, as well as the concept and existence of social classes: "the most tangible practical results of the advent of institutionalism on the field of economic development is the attempt to transplant institutional forms from the developed West, especially those of the United States, to the less developed world." (Portes, 2006).⁶

The predominating New Institutional approach in the fields of global economic power also avoid the question of power relations, as well as the precise historical appreciation of the role played by the State and institutions. In practical terms, it is no different from the neoliberal precepts nor the presumptions which guided the reforms of the 1980s and 1990s. The recipes are general and abstract and did not take into the least consideration the specific social and economic conditions of countries, regions and territories. On top of this, it insists on stripping the State of its role in development, which it historically carried out in capitalism (Vilas, 2000). Nonetheless, it holds it responsible for the results of the policies employed.

In line with this approach, a technocratic and bureaucratic vision prevails which, in the interest of the predominating market, seeks to ignore regional differences and the State's absence or historical weakness in large areas of the national territory. In Colombia, some of these regions were among the most affected by the armed conflict. As such, it gives priority to management tools from the private sector and at the same time hopes to reduce politics to the level of mere management (Vilas, 2000; López, 2005).

In order to take on the analysis of the relationship between institutions and development, it behooves us to refer to the so-called Neo-Keynesian school of thought. Those who advocate this approach have questioned some of the policies outlined by international organisms facing the global economic crisis, in particular those which look to reduce the fiscal deficit and impose austerity measures. Even though, in general terms they share the prevailing new institutionalist vision, they question the excesses of the so-called free market, the growing inequality, and the concentration of wealth in the world and call on the State to play a more decisive role in stopping this tendency.⁷

It is from this same approach with social democratic tendencies, but with a more critical stance regarding global order, that we should refer to some of the works published by OXFAM International. In its 2019 report, it extensively documents the process of the concentration of wealth in the world, especially in the last decade. Its recommendations, which lean toward reducing the two largest gaps of inequality, between rich and poor and between men and women, include making universal the free supply of public services such as health and education as well as reversing the tendency to reduce taxation of the wealthiest sectors (OXFAM, 2019).

The level of political practices, the experience of South American governments billed as alternative during the first part of this century and their confrontation with the current economic order are quite telling. Even though the reach of their policies and their results, good or bad, vary from country to country. All these governments share the common concern of improving living conditions for their people. They defend the function of the State, and continued social and public investment, as well as the fight against poverty by increasing physical or financial resources stemming from taxation of mining and hydrocarbons. At the same time, they drive participatory political processes which give voice to sectors which were historically marginalized. These governments defend the concept of national sovereignty, the management and control of territory and natural resources by the State and the nation, at the same time that they try to subject foreign investment to the primary interest of strengthening the internal market and natural development. Without a doubt, the thorough implementation of the AF and recovering the territories hit hardest by the armed conflict in Colombia requires putting into practice an approach based on something along these lines.

Nevertheless, fiscal adjustment policies continue to prevail in the world, policies which restrict social and public investments in favor of concentrating wealth, while any other option is categorically disqualified and condemned. This is one of the factors in the international landscape, which turns out to be adverse for the implementation of the AF in Colombia. The other is the rise on a global scale of the far right's agenda, led by president Donald Trump, who favors, among other trends, an increase of war and military spending and gives less priority to solving conflict through negotiations.

The concept of "territorial peace"

Although the champions of the AF agree on its need to be implemented thoroughly and immediately, they pose a variety of interpretations in regards to its reach, which departed from some of the aforementioned approaches. According to the prevailing viewpoint, consolidating peace in a given territory or country is a requisite in order to strengthen the market's economy and to increase domestic and foreign private investments. Above all, it is a case of facilitating optimal conditions for the extraction of natural resources, particularly in the fields of energy and mining, and for the development of large-scale agricultural exports. It was this notion which guided the National Government to take on the process of peace, sign the AF, and start its implementation. That is how it is recorded in the documents of the OECD and multilateral development banking regarding the reforms which Colombia must take on after the agreement. The so-called international cooperation, cited as the primary source for resources to implement it, works under that logic.

The concept of "territorial peace" constantly mentioned during the negotiations in La Havana and in the text of the AF, belongs to that approach. According to Sergio Jaramilla, High Commissioner of Peace in the government of Juan Manuel Santos, and one of the primary negotiators of the Agreement, the core idea of the peace project is the concern for territory and for the rights of all its inhabitants and for the victims. He points out that this is only possible by guaranteeing strong institutions and norms which dictate social life as they are "indispensable for creating conditions of cooperation and cohabitation" (Jaramillo, 2013, p. 1).

Within this concept, all the focus on rights must be complemented with a focus on territory, due to the fact that the armed conflict has affected some territories more than others. It is then the case of understanding peace as an opportunity for the country to progress in a sustainable and fair manner, after solving the problem of the countryside and clarifying and guaranteeing land property rights. He goes on to state: "we need to put into action a new and inclusive model for strengthening institutions in the regions." (*Ibid.*, p. 5), at the same time he highlights the importance of communities' participation and their alliance with the State. Along these lines, the Ideas for Peace Foundation (FIP)⁸ announced itself, made up of some of the most important business owners in the country and who held great sway during the negotiations (Guarín, 2016). Nevertheless, it is clear that as a result of the negotiations the text of the AF transcends that expressed by said concept, as we shall see later on.

The underlying notion of territorial peace poses serious limitations and contradictions for carrying out the AF and the consolidation of peace. It is true that in the discourse, and in the text of the agreement, they recognize the variety of factors which emerged or were aggravated by the armed conflict: the disputes over land and territory, drug trafficking, the impact of mining, and conflicts over water and resources. Nevertheless, it sets aside the State's agrarian policies which favor concentrating the land and excluding the rural population, and becoming an obstacle to improving the difficult life and work conditions of the majority of campesinos.

Even more contradictory is the relationship between campesinos and big business, as presented in the AF, given that it states that complete development of the countryside depends on an "appropriate balance between family farming and large-scale commercial farming" (AF, 2016, p. 12), an impossible balance in terms of current power relations. For if it is true that the immediate objective of the Agreement is to put an end to the armed conflict, its full compliance on behalf of the government requires transcending the narrow limits and the bias against campesinos characteristic of the neoliberal–New Institutional vision.

The notion of territorial peace, centered on the idea that the end of the armed conflict should lead to economic growth and an increase in foreign investment, is questioned from a variety of viewpoints. For García (2016), the territorial peace proposed ends up linking the end of the armed conflict with free enterprise and legal assurances, which makes it a mechanism for deepening the development model and not for questioning structures which determine exclusionary social relationships. While Salcedo (2015) points out that maintaining a lasting peace requires, among other things, revising the national development model and its effects on the country's inequity, the same is true for the current territorial regulations. One must have alternatives to coca crops in order to guarantee that they provide real options for its substitution in order to allow the campesinos to live with dignity. On his part, Ramos (2016) defends the idea that a transformative and participatory peace, even though he recognizes that birthing said peace from the aforementioned liberal tendency was what made a political end to the armed conflict possible, precisely because it did not put into question the development model. A similar perspective is that of Bautista (2017) who proposes transcending the logic of the neoliberal approach, creating a new territorial regulation, promoting social and community participation, and taking on social construction and transformation of the territory in all of its diversity.

Another important topic to discuss has to do with the focus on territory. Umaña (2017) believes that putting it into practice, as contemplated by the AF, presents great difficulties due to the fact that the public policies are not structured to divide the budget by sectors, they ignore the territorial context and in turn limit the possibility that this focus take hold in specific development projects and programs. Faced by the same point, Schejtman and Ramírez (2004 p. 9) question the prevailing perception of the territorial approach and point out that there are conflicts, such as those motivated by mining and natural resources, which due to the scale require a more radical socio-territorial approach "which contemplates the conflict as a constituent element in the social relations which make up a given territory."

So, there are underlying problems stemming from the current national economic policies of the last three decades. Just like in other parts, the process of decentralization in Colombia, presented as a panacea for regional development and political democratization, had undesired effects in the sense that it strengthened inequalities between regions and increased the dependency of territorial entities upon the central State. Successive reforms led to a reduction in the percentage of financial transfers to the regions, stipulated in the 1991 Constitution, at the same time that the responsibilities of these entities increased regarding essential topics such as health, education, and basic sanitation.

The majority of municipalities, and in particular those hardest hit by the armed conflict, depend to a higher degree on these transfers in order to tend to their basic necessities. The crisis which afflicts the General Revenue-Sharing System (SGP)⁹, which established the constitutional transfers through Law 1176 of 2007, makes this situation clear. At a political level, the weight of clientelism stands out as does the regional corruption borne out from the center by the parties which control the State. This increasingly concentrates the decisions in the hands of the national and regional elites, minimizing the rights of the communities to decide on subjects which concern them, in the middle of a powerful dispute over local power and territorial control which we will now examine.

3. DISPUTES FOR TERRITORIAL CONTROL AND POLITICAL POLARIZATION AROUND THE AF

The armed conflict and the fight for territorial control

The Colombian armed conflict was centered in rural areas far from the primary cities, but imbued with strategic geographical placement. According to the report from the National Centre for Historical Memory (CNMH)¹⁰, "the appropriation, use of, and ownership of land have been engines for the rise and prolonging the armed conflict." (2013, p. 21). Based on the analysis of the multiple aspects, the documentation of the emblematic processes in all of the nation's territory, and listening to the victims, this report substantiates the close connection extant between the dispute over territorial control and the armed conflict. As such, the historical fighting over land in the period of "La Violencia" was exacerbated in the last decades by the overspill of drug trafficking and other illicit businesses.

The impact had by the Colombian armed conflict since the 1960s, in regards to human rights, is staggering. The report points out that there were 218,094 dead, 82% of which were civilians. In March 2013, in the single registry of victims (RUV)¹¹, there were 25,007 missing and 27,023 people kidnapped between 1970 and 2010, among other crimes (CNMH, 2013, p. 33). In a previous report, it was pointed out that by 2014 there had been 6,459,501 people driven from their homes. Of these, more than half were women and 2,279,576 were minors and over half of those were less than 12 (CNMH, 2015, p. 16).

After the enormous cost in human lives, as well as the material destruction, the most serious effect of the Colombian armed conflict was the considerable rise in concentrating rural properties. According to official sources, more than 8.3 million hectares, corresponding to 358,957 properties, were relinquished or forcefully abandoned (CNMH, 2013, p. 76). The report indicates that between 1996 and 2005 was when the "war reached its highest point, reach, and levels of victimization. The armed conflict became a quarrel of blood and fire over the lands, territory, and local power", at this exact time when we find the greatest growth in para-militarism and the largest massacres (CNMH, 2013, p. 156).

This period was characterized by the violent practice of stripping people of their lands, carried out by paramilitaries and to a lesser degree, guerrillas, who used "different methods of coercion and violence such as pillaging, extortion, massacres, selective murder, enforced disappearances, threats, and sexual violence". These paramilitaries forced the campesinos to abandon their lands and occupied them immediately, using them for their criminal activities (CNMH, 2013, p. 76). Colombia then became second in the world in regards to internal forced displacement, after Sudan. Without a doubt, this period of intensification of the armed conflict brought about a greater concentration of land. In addition to territorial control, the fight spilled over into cultural, social, and political domains (CNMH, 2013).

The trend of concentrating rural land is corroborated by other studies. For example, IGAC – CEDE¹² (2012) registers that in spite of a strengthening of mid-sized rural properties in the late 1980s, the process was reversed. Starting in the 1990s, mid and small sized properties shrunk in numbers, giving way to the growth of large properties. This is based on information provided by the third national agricultural and livestock farming census, carried out by the State in 2014, after 25 years without any similar study. OXFAM developed a comparative study on the concentration of land in Latin America where it shows that rural inequality grew in an extreme manner in Colombia: 1% of land owners hold 81% of land, while 99% only possess 19% of it, making it the country with the greatest concentration of rural property in the region (OXFAM, 2016).

We must also point out that the economic opening and the elimination of agrarian institutes during the last three decades had the unintended effect of intensifying the armed conflict. The report from the CNMH (2013) shows how these neoliberal reforms fostered the reach of drug trafficking, the mass appropriation of lands by drug-lords and warlords; the rise in extensive cattle farming, and the weakening of the campesino economy.

It is within this context that the actors of the armed conflict were able to achieve the economic reconfiguration of the territory, almost always with the support of agents of the state at a national and regional level. The para-militaries and guerrillas fostered, and benefited from, the large cattle estates, the farming industry, mining and megaprojects. One of the most representative cases was the high geographical concentration of palm oil farming in the strategic corridor and rearguard region of the United Self-Defense Forces of Colombia (AUC),¹³ birthplace of para-militarism (CNMH, 2013, p. 177). This is similar to what happened with the banana industry, in Uraba, also in the northeast of the country along the Panama border.

Polarization and control of the State by enemies of the AF

During the last three years, the country's underlying political contradictions revolved around the armed conflict, its nature, and the ability to overcome it. While the process for peace was defined by the country's democratic specter, in a broad sense its opponents have been a variety of sectors, some of which represent the Mafia and military powers, linked to territorial control and national and regional political power.¹⁴

In this respect, one must point out that the ex-president Álvaro Uribe Vélez denies even the existence of this armed conflict and its historical roots in Colombia, insisting it is no more than a manifestation of the global antiterrorist crusades put into motion by ex-president George Bush in the United States during the 2010s. As such, he continues to defend the military confrontations which marked his two periods in government. Based on this conception, his followers have systematically and violently opposed peace, as well as the returning of lands and reparation of victims of the armed conflict.

The social basis of this regressive trend is the large estate owners, business owners in the rural sector, regional and national politicians, as well as important figures of the National Army. It is a sector depicted as emergent due to its late start (1980s) in national politics, from illicit business. It feeds on the continued existence of a backward feudal style culture which uses religious beliefs with a markedly conservative bias to support itself. Of course, the outrages carried out by the guerillas in the last few decades, especially those related to extortion and kidnapping, along with the media's manipulation of these facts, have conferred upon this trend the support of important sectors of the population in the countryside and in the city, especially during the electoral process.

In contrast with the figure of Uribe, ex-president Juan Manuel Santos represents the elite which has held political and economic power in the country for over a century, and which is directly responsible for the difficult social conditions and the underdevelopment of large regions of the national territory. This sector, whose compliance with directives from the United States has been unconditional, has as its social and economic base the owners of big business, primarily urban, connected to foreign capital. The parting of ways with Uribe when it comes to the peace process has to do with the need in their eyes to overcome the armed conflict with the aim of improving conditions for their businesses. Nevertheless, in spite of this conviction, both ex-presidents agreed with the prevailing exclusionary development model. In fact, Santos was a high functionary in Uribe's government. This depiction does not, of course, seek to minimize the importance of Santos' role in finalizing the AF with the FARC.

Lastly, upon examining the polarization in the face of the peace process, it is important to refer to the changing role played by the United States in the last few years. During the negotiation process (2012 – 2016), and the renegotiation (October – November 2016), when the Agreement lost the approving vote, the government of Barack Obama, represented then by the special envoy Bernard Aronson, played an important role in its favor. Nevertheless, the arrival of Donald Trump substantially modified their position.

During this period, their high-ranking functionaries decided to ignore and hinder its implementation. The attempt to sabotage the Special Jurisdiction for Peace (JEP)¹⁵, the pressure to extradite ex-combatants, as well as cancelling the visa of members of the legislative and judicial branches, which includes functionaries which defend the measures of the AF, is constant. Likewise, under pressure from the United States, the National Government announced the renewal of the aerial fumigation of illegal drug crops with glyphosate, thereby going against that which was stipulated in the AF and in the pronouncement of the Constitutional Court. This decision makes the crop substitution policy developed by the previous government ineffectual and considerably reduces the alternatives for campesinos and ex-combatants to re-integrate themselves into civil life when facing so many other obstacles.

4. THE CENTRAL COMMITMENTS OF THE CRR AND ITS DIFFICULTIES

The new government and the AF

On August 7th, 2018, Iván Duque assumed the office of president. Duque is from the Democratic Center (*Centro Democrático*), the same party as Álvaro Uribe, the main opponent of the peace process and the AF. So began a period of greater difficulty for its implementation and of significant restrictions on the democratic and constitutional guarantees of the entire country. In accordance with its political stance, the new government follows a political trend to distort the very essence of the AF, its central aspects, and its whole nature, hindering its implementation and insisting that the commitments stipulated therein correspond to the previous government and not the State, failing to acknowledge their obligatory nature, ratified on more than one occasion by the Constitutional Court of Colombia and by the United Nations. Following this logic, Duque has adopted various measures, among them the change of character and function of the institutions created by the previous government to implement the Agreement and the naming of opponents to the AF to head these functions, particularly in the case of the CRR. Of equal severity is his intent to erase history's memory of the conflict and to try to rewrite history from the aggressors' point of view (Plataformas de derechos humanos, 2019).

Nevertheless, by attempting this, he has found strong opposition in the country and a strong resistance from the important sectors of Congress and the Judicial branch. Some of the most controversial points have to do with the CRR, the JEP, and the Special Transitory Peace Districts (*Circunscripciones Transitorias Especiales de Paz*) better known as the seats of the victims of the armed conflict. The current analysis focuses only on the first point.

Amidst this onslaught, both open and discrete, to twist the AF, the government has found itself forced to use a form of doublespeak due to continued oversight and pressure favoring the AF's implementation by institutions such as the United Nations and the International Criminal Court (ICC), as well as the European Union and other guarantor countries of the Agreement. That is why in the international landscape, the president and his secretaries invoke peace. At the national level, they defend or target it, as befits the circumstances and the players involved, but in practice, they ignore the AF or call upon it in order to twist or attack it.

They began to ignore its comprehensive and complex character, expressed in the deployment of its six points, which strips it of its transformative power. The government seeks to reduce the AF to the level of providing guarantees for re-incorporating ex-combatants, taken from the third point of the AF, a process which it pushes forward under the oversight of the United Nations. The multiple setbacks, fumbles, and failures to comply lead to an indeterminate number of ex-combatants joining the ranks of dissenters. The primary problem is the commitment to protect the life of ex-combatants. Even though the murders began during the previous government's administration, under the command of Duque they have increased notoriously due to new factors, among which is the war rhetoric espoused by high-ranking functionaries of the State and the indifference and/or outright support from medium and high-ranking officers in the Army. The new government changed the top leadership of the military, forcing the retirement of those who participated in the negotiations in La Havana.

In addition to physically eliminating ex-combatants, of great gravity is the assassination of people linked to the restitution of land, crop substitution, the defense of human rights of the environment and natural resources, all across the nation, but in particular in some of the more conflictive regions. According to reports presented by INDEPAZ (2019, p. 10), between November 24, 2016 and May 2019, 726 people were assassinated, of which 591 were social leaders and 135 ex-combatants of the FARC. The repeated arguments of the National Government stating that there is no pattern to these crimes or that they are personal in nature, as well as the campaign of state functionaries to openly stigmatize the victims has been cause for alarm and repudiation from international institutions and organizations which monitor the AF.

In regard to the intensifying conflict, we should also mention the inefficiency of the previous government in occupying territories previously held by the FARC, which sets the prospect of peace in some regions further away, as is the case of the Pacific Coast and of Catatumbo on the border of Venezuela. According to reports from the Peace and Reconciliation Foundation (Fundación Paz y Reconciliación, 2017), the areas abandoned by immobilized guerillas had been occupied by various armed groups, including the ELN, criminal gangs – including Mexican cartels, FARC dissidents and common criminals. To this we must add the new government's walking away from negotiations which had made progress with the ELN. This organization's attitude regarding the previous government, and in response to the policy of the new government has, of course, also resulted in reigniting the armed conflict.

The commitments of the CRR

As was pointed out, the AF does not contemplate the underlying changes when it comes to the development model and land ownership. Nevertheless, the CRR proposes an agrarian transformation which, if fulfilled would represent a significant advance in consolidating peace and improving the living conditions of the rural population. When this point was first introduced, greatly ambitious goals were declared, such as successfully transforming the reality of rural Colombia "so that it integrates the regions, eradicates poverty, promotes equality, assures that the citizens enjoy all their rights and, as a result, guarantees that the conflict will not repeat itself and to eradicate violence" (AF, 2016, p. 10). Later on, in clear reference to the focus on gender which is present throughout the AF, there will be an insistence on the need to guarantee access to land for those who live in the countryside, "and, in particular, rural women and the most vulnerable part of the population, regulating and democratizing the property and promoting the deconcentration of land", as well as equal opportunities for both men and women in rural regions (*Ibid.*, p. 10).

For the sake of welfare and healthy living, eradicating poverty is presented as a final objective of the CRR in order to achieve it in the shortest time possible, "that the campesinos and communities, including those of African and indigenous descent, exercise their rights in their totality [...] respecting the focus on territory, the focus on gender and the ethnic and cultural diversity of the communities" (AF, 2016, p. 12).

The CRR is built around three pillars: the first, related to democratizing access to land, is the bestowment and formalizing of lands for campesinos, in particular for those who were victims of displacement; second is the construction of the Development Projects with a Territorial Approach (PDET)¹⁶; and third, the supply of an infrastructure and services necessary to drive territorial development in the subregions chosen for such projects.

Within regard to the first of these pillars, the AF established the following tasks: 1) creating a land fund for the free distribution of 3 million hectares, whose provenance would primarily be the recovery by the State of lands illegally obtained, particularly those which are uncultivated; 2) formalizing 7 million hectares, corresponding to small and medium sized properties; 3) creating a special agrarian jurisdiction and 4) updating the rural land records (AF, 2016. pp. 14-16). This last point is especially important, and one which has provoked the greatest backlash from opponents of the AF, for it would provide the State with the requisite information and the legal basis for large land owners in the country to start paying property tax.

In accordance with the AF and, based on the extraordinary powers bestowed upon the Executive branch, in order to legislate the subject of peace, the government of Santos, by the legislative act 01 of 2016, issued almost 40 legal decrees at the end of May 2017. Decree 902 establishes the procedure for accessing and formalizing the ownership of land as well as the creation of the land fund. In addition to this, among other measures, was the establishment of the incorporation of "socially and environmentally sustainable" productive projects, bestowed with the requisite technical assistance to exploit the property obtained (Presidencia de la Republica, 2017b).

In a recent accounting on the first 30 months of implementing the AF, carried out by a variety of social organizations, they point out that the objective of democratizing ownership of land advances slowly. The land fund in July, 2018 had a total of 525,000 hectares, but after that there have been no advances registered in that regard, nor have they developed programs for housing, technical assistance, adapting land, productive projects, or other measures contemplated for the beneficiaries of the fund (CINEP/PPP-CERAC-Secretaría Técnica del Componente Internacional de Verificación 2019, p. 15). In other words, the numbers that there are, low as they may be, correspond to the previous government and not the current one. In the same document, they point out with concern that the prospects for implementing measures for accessing lands after the approval of the National

Development Plan (PND), called Pact for Colombia, Pact for Equality¹⁷ (2018 – 2022), are not good as it does not include among its proposals or goals any measures for this free distribution of land to campesinos. Neither is it possible to foresee the creation of an Agrarian Jurisdiction (*Ibid.*, p. 17).

Among the considerations and principles of the CRR, is the need to take on a true structural transformation of the countryside and to address "the unresolved issue of ownership of land and, in particular its concentration, the exclusion of campesinos and the lagging development of rural communities, which in particular affects women and children". Likewise, it invokes the role of the State in providing basic services, highlighting the importance of the economies of campesinos, families and communities in agrarian development and in the recognition of the so-called Campesino Reserve Zones (ZRC)¹⁸, and other forms of campesino collaborations (AF, 2016, p. 11).¹⁹

Another of the decrees issued during the Santos government (number 893), established the PDET and conditions for starting a program of public investments in rural development, infrastructure, and productive projects in 170 municipalities, corresponding to 16 subregions, the most affected by the armed conflict, the absence of the state and the problem of illicit crops, and other illegal economies. This decree also established that in order to fulfill the objectives proposed a Regional Transformational Action Plan (PATR)²⁰ must be created in a participatory manner to direct public investments to said subregions. This plan should include all levels of territorial organization and must be agreed upon by the local authorities and communities (Presidencia de la Republica, 2017a). This entire process was under the direction of the Territorial Renewal Agency (ART)²¹ in conjunction with national and territorial entities as well as the traditional authorities of these communities, towns, and ethnic groups. According to the aforementioned accounting, between August 2018 and February 2019 planning was finalized in all subregions but it was a process highly questioned by social organizations in regards to the inclusion of a focus on ethnicity and gender, as well as to the manner in which it developed (CINEP/PPP-CERAC-Secretaría Técnica del Componente Internacional de Verificación, 2019, p. 12").

An additional concern of social and political organizations has to do with the components of "stabilization" and "lawful peace" upon which their security policy is based, as introduced in the PND. It is then a matter of making commitments taken on in relation to the territories in the AF coming in second to the development of the so-called Strategic Integral Intervention Zones (ZEII)²², with a focus on safety based on the Armed Forces. These zones are defined as regions where the State has little presence or border areas with strategic importance (Plataforma de derechos humanos, 2019). In practice, it is a return to the dark ages of the so-called "democratic security" which marked the two terms of president Uribe (2002 – 2010).

National economic policies

The economic policies of the National Government, which had held steady during the last three decades, go against the implementation of the measures contemplated in the AF, especially when it comes to the first point. It is true that during this period, agriculture and industry have completely fallen behind, as can be seen in the official numbers and production unions. Its situation has been further affected by free trade agreements with other countries, particularly the one it entered into with the United States and which took effect in 2012. Furthermore, since the beginning of the 21st century, the exploitation of mining and hydrocarbons came to be a central pillar of the country's economy.

One subject of particular concern is law 1766 of 2016, introduced by the Santos administration within the context of negotiating the AF which decreed the creation and development of the so-called Social Economic and Rural Development Zones of Interest (ZIDRES)²³

The fiscal adjustment legally established in Colombia in 2011 by the appropriately named Fiscal Rule and the principle for fiscal responsibility, converted into a constitutional principle, is also disastrous from the perspective of complying with the AF as it focuses on the reduction of public spending in the country with the aim of maintaining fiscal equilibrium, thereby guaranteeing sustainability of the public debt and macroeconomic stability.

Within this framework, the PND and the Multi-Annual Investment Plan which accompanies it ignore the commitments inherited by the State regarding the prospects of a stable and lasting peace. The PND which represents the government's navigational chart, threatens national development, the productive sectors, the rights of rural and urban populations, and the prospects for consolidating peace in Colombia.

Lastly, the commitments which the state acquired regarding the CRR include the supply of basic social services, among which is the construction of rural roads, irrigation districts, energy, health, education, nutrition, housing, and drinking water (AF, 2016). In compliance with these points, territorial entities are conferred great responsibility, both political and financial, yet there are no changes in current policies contemplated regarding the conflictive and difficult relationship with central authorities.

5. CONCLUSIONS

The successful culmination of the peace process between the National Government and the FARC, and the signing of the AF brought about the possibility to reduce the violence and civilize the political disputes, in addition to proposing real alternatives to overcome the historically lagging development of a great part of the country and building a more inclusive society, with dignified living conditions for the majority of its inhabitants. Although there have been significant advances, especially regarding the reduction violence, the prospects of the AF are highly uncertain.

The international context for guaranteeing its implementation is contradictory. There is pressure from the United Nations, the ICC, the guarantor countries of the agreement, and the European Union for the Colombian government to fulfill the agreement. At the same time, the United States demands that the national government take on measures which openly ignore that which was agreed upon, such as the extradition of ex-combatants and replacing the voluntary substitution of illicit crops with their forced eradication via aerial fumigation with glyphosate.

At a national level, the obstacles which hinder the establishment of a stable and lasting peace are considerable and can be summarized in two parts: the first is a persisting strong opposition to the AF, especially to the point of CRR, by the most backwards sector of Colombian society, linked to large farming estates and paramilitary and Mafia powers. This countercurrent is responsible in great part for the process of forced displacement and the concentration of land within the context of the armed conflict, and it is they who now control the state.

The second obstacle is the prevalence of exclusionary policies derived from neoliberal globalization, which favor a concentration of wealth and seriously limit compliance with the AF. At the same time that they claim their commitment to peace in Colombia, the international financial entities insist on imposing economic policies which act against the implementation of the agreement. The limited vision of territorial peace reflects their conception. As such, its successful implementation and the road towards consolidating peace requires going beyond this narrow analytical and political framework.

Lastly, the underlying problems of development policies and the relationship between national decisions and territorial entities must be resolved. As history has shown us in other countries which have had to rebuild themselves after an armed conflict, a war, or any catastrophic event, implementing the AF in Colombia requires a strengthening of the State's integral presence in the territories most affected by the armed conflict. It is of the utmost priority to maintain a sustained, long-term, public and social investment in order to compensate the communities, not only for the effects of said conflict, but also the historic scarcity of public investments on behalf of the State. It also turns out to be fundamental for the democratization of processes and encouraging real and decisive participation on behalf of the communities in the procedure of constructing a post-conflict society.

BIBLIOGRAPHY

- Acuerdo anal para la terminación del conflicto y la construcción de una paz estable y duradera (AF) (2016), November 24, Bogotá. Available at <www.mesadeconversaciones.com.co/sites/default/files/24-1480106030.11-1480106030.2016nuevoacuerdoannal-1480106030.pdf>
- Banco Mundial (1997), *Informe sobre el Desarrollo Mundial 1997: el Estado en un mundo en transformación*, Washington. Available at <<http://documentos.bancomundial.org/curated/es/973681468778813985/Resumen-del-informe-sobre-el-desarrollo-mundial-1997-el-Estado-en-un-mundo-en-transformaci-243-n>>
- Bautista, S. C. (2017), "Contribuciones a la fundamentación conceptual de paz territorial", *Revista Ciudad Pazando*, vol. 10, no. 1, Bogotá. Available at <<https://doi.org/10.14483/2422278X.11639>>
- Centro Nacional de Memoria Histórica (CNMH) (2013), *¡Basta ya! Colombia: memorias de guerra y dignidad*, Bogotá. Available at <<http://www.centrodememoriahistorica.gov.co/micrositios/informeGeneral/estadisticas.html>>
- _____ (2015), *Una nación desplazada: informe nacional del desplazamiento forzado en Colombia*, Bogotá, CNMH-UARIV.
- CINEP/PPP-CERAC-Secretaría Técnica del Componente Internacional de Verificación (2019), *Documento de balance de los primeros 30 meses de la implementación del Acuerdo Final*, Bogotá, September.
- Fundación Paz & Reconciliación (January 31, 2017), *Informe. ¿En qué están los territorios que dejan las FARC?*, Bogotá. Available at <<http://www.pares.com.co/carrusel/en-que-estan-los-territorios-que-dejan-las-farc/>>
- García, S. (2016), "Paz territorial: ni territorio ni paz", *Revista Nova et Vetera*, vol. 2, núm. 18, Bogotá, Universidad del Rosario, agosto. Available at <<https://www.urosario.edu.co/revista-nova-et-vetera/Inicio/Omnial/Paz-territorial-ni-territorios,-ni-paz/>>
- Guarín, S. (2016), "La paz territorial y sus dilemas: la participación ciudadana", *Razón Pública*, Bogotá, January. Consulted January 17, 2017 at <<https://www.razonpublica.com/index.php/conflicto-drogas-y-paz-temas-30/9174-la-paz-territorial-y-sus-dilemas-la-participaci%C3%B3n-ciudadana.html>>
- Instituto Geográfico Agustín Codazzi (IGAC) y Centro de Estudios de Desarrollo Económico (CEDE) de la Universidad de los Andes (2012), *Atlas de la distribución de la propiedad rural en Colombia*, Bogotá, Imprenta Nacional de Colombia.
- INDEPAZ-Marcha Patriótica (May, 2019), "Todos los nombres, todos los rostros", *Separata de actualización*, Bogotá. Available at <<http://www.indepaz.org.co/wp-content/uploads/2019/05/SEPARATA-DE-ACTUALIZACION%CC%81N-mayo-Informe-Todas-las-voces-todos-los-rostros.-23-mayo-de-2019-ok.pdf>>
- Jaramillo, S. (2013), *La paz territorial*, Oficina del Alto Comisionado para la Paz, Bogotá. Consulted January 17, 2017 at <<https://interaktive-demokratie.org/files/downloads/La-Paz-Territorial.pdf>>
- Kalmanovitz, S. (2003), "El neoinstitucionalismo como escuela", *Revista Economía Institucional*, vol. 5, no. 9, Universidad Externado de Colombia, July-December.
- Kuczynski, P. P. and Williamson, J. (eds.) (2003), *After the Washington Consensus: restoring growth and reform in Latin America*, Washington, Institute for International Economics.
- López, A. (2005), "Los fundamentos de la Nueva Gestión Pública. Lógica privada y poder tecnocrático en el Estado mínimo", in Rey and López (eds.), *Entre tecnócratas globalizados y políticos clientelistas. Derrotero del ajuste neoliberal en el Estado argentino*, Buenos Aires, Prometeo.
- Moore, B. (1991[1973]), *Los orígenes sociales de la dictadura y de la democracia*, Barcelona, Ediciones Península.
- North, D. (1993), *Instituciones, cambio institucional y desempeño económico*, México, Fondo de Cultura Económica.
- OXFAM (2016), *Radiografía de la desigualdad. Lo que nos dice el último censo agropecuario sobre la distribución de la tierra en Colombia*, Oxfam Internacional, Great Britain. Available at <<https://www.oxfam.org/es/informes/radiografia-de-la-desigualdad>>

_____ (2019), *¿Bienestar público o beneficio privado?*, Oxfam Internacional, Great Britain. Available at <<https://www.oxfam.org/es/informes/bien-estar-publico-o-beneficio-privado>>

Plataformas de derechos humanos (2019), *El aprendiz del embrujo. Finge la paz, reinventa la guerra y privatiza lo público. Balance del primer año de gobierno de Iván Duque*, Bogotá, Ediciones Antropos.

Portes, A. (2006), "Instituciones y desarrollo. Una revisión conceptual", *Cuadernos de Economía*, vol. 25, no. 45, Bogotá, Universidad Nacional de Colombia, December. Available at <http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S0121-47722006000200002>

Presidencia de la República (2017a), *Decreto Ley 893 del 27 de mayo de 2017*, Bogotá, Colombia. Recovered from <<http://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=81856>>

_____ (2017b), *Decreto Ley 902, 29 de mayo de 2017*, Bogotá, Colombia. Recovered from <<https://www.unidadvictimas.gov.co/sites/default/files/documentosbiblioteca/decreto902del29demayode2017.pdf>>

Ramos, E. (2016), "El proceso de construcción de paz colombiano más allá de la negociación: una propuesta desde la paz transformadora y participativa", *El Ágora USB*, vol. 16, no. 2, Medellín-Colombia. Available at <<http://www.scielo.org.co/pdf/agor/v16n2/v16n2a09.pdf>>

Salcedo, L. (2015), *Propuestas de paz territorial desde los movimientos sociales. Multiculturalismo, ordenamiento territorial y ejemplos de paz territorial*, Fescol, Documentos análisis, 10/2015, Bogotá, Colombia.

Schejtman, A. and Ramírez, E. (2004), *Desarrollo territorial rural, aspectos destacados de experiencias en proceso en América Latina*, edición Fondo Mink'a de Chorlavi, 1st edition, place unknown. Available at <<https://core.ac.uk/download/pdf/48026178.pdf>>

Umaña, M. (2017), "¿Qué ha pasado con el enfoque territorial en Colombia?", *La Silla Llena*, Bogotá, January. Available at <<https://lasillavacia.com/silla-llena-rural/historia/que-ha-pasado-con-el-enfoque-territorial-en-colombia-59317>>

Vilas, C. (2000). "¿Más allá del Consenso de Washington? Un enfoque desde la política de algunas propuestas del Banco Mundial", *América Latina Hoy*, no. 26, Spain, Universidad de Salamanca, December. Available at <www.redalyc.org/articulo.oa?id=30802604>

¹ TL note: from the Spanish *Acuerdo Final*.

² TL note: from the Spanish Fuerzas Armadas Revolucionarias de Colombia.

³ The AF includes the following points: 1) Comprehensive Rural Reform (CRR); 2) political participation; 3) an end to the conflict; 4) a solution to the problem of illicit drugs; 5) victims and a comprehensive system for truth, justice, reparations, and to avoid a repeat, and 6) method to endorse, implement, and verify (AF, 2016)

⁴ Since the middle of the 1940s, Colombia went through a period known as "La Violencia," which ended in 1958 with the forming of the National Front, a pact between the elites of the two traditional parties (Liberal and Conservative). This bloody conflict, presented as a bipartisan confrontation, brought with it a greater concentration of land in the hands of landowners, as well as the forced displacement and migration of approximately 2 million people and a death toll of more than 300,000. Nevertheless, the most recent sustained armed conflict began in 1964 within the context of the Cold War, when the FARC and the National Liberation Army (ELN, from the Spanish *Ejército de Liberación Nacional*) were formed.

⁵ For a more detailed version of this approach, see Kuczynski and Williamson (2003).

⁶ At this point, Portes takes up anew what Peter Evans and other development sociologists called "institutional monocropping," characterized as the attempt to transplant institutions built over many centuries in developed countries, hoping to obtain similar results (Portes, 2006, p. 26). It is worth pointing out the contribution of historical sociology, developed by Moore (1991), who studies the role of the State and institutions in the development of countries, based on their specific conditions and history, contrary to the aforementioned trend.

⁷ The term Neo-Keynesian, introduced by Paul Samuelson, initially proposes integrating some principles of neoclassical economics with Keynesianism. Joseph Stiglitz and Paul Krugman are the leading figures of this school of thought.

⁸ TL note: from the Spanish, *Fundación Ideas para la Paz*.

⁹ TL note: from the Spanish *Sistema General de Participaciones*.

¹⁰ TL note: from the Spanish *Centro Nacional de Memoria Histórica*.

¹¹ TL note: from the Spanish *Registro Único de Víctimas*.

¹² TL note: *Instituto Geográfico Agustín Codazzi* (Agustín Codazzi Geographical Institute) and *Centro de Estudios de Desarrollo Económico* (Center for Economic Development Studies)

¹³ TL note: from the Spanish *Autodefensas Unidas de Colombia*.

¹⁴ Álvaro Uribe Vélez played a decisive role in strengthening para-militarism in Colombia, first as governor of the department of Antioquia (1995-1997), when he pushed the CONVIVIR groups, which were its seed, and later as president of the Republic (2002 – 2010), when he put the state and institutions at the service of said criminal project.

¹⁵ TL note: from the Spanish *Justicia Especial para la Paz*.

¹⁶ TL note: from the Spanish *Proyectos de Desarrollo con Enfoque Territorial*.

¹⁷ In the original Spanish *Pacto por Colombia, Pacto por la Equidad!*

¹⁸ From the Spanish Zona de Reserva Campesina.

¹⁹ Law 160 of 1994 establishes that the occupation and exploitation of uncultivated lands in the Nation must focus its adjudication to campesinos with few resources and establishes the Campesino Reserve Zones in order to foster the small rural property. Available at <www.huila.gov.co/documentos/L/LEY_160_DE_1994_sistema_nacional_de_reforma_agraria.pdf>.

²⁰ TL note: from the Spanish *Plan de Acción para la Transformación Regional*.

²¹ TL note: from the Spanish *Agencia de Renovación del Territorio*.

²² TL note: from the Spanish *Zonas Estratégicas de Intervención Integral*.

²³ TL note: from the Spanish *Zonas de Interés de Desarrollo Rural, Económico y Social*.