

THE BROOKINGS INSTITUTION

PEACE-BUILDING IN COLOMBIA

Washington, D.C.

Tuesday, March 9, 2010

PARTICIPANTS:

Introduction:

MAURICIO CÁRDENAS
Senior Fellow and Director, Latin America Initiative
The Brookings Institution

Featured Speaker:

FRANK PEARL
High Commissioner for Peace and High Presidential Counselor for Social and
Economic Reintegration
Colombia

Discussant:

TED PICCONE
Senior Fellow and Deputy Director, Foreign Policy
The Brookings Institution

* * * * *

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

P R O C E E D I N G S

MR. CÁRDENAS: Good afternoon. My name is Mauricio Cárdenas. I'm the Director of the Latin America Initiative here at the Brookings Institution, and it's my real pleasure and honor to welcome Frank Pearl, the High Commissioner for Peace from the government of Colombia, and Ted Piccone, the Deputy Director of Foreign Policy here at the Brookings Institution for what I hope will be a lively discussion on peace-building in Colombia.

Frank Pearl is a very good friend, a classmate from years of school and university. So it's a real pleasure to welcome him to Washington and particularly to Brookings.

Frank, in addition to having studied economics at the University of Los Andes in Colombia, had a very successful career in the private sector. And 10 years ago, if you had looked at his CV, you'd say, well, he's going to become a leading figure in the private sector as a CEO of one of the largest corporations in Colombia. But at some point in his career, he had this call of duty. He was called by President Uribe to join the administration in 2006 as the High Commissioner for Social and Economic Reintegration in Colombia. This was the beginning of the second administration of President Uribe.

As you probably know, and as Frank I'm sure will explain to us, during the first term, there were negotiations and there were agreements with illegal groups. As a result of that, there was a need to incorporate these individuals into society, figuring out ways of making sure that the reintegration process was successful, and this was Frank's major responsibility. I'd say that although it's still too early to make a final judgment, the one aspect that is remarkable about that process is that there was a lot of creativity in terms of figuring out ways of involving and engaging the business sector, the international community, to make sure that that was a successful process.

About a year ago, Frank was called to, in addition to his initial portfolio; take the responsibility of High Commissioner for Peace. The High Commissioner for Peace in Colombia is a major position, given the difficulties that Colombia has with insurgents. In that position, Frank has had the responsibility of searching for possibilities of a negotiated solution to the issues that have affected Colombia for so long, and in particular the issue that has been raised permanently is the exchange of hostages.

We are delighted to have him, and I'm sure that in his initial remarks there will be enough of a content there for us to engage in a conversation afterwards.

And to kick off that conversation and to provide, of course, his input into these topics, I'm most delighted to welcome Ted Piccone whom, as I said, is the Deputy Director of Foreign Policy. Ted has a long career as well, very closely related to the topics we're going to be discussing today.

For seven years, in the earlier part of this decade, Ted was Executive Director and Co-Founder of the Democracy Coalition Project. That project is basically a research and advocacy organization that promotes international cooperation and democracy, human rights and governance. Prior to that, Ted had a vast experience in the public sector, working during the eight years of the Clinton Administration in various responsibilities including the State Department, the National Security Office and the Department of Defense. So he comes to this conversation with a lot of background and a lot of experience on the issues related to democracy, human rights and peace-building.

So let me ask Frank to make his initial remarks. Then we'll move to Ted. And again, we're delighted to have here today the High Commissioner for Peace from the government of Colombia, Mr. Frank Pearl.

MR. PEARL: Thank you.

(Applause)

MR. PEARL: Thank you, Mauricio. Thank you, Ted. Thank you, all of us, for attending this invitation, an invitation which is really an opportunity for us to talk about Colombia.

Colombia is a country in which we are struggling on working to find a balance between peace and justice, and that balance is not easy. Peace needs to be legitimate. That's why we, from government, have set out some principles and things that we want to achieve.

Any peace process needs to obtain justice, but at the same time victims need to be prepared. We need as a country to know the truth, to know what happened. But more than that, we need to understand what happened, so that we don't repeat the same mistakes we've been making for decades.

In addition to that, we need to work within the most vulnerable and poor communities to build conditions for peace. We need order. We need justice. We need effective social investment.

In the last seven years in Colombia, there are around 50,000 people that have demobilized from illegal groups. Out of those, there's like 17,000 that were part of guerilla groups -- 15,000 of them belonged to FARC, more than 2,000 of them used to belong to ELN, and 35,000 of them used to belong to former paramilitary groups. And we have provided an opportunity for them, that under certain conditions they can come back to the society to which they belong if they really commit to acting differently.

Who are these Colombians? They're very young. Their educational level is quite low -- 40 percent of them don't even know how to read and write when they join the process. They've been away from their families for an average of eight years, and they don't know the rules of society as we know, as we know society.

We have four objectives in the reintegration process. The first is that they need to comply with justice. Everyone has to comply with justice. The reintegration process is not an excuse for telling the truth or for being responsible for the act that they committed. That's why we have set up a legal framework which is called the Justice and Peace Law.

Legal frameworks for demobilizations have existed in Colombia for nearly or for over 20 years, but this new transitional law has made it possible for all these 50,000 people to demobilize. If they comply with the rules which are they need to tell all the truth, they need to give back their assets in order to repair victims, they need to really contribute to dismantling the illegal group they were part of. And if they don't go back to delinquency, they are eligible for having reduced penalties that can go from five to eight years.

We have something like 3,000 combatants that are today under the Justice and Peace Law, and 770 of them are today in processes that are progressing.

This has made possible for our country to achieve two things. The first is that paramilitaries and victims were invisible in Colombia. Everyone knew that we had paramilitaries, but no one knew whom they were. We knew about very few commanders, probably five, seven of them. Through this process, we have made it possible for us as a government, through the justice system and as a society, to know each one of them and whom they are, and we're progressing in knowing what they did.

Through the Justice and Peace Law, we have been documenting in five years now more than 55,000 crimes that were committed and that we didn't know about, and 295,000 victims that were invisible are registered today under the national Commission for Reparation and Reconciliation because they know that they have rights and that those rights need to be given to them.

Out of those 55,000 crimes, there are 36,000 of them that have been known of, but already 18,000 of them have been confessed. And there are 41,000 families that already know what happened with their loved ones. So we're in a very painful, but useful and necessary, process which is knowing and understanding the truth.

The Justice and Peace Law has been criticized openly because there are some people who say that there are no sentences. What happens is the penal processes, the processes under the penal system, are not interrupted. Those take place in addition to the processes or in conjunction with the processes that go under the Justice and Peace Law.

Because some pronouncement from the Supreme Court, it was not possible until a month ago to condemn someone if it was not for the totality of the crimes that that person had committed. But now we're going to be able to condemn people for any crime, and the rest of the crimes that that person committed are going to be advanced under both systems. So this year we will have people that are condemned. At least four condemnments, we expect to have.

As a government, we had a choice to make when the law was designed, thought of and approved. We could have had a simple law that, for example, could punish, would punish in a very strict way those that had the most authority with those illegal groups, and then had amnesty for the rest of them. That, according to the international penal court, would have been accepted.

But we chose a different path. We chose a law that is probably the most complex and ambitious transitional justice law in the world, knowing that our institutions were not ready at that point in time. They were not prepared to develop the activities and to deliver the results that the law required. So the challenge of the government and the path that we chose was to strengthen those institutions, knowing that these processes

take a lot of time, but knowing also that in the long run victims and society as a whole would be served in a better way.

Just to give you an example, the Justice and Peace Law unit of the attorney general's or the prosecutor general's office; it didn't exist five years ago. It was created on January, 2005. So we've created this and we've strengthened this institution, just to administer this law.

You have seen, because of the numbers we have shared now, that this is a process with a lot of volume and a lot of work in different regions of the country. The budget for that office had been multiplied four times in the last three years. Still, it's not enough. We need to strengthen the prosecutor general's office to a greater extent.

In terms of reintegration, we didn't have an office for that challenge. Reintegration is important because it guarantees nonrepetition. Some people say that we shouldn't be giving benefits to those that were part of illegal armed groups because it's unfair. It's unfair to give a benefit to someone that was harmed and was harming society while victims have not been repaired. Well, those that are leaving the groups with certain conditions, complying with the law, are provided an opportunity for starting, for having a better life and respecting others, as have those victims in our country. So there's a greater good, which is peace, and that is the explanation. That's the reason why the reintegration process is so strong in Colombia and needs to be conducted in a simultaneous manner as we repair victims.

I was mentioning to you that the reintegration process has four objectives and justice, which we talked about, is the first one.

The second one is we need to strengthen families. We have found in our country that an important explanation for the different types of violence that we encounter is violence within families, that there's violent family patterns in different regions. So, when

we work with those that left the groups, we work with their families as well. For us, their families are as important as ex-combatants themselves because they need an environment that nurtures changes in conduct, and that's why we have an approach also of working with communities in what we call community-based reintegration.

The third objective of the reintegration process is to build skills in people. We're talking about Colombians that haven't had the same opportunities that we have had probably, but all of them have talent. So, if they're willing to comply with the rules, what we do is we invest in them. It's compulsory for them to receive psychological support, and it's compulsory for them to study. In an average semester, we have 26,000 of them that are either doing the equivalent of primary school or high school.

In addition to that, we've managed to use 150,000 educational slots for the children. Children of former paramilitary members, children of former guerilla members today receive psychological support and are part of the educational system, and that's the main change that we think we're doing. If we are able to change family violence patterns and kids are able to go and study and receive some monitoring, maybe in 10, 15, 20 years we will see a different society.

The fourth objective, of course, is for them to become good citizens.

Just to close, Mauricio, I think that today we have a policy that is a national policy. We will have continuity going forward, independently of changes in government. Of course, it will be improved.

Second, we have set up some programs. We need to tailor-make some of those programs for those that are coming out of violence groups in a deeper way, and narcotraffic is without any doubt the main challenge that we face.

In those cities and regions in which narcotraffic is not an important activity, the process runs smoothly. We have 19,000 ex-combatants today that have stable jobs. We

have 500 companies from the private sector that are part of the reintegration network. We work with 123 NGOs from the private sector that develop programs and deliver activities in different regions.

But we have a recidivism rate of 10 percent. Around 5,000 of those that left the groups have gone back to delinquency, and out of those there's like 1,150 that went back to the delinquency because of drug-related activities.

MR. CÁRDENAS: Thank you very much.

Ted?

MR. PICCONE: Sure. I'm going to be a little bit of a questioner than a commentator in part because my exposure to the Colombia peace process is not very recent. When I worked in the Clinton Administration, we were facing a very different situation. In the late nineties, the concern in the White House and throughout the U.S. government was how do you stop Colombia from really becoming a failed state.

There was, as you know, a big effort to initiate a very big package of assistance called Plan Colombia, and I was involved in many of the discussions that led to that package. I have to say, at the time, some of us were quite frustrated that the emphasis then was put on the military and security side whereas the development assistance side of the package was minimized. Now you can make a strong argument as to why that was necessary, given the security situation in the country at the time, and in fact the results of the policy over these past many years is quite impressive. If you look at the statistics and the numbers of violent attacks and the reduction in armed forces, both the paramilitaries and the guerillas, it's quite an impressive story.

But the time has come, and it is now happening, for a recalibration of the components of this package. And I think that is an encouraging next step, and maybe we

can hear more about how the work you're doing fits into the larger democratic security policy that President Uribe is so well known for here and, of course, in Colombia.

Another issue I wanted to ask you to clarify is you gave us a good sense of the work that you're doing in reintegration of the demobilized groups, but we didn't hear that much about the support given to victims and their families and the way their lives have been upended. I wonder if you could elaborate a little bit more on the support structure provided to the victims.

And related to that is the phenomenon of internally displaced persons. The numbers there are staggering and continue to grow. I'm not sure if I have the number right, but over three million, one of the highest numbers around the world. So could you say a bit more about how the situation of IDPs fits into the overall strategy and what's happening at the local level as well as the national level to help the process of land tenure clarified?

MR. PEARL: All right. Yes, well, let me begin by saying that for us security is not an end in itself. It's a means towards achieving peace, and that's why it's being complemented with what we call social investment. When a region in the country is, let's say, secured and there's order, we come with social investment through different institutions.

We need to recognize the fact that eight years ago there were regions in the country in which many citizens didn't know what legitimate government was. There were no schools, no health institutions, no justice. So the only thing that they knew probably was the power exercised by an illegal armed group.

We have several offices from government, one called Social Action which has one of the largest budgets of government and takes care of IDPs. IDPs in Colombia are still a challenge. We're implementing several things in a complex country. We're implementing

a transitional justice law. We're implementing a reintegration process, in the middle of still a confrontation with FARC and ELN and with the presence of illegal groups dedicated to drug-dealing. Those illegal groups -- ELN, FARC and those that are dedicated to drug-dealing -- still cause displacement of people in several regions of the country.

Although, displacement has decreased by 85 percent in the last 7 years. Last year, we still had something like 200,000 IDPs, which is a very large number. I mean one family is a very large number. So the government has special programs for those.

The number that you referred to, I mean those three million, are numbers that if you take people that have been displaced, who are in that condition at a certain point of time since 1961, I think. But since we have social programs for them, the numbers that are today in our numbers are around 750,000. Still, we need to recognize something.

The Justice and Peace Law obliges those that left illegal armed groups to give back their assets in order to repair victims. That, of course, includes land. We have had bottlenecks and difficulties in that topic. I would say that is one of the topics in which we have advanced the least because of legal constraints and because of administrative constraints.

Really, victims' reparation through the judicial system hasn't worked very well in any country. We recognize that as a government. So we issued a decree last year under which we're repairing victims with public budget. We already invested \$100 million last year. We're going to invest \$300 million this year, and we will be investing \$3.5 billion in the next 9 years, repairing victims from the public budget.

But if we continue to have the ELN and FARC and illegal groups dedicated to drug-dealing, there will be -- even if it's lower, even if the volume is lower -- families in Colombia that will be displaced.

MR. CÁRDENAS: Thank you.

MR. PICCONE: Can I ask one more?

MR. CÁRDENAS: Absolutely.

MR. PICCONE: Okay. That's very helpful.

I'm wondering at the time when a lot of the paramilitary leaders turned themselves in, there was then an extradition of something like 18 of them to the United States. Those cases, I understand, are moving forward, and some have resulted in fairly high sentences, higher than what perhaps would have happened in Colombia. But at the same time, some groups complain that this is denying the victims an opportunity to hear directly from them and have them participate in the confession process, the reparations process, et cetera. Can you explain for us the dynamic between those cases and how it's working in Colombia?

MR. PEARL: Yes. There was a group of former paramilitary commanders that were in jail in Colombia. They were under the Justice and Peace Law process. They had some commitments: one, obviously, not going back to delinquency and helping dismantling illegal armed groups; the other one, giving back their assets in order to repair victims.

The truth in the matter is that these organizations and these people really have front men, and they have had front men in charge of their assets for 15, 20, 25 years. It's been very hard for us to identify those legal structures and be able to seize those assets and seize that land. We met with them several times in the justice system, with the prosecutor general's office, and it was not possible for us that they gave back their assets. So that's one thing.

The other thing is that as the audiences for the Justice and Peace Law were progressing, there were some obstacles and attempts by those commanders to silence people from the bottom because maybe they were fearful that people from the bottom

would tell things that the court didn't know of, and if the court knew about those they would be given a 40 or 60-year sentence instead of a 5 or 8-year sentence. So we had some killings and assassinations in some regions of the country like Antioquia and Cordoba and Atlántico, that we think -- we don't have evidence, but we think -- are related to those processes, and they were trying to obstruct the truth. That's one thing. We also think that they were still influencing illegal activities. That's why the government took or made a decision of extraditing them to the U.S.

A couple of impacts, two impacts: One is that it is true and it is correct that those processes that were taking place in Colombia have not run as smoothly as before. That's one thing.

However, we have an agreement with the United States to cooperate in that matter. We've been working with the Department of Justice. We recognize that there is some operative, I would say operational obstacles, and we're working on solving those. On the other hand, the majority of assets that we have recovered from those groups have been recovered after they were extradited.

Moving forward, we recognize that we need to have better operational protocols between the two justice systems in order for the Colombian processes not to be obstructed because with so many extradited to the U.S. the processes in Colombia continue. Once they pay for the penalty here, they will have to go back to our country and pay for their full penalty there.

MR. CÁRDENAS: Thank you. Let me pose a couple of questions before I open the floor for your comments and your own input.

You've spoken more in your condition as High Commissioner for reintegration and basically the implementation phase of the existing agreement, especially with the

paramilitary groups. But people in Washington, of course, are also concerned about the pending issues with the other insurgent groups, essentially the FARC and the ELN.

At times, you hear from the Colombian government that there are some contacts, and they're authorized contacts with these illegal groups. At times, those contacts are unauthorized. But there is the issue of the exchange and the release of individuals that have been kidnapped by the FARC.

So I wonder if you could comment a little bit on those issues and on the current situation, and also if you'd give us some views on what you think is going to happen in the future in terms of that situation.

MR. PEARL: I think it's important to know that governments and states and societies have different tools for fighting and preventing violence -- order, justice. For example, security and justice can provide us with short-term results, but effective social investment is what we think will give sustainability to any national policy in order to prevent or fight violence. We could talk about that later on.

In terms of ELN and FARC, it is the job of this office to look for, maintain contacts and communications with them independently of the existence of any peace process. Those channels and those communication contacts need to be maintained from government to government, and analysis on what happened before. It's very important. It's key for us to understand why those peace efforts didn't work in the past.

Let me share with you some thoughts just for discussion on probably some causes of why peace processes that were conducted in Colombia were not successful. First of all, we need to have a lot of respect for all those that conducted or participated in peace processes in the past in our country. It's very easy for us after things have happened to criticize, but those processes are difficult.

One of the lessons learned -- and we're talking about here studies and literature, general literature just for discussion -- is that sometimes those processes begin too early, when there is not enough trust amongst parties. So both parties sit down to negotiate without enough trust. That's one common mistake.

The other lesson learned is that the end game is not clear. So, at the negotiation table, small issues become more important and relevant than what they really are.

The third lesson learned is we need to have clarity about the participation, conditions, roles and responsibilities and limits of all participants -- countries, institutions, different governments.

And probably the fourth issue could be that there's different channels of communication that need to be maintained while those conversations occur.

In the case of the release of the hostages, we've been able to maintain communications through different channels. They have worked somewhat, with difficulties in some times. It's been easier at other points in time. We think that with what we have today, probably we'll be able to obtain the release of two hostages next week. That will be an important step towards building a little bit of trust amongst parties. What will come after, I would say no one knows, but our work until the last day would be to build bridges.

MR. CÁRDENAS: Thank you. Thank you very much. May I ask another question, and then we'll take it from the audience?

One of the aspects that is frequently mentioned in the context of the conversations here in Washington, around these topics, has to do with the emergence of organized criminal groups within the former paramilitary that were reintegrated or were in the process of being reintegrated, and Águilas Negras is perhaps the best example. So what's your take on those groups and to what extent is the government -- and the

judiciary because we understand this is not just a role for the government, but also for the office of the prosecutor general -- to what extent is there a system of checks and controls that restricts and oversees these former paramilitary groups and prevents things like Águilas Negras from recurring?

MR. PEARL: Let me share with you two facts and one interpretation.

One fact is that when demobilizations took place, there were ranks in those organizations -- the commanders, the middle rank commanders and people from the base. The commanders had the incentive that they would have special treatment under the Justice and Peace Law system, but it was clear for them that they would go to jail. The bases, they would have the benefits of the reintegration process.

But middle rank commanders did not have any incentives to join the reintegration process because the system that we had at that point in time. Those people had high incomes, a lot of power in the regions, and they would do almost whatever they wanted. So, for them, joining into a reintegration process which has limits and obliges them to comply with certain rules and obliges them to make effort, it was not a valid proposition for them. So we estimate that there are around 400 of them, probably 450 of them that demobilized but never complied with the rules of the process, and they went directly into drug-dealing.

In addition to that, there are 500 paramilitaries that never demobilized, and they continue to do drug-dealing in the eastern part of the country. That's one fact now.

Today, we have criminal gangs dedicated to drug-dealing. Those criminal gangs have been interpreted by some as the same paramilitary groups doing the same old thing.

What we think is the following: Former paramilitary groups had one objective -- to combat and to destroy guerilla groups -- whereas criminal gangs dedicated to drug-dealing have one objective, which is to make money out of drugs.

Former paramilitary groups benefited from drugs to finance their operations in order to destroy guerillas whereas these criminal gangs dedicated drug-dealing not only did they not combat guerillas, but they're partners. They make alliances with them, and they're part of the same violent system of the cocaine business.

Now there are some people that say that all members of these groups are former paramilitaries. I wish that was the case. I wish all of them were former paramilitaries because you know what that would mean? That we had a small group of those that demobilized, that never complied with the rules and are now delinquents in a different way.

But 90 percent of members of those gangs were never paramilitaries and they never demobilized, which means that we have a tough issue to solve in Colombia. We have new Colombians, young people that have chosen this year to be part of those organizations. Why are young Colombians choosing to be delinquents, choosing to be criminals? What are the causes for this violence? That's the issue that we need to tackle.

In the reintegration process, we have controls. For example, I can tell you that we have in Medellín 4,500 ex-combatants, and out of those we have 558 that are at risk of either going back to delinquency or being victimized because they cannot join the group. So, for each of the categories, we have special monitoring programs.

MR. CÁRDENAS: Thank you. Well, I hope in the Q&A this issue of the drugs and drug trafficking and U.S. policies in these areas emerges again.

Before I do that, I want to welcome very specially to this event Carolina Barco, the Ambassador from Colombia. It's an honor to have you here.

And let me ask you to make short comments and please introduce yourselves. So we're going to start, and we're going to start moving the mic -- so, the person in the last row, first.

QUESTIONER: Thanks. Sergio Gómez from El Tiempo.

You mentioned that the two new releases that might come next week will be an opportunity to build some confidence between the parts, but as of yesterday President Uribe was announcing that the fact that they're going to be released timing it with elections is only a political show by the FARC. So could you comment on that?

MR. PEARL: I've said that too. I've said it several times. The parts have been authorized for months, and nothing happened. We never received the information. Brazil was ready. The International Red Cross was ready. The government was ready, and we finally received information as the elections come. So it's clear for everybody, or at least for us, that they want to take advantage of the elections in order to favor someone.

But our job is to move ahead. We need those people to go back to their homes, and we need to make it possible for them to come, to see what comes next.

MR. CÁRDENAS: Juan Carlos?

QUESTIONER: Thank you. Juan Carlos Iragorri, I am from Semana magazine. Who are the FARC going to favor?

MR. PEARL: Who do you think they're going to favor?

I mean I think it's obvious that if hostages had been released, let's say in the last week of December, this issue wouldn't be in the media today. Who's in the media? Who's benefitting from this visibility towards the elections? That's the answer.

QUESTIONER: Hugh Grindstaff.

Marie North, who is a journalist, was stationed with the Peace Corps in Colombia, and now she's trying to do one laptop per student, and she produced a short film recently about how the children in Colombia have a choice of FARC or the paramilitias. But she mentioned bringing the Peace Corps back to Colombia.

Do you see it going back to Colombia, and do you see it working with you?

MR. PEARL: We have certain programs that are dedicated to kids and dedicated to communities, and the most vulnerable communities in the country we've chosen -- the 100 most violent municipalities, those in which FARC, ELN and former paramilitary groups exercised power and violence for decades, in which you have the highest levels of poverty and in which there are victims that have not been repaired.

And with funds from the European Community, we developed programs, under which we train leaders, but most of all we help communities to build trust, and we help citizens, recognizing the fact that no matter what happened in the past they need to own their future. And we've trained more 2,000 new leaders, peace and reconciliation leaders, and those come with educational, recreational and cultural and sports programs, that they always need to have a link in order to prevent violence. Those are the types of programs that we have with OAS, with Trust for the American.

We have set up 12 technology and educational centers for communities, with laptops, and with a Mexican company, we're setting up at least 10 technology centers and educational centers this year. So we're open to possibilities if citizens are benefited, and thank you for your interest.

QUESTIONER: (Inaudible). I would like to hear from you when are we going to be like stop spinning because it seems like living for so many years that in Colombia, and me as Colombian that grew up in a country where this has been the problem all the

time. So here I couldn't move back to the -- I could move to the U.S. It's been 20 years already. So I have a different perspective.

But it's been the same thing all over again. It seems like it's been spinning all the time, now for the last seven, eight years. It spins less, but it's still spinning.

And you briefly touched at the beginning that we need to invest in education. You didn't specifically say it, but yes, the answer would be to invest, like the government of Colombia really needs to invest aggressively in education, so as you said, in the next 15 or 20 years, you know, we won't be sitting here and listening all over again, the same thing.

So I would like to hear when it's going to be starting, you know, when the government of Colombia is going to start aggressively investing in education.

MR. PEARL: Well, I agree with you. I think all of us would like to be here in 15 or 20 years not talking about peace possibilities but on how our country can be more competitive or cutting-edge or leading in many areas. I don't think it's an issue of government, though. I think it's an issue of each and every Colombian citizen.

The Colombian government is -- and we were yesterday at a cabinet meeting, and the Minister of Education was telling us how if you subtract the operational expenses of both the Ministry of Defense and the Ministry of Education, then in this year we're going to have more invested, more public investment in education than in defense. For the first year in our history, we already have 100 percent coverage of education. However, we have a tremendous challenge, which is content and quality.

Let me share with you an exercise that we did for a city in Colombia, a city that is very violent. There are three measures that we're taking. We're working with security -- I mean police. With justice because there's a lot of impunity -- 6 or 7 out of those that are retained are released within 88 hours. And there's social investment.

As I said, security and justice will provide you with short-term results very effectively, but that doesn't lead us anywhere. We need effective social investment.

We made an inventory of more than 200 social projects that this city would benefit from, and we looked at a content of those programs, and we were looking to find a relation between higher social investment and decreasing violence rates. Well, that relation doesn't exist.

So we dig in, and we said, what's going on? We have very few what we call third-generation social investment projects in the cities. We need to improve the content of our social investment.

There are 17 reasons why someone would be a criminal in life, and those are called risk factors. Some of them are related to the individual, others to his or her family, and then the rest of them to the community. What you expect is that when you have social investment, those programs would be linked to those risk factors.

There's no link to those risk factors in many of the social programs that we conducted, that we're conducting. So, as government, we need to review that. We're working on that, and we will have a documented policy as of June of this year that will make it possible to improve social investment.

But let me finish with this. We need a culture for peace. Violence is not only exercised by ELN or FARC or those criminal gangs dedicated to drug-dealing. Corruption is also a very colorful, a very cowardly form of violence, and indifference is the other one. We need not only to educate people, but to make it clear for young citizens that they have a responsibility in changing and transforming society because if you leave it to politicians, yes, to politicians that are not going the right way, then even if they're going the right way, citizens need to own their own future, and that's the message that we need to convey.

MR. CÁRDENAS: Yes. I'm going to ask you to make your comments and questions very shortly, and also I'm going to ask the High Commissioner to provide short answers, so we can cover as many of you as possible.

QUESTIONER: Hi. My name is Diana Murray, from Georgetown University.

Perhaps following a little bit on your answer, I wonder if the Colombian government has contemplated a more active role of the media in the dissemination of messages of peace, so that the youngsters can be more aware of these things. And how are they going to use the new technological tools out there, you know, YouTube and Facebook, that have worked in crises like Haiti with data camps? And they use SMS texts just to inform others.

So that's what I wonder. How would the media and the technology play a role in bringing peace?

MR. PEARL: I think they play a clear role. I think we're not using their full potential. We have, for example, radio programs, TV programs in regions. We have talk shows. We have novels that are developed, written and scripted in different regions according to cultures, on different issues. Some of them are dedicated to preventing kids from going into violent groups.

We find it very difficult when we talk about national media, that they, let's say, spread out stories, success stories. We find it very difficult, just to be honest with you.

But we have a budget of \$1.5 million. That's not enough. The Ministry of Defense has a program that complements the one that we have, between four and five million dollars in publicity and advertising that is peace-related, but we could do much more.

QUESTIONER: Hi. I'm Kelly McBride from the Carter Center.

I'd like to ask a question following up on something Ted mentioned, which is about land tenure. After working in a conflict zone for 10 years in Colombia, I think that's one of

the biggest structural issues and one of the issues that really drives the conflict -- the lack of people to land, access to livelihoods. I haven't seen any Colombian government do a single thing about that issue, and I'm wondering if it's ever going to be possible.

MR. PEARL: I think that's one of the bottlenecks that we have. We had the expectation that former paramilitaries would give back their assets in order for us to be able to repair victims. They've only given more than \$120 million. That's nothing compared to the assets that they have. That's one thing.

As I mentioned, we have legal difficulties because the legal system doesn't allow us to use that land until its property is defined by the judge, and sometimes the judges have a lot of difficulties finding and seizing the land. I think we have a bottleneck there that we haven't solved. That's one thing

The other thing is that land reform could be seen as land ownership reform, but I would say that in the future we need to think it in a more ample way. What we need to be able to do is to redistribute the cash flows from the agricultural sector because in our agriculture there are some activities that require economies of scale. So you not only need a piece of land; you need that piece of land to be able to produce and be competitive and provide positive cash flow with you. So you need economies of scale in terms of machinery, training, credit, infrastructure, so on and so forth. So what we need is more complete reform that goes beyond land property.

MR. CÁRDENAS: There was another question.

QUESTIONER: Jeanine Salasko, former congressional Hispanic Caucus fellow.

Briefly, it was touched upon, the legal obstacles that there were for individuals participating in the Justice and Peace law, that were extradited to the United States. Specifically, I wanted to know of those individuals who started the process in Colombia and were later extradited, how many of them have completed the process, or

has there been some progress seen in participating in that law. Also, I'd like to know of them if any of them have contributed to the fund that there is for those victims of violence in Colombia.

MR. PEARL: We have 2,017 that have already initiated their versions. We have 770 of those versions that are progressing to an important stage. Out of those versions, there are 36,454 crimes that have been known of and 18,000 that have been already confessed, right. Most of the assets that have been seized are from former paramilitary commanders, and last year was the year in which most assets were seized.

MR. CÁRDENAS: Yes. Oh, there are two of you.

QUESTIONER: I had my hand up longer. Patricia Pagan, Georgetown University.

I've just come back from five weeks in Colombia during which I traveled quite widely. I want to bring you back to the first statement, the opening statement you gave, almost the opening statement, in which you said that we passed the transitional justice laws before the institutions were entirely ready to carry them forward. I want to focus my question on the institutions and particularly the municipal and territorial institutions, and particularly in those zones where the government is working to bring, as you have said, good governance to these areas.

The experience of the people I was with, and myself, is that these governments are extremely weak. Some of them are corrupt. Not all of them are corrupt, but they're extremely weak. The institutional communications are more top-down than bottom-up, by far. Yet, this is the challenge for your integration program, from top to bottom, not only in the justice sense, but in the full integration program that you've outlined briefly here. Thank you.

MR. PEARL: Colombia is a country in which most institutions are new. They only have 20 years because of the constitution of 1991. The system changed in many

ways. So it's important, as the Ambassador says, that we see the complete movie, not just the picture, right, in order for us to be able to see advancements and challenges.

In the case of the Justice and Peace Law, the prosecutor general's office doesn't work very much with local municipalities. It's the same infrastructure of the prosecutor general's office in some of the regions which might or might not be weaker. So I wouldn't say that in those processes the weakness of that institution affects directly the results of the Justice and Peace Law, although you would rather have stronger institutions in all of the regions.

QUESTIONER: Eduardo Estrada, graduate student at Georgetown.

You talked briefly about the criminal gangs and the efforts that the Colombian government has been carrying out to exterminate these criminal gangs or lead them to surrender to the Colombian justice system.

My question is, what are the resources that your office has to allow these people from these criminal gangs to reintegrate into society? If they do not belong to paramilitary groups, can they still be, I don't know, benefitted by the Justice and Peace Law?

MR. PEARL: No, they cannot. They have to go into the common penal/legal system.

MR. CÁRDENAS: Yes, the gentleman in the back.

QUESTIONER: My name is Roland Robuck, and I'm a community activist and also from Puerto Rico.

So the question is the following: In reference to the displacement, the majority of the people that are displaced are Afro-Colombians. I am very interested in knowing what is the strategy of government, so when you achieve peace, these individual can go back

to their respective regions, which on many occasions the cultivation of the African palm has prevented many of these groups from returning to their traditional lands.

Question number two, I'm interested in hearing from you how granting military rights, especially to the bases in Colombia that you are potentially leasing to the U.S. military, how does that advance the peaceful agenda that you so eloquently spoke about?

MR. PEARL: To your second issue, military bases have existed in Colombia for a long time, and there's been some confusion in the media and public opinion about U.S. military bases. There are not U.S. military bases in Colombia. There was an extension of an agreement that was derived from Colombia, under which those bases can be used to a larger extent, but they continue to be Colombian bases.

Ambassador, I don't know if you want to expand on that issue.

AMB. BARCO ISAKSON: I think what's important about this cooperation agreement is it's a cooperation agreement to continue to fight drugs. And I think you agree, as we agree, that this is an issue that concerns us here in the States, in Colombia and in our region. So, basically, what we're doing there is allowing the U.S., with us, to continue to fight the drugs, and that is the basis of this collaboration on Colombian bases and which we have seen is part of the great issue of the problems that the Commissioner is pointing out.

We are trying to reach peace. We're trying to have a country that does not have violence, in an atmosphere where drugs is still an issue. And, as we have seen, it breeds corruption. It brings violence. I think it's one of the issues that in our region we need to address and which has made it so much more difficulty in Colombia as we try to reach peace and reintegration.

This has been one of the issues, and I think one can commend the Commissioner and his office for the very low recidivism that there has been in Colombia compared to other peace processes, given that we have a process taking place in an area where there's still drug-trafficking going on and where the temptation is very high, to fall back into these kinds of activities. So it makes it even harder, and I think it leads us to need to look at these programs and the great difficulty that there is understanding the effort that is being made.

MR. PEARL: And to your first issue, I don't have the information here. My office is not responsible for that. I know that the issue exists. So what we can do is that I can take your name and contact, and I will provide you with information about what Accion Social and the Ministry of Agriculture might be doing in those regions.

MR. CÁRDENAS: all right, we have time for a couple more questions. Then if Ted has a final comment, we'll go back to Ted. I believe also for the High Commissioner to make a final statement.

But let's collect two or three, beginning with you. Then we'll go back. We'll go to the back, and then the two of you.

QUESTIONER: Thanks. Ernie Bird.

What motivated the decision to establish the Justice and Peace Law at the particular time when it was created, and how has the U.S. government supported the law?

MR. CÁRDENAS: Good. The gentleman in the back.

QUESTIONER: My name is Alexander Yue. I'm a diplomacy fellow here at Brookings.

You spoke very eloquently about the peace process, the reintegration and demobilization and, as you said, your job is to build bridges. I wanted to know, or you

can elaborate more, about the other part, the military side. I mean is the government of Colombia doing -- do you have a grand strategy of winning the war against this conflict, or is your strategy to start a peace process to end this?

You would think that as the Ambassador said that the leadership of the insurgency and the paramilitary, in their financial and ideological interest, they would like to keep this as long as possible, in this current situation. Thank you.

MR. CÁRDENAS: Thank you. Then we have the two of you.

QUESTIONER: Steven Roberts, Religion and Civil Society Fellow at the Heritage Foundation.

I was wondering about the role that Venezuela, and I believe El Salvador right now, are playing in attempting to destabilize Colombia in supporting these counterproductive movements and different terrorist elements within the country. Thank you.

MR. CÁRDENAS: And then you. Can we bring the microphone here, please?

QUESTIONER: Thanks. My name is Steve Politch. I'm with Chemonics International here in Washington.

You acknowledge that, you mention that there were two 295,000 victims that had been registered since the Justice and Peace Law went into effect at the end of 2005. And you also acknowledge the difficulty of the justice system in repairing these victims and mention that because of this difficulty the Colombian government passed a new administrative reparations degree this past year and invested about \$100 million in victims' benefits. Can you tell us how many victims have received reparations under this new regime and how many are anticipated to receive reparations this next year, with \$350 million that's going to be invested? Thanks.

MR. CÁRDENAS: Thank you.

Why don't you take these four questions first and then some final remarks?

MR. PEARL: To your first question about what motivated the Justice and Peace Law, in Colombia, we did not have a legal framework for those that had committed crimes against humanity. They would have to be in jail for 40 to 60 years. So there were no incentives for those paramilitary commanders to negotiate peace with the government if they were to spend 40 or 60 years in jail.

So what we needed was a system under which if they comply these four requirements we talked about, they could spend between five and eight years -- if they tell the truth, repair victims, not go back to delinquency and help dismantle the illegal group they were part of. So we wanted to create incentives for them to come out of violence, in order to decrease the level of violence in our country and provide opportunity for peace.

We have had this report of different agencies from the U.S. government. For example, there's a cooperation agency that has invested more than \$50 million just in the reintegration process, which at the beginning was composed mostly of former paramilitary members.

To your question about the end game, let me summarize it like this. The military forces and the police fight every day, drug dealers, ELN and FARC in our country. Our role in this office is to have the door open, and the President himself has said and we have said that if there's an honest will, the government is always open for peace negotiations. Those conditions have not been met.

About the role of Venezuela, I'm sorry I cannot comment on that. That's a responsibility of the Ministry of Foreign Affairs, and it's a very delicate issue. So I would rather not make any comments. I apologize, but I know you will understand.

Steve, about the victims' reparation, you will find a summary that we prepared, and there's a chart of those victims that were repaired last year with this \$100 million dollars,

10,593 victims. So we could estimate that around 30,000 victims could be repaired in this year, and we will invest \$300 million.

On the next page, you will see the crimes or the types of crimes which are the reasons why they're being repaired.

MR. CÁRDENAS: Thank you.

Ted, do you want to make a final comment?

MR. PICCONE: Sure, just a comment, just taking account of all your questions. I mean obviously there's a really high level of interest in what you're saying today, and I think a real thirst for information. I think getting the story out here is really important. So I commend you to come to Washington and tell that story. It's a fascinating story.

I think Colombia really presents, in my experience in Latin America, the most challenging case in front of us. But it's compounded by issues that begin right here in the United States. I mean no matter, even if the peace process and all the work that the government is doing to invest in education and social assistance, et cetera, were to succeed, you would still have the core problem of crime, which is the drug-trafficking. It's the demand for drugs in this country and other parts of the world that is driving crime.

Unless there's a change in our approach, and what you said I think was very powerful, about it's up to each individual citizen. Well, that includes herein the United States, to come to grips with this, because the drug problem really in many ways starts right here in our own homes, in our own schools, in our own neighborhoods. Until that is addressed, Colombia is going to continue to really have a very difficult time, having peace. So I think that this is not just Colombia's problem, and I would hope that under this administration there will be some rethinking on U.S. Drug policy. It's long overdue.

MR. CÁRDENAS: Thank you.

Yes, I'm glad you touched on that point because I think it's, at the end of the day, one of the more fundamental issues underlying the debate on peace and justice in Colombia. One of the fundamental causes of so much trouble has to do with drug-trafficking, and certainly Colombia can contribute and has contributed to the solution of these problems by providing a lot of resources, physical, human lives. But at the end, this is an issue that requires more decisive action on the front of demand and on the front of the policies that are in the hands of the U.S. and of the consumers.

As you probably know, Colombia is entering an election. We'll have presidential elections on the 30th of May, congressional elections this coming Sunday, and these are important issues for the country.

The High Commissioner has been the main person with responsibilities on these hot issues, but Colombia in the future still needs further work in these areas and at some point or another, most likely, a negotiated solution with the insurgent groups.

I think the country is going to look back at the last 15 years, and it's going to draw two lessons. One, which the High Commissioner already made, the negotiations have to be based on a real interest on the parties to achieve peace. The last time we tried that, there was a lack of real commitment to peace on the part of the FARC, and we drew some lessons. Some of us wasted some hours and time and many days trying to reach that solution, but the country as a whole learned that lesson.

And the second lesson is that a good system, a good law of peace and justice can be a very useful instrument to promote peace. We know that this effort has had some limitations. We know that these mechanisms that are in place following the agreement with the paramilitary are imperfect. Many of the aspects were mentioned today. But I think this is going to be one of the building blocks in the future for the reincorporation into society of these insurgent groups, and the demobilization.

So I have the impression that in the future, once the country is ready, and especially the insurgent groups are ready for a negotiation under good will and with real interest on peace, we're going to look back at this law, and we're going to use it as the benchmark. Most likely, this is going to take time. I don't think this is around the corner. But the progress that has been made in the past few years and the commitment of the Colombian people to put an end to the conflict, I'm sure will result in something positive.

So I just wanted to say these words by form of asking the High Commissioner to make his final remarks and especially touch on these issues on the way forward. What do you see in terms of the lessons and what the country is going to go through, based on what we've done in the past eight years after the Peace and Justice Law?

MR. PEARL: I think as you both said, it's a complex country, that there's something that we have achieved in these eight years. We have regained trust in ourselves as a country in spite of the fact that we have many challenges ahead.

Eight years ago, we were not sure where we were going. Today, we know that we have a long way ahead, but we know that it is possible. What we have done is to build basic systems, a basic transitional justice system, basic in terms of its achievements because we are many years away to achieve the final goal, but systems that are built seriously.

We don't have a magic formula, but we have serious bets, and those bets are in order to achieve peace, you need justice. In order to prevent violence, you need effective social investment, community participation and profound reforms that need to be delivered or made from the bottom-up approach. That's what we've been working on.

I would say that today Colombia is in much better shape, but we need to take care of our country. We need to complete the task, and it will not take just a few years. It will take probably a generation, or two, and that's why we need to work very, very hard, daily.

It doesn't matter if we're politicians, public servants, academics, business people, whatever. We can all build that society that we dream. We cannot leave it to others to do it, and that's the message that we're conveying.

Let me close by saying that no country in the world, and you can compare the statistics with any country that has led similar processes, no country in the world has achieved in five years what we have achieved in terms of knowing the truth, which is painful, and knowing what happened in terms of historic memory, in terms of victims being repaired. So we need to be proud of what we're doing, but also we need to be very critical because since there's not a magic formula we need to be able to improve the systems as we move along.

MR. CÁRDENAS: Well, thank you very much, and that concludes our event.

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2012

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190