

THE BROOKINGS INSTITUTION
BROOKINGS CAFETERIA PODCAST: Colombia's search for peace and justice
Friday, August 23, 2019

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DEWS: Welcome to the Brookings Cafeteria, the podcast about ideas and the experts who have them. I'm Fred Dews.

In June 2016 the government of Colombia signed a historic peace agreement with the armed rebel group known as FARC-EP to end a conflict that over five decades had taken the lives of at least 260,000 Colombians and displaced over 7 million. Three years later the peace accord—a complex effort to not only stop the fighting but also address the underlying causes of the conflict and to seek truth justice and reconciliation for victims—remains not fully implemented as new political disputes and leaders have hampered its progress.

To help us understand the situation and how to move forward I'm joined today in the Brookings Podcast Network studio by two experts. Ted Piccone's chief engagement officer at the World Justice Project and a nonresident senior fellow in security and strategy in the Foreign Policy Program at Brookings. We'll be talking a lot today about his new report, "Peace with Justice: The Colombian experience with transitional justice." My second guest is Vanda Felbab-Brown, senior fellow in the Center for 21st Century Security and Intelligence at Brookings. She is an expert on international and internal conflicts and has done extensive fieldwork and writing on counterinsurgency, drug wars, and illicit economies.

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And now on with the interview. Ted and Vanda, welcome to the Brookings Cafeteria.

FELBAB-BROWN: It's a pleasure.

PICCONE: Thanks, Fred.

DEWS: So we're talking about a super complex situation in Colombia and a very complex response to that situation. Can you first explain to listeners the context of what we're talking about, what the conflict was about, who fought it, how long it lasted, and so on to some background context?

PICCONE: Sure. This is a conflict that has been going on for, say, 40 [to] 50 years. And if you think about Colombian political history really [it] was 1958 that the two main political parties in Colombia came to some kind of truce after many years of bloody civil war.

In 1964, this guerrilla army formed under the label of FARC-EP. And this was a band of farmers, peasants, folks who were inspired by the Cuban example and other Marxist-Leninist ideas to call for redistribution of resources, and an entirely new state. This was then entrenched warfare, guerrilla warfare for decades. And over that time you had a reaction not only by the government but by strong conservative forces in society—landowners, ranchers, businessmen in particular who formed their own military units called paramilitary units. And they often in cooperation with the government went at it. And there was massive displacement and killings as you described.

The paramilitaries reached an agreement in 2003 to begin to disarm and they were disarmed by the end of 2006. I say that lightly because of course many of them remained armed. But there were 31,000 former paramilitaries that were demobilized. Now, the FARC EP continued fighting, although by that time they had really morphed into more of a pseudo-criminal operation heavily reliant on drug trafficking, extortion, [and] kidnapping to continue in their operations.

After various attempts to reach a peace deal with the FARC EP, the prior administration of President Santos succeeded in 2016. It was a historic accord. It really broke new ground, I would say, if you step back and look at other peace processes, both in

the way it was conducted and in the content of it. A very comprehensive accord that really tries to get at the root causes of the conflict, which is decades of rural underdevelopment and poverty, and a sense of lawlessness, and the lack of any state presence in big sections of the country.

I mean Colombia geographically is a very complicated country, very diverse topographically. Most people, if you get from point A to Point B, are flying because there aren't that many adequate roads and trains, which gives a lot of space and room for illegal groups to harbor themselves in jungles and other lawless areas.

So that's the setting for this complicated conflict. And the peace accords succeeded in putting an end to that conflict. The two parties agreed to stop their fighting. The FARC agreed to disarm and to demobilize, in exchange for recognition of them as a political party—that was a major important outcome—in exchange for conditional amnesties—we'll get more into this truth and reconciliation process. And there's what they called legal security. They would be able to reintegrate into Colombian society with some sense of legitimacy as both a political force and as individuals being able to go on with their lives.

FELBAB-BROWN: I would add few things. In many ways, the Colombian peace process is unique. The report, the agreement rather, it's a 300 page report, is extraordinarily detailed. Most peace agreement really do not look in any way that way. So there was enormous amount of specificity. The process was very lengthy and very concrete in what it negotiated. Again not typical. It was certainly informed by prior peace processes around the world—the Truth and Reconciliation Committee in South Africa. And that report deals in great detail with the very complex relationship between peace and justice. And it certainly was very much informed by the policy knowledge that has emerged over the past 20 years about the difficulties of seeking peace without recognizing underlying grievances and

resentments, but also the difficulties in imposing punitive actions that then do not motivate parties to the political conflict—in this case the FARC—to join the peace deal.

So the legal security that Ted talked about comes up in different contexts where insurgents, when they demobilize, want to be sure that they don't sign a deal that lasts a month or a year or two after which they might be arrested. Let alone mentioning other ability to integrate into society such as economic support, ability to function in the legal economy. But just even the physical security.

But the question is how much that ink translates into the reality on the ground which is what Colombia is grappling with today.

PICCONE: Just add a very specific point about this precedent in Colombia of peace agreements with other armed groups who then were basically targeted for killings by the paramilitaries. So that history, that shadow of revenge killing against ex-fighters was very much on negotiators' minds. And to this day remains one of the biggest challenges of the peace process, because you have a number of killings of ex-FARC fighters as well as what are called "social leaders"—people from the NGO community, Indigenous community, Afro descendants, human rights defenders—who are being killed in high numbers. And yet in the agreement there are many, many provisions around protecting these people. The state actually is obligated to protect them. They've created special protection units and bodyguards. So it's not for lack of trying, I think. Maybe not enough resources but the political will and the agreement is there in recognition of what had to come prior.

DEWS: It does sound like a level of complexity that, maybe is somewhat new in the world of global affairs. You can imagine in an old way of thinking that a government would just want to eradicate insurgent fighters in its country and just assert control over its

territory. But it sounds like that model was impossible in that situation for Colombia. But maybe that model it just doesn't work anywhere anymore.

FELBAB-BROWN: Well you know it's interesting that you raise it Fred. My first serious research was on the FIS in Algeria, the civil war in Algeria in the 1990s where the government in Algeria, and the international partners France, United States, and European countries, struggled with whether you need to negotiate a peace deal with the FIS or whether you can simply eradicate them in the battlefield. And of course U.S. counterinsurgency in Afghanistan has been grappling with the very same question, and now the United States has reached a stage that we are in almost desperate negotiations with the Taliban that are about to strike a deal just to have some sort of exit out of Afghanistan regardless of what kind of implications that might have for Afghan stability.

What happened in Colombia is that both the government and the FARC came to a stalemate, in that way that's analogous to the situation in Afghanistan. But the level of stalemate was very different. The level of conflict intensity in Colombia had been much lower. The government in the 2000s under President Alvaro Uribe, and with support from the United States and their Plan Colombia, significantly beefed up its military capacity. There were significant improvements of what the Colombian military was able to accomplish on the battlefield.

Nonetheless, even that progress stalled and essentially by about 2007-2008 there is no more significant military progress. Occasionally some FARC leaders would be killed. There might be tactical battles over particularly strategic corridors. But the broader strategic picture was not changing. And similarly for the FARC the momentum and the peak of their power they experienced in the late 1990s and early 2000s was gone.

The first time I went to Colombia was, I guess 2000, and at the time the FARC was sitting on the hills of Bogota and shelling downtown and mortars were every so often flying into the capital, into Bogota. By 2007-2008 you could travel by road from Bogota to Medellin, and you could travel in other parts of territory that were for decades really inaccessible.

So that military stalemate and the low level of conflict with no easy ability for the government to defeat the FARC, but also no ability for the FARC to really improve its strategic position at that point, strongly motivated both parties to negotiate.

That also came with another strategic realization for the FARC, namely that they had been losing political support. The FARC in many ways is a very remarkable insurgency. It's an insurgency, as Ted said, that lasted five, six decades. That's very impressive. But more and more as the 2000s were unwinding that political support really stayed essentially in the coca farmers, and we'll talk more about them. That's still their base of support today. And other supporters had fallen off because of FARC's brutality, because of its moribund ideas about Mao's socialist visions that the country moved beyond.

So, the beginning of political support, the military stalemate, and arguably the removal of the visible paramilitaries were factors that enabled the negotiations. And I say the removal of the visible paramilitaries because although the paramilitaries demobilized what subsequently emerged as so-called "bandes criminales." For all practical purposes they are neo-paramilitary groups although the government likes to call them criminal bands and deny their political agenda. And they are one of the reasons why we see so many killings after the peace deal, the FARC not the sole reason. And they're still significant security threat for Colombia and for the deal itself.

DEWS: So the deal was reached between the government of Colombia and FARC leaders. Did Colombian citizens have a say?

PICCONE: They did. It was put to the voters in a plebiscite in October 2016 and the polling going into this vote was positive that it was going to pass. But it did not. And, now, the turnout was only 37 percent of voters, actually turned out to vote. And the plebiscite referendum lost by 50.2 percent voted against it. So nonetheless it was a vote against it. And the parties and the Congress, the main political parties, quickly scrambled to make some important revisions that were identified as key in particular for conservative sectors of Colombian society. And instead of going back to the voters, went back to the Congress and had the Congress approve this revised version.

That has created a certain cloud over the peace accords. And opponents of the peace accords, particularly under former President Uribe, have really played that card over and over again.

Now, there was another critical moment of political and public participation in all this which was the elections in 2018 when both the Congress and the presidency was up for office. And then, the peace accord was certainly a big factor in the election but there were lots of other issues. And the conservative forces this time won back the presidency; a more mixed picture in the Congress. And that, I think, has created the momentum for those that are not so enthusiastic about the peace accords to really try to pick away at it, and undermine it, and slow roll it, and if not entirely derail it. I don't think that is President Duque's, who is currently in office, intention. But many of his supporters in his coalition would like to see that outcome. And so he's constantly having to play to that audience as well as to those that are more supportive but want to see some additional reform. So this is how the complicated political picture has played out.

The FARC for its part ... on the front end, the demobilization, disarming, the grouping of them in groups and then turning in their weapons—all of that proceeded fairly well. There was a lot of U.N. support, international community support to monitor and verify those steps. But certainly you could say that the FARC did its share of upholding the deal. And it's really according to the courts themselves, now the state's obligations to do the heavy lifting of substantial reforms around land reform, and economic development, a whole host of long list of things to do. And that's where I think it's gotten complicated.

DEWS: FARC fighters, what I gleaned from your report ... I mean literally thousands of them went to locations around the country and turned in literally thousands and thousands of different kinds of weapons—machine guns and maybe their mortars that Vanda was just talking about—and disarmed as the first step in this overall process.

PICCONE: Right. And of course there was important media attention to that so people could really see it. Now one of the other symbolic outcomes of this process was that the FARC was given 10 seats in the Congress, not as a matter of how many votes they got in the election but actually they were granted these seats as part of the peace accords. And this is a flashpoint for many on the right who really see that as very objectionable, that here this guerrilla army is granted political legitimacy and has seats. And by the way the FARC did poorly in the elections, very poorly. And so that just confirmed Vanda's point that they have really been losing a lot of political support among the Colombian people. So this is a dilemma for them as well. These seats are guaranteed until 2026. So they're not going away.

DEWS: I'm going to continue the conversation by diving more deeply into the report that you authored, Ted, "Peace with justice." But first I want to ask how did you approach the writing in the research that went into making this report?

PICCONE: Well my own personal experience in Colombia goes back to the mid-'90s when I worked in the Clinton administration and at that point we were at the lowest point in our bilateral relations with otherwise very natural ally of Colombia for many years. They fought with us in World War Two, etc. But also at that time the U.S. government decertified Colombia out of concern that the then president was in cahoots with drug traffickers.

And I recall conversations with Colombian government officials at the time in which we basically told them this has to be completely reengineered, like we need a whole new relationship here. And what came out of that was an agreement that was called Plan Colombia, which was a Colombian plan but with a lot of U.S. support that was going to exactly what Vanda said, beef up their military and security strategy and materiel, and at the same time encourage more economic development and try to wean farmers off of the cocoa. That latter part really didn't succeed. But the first part did and that's what I think led to the negotiating process.

Jumping off of that experience, I've always had an interest in transitional justice and I was taken by what they had agreed to in this peace accords. It was remarkably sophisticated, you would say, and complex. I had worked on the Truth Commission in El Salvador and so had some experience in trying to see what happens after a peace process and how the Truth and Reconciliation instrument can work. So that allowed me to dive back in, go back to Colombia, interview dozens of people from different walks of life including elements of the U.N. community who have been monitoring the process, and came out with this report.

DEWS: So what is the transitional justice paradigm? Why is it so important in this context?

PICCONE: It's a process by which parties agree that we're going to offer shortcuts in a what would otherwise be an ordinary, normal justice system for violations committed during a conflict and we're going [to] in the name of peace: Number one, establish with some authority the truth about what happened, to really try to provide a fact based approach to the conflict; Put a face on it, put a human face on it make sure that victims are heard in that process; Document what violations occurred, have a historical record that most of society can agree to; and then on top of that pursue accountability against the worst crimes and the perpetrators of those crimes.

And on top of that the Colombian experience brings in elements, certainly reparations that is not new that victims should be compensated for what happened to them. As you said, 260,000 people were killed over the years of this conflict, millions displaced. So, reparations and compensation, but also guarantees of non-recurrence, meaning there has to be a full recognition and acceptance of responsibility by both parties, other actors, for the crimes that they committed and a commitment never to do it again. You know, it's prevention of future return to conflict, and there are a whole set of mechanisms behind that.

So it's this reinforcing set of elements, call it the four pillars of transitional justice, that come to life in the Colombian process.

FELBAB-BROWN: One way to think about transitional justice is to think about what are the mechanisms necessary to make sure that conflict doesn't restart. And there are two different strands of processes that often cut against each other. One strand is the sense that injustice was perpetrated. And so the part of transitional justice is to address the grievances, the resentments that may have accumulated so that people don't try to seek revenge, on both sides. The people who were victimized by the insurgents but also the insurgents who

were victimized by government forces, by other military actors, by other non-state actors. And that thrust of the transitional justice as part of the peace deal is on restorative justice—justice to restore a victim's sense of dignity, their psychosocial capacity to move on, but also the ability to restore the insurgents', the militants' ability to operate in society. Because if societies simply ostracize them, well what might be left to them other than to return to crime or violence?

The other strand, of course, is however the need for leniency to also give the militants, or for that matter possibly even military army members, police officials who committed crimes—which was very much part of the Colombian process; oftentimes there were extraordinarily egregious violations of human rights by armed forces in Colombia—to give them a way out of the conflict. Because if you sign a peace agreement and end up going to prison for 30 years, which you might face in the U.S. criminal justice system for committing a homicide, what incentive do you have to sign a peace deal? Well, you might as well fight to the death.

And it's the tension between the two—how much leniency versus how much punitive justice, what kind of reparations, what kind of forgiveness, and what kind of insistence on making amends—that is really at the core of the struggles, dilemmas and what the transitional justice processes deal with.

DEWS: Vanda, I picked up another tension in the piece that you wrote about It's this tension between a government wanting the former FARC fighters to reintegrate into society kind of as individuals, maybe as individual farmers here, individual farmer there, as opposed to reintegrate into society as a cohesive political group. Can you address that particular tension?

FELBAB-BROWN: Sure. You know and again that is the difficulty, or the struggle, that many who negotiate this peace settlement faces. So, to give you a completely different example, today after the fight in Iraq of ISIS there are militias that formed to fight the ISIS—some are Shia militias, some are Sunni militias, they're called Hashd al-Shaabi. While they have become enormously powerful political actor, deeply penetrated infiltrated, if you want to put a negative spin or from their perspective deeply integrated into the Iraqi state and dominate the Iraqi state. So they act as a cohesive actor with really extraordinary political capacity and institutional capacity. In Colombia people like former President Alvaro Uribe, the current president Ivan Duque, certainly did not want to see that kind of institutional and institutionalized cohesiveness and power of the FARC.

But oftentimes governments don't have the luxury to be simply dealing with individuals. Certainly in the Taliban negotiations, the Taliban is negotiating and will continue to act for a long time as a very cohesive, powerful entity and will likely have substantial role in an Afghan government for years to come, if not dominant role.

So, you know, the FARC was pushing for negotiating as an entity, not negotiating as individuals, not simply signing individual amnesty, individual defector deals for obvious reasons of maintaining political and economic influence. It has also insisted on integration as a collective, as a collective entity. And this has been very much a struggle. The experience that the international community has had with the integration, economic integration, usually centers on individual fighters. So former fighters are given some sort of training, they either join militaries or police forces. Colombians are loath to see that in the case of FARC, but it frequently happens. Or they are given some sort of training as a plumber, as a car mechanic, and frequently the economic integration is really the biggest. Achilles heel of these processes, and whether it's [] in Nigeria or groups in Nepal this is often where it fails.

So the FARC did not want that. They have been insisting on economic integration, economic training going for entire units. What they really want is collective farms on which they can farm. Now that has become a big difficulty because the government has found it difficult, unpleasant, challenging to allocate land to FARC. They don't like the idea of entire groups of FARC getting land. And the FARC doesn't want to be doing just individual level training. So there is a lot of stalemate and squeaking in the process and potentially great vulnerability right now.

PICCONE: I did hear about that on my trip down there but I felt like they were working through it. That there was a bit of a cultural difference about how to do economic development. But you have to keep in mind that these fighters have been working, living together, their social bonds, family bonds that maybe some kind of cohesion might be better for social peace in some of these areas.

And now you have another phenomenon, though, that for the most part the ex-FARC fighters have stayed off the battlefield. But there are dissidents, if you want to call them dissidents, who've gone to other criminal groups and drug trafficking groups, and are causing all kinds of problems for the Colombian state. So there's still a lot of conflict that's raging around various pockets of the country. In fact there's been almost like a reorganization of the conflict where there are drug trafficking groups in association with, sometimes, paramilitaries, sometimes ex-FARC fighters, or a whole other guerrilla group that we haven't talked about yet the ELN, that is still in operation particularly on the border with Venezuela and involved in drug trafficking and other criminal activity. So it's a very complex security environment in which to implement this peace process. And there might be a case for keeping some cohesion among the ex-FARC groups, at least for economic purposes.

FELBAB-BROWN: And I would add another dimension to that, which is that the agreement negotiated specific outcomes, or direction of outcomes, not only with the FARC but there were significant portions about changing the basic inequality, bifurcation, inequity of Colombia, the sense that large territories have been without meaningful state presence. So there was a very significant thrust on the rural development, justice, land redistribution, so that the small elite doesn't control 90 percent of Colombia's land.

And there was very much of a thrust in the agreement that communities that had lived with marginal state presence or under FARC rule will be economically developed. And the Santos administration negotiated that with significant input from communities that put a premium on small land ownership.

So what the FARC wants with small land, having access land, was in the thrust of what was promised to cocoa farmers and small rural residents broadly who would become small land owners.

Now the Duque administration has not liked that at all. And they believe that that mode of economic development is not viable and for Colombia. They prefer to focus on large land ownership, on industrial agricultural developments in which whether it's FARC or rural residents would then be employed.

And so this, the tension over the collective approach by the FARC is part of a larger complicated picture as to how rural areas should be developed economically. Whether it should be centered on what was agreed—small land ownership, small land holders—or whether it should focus on large scale agrobusinesses. And of course historically large-scale agrobusinesses in Colombia were very much instigators and often perpetrators of violence and inequality. They have often not been gentle, friendly supportive actors. And so that is the difficult memory. But, there is also the extraordinary complexity of terrain and

geography that Ted spoke about which realistically makes some parts of Colombia a thriving economic hubs and others excruciatingly difficult to develop. Really the only viable commodity is cocaine because cocaine is illegal. So just the difficulty of the rural development is immense and very much impinges on the deal.

Colombia had imagined that it would take it 15 years to implement the peace deal. That is an extraordinarily ambitious picture. I often tell people if you look at an insurgency in Thailand that raged in the '60s, '70s and ended in the early 1980s, they had about 10 percent of Colombia's illicit drug. They had a much smaller population. And it took them 30 years of economic development for what is multiple times the set of problems and complexities in Colombia. And the set of expense that it takes to build up a police, build up state forces, conduct economic development. So very difficult implementation scenario that voters are not happy to pay for. it might be great in the year of the peace deal being signed, but five years later who wants to be paying taxes for developing some rural part of cocoa. Not necessarily easy.

DEWS: Well, speaking of paying for things, Vanda, you also mentioned in that piece you wrote that money was set aside to give the former FARC fighters a monthly stipend for it for various activities for training, for new kinds of jobs. But you also said that that stipend runs out this very month August 2019. Can you address why that's a significant issue?

FELBAB-BROWN: Yeah, well I know it's part of the economic integration dimension of peace deals and post-peace deal processes that recognize that unless fighters have some sort of viable legal job they will be tempted, pressured, or find it necessary to either rejoin the military fight or become again involved in the criminal activities. And so there is usually some sort of support package that often amounts to a few hundred dollars a month—that was the case in Colombia—that's timebound. Partially because complex political issues

having to pay for long time someone to fight or not to commit crime. People don't want to think about it that way.

And meanwhile during this process people are supposed to get some sort of training. Oftentimes the training is you know for a kind of mechanic or for a cook or for a woman to be a seamstress. The training skills seem to be very low-skilled manual labor and oftentimes they are highly mismatched with what the market is asking for. Oftentimes a store is well trained people to be car mechanic except there are no cars in the villages. The training entities teaches people to be motorcycle mechanics except the government prohibits the use of motorcycles.

There is often a big big mismatch and really is an enormous vulnerability of post-conflict transitions around the world including in Colombia.

PICCONE: Just two more points on this general point about the costs. One is that there's another faction here in this story which is the cocoa farmers. And there have been deals negotiated with them as groups to stop growing cocoa in exchange for payments from the government and a move toward alternative legal crops. There was a gap when Duque came into office where those farmers were not getting paid. They weren't getting paid their survival wages, so to speak, to not grow coca. And that was creating tension and problems for them to live and survive.

In the big picture though, the estimate is, at least the one I've seen recently, is that it would cost Colombia about 45 billion dollars to implement the peace accords over 15 years. So that's roughly 3 billion dollars a year, which in the Colombian economy, GDP of around 711 billion dollars, we're talking about half a point of GDP. It's a doable proposition. And Colombia has a relatively healthy economy. They just joined OECD. So it's something that they can do if the political will is there.

DEWS: Let me ask you to talk more about the cocoa production, the cocaine problem. Unfortunately in a lot of people think about Colombia stereotypically they think of the big cartels, the Medellin Cartel, the Cali Cartel. What impact does continued production of cocaine or maybe other illicit drugs have on implementing the accords moving forward?

FELBAB-BROWN: Well that's very much at the core of the struggles for Colombia and at the core of highly different viewpoints on the issue. So for decades now, perhaps as a result of U.S. engagement over the years, the Colombian political elite, the technocratic elite, has come to believe that cocoa is the source of all of Colombia's problems. So if there is no cocoa there won't be any conflict.

In my view, the dynamic goes really the other way: because there is conflict, poor state presence, violence, lack of economic opportunities, marginalization there is very significant cocoa production and cocaine trafficking.

But nonetheless the outcome of this belief in Colombia that the presence of the illicit commodity is the source of problems then leads the government to adopt what's called zero cocoa policy. Namely the idea that coca needs to be eradicated at [the] national level or local level. And then when that happens there will be peace. The scenario is already problematic in many ways because not just the insurgents like ELN or the dissident FARC groups, the bandas criminales, operate in many other illicit domains. They engage in generalized extortion, they engage in illegal mining, illegal logging, they have other sources of income. So even if there is no cocoa there is still criminal activity and there are still criminal proceeds.

But is also problematic because it creates constant replay of the same counternarcotics policy that in Colombia's history has never produced lasting good outcomes. And this relates to the point that Ted made about the payment meant for

farmers. There is this presumption that before farmers can qualify for any kind of aid, particularly long term aid, they need to eradicate their cocoa. This is called voluntary eradication but I very much question the voluntary nature. Because if you don't eradicate then you won't get support and your cocoa will be eradicated forcibly. So what is the level of voluntary as opposed to really indirectly coerced, if you would like? But also it takes a few hours to destroy the coca fields even if they can be replanted, but it takes years of development for sufficient human capital infrastructure, value-added chains, security, access to microcredit, and access to titles to be created.

And in fact, globally there is only one country that managed to get rid of its cocoa through non-coercive means, through alternative livelihoods, and that's Thailand. And they adopted the exact opposite sequence. They gave farmers about five years of support from schooling to citizenship to agricultural support to better roads, and only then they started eradication. Now Colombia is doing the opposite. They say, okay village, you want support and you don't want to have your fields sprayed by drones. So you need to eradicate all of [the] cocoa. And then we give you 500 dollars a month for two years. And after that cacao will grow or coffee will grow and happy things will follow. In one way or another, Colombian farmers has had umpteenth iteration that have been the same efforts in the 2000s, some going back to the 1990s. And each time, this has not panned out because once the money dried up, the immediate survival money, as Ted called it, dried up the legal economy oftentimes didn't take off and it didn't take off in the ways that could robustly support the family.

Now we are also in a situation where there is more cocaine in Colombia than there has been any point, that is driven by multiple factors some of which have been growing demand way beyond the United States and Europe in places like Brazil, like Argentina, some

of which have to do with the end element of the negotiated deal with farmers knowing that that they would get some sort of benefits, so many farmers came into growing more coca in order to qualify for benefits.

Now, the Duque administration wants to be very different from the Santos administration also for restarting forced eradication. The Santos administration that signed the deal has suspended aerial spraying. At the time it was the only country that had aerial spraying. No other country is engaging in aerial spraying and has engaged for a few decades. Colombia was spraying until 2014 when the Santos administration suspended it because of concerns that [] had carcinogenic effects. Now the Duque administration is denying that evidence and has sought to get a court permission to start spraying again. They are experimenting with spraying with drones. But really that's just sort of tactical play here about the larger issue as to whether forced eradication such as by spraying can get you to a viable, lasting reduction, significant reduction, of cocoa. In my view it doesn't. But meanwhile it generates all kinds of very negative spillover effects, and destabilizing effects for the peace deal.

And this is crucial to understand. It's really not just about the deal with the FARC. The peace deal is also very much a deal between the state and the urban part of Colombian society and the rural population. And violating the design, however problematic of the drug policy, also violates the trust that people in the rural areas were asked to once again give the state that this time the state will be a benign and positive presence in their life.

DEWS: Let's move on to another major factor in the implementation of these accords and that's the crisis in Venezuela. Thousands and thousands of Venezuelans have been displaced from the turmoil in that country, have crossed the border, and are many of them are in Colombia. Can you address the impact that is having on the situation in Colombia?

PICCONE: There are two important effects. One is there is over years of war in Colombia, many Colombians fled to Venezuela, when Venezuela was a more stable and peaceful place. And so there's a longstanding relationship between Colombians and Venezuelans. And now there's reciprocity. The Colombians in general have been quite welcoming of the Venezuelans. Now we're talking at this point 1.5 million Venezuelans in Colombia alone let alone transiting to other parts of Peru, and Chile, and elsewhere. So they really are shouldering a big burden on dealing with this.

Now for the most part they are integrating, they are trying to legalize them. The story today was about the legalizing of 24,000 Venezuelan babies giving them documentation so they can have a legal identity in Colombia. That's all very positive and important. But I wonder how long the patience will last and whether we're going to see outbreaks of xenophobia. So far it hasn't happened. There has been some international support, not nearly enough of what Colombia needs to accommodate this flow. That's one element.

The other element is that specifically on the ground in areas that are already rather conflict ridden, you have this lawlessness, this mix of all these people, these migrants mixing in with traffickers, criminal gangs, paramilitaries, ex-FARC fighters. ELN is quite concentrated along the border between Columbia and Venezuela. So there is an uptick in insecurity that is related to the crisis coming out of Venezuela.

FELBAB-BROWN: There are immediate and longer term dimensions. The situation in Venezuela is of course an enormous appalling human catastrophe. And it's only a matter of time before the government collapses one way or another, which could set off anything from a more massive humanitarian crisis to potentially even civil war, very nasty but disorganized civil war. All of which has tremendous repercussions for Colombia in terms of

flows of migrants to Colombia, but also in terms of Colombian security forces having to be focused predominantly on this very long and complex border from Venezuela, and hence not being able to provide adequate security to rural populations in other parts of Colombia, for example.

And then on the more immediate side the ELN not just operates along the border, they operate very much in Venezuela. They use Venezuela as a strategic safe haven place. They are deeply plugged into smuggling activities there including the drugs that connect the many militias, the *collectivos* that operate in Venezuela, and also the Venezuelan army.

And so the ELN has multiple times said very explicitly that if there is any kind of military intervention into Venezuela, or if the Colombian government starts unspecified aggressive actions against Venezuela, the ELN will fight against that. So they have explicitly endorsed the Maduro regime and declared their own fighting role in that kind of conflict.

So unfortunately what often happens in peace processes or conflict scenarios is that the neighborhood very much influences whether peace lasts and whether peace develops into sufficiently robust and stable development that mitigates the drivers of conflict. The last thing Colombia needs is that excruciating instability and excruciating human suffering that's taking place in Venezuela. Now, Colombia has no chance to move away. They obviously have to deal with the predicament they are in, but it's clearly very severely complicating factor for implementing the peace deal.

DEWS: And in the midst of all these factors that we've just been talking about, Ted you also write in your report that the Duque administration is sending "mixed signals" about its willingness or its commitment to implementing fully implementing all aspects of the accord. Why would it be sending mixed signals instead of just being totally committed to implementing this accord?

PICCONE: Well, as I pointed earlier to the coalition behind Duque, their very strong views within that coalition against the peace accords led in particular by the former President Uribe. So he has to deal with that by deflecting, derailing, avoiding, delaying.

On the transitional justice front, there's been a lot of attacks on the Truth Commission. There is an additional special jurisdiction for peace which is the body of judges that will actually hear and decide and administer punishment for the worst cases of human rights abuses. There's a lot of concern within the military in particular about that body because there were serious human rights violations committed by military leaders, and there are questions about command responsibility. And we're talking about now very high level officials, both military and civilian, who are quite worried that they're going to be indicted and tried and punished for these crimes. So there is opposition. They want special treatment. They wanted a separate process. Duque played around with that. He vetoed portions of the transitional justice law which was a key step toward implementation of this. It's taken them a long time to get through all that.

But finally the systems seem to be up and running. The Duque administration is worried about costs. They keep saying, well you know this is going to cost a lot of money. It can take much longer than we thought. And so there is that dynamic as well. But it might be okay if the international community remains very involved putting pressure, monitoring, verifying, staying on the ground. You do have a U.N. Security Council process that is on top of this and a rather large presence of U.N. officials on the ground. So, this may be the ingredient. I hope the U.S. will stay positively engaged as well.

DEWS: What is the U.S. engagement in this process? What does that look like?

FELBAB-BROWN: Well lately, unfortunately, it has not been very helpful. Certainly during the negotiating phase in Havana the U.S. played a very important, quiet, but very

supportive and important role. The U.S. has a very big influence over the government of Colombia.

Since the Trump administration came to power their predominant focus has been on cocoa and cocaine flows into the United States. President Trump often mixes cocoa and cocaine with the opioid epidemic. There are complex connections, namely that increasingly fentanyl, which is an opioid synthetic opioid, is being mixed into cocaine, which is causing massive amount of overdoses that are classified as cocaine overdose although there is fentanyl mixed into that. And the president brings that up and demands that Colombia needs to aggressively eradicate. A year ago he even threatened that Colombia would be decertified, which would be very bad for Colombia, but would be decertified for not complying with U.S. counterterrorism counternarcotics wishes. So the Trump administration has really been just focused on two issues: cocoa and then Venezuela and Colombia's role in Venezuela. That's not helpful.

But you know, that's at the level of the White House. There is of course a very deep and extensive knowledge in the U.S. State Department and other agencies with Colombia, deep ties in State and Pentagon—people, officials, former officials like Ted who worked on the issue for a long time. So there is deep intimate knowledge, commitment, connections. Same also in the Congress that are sort of mitigating against just this narrow focus on cocoa and eradication only.

I would add here that the issue of how President Duque is positioning himself and what kind of policy he embraces and others which he wants to change or boycott also have to do with Colombia's October elections. Colombia is having local elections at the municipal level, at the provincial level. And that will be very significant. The Colombian people can give a very important endorsement to the peace process by electing officials who want to

implement, or they can really give a very significant impediment to the implementation by electing people who are associated, for example, with the *bandes criminales*, or who are deeply conservative, associated with larger land-owning families.

And the local elections of course get much less visibility than the presidential ones. But I would say they are really fundamental in what happens in Colombia in the next four or five years in the immediate term, and a great opportunity for good implementation and many, many risks of how the peace process might suffer death by a thousand cuts, by implementation in a setting where of course the local government capacity in Colombia is much weaker than the national government capacity. There is enormous bifurcation in skills, resources, and the ability to get anything done on the ground that's in Bogota versus what's in a *municipio* or somebody in that outcome for example.

DEWS: I want to close this conversation with what I hope is a hopeful note and ask you both to reflect on some of the successes of the peace accord and what you hope might happen in the coming months, in the coming years with implementation.

PICCONE: Well I think the parties and the implementers need to be given the space to do their job and the resources to do it. And both of course principally Colombia national resources, but international support as well. I think that's critical. There's some good early days but sustaining that is difficult. The transitional justice process has gotten quite politicized. So that is my concern that that will die a death by a thousand cuts. But it's essential, it's indispensable to the peace process. So they need to carry that forward.

Now, one concern I have is that the judicial process for peace is scheduled to go 10 years. Now that raises concerns for me. Like that's not so much a transitional peace process, that's really going to compete against the ordinary justice system. So I see some tensions there that they have to navigate. I think if they can really get rural development going and

make it as inclusive as possible that will be a big breakthrough. This is, at the end of the day, all about state presence in the country which has been absent ever since Colombia was created. They've never solved that problem. And this is a great opportunity for them to at least extend the presence of the state meaning civilian institutions, security institutions, rule of law. And I think if they can bend it where the predominant trend is in favor of the more stable state presence you'll have a sustainable peace.

DEWS: Well I want to thank you both for this very fascinating and important conversation. I've certainly learned a lot. I know our listeners will as well.

FELBAB-BROWN: Thanks Fred.

PICCONE: Thanks for having us.

DEWS: You're very welcome. You can find the report by Ted Piccone, "Peace with justice: The Colombian experience with transitional justice," on our web site, brookings.edu also follow the work of Ted and Vanda Felbab-Brown on our web site as well.

The Brookings Cafeteria podcast is the product of an amazing team of colleagues, starting with audio engineer Gaston Reboredo and producer Chris McKenna. Bill Finan, director of the Brookings Institution Press, does the book interviews and Lisette Baylor and Eric Abalahin provide design and web support. Finally, my thanks to Camilo Ramirez and Emily Horne for their guidance and support.

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Until next time, I'm Fred Dews.