

Submitted Testimony by

José R. Cárdenas

**Former USAID Acting Assistant Administrator
for Latin America and the Caribbean,
Former National Security Council Official**

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**“Assessing the Colombia Peace Process:
The Way Forward in U.S.-Colombia Relations”**

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Mr. Chairman, Ranking Member Menendez, distinguished members of the subcommittee, it is an honor and privilege to appear before you today to discuss the critical issue of the Colombia Peace Process and its implications for U.S. policy.

The U.S.-Colombian strategic partnership has been one of the most successful U.S. foreign policy initiatives since the end of the Cold War. A country that was bordering on failed-state status in the late 1990s is once again being hailed as a stable, vibrant democracy. But the narrative of Colombia as a success story should not breed complacency about the serious challenges the country continues to face.

President Juan Manuel Santos surprised both Colombians and the international community in 2012 by announcing his intention to enter peace negotiations with the narco-terrorist FARC (*Fuerzas Armadas Revolucionarias de Colombia*), whose five-decade war against the Colombian state had resulted in some 260,000 deaths of Colombian citizens, with seven million displaced and another 60,000 unaccounted for. After four contentious and controversial years of negotiations held in Cuba, an agreement was struck on September 26, 2016.

On paper at least, Colombia is now at peace. For millions of people in the areas of past conflict, life has improved in tangible ways. However, serious questions remain about the longer-term prospects for peace in Colombia and the underlying issues that have plagued Colombia. Burdened as the process is by the lack of a political consensus, an untrustworthy partner in the FARC, continued organized criminality and violence perpetrated by remaining criminal groups and FARC dissidents, and a politically weak lame duck president, to consolidate the

achievements of a decade of U.S. support it is imperative that we target the significant challenges of establishing a real and lasting peace.

A DIVIDED COUNTRY

Colombians overwhelmingly support peace for their country; but they are divided as to how much they are willing to concede in order to achieve it, as was demonstrated by the October referendum on the accord. Those divisions and concerns were never fully addressed and now continue to divide the country as it approaches the 2018 presidential elections. Many believe that the agreement grants FARC leaders impunity by not demanding more justice and accountability for their long record of crimes against the Colombian people.

The arrogant attitude adopted by the FARC throughout years of negotiations and continued since reaching the accord aggravated this sentiment. FARC leaders never evinced any real remorse or contrition for their crimes, acting instead as though they were fully justified in their actions and on the same moral plane as the government. Many Colombians believe that the FARC changing from camo to civilian dress signifies not a renouncement of their Marxist Leninist aims, but merely a change of tactics to make use of electoral democracy to achieve their objectives.

Yet even the most vocal opponents of the accord talk about the need to preserve the accord and address its problematic elements during the implementation rather than simply discard it.

Perhaps the most controversial provisions in the agreement relate to transitional justice, or to how FARC leaders accused of genocide and other war crimes will be held accountable. Critics are indignant that the accused can avoid jail time by confessing before a special tribunal (separate from the Colombian judicial system) and being sentenced to “restricted liberty” to be served out specially designated geographic zone (about the size of a rural hamlet or urban neighborhood) rather than in prison. To assuage concerns of a developing a “parallel” judiciary, the deal will limit the tribunals to ten years’ operation and all cases before them must be presented within the first two years. Additionally, tribunal decisions may be appealed to the country’s constitutional court.

Another particular contentious point is the guarantee of political representation for the FARC in the Colombian Congress: a minimum of five seats in the House and five in the Senate for two legislative periods. Former President Álvaro Uribe, now

a Senator and leader of the organized opposition to the accord, had argued that those convicted of crimes against humanity should be barred from holding public office (as had Human Rights Watch), but those demands were not accepted. According to Santos, “The reason for all peace processes in the world is precisely so that guerrillas leave their arms and can participate in politics legally.”

The status of the FARC’s financial assets is also a point of major concern. According to the Colombian Defense Ministry, the FARC made as much as \$3.5 billion a year from its involvement in drug-trafficking, illegal mining, kidnapping, and extortion. Opponents of the deal feared that the FARC would hide those funds for later use in political campaigns and bribery. The revised agreement requires an “exhaustive and detailed” accounting of the FARC’s financial assets, which must be turned over to the government to pay for reparations for victims of the conflict.

Despite those principal revisions, however, critics are still not mollified. Nor were they reassured when the Santos government bypassed another referendum and immediately sent the revised agreement to congress, where Santos’ coalition controls both houses. (Some 30 lawmakers allied with Uribe protested by walking out of Congress right before the vote; hence Santos’ unanimous victory.)

Yet, beyond every dot and dash in the 300-page agreement lies a more fundamental problem for securing the peace. That is, the Colombian people’s profound lack of trust in the FARC as an honest interlocutor. Quite simply, they have seen this movie several times before, and it always ends the same: with FARC duplicity. This continued distrust and hatred poses a serious challenge to the reintegration of guerrillas into society.

Thanks to the FARC’s 50-year record of murder, kidnapping, extortion, and (later) drug trafficking, it is difficult to overestimate the animus the Colombian people have for the group. According to a Gallup poll in May, 82 percent of Colombians have a negative opinion of the FARC. Genuine peace would require the FARC to take dramatic steps to overcome the deep suspicions with which Colombians view them, so that they might see them as legitimate political actors in South America’s oldest democracy. The burden for this is not on the Colombian people or the government. The FARC leaders must show that they are truly committed to peaceful reintegration and acknowledge the terrible suffering that their actions have put the country through. Until that happens, the FARC might never earn broad acceptance as a bona fide political force.

CHALLENGES TO IMPLEMENTATION

The FARC's estimated 7,000 foot soldiers have moved into 27 specially designated zones around the country, where they are reportedly relinquishing their weapons to a U.N. verification force — although it is important to point out that they are only turning in weapons they self-reported to the government and U.N. Numerous weapons caches are being seized by U.N. officials, but more than half of those reported to officials remain hidden and we can assume that many more have not been reported.

Additionally, coca cultivation has exploded and Colombia is now producing more than ever before. According to the latest numbers from the U.N., cocaine production in 2016 increased by 34% from the year before while coca cultivation increased by 52%.

The peace accord's implementation will be undermined by continued criminality in Colombia. It is important to note that the demobilization of thousands of FARC guerrillas does not mean the end of conflict and criminality in Colombia. As a recent report from the American Enterprise Institute explains, major organized criminal groups such as the ELN and the paramilitary *Clan del Golfo* continue to engage in drug and human trafficking, illegal mining, and kidnapping while perpetrating attacks against military and civilian targets. These groups are also actively seeking to reoccupy the spaces left by the demobilization of the FARC.

Furthermore, the worrying appearance of supposed FARC “dissidents” portends a direct continuation of the FARC's criminality, albeit with a reduced capacity. The existence of an organized FARC dissident group with hundreds of members also raises serious concerns about the possibility of remaining ties — including financial relationship — between the FARC political movement and “dissidents” who remain engaged in lucrative criminal activity.

Problems from the government's fulfillment of the accord have also sparked complaints from the FARC. These complaints range from insufficient food and supply deliveries in the demobilization zones to the lack of progress on the release of guerrillas jailed prior to the accord.

That any process as complex and controversial as this would be subject to fits and starts, progress and reversal, unplanned complication after unplanned complication

is not surprising. Still, the Santos government hasn't always appeared adequately prepared for contingencies and other problematic developments, raising questions about its capacity to manage the implementation phase. These challenges have continued into the implementation phase with controversies, delays, and multiple accusations of a failure to adhere to the agreement coming from all sides. The FARC can be counted on to game the situation to its advantage at every turn to increase their political power. The Colombian government will continue to require strong support and accountability from the United States and the international community to ensure the implementation goes as smoothly as possible.

THE U.S. ROLE

As Latin America's fourth largest economy and the largest recipient of U.S. assistance, what happens in Colombia matters to the United States. Under both Republican and Democratic administrations, Washington has provided more than \$10 billion in aid to Colombia since 2000 to combat drugs and drug-related violence. Colombia has also become a key ally in the fight against transnational organized crime throughout the region.

The Obama administration supported the Santos government throughout the negotiations with the FARC, pledging some \$400 million in further assistance under a new framework called Paz Colombia (Peace Colombia) to help implement the peace plan, including the demobilization of guerrillas, demining, and expansion of alternative development and good governance programs in the conflict zones.

In a May 2017 meeting with President Santos, President Donald Trump affirmed his willingness "to assist Colombia's strategy to target and eliminate drug trafficking networks, illicit financings, coca cultivation, and cocaine production, of which there is far too much." He also noted, however, he was "highly alarmed" by the reports of record highs in coca cultivation and cocaine production, "which, hopefully, will be remedied very quickly by the President. We must confront this dangerous threat to our societies together."

With so much blood and treasure invested in Colombia by the United States over the past 15 years, we have a significant stake in what happens in this strategic ally. Some of us may have deep reservations regarding President Santos's decision to seek peace with the FARC, but we recognize that the United States has no choice but to remain fully engaged with the Colombian government to ensure the implementation goes as smoothly as possible. We simply cannot allow the agreement to undermine long-standing U.S. counter-narcotics efforts in Colombia.

Congress and the Trump administration are right to be circumspect about dramatically increasing aid to Colombia amidst the uncertainty surrounding the deal's implementation. Both should recognize the need to secure the peace so that the hard-fought gains of the past decade are not lost. There will remain profound suspicion of the FARC demanding heightened oversight of U.S. assistance to ensure that it is used creatively and purposefully on behalf of Colombian efforts to develop self-government and licit economies in areas once controlled by the FARC.

The United States should also continue to provide robust intelligence and technical assistance monitoring FARC leaders — not to mention assisting Colombia in helping to uncover FARC assets hidden abroad — to ensure they are complying with their commitments to abandon criminal activities and are not otherwise playing a double-game. Congress might want to consider the need to provide additional authority that any recovered FARC assets could be allocated to U.S. security and economic assistance to Colombia and other countries impacted by this criminal activity. The U.S. should also assist in the fight against other drug trafficking groups such as the ELN. There is also some concern that the Colombian government has not provided adequate funding to ensure that its military has the capacity to confront criminal bands and residual guerrilla groups.

Conclusion

In short, the United States' common cause should be with the millions of Colombians who also have deep reservations about peace with the FARC, but are willing to try one more time. There is much yet to be done. It will require that the Colombian government accomplish things it has never achieved in its history: for example, establishing a government presence throughout its entire territory, including in regions previously controlled by the FARC. Providing marginalized Colombians with government services and economic opportunities will spell the success or failure of an enduring peace. Developing infrastructure, creating markets, building schools and clinics, and modernizing and strengthening local governance — for example, with the type of programs carried out by the International Republican Institute and the National Democratic Institute — and providing for public security will not be cheap; Colombian estimates place the cost at some \$30 billion. It will also not be accomplished overnight.

Yet this is what is ultimately necessary to achieve a lasting and durable peace in Colombia. For 50 years, the FARC has recruited or kidnapped young people on the margins of society. Protecting and empowering these people by securing their

local communities, providing alternative ways to prosper, and giving them a stake in their country's future will, in the end, do more to ensure domestic peace than 1,000 Nobel Peace Prizes. But first you have to reach them, and that requires a disarmed and demobilized FARC no longer in a position to spoil the effort.