

Colombia's New Presidency and the Protection of Social Leaders

Written by Jan Boesten and Annette Idler

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JAN BOESTEN AND ANNETTE IDLER, AUG 18 2018

In his first speech as Colombian President, Iván Duque focussed on upholding legality, pledging to confront new criminal groups and protect the rights of victims to the truth and non-repetition. Crucially, he said: “Legality means defending the lives of all Colombians and protecting the integrity of political leaders, social leaders, and our journalists” His pledge to defend activists from the ensuing violence is not only timely, but urgently necessary. Over 300 have been murdered in the last two years. Still, the peace process with the FARC remains an opportunity of historic proportions to change these dynamics. Making the most of this once-in-a-lifetime chance is contingent on protecting the rights of those peacefully participating in determining the country’s political future. The incoming President of Colombia can begin his term with a comfortable mandate from Colombians. Fifty-two percent of Colombian voters elected Iván Duque to become the new President of Colombia. His opponent, former M-19 guerrillero and ex-mayor of the capital Bogotá, Gustavo Petro, received forty two percent of the votes.

Securing sustainable peace should be on top of the new government’s agenda. Duque is the first elected President after the approval of the historic peace treaty with the FARC yet, during the campaign, the debate focused to a large extent on corruption, political clientelism, the economy, and Venezuela rather than on the peace process with the FARC. Indeed, if it was discussed, the peace process was politicised as an outcome of the sharp left-right political divide that marked the elections so that some even feared that the new administration may try to undo the peace agreement. Nonetheless, the chances of doing so were rather limited in any event. As outgoing President Santos affirmed in an interview with CNN Español, the treaty itself is anchored in numerous Security Council resolutions and the President of the Constitutional Court confirmed in an interview with Colombian daily El Tiempo that the stipulations of the accord are consecrated as constitutional norms. Altering these requires another constitutional reform, but bringing a reform of such magnitude to its conclusion requires substantively investing political capital with very uncertain results. Politically, it requires majorities in Congress that are simply not there. Even some of the peace deal’s harshest critics in Congress have voiced opposition to a new reform process. Finally, the country’s highest Court would have the final say on the constitutionality of such a reform. Mario Cajas, legal scholar at the Universidad ICESI in Cali, confided in an interview with us that the Court would likely disallow such a reform since the constitutionally embedded peace accord dictates an implementation period of 15 years.

The more immediate danger to a *lasting* peace is not a direct fatal blow to the treaty and its norms but its demise by inaction. This hazard is not entirely new. Already during the last year of the Santos government, progress in effectively implementing the accord was miniscule and challenges have been accumulating: investments for demobilized fighters gathered in specified zones were not forthcoming, crop substitution programmes are only functioning sub-par, and activists are assassinated in the hundreds (311 social leaders were assassinated between January 2016 and June 2018). In short, the implementation of the peace treaty was already facing serious difficulties; further inaction could effectively render it moot.

In this melange of challenges, a return to a full-scale armed conflict with the FARC is unlikely, but other continuing and new threats attached to Colombia’s changing security landscape have become more acute. Other armed groups are already attuning to the new context and making their presence felt. In key areas for the implementation of the peace treaty, homicides have gone up in the first months of 2018. In the previous year, in which the lowest national

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average in four decades has been recorded, the security situation in those areas had already been more fragile. It is now deteriorating and this violence hits social leaders the hardest. They are witnessing the reshuffling of armed actors in close proximity with a profound sense of uncertainty. As our research shows, while there is an evident improvement in the overall parameters measuring security, marginalized regions are experiencing a reconfiguration of non-state order, that is, a change in who controls which territory and how. This generates uncertainty and deepens insecurity, resulting in widespread fear. Certain sectors of the country are again beginning to see widespread displacement of civilians by violent non-state groups. Finally, the massive influx of Venezuelans who escape the political and socio-economic crisis in neighbouring Venezuela places heavy social and economic burdens on precisely those border regions that are already suffering from violence and uncertainty.

In a LASA Forum dossier put together by the CONPEACE team at the University of Oxford we explore these challenges that come along with the changing security landscape in post-agreement Colombia. We brought together perspectives from politicians, academics, and social leaders on the most pressing and contentious issues in the post-accord context – specifically for rural zones most affected by the armed conflict. Through the discussions, it became clear that the peace accord “buys time for the government to ‘enter’ rural Colombia without having to shoot its way in, and to provide the rule of law and other public goods that all states are supposed to supply.” There was also consensus that this can only be done if the government fully incorporates social leaders and affected communities into the state’s institutionality by supporting and protecting civic institutions that give the marginalized areas a voice. Inaction to address these grievances, would not only squander a historic opportunity, but almost certainly create new, severe, hardships in those areas already affected by the violence. After almost six decades of violence, hundreds of thousands dead, and millions displaced that would truly be tragic.

Therefore, President Santos is right to call on his successor to do everything to protect social leaders. It is equally assuring that President Duque’s pledge to uphold legality includes social leaders’ rights to assemble and mobilize and journalists’ rights to investigate and publish. These words need action now. Past peace processes in Colombia centered on establishing military presence as the panacea to countering deficient state presence; often at the expense of civilian institutional presence. Yet a stable peace requires reversing these historical patterns and bolster civilian state presence. This does not require creating institutions from scratch, but incorporating and reinforcing those councils and standardized practices that community leaders have developed over years of state neglect and exposure to armed actors. Where historical state absence has led to an influx of armed actors, it was civil society organizations that developed mechanisms to protect themselves. The new government can benefit from their expertise. It can give them a central role in the process of bringing state institutionality to Colombia’s marginalized regions that have historically witnessed the most atrocious forms of violence. This is an opportunity for the new government to not only make one of its first, but also most long-lasting, contributions to sustainable peace to Colombia.

Notes

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About the author:

Jan Boesten is a postdoctoral research fellow in the From Conflict Actors to Architects of Peace: Promoting Human Security in Colombia and Internationally project. He earned his PhD at the University of British Columbia in Vancouver with a dissertation on the Colombian Constitutional Court and its decision to curtail constitutional reform. His interest is situated at the intersection between political theory – legal theory and theories of social trust – and comparative politics. He has worked on the effects of violence and the privatization of security on political institutions – both from an empirical and theoretical point of view. His work has appeared in Colombian journals such as *Revista Colombia Internacional* and *Precedente: Revista Jurídica*, as well as *LARR* and *LASA Forum*. He is currently working on a book project on the transformative power of courts in Colombia, conceiving of the institutional context through

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the lens of discursive institutionalism, as well as the validity of understanding Latin American regime trajectories as forms of competitive authoritarianism rather than defective democracies.

Annette Idler is the Director of Studies at the Changing Character of War Centre, and Senior Research Fellow at Pembroke College and the Department of Politics and International Relations, University of Oxford. She also directs the From Conflict Actors to Architects of Peace (CONPEACE) project. Dr Idler's work focuses on the interface of conflict, security, transnational organized crime and peacebuilding. She is particularly interested in the role that diverse types of violent non-state groups play in changing security landscapes. Drawing on ethnographic methods in her research, over the past decade, she has conducted extensive fieldwork in and on the war-torn and crisis-affected borderlands of Colombia, Ecuador and Venezuela, including more than 600 interviews with local stakeholders. Her book *Borderland Battles: Violence, Crime, and Governance at the Edges of Colombia's War* is forthcoming with Oxford University Press; her work also appeared in journals such as *Stability: International Journal of Security and Development* and *Perspectives on Terrorism*.