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# Territorial Peace: Development and Governance in the Colombian Post-Conflict Scenario

Seed of Hope from the Cauca Region

Author: Catalina Meléndez

Supervisor: Felipe Gómez Isa





# **TERRITORIAL PEACE: DEVELOPMENT AND GOVERNANCE IN THE COLOMBIAN POST-CONFLICT SCENARIO**

**SEEDS OF HOPE FROM  
THE CAUCA REGION**

**CATALINA  
MELENDEZ**



# ACKNOWLEDGEMENTS

This master has been one of the most gratifying and challenging journeys of my life. Every step has been taken with all my love because, more than a profession, I have been following a deeper voice, a deeper call. I have never lived in a peaceful country, but I do believe that the collective effort seeking a better future in Colombia will finally achieve its aim. I present this research as a wish, as a possibility, as a dream. I want to honor the courage of the Colombian people, who have faced the unknown in the arduous quest for peace.

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# ABSTRACT

The Concept of Territorial Peace, introduced by the High Commissioner of Peace, Sergio Jaramillo, during the peace talks between the Colombian Government and the Revolutionary Armed Forces of Colombia -FARC- has boosted the discussion on peacebuilding in the country. First, it has confirmed the necessity of assuming a differentiated approach for the implementation of policies for peace, according to the spatial, temporal, geographical, economical, political and cultural heterogeneity of the territories. Second, it has emphasized that peace goes beyond than stopping the war and that it is urgent to solve the structural causes of it, rooted in the agrarian question, inequality, and deprivation of fundamental rights. Third, it has highlighted the need for recognizing local initiatives to build a new alliance between the State and the communities through the active participation and construction of peace from below.

The development of this concept during the first days of implementation of the Peace Agreements in one of the most intricate and vulnerable departments of the country, Cauca, showed the complexity of putting those ideas into practice. However, in the midst of the challenges and obstacles, great potential has been identified at the local level, as well as expectations and hopes on its progress. The work carried out by civil society organizations has created alternative institutions that should be the basis to work in a joint proposal for the future. Territorial Peace is thus a window of opportunity for peace, development, and democracy, assuming government and society commitment with what has been agreed and achieved until now.

**Key Words:** Territorial Peace, Transitional Justice, Peacebuilding, Territorial Development, Participation, Governance, Colombia, Cauca.

# LIST OF ABBREVIATIONS

<b>ACIN</b>	<i>Asociación de Cabildos Indígenas del Norte del Cauca</i>	Indigenous Councils' Association from the North of Cauca
<b>ACIT</b>	<i>Asociación Campesina Inzá Tierradentro</i>	Inzá Tierradentro Peasant Association
<b>ACONC</b>	<i>Asociación de Consejos Comunitarios del Norte del Cauca</i>	Community Councils Association from the North of Cauca
<b>ADR</b>	<i>Agencia de Desarrollo Rural</i>	Rural Development Agency
<b>ANT</b>	<i>Agencia Nacional de Tierras</i>	National Lands Agency
<b>ART</b>	<i>Agencia para la Renovación del Territorio</i>	Agency for the Renewal of the Territory
<b>AUC</b>	<i>Autodefensas Unidas de Colombia</i>	United Self-Defense Forces of Colombia
<b>BACRIM</b>	<i>Bandas Criminales</i>	Criminal Bands
<b>CDA</b>	--	Conflict-Related Development Analysis.
<b>CNMH</b>	<i>Centro Nacional de Memoria Histórica</i>	National Centre of Historical Memory
<b>CRIC</b>	<i>Consejo Regional Indígena del Cauca</i>	Cauca's Regional Indigenous Council
<b>CSIVI</b>	<i>Comisión de Seguimiento, Impulso y Verificación a la Implementación de Los Acuerdos</i>	Implementation, Follow-up, Verification of the Implementation of the Final Agreement Commission
<b>CTP</b>	<i>Consejos Territoriales de Planeación</i>	Territorial Planning Councils
<b>ELN</b>	<i>Ejército de Liberación Nacional</i>	National Liberation Army
<b>FARC</b>	<i>Fuerzas Armadas Revolucionarias de Colombia</i>	Revolutionary Armed Forces of Colombia
<b>FIP</b>	<i>Fundación Ideas para la Paz</i>	Ideas for Peace Foundation
<b>FNA</b>	<i>Fondo Nacional Agrario</i>	National Agrarian Fund



<b>GAO</b>	<i>Grupos Armados Organizados</i>	Organized Armed Groups
<b>GAPD</b>	<i>Grupos Armados Postdesmovilización</i>	Post-Demobilization Armed Groups
<b>IAHR</b>	--	Inter-American Commission on Human Rights
<b>IEI</b>	<i>Instituto de Estudios Interculturales</i>	Intercultural Studies Institute
<b>MAPP/OAS</b>	--	American States Mission to Support the Peace Process in Colombia
<b>OACP</b>	<i>Oficina del Alto Comisionado para la Paz</i>	Office of the High Commissioner for Peace
<b>PAI</b>	<i>Planes de Acción Inmediata</i>	Immediate Action Plans
<b>PCC</b>	<i>Partido Comunista Colombiano</i>	Colombian Communist Party
<b>PDET</b>	<i>Programas de Desarrollo con Enfoque Territorial</i>	Development Programmes with Territorial Focus
<b>PEDENORCA</b>	<i>Plan Estratégico para el Desarrollo del Norte del Cauca</i>	Strategic Development Plan for the North of the Cauca
<b>PISDA</b>	<i>Planes Integrales comunitarios y municipales de Sustitución y Desarrollo Alternativo</i>	Comprehensive Substitution and Alternative Development Plans
<b>PNCRT</b>	<i>Política Nacional de Consolidación y Reconstrucción Territorial</i>	Consolidation and Territorial Reconstruction Policy
<b>PNIS</b>	<i>Programa Nacional Integral de Sustitución de Cultivos de Uso Ilícito</i>	Program for the Substitution of Crops Used for Illicit Purposes
<b>RRI</b>	<i>Reforma Rural Integral</i>	Comprehensive Rural Reform
<b>TCA</b>	<i>Territorio Campesino Agroalimentario</i>	Peasant Agri-Food Territory
<b>UP</b>	<i>Unión Patriótica</i>	Patriotic Union
<b>ZVTN</b>	<i>Zonas Veredales Transitorias de Normalización</i>	Transitional Local Zones for Normalization
<b>ZRC</b>	<i>Zonas de Reserva Campesina</i>	Peasants Reserve Zones

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# INTRODUCTION<sup>1</sup>

Colombia is facing one of the most challenging journeys in its history. The demobilization of the strongest guerrilla group, *Fuerzas Armadas Revolucionarias de Colombia* [Revolutionary Armed Forces of Colombia] -FARC- in the country, and the signing of the ‘General Agreement for the Termination of the Conflict’ in November 2016 constitute the first step towards the construction of a stable and lasting peace. The concept of Territorial Peace is both a practical and a theoretical way to assume peacebuilding in the country. First, it challenges the existing decentralization model, highlighting the need for a differentiated approach in the implementation of policies for peace, according to the spatial, temporal, geographical, economical, political and cultural heterogeneity of the territories. It considers the impacts of the war that are also different depending on the characteristics of the region. Second, it recognizes that peace goes beyond stopping the war and that it is urgent to solve its structural causes, rooted in the agrarian question, the inequality, and the deprivation of fundamental rights. Third, it highlights the need for recognizing local initiatives to build a new alliance between the State and the communities through the active participation and construction of peace from below.

This progressive focus on peacebuilding and the content of the six Items of the Havana Agreement are a significant contribution to social transformation and the quest for peace. However, its implementation faces an enormous number of challenges, as the presence of armed groups threatening the security of communities, the strong opposition which is preparing its political agenda

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<sup>1</sup> Please note: where documental sources and interviews are cited in Spanish, all translations are made by the author, and cited in their original texts and pages.

for the 2018 democratic elections, and a full array of actors with contested interests over territorial planning and development policies.

The main objective of this paper is to analyze the development of the Territorial Peace concept in one of the most vulnerable regions of the country, the department of Cauca, through the identification of its obstacles, encounters, and potentials during the first 180 days of implementation of the Agreement. Within a broader scope of an analysis of the present situation, it will have a special focus on the perception of civil society actors, their capacities to participate in this process, and the special requirement to harmonize policies and actions in the local context. Even if it will identify the obstacles to the development of Territorial Peace, this paper aims to recognize the opportunities and steps forward of the region, which should expand the possibilities for peace in Colombia.

The first chapter will frame the concept of Territorial Peace from an academic perspective, within three categories that will be the main guiding lines of the analysis. For the first component, *Transitional Justice and Peacebuilding*, the theories of moral imagination of Jean Paul Lederach, and the typology of violence of Johan Galtung will frame the concept of peace. The idea of transformative reparations of Rodrigo Uprimny will also be considered pertinent to understand the focus of Transitional Justice in the Colombian context. The second one, *territorial development*, will be defined through the Colombian definitions of rural development, bearing in mind the particularities of the agrarian question. The concept of Human Development by UNDP will also be used to explain the three core sub-categories: territorial planning and conflict of the land, economic plans for development and basic needs fulfillment. Finally, *participation and governance* will use the main developments of the theories of peacebuilding from below to identify mechanisms and scenarios as a clue for social recognition and the construction of a new democracy which breaks the relationship between politics and arms.

The second chapter will present an analysis of the conflict through the identification of structural and immediate causes, to understand local dynamics during the execution phase. This section will give a brief description of the interests of the key actors at the present moment and of what has happened at the national level.


The third chapter will analyze the development of the three core elements of Territorial Peace during the first 180 days of its application in the department of Cauca. The region was selected as a case of study because of its complex dynamics and other significant factors that allow understanding the territorial dimension of peace. First, is one of the departments that have been most affected by the armed conflict, given its strategic position and its geographical diversity which facilitate the presence of illicit economies chains.



Second, it is a region historically controlled by the FARC and nowadays by other guerrillas and armed criminal bands. Moreover, it has a powerful social movement defined by multicultural and multiethnic organizations, which are traditional institutions that have filled the vacuum left by State absence. Thus, the Cauca region will enrich the analysis with its different sources of obstacles and challenges, but also because of its very rich responses and the potential for peace.

While drafting possible blending between barriers and potentials in an ongoing process, it will be possible to enrich the knowledge of Territorial Peace as a concept. Also, to challenge its application in a specific context, based on the perception and expectations of people, can be useful to determine its pertinence and limits, and to outline some possible recommendations or ways forward for the future.

This research pretends to open the debate about the territorial and decentralized way to implement peace efforts. It is important to clarify that the identified situation will progress and change very fast, but that the contributions pretend to be useful in the medium and long terms. Also, that the research is based on the perception of the organizations that were interviewed, with a broader analysis of policies, documents, and literature. However, it does not contain all the initiatives, proposals and potential of the department. On the contrary, it is just a small example of what the region has done. Without assuming away the voices that are not included in this thesis, the aim is to re-open the debate and the possibilities to further theoretical and practical analysis of Cauca and other regions, to visualize possible future scenarios and to act in the direction of a national quest for peace.



“ The energy of peace  
is needed to achieve the  
transformation of the conditions  
that have kept the conflict alive  
for more than 50 years. ”

-Sergio Jaramillo-

# CONCEPTUAL FRAMEWORK: TERRITORIAL PEACE

## 1. METHODOLOGICAL APPROACH

The primary objective of this paper is to analyze the development of the concept *Territorial Peace* in the department of Cauca through the identification of its obstacles and potentials during the first 180 days of implementation of the Havana Agreement.

While drafting possible blending between barriers and the potentials in an ongoing process, it will be possible to enrich the knowledge of Territorial Peace as a concept. Also, to challenge its application in a specific context, based on the perception and expectations of people, but also identifying its improvements and obstacles, can be useful to determine its pertinence and limits, and to outline some possible recommendations or ways forward for the future. As Lederach's moral imagination state, beyond the criticisms of the policies or to the process itself, this work aim is to allow people and communities to value their knowledge and capacities to visualize a different future and to act in this direction.

The first challenge in this work is to frame, from an academic perspective, the concept of Territorial Peace, within analytical categories identified in a political and practical discourse. Those categories are the main guiding line: *peacebuilding*, focusing on Transitional Justice mechanisms and, in general, the State compliance with the implementation guidelines; as well, manifestations of the postaccord violence are analysed, focusing on the State capacity to guarantee the security. The second one, *territorial development* is focused on the three core areas described before: conflict of the land, economic plans

for development and basic needs fulfillment. Finally, *participation and governance* identifies mechanisms and scenarios as a clue for social recognition.

The research considered the steps of the ‘Conflict-Related Development Analysis’ -CDA- from the United Development Programme Bureau for Crisis, Prevention & Recovery<sup>2</sup> as follows:

1. An analysis of the conflict, identifying the structural and immediate causes of it, allowed understanding local dynamics. This phase identified obstacles and improvements of the development of Territorial Peace in Cauca.
2. The analysis of the potential to the implementation of the region mapped the ongoing interventions of major players operating in the given setting, about the key issues identified in stage one. The aim of this phase is to recognize efforts and developments done by them, their perception and expectations about the present time, and which can be considered to overcome the present obstacles. At this point, the voice of civil society organizations will be privileged.
3. The contrasting elements from the previous steps allowed to identify ways forward and make some recommendations for the future.

As stated above, the Cauca department was selected as a case of study, because of its complex dynamics and key factors to understand the territorial dimension of peace, which will enrich the analysis for having several sources of obstacles and challenges, but also very rich responses and potentials for peace.

The information was gathered through a review of secondary sources, as theories, policies, previous works on the region and the topic, news and civil society documents. To better understand what is happening on the ground and to know civil society perceptions and opinions of the actual context an intensive collection of qualitative data through individual interviews, focusing on specific categories. The qualitative data was analyzed with the tool Atlas.ti, given categories and subcategories.

The 22 actors interviewed for this purpose were selected by its relevance towards the representation and incidence in the post-conflict scenario in Cauca. The interviews were conducted in three departmental capitals (Bogotá, Cali, and Popayán) and Santander de Quilichao. Some meetings were canceled because of security treasons,<sup>3</sup> and some of them

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2 UNDP. Bureau for Crisis, prevention & recovery, “Conflict-Related Development Analysis (CDA).”

3 During the Research, a big demonstration was carried out. Indigenous peoples and other social sectors went walking from all over the Country to Cali. They were claiming the right to life, because since the implementation begun, the killings of social leaders and Human Rights defenders increased, as it will be analyzed later. During the demonstration, several roads were closed, and the security conditions for the interviewees were difficult. However, during the public audience in Cali, relevant information was collected.

were not recorded for personal protection. The actors that were selected for this purpose were: (See **Annex 1** for the detailed list of the interviewees)

- **Government/FARC (5 interviews)**: Relevant national and local representatives of the government, as the adviser for Territorial Peace and Post-Conflict Institutional Architecture from the Office of the High Commissioner for Peace, the local Offices of Regional Office of the Ombudsman and Victims' in Cauca. Also a member from the Implementation, Follow-up, Verification of the Implementation of the Final Agreement Commission from FARC. Those interviews were fundamental to understand the negotiating parties' position and discourse about the process of implementation, both at national and local level.

- **National Organizations (4 interviews)**: National NGOs and social movements, which work supporting the grassroots organizations from Cauca, as Congreso de los Pueblos, were fundamental to have a broader scope of the social organization in the department, and the view from the region to the national level.

- **Local Organizations (8 interviews)**: Indigenous, Afro-descendant, Peasant and Women local agencies from Cauca were privileged for this study. Their view and work is the center of the analysis and was fundamental to understand the local implementation of the accords, the day-to-day challenges and obstacles, and the great potential of the region in the quest for peace.

- **Experts and Academy (4 interviews)**: The view from specialists and academics, which have had previous experience in research work in the region were fundamental to frame the theoretical and historical approach to this exertion.

## 2. TERRITORIAL PEACE IN THE COLOMBIAN CONTEXT

After four years of negotiations between the Colombian Government and the FARC, and after a contested national plebiscite, the parts finally signed the 'General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace' on November 12 of 2016. It contains six essential Items: Comprehensive Rural Reform, Political Participation, Conditions to the end of the Conflict, Solution to the Problem of Illicit Drugs, Reparation of Victims, and the rules of Implementation and Verification.

Seizing the transition period as an opportunity to develop significant and structural changes for a long-term sustainable peace, the government has introduced a new concept,

*Territorial Peace*<sup>4</sup>, which refers to the decentralized application<sup>5</sup> of peace and development policies. The aim is to respond to specific needs and vulnerabilities in a very diverse territory (because of the geography, peoples, economy, culture, and dynamics of the conflict). Thus, it considers that “the territory has different meanings for the people who inhabit it, depending on their social position, their identity and life project. The territory is conceived as a process integrated by multiple factors, a dynamic composition of aspects.”<sup>6</sup> As analyzed further on, the requirements of the transition period to be sustainable and to ensure the non-repetition of the war, are to harmonize different perspectives of peace and conceptions of development and implement solutions locally. The post-agreement phase is, then, the occasion to “recognize the development of the initiatives from the territories and the need to take a differentiated approach responding to the spatial and temporal heterogeneity of the war, its effects, and its impacts.”<sup>7</sup>

It is relevant to clarify that the concept of Territorial Peace, and the idea of decentralization, does not mean to promote the creation of independent zones, but to identify opportunities at the subregional level and to rethink the interventions at the national level: “the analysis of the territorial dimensions of politics supposes to overcome the subordinate place that is always given to the periphery in the definition of the policies with respect to the center. It is more fruitful to consider the mutual interdependence between the center and the periphery.”<sup>8</sup>

Hence, the analysis of Territorial Peace will examine three principal components, whose interconnection, interdependence and mutual reinforcements are the bases and preconditions for its achievement:



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4 For the first time presented by the High Commissioner for Peace, Sergio Jaramillo, in a Conference at Harvard University about the Peace Process in Colombia, in March 2016.

5 Colombia is a unitary Republic (with a capital district, Bogotá). It is formed by thirty-two departments, which are administrative subdivisions of the national territory and have an elected governor. Departments are formed by municipalities (1.122 all over the country), which are governed by an elected Municipal Mayor.

6 Redes y Organizaciones Impulsoras de los Encuentros Regionales por la Paz, *La Construcción de Paz Desde Los Territorios*, 12.

7 Guzmán, González, and Barrera, *Estrategias Para La Construcción de Paz Territorial En Colombia*, 13.

8 Vásquez et al., *Una Vieja Guerra En Un Nuevo Contexto*, 387.



The first element, *Transitional Justice and Peacebuilding*, relies on the premise that stopping the war is imperative to begin a process aiming long-term objectives of rebuilding the social, political and institutional spheres to activate a profound transformation in communities' lives<sup>9</sup>. Additionally, to ensure measures for truth, justice, and reparation in a comprehensive Transitional Justice strategy which produces satisfaction of all victims' rights and avoid impunity. In the short term, it is imperative to ensure security and the conditions for violence to stop, despite the wave of violence typical of the first period of the transition,<sup>10</sup> and the unavoidable presence of armed actors that still control the territories. This strategy must be included in a broader plan to fulfill Human Rights,<sup>11</sup> where all Colombians will need the "capacity to imagine and generate constructive responses and initiatives that, while rooted in the day-to-day challenges of violence, transcend and ultimately break the grips of those destructive patterns and cycles."<sup>12</sup> To break the relationship between arms and politics is a social and human commitment and a responsibility of all.

The second component, *Territorial Development*, is based on the argument that the roots of armed conflict are institutional incapacity, economic inequality, historical neglect and marginalization of the rural areas, the concentration of land ownership, corruption, and the discrimination of minorities. The armed groups that are still present in the territory, whose principal interests are the possession of land and the exploitation of natural resources, exacerbate these circumstances. Thus, territorial development must be a major discussion in which government programs, local authorities, and communities shall be coordinated in resources, knowledge and budgetary execution<sup>13</sup> to respond to unique needs and enhance local initiatives.

Finally, *Participation and Governance* of the civil society is crucial for the implementation of the Agreement to be sustainable. First, because alternative institutions were created by the civil society to respond to practical and long-term challenges in the regions given the absence of the State agencies and the unstoppable war. Those institutions have nowadays projects and proposals for development and peace which must be considered as part of the new alliance with the government. Second, because the State has a historical debt with indigenous, afro-descendant, peasants and other minority groups, whose voice must

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9 Redes y Organizaciones Impulsoras de los Encuentros Regionales por la Paz, *La Construcción de Paz Desde Los Territorios*, 6.

10 See more of this phenomenon at: Steenkamp, "In the Shadows of War and Peace."

11 Jaramillo, "La Paz Territorial," 8.

12 Lederach, *The Moral Imagination*, 29.

13 Jaramillo, "La Paz Territorial," 4.

be listened as a precondition for peace in a new democracy. Sergio Jaramillo argued that with the centralist model, the State will never ‘arrive’ in a sustainable way to the territories, but that requires “a logic of territorial inclusion and integration, based on a new alliance between the State and the communities to jointly build institutional capacity in the territory. Institutional capacity understood not only as the presence of State entities but as the joint establishment of practices and norms that regulate public life and produce welfare.”<sup>14</sup>

## **2.1. ABOUT THE CONCEPT OF PEACE AND PEACEBUILDING IN THE TRANSITION**

During 60 years of Colombian armed conflict, several attempts by former governments, to negotiate with guerrillas and paramilitaries have met with varying success. In 1984, the government of Belisario Betancur made a peace agreement with the FARC, who tried to accomplish their political goals by legal means, and created the political party *Unión Patriótica* [Patriotic Union] -UP- composed by guerrilla members, militants of the Colombian Communist Party, and other leftist independent politicians. By 1987, violent attacks and assassinations under the plan ‘The Red Dance’<sup>15</sup>, headed by paramilitaries and State members, ended with the declination, extermination, and loss of the legal representative status of the UP in 2002.<sup>16</sup>

This phenomenon of impunity is related to the multifaceted character of the paramilitaries, whose nature is legal/illegal and political/economical. During the war against the communist expansion in the eighties, military, landowners and stockbreeders made alliances with small groups of local self-defence and drug dealers paid killers. After the changes in the Constitution of 1991, the relative autonomy of the regions without the State capacity exacerbated the insertion of armed groups in the local power and ended with the creation of the *Autodefensas Unidas de Colombia* [United Self-Defense Forces of Colombia] -AUC- around 1997. The so-called CONVIVIR, a figure created by the State in 1994 in which the citizens helped the Public Forces to fight guerrilla groups<sup>17</sup>, is related to its double machinery legal/illegal.<sup>18</sup>

From 2001 onwards, the Government received economic and military assistance from the United States counter-terrorism strategy through the ‘Plan Colombia’ to undertake a

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14 Ibid., 6.

15 The plan aim was to exterminate the left wing in the country. See more at: Campos, “El Baile Rojo: Memoria de Los Silenciados.”

16 The Patriotic Union Case is now in a process by the Inter-American Commission number 11.227. After more than 1000 killings, this case has the characteristics of a ‘political genocide’. For more information about the Case, visit [www.reiniciar.org](http://www.reiniciar.org).

17 Repealed by the Constitutional Court afterward because of related Human Rights abuses

18 Vásquez, *Grupos Armados Posdesmovilización*, 36.

process of re-engineering of the Armed Forces with the purpose of facing the guerrilla threat<sup>19</sup>. So, during the administration of Pastrana (1998-2002), another failed effort to negotiate with the FARC was headed, in which neither the guerrillas (that were military strong at this moment) nor the government renounced their strategic objectives.

Then, the Democratic Security and Defense Policy<sup>20</sup> during the government of Álvaro Uribe (two periods 2002-2010), concluded with the weakening of the group both in their military and political force.<sup>21</sup> During this time, the paramilitaries “strengthened their counter-guerrilla methods, attained to reinforce the agrarian development model of agroindustry and big land ownership, and finally, exacerbated the violent structure to exclude social and politic opposition against regional elites.”<sup>22</sup>

Since 2005, Justice and Peace Law, an accord for the demobilization of paramilitary groups implemented Transitional Justice mechanisms to address the massive violations of Human Rights. Notwithstanding the achievements of this process, its justice dimension had many intricacies because of the impossibility to give political status to the group, and because of the improvised process of DDR, in which the demobilization of 31671 combatants without a proper plan for reinsertion, expressed its weakness and gained mistrust at international and national level. After 2006, the big parapolitics scandal (in which the relation of politicians with paramilitaries at regional and local level was confessed by some commanders in the Truth mechanisms), and the continued irregularities during the process, made the control of the economies at the local level a better option for several ex-soldiers. As a result, small groups with different strategies proliferated in the national territory and preserved their anti-communist focus (which makes them ‘enemies of peace’), and their economic ambitions trough the control of illegal economies and the alliance with landowners and businessman (which makes them enemies of restitution of lands, also). Therefore, the paramilitary groups are re-armed with a different structure, as criminal bands, nowadays called *Grupos Armados Posdesmovilización* [Post-Demobilization Armed Groups] -GAPD-, which constitute the biggest challenge for the construction of peace nowadays.

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19 Ibid., 47.

20 The notion of peace of the Democratic Security and Defense Policy directly associated with security: “the rights of Colombian citizens have been threatened mainly by the historical inability of Colombian institutions to assert their authority throughout the country and to provide citizens with continuous and reliable protection against the threat and arbitrary action of illegal armed groups”. So, the strategy for peace was focused on the responsibility of the security and military forces to consolidate territorial control. Arguing that the illegal armed groups were terrorists and drug traffickers, the possibilities to negotiate were narrow.

21 For more details about the FARC history and dynamics of its military strategy see: Pizarro, “Las FARC-EP,” 176.

22 Vásquez, *Grupos Armados Posdesmovilización*, 50.

Despite the failure of the Justice and Peace Law to transform the structural causes of the conflict and to build an efficient justice mechanism after the demobilization, it created several Transitional Justice institutions. In Colombia, the transition ‘without transition’ has been the characteristic of the varying success in the quest for justice, reparation, truth, and non-repetition. However, the creation of The National Centre of Historical Memory, the Victims Unit and the Restitution of Lands Unit are the bases in which the postaccord with FARC will work. The International support for projects of Transitional Justice in Colombia has also helped to make steps forward in the peacebuilding process.

Several authors have been looking ways forward to address structural problems during transition processes in unequal societies. The notion of transformative reparations, introduced by Rodrigo Uprimny, director of DeJusticia<sup>23</sup>, enlarge the scope of the UN Principles<sup>24</sup> for reparation of large-scale gross human rights. It considers that in unequal societies as the Colombian one, to restore the previous situation of the victim is not enough to fulfill their rights (most of the victims were already poor and discriminated before the victimization). To solve this fundamental problem, it proposes to build bridges between reparation and social services, stressing their differences to preserve the specific rights of victims: “it is nevertheless equally important to establish links between reparation efforts and social services programs, without dissolving their specificities, in order to face the paradox of reparation of massive gross human rights violations.”<sup>25</sup> Hence, the reparation plan must include development policies to redress structural problems, that can benefit communities and restore not only the victimization occurred during the armed conflict, but also the discrimination and inequalities they have suffered for decades.<sup>26</sup>

The government of Juan Manuel Santos and the beginning of the peace talks with the main left-wing guerrilla group, the theoretical ground of peace changed in this direction, and the concept of Territorial Peace flourished. First, the government accepted that an armed conflict exists (rather than the presence of terrorist groups threatening the security

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23 Dejusticia is a Colombia-based research and advocacy organization dedicated to the strengthening of the rule of law and the promotion of social justice and human rights in Colombia and the Global South: [www.dejusticia.org](http://www.dejusticia.org)

24 The Basic Principles on the Right to Reparation, defined by the United Nations General Assembly, consider the right to: restitution (to return the victim to his or her previous situation), compensation (economic, for any mental or physical economically assessable damage), rehabilitation (access to medical, psychological, legal and social services), satisfaction (symbolic issues related with collective imaginaries and historical memory) and guarantees of non-repetition (measures that aim to prevent injustices from arising again in the future). UN General Assembly, “Basic Principles on the Right to Reparation.”

25 Uprimny-Yepes, “Transformative Reparations of Massive Gross Human Rights Violations,” 638.

26 Ibid., 639.

and the functioning of democracy) and that the State is an active part of it, in action and negligence. This assumption has a big consequence for the definition of peace, which in this case follows the transformative character.

The definition of peace that Colombia is visualizing is closer to Lederach's concept of moral imagination, which is "the capacity to imagine and generate constructive responses and initiatives that, while rooted in the day-to-day challenges of violence, transcend and ultimately break the grips of those destructive patterns and cycles."<sup>27</sup> Rather than stopping the armed groups control over the territory, what has proposed the Final Agreement has the intention of taking the end of the war as an opportunity to stop the vicious circle of all forms of violence progressively.

Beholding Johan Galtung's typology of violence, for more than 60 years of armed conflict, communities all over the Colombian territory have suffered three types of violence: direct, structural and cultural. In general terms, "violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations."<sup>28</sup> Violence is always avoidable, and it can be seen as an insult to human needs (survival, well-being, identity, freedom), in which its satisfaction is lowered below what is potentially possible.<sup>29</sup>

Galtung defines *direct* violence like the one which has a subject that is hurt (physically or psychologically) and an actor who makes the action. This kind of abuse is easier to recognize, and in an armed conflict can be described as killings, forced disappearances, displacement, torture, or sexual violence. Also, it is defined when there is the destruction of things, which can be an insight into the damage done to indigenous communities when there is the destruction of natural resources.

*Structural violence* is "built into the structure and shows up as unequal power and consequently as unequal life chances. Resources are unevenly distributed, as when income distributions are heavily skewed, literacy/education unevenly distributed, medical services existent in some districts and for some groups only, and so on."<sup>30</sup> The government has recognized that one of the biggest problems to solve in a postaccord context is the rural conditions of extreme poverty, lack of opportunities and weakness of the institutions to regulate public life, and that these circumstances have allowed the violence to

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27 Lederach, *The Moral Imagination*, 29.

28 Galtung, "Violence, Peace, and Peace Research," 168.

29 Galtung, "Cultural Violence," 292.

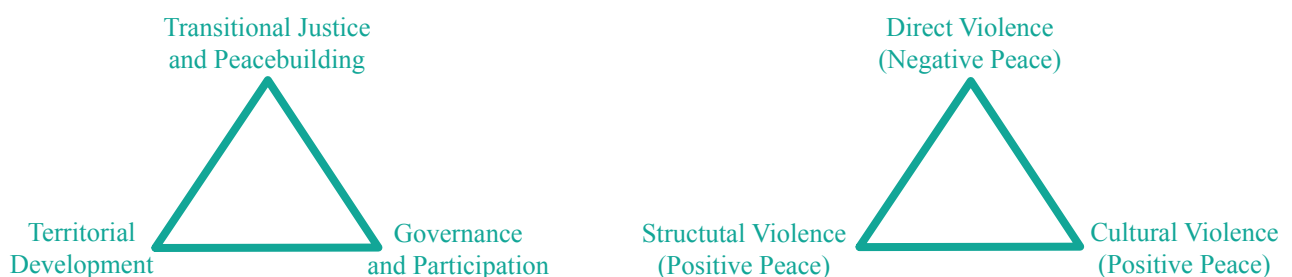
30 Galtung, "Violence, Peace, and Peace Research," 171.

flourish.<sup>31</sup> This structure is composed of a set of systems of interaction, and several actors are involved in the way this violence is affecting the everyday lives of people.

In the third corner of the triangle, the concept of *cultural violence* “highlights the way in which the act of direct violence and the fact of structural violence are legitimized and thus rendered acceptable in society.”<sup>32</sup> It refers to all the aspects of the culture and practices which can normalize or generalize the direct or structural violence against a person or group of individuals. For instance, the past discrimination of indigenous and afro-descendant peoples, in which they have been discriminated and judged as uncivilized, is still nowadays legitimizing their exclusion, marginalization, and poverty.<sup>33</sup>

According to Galtung, violence can start at any corner, and reinforce each other in a vicious triangular syndrome: “with the violent structure institutionalized and the violent culture internalized, direct violence also tends to become institutionalized, repetitive, and ritualistic, like a vendetta.”<sup>34</sup> Given that Colombia is indeed immersed in the triangle of violence, peace should also address those three corners, in a broader scope than the absence of direct violence. A virtuous cycle of peace, given by affirmative action, will lead to progressive social change and will ensure the non-repetition of the conflict.

Conclusively, the triangle of Territorial Peace can be associated with the triangle of the typology of violence (and peace) of Galtung’s theory. Working in these 3 areas together, since they are correlated, a process of peacebuilding through moral imagination can begin: “conflict transformation represents a comprehensive set of lenses for describing how conflict emerges from, evolves within, and brings about changes in the personal, relational, structural and cultural dimensions, and for developing creative responses that promote peaceful change within those dimensions through nonviolent mechanisms.”<sup>35</sup>



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31 Jaramillo, “La Paz Territorial,” 3.

32 Galtung, “Cultural Violence,” 292.

33 The concept of Cultural Violence has been criticized by some authors, because it can imply, somehow, the existence of a culturally violent society. For this work, the concept will be strictly understood as the one stated above, which is considered relevant regarding the situation of ethnic groups in Colombia, which historical discrimination have a relationship with the structural and direct violence they live today.

34 Galtung, “Cultural Violence,” 302.

35 Lederach, *Building Peace*, 83.



So, more than a postaccord reconstruction, Colombia will face a full array of changes and processes at national, regional and local level, with a final long-term objective, rooted in the actual opportunities and challenges, to achieve a constructive social change, which “seeks to change the flow of human interaction in social conflict from cycles of destructive relational violence toward cycles of relational dignity and respectful engagement.”<sup>36</sup>

## 2.2. ABOUT TERRITORIAL DEVELOPMENT

The Colombian conflict’s dynamics have its roots in the agrarian question and the unequal tenure of lands and territories, characterized by the poverty and marginalization of rural areas. Thus, to analyze the concept of territorial development, it is necessary to establish the relations between the armed conflict and the structural agrarian problem, with medium-term political transformations. Those intermediations between politics, violence, and territory, have differentiated trajectories in the regions<sup>37</sup>.

The characteristics of the land planning and ownership of colonial times were the unequal tenure of lands and the close relation of this possession with political power. This heritage evolved to the actual bimodal structure of the agrarian sector, which suppose a simultaneous presence of large properties with technologies, workers and capacity for commercialization in one hand; and of tiny ones, marginalized and used for self-consumption and local open markets, in the other<sup>38</sup>. This structure has a logic in which, by having a monopoly of lands, it is possible to exclude those who lack political power and make them dependent on those who control it.<sup>39</sup>

At the same time, it has determined an economic, social and ethnic heterogeneity distributed in the national territory. Regional inequality refers to the gaps regarding income, wealth, and human development that occurs between regions of the same country. The spatial dimension of inequality has profound implications for the origin and outcome of the armed conflict and is, therefore, a key factor in reducing the risk of reactivation of new violent phenomena.<sup>40</sup>

Several policies have tried to reform the agrarian conditions, as the Law 200 of 1936, the Law 135 of 1961 during the National Front, and the Law 160 of 1994, which created a National System for Agrarian Reform and Rural Development.

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36 Lederach, *The Moral Imagination*, 43.

37 Vásquez et al., *Una Vieja Guerra En Un Nuevo Contexto*, 387.

38 Machado, *La Cuestión Agraria*, 45–102.

39 Fajardo, *Para Sembrar La Paz*, 39.

40 Guzmán, González, and Barrera, *Estrategias Para La Construcción de Paz Territorial En Colombia*, 47.

However, it resulted counterproductive by promoting the zones of *latifundium*<sup>41</sup> through massive titling of *baldíos* [wastelands] and provoking more instability of peasant economies<sup>42</sup>, not addressing the main social problems such as poverty, inequality, and displacement from the rural zones to the cities.

Additionally, after the Constitution of 1991, economic reforms involving liberalization and deregulation were carried out trying to promote rural development<sup>43</sup>. Letting the market rules to be the most important instrument of resources allocation, without State control and in the middle of the armed conflict “unleashed a generalized crisis in the agricultural sector that explains the permanence of armed groups and facilitated the expansion of the FARC and other guerrillas, as well as the subsequent reactivation of paramilitary groups.”<sup>44</sup> The implementation of large economic projects and the presence of the war caused more than six million displaced people. The decentralization policies during this time also helped different actors to preserve the status quo in keeping agrarian properties, and caused that the functioning of the regions depended on social and economic powers outside its institutions. Today, drug traffickers, who have become the great landowning powers, as well as interests of some agroindustries or major road and energy projects have been added to the equation for the quest for power and land.<sup>45</sup>

Colombia has transformed from the struggle for land and political violence in a bimodal agrarian structure to a territorial dispute over the productive chain of drug trafficking<sup>46</sup>. Some authors conclude the Colombian war has been depoliticized and all groups involved had just left apart their political aims. However, other researchers argue that right now the conflict is “more economical, more criminal and more politic. In other words, there is a criminalization of politics and war, and a politicization of crime”<sup>47</sup>. Therefore, this dimension is not isolated from the history, but a continuation

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41 *Latifundium* is a large portion of territory (bigger than 500 hectares), usually used for exploitation.

42 Fajardo, *Para Sembrar La Paz*, 46.

43 According to the Constitution of 1991, the priority for the departments’ economic inversion, is the general wealth expressed in a basic needs approach (art. 365 and 366). However, when it mentions economic and social rights related to the agrarian sector (art 64 and 65), it gives progressive realization and does not specify concrete goals nor specific resources to fulfill these rights. Consequently, for example, in Law 60 of 1993, which regulates the transfer of the Nation and the competencies to territorial entities, gives particular attention to education, health, and water access, and just 20% for several activities, included the agrarian sector. The overrepresentation of landowners in the Congress and the regional decision-making instances explains the given insignificant importance to the rural sector and the lack of tax regulation . In: Castañeda, González, and Mares, *Las Claves Territoriales de La Guerra Y La Paz*, 180.

44 Vásquez, *Grupos Armados Posdesmovilización*, 43.

45 Fajardo, *Para Sembrar La Paz*, 39.

46 Vásquez et al., *Una Vieja Guerra En Un Nuevo Contexto*, 389.

47 Sánchez et al., *Nuestra Guerra Sin Nombre*, 17.

of the agrarian problem, that combined with the political system created the conditions for polarization and division<sup>48</sup>.

The Colombian Ministry of Agriculture and Rural Development defines rural development with a territorial focus as: “the process of productive, institutional and social transformation of rural territories, in which local social actors have a preponderant role and have the support of public or private agencies or civil society. Its objective is to improve the well-being of its inhabitants, based on the sustainable use of biodiversity, in particular, renewable natural resources and ecosystem services. Because of this process, regional imbalances should be corrected at levels of development.”<sup>49</sup>

Territorial development in the moment of transition and especially focused on the achievement of peace must consider the autonomy and the recognition of cultural diversity as fundamental for a new and equal territorial order. For its planning, it is necessary to achieve a comprehensive fulfillment of Human Rights, in which the compliance with economic, social, cultural and political rights should be adapted to ongoing autonomous processes at the local level.<sup>50</sup>

The concept of Human Development, defined by the UNDP, is also appropriate to the analysis, given that people’s well-being and realization, resulting from coherent policies aiming equality, will be at the center of this study.

First, it is important to say that economic growth is a necessary condition, but not sufficient to achieve human development. The term Human Development denotes “both the *process* of widening people’s choices and the *level* of their achieved well-being” And have two sides: “the formation of human capabilities such as improved health, knowledge, and skills; and the use people make of their acquired capabilities for leisure, productive purposes or being active in cultural, social and political affairs.”<sup>51</sup> Human Development is concerned with the satisfaction of the basic needs (such as better working conditions, nutrition or health) but also with the participation people have in the process, and other conditions that can ensure social freedom and other higher needs.

The study of Human Development is influenced by complex aspects, from “the macro economy which in turn is affected by developments in the international economy, to micro factors operating in individual households” but also “the level and structure

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48 Vázquez et al., *Una Vieja Guerra En Un Nuevo Contexto*, 441.

49 Machado, *La política de reforma agraria y tierras en Colombia*, 20.

50 Castañeda, González, and Mares, *Las Claves Territoriales de La Guerra Y La Paz*, 16.

51 UNDP, “HDR 1990,” 10.

of government expenditures and government programs for the social sectors”<sup>52</sup>, and the political freedom, personal security, interpersonal relations and the physical environment.

In the context of Colombia, a wide range of measures, stated and planned in the six items of the Agreement are expected to contribute increasing Human Development and will respond to the concept of Rural Development described above.

This thesis will focus on the first Item of the *Reforma Rural Integral* [Comprehensive Rural Reform] -RRI-, which aim is the structural transformation of the rural areas, and to guarantee fundamental rights for all,<sup>53</sup> so it is intimately related to the core aspects of development. Beginning in the “structural violence” corner of violence, the content of this policy is fundamental to achieve Territorial Peace, and will be analyzed through 3 dimensions:

**-Conflict of Territorial Planning:** the proposals in the Agreement to address the problems related to this dimension are: the fund for poor peasants, the program for formalization and management of land rights, the creation of an agrarian jurisdiction, and the plan for the protection of lands of particular use. This dimension includes the program of restitution of lands, which is a measure of elemental justice in a transition, that will “be much more efficient if the property is restored within the framework of territorial development programs that we agreed to in La Havana”<sup>54</sup> These proposals are not only focused on the actual problems related to the armed conflict but have the objective to create mechanisms to solve day to day conflicts.

**-Development Plans on the Territory:** Development policies and economic activity (especially extracting economies) have also been a source of victimization for communities, mainly indigenous, afro-descendant and other minorities. To achieve peace, the Government has proposed the “Action Plans for regional transformation” in which economic activities will be consulted with the communities, and economic development will be planned and implemented with their participation at the local level.

**-Plans for Social Development:** This dimension will analyze the fulfillment of basic needs and rights of the population, especially in the rural areas be fulfilled. To bring basic needs to the most marginalized areas in the territory cannot be deferred any more. The National Plan for Comprehensive Rural Reform is designed

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52 Ibid., 43.

53 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 14.

54 Jaramillo, “La Paz Territorial,” 7.

to overcome poverty and integrate rural and urban priorities for development. These plans include projects of infrastructure, shelter, education, incentives for agricultural production, solidarity-based economies, and plans for food security.

Conclusively, in the Colombian case, peace theory is intimately connected with development theory, the former more relevant to negative peace and the latter to positive peace, but with corresponding relations.<sup>55</sup> On the basis of an analysis of the historical and present context, what is proposed in this Agreement has a transformative and long-term perspective of development: “Thinking about the future involves articulating distant but nonetheless desirable structural, systemic, and relationship goals: for instance, sustainable development, self-sufficiency, equitable social structures that meet basic human needs, and respectful, interdependent relationships.”<sup>56</sup> The State has now a big task to address its historical debt regarding the agrarian question, the territories and the autonomy of the population to decide which kind of development they want to build for their future and next generations.

### 2.3. ABOUT PARTICIPATION AND GOVERNANCE

Participation of communities in peace and development projects is one of the most important issues of this historical moment. Violence had become omnipresent and naturalized in the territories, so the big challenge for peace is to ensure social and institutional conditions for non-repetition: “authenticity of social change is ultimately tested in real-life relationships at the level where people have the greatest access and where they perceive they are most directly affected: in their respective communities.”<sup>57</sup>

Strategies for peacebuilding have been evolving and achieving ‘the local turn’ at the international level. The main idea is that the projects should not be one-way imposed from the top, but built with local agencies and capacities, which can adequately respond to people’s basic needs.<sup>58</sup>

The implementation of the Peace Agreement must recognize the plurality and the autonomy of the social processes that already exist in the territory, and open spaces for them to decide about the future in their lands. The concept of Territorial Peace proposes to develop participatory planning processes ‘from below’ in which both communities and local authorities will think together about the characteristics and needs of the

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55 Galtung, “Violence, Peace, and Peace Research,” 183.

56 Lederach, *Building Peace*, 77.

57 Lederach, *The Moral Imagination*, 56.

58 Leonardsson and Rudd, “The ‘local Turn’ in Peacebuilding,” 833.

particular territory, and after a consensus, to build plans to transform it. The beginning of the solution is that people can be actors and not just receptors of the programs.<sup>59</sup>

To understand the Colombian conflict, and to solve it, it is necessary to comprehend what territory means, who are their inhabitants, and what are the dynamics inside. For that purpose, a Human Rights perspective is needed to democratize the country and to break relations between arms and politics forever.

The peacebuilding from below, in some cases, has been part of emancipatory processes of communities. In particular for indigenous peoples and afro-descendants, it is crucial to be respected and listened in their perceptions of peace and development and to be trusted in their capacity to build effective social institutions as pre-condition for bringing sustainable peace.<sup>60</sup>

Participation mechanisms are not only a condition for plans to be effective in the future but also a way to redress historical injustices for communities historically forgotten and marginalized by the State. As a process of reconciliation and social peacebuilding, this creative tension is an “open expression of the painful past, on the one hand, and the search for the articulation of a long-term, interdependent future.”<sup>61</sup>

This is a very intricate process, in which multiple realities and worldviews will need to be held simultaneously as parts of a greater whole<sup>62</sup>. Different processes will be happening at the same time, so it is fundamental to build strong participation platforms, to decentralize the model of development and peace, and to build consensus, reconciliation, and trust in democracy. The long-term objective is to break the link between arms and politics forever and to harmonize local and national policies’ implementation and design, which can adapt to rural dynamics.

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59 Jaramillo, “La Paz Territorial,” 5.


60 Leonardsson and Rudd, “The ‘local Turn’ in Peacebuilding,” 832.

61 Lederach, *Building Peace*, 31.

62 Lederach, *The Moral Imagination*, 62.







“The rightful antonym of forgetfulness is not memory. It is hard-won, collective, and sustained hope, the belief that things can be different.”

-Jean Paul Lederach-

# COLOMBIA: BETWEEN WAR AND PEACE

## 1. FROM HISTORY TO PRESENT TIMES: WHERE ARE WE AND WHY?

The signed Peace Agreement can be the first step for the solution of one of the most extended and complex conflicts in the world. Its beginning is related to the Civil wars of the XIX Century after the recognized independence from the Spanish Crown in 1819, and to the period called *The Violence* between 1945 and 1964. The civil war between liberals and catholic-backed conservatives finished in 1964 with the creation of the National Front, an agreement to alternate the governments between these two dominant political parties. However, the exclusion of leftist options, structural violence, poverty and marginalization, and the concentration of economic and political power, resulted in the emergence of communist guerrillas.

The process of democratization and decentralization fostered by the new Constitution of 1991 is a crucial moment to understand the present moment and the source of the territorial focus in peace proposals. Paradoxically, those progressive measures were used by the armed groups to expand and control the administrations at the local level<sup>63</sup>. The duration of the war and its transformations, its criminalization, and multiplication of actors make the Colombian conflict difficult to analyze within the framework of the classical civil wars or to frame the actual situation in the concept of new wars.

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63 Sánchez et al., *Nuestra Guerra Sin Nombre*, 24.

Even if Colombia is facing the challenge of achieving peace, the scenario presents a complex context represented by the started negotiations with the *Ejército de Liberación Nacional* [National Liberation Army] -ELN-, the emerging problems in the zones of FARC control nowadays ‘abandoned’, the national agrarian protests, the opposition of the right-wing politicians to the negotiation, and the security situation in the territories given the restructuring of paramilitary groups.

**- FARC-EP**

The FARC have their origin in self-defense groups integrated by peasants, fostered by the Colombian Communist Party in 1949, given a period of intense violence in the territories led by conservative regimes. The attacks planned both by the Colombian government and the American Security Operation promoted by John F. Kennedy in a counterinsurgency effort after the Cuban revolution, for stripping the power of the communist influence in some regions, made in 1964 the FARC to born. From the FARC perspective, its foundation is grounded in aggression from the State to the peasants historically excluded and marginalized, who were obliged to take up arms to defend their lives. After 1982, the FARC decided to add to its acronym the letters EP, *Ejército del Pueblo* [People’s Army], responding to a complete change in their strategy.<sup>64</sup> From this moment, the group began to grow, gaining military force and developing an ‘economy of war’, in which they used coca trafficking, kidnappings, and extortions to finance their expansion in the Colombian territory.<sup>65</sup>

The guerrilla movement firmly installed in the more marginalized zones and was even supported by the locals, because they imposed order and became sort of institutional authorities, replacing the action of the State. In a moment, those regions completely escaped the control of the central government. After its military defeat during the government of Álvaro Uribe, and despite the experience of the UP in former peace negotiations, the FARC decided to sit at the negotiations table with the government, and finally achieve the conditions for its demobilization.

The challenge for Colombia regarding the FARC is to guarantee its security for the political participation, and in general, execute an effective program for their reinsertion and justice. Furthermore, the State has an obligation to make an institutional presence in the territories left by the FARC, which are right now being occupied by other armed actors, risking the security of peasants and community leaders, often stigmatized as supporters of the guerrilla.

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64 Pizarro, “Las FARC-EP,” 177.

65 González, *Violencia Política En Colombia*, 52.

**- ELN**

The ELN was also created in 1964, inspired by the Cuban revolution. It was founded by university students of rural origin or from trade unionist movements, which condemned social inequalities through an anti-oligarchy discourse. ELN is characterized by the combination of Marxist and Cristian notions, and by a strategy based on *Poder Popular* [People's Power], so their expansion has been somehow subordinated to gaining support and articulation with social movements at the local level. The objective was to create autonomous social powers, responding to regional identities, parallel to the State as a revolution from the governmental structure<sup>66</sup>. Characterized by historical ups and downs, the movement had, in general, a lack of military preparation and fragmentation on its ideology.<sup>67</sup>

The negotiations with the present government started formally in February 2017, in Quito, Ecuador, with an agenda which includes Participation of society in the construction of peace, Democracy for Peace, Transformations for Peace, Victims, End of conflict, and Implementation<sup>68</sup>. The challenge for the government nowadays is that the ELN is claiming for significant changes in the economic system of the country and a wider participation of the civil society in the process. Those claims have had as a consequence the instability of the negotiation table, and new divisions at the local level, based on the expectations about the results of this process and the ongoing opportunities during the implementation of the Havana Agreement.

**- Post-Demobilization Armed Groups**

To understand the evolution and transformation of the paramilitary phenomenon is fundamental to understand how the local interactions of economic, political and social powers with illegal and legal structures represent a real risk for the consolidation of peace in the territories. The visible manifestation is the GAPD<sup>69</sup>, which constitute one of the most complex tests for the actual government and the sustainability of peace efforts.

The structural factors that explain the paramilitary phenomenon are, in one hand, the weakness of the State institutions to administrate at the local level and which allowed others to take control of it; and in other hand, "the impossibility of the State to generate a development model less unequal and exclusive, with basic public goods and economic

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66 They strategy and objectives can explain they were slow in expansion. See more at Aguilera, which can explain they were slow in its expansion. Aguilera, "ELN," 213.

67 Ibid., 238.

68 Gobierno de Colombia and ELN, "Agenda ELN."

69 MAPP/OAS, "22nd Report MAPP/OAS," 6.

alternatives which can replace the illegal ones.”<sup>70</sup> Regarding the economic dimension, the principal problem is that both legal and illegal economies in the context of war (drug trafficking, illegal mining, prostitution networks, but also agro-industry and extensive breeding) demand private armed security to protect the business from other armed actors and to oppress the communities at the local level.<sup>71</sup>

Those characteristics and the increasing presence of GAPD in the regions, represented in the following figure, is the biggest difficulty for the government today because it is related to the opposition and the so-called ‘enemies of peace’, that will focus their efforts in sabotage the Agreements by violent means.

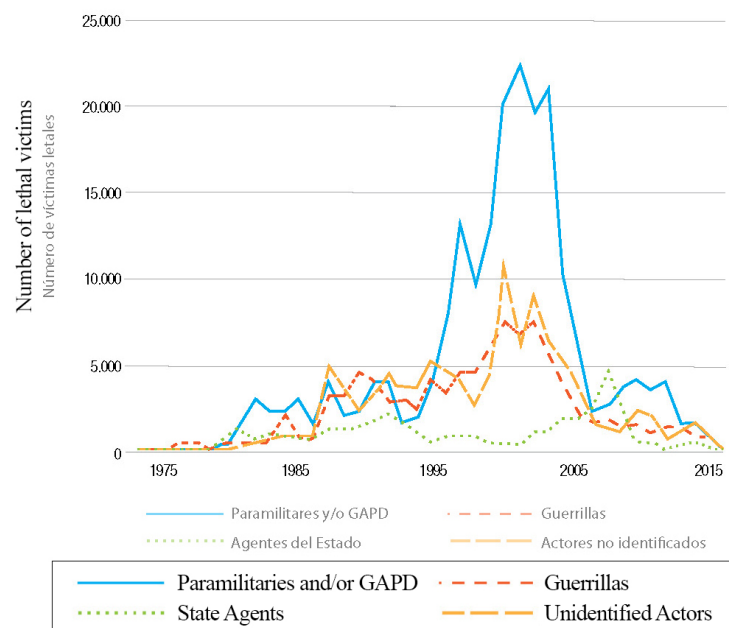


Figure 1: Evolution of the lethal victims from 1975 to 2015. By actor. Taken from Vásquez, *Grupos Armados Posdesmovilización*. p.118

## 2. THE D-DAY: 180 DAYS OF IMPLEMENTATION OF THE PEACE AGREEMENTS

The D-Day, the day of the FARC demobilization finally arrived for Colombia. The peace came in a divided country, in a divided society, that showed its conflicting interests in the 2 October plebiscite (49,78% YES and 50,21% NO). After the negotiation with the opposition, the Agreements were finally signed with some changes included. However, the violence is still present in the territories, and the implementation of the Agreement is

70 Vásquez, *Grupos Armados Posdesmovilización*, 23.

71 Ibid., 34.

at stake given the incertitude of the 2018 elections. In the regions, people fear that those elections will “repeat the map of the plebiscite” and the efforts that had been done will not guarantee success.

In the first 180 days, some institutions have been created, and the Decrees and Laws to implement the Agreement are beginning to be approved. In a race against time, the Government is trying to set the legal terms to ensure the compliance with what has been agreed.

The delays on the set of the *Zonas Veredales Transitorias de Normalización* [Transitional Local Zones for Normalization] -ZVTN-, which were the first commitment on the part of the State to the process of DDR, are gaining the mistrust in the regions about the institutional capacity of the State to implement what is next.

Recognizing the big picture of the Colombian Conflict, the concept of Territorial Peace makes sense. First, to implement Transitional Justice mechanisms that can transcend the mistakes from the past, with a broader political interpretation of peace. Also, to confront the challenge of addressing structural changes in a very complex social, economic and political context. Second, to solve, once and for all, territorial problems related to development, which are undoubtedly the principal cause of the armed conflict. Moreover, third, to recognize and articulate civil society projects, institutions, and proposals, built during several years of State absence.

#### ***-Agreement 1, 2, 4 and 5: Key for Territorial Peace Implementation***


Although all the points established in the Agreements are interdependent and equally relevant, for this work, the Agreement 1, RRI, will deserve special attention, because it contains the biggest changes that can be made regarding the agrarian question, which needs (more than the other points) a territorial focus.

The Item 2, Political Participation, is also relevant to study the potential of civil society participation in the new democracy. Also, the guarantees for the new political party of the FARC will determine the dynamics in the regions.

The Item 4, in which the strategy to substitute illicit crops has been set is also fundamental, particularly in the Cauca region, because it needs to be articulated with the Development Plans. Its premature breach by the continuation of forced eradication and lack of participation is beginning to cause mistrust on the State capacity to implement the whole agreement.

Finally, the agreement for reparation of victims, Item 5 is also significant because, as explained in the conceptual framework, the concept of transformative reparations connect the reparation with the development strategy.





“ In the territories, there are institutions built by the communities, in war, against war, through war. Institutions which are not the State, nor any of its forms of decentralization. To understand this is the most important element for achieving peace. ”

- Juan Carlos Houghton-



# TERRITORIAL PEACE IN CAUCA: OBSTACLES AND RESPONSES

## 1.THE CAUCA REGION

### 1.1. REGIONAL CHARACTERISTICS

The Cauca Department is located in the southwestern part of the country, between the Central and Western mountain ranges. It is strategically located because of its articulation with the Pacific Coast and its connection with Cali city by the Panamericana road. According to the last census done by the DANE in 2005, it has 1.182.022 inhabitants, from which the 62,1% live in rural areas. Then, 20,5% belong to indigenous communities, 21,1% are afro-descendant and 58,5% *mestizo*. Cauca is also one of the poorest departments in the country. The poverty rate was 51,6% in 2014<sup>72</sup>, in which for example, only 66% of the population has a sewage system, and the rate of conditions of misery is 32%<sup>73</sup>.

It has a great geographic diversity, characterized by the Amazon jungle in the South, and the two mountain ranges. Given these characteristics, the population, economy, and ecosystems vary, into five regions: Center, North, South, East, and Pacific West. It is crucial to mention, that 50% of the population work and survive from farming activities. In the center predominates small peasant economy and forestry. In the north, there is a rural economy with a predominance of sugarcane agro-industry and cattle ranches. In the south, the peasant economy predominates, and it allocates mining and petroleum titles. In the east, there is a predominance of small peasant property and indigenous territories. Finally, in the west, a subsistence economy near to the rivers, and a tradition of artisanal

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72 DANE, "Pobreza Monetaria 2015: Cauca."

73 Departamento Administrativo Nacional de Estadística

mining.<sup>74</sup> These regions are not economically integrated, and their geographical fragmentation becomes relevant for the occupation of the territory by ethnic groups.

As will be described later, in the case of Cauca, it is fundamental to understand the dynamics of the indigenous, peasant and afro-descendant communities. The titling of collective territories and the conflict of interest that arises about their possession, added to the armed conflict and the economic interests of third parties, generate one of the greatest hurdles for the implementation of the Comprehensive Rural Reform.

## **1.2. MULTICULTURAL TERRITORY**

Colombian rurality, composed by afro-descendant, indigenous and peasant populations, has always been marginalized and living in poverty. Armed conflict and land concentration, which cause a serious problem of access to land for subsistence and production, are the leading causes of the abandonment and persistence of these conditions.

The Colombian Constitution of 1991 recognizes the nation as multicultural and pluricultural, which highlights the State responsibility to protect the special rights of indigenous, afro-descendant, and other peoples, as the integrity of their territories and communities. It protects their political autonomy in their territorial jurisdiction<sup>75</sup>, and encourages their participation, ensuring prior, free and informed consultation as a prerequisite<sup>76</sup>.

Colombia has also ratified the ILO 169 Convention<sup>77</sup> on Indigenous and Tribal Peoples and voted in favor of the UN Declaration on the Rights of Indigenous Peoples. In those instruments, it recognizes their political autonomy, and it compromises itself to protect their territories and the preservation of the environment, as well as to guarantee free, prior and informed consultation when it comes to projects or activities in their jurisdiction. Also, it has created the Permanent Committee for Consultation with Indigenous Peoples and Organizations and the National Commission of Indigenous Territories<sup>78</sup>, which recognizes the right of full participation in the administration of their territory and the exploitation of natural resources. In general terms, “the legal framework strengthens social movements historically ignored, stigmatized and persecuted by the State, because they consider it their principal adversary because it has not been impartial, in action and omission.”<sup>79</sup>

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74 Salinas, “Cauca: Análisis de Las Conflictividades Y Construcción de Paz,” 15.

75 Called special Indigenous Jurisdiction

76 Gómez Isa, “Repairing Historical Injustices,” 281.

77 Through the Law 21 of 1991

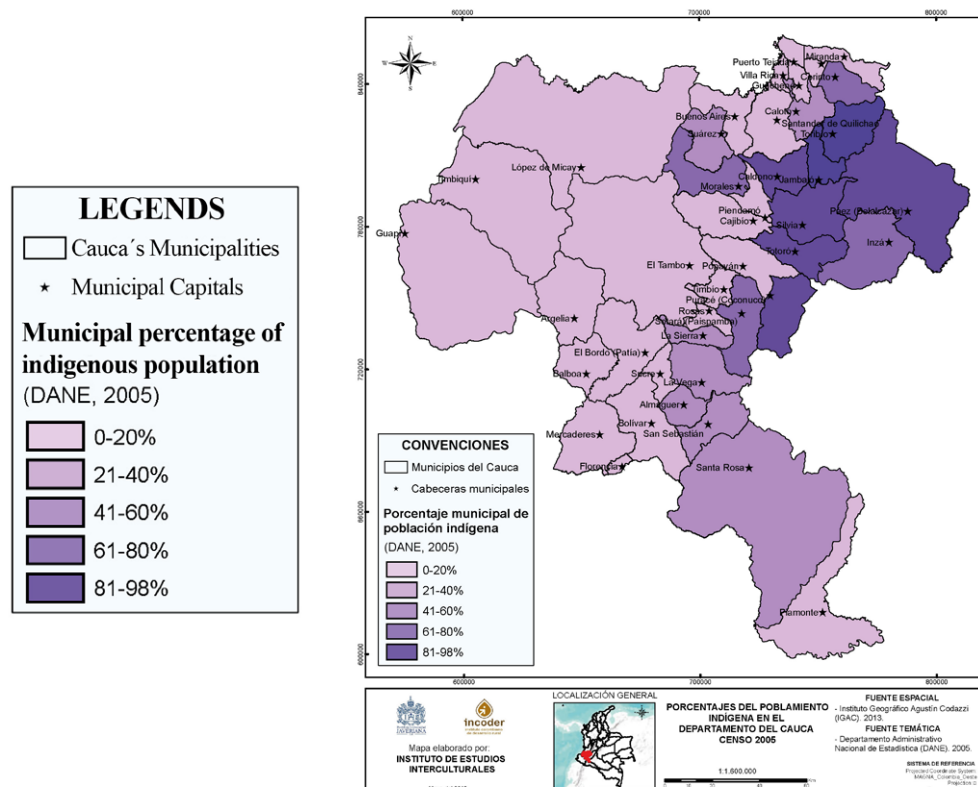
78 Decree 1397/2006

79 PNUD, “Colombia Rural: Razones Para La Esperanza,” 151.

It is important to mention that although this framework covers the indigenous and afro-descendant peoples, do not recognize the peasant *mestizo* as an ethnic group, so they do not have differential rights. Organizations claim the existence of a peasantry culture, based on practices and a collective feeling that differs from both the majority population and ethnic groups.<sup>80</sup>

### **-Indigenous Peoples**

According to the article 1 of the ILO 169 Convention, indigenous peoples are included in the definition *peoples* as “peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions” and “Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.”<sup>81</sup>



Map 1: Percentages of the indigenous population in the department of Cauca, Census 2005. Cartographic base: IGAC (2013). Information is taken from DANE (2005). Map elaborated by the IEI (2015).

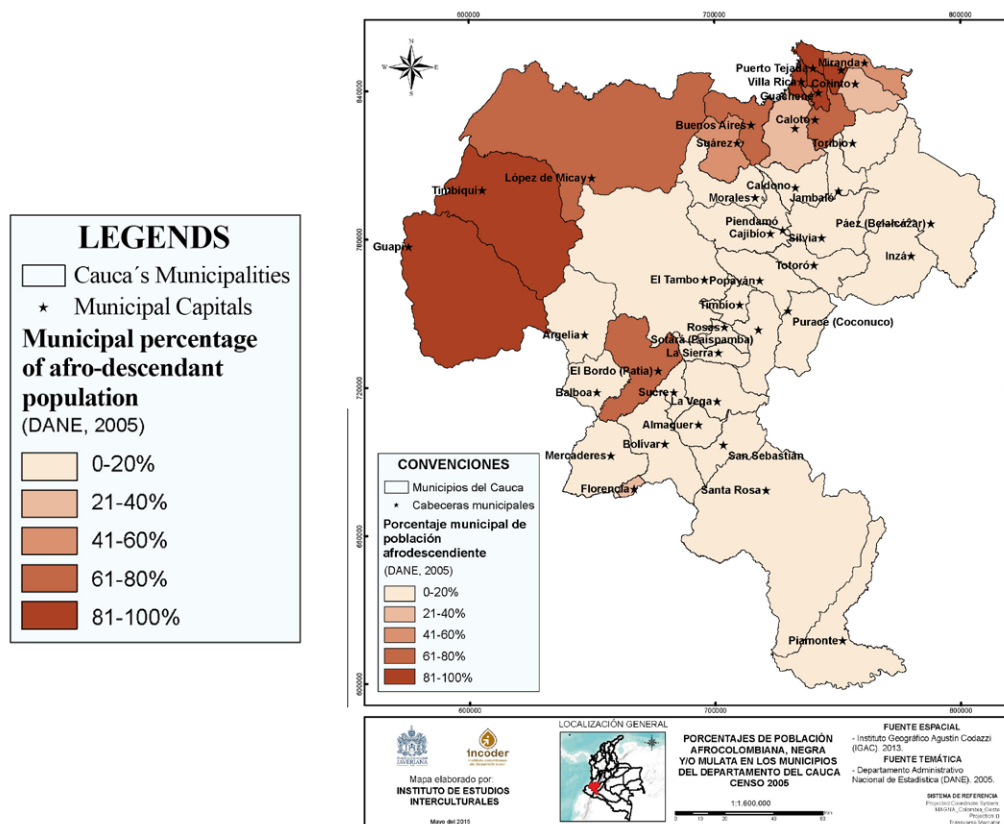
80 Duarte, *Desencuentros territoriales*, 34.

81 Art 1: General Conference of the International Labour Organisation, C169 - Indigenous and Tribal Peoples Convention.

In the Cauca region, although they are not the majority, they have a strong presence through their organizations and the special jurisdiction of their territories. As shown in the Map 1, they have more presence in the east and south of the department and are from Koconuco, Embera, Misak, Guanaco, Inga, Nasa, Tororó, Yanacona, Katío, and Siapidara communities. According to the 2005 Census, from the 42 municipalities of Cauca, the indigenous population lives in 24. The biggest group is Nasa, with 69,4% of the native people in the department. Finally, they are located in 100 *resguardos* [Reserves], from which only 46 are suitable for farming activities.<sup>82</sup>

### **- Afro-descendant Peoples**

The Law 70 from 1993 “establishes mechanisms for the protection of cultural identity and the rights of the black communities of Colombia as an ethnic group, and the promotion of their economic and social development, to ensure that they will obtain equal opportunities as the rest of Colombian society” and to protect their right to collective property. By Judgment C-169 of 2001, the Constitutional Court affirmed that the afro-descendant population complies with the objective and subjective elements to benefit from the



*Map 2: Percentages of the afro-Colombian, black or mulatto population in the department of Cauca, Census 2005. Cartographic base: IGAC (2013). Information is taken from DANE (2005). Map elaborated by the IEI (2015).*

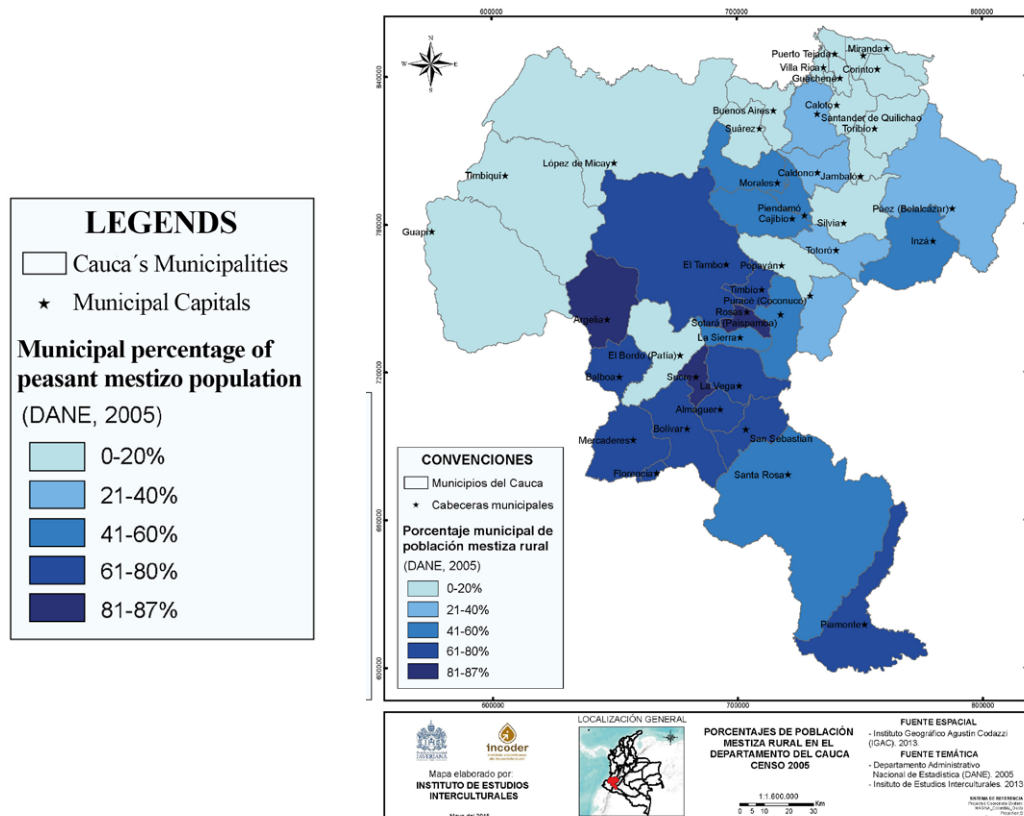
82 Duarte, *Desencuentros territoriales*, 58.

169 ILO Convention. Thus, in Colombia, afro-descendant communities are recognized as peoples as they have a common historical background of enslaved and marginalized, share cultural elements that they have the will to preserve, and express self-recognition.<sup>83</sup>

In the Cauca department, the afro-descendant peoples are the 21,1% of the total population and are located in the north and west zones, near the Pacific Coast. In the municipalities of Puerto Tejada, Villa Rica and Padilla, they represent more than the 90% of the population (Cense 2005). They have in total 17 collective titles, and they are organized in 33 Community Councils.

### - Peasants

The Political Constitution does not identify peasants as a community. In Law 160 of 1994, the rural communities are recognized but include indigenous and afro-descendant populations.<sup>84</sup> In Colombia, they want to be recognized as peoples, bearing in mind their ways of production and their relationship with the land, and their traditional culture based on small and collaborative communities' life.



Map 3: Percentages of peasant mestizo population in the department of Cauca, Census 2005. Cartographic base: IGAC (2013). Information is taken from DANE (2005). Map elaborated by the IEI (2013).

<sup>83</sup> In Colombia, afro-descendant peoples are self-recognized in Afro-Colombian, Raizal, Palenquero, Black, and Mulatto.

<sup>84</sup> Duarte, *Desencuentros territoriales*, 31.

The Law 160 of 1994 created *Zonas de Reserva Campesina* [Peasants Reserve Zones] -ZRC-, in which wastelands of the nation are entitled to commons of peasants, to avoid the concentration of the lands and transform life and production of farmers.<sup>85</sup> However, most peasants in the country live in non-formalized properties, making very difficult to obtain a comprehensive and up-to-date information on their properties in Colombia.<sup>86</sup>

The Census of 2005 makes the characterization of this population in Cauca with the people who recognized themselves as 'rural mestizo' or 'does not inform any ethnic affiliation'. They live in the south and center of the department, principally in El Tambo, Bolívar, and Popayán. Peasant organizations have made the formal request for 10 ZRC, which have not yet been formalized.<sup>87</sup>

## **1.2. BACKGROUND AND STRUCTURAL CAUSES OF THE CONFLICT**

The dispute in the Cauca region, as well as its intercultural dynamics, have their roots in the colonial power that persisted in the department until the beginning of the 20th century. At this moment, owners of the business of gold mining used indigenous and afro-descendant peoples as slaves. After the independence, political elites took control of the rural properties, a situation that provoked the ethnic division of the territory.<sup>88</sup> Indigenous peoples displaced to the eastern zone of the department. Several afro-descendants continued to work in the big farms of the rich landowners near Popayán (the capital) and formed communities possessing small plots. Others escape to the west to join the *Cimarrones* [Maroons].<sup>89</sup> The peasants' community was the result of the evolution of the farms and the syncretism. Those *mestizo*<sup>90</sup> communities, servants, and workers of landowners formed small farms, at the beginning integrated to the big ones from north to the south of the department.

The power of traditional families was replaced by new economic actors, in particular by the sugarcane agroindustry, which meant, also, a crisis for their political incidence in the country. During the sixties, with the expectation of the Agrarian

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85 Fajardo, *Para Sembrar La Paz*, 90.

86 Duarte, *Desencuentros territoriales*, 84.

87 Ibid., 91.

88 Salinas, "Cauca: Análisis de Las Conflictividades Y Construcción de Paz," 16.

89 The *Cimarrones* is the name of some "rebel slaves" during the colonies, who escape from the regime and formed autonomous communities in territories called *Palenques*.

90 Mestizos refer to people with mixed racial or ethnic ancestry. In Colombia, particularly of Spanish people with indigenous. At this historical moment, they have specific names as Mulato for afro-descendant and Spanish, and Zambos for indigenous and afro-descendant. For the study of the conformation of the Colombian society, those differences may be important.



Reform and the rising guerrillas, indigenous peoples began a process to recover their rights over their original lands. During the seventies and eighties, they achieved the enlargement of their Reserves<sup>91</sup>, and gained an extraordinary social power, expressed partly in the creation of *Movimiento Indígena Armado Quintín Lame* [Quintín Lame Indigenous Armed Movement] -MAQL-<sup>92</sup>, a local guerrilla created to defend indigenous lands and communities, by this time attacked by the military, other guerrillas and emerging paramilitaries<sup>93</sup>. Additional to the robust indigenous movement that began in the sixties, the dynamics turned more complex with the sturdy peasant and afro-descendant social movements which appeared in the nineties.

The FARC made a solid presence in the territory in the eighties, given its strategic position in the country to move between the Pacific coast and central and west Andes range, and stayed controlling the zone, especially the north, until their demobilization in 2017. The State incapacity to respond to the social movement claims have made the cohabitation of the population with the guerrillas' power something normal for the communities<sup>94</sup>.

The paramilitaries entered the zone at the end of the nineties, doing massacres and terrorism, especially in the North, situation which provoked demonstrations of indigenous peoples to defend life and claim security to the government. Their presence exacerbated the tensions for the control of the territory because in their offensive strategy was evident the goal of expansion of the *latifundium* from drug traffickers and of the agroindustry. Their focus made a sharp contrast with the FARC model of development, related to the defense of traditional peasant economies which created several difficulties. After the demobilization, the presence of GAPD in the region is evident.

Conclusively, the conflict in Cauca is historically rooted in the tensions between old and new big landowners and businessman, and the assertions of ethnic and cultural communities. In other words, "the violence associated with the armed conflict inhabits, develops and reconfigures the inherited tensions, articulates them to the logics of the war and projects them in a different context from the one in which they were generated."<sup>95</sup>

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91 Autonomous territories owned and governed collectively by indigenous communities.

92 The MAQL demobilized approximately 160 soldiers after a negotiation with the government in 1991.

93 Fundación Ideas para la Paz, *Capacidades Locales. Cauca.*, 16.

94 Salinas, "Cauca: Análisis de Las Conflictividades Y Construcción de Paz," 19.

95 Vásquez et al., *Una Vieja Guerra En Un Nuevo Contexto*, 84.



## **2. PEACE AND PEACEBUILDING**

Unfortunately, and even if the Havana Agreement was hopeful for Colombians as the symbol of long-sought peace after years of war, the reality and the statistics show that the war has not ended. The dimensions that will be analyzed below are the two considered relevant to this corner of Transitional Justice: security and presence of armed groups and institutional capacity.

The first one is related to the non-expected crime wave that often accompanies the later stages of peace accords globally, and the high levels of physical insecurity that often takes place during the implementation phase. According to Steenkamp, this violence is usually expressed locally, and its aim can be to destabilize the new political order or pursue economic goals. It is also characterized by new actors and new strategies, as, for example, paramilitaries involved in political violence, can become involved in social and economic violence, too.<sup>96</sup> The second one addresses the Institutional Capacity of the Government (of both new Institutions created in the transition, and national and local administrative and political institutions) to overcome the challenges in the implementation phase, without undermining the legitimacy of what is agreed, and gaining people's support and trust.

### **2.1. SECURITY AND PRESENCE OF ARMED GROUPS**

While during the four years of negotiation, the overall violence in the country reduced, since 2016 the human rights situation of local community leaders, human rights defenders, ethnic leaders and peace activists have been decreasing. Statistics of how many civil society leaders have been killed and threatened vary depending on the definition of human rights defenders, what is certain is that all civil society organization reports point to the problem getting worse.<sup>97</sup> The organization *Somos Defensores* [We are Defenders], registered 481 aggressions to human rights activists in 2016, of which 80 were killings, and 49 personal attacks.<sup>98</sup> According to Indepaz, during the same period, 117 were killed.<sup>99</sup> The OHCHR has verified 60 cases of killings and stated that the causes could be related to the vacuum left by the FARC-EP in rural areas, the absence of the State, the stigmatization against defenders, and the dispute of non-State

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96 Steenkamp, "In the Shadows of War and Peace," 359.

97 Londoño and Sánchez-Garzoli, "The Activists Key to Consolidating Colombia's Peace Are Facing Increased Attacks."

98 Somos Defensores, "Contra Las Cuerdas," 28.

99 González, "Informe Anual Sobre Líderes de Organizaciones Sociales Y Defensores de DDHH Asesinados En El 2016."

actors to control illegal economies.<sup>100</sup> In 2017, the number of assaults has increased to 193 during the first three months, of which 20 were killings.<sup>101</sup>

The UN Mission Report showed concern about this issue and stated that the possible responsible actors, or at least whom civil society organizations hold responsible are “non-State armed groups, including in areas of the previous deployment of FARC-EP. These include the ELN guerrilla group, successors of former paramilitary groups such as *Clan del Golfo*, the EPL and other groups linked to organized crime, and in particular a variety of groups operating at the local level that vies for the control of illegal mining, drugs and extortion activities.”<sup>102</sup> Although limited in scope, the phenomenon is also accompanied by FARC-EP members that have deserted the peace process. The Inter-American Commission on Human Rights -IAHR- and the American States Mission to Support the Peace Process in Colombia -MAPP/OAS- are also aware of the situation, and have mentioned it as an obstacle to the peace process in their latest reports.

The department of Cauca is the most affected by the aggression: 22 of the 80 killings in 2016, happened<sup>103</sup>, and 43 of 193 in 2017.<sup>104</sup> In 2017, the target of killings was indigenous and peasants’ leaders. In 2016, 15 indigenous leaders were killed (6 from Cauca), 13 leaders from peasant organizations (8 from Cauca) and seven afro-descendant (1 from Cauca). In the first three months of 2017, Javier Oteca Pilcué, an indigenous leader from *Asociación de Cabildos Indígenas del Norte del Cauca* [Indigenous Councils’ Association from the North of Cauca] -ACIN-, and Éder Cuetia Conda from a Peasants Organization in Corinto, Cauca, were killed. Hence, ethnic and cultural minorities are disproportionately affected by this wave of violence and by the presence of GAPD in the territory, which has disastrous effects on their organizational processes and to the defense of their rights over their territories.

We are far away from Territorial Peace if there are not even guarantees for life, where Human Rights violations have escalated causing critical situations for communities and their leaders. The Government has demonstrated its inability to govern. All the illegal actors, who are not the FARC, are present. Paramilitarism prevails in the territories now, in all its versions and expressions.<sup>105</sup>

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100 OHCHR, “Preocupación Por Aumento de La Violencia En Contra de Líderes, Lideresas, Defensores Y Población Que Habita Zonas Rurales,” 2.

101 Somos Defensores, “Informe Enero-Marzo 2017,” 3.

102 UN Security Council, “Report UN Mission in Colombia,” 5.

103 there Somos Defensores, “Contra Las Cuerdas,” 35.

104 Somos Defensores, “Informe Enero-Marzo 2017,” 6.

105 González, Interview: Consejo Territorial Interétnico.

The content of the leaflets they received, from the groups *Águilas Negras* [Black Eagles], AUC, *Clan del Golfo* [Gulf Clan], and others identified as GAPDparamilitarism, can give a clue about their reasons and interest on killing these leaders. First, the targeted are the ones who are “opposed to the development of the region for their “continuous denunciations related to illegal mining”, and pursuing a concrete goal: “Colombia without communists, without UP, without Patriotic March, without guerrilla. Death to the peasants and the indians that are just obstacles to govern, death to the invaders of lands, death to the communist terrorists.”<sup>106</sup> In Cauca, the double nature of these groups is evident. In one hand, the political dimension in which they stigmatize peasants and Human Rights defenders as members of the guerrilla groups, and target people promoting the peace process as military objectives. In the other hand, they are killing indigenous and afro-descendant peoples because of their authority and struggle over ancestral territories, which are strategic for drug trafficking and used by GAPD (both controlling crops and routes for selling and transportation) and illegal mining. They are also killing peasants because of their affinity with the RRI statements, and because there are returning to the lands previously abandoned within the Program for Restitution of Lands: “For returning, the State has not guaranteed security, and in many areas people have returned with the same risk they had before the displacement (...) Most of them returned because they believed there were not paramilitary groups anymore”<sup>107</sup>. This situation can not only undermine the actual peace efforts but also weaken even more the trust and legitimacy of the State when it is supposed to regulate the former zones under FARC control.

Furthermore, the answer of the Government about the security situation was not convincing for civil society organizations. Juan Carlos Restrepo, the Security Director of the Presidency, has said that the leaflets can be false threats and that the paramilitary groups do not exist anymore<sup>108</sup>. The Regional Office of the Ombudsman in Cauca recognized the systematic attacks, but he said those “criminal bands are associated with FARC dissents or ex-soldiers that are escaping from the local transitional zones for normalization.”<sup>109</sup> By contrast, Mireya Andrade, survivor from the UP genocide and member of the FARC, who is nowadays part of the *Comisión de Seguimiento, Impulso y Verificación a la Implementación de Los Acuerdos* [Implementation, Follow-up, Verification of the Implementation of the Final Agreement Commission] -CSIVI-, from Cauca, stated that:

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106 Full content leaflets in Zamudio, ““Líder Advertido No Muere En Guerra.””

107 Urrutia, Interview: Procuraduría de Restitución.

108 La W Radio, “Amenazas de Grupos Paramilitares En Cauca Son Falsas.”

109 Vernaza, Interview: Defensoría del Pueblo.

Every time we say something about paramilitaries, they tell us that they do not exist. Today we had a disagreement with an Army Chief at the headquarters of the mechanism. I said to him, ‘Maybe there are not paramilitaries as you do not want them to be named, but they do the same things that the paramilitaries did. How do you want communities living this and suffering to think differently?’. We left the territories, and the State was going to provide protection, but in many places, it has not arrived (...) People are terrified in the territories, and our areas of influence are uncontrolled. Moreover, those areas are being occupied by organizations that do not know where they appear from”.<sup>110</sup>

Colombia is facing a systematic pattern, as when the UP genocide began. Civil society organizations and the International community monitoring, are identifying and denouncing those trends, asking for non-repetition mechanisms. As a general feeling in the department, the effectivity of protection mechanisms is very low, and the mistrust on State legitimacy, and in the possibility to implement the peace accords, is increasing.

The work by civil society and academia, engaged with the statistics and reporting the situation, has created pressure on the State to take measures. Diego Bautista, adviser for Territorial Peace and Post-Conflict Institutional Architecture from the Office of the High Commissioner for Peace, stated that:

The main challenge for peace is security. Guaranteeing life for those who are in disarming process, or who are defending human rights, or the ones claiming restitution of lands, has been very complex. It also depends on how public security forces and state security apparatus can adapt to the new scenario, and that takes a while. In the interim, things are happening in the territory, and it is a giant risk.<sup>111</sup>

The Directive 15/2016 of the Ministry of Defense replaces the strategy to control the so-called *Bandas Criminales* [Criminal Bands] -BACRIM-, by changing their classification to *Grupos Armados Organizados* [Organized Armed Groups] -GAO-, which have military command and a broad-armed control over the territories.<sup>112</sup> The Directive does not establish the relationship between those groups and the paramilitaries, neither with the business sector or the local powers. However, it frames the strategy to fight them as a problem of transnational organized crime. Along these lines, the Ministry is establishing protocols to identify and characterize those groups and to fight them with all its military force. During the post-accord, at least during a first phase, the Military Forces of the State

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110 Andrade, Interview: CSIVI FARC.

111 Bautista, Interview: OACP.

112 Ministerio de Defensa Nacional, Directiva 15/2016: Expedir lineamientos del Ministerio de Defensa Nacional para caracterizar y enfrentar a los Grupos Armados Organizados (GAO), 6.

will have a strong presence in the territories. The challenge is how to gain legitimacy and change past patterns to respond to the new dynamics and directives, after the experience of Democratic Security Policy.

The International presence in the country is an excellent opportunity to face this situation, including the reports by the OHCHR (and the embassies that helped), the US government, the EU, and the UN, that have recognized this general threat to peace. They all have recommended the Government to intensify its efforts to ensure that all allegations of threats and attacks are promptly investigated and that perpetrators, prosecuted. This support has been essential for the defenders since it has made the State have a different look at what is happening.

The Peace Accords have also foreseen the situation and have established some mechanisms, which need to be improved to guarantee the security for defenders. Item 3, which establishes the regulation of implementation, includes the agreement on “Security Guarantees and fight against criminal organizations responsible for killings and massacres, or attacks against human rights defenders, social movements or political movements, including criminal organizations that have been designated as successors of paramilitaries and their support networks, and the prosecution of criminal conduct that threaten the implementation of the agreements and the construction of peace.”<sup>113</sup> To this end, the agreement includes measures such as the National Political Pact; The National Commission for Security Guarantees; The Special Investigation Unit; The Elite Corps in the National Police; The Integral Security System for the Exercise of Politics; The Comprehensive Program on Security and Protection for Communities and Organizations in the Territories; and Prevention and Anti-Corruption Measures. Also, in Item 2, Political Participation, it has a specific item to the security guarantees for Human Rights defenders, in which it establishes the objective of review the regulatory framework for these cases, and strengthen investigative and prosecutorial capacities.<sup>114</sup> Finally, in Item 5, Victims, particular attention has been paid to the importance of the work of Human Rights organizations.

Regarding the current responses in Cauca, given the situation in the department, organizations from indigenous, afro-descendant and peasants, have created safety mechanisms, which are unarmed guards. The Indigenous Guard “is conceived as our ancestral and as an instrument of resistance, unity, and autonomy in defense of the territory and the Life Plans of indigenous communities. It is not a police structure, but a humanitarian

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113 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 16.

114 Ibid., 196.

mechanism”<sup>115</sup>, and is composed of men, women, and children. Without any arms, only with their *chonto* or baton that represents symbolically the presence of the Guard, they have been working on search for missing persons, release of kidnapped and detained, accompaniment to the *cabildos* (indigenous governance systems), transfer of wounded, security and protection in demonstrations, protection of sacred sites, among others. Also, they alert the community with an efficient communication system, as a warning of risks of the bombing, massacre or combats<sup>116</sup>. They also have checkpoints at the entrance and exit of the Reserves, in which they have prevented several times to the National Army or the guerrillas to enter since the creation of the *Consejo Regional Indígena del Cauca* [Cauca’s Regional Indigenous Council] -CRIC- in 1971<sup>117</sup>. Its mandate depends on the traditional authorities, and its objective is “to keep safe, to take care of, to defend, to preserve, to live, to dream their dreams, to hear their own voices, to laugh their own laughter, to sing their own songs, to cry their own tears.”<sup>118</sup> Besides, the CRIC made a proposal for controlling the Cauca region, in which they presented a protocol for the joint action, respecting the special jurisdiction.<sup>119</sup>

Similarly, afro-descendant peoples from Cauca have the Maroon Guards, that are newer than the indigenous ones but also have the right, under the autonomy and own jurisdiction over their ancestral lands, to have their system of protection. Víctor Moreno, a leader from their Community Councils in Cauca, said that:

The strengthening and consolidation of the Maroon Guard are helping to ensure greater territorial control that we have been gradually building. Some coordinated actions are taken with the indigenous guards, and that means we have been able to collect human rights violations permanently and make it known to different mechanisms so that they help us to make them visible and to have an impact on the government.<sup>120</sup>

The peasants have several Guards in the municipalities, born specifically to defend the settlers, as a reaction to the continuous violation of Human Rights, threats, and

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115 CRIC, “Guardia Indígena.”

116 Ibid.

117 . Indigenous academics in Cauca state that the Guards have their origin in the times of colonization, and have been present in other historical moments when they had to defend their communities and territories from violence and expropriation. More Guards have been created since the creation of CRIC, as the one created by ACIN in 1994 and others protecting different Cabildos. Sometimes, they are not only composed of indigenous peoples but also have a few number of afro-descendant or *mestizos*.

118 Padilla, “La Guardia Indígena Y La Ingovernabilidad En Colombia.”

119 CRIC, “Propuesta de Control Territorial CRIC,” 12.

120 Moreno, Interview: ACONC.



intimidation from the new armed groups that have been making a presence<sup>121</sup>, and as a result of the widespread mistrust to the national security bodies. They are a kind of local police, they solve conflicts between neighbors, and care who enters and who leaves their territories. They want to become peacekeepers that defend their territories from armed groups and multinationals<sup>122</sup>. From 2012 to now, the peasant Guards in Cauca have been strengthening their presence. Even if the peasant's communities do not have one formal Guard recognized by the Government, they also have become part of the indigenous and Cimarronas, and they are supported by substantial national and regional social movements as *Congreso de los Pueblos* [Peoples' Congress] or *Marcha Patriótica* [Patriotic March]:

There are armed organizations, and it has been our task, using our knowledge, to strengthen the indigenous, peasant and maroon guards. We have devised a system of communications and sweeping of the territory to guarantee security. The people of us are not armed; they have distinctive vests and communication equipment. I am not in favor of our organizations carrying weapons; it could be the beginning of another kind of CONVIVIR.<sup>123</sup>

The community guards in Cauca have a solid presence and widespread support, which makes them a potential for department's security. They have managed to defend the population and the territory on many occasions. However, its strength is not enough to control the current GAPD onslaught. It is a figure that needs the backing and support of the government and in some cases, of the military.

## **2.2. STATE ORDINARY AND TRANSITIONAL INSTITUTIONAL CAPACITY**

Historically, local institutions have reproduced national schemes, creating systems that do not have executory capacities, without a long-term plan for the regions. Consequently, corruption and non-effectiveness in the application of social, human and economic plans are still felt in the territories as a lack of trust, because their capacity for social regulation "is successfully contested by other competitors as a fertile ground for the predominance of non-state ways of solving conflicts."<sup>124</sup>

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121 La W Radio, "Ante Amenazas Y Homicidios Crean Guardia Campesina En Cauca."

122 Prieto, "Las Guardias Campesinas."

123 Centeno, Interview: Marcha Patriótica, Cauca.

124 Vásquez, *Grupos Armados Posdesmovilización*, 24.



In the postaccord, 11 new entities will be created<sup>125</sup> (some of them are already working and have been set up before the end of the negotiations, as the ANT, ADR, and ART) and others will complement existing ones. The proper functioning of these institutions will need an excellent articulation effort: between all the new agencies for Transitional Justice; with the past institutions created after the Peace and Justice Law, as the Restitution of Lands Unit, the Unit for Victims and the Historical Memory Center; with national and local ordinary institutions and plans; with the international cooperation projects and resources; and finally, with the local civil society organizations.

In the Cauca, the general concern is about the follow-up in the implementation of the agreement, based on a historical mistrust on the State capacity and willingness. Also because of the lack of information they have received about the role and mechanisms of civil society organizations will be opened in the implementation phase.

The institutionality here is ‘toothless’; they accept that they do not have the capacities. However, this is a consequence of ignorance because even the State institutions do not know which are the mechanisms for implementation.<sup>126</sup>

The government at the department and municipality level has too many doubts about what follows. Everything has been very improvised, the ZVTN; the choice of the prioritized municipalities, in which they have not consulted the mayors. In the case of Caldono, the mayor told me that he has no idea what follows. The government is not complying with the agreement; it is very slow. There is no institutional articulation.<sup>127</sup>

Moreover, the presidential elections of 2018 are putting implementation under pressure. The ‘Fast Track’ is a particular legislative mechanism approved in December 2016 to allow swift passage of laws to enact peace accord’s pledges. For civil society organizations and experts committed with the Havana Agreement, the Fast Track is a possibility to protect the peace laws from further delays or changes done by the Colombian Congress under the opposition presidency (in the event of winning).

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125 *Agencia Nacional de Tierras* [National Lands Agency] -ANT-, *Agencia de Desarrollo Rural* [Rural Development Agency] -ADR-, *Agencia de Renovación del Territorio* [Agency for the Renovation of the Territory] -ART-, *Agencia para la Política de Drogas* [Drugs Policy Agency], *Jurisdicción Especial para la Paz* [Special Jurisdiction for Peace] -JEP-, *Jurisdicción Agraria* [Agrarian Jurisdiction], *Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No repetición* [Truth, Coexistence and Non-Repetition Commission], *Unidad de Búsqueda de Desaparecidos* [Special Missing Persons Unit], *Consejo Nacional de Reconciliación* [National Reconciliation Council], *Comisión Nacional de Garantías para la Seguridad* [National Commission for Security Guarantees]

126 Centeno, Interview: Marcha Patriótica, Cauca.

127 González, Interview: INDEPAZ.

The Constitutional Court decided on May 17 of 2017 to strike down the ability to get a vote on a full bill without amendments or modifications, and the condition that all modifications must respect the Final Agreement and for this purpose, any change needs the approval of the executive branch. Those variations in the Fast Track entails that the implementation will be slower, and the Congress will have power and independence to change the laws, even if they are not synchronized with what is stated in the Peace Accord.<sup>128</sup> In the regions, organizations are very concerned about this news:

Yesterday the Constitutional Court said that the Congress would be able to modify the Fast Track bills. The militants of the opposition are celebrating. People here are saying, what was agreed in Havana will be assumed away, like in a party with friends. In other words, the agreements will end here. The government is worn down, and what has just happened is serious because, how many senators are interested in defending the rights of peasants? 90% of them are following other interests.<sup>129</sup>

It can be expected that in a post-agreement scenario, a region like Cauca, with all its complex characteristics, can be convulsed in the implementation phase, especially when the content of what is agreed is a sign of hope for its inhabitants. However, it is crucial for the territories to be informed about the procedures and ways to carry out the implementation.

The Agreement has been very criticized by some experts and sectors because it creates new figures and entities that have the same functions as the ones already existing. However, it can be a potentiality considering that the reason for creating them was to complement and strengthen the existing duties.<sup>130</sup> If well organized, these functions can answer to specific necessities and vulnerabilities in the regions and give a boost of energy to the existing ones for prepare the new phase.

Furthermore, the alternative institutions created by the communities in the territories are adapted to the local culture, and ways of living. They have experience in peacebuilding, and the territorial planning should include them, given that they have “a great potential for collective action, which shall not be assumed away.”<sup>131</sup> In other words, in Cauca:

Besides the indigenous and afro systems that are very robust and well-recognized, there are *de facto* institutions of peasants in the villages, which have allowed the

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128 El Espectador, “Corte Constitucional Pone a Temblar El ‘Fast Track.’”

129 Morales, Interview: ACIT.

130 To see the examples of the “twin” Institutions that were created, and the reasons to do so, read: Vélez, “Las Instituciones Gemeleadas Del Acuerdo de Paz.”

131 PNUD, “Colombia Rural: Razones Para La Esperanza,” 305.

reconstruction of the social fabric destroyed by war. Because it is true that the war killed, but whenever there was a destructive act of the war, there was a rebuilding action by the communities.<sup>132</sup>

### **2.3. WAYS FORWARD**

Security must be a priority for the government, because, without guarantees to the right to life and the control of direct violence, it is complicated to continue with other initiatives for peace. It is necessary for the government and the general prosecutor to accept that crimes committed against Human Rights defenders and leaders have common patterns. Accepting the systematicity of attacks is critical to generating an effective response, as well as the full acceptance of the existing relations between the new armed groups and the demobilized paramilitaries. The State must recognize and act according to the many reports and denunciations did by civil society organizations at the national level, and especially in Cauca, which has been the most affected department by this situation.

On the other hand, the recommendations of the international community are an excellent opportunity for the Government to follow and implement a comprehensive security strategy that makes possible to accompany law enforcement with components that increase the effectiveness of prosecution in legal cases.<sup>133</sup> To demonstrate its constant effort to bring guarantees for life is a requirement to gain legitimacy in the regions: “includes the investigation and prosecution of high-profile cases and the establishment of safeguards for accessing justice systems, as well as ongoing efforts against the irregularities that link the government to illegal activities.”<sup>134</sup>

The created mechanisms in the Agreement should be strengthened and articulated with the Special Unit of the Office of the Prosecutor, the National Department of Protection, the Office of the Ombudsman and other competent organizations for risk prevention, to take appropriate and efficient measures. Likewise, strengthen official information and statistical systems, which, with the help of civil society organizations, can arrive at an accurate estimate of the phenomenon.

Also, there should be support and strengthening of the community guards in the Cauca, along with adequate protection measures for community leaders who are threatened or attacked. The Public Force must be present in the territory, with the clear objective of fighting these new criminal groups. Measures must also be taken to avoid stigmatizing these leaders as guerrilla members.

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132 Houghton, Interview: Congreso de los Pueblos.

133 MAPP/OAS, “22nd Report MAPP/OAS,” 37.

134 Ibid., 38.

Regarding the State capacity to carry out the implementation, it is necessary to build a strategy for a more effective articulation of the ‘peace institutions’, allowing the flow of information and the proper management of the execution through the delegation of duties to the territorial agencies. This management should consider the local organizations as a valid interlocutor who can put into practice his knowledge, and who can collaborate with the State in a concerted effort.

It must be a priority to dialogue and give accurate information in the territories, to let the people know that the implementation has not immediate results, but its progressive realization has steps to follow, in which everyone can participate. Without State legitimacy, individuals in the territories will remain to claim their rights, and the Government will continue to commit itself to some goals it cannot achieve.

### **3. TERRITORIAL DEVELOPMENT**

The rural population suffers the main effects of armed conflicts. The precarious conditions that gave rise to it are deepened over time, and the conditions of insecurity persist in a vicious circle. The vulnerability is evident when fundamental rights are violated, forced displacement occurs, and those who remain are forced to adopt precarious subsistence strategies. The deficit of State presence become acute; which consequence is the suboptimal provision of public services and goods. In the case of Cauca, inequality worsens inter-ethnic conflicts, and the presence of illegal economies take advantage of State gaps. Finally, the economic sector also participates in the war pursuing its interests on resources, land, and power. According to Fals Borda,<sup>135</sup> collective dynamics of peoples and communities, which are very complex and respond to specific needs, have surpassed the administrative delimitation of departments. An approximation of these dynamics and potential will be analyzed below.

#### **3.1. TERRITORIAL PLANNING: INTERETHNIC CONFLICTS**

In the Cauca case, there is no territorial planning based on the dynamics of the regional and organizational identities of the communities, which should respond to environmental, productive and cultural bases. Thus, in this area, the conflict is not limited to the conditions generated by illegal armed groups, but to existing differences between the communities about the possession of the territories. The omission of the State that for many years

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135 Cited in Castañeda, González, and Mares, *Las Claves Territoriales de La Guerra Y La Paz*, 30.

did not attend these problems aggravate the situation. Then, the policies in this regard tended to worsen the existing conflicts.

In the case of indigenous peoples, there are several processes of recognition of their territories: 1) Reserves already assigned, 2) Reserves that were constituted based on individual titles given by the *Fondo Nacional Agrario* [National Agrarian Fund] -FNA- to original settlers in agrarian reform processes,<sup>136</sup> 3) lands occupied in land grabbing processes by indigenous communities, but still owned by their official owners, and 4) Expansion of Reserves, considering the colonial and ancestral territories identified by the communities. Despite recognized in the Constitution and international standards, the location and limits of indigenous peoples' territory are nowadays unclear to the government.<sup>137</sup>

Afro-descendant communities have 33 Community Councils, of which 21 are recognized but do not have entitled collective territory. Five more Councils have a ruling from Incoder<sup>138</sup> but are not formally registered by the Ministry of Interior. Without a collective territory, the participative and organizational dynamics still present in the region.

Peasants are beneficiaries of Law 160 of 1994<sup>139</sup>, in which wastelands suitable for economic exploitation constituted the FNA. However, the portion of land awarded to mestizo peasants under this program is much smaller than the one given to ethnic groups. In general, the areas are occupied by farmers through occupation or open applications from the State. In the department of Cauca, peasants have requested ten ZRC, but none of them is established yet.<sup>140</sup> Informality in land tenure affects women strongly since they rarely hold ownership of the land, and most do not know how to formalize a conjugal partnership.<sup>141</sup> The general feeling of these communities is to be marginalized and abandoned by the State, and to have a lack of guarantees for the fulfillment of their collective rights:

There is no recognition of the peasantry as a subject of rights. That was the weakest point of the Agreement because the Government does not want to delegate administrative functions anymore, after the experience with indigenous peoples. Assuming away the power of this community is a way of killing a culture that is very important, which is asking for inclusion because it feels abandoned by the State.<sup>142</sup>

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136 Those Reserves have not yet been formalized, and there is confusion on the part of the different competent organizations about their limits and titles

137 Duarte, *Desencuentros territoriales*, 72–73.

138 Incoder was the Colombian Institute for Rural Development, today replaced by the Lands Agency.

139 Law 160 seeks to allocate wastelands of the nation to benefit poor rural men and women who do not own land, smallholders, peasant women heads of households, ethnic communities and beneficiaries of special government programs.

140 Duarte, *Desencuentros territoriales*, 90.

141 Coll-Agudelo, *Acceso de Las Mujeres a La Tierra*, 42.

142 Morales, Interview: ACIT.

Recognized or not by the government, the three sectors have powerful organizations, which aspire to the collective entitlement and autonomous administration of lands. The *Instituto de Estudios Interculturales* [Intercultural Studies Institute] -IEI- from the Javeriana University in Cali made a qualitative study, including social-mapping, that shows not only the inconsistencies in the formal entitlement but also the aspirations for enlargement of those areas by the three communities. When those goals are overlapping, interethnic and intercultural tensions arise.

The comparative exercise showed that the zones of overlapping coincide with the current urgent and potential conflicts, which is evident in the north and the east of the department. (see **Map 4**)

Notwithstanding the progressive national and international legal framework, and its achievements regarding the recognition of indigenous and afro-descendant peoples' rights, the lack of political and cultural recognition of peasantry, has created a challenging context in Cauca. First, it has generated tensions and competition between communities about the entitlement and use of what they consider to be their lands. In the other hand, the general feeling of marginalization of peasant communities gets aggravated by the generalized poverty and the lack of political legitimacy to claim their right, among which, the right of prior consultation.

Inter-ethnic conflicts are compounded by the legislation in 1991 for indigenous and afro-descendants. The norm covers the Community Councils and the Indigenous Reservations, but the peasants are not included, and that is why they are struggling with the ZRC, which is in the peace agreements. It is unfair to give some rights to some communities, and not to others. (...) The peasants and blacks, finally are native communities. Peasants were probably indigenous, but there is a process of mixing with the colonization and the migration. We must rethink this issue. Everyone is looking for an identity and rights.<sup>143</sup>

Organizations of peasants, afro-descendant, indigenous and women have created many spaces of discussion from below to solve these problems. Among them, six Interethnic and Intercultural Meetings held between 2002 and 2013, in which the premise is that the Cauca is an:

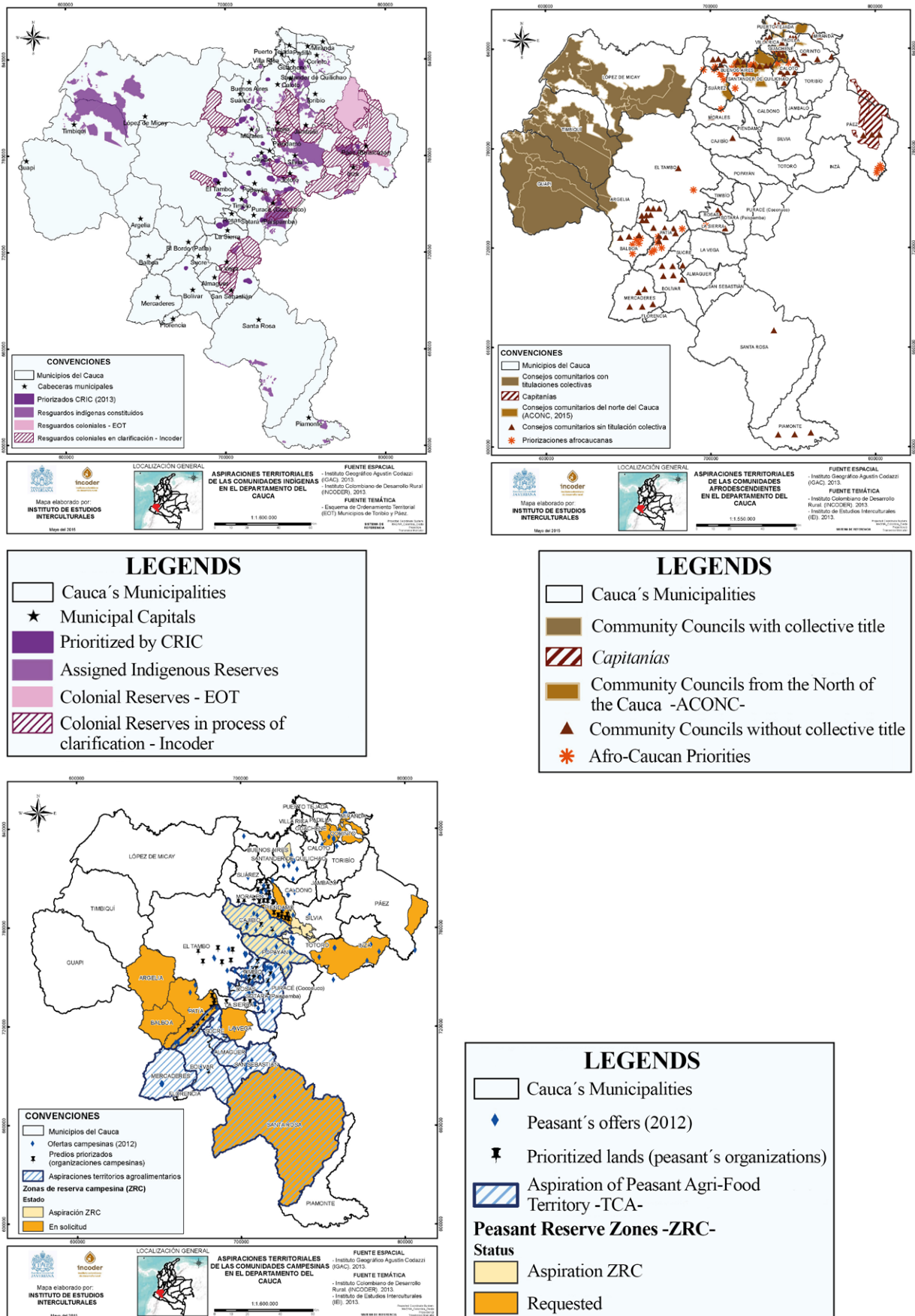
Interethnic, Intercultural and Popular territory, where respect for differences prevails, and where we assume to build and strengthen the social fabric and the harmonious coexistence of our peoples. We know that solidarity is the only guarantee that our communities, historically dominated, have to go beyond the geographical, physical and human limits that others have imposed on us over time.<sup>144</sup>

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143 Risueño, Interview: Unicauca.

144 Mesa Interétnica e Intercultural del Cauca, *Memoria de Encuentros Interétnicos E Interculturales Del Norte Del Cauca*, 8.





Map 4: Territorial Aspirations of Indigenous, Afro-descendant and Peasant Communities in the Cauca Department. Cartographic base: IGAC (2013). Information is taken from INCODER (2013) and IEI (2013). Maps elaborated by IEI, 2013



In these meetings, common points have been established, such as the defense of the environment, the fight against large-scale mining, and the defense of territory against the presence of armed actors and big business. Likewise, protocols were established for the solution of conflicts, strengthening spaces for dialogue. In the meetings, both visions of territory and the collective rights of each community, including peasants, are respected.

After 2013, they created a permanent interethnic and intercultural Council,<sup>145</sup> as the continuation of the work done during the Meetings. According to Carlos González, advisor of the Council, it was set up to take more effective decisions and to work based on accords and responsibilities from each community. Also, to have a follow-up of the actions and more impact in the territory and the interlocution with the State.<sup>146</sup> Additionally, they are writing a Common Proposal for Peace. The Council has a great potential to solve the conflicts mentioned above:

The relationship within the framework of the Council has been increasingly robust, has been consolidated. It has allowed us to understand and solve some conflicts within the territory, especially the issue of land tenure or access to land.<sup>147</sup>

Another proposal is the *Territorio Campesino Agroalimentario* [Peasant Agri-Food Territory] -TCA-, created by peasants' organizations as zones that can fulfill the rights of the peasantry as a collective political subject, and at the same time, promote the coexistence with the other sectors. It proposes a Territorial Governing Board, and an election mechanism for it.<sup>148</sup>

The struggle for the recognition of collective territories by the organizations, even if it has not always been done jointly by the three sectors, has pressured the government to work on the formalization of the existing entities, which is potentially a positive solution to the conflicts.<sup>149</sup>

Furthermore, the Item 1 of the Agreements mentions the importance of women, ethnic and cultural communities to achieve a sustainable territorial planning, considering social and environmental dimensions. Thus, the Government will promote the access to land and the constitution of ZRC, with the active participation of the communities to build the

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145 The Council is now having regular meetings once or twice a month, depending on the necessities.

146 González, Interview: Consejo Territorial Interétnico.

147 Moreno, Interview: ACONC.

148 Coordinador Nacional Agrario de Colombia -CNA-, *Territorios Agroalimentarios*.

149 The Human Rights Council (HRC) has been working on it since 2010 in an inter-governmental working group for the elaboration of the Declaration on the Rights of Peasants. The participation of international peasant movements as La Via Campesina, who formulated the Declaration, was crucial for this decision.

Development Plan according to the characteristics of the collective zone. The ZRC have a special place in the accord, in response to the current work of peasants' organizations, and as an agrarian initiative that will help in peacebuilding. This process will be accompanied by the program for the massive formalization of lands.<sup>150</sup>

Additionally, it creates a Mechanism of Conflict Resolution as a space for social dialogue between the national, regional and local government; peasants, indigenous, afro-descendants, and other communities where different ethnicities and cultures coexist. It will also promote the dialogue with private companies which have economic activities in the rural territories, to generate formal spaces of interlocation between actors with diverse interests.<sup>151</sup> All these mechanisms, summed to the ongoing initiatives, could constitute a solution to the conflicts that were present before the war, to build a joint proposal for peace.

### **3.2. SOCIAL AND HUMAN DEVELOPMENT: ADDRESSING STRUCTURAL VIOLENCE**

The concentration of land ownership, the absence of public goods, the lack of an accurate territorial planning (which considers historical, environmental, cultural and productive particularities of the territories are considered) and the long-lasting armed conflict explains the precarious economic situation of the Cauca department. In 2014, the poverty rate in Cauca was 54,2%, and the extreme poverty, 25%. The Gini Index of 0,5, is one of the highest compared to the other departments in Colombia.<sup>152</sup> The Multidimensional Poverty Index -MPI-,<sup>153</sup> which consider five dimensions (household education conditions, childhood and youth conditions, labor, health, and access to household utilities and living conditions) is considered more complete.<sup>154</sup> According to data from the 2005 Census, 71,7% of the Cauca population is under the MPI threshold, which means that it is deprived of at least the 33% of the indicators. The specific data of the municipalities allowed the IEI to construct the following map. After examining the numbers, it can be said that all the ethnic and cultural groups living in Cauca are marginalized and have difficult living conditions.<sup>155</sup> In 21 municipalities of 42, more than 90% of people are deprived of the most fundamental rights.

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150 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 21.

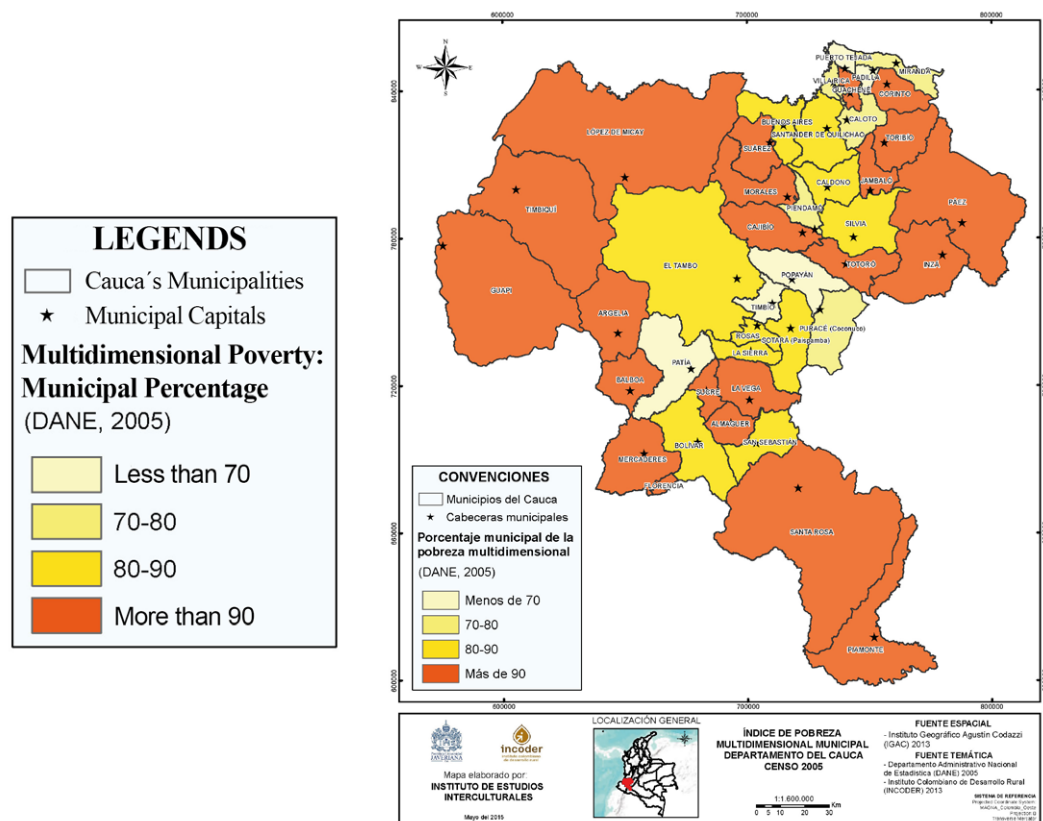
151 Ibid., 20.

152 DANE, "Pobreza Monetaria 2015: Cauca," 2.

153 The MPI is a methodology created by the Oxford University that forms part of a comprehensive poverty reduction strategy of the Colombian Government.

154 DANE and DNP, "Pobreza Monetaria Y Multidimensional En Colombia 2016," 23.

155 Duarte, *Desencuentros territoriales*, 148.



*Map 5: Multidimensional Poverty Index of the municipalities in the department of Cauca, Census 2005. Cartographic base: IGAC (2013). Information is taken from DANE (2005). Map elaborated by the IEI (2013).*

The Item I of the Peace Accords, RRI, aimed to address the structural violence, was promoted by the FARC during the negotiation. For them, it was the core point to be discussed, together with the Item concerning political participation.

The first point of the RRI is about land access and use. It will create a Land Fund for free distribution to people with insufficient land, using wastelands of the Nation, expropriated lands, donations, among others (priority will be given to rural women and displaced people). Also, a Plan to register more than 7 million hectares of lands will be undertaken, putting in place a multi-purpose land registry to supervise the system of taxes and encourage the productive use of lands. The access will be complemented with a Comprehensive Plan to ensure favorable conditions for productivity and well-being (roads, irrigation systems, market access, healthcare). Also, it creates an Agrarian Jurisdiction to resolve conflicts, give proper access to justice, and legal assistance on property rights, particularly for women. The open participation and alternative ways to solve these conflicts will be promoted, respecting the local visions and mechanisms.<sup>156</sup>

156 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 16–20.

National Plans for RRI will be implemented to eradicate extreme poverty and to reduce overall inequality considering a gender approach. The Plans have a broad spectrum of action, that includes: rural infrastructure (road network, irrigation), social development (health, education, housing), enhance solidarity and community-based production economies (technical assistance, access to credit and commercialization, technological innovation), and actions to ensure greater rural inclusion in the national economy. An exclusive system will be adopted to the gradual realization of the right to food<sup>157</sup>. For peasants in Cauca, the infrastructure and the economic planning around the commercialization of agricultural products appears to be highly significant:

There are two severe problems for peasants: lack of lands and distribution of goods, the support to the peasant economy recognizing it as viable and sustainable for the nation. It is not only about lands but about the organization of markets. They can give a portion of land to a farmer, and even a productive project, but then in the market there is no stability in the prices. The State does not recognize the peasant economy, and this is more important than lands. There must be an institutional structure that guarantees a profitable and dignifying production.<sup>158</sup>

It is especially remarkable to analyze the territorial dimension of peace, and particularly the participation of the civil society in the local plans for development, the *Programas de Desarrollo con Enfoque Territorial* [Development Programs with a Territorial-Based Approach] -PDET-. The very idea of those programs is to speed up the execution and funding of the national plans in the zones most affected by poverty, armed conflict, institutional weakness and illegal economies. The progressive dimension of it is that it will include the participation from the relevant sectors of the community in its formulation, execution, and follow-up. The PDET aims to protect multi-ethnic and multicultural wealth, appreciating communities' knowledge, economy, and relationship with nature. The final objective is to develop the peasant and family economies, and the own forms of production of all the ethnic communities, through the integral access to the lands, productive and social services. The PDET will also intervene in the interethnic and intercultural spaces so that they can advance towards harmonious coexistence.<sup>159</sup>

Additionally, the PDET are included in Item 5, the agreement for reparation for victims, because they have a transformative character. So, "the level of victimization of the

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157 Ibid., 23–54.

158 Morales, Interview: ACIT.

159 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 21.

zones will be one of the principles for the eligibility of the PDET, for its implementation to look for a reparation for victims and communities.”<sup>160</sup>

According to the Decree 823/2017, sixteen PDET will be created all over the country, according to sub-regions composed by several departments. The ones most affected by the conflict, poverty, presence of illicit economies, and institutional weakness will be prioritized. In each priority area, it will develop a participatory action plan for regional transformation to be developed. For this purpose, it will establish instances at the local level to the decision-making process by the competent authorities, according to the RRI guidelines. From 170 municipalities prioritized at the national level, 20 are in Cauca, divided into two different sub-regions (thus, two separate PDETS). The first one, in the sub-region Alto Patía-North of the Cauca, shared with the departments of Nariño (4 municipalities) and Valle del Cauca (2 municipalities), the Cauca will have 17 prioritized municipalities.<sup>161</sup> The second sub-region, Pacífico Medio, shared with Valle del Cauca (1 municipality), other three will be prioritized for Cauca.<sup>162</sup> The participatory mechanism for territorial and economic planning created high expectations at the local level. However, the designing phase of the participatory methodology is taking too long. The *Agencia para la Renovación del Territorio* [Agency for the Renewal of the Territory] -ART- is building the strategy, but the final proposal is not public yet, nor approved by the CSIVI.

What I see is that rural communities have high expectations, but also lots of uncertainty because they do not know what will happen to their lands. I feel that participation is very restricted. They are going to do it by municipalities, and at the national level some organizations are also chosen, but I do not know what the requirements are.<sup>163</sup>

Before the Plebiscite, the decision-making force of those participation processes was explicit. However, with the changes included after the observations of the opposition, it is evident that those mechanisms can “under no circumstances limit the powers of execution of the decision-makers and other competent entities.”<sup>164</sup> Because of this situation, summed to the lack of information about the procedures, the organizations fear the Plans will not efficiently include their contributions.

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160 Ibid., 179.

161 Argelia, Balboa, Buenos Aires, Cajibío, Caldon, Caloto, Corinto, El Tambo, Jambaló, Mercaderes, Miranda, Morales, Patía, Piendamó, Santander de Quilichao, Suárez and Toribío

162 Guapi, López de Micay, and Timbiquí. In: Ministerio de Agricultura y Desarrollo Rural, “Decreto 823/2017,” 12.

163 Urrutia, Interview: Procuraduría de Restitución.

164 Oficina del Alto Comisionado para la Paz, “Lo Acordado En El Nuevo Acuerdo,” 17.

The structure of the PDET and the agreements do have many options for participation, but the government is not opening these spaces. We sent a right of petition to the CSIVI, both to the government and to the FARC, asking for the routes and mechanisms and they did not answer.<sup>165</sup>

According to experts, the methodology for participation should be planned a long time ago, and the steps to follow must be socialized with the communities, to them not to feel they are marginalized from the process.<sup>166</sup> Also, that dialogue between the communities and government experts should start before the participation will be carried out, for the communities to be prepared with their proposals and representatives, knowing the steps to follow.<sup>167</sup> While this is not happening, mistrust and displeasure are growing in the Cauca.

However, the Cauca department has a rich potential, defined by the strength of its social organizations, which, given the absence of the State and the crudeness of the war, have generated their development plans. They are based on their own experience, customs, and cultural dynamics, but with a higher objective: the well-being of their communities, with the aim of contributing to social and environmental justice from their worldview.<sup>168</sup>

The indigenous groups of Cauca have developed for years their Plans of Life, which are divided by communities, addressing the needs of each one. They have four components: territory (land, environment, and production), sociocultural project (health, education), political project (training in communication and law) and public policies. The formulation of the Regional Life Plan is “a joint exercise that will allow us to construct and design the future, taking advantage of our memory, the abilities of our cultures, the identities and the determination to struggle that indigenous peoples have historically developed. Its purpose is to guarantee the survival as autonomous peoples and, also, the improvement of the conditions of life of the community members.”<sup>169</sup>

Indigenous peoples represent their priorities as the roots of a tree, which correspond to recover and expand their Reserves, strengthen their Councils, demand the application of the special law, defend their language and customs, increase their economic organizations, protect natural resources, and promote family unity. Likewise, they base their projects on philosophical pillars such as reciprocity, solidarity, harmony, equity, and

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165 Morales, Interview: ACIT.

166 Montoya, Interview: Vallenpaz.

167 Rodríguez, Interview: IEI.

168 Please note: Many organizations and groups are developing proposals for development to be included in the PDETS. The ones mentioned in this work are considered relevant to give some examples of the improvements that the region is having to rethink their development. Also, the ones available in documents facilitate the analysis. The election of those initiatives is not assuming away other proposals and initiatives.

169 CRIC, *Plan de Vida*, 20.



balance. In the Plan of Life, they consider fundamental the point of view women, in which the Development Plan must be understood as a weave, in a comprehensive perspective including the territory, the culture, the unity, and the autonomy.

We do not need more plans. We have our Plans of Life for indigenous territories. In Northern Cauca, Jambaló and Toribío have two plans, one of the Nasa project and another of the Global Project. Therefore, we propose to base the implementation on what already exists. We do not need to invent new plans.<sup>170</sup>

Afro-descendant communities have also developed their proposals for development in their communities, called Ethno-Development Plans. The Plans begin with a reflection of their historical conditions of slavery and settlement in their ancestral territories. They developed proposals based on the following components: economy (establishing a rejection of large-scale mining, and defending inherited forms of artisanal mining); socio-cultural (ethnic-education, health, recreation, communication); infrastructure (roads, public services); territory and environment (land management and protection of natural resources); and political organization.<sup>171</sup>

The government has not promoted participation scenarios. We will have a second meeting with the ART because we have said that in our territories, the PDET must be our ethno-development plans. In the case of ACONOC, for the 40 Community Councils, there is a single Development Plan from 2015 to 2035, which prioritizes its actions in a Human Rights framework.<sup>172</sup>

Women organizations, also, have made a Peace Agenda of Women from Cauca, which includes indigenous, afro-descendant and peasant women. The third item, 'Decrease on limitations for access, use, and enjoyment of land for females with equal conditions', considers that the problem of land disproportionately affects women. The proposals for development include a peasant economy program, in which it is necessary to encourage local markets and to protect native seeds. Also, the need for an alternative territorial planning to resolve inter-ethnic conflicts, considering the importance of free, prior and informed consultation. Regarding women's rights, they propose an intercultural school for their land rights and fight for the recognition of the domestic work. Also, institutional strengthening to value and highlight the initiatives of women in the framework of

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170 Lemus, Interview: ACIN.

171 Rosero, "Planes de Vida Y Planes de Etnodesarrollo," 7.

172 Moreno, Interview: ACONC.



access, use, and enjoyment of rights to land. Finally, they consider that the statistics must have gender dimensions, to better understand women's relation to land, and assess their particular vulnerability.<sup>173</sup>

Women sustain the social movement, but it seems that their knowledge is not valid and that the support for life is not so important. I believe that we have made significant progress, but it has cost us a lot. We come to this moment after many sorrows, efforts, and disappointments, but also acknowledgments and achievements. Today you can hear a man say that the women of the movement sustain life, and this is beautiful.<sup>174</sup>

Joint efforts between afro-descendants, peasants and indigenous peoples are also rising as part of the contributions to peace. The *Plan Estratégico para el Desarrollo del Norte del Cauca 2032* [Strategic Development Plan for the North of the Cauca] -PEDENORCA- was built by more than 25 social organizations, mayors, and people in business, sponsored by International Cooperation and within the framework of a government initiative. The result has six lines, which objectives are the integration of the economies of the region according to the diversity that cohabits in the territory, improves the social conditions to recover trust and advance in the quest for peace and social justice. Also, to preserve the environment as a guarantee for life in the territories and to strengthen the relationship between the State institutions, the business sector, and the social organizations. Apart from the items of education, technology, and health, this Plan focus on the promotion the cultural diversity and the decision of communities to live in peace.<sup>175</sup>

In general, another potential is the willingness of the Governor's Office, in which this kind of initiatives are received, and where they are thinking about the possibilities, for example, to find resources and invest in the municipalities that are not prioritized by the PDET.<sup>176</sup>

I believe that both the government and the population of the Cauca, have an absolute disposition to build a territory of peace. That has meant that institutions are working and that the departmental and municipal plans for development have the view of post-agreement, and I would say that this is a step forward.<sup>177</sup>

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173 Corporación de Mujeres Ecofeministas, Ruta Pacífica de las mujeres, Cauca, and Fundecima, *Agenda de Paz de Las Mujeres Del Cauca*, 51–60.

174 Cárdenas, Interview: Red Departamental Mujeres.

175 Gobernación del Cauca, *PEDENORCA 2032*.

176 Urrutia, Interview: Procuraduría de Restitución.

177 Urrutia, Interview: Proyecto Vivienda Rural.

The fact that the Cauca is highly vulnerable compared to the other departments of the country, due to the situation of security and human development, makes the majority of its municipalities prioritized for the implementation of the Agreement. The prioritization will benefit the sector, but equally, will represent a significant test for articulation and active community participation. As shown above, the increasing and persuasive proposals from civil society organizations are a huge potential to start the dialogue and democratically build the PDET, responding to the vulnerabilities and the dynamics of the region.

### **3.3. ILLEGAL ECONOMIES: ILLICIT CROPS**

Drug trafficking, and especially cocaine production, are one of the core obstacles to build peace in Cauca. The manufacture and commercialization chains create strong conditions of vulnerability given the control of the territories by armed groups and the deepening of poverty conditions which can hamper even more communities' trust in State. According to the UNODC Coca Survey, in 2014 coca grown areas in Cauca returned to the highest levels in the historical series, reaching 6389 hectares (compared with the 3218 in 2013) and the dimension of the lots increased by 52%. From the national statistics, the department has 9% of the total amount<sup>178</sup>. The problem is worsened by the fact that it has become the only source of labor and livelihood for many farmers. In Cauca, it becomes more complicated when the crops are in Afro Community Councils, Indigenous Reserves (in many cases, considered sacred plant) and National Parks.

People are not evil; they just had to live on that. Moreover, they are not rich either. The conditions in which they live, they have the resources to eat, but they do not even have for buying a vehicle. Although there are drug trafficking groups in the area, the peasants do not have greater choice, just surviving.<sup>179</sup>

The State has developed a series of programs to reduce the supply of drugs. The aerial spraying with glyphosate, which begun with Plan Colombia in 1999, was criticized by the International Community and prohibited by 14 judgments of the Constitutional Court. First, because of its inefficiency<sup>180</sup> (the glyphosate kills the leave but do not prevent the seeds from growing), but especially because of its adverse consequences for the

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178 UNODC, "Coca Cultivation Survey 2014," 31.

179 Vernaza, Interview: Defensoría del Pueblo.

180 After the spraying of more than 66.000ha between 2003 and 2012, the Cauca department remains in the four zones in the country with most cultivation and production of coca and marijuana. (Salinas, "Cauca: Análisis de Las Conflictividades Y Construcción de Paz," 23.)

environment, for the licit crops surrounding the illicit ones, and for the health<sup>181</sup> of the coca leaf growers and other inhabitants in the zones. The State has also developed programs for voluntary manual eradication, accompanied by the Alternative Development Program, which aim is to eradicate the crops and provide productive assistance and training for the replacement of the plant. The *Política Nacional de Consolidación y Reconstrucción Territorial* [Consolidation Policy and Territorial Reconstruction] -PNCRT- aims to transform the factors that have led to the vulnerability of the territories to the cultivation of illicit crops. The initiative is promoting the institutional presence and human development. Then, the Government has also implemented forced eradication, which is carried by Mobile Eradication groups or by the National Police and the Army in patrols.<sup>182</sup>

Notwithstanding the improvements and successful projects all over the country, illicit crops continue to be a big challenge. The Item 4 of the Havana Agreement pretends to find ways forward, creating programs for substitution, prevention of drug use and public health, and a strategy to the production and commercialization. The Agreement has created already lots of conflicts in the Cauca and has been criticized by civil society organizations.

First, to social movements supporting rural communities, as *Congreso de los Pueblos* or *Marcha Patriótica*, the Agreement will not solve the problem of drug trafficking because it is principally attacking the cultivation; assuming away the need of a bigger strategy regarding global consumption and the marketing controlled by armed groups:

All experts know that the problem is not only about illicit crops but drug trafficking. In the agreement, the whole issue is centered in cultivation. Although peasants have the right to work around this problem, the general issue of illegal economies will not be solved (...) Moreover, there are still illegal armed groups willing to give protection to it. With only that agreement the cocaine business is not going to end, so at this point, I do not see great possibilities.<sup>183</sup>

Additionally, even if in the accord promises security guarantees “by strengthening the institutional presence of the State and its capacities to protect communities against

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181 A Joint FAO/WHO Meeting on Pesticide Residues state that “Several epidemiological studies on cancer outcomes following occupational exposure to glyphosate.” Available in: <http://www.who.int/foodsafety/jmprsummary2016.pdf?ua=1>

182 UNODC, “Coca Cultivation Survey 2014,” 97.

183 Houghton, Interview: Congreso de los Pueblos.

coercion or threat, and its ability to interdict and prosecute territorial drug trafficking networks”<sup>184</sup> the actual security situation is not promising:

The arriving criminal organizations aim the control of the areas where the coca crops are. It is generating uncertainty for the growers, who are the weakest link in drug trafficking but feel the pressure of those organizations.<sup>185</sup>

The Government is giving priority to the implementation of Item 4. The *Programa Nacional Integral de Sustitución de Cultivos de Uso Ilícito* [Program for the Substitution of Crops Used for Illicit Purposes] -PNIS-, created by Decree 896/2017, is directly linked to provisions of Item 1, RRI. Given that the coca plants are fundamental to the growers’ livelihood, and considering that most of them are peasants in poverty conditions, the substitution must be done within the framework of the PDET or other Development Plan framed by the Accord. The Plan is designed to promote the voluntary substitution through participative scenarios, respecting the views and reaching consensus between afro-descendant, indigenous, peasants and women as groups of special protection.<sup>186</sup> Thus, the *Planes Integrales comunitarios y municipales de Sustitución y Desarrollo Alternativo* [Comprehensive Substitution and Alternative Development Plans] -PISDA- contemplates the active participation of the communities and should be articulated with the PDET to guarantee its insertion in a wider strategy for development. The program includes the *Planes de Acción Inmediata* [Immediate Action Plans] -PAI-, which are small infrastructure projects, concerted with the local communities, to execute changes in the short-term, while the planning of the PISDA is ongoing.

Before the plebiscite, the Agreement created the process as voluntary and progressive. However, after the negotiation with the opposition, it was added an article in which it is stated the impossibility to be a beneficiary of a substitution program if still linked to illegal economies. This premise means that the applicants must eradicate all the crops *before* being involved in the program. Moreover, then, if the negotiation with the growers is not possible, the government, to guarantee the eradication, will use forced eradication or glyphosate spraying.<sup>187</sup>

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184 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 106.

185 Centeno, Interview: Marcha Patriótica, Cauca.

186 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 107.

187 Oficina del Alto Comisionado para la Paz, “Lo Acordado En El Nuevo Acuerdo,” 20.

Some of our partners are working in the PNIS to substitute the crops, but the government side has been proposing eradication. It has made agreements with the communities, and it is not complying with them. People are saying that public forces are arriving and there have been disputes and many difficulties.<sup>188</sup>

The mistrust of the growers is based on the fact that the government tried to prioritize the drug problem given the pressure made by the United States and the Colombian Ministry of Defense. The Government socialized the PNIS with the communities, and commit itself to go ahead with the agreed participatory methodology was agreed during the negotiations. Days after, the Army arrived at the territories to eradicate forcibly, and the communities perceived this as a betrayal on the part of the State.

Some communities that were left with FARC crops told the Unit for Restitution of Lands that it could enter to the territories, but without the police or the army. In the municipality of Argelia, peasant communities confronted the army with no weapons and had prevented the eradication.<sup>189</sup>

The Court prohibited the sprayings, but the Government keeps doing forced eradication. Moreover, the agreement was to reach agreements with the cultivators, the families, and the municipalities for regional development. It is not doing this in many cases. The given options do not help to overcome the conditions of poverty in which the communities live<sup>190</sup>.

Furthermore, the PISDA methodology is prioritized by the ART, but it is not adequately articulated with the PDET. The insertion of the substitution plans in a wider and long-term development project is fundamental to give growers the guarantees they need for living. A group of Human Rights organizations expressed the need to give guarantees on the content of the agreement, including judicial concerns: “in order to provide legal certainty to the officials who are involved in the substitution, as well as to the communities that sign the agreements, it is necessary to present the bill for the differential criminal treatment of growers.”<sup>191</sup> The improvisation in the execution is one of the biggest obstacles to achieve the development policies and objectives planned for the postaccord.

I am very concerned that the PDET will be undermined because of all the coca problem, and because the PAI do not have a real impact. In many of the territories where we are working, not only in the Cauca, it begins to grow the feeling of this agreement is going nowhere.<sup>192</sup>

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188 Andrade, Interview: CSIVI FARC.

189 Moreno, Interview: ACONC.

190 González, Interview: INDEPAZ.

191 Dejusticia et al., “Comunicado Sobre La Política de Cultivos de Uso Ilícito,” 7.

192 Rodríguez, Interview: IEI.

Conversely, the PNIS has a high potential to achieve a sustainable response to the problem. In one hand, the growers are willing to change the crops voluntarily, as long as they have guarantees for the and living.

Farmers want to replace cultivations as long as they have guaranteed to survive (...) there is the will of the people to change, even if the new business does not give them the same profits. They have made an internal reflection that easy money runs very fast, that makes them lose values.<sup>193</sup>

What is agreed in Item 4, even after the Plebiscite changes, has already the basis for building public policies. Also, if complemented with clauses regarding ethnic relation with the crops, it can open the door to alternative programs for licit use of coca leaf. The Ethnic Chapter of the agreements, states that “the government will ensure effective participation and consultation of communities and representative organizations of ethnic peoples in PNIS design and implementation, including PAI to the territories of ethnic peoples. In any case, the PNIS will respect and protect the uses and cultural consumption of traditional plants classified as illegal. In any circumstances will unilaterally impose policies of use on the territory and the natural resources present in it.”<sup>194</sup>

The Cauca region can take advantage of the clause and consider experiences of International Cooperation projects for the development of small business with the traditional and licit use of coca leaf. Also, to use as an example some other projects that have already done progressive substitution, with diversified crops that ensure food security, mid-term and long-term commercialization.<sup>195</sup>

### **3.4. LEGAL ECONOMIES: PERSPECTIVES OF DEVELOPMENT**

The problem of land concentration in Cauca is closely related to a problem of soil use. The 82% of the area has low fertility and corresponds to the one occupied by indigenous, afro-descendant and peasant communities. With effort, they maintain their production systems to ensure self-consumption and the cultivation of products for commercialization in local markets. In contrast, sugarcane monoculture and forestry projects occupy the 2.3% of high fertility soils. As a result, many communities have had to move from their places of origin or rely on such monocultures as day laborers.<sup>196</sup>

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193 Urrutia, Interview: Procuraduría de Restitución.

194 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 208.

195 To review some successful projects of alternative substitution of crops in Colombia, see UNODC, “Coca Cultivation Survey 2014,” 107.

196 Duarte, *Desencuentros territoriales*, 146.

Thus, the opposite viewpoints of development, in which in one side peasants defend their crops of potatoes, coffee, bananas; and in the other, the government is giving concessions to monocultures, mining and power plants, is worsening the violence dynamics in the Cauca. The conflict there has always been based on “the confrontation of an idea of a ‘territory’ of the communities (who want it both as a productive object and as a space in which the develop their collective identity); and a ‘land’ that armed groups and large landowners, seek for mobility and utilities.”<sup>197</sup>

Sugarcane monocultures used to produce sugar and biofuels pose the first problem in the development agenda. Principally, because their location in the Cauca corresponds with areas most conducive to small and medium-scale agricultural activities, which accentuates conflicts over inequality in land tenure. According to studies carried out by the IEI, the distribution of lands in Cauca is 8.12% for smallholdings; 15.86% for small properties; and 62.1% for large properties, concentrated for 11.96% of the owners. Forest monoculture, mainly owned by the Smurfit Kappa Cartón de Colombia, also occupies fertile land and has caused the overcrowding of many farmers.<sup>198</sup>

Furthermore, in Cauca, there are 13 working hydroelectric plants and six planned, which have generated reclamations by the communities. First, because they are an obstacle to the free and safe access to water; and second, because it is a model of development that does not benefit the local communities. In some cases, as the Salvajina, they have been done without prior consultation in indigenous territories.

For the communities and the academy, the action of the State does not reflect what the spirit of what the convention 169 says. The one that is being given is not a consultation that asks if it wants or does not want the project. It is a query that asks how you want it to have fewer impacts. It is not consent; it is simply information.<sup>199</sup>

The Cauca has 246 mining concession contracts (especially for extracting gold, copper, coal, and marble), of which 85 are in areas that must be destined for conservation. These contracts have violated the right to free, prior and informed consultation of indigenous<sup>200</sup> and afro-descendant communities several times. In some cases, the relation of these economic powers with GAPD or other criminal groups has driven to the death

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197 Vázquez et al., *Una Vieja Guerra En Un Nuevo Contexto*, 101.

198 Respectively: less than 3ha, between 3 and 20ha, and between 20 and 200ha (or bigger).

199 González, Interview: INDEPAZ.

200 The indigenous communities in the Cauca have 22 indigenous mining areas, which they have requested to ensure the protection of the territory because they do not agree with any mining. The right of priority over these contracts has not been respected either. Duarte, *Desencuentros territoriales*, 170.



of leaders and defenders of Mother Earth. For indigenous peoples, the respect of this right is a precondition for peace:

If there were indeed a will for peace, they would take consultation into account. They must consult the indigenous peoples and the rest of Colombians because it should not only be a privilege of ethnic people, we are all part of this democracy and recognized by the Constitution. If there is no prior consent, people feel that there is a government that is negotiating peace with the guerrilla but not really as a State.<sup>201</sup>

Afro-descendant peoples have a tradition of artisanal mining, which collides with the concessions for large-scale mining that have occurred in their territories. Those projects have harmful effects on the environment, and for the inhabitants, since on several occasions, they have had to move from their original places of living forcibly. The gestation of the new resistance of Afro-descendant communities is then related to the recovery of their ancestral territories.<sup>202</sup>

The government believes that it gave much power to the communities with prior consultation, but it is a fundamental right, which for our case protects the other rights enshrined in Convention 169. Then I do not understand why they sign the Convention if then they will limit it. The consultation must be free, prior and informed, and today the government is disrespecting all the agreements. In megaprojects and large-scale mining processes, it continues to disrespect.<sup>203</sup>

On the other hand, there have been 26 mining titles in areas where peasants live (16 for AngloGold Ashanti), and although they have no right to prior consultation, they have expressed their concern about the effects they have had on the environment and the escalation of the conflict. The large-scale mining puts the food security of the communities at risk and has made many “forced to be day laborers to meet their needs, or to engage in activities such as coca sowing or illegal mining.”<sup>204</sup>

The big debate now is that the State is willing to negotiate the topics concerning lands, but not the recognition policy. Prior consultation is bothering them the most. Moreover, we (peasant communities) want free, prior and informed consent. The Constitution

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201 Lemus, Interview: ACIN.

202 Salinas, “Cauca: Análisis de Las Conflictividades Y Construcción de Paz,” 21.

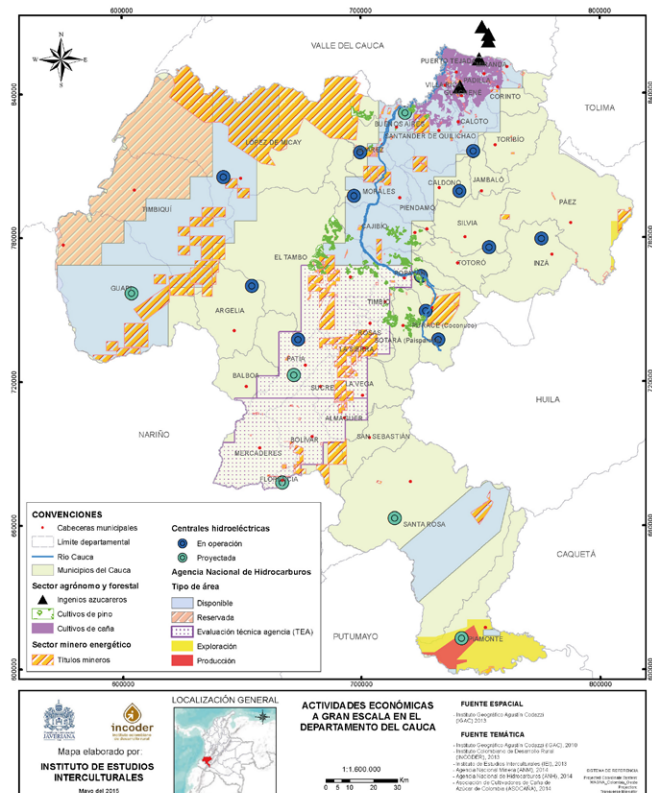
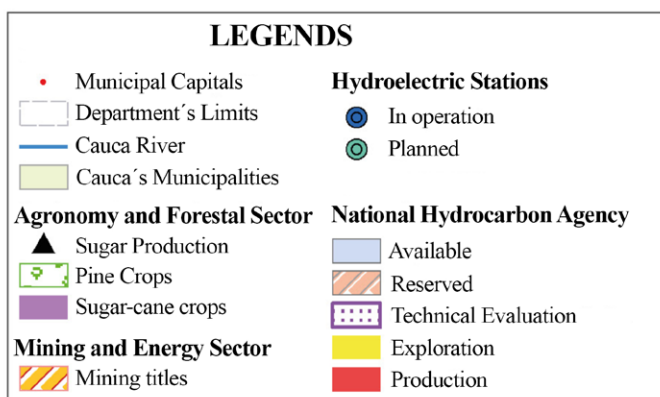
203 Moreno, Interview: ACONC.

204 Salinas, “Cauca: Análisis de Las Conflictividades Y Construcción de Paz,” 19.

says so, and there has been jurisprudence on this subject. That is why we need the State to recognize that the peasant economy is viable and valuable first.<sup>205</sup>

The peasant's subject is complicated because there is no prior consultation, and the projects are designed by the Colombian State and installed without permission. Suddenly, in the execution and development of the project, there is some possibility of modification, but it is not the State making it possible, but the social organizations requesting the adjustments. In fact, they do not decide; the projects are still coming. Moreover, with an aggravating factor: more and more, the projects for the region are defined in Bogota. Then, advisors who do not know the dynamics of the area, who are not aware of the organizations are coming to Cauca to implement the projects. Moreover, that has generated many difficulties.<sup>206</sup>

Hence, summing to the existing problems between the organizations regarding territorial planning, economic interests from private business, which are endorsed by the National Government, do not recognize the common needs and visions of local development of the communities. Crossing the data of the following map, with the above-presented maps of territorial aspirations of communities, the areas of overlapping will rise and confirm the complexity of the situation.



Map 6: Large-Scale economic activities in the Cauca Department. Cartographic base: IGAC (2013).

Information is taken from INCODER (2013) and ANM (2014). Map elaborated by the IEI (2015).

205 Morales, Interview: ACIT.

206 Urrutia, Interview: Proyecto Vivienda Rural.

Illegal mining compounds by the problem of large-scale mining, in which armed groups and criminal gangs use backhoes and highly toxic elements which have an impact on the health of the settlers. Poor people who have no choice to sustain their families put their lives at risk (because of the activity itself and because of the relationship with criminal organizations) and have been more and more involved in this manner of mining.

It is usually due to the arrival of third parties who, taking advantage of the economic vulnerability of the communities, use the benefits to fulfill their interests. When for indigenous peoples, any mining is unacceptable, for afro-descendant communities is a way to survive, close to what they already know because of their past relationship with artisanal mining. The growing business has become a starting point for interethnic conflicts.<sup>207</sup>

The population groups have expressed their position against large-scale mining and agroindustry monocultures, because they all consider it as a threat to the territory, to autonomy, to the environment, and to life. Because of this, the Agrarian, Ethnic and Popular Summit has sent a claim to the Government, in which associations state their common position on this matter. They required the Government to adopt a new mining-energy policy with an active participation of the communities, to review the approved titles without prior and free consultation, and to stop them until the process of concertation starts. They also commit themselves to solve the differences between communities in an independent exercise of territorial planning to ensure the coexistence. In return, they require their territorial legal forms to be respected, and the consultation of their authorities for any intervention. The petition does include not only the Indigenous Reserves and Afro-Descendent Community Councils, but also the ZRC, the TCA, the Zones for Biodiversity and other forms of intercultural and interethnic territories.<sup>208</sup>

In spaces for the dialogue proposed by the organizations, they managed to solve partially the conflicts resulting from the different perspectives regarding artisanal mining. The Nasa indigenous leader Feliciano Valencia,<sup>209</sup> interviewed by Verdad Abierta, stated that: “we have said that although traditionally we indigenous are not miners, we support afro-Colombian brothers who have had that tradition. However, it will be an ancestral and

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207 Fundación Ideas para la Paz, *Capacidades Locales. Cauca.*, 25.

208 Cumbre Agraria, Étnica y Popular, “Pliego de Exigencias.”

209 The Feliciano Valencia case is fascinating to analyze the contradictions between the ordinary system of justice and the indigenous special jurisdiction. After more than two years of being unfairly detained, accused of kidnapping and torturing a member of the military after a demonstration in Cauca, the Supreme Court of Justice absolved him from the charges. This case is also an example of the stigmatization and criminalization of social leaders in the country. To see more of this case: Verdad Abierta, “Corte Suprema Absuelve a Feliciano Valencia.”

millenarian mining, and not like the one the national government intends to do, which only aims exploitation and accumulation.”<sup>210</sup>

Although the progressive Colombian multicultural legal framework, which has ratified International treaties that protect and promote the prior and informed consultation, in Cauca those procedures are not yet a reality. However, the union of the three sectors organizations to defend a common territory is a potential to demand the application of the rights already acquired and to expand them to peasant communities in a multicultural effort.

Within the framework of the Interethnic and Intercultural Meetings, the organizations have also reached an agreement about this matter. Considering the Judgement T-1045A of 2010, which recognizes the right of afro-descendant peoples to be only ones that can do mining in their territories, and the Judgement T-693 of 2012 for Indigenous Reserves, the organizations are claiming their right to autonomy, and their Plans for Development to be respected. They also mention the ZRC as an autonomous territory that must be esteemed.

About agroindustry monocultures, they relate its presence with a systematic violation of Human Rights, they oppose to its expansion and claim the restoration of their ancestral lands be returned. In the documents, they also mention some policies from Free Trade Agreements which hamper sovereignty and dignity of their communities. For them, it is not only about the property of lands but about the non-recognition of their history, views, culture, and autonomy. In the same way, they commit themselves to the creation of economic initiatives based on free and intercultural markets, which suppose the rural reform to be synchronized with their rights, needs, and aspirations.<sup>211</sup>

The Item of RRI recognizes the cultural and social diversity of the Colombian territory, and that its transformation must benefit ethnic communities with sustainable social and environmental regulation. Thus, the implementation of this point must guarantee the ethnic and cultural perspective, as well as the legal framework for collective property and security mechanisms, in particular for the communities at risk of extinction.<sup>212</sup> It respects the economic productivity of the lands and will create spaces for dialogue and concertation with private actors to set a common ground for development plans.

In this vein, the following principles are considered in the Ethnic Chapter: autonomy and governance; self-determination; participation; free and prior consent and consultation; identity and social, economic and cultural integrity; right over their lands, territories

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210 Verdad Abierta, “Afros, Indígenas Y Campesinos Construyen Paz En El Norte de Cauca.”

211 Mesa Interétnica e Intercultural del Cauca, *Memoria de Encuentros Interétnicos E Interculturales Del Norte Del Cauca*, 44.

212 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 207.

and resources; recognition of their ancestral and territorial practices; the right to restitution; enhancement of their administration over the territories and of the mechanisms for the protection; and legal security of ancestral lands.<sup>213</sup>

The binding character of the Agreement supposes one more guarantee to the right of prior consultation to be respected. Despite it can also be breached, the context of the negotiations has made the communities to open concertation spaces, in which they have designed strategies for the defense and expansion of their rights. Also, it is important to mention that in the mechanisms that will be opened to contribute to the PDET, the business sector will also be present, which means that they will also present their agenda for peace, which will have to be arranged with other actors. According to experts from FIP, it is imperative to the civil society not to generalize the business sector as one single agent. Despite there are some fundamental rights that must be respected, the companies will be present in the territory, and the conditions will need to be negotiated with the communities.

There have been opportunities to meet, for example with the National Business Association of Colombia -ANDI-. The sugar sector, because of their extensions, tradition, etc. They have other dynamics and disputes over the territory. It is essential not to approach the industry as a whole. There may be a bridge for peace, and it is when the large ones can be involved in the productive sector giving advantages for small producers.<sup>214</sup>

### **3.5. WAYS FORWARD**

Human and economic development in the case of Cauca needs a comprehensive strategy to attend inequality, poverty, marginalization and agrarian conflicts. The case of Cauca, in its multicultural dynamics, can be analyzed through the obstacles left by the war and State neglect. Also through the potential of the civil society responses to those barriers, which have built prompt responses and proposals that must complement the efforts of peacebuilding in a new democracy.

Regarding the interethnic conflicts, the first task for the government is to clarify the titles and the geographical limits of Indigenous Reserves, Afro-Descendent Community Councils, and to streamline the process of ZRC. Also, to do a multi-purpose land registry, and to take decisions on the lands based on their productive use. Furthermore, it is crucial to promote an intercultural and interethnic territorial entity, in which all the sectors have the same rights and autonomy over the territories. It is urgent to reinforce the

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213 Ibid., 208.

214 Guerrero and Tovar, Interview: FIP.

ZRC or TCA and to give them some guarantees, as, for example, the right of prior and informed consultation, to solve the lack of political recognition of the peasantry partially. Finally, to promote and strengthen the existing concertation spaces that the communities have been building for intercultural dialogue, and to consider the results of those meetings and documents to shape and write Territorial Planning public policy.

Concerning the National Plans of Development, and its regional construction represented by the PDET, transparency, socialization, and dialogue with the communities must be a priority. Even in the first phase of the process, in which the ART is defining the methodology for the participation, meetings with regional actors is crucial to gain legitimacy, as well as to give technical assistance for the communities to organize their knowledge and experience. Additionally, the Government knows the need to articulate the several proposals and plans of the different sectors<sup>215</sup>. It is fundamental to demonstrate the will and trust on the local formal and alternative institutions, and, respecting all the proposals and socializing the steps to follow to include all suggestions, and to promote spaces for concertation. Also, it is important, to begin with the PAI, for the communities to see that the peace is having an impact in the region, that the situation is starting to change, and that they can trust in the process and feel free to participate.

The Government is facing a tremendous difficulty with illicit crops. In one hand, it has to deal with an unlawful activity, which it cannot accept, and it is supposed to fight at all levels, from eradication of crops, production, commercialization, and trafficking. However, on the other hand, in the moment of transition, it has to rethink the way of solving the problem of illicit crops, given the marginalization and poverty situation of the growers. The solution of the forced eradication has proved to be inefficient, not only because drug traffickers find the way of continuing with the business, but because the structural causes are not solved. The opportunity is already stated in the Agreements but depends on the articulation of the PISDA and the PDET, in which the crops are successfully replaced with legal crops that are a response to peasant economy, and part of a broad development plan for the region.<sup>216</sup> The objective of eradication of illicit cultivation should transcend from isolated interventions to a broader perspective of the transformation of the territory and a comprehensive agenda for rural development. In this process, the State must guarantee the protection of life and the active participation of the communities. Finally, it is important to strengthen the disarticulation of criminal bands who control drug trafficking.

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215 Bautista, Interview: OACP.

216 Centeno, Interview: Marcha Patriótica, Cauca.



Finally, it is a duty respect the right of prior, free and informed consultation in ethnic territories, and open the possibility to peasant areas, to comply with the national and international legal framework in which the country is committed. Also, the viewpoints of development must be harmonized in dialogue spaces promoted by the State. Furthermore, to ensure that the reached agreements will be executed: “local authorities can not only be managers of services and goods provided by the State in the name of social policy but must have the possibility of convening public and private investments, national and foreign, within regional development strategies.”<sup>217</sup>

## **4. PARTICIPATION AND GOVERNANCE**

### **4.1. MECHANISMS**

Notwithstanding the efforts and improvements Colombia has made to create spaces for participation of civil society within the framework of the peace process, it faces now the request to open more inclusive and transparent scenarios for civil society decision-making at the local, regional and national level. In this moment of Colombian history, to count on the citizen’s participation is unavoidable, because they have the right to contribute to the planning, execution, and follow-up of the programs for development. Effective mechanisms of participation “strengthen the generation of new modes of relationship between citizens based on trust, dialogue, solidarity, respect for institutions, respect for the law and collective action.”<sup>218</sup>

One of the characteristics of the Colombian public policy has been the tendency to homogenize instruments and strategies. According to UNDP, despite the country has mentioned the necessity of formulating projects respecting the differences, “it has not established the tools and methodologies for the participation in the design, execution, and monitoring of the policies they will be beneficiaries.”<sup>219</sup> The problem with the Havana Agreement is that it plans to build multiple participation scenarios without a strategy for its articulation, and without planning the institutional capacity and resources to realize them. In this case, the Agreement is repeating the second problem that undermines real participation in Colombia: “the oversupply and dispersion of involvement

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217 Castañeda, González, and Mares, *Las Claves Territoriales de La Guerra Y La Paz*, 10.

218 Maldonado, “La Participación Ciudadana En La Construcción de Paz Territorial En Colombia,” 24.

219 PNUD, “Colombia Rural: Razones Para La Esperanza,” 314.



scenarios with no precise incidence in the formulation of public policies.”<sup>220</sup> The OACP is aware of this challenge:

At this moment, the PDETs, which have a good part of the territorial peace component, are creating mechanisms for making the participatory exercise possible, but it is also about designing the capacity to respond to the results of that process. The challenge is how to guarantee participation, but with an institution that can comply. You cannot go to the territory as if you had to start from scratch. There are many ongoing exercises both in the institutional and social organizations.<sup>221</sup>

The gap between what is promised and what is happening is generating that the expectations of the civil society are too high compared to what the institutions can give, and as a consequence, the mistrust and disappointment towards the process are starting to grow.

Since we have begun, we had agreed that in all the municipalities there would be information about what was happening. When we went to the towns, we realized that people never used the tools, did not know them, and the only pedagogy work was the one we have done ourselves in the communities. The government has also done some work, but not so effective. Moreover, the population does not have much information. We had a meeting with 11 mayors from the municipalities of Cauca, who are the heads of the decision-making, did not even know the agreements.<sup>222</sup>

Although the State has done some socialization exercises, they were not made by the ART. It is still not very clear whether society will have a stake (...) The truth is that nothing has been done, and the government is already too late. We have been in a peace process for six years, we signed it but never prepared the communities, key groups, municipalities, and departments to be ready to start, and well, we are still not.<sup>223</sup>

In the case of indigenous peoples, we have had insufficient participation. And not only indigenous but social organizations and the rest of the Colombians to contribute to the construction of peace. Because it cannot be built with a few actors, we have to get all Colombians to participate in solving structural problems of the country and the regions. For us, it took three years insisting President Santos for having an active participation in Havana and was not possible. At the last moment, they accepted, when they were finishing the 300 pages, and we got the ethnic chapter.<sup>224</sup>

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220 Uribe and Vélez, *La Cuestión Rural Y La Construcción de Paz En Colombia*, 17.

221 Bautista, Interview: OACP.

222 Andrade, Interview: CSIVI FARC.

223 Montoya, Interview: Vallenpaz.

224 Lemus, Interview: ACIN.

The Item 2 of the Agreement, Politic Participation: Democratic Opening to build peace, mentions several mechanisms and systems to guarantee the political involvement of the FARC and the society in the post-conflict. It specifically plans a Policy for the strengthening of democratic and participative planning. The first proposed idea is to review the functions of the *Consejos Territoriales de Planeación* [Territorial Planning Councils] -CTP-. The Article 340 of the Constitution states that “there will be a National Planning Council integrated by representatives of regional entities and economic, social, ecological, communitarian and cultural sectors. The Council shall have an advisory role and will act as a forum for discussion of the National Development Plan”<sup>225</sup>. Then, the Law 152 of 1994, created the CTP as “spaces of community participation in the planning and social control of the economic, social, political, cultural and territorial development policies of municipalities, districts, and departments.”<sup>226</sup> However, the planning of the development continues to be centralized, and the CTP does not have the impact they should be at local and national levels.”<sup>227</sup>

The Ministry of Agriculture says that it does not know what the mechanisms of participation are, the Ministry of Interior either. They do some regional events and say go there if you want. The advisors are saying that there are spaces of participation, others of decision-making and another of citizen oversight. But not everyone has decision power. There are lots of scenarios, in some, you can go and listen. The communities are not going to build the Land Law.<sup>228</sup>

The Item 2 proposes to promote the citizen participation in the CTP not only in the formulation of development plans but also during the implantation and follow-up. Also, to change its conformation to allow representatives from all sectors (social, economic, cultural, environmental, women, etc.) to take part of the process. Furthermore, to articulate formal and alternative dialogue spaces, and to give the CPT priority in approved procedures. In other words, to change the institutional design and provide technical assistance to the local authorities and communities to guarantee an extensive and plural participation<sup>229</sup>.

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225 Corte Constitucional de Colombia, *Constitución Política de Colombia*, 91.

226 Congreso de Colombia, Ley 152 de 1994: Por la cual se establece la Ley Orgánica del Plan de Desarrollo, 152.

227 The Constitutional Court Judgements C-191/1996, C-015/1996 and C524/2003 have mentioned the need and obligation to strengthen and give administrative and technical support to the CTP for their efficient operation.

228 Morales, Interview: ACIT.

229 Gobierno de Colombia and FARC-EP, *Acuerdo Final*, 29.

The proposal to strengthen existing mechanisms for participation and planning is an opportunity to change the ordinary methodologies.

The institutions learn how to do processes that articulate citizen participation with the management of government. Different as it functions today, behind closed doors, and the community making just claims. Institutions must be open to participation, not only when the development plan is made but permanently, and allow the communities to be not only in an advocacy role but as participants in the solution of problems. That is fundamental, but it will not be spontaneous. It needs an institutional apparatus with new processes and responsibilities from the communities.<sup>230</sup>

The *Consejo Nacional de Paz* [Peace National Council] created by Law 434 of 1998, is a consultative entity with a broad participation of civil society organizations, and which create Councils at the local level for Departments and Municipalities. It is integrated by the executive, legislative and control organisms from the State; and society organized sectors as churches, women, business, indigenous peoples, afro-descendant, peasants, universities, among others. The Art.3 describes its mandate as “to promote the achievement and maintenance of peace, and to facilitate the harmonious collaboration of State entities and organs, to give priority to political alternatives for negotiating the internal armed conflict, and to achieve social relations that ensure permanent, lasting peace.”

Until now, this entity has been so far underutilized, depending on the political will of the governments. According to FIP, the National Council and the CTP can be ways to harmonize and articulate more than 20 existing participation mechanisms. The simplification of those instances is fundamental. So, the Councils could merge with other participation mechanisms which have common objectives:

At least four instances are related to the topics discussed in the Havana Agreements and have complementary functions to those of the Peace Councils: Transitional Justice Committees (responsible for the implementation of Law 1448 for reparation to the victims of the armed conflict); The Peace, Human Rights and International Humanitarian Law Committees (created by the Decree 4100 of 2011 and are responsible for designing, implementing, monitoring and evaluating the National System of Human Rights and International Humanitarian Law); The Territorial Planning Councils (which legally guarantee the participation and impact of citizenship in the formulation, implementation and

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230 Bautista, Interview: OACP.

monitoring of Development Plans); and Rural Development Councils (which coordinate and monitor rural development policies, plans and programs in the territories).<sup>231</sup>

In 2015, the Departmental Peace Council the Cauca department was working. Moreover, 27 of 42 municipalities<sup>232</sup> have active Municipal Peace Councils, seven in the process of creation, two interested in creating one, and just six did not have one.<sup>232</sup> Those Councils have been working on the preparation for the post-conflict, the pedagogy of the Agreements and articulation of civil society proposals for peace. For example, the civil society proposal Espacio Regional de Paz [Regional Space for Peace] -ERPAZ-, in which several social movements come together to build a peace agenda for the region, have had a very active participation in this space.

Although we are not part of it, in ERPAZ many organizational processes converge. It has the representation of the strongest movements, for example, the Pacific Route for Women is there. Because we have different dynamics, we do not belong to that space right now, but it is an excellent scenario that dialogue with the government. We have presented it (our peace agenda) at the local level, also in other advocacy spaces such as the Planning Territorial Council, or in the Local and Municipal Councils of Development Plans, etc.<sup>233</sup>

Given the nature and the process of this Councils, they can be strengthened to foster other participation scenarios as the PDET ones being planned, for example.

Finally, the cooperation experience participations from independent projects usually led by national NGOs or International Cooperation Organizations, in which they have pre-designed methodologies for participation, can be used by the State to articulate its existing efforts.<sup>234</sup>

I have been in international cooperation projects in which participation, was very efficient and very high. I feel that the Colombian State has understood that participation must stop being a discourse and transform in decision-making. I worked in for example, in a project of “social restructuring,” where the outlines are contracted directly with communities, supported by professionals, they define the construction of civil works.<sup>235</sup>

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231 Soto, “Los Consejos de Paz,” 72.

232 Ibid., 82.

233 Cárdenas, Interview: Red Departamental Mujeres.

234 For example, the methods employed in a Project led by the European Union in Colombia, in which it proposes steps for participation in initiatives of development and peace can be useful. It offers ample spaces for dialogue at the communitarian level, for then opening territorial scenarios, and articulating them before ending in entities at the national level. Maldonado, “La Participación Ciudadana En La Construcción de Paz Territorial En Colombia,” 52.

235 Urrutia, Interview: Proyecto Vivienda Rural.

## 4.2. RECOGNITION

The strength of the community organization in Cauca is represented by several alternative institutions that are firmly influenced by their ethnic and cultural characteristics. Its force can be explained by historical factors regarding the former colonies and the geographical movement. Also, by economic factors, especially productive ways and shared visions of development. Moreover, those communities have the knowledge they have cumulate by responding to the war threat and their generalized marginalization. That is why today “the new social movement is not just claiming for better living conditions, but for a territorial power.”<sup>236</sup>

When I think about war, I wonder what Territorial Peace would be. From my point of view, it must be the recognition of these territorial powers. Because they are those who do not belong to the State and the State wants to fit in its way. Ultimately it helps its mission because no one in the law can invent local powers. However, the war exists because of that because people created governments and forms of action.<sup>237</sup>

Recognizing the legitimacy of the social organizations is not only opening spaces for participation and dialogue. The objective is the real decentralization on development, infrastructure, and social policies. It is essential to know, also, that these diverse representations of social and political power are not homogeneous, neither perfect. The spaces of participation also need a follow-up of the complying of civil society commitments for peace. Conflicts will also be present when the dialogue about visions of development and peace in a divided society begins. For this reason, the early creation of those spaces is crucial to the efforts to be sustainable.

Nowadays, there is political will from the government and the civil society organizations to build peace. Several spaces of discussion and dialogue have been opened as an initiative from the organized social sector, which can be used at this crucial historical moment.

Initiatives as the Common Peace Agenda from the Territories, a process of collective creation from five regions in the country, which opened a dialogue during three years (2014-2017) to project scenarios for peacebuilding, is just a taste of what can be done in the post-conflict. The final document exposes the conceptions of Territorial Peace from the regions: “we built the Agenda from the practices, the daily work, and feelings

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236 Castañeda, González, and Mares, *Las Claves Territoriales de La Guerra Y La Paz*, 52.

237 Houghton, Interview: Congreso de los Pueblos.

of each one of the organizations that participated. We have set ourselves the challenge of creating together, from the diversity and facing the great challenges which the country has at this moment.”<sup>238</sup>

The Cauca region presents its input for this Agenda with other departments from the South-West Region.<sup>239</sup> They have identified as a crucial problem the territorial planning and the concentration of lands and the conception about the territory. They celebrate the autonomy of indigenous and afro-descendant communities, and ask for the promotion of autonomous areas for peasants, as the ZRC and the TCA. They also made reflections about intercultural spaces as a politic and social priority for the territory. It is important also, in the Agenda, to include the proposals and history of woman in war and peace.

Finally, they make contributions about the commitments they should acquire for the post-conflict, which includes working on reconciliation and peaceful coexistence as a social and cultural transformation. Finally, to do an exercise of memory and systematization of experiences and practices to make a great exchange of knowledge.

#### **4.3. WAYS FORWARD**

There is a need to change the habits of decision-making that as a country we replicate. The organizations from Cauca have demonstrated their capacity to solve practical and complex problems in a very vulnerable context. As a result, they have built a rich local knowledge, sometimes blocked by the intentions of third parties. The lack of presence of local State entities is a problem that must be addressed in the implementation of the peace accords. However, it cannot be seen as re-building an authority that should be imposed. On the contrary, as a presence that can support and make those practical projects to transform the society: “To appreciate the quality of the rules that support these regulations, to recognize them and to give them political possibilities in the wider process of rebuilding public institutions, are steps in strengthening the democratic state from below.”<sup>240</sup>

We call for a frank and open dialogue with all the political actors of the internal armed conflict, with protagonist participation of broad sectors of society, to think peace. We are sure that we will find many minds ready for a reasoned and responsible dialogue on the

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238 Mejía, *Agenda Común*, 23.

239 South-West Region: Caquetá, Putumayo, Nariño, Cauca, Valle del Cauca and the south of Huila.

240 Castañeda, Gonzalez, and Barrera, *Potencialidades Para La Paz*, 31.

future of the country. We pledge to convene in the coming months and join the calls that various social processes are promoting to break the siege of war.<sup>241</sup>

To do so, at this moment is crucial to open the spaces for dialogue, at the local, regional and national level. The recognition of the social organizations is also to recognize that they cannot work alone. That the responsibility must be shared with the State, the business sector, the academia, and the society as a whole. To understand and address the weaknesses and problems that those organizations present, and the plurality of the social movement is also an important step in dialogue, overcoming of the stigmatization and, in general, in the quest for peace.

The first thing is to plan from the bottom up. From the mayor's offices, the communities. Let it not be imposed from above, let there be a dialogue, let them listen to social organizations. The active voice from the local institutions also, do not stay waiting to see what it says the above.<sup>242</sup>

The proliferation of inefficient participation mechanisms and instruments is an obstacle to the articulation of policies and planning of development. It is crucial to open the space to civil society organizations to participate, but also to ensure that those inputs will be used by the State to give reasonable responses in the short-term, with a wider view on the long-term transformation of the regions and the country. To simplify the existing spaces, eliminate duplicated ones and to be clear and transparent about the steps and mechanisms to participate, and to ensure the follow-up of the commitments and decisions made in those spaces, will be crucial for peace.

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241 Mesa Interétnica e Intercultural del Cauca, *Memoria de Encuentros Interétnicos E Interculturales Del Norte Del Cauca*, 30.

242 González, Interview: INDEPAZ.





## CONCLUSIONS

The building of a peaceful country for all Colombians will face a significant number of challenges. The process begun in Havana between the government of Juan Manuel Santos and the FARC guerrilla opened a broad spectrum of expectations and hopes that have become possibilities for action. The concept of Territorial Peace is one of those windows of opportunity, in which the idea of peace has evolved from the absence of war to the fulfillment of social, economical, political and cultural rights as a non-recurrence guarantee. The challenge of thinking according to the different rhythms of the regions, with the present dynamics and social actors, and re-evaluating the traditional way of making decisions has several factors at stake. Looking through the country's attempts to achieve peace and implement effective Transitional Justice mechanisms, the reasons to overcome marginalization, poverty, exclusion, and inequality are understood as a fundamental precondition to building peace.

The conceptual approach to Territorial Peace, through the interdependent realization of positive peace, territorial development, and governance, seems to be pertinent to solve immediate and structural causes of the Colombian war. The several obstacles identified through the analysis of the present national context gave an insight into what is urgent to solve and the medium and long-term necessities of the country. In the short term, it is urgent to guarantee the right to life of Human Rights defenders and social leaders who are being killed and threatened by GAPD and other undefined actors. In the long term, an effective redistributive policy, aligned with a development model which recognizes peasant economies and guarantees the reduction of inequality, is the step that must be taken to address the never resolved agrarian question. The presence of the International Community is a guarantee for the process to be successful, both because of its monitoring capacities and the methodologies

and programs that have been developed with the communities and can be used as an example for new proposals.

The study of these three theoretical components in the department of Cauca allowed to confirm the importance of studying peace in a differentiated way in the regions and rethinking the decentralization model. The particular characteristics of its geography, its history, as well as the dynamics of the conflict, in addition to its unique multicultural and multiethnic composition, have made the department a 'country within a country'. Likewise, in a differentiated way, it presents obstacles and potential to contribute to peace from the accumulated knowledge of their communities.

On the one hand, the Cauca is a highly vulnerable region in times of transition because it has been controlled by the FARC for years, and it has a strategic position for illegal economies. The institutional capacity of the State to assume this period with transparency and inclusiveness, and the ability to guarantee the safety of social leaders and human rights defenders is a fundamental requirement for peacebuilding. The advance of GAPD in the region must be assumed by the Government as its primary challenge because it will be impossible to ensure participation and implementation of policies if the wave of direct violence in the communities does not stop. On the other hand, the interinstitutional articulation is essential to gain legitimacy and to concentrate the efforts for peace effectively.

On the other hand, territorial development in the region has many challenges that must be addressed as soon as possible, given the high expectations and hopes of the civil society organizations, which consider the land tenure as a precondition for life and well-being. Multiethnic and multicultural land-use planning, as well as the recognition of the peasantry as a subject of rights, is one of the biggest tasks for the State. Through a comprehensive land registry, the competent institutions must formalize and solve the inconsistencies between the several forms of ethnic titles. Also, another way to maximize the existing capacities is to promote the creation of multicultural territories in the overlapping zones and of concertation spaces to create solidarity-based economies and to address land-use conflicts.

Illegal economies, especially coca cultivation, are a problem that must be tackled in a cross-cutting way, attacking not only the plantations themselves but the production and distribution chain in the hands of criminal gangs. Also, the substitution strategy must be done with transparency and in a participatory and voluntarily way. The alternative plans for development have to be established in accordance with the regional needs. The strategy as a whole must be articulated with a comprehensive development model, in which the recognition and the conditions for distribution of the new products are guaranteed.

The development model, in which a distinctive land policy becomes urgent, as well as the harmonization of the different interests on the land, is another central axis of the search for peace. The free, prior and informed consultation of ethnic groups must be respected and protected by the State, and also extended to other collective territories, such as the ZRC. The concertation with multinationals must be overtaken, but privileging the rights of the small landowners, in a redistributive model of land tenure.

Finally, the mechanisms of participation and the credit of the knowledge and experience of the Cauca social bases will be the transversal line for development and peace. Civil society organizations will play a fundamental role in the context of transition and, for this reason, the recognition of their diversity, and their distinct careers and learning experiences during the conflict are preconditions to the establishment of effective mechanisms for participation, dialogue, and concertation.

The Havana Agreement created mechanisms and proposals for the consolidation of peace, rural development, and participation. The PDET, for example, reflect the participatory idea of development and represent a high potential to solve historical gaps and inequalities in development policies. The systems proposed for security and guarantees for political participation are also an incentive to begin a new political culture. It is necessary to strengthen and generate mechanisms to channel the capacities and potential of civil society organizations with a territorial focus. Also, it is imperative to articulate and simplify the existing tools, for not to duplicate efforts and keep creating inefficient mechanisms and institutions. Colombia already has a progressive and robust legal framework, but it needs the political will and the institutional organization to comply with it and to execute the policies at the local and national levels.

Civil society organizations in the Cauca region have responded to the lack of opportunities, the absence of the State and the threat of conflict with strong *traditional* institutions. Those institutions have developed projects for security, peace agendas, and development proposals according to their needs, visions and cultural backgrounds. The firm organization of the communities and the projects and suggestions that they have been developing must be recognized as the prime material for peacebuilding. Socialization of the planning methodologies with transparency, as well as the inclusion from the beginning of these voices in the process of building peace, are urgent to regain legitimacy and to develop sustainable projects.

One of the principal findings of this work was the interrelation, in practice, of the three components of Territorial Peace. Also, and more important, how from the region the solutions are already a step forward, and the basis for their development had been present since long time ago. The real challenge Colombia has nowadays is to listen to its own voices.

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# ANNEXES

## ANNEX 1: INTERVIEWS FOR THIS PROJECT

Name	Institution	Category	City
Carlos Duarte	Instituto de Estudios Multiculturales -IEI- Pontificia Universidad Javeriana, Cali.	Academy	Cali
Carlos González	Consejo Territorial Interétnico e Intercultural del Norte del Cauca	Social Organization of Cauca (Peasants, Indigenous and Afro-desacendant Peoples)	Cali
Diego Bautista	Oficina del Alto Comisionado para la Paz. Dirección de Paz Territorial -OACP-.	State (National Level)	Bogotá
Eliécer Morales	Asociación Campesina Inzá Tierradentro -ACIT-	Social Organization of Cauca. (Peasants)	Popayán

Felicidad Urrutia	Produraduría de Restitución de Tierras. Territorial Cauca	State (National Level)	Popayán
Felipe Montoya	VallenPaz	Local NGO	Cali
Felipe Vernaza	Defensoría del Pueblo. Oficina Territorial Cauca	State (Local Level)	Popayán
Jahel Quiroga	Corporación para la Defensa y Promoción de los Derechos Humanos -REINICIAR-	National NGO (Victims)	Bogotá
Javier Revelo	Dejusticia	Academy	Bogotá
Jonatan Centeno	Marcha Patriótica. Territorial Cauca	National Social Movement (Peasants, Indigenous and Afro-desacendant Peoples)	Popayán
Juan Carlos Houghton	Congreso de los Pueblos	National Social Movement (Peasants, Indigenous and Afro-desacendant Peoples)	Bogotá
Juan Pablo Urrutia	Proyectos de Vivienda Rural Campesinos y Afrodescendientes en el Cauca	Independent expert (Pojects with peasants and Afro-descendant Peoples)	Popayán
Leonardo González	Instituto de Estudios de Desarrollo y Paz -INDEPAZ-	National NGO	Bogotá
Lizbeth Guerrero	Fundación Ideas para la Paz -FIP-.	Academy	Bogotá
Mireya Andrade	Comisión de Monitoreo y Verificación a la Implementación de los Acuerdos. Bloque Occidental Alfonso Cano. FARC	FARC	Popayán
Mónica Risueño	Universidad del Cauca	Academy	Popayán
Nelson Lemus	Asociación de Cabildos Indígenas del Cauca -ACIN-	Social Organization of Cauca (Indigenous Peoples)	Santander de Quilichao

Paulo Tovar	Fundación Ideas para la Paz -FIP-.	National NGO	Bogotá
Tania Rodríguez	Instituto de Estudios Multiculturales -IEI- Pontificia Universidad Javeriana, Cali.	Academy	Cali
Víctor Moreno	Asociación de Consejos Comunitarios del Norte del Cauca -ACONC-	Social Organization of Cauca. (Afro-descendant Peoples)	Santander de Quilichao
Yasmin De Jesús Cerón	Unidad para la Atención y Reparación Integral a las Víctimas. Reparaciones Colectivas.Territorial Cauca	State (Local Level)	Popayán
Yazmin Cárdenas	Red Departamental de Mujeres del Cauca	Social Organization of Cauca (Women)	Popayán

## ANNEX 2: METHODOLOGICAL APPROACH

