



Peace-Making as a Long-Term Struggle Over the Social Contract in Colombia: Challenges and opportunities of the new peace agreement

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Abstract

How do deep-seated conflict issues affect the development of a resilient social contract, and how do they shape peace processes and agreements? This briefing shares key findings and analysis of the case of Colombia. Marked by profound land inequality and a decade-long reliance on illicit crops as a resource for fueling conflict, the country engaged in complex peace negotiations resulting in an agreement signed in 2016. While the agreement created an opportunity for addressing historical inequalities, Colombian society remains deeply divided. Some of the aspirations of the peace agreement may be too ambitious and exceed the capacities of existing state institutions. In addition, opposition by political and social actors has been significant. At the same time, Colombia has made more progress on the state- and peace-building front than many other countries with a similar conflict background. This briefing argues that many of the tensions Colombia faces can be attributed to the vagaries of building a comprehensive, inclusive, and resilient social contract in Colombia, a process that will last much longer and beyond the implementation of a peace agreement. Based on these findings, policy implications are drawn and recommendations made, focusing on the strengthening of state institutions at the national and sub-national level, revisiting policy strategies for addressing illicit crops and the drug trade, and promoting constructive social relations.



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Introduction

After more than fifty years of conflict, in November 2016 a peace agreement was signed by the Colombian government and the leftist group *Fuerzas Armadas Revolucionarias de Colombia* (FARC). In October 2017, a ceasefire was agreed to with the *Ejército de Liberación Nacional* (ELN), the last remaining guerrilla group. The peace agreement—and the negotiations leading up to the final document—created an opening for addressing historical inequalities in the Colombian political system and its socio-economic structures, facilitating FARC's conversion into a political party and providing for transitional justice measures, including lenient sentences in exchange for truth and victims' reparations. However, Colombian society remains deeply divided over the merits of the agreement. Profoundly conservative political forces persist within Colombian society and there is a generalized sense that justice will not be served nor profound reform achieved, which will likely limit the depth and breadth of the transformative potential of the agreement.

Beyond opposition by political and social actors, some of the aspirations of the peace agreement may be too ambitious and may be generating expectations that exceed the capacities of existing national state institutions, as well as the political will for reform by significant social sectors. Analysing these tensions, this brief explores the challenges and opportunities for fostering a resilient social contract in Colombia and draws out lessons and implications for both national and international policymakers for more effective engagement in peace- and state-building processes.

This brief draws on research findings from a larger project to better understand prospects for sustainable peace and a resilient social contract in Colombia, and to tease out implications for more effective engagement in these processes. It does so through the lens of three 'drivers', described in the next section, and two 'core conflict issues' (CCIs) – the distribution and use of land and the ability to curb

illicit crops and the drug trade stand at the center of the debate. Both issues are profoundly linked to Colombia's decades-long confrontation: one relates to the origins of conflict, while the other explains the conflict's long duration and raises concerns over ongoing post-conflict crime. The research pays particular attention to how progress on addressing these CCIs issues serves to illustrate actual and potential progress for achieving a resilient social contract.

As the brief suggests, Colombia has historically been marked by contestation between sectors and regions of the country in relation to how resources, political rights, and institutions should be designed and distributed (Bejarano 1995, Chernick 1999, González 2014; Palacios 2002, and Wade 2001). This trend has increased in the post-agreement period, as the state faces increasing demands and needs and as the agreement offers potentially innovative, yet also disruptive ways of re-allocating resources and rights. Although state capacity and performance have improved over the past decades (Barrera-Osorio, Maldonado, and Rodríguez 2012; Agudelo, Cardona, Ortega and Robledo 2011), the state is still perceived as being highly illegitimate in relation to rising expectations of the population (Fragile States Index 2017). This illegitimacy is reflected in distrust among the population and low vertical and horizontal social cohesion. Based on these contrasts, challenges and opportunities for the emergence of a resilient social contract are identified for national and international policymakers.



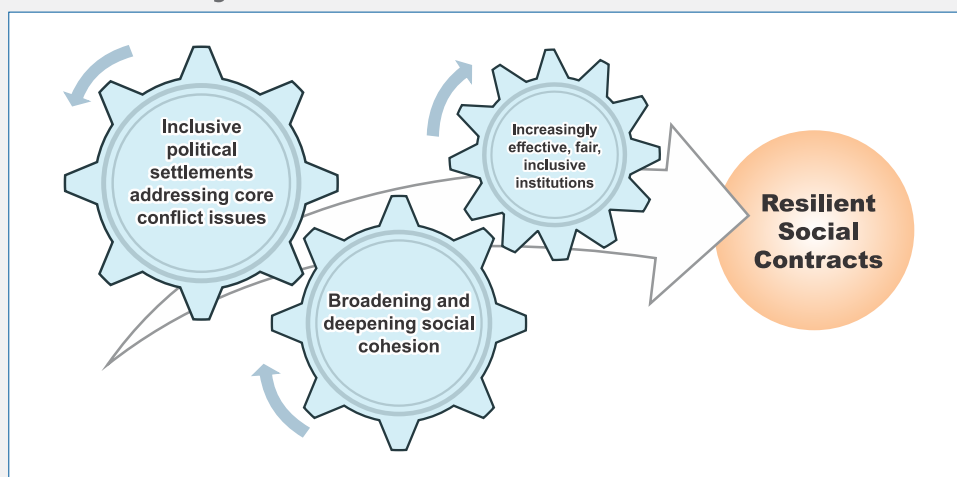
Background to Project and Methods

This case study and overarching 11 country research and policy dialogue project is informed by a conceptual framing and methodology¹ that investigates what drives a *resilient national social contract* – that is, a dynamic national agreement between state and society, including different groups in society, on how to live together. This includes how power is distributed and exercised, and how different demands, conflict interests and expectations around rights and responsibilities are mediated over time through different spheres and mechanisms. Three postulated ‘drivers’ of such a contract, constructed through and deeply rooted in evidence-based research and dialogue within the project working group, are that:

1. Political settlements are increasingly inclusive and responsive to ‘core conflict issues’²;
2. Institutions (formal, customary and informal) are increasingly effective and inclusive and have broadly shared outcomes that meet societal expectations and enhance state legitimacy;
3. Social cohesion is broadening and deepening, with formal and informal ties and interactions binding society horizontally (across citizens, between groups) and vertically (between citizens/groups and the state).

The value of these proposed drivers and their interactions is assessed in these studies, for their ability to better understand what went wrong, and the prospects for attaining and sustaining peace in Colombia.

Figure 1: Three Drivers of Resilient Social Contracts



1 This research was overseen, and this briefing edited, by Research and Project Director Erin McCandless. For full project framing, see McCandless, Erin. 2018. “Reconceptualizing the Social Contract in Contexts of Conflict, Fragility and Fraught Transition.” Working Paper, Witwatersrand University. <http://www.wits.ac.za/news/sources/wsg-news/2018/reconceptualizing-the-social-contract---in-contexts-of-conflict-fragility-andfraught-transition.html>

2 As defined in this study, these are overt drivers of conflict and discord, either historical, or contemporary in nature, broadly agreed by the main parties to drive conflict and discord, that are being disputed in the policy arena nationally, over time, and have resonance for most, if not all of the population. They are ideally reflected in formal agreements or mechanisms, and enable examination of how state and society address conflict (McCandless 2018).



‘Social contract-making’ spheres and related institutional mechanisms - central to the study framing and findings - are conceptualised as follows: Peacemaking (i.e. through a peace agreement or political agreement); Transitional (i.e. sequenced dialogues, commissions, truth and reconciliation processes); Governance-related, including formal mechanisms (i.e. codified structures of government, formal institutions, national development plans, devolution frameworks/policies) and hybrid mechanisms (i.e. where religious/customary/non-state actor and state mechanisms interact); and Everyday (i.e. citizen actions or practices, norms, mores). In this study, the everyday sphere also serves as a litmus test of the extent to which higher-level, formalised agreements or processes represent wider societal views.

This research involved a review of existing academic literature, as well as official reports and policy documents. It also drew upon comparative data developed by the global project team (see FN1). Opinion polls and surveys provided relevant background for the questions analyzed here. Focus groups and interviews in the capital, Bogotá, and in two Colombian regions Valle and Antioquia provided additional insights from the perspective of local authorities, civil society leaders, the private sector, and academia.

Analysis of Key Findings

Peace agreements are only part of the political settlement process, which is messy and complex, takes time, and reflects many of the institutional atrophies causing and caused by conflict. Colombia illustrates this well. For decades the Colombian armed conflict was considered a protracted one, because of its long duration, the difficult issues at stake, and the role of the drug trade, which fuels a wide variety of criminal organizations. Yet in 2016, after more than fifty years of armed conflict, a peace agreement was signed with the largest guerrilla group (FARC) and negotiations are currently under way to reach an agreement with the remaining group (ELN). Colombia today is considered not only “a bright flare of hope” (UN 2016), but also one of Latin America’s most stable democracies (Taylor 2009). The country has made considerable improvements in consolidating state institutions, service delivery, and security. It figures among the most promising middle-income economies.

However, the country seems far from reaching a comprehensive, inclusive and ultimately resilient so-

cial contract. Colombia’s society is divided over many issues, including regional gaps in state performance and profound socioeconomic inequalities, some of which manifest themselves along ethnic cleavages, as indigenous and Afro-Colombian populations face greater obstacles to access basic state services. Among these issues, two core conflict issues stand out for their importance, this research argues, in ensuring the transformative movement needed for progress towards a resilient social contract that sustains Colombia’s peace. These are **rural inequality and the need for reform**, or the question of land ownership and its use—and **illicit crops**, which fueled the growth of illegal organizations, contributed to the conflict’s long duration and transformation over time, and reflect well the debilitating impact of illegal resources on institutions and communities.

On the first core conflict issue, land in Colombia has been historically underutilized, concentrated in the hands of a few, and embedded in rigid and inefficient institutions (Centro Nacional de Memoria Histórica, 2013, Reyes 2016, FAO 2017). Large extensions of land are highly unproductive, and rural living, health and education conditions have system-



atically and historically been inferior to urban conditions (Ibáñez, Gáfaró, and Zarruk 2012). The issue of land played a pivotal role in FARC's founding as a revolutionary group representing peasant interests and demanding agrarian reform. In addition, land seizures and the forced displacement of over seven million rural inhabitants, which were promoted by right-wing paramilitary counterinsurgent forces since the 1980s, are some of the most relevant traits of the Colombian armed conflict. However, politics beyond the armed conflict also regularly reveals that land is a central concern for Colombian society and its economy.

The problem of land is compounded by the pervasive effects of illicit crops on politics, society, and the economy, such as corruption, violence and institutional atrophy (Gaviria & Mejía 2011). The drug trade provides funding to illegal groups and their social support basis, facilitating massive recruitment (Nasi & Rettberg forthcoming). Over time it has broadened the rural inequality gap by aiding drug traffickers in land acquisition. Due to the global nature of the drug economy, unilateral efforts on the supply side have not been able to affect global demand and ongoing trade. In fact, in recent years, crops have expanded. When the state has promoted eradication campaigns, parallel efforts to boost legal economic development have seldom been successful. As a result, the relationship between the state and coca-growing peasants (who are poor and disenfranchised) is highly antagonistic, as the state has not only been mainly absent, but also acts towards them in a repressive manner – all with deleterious effects for wider state-society relations.

“DRIVER 1” - Political Settlements Addressing Core Conflict Issues

Both core conflict issues were addressed in the 2016 peace agreement with FARC. In relation to land, the peace agreement included a chapter on rural reform, stipulating efforts to formalize land tenure, modernize the rural tax system, and boost

land use and productivity with increased access to credits and technical advice. Government negotiators made a point of underscoring that including land and measures for increasing rural productivity in the agreement was more than a concession to FARC. Sergio Jaramillo, then the government's High Commissioner for Peace, stated that “we are not addressing these topics because of FARC; but for Colombians. We (...) are convinced that these reforms are needed so that peace can take root and Colombia can have a future different from violence” (cited in Reyes, 2016, p.4). This illustrated that for many Colombians the system of land tenure and use had turned into a liability for Colombian economic progress and development and that the agreement was an opportunity to go beyond FARC demobilization and address core conflict issues and even basic issues concerning future development. The agreement reached on illicit crops is closely linked to issues of rural reform. One hundred thousand (100,000) hectares of illicit crops are expected to be destroyed voluntarily or forcefully. In return, the Colombian state has committed to improving crop substitution programs, aiming to provide communities with legal economic alternatives, creating or boosting local markets, and developing credit, thus “depriving the armed conflict from its most important fuel,” in the words of chief negotiator Humberto de la Calle (*Semana* 2014).

In order to facilitate implementation, follow-up reforms were called for. These included the creation of several new institutions. Amongst these, two stand out: a transitional monitoring commission (in Spanish the *Comisión de Seguimiento, Impulso y Verificación a la Implementación del Acuerdo Final - CSVI*)—with FARC participation—to oversee specific aspects of the implementation of the peace agreement, and a state agency for the renovation of the territory (*Agencia para la Renovación del Territorio*), which is in charge of developing development plans related to land productivity for 170 municipalities which are considered priorities for state action due to high levels of rural poverty, presence of land mines, demobilized guerrilla camps, and illicit crops. These reforms



were temporarily halted after a public referendum to approve the peace agreement in October 2016 gave the “no” a slight majority of 50.21% against 49.78% who voted “yes.” Although an adjusted agreement was drafted and the legislature progressively addressed the required reforms, the process made visible profound political divisions in relation to aspects such as amnesty for ex-combatants, non-punitive sentences for commanders, and the depth of the proposed rural reform. The ensuing polarization has marked the ongoing electoral campaign and will likely produce a conservative backlash in the upcoming presidential elections.

The fact that an agreement has finally been reached suggests that a window of opportunity has emerged for a more inclusive social contract and that there is institutionally embedded social support for profound transformation. At the same time, there remains a schism between the ambitions of those who drafted the agreement and the political and social preferences of large portions of society.

“DRIVER 2” - Institutions Delivering Effectively and Inclusively

The Colombian state’s historical weakness resulted in gaps between urban and rural dwellers, creating chances for local elites and illegal armed actors to dominate and capture regions and rents, coopt local institutions and siphon off resources, resisting efforts at being integrated into national norms (Rettberg, Leiteritz, Nasi, and Prieto 2018). In addition, while Colombian democracy has been a functioning one, as competitive elections have been held regularly, it has not stemmed—sometimes even deepened—the divisions among regions and levels of government and the institutional opportunities for armed conflict and the social turmoil associated with illicit crops. Colombia still is a “country of regions,” (González, Bolívar and Vázquez 2003) due to its particular geographic make-up (three large Andean mountain ranges cross the country from North to South), and the differentiated historical development of its

political, fiscal, and administrative structure with some highly developed regions and other underdeveloped ones. This feeds into the circular relationship between institutional weakness and conflict, as institutional distortions resulting from efforts to halt conflict have fed the (national and sub-national) state’s reduced capacity to provide basic services and protection, elicit rule compliance by the population, overcome impunity and halt corruption.

Despite its conflict of long duration, for the most part Colombia did not resemble a war-torn country. For the past decades, the country has seen improved performance in terms of increased health and education coverage, efforts to overcome the rural/urban divide, and an improved territorial presence of the state in several regions. The country is now part of the CIVETS group (an acronym for the most promising emergent markets, including Colombia, Indonesia, Vietnam, Egypt, Turkey, and South Africa) and recently joined the Organization for Economic Cooperation and Development (OECD). In this sense, Colombia has made more progress on the state-building front than many other countries with a similar conflict background.

However, remaining institutional weakness and differences between urban and rural areas have been linked to historic difficulties to address and overcome the core conflict issues discussed in this study. Despite improvements over the decades in the formalization and productivity of land, inequality and exclusion remain, facilitating peasant’s resorting to illicit crops as a source of income. Not surprisingly, then, institutional weakness has been blamed for providing the social soil for armed conflict, corruption, and other forms of violence in Colombia. In addition, the contrast between a state that appears to improve performance and inclusion at the aggregate level but reveals weakness at the sub-national and sectoral level, as well as a stable democratic system which seems unable to fully capture and solve popular demands nor address the gap between expectations and capacity, may partially explain the state’s low and declining legitimacy.



Although the peace agreement's emphasis sought to overcome challenges such as unequal land distribution and illicit crops causing conflict in the far-of-center regions, most of the newly created institutions described above (CSIVI and ART), not only operate at the central level but also overlap with existing national and local institutions. In addition, competition between formal and informal actors over governing jurisdictions mark ongoing struggles to implement the peace agreement. The outburst of new and old state institutions seeking to attract people's affiliation causes confusion among local communities, who observe disarticulation, wasted resources, and lost opportunities for addressing deep-rooted problem. This threatens to undermine goals of increasing state performance and legitimacy.

"DRIVER 3" - Social Cohesion Broadening and Deepening

Social cohesion intersects with and shapes the other drivers examined in this study, allowing for a more nuanced understanding of the challenges of social-contract making in Colombia. Perceptions of unfairness surrounding state service delivery, exclusion and distrust prevail among the Colombian population and contribute to low levels of social cohesion, both towards the state (vertical cohesion) and among fellow citizens (horizontal cohesion) (Observatorio de la Democracia 2017). The current Colombian societal polarization along specific fault lines such as the merits of the peace agreement—which, however, as described above, reflect deeper seated issues such as reluctance to include social diversity and competition over resources—is reflective of the historical deficit in state capacity to respond to both objective indicators as well as social expectations.

Some of these tensions are reflected in people turning away from politics and formal institutions: Today, Colombians have a strong national identity but are cynical and critical of national state capacity, in part due to the ineffectiveness of State institutions (characterized by low performance, widespread impunity and cor-

ruption). There is little engagement in politics and a general dislike of formal democratic institutions (such as political parties and Congress). The Colombian population's satisfaction with democracy has declined significantly, from 74% of support in 2004 to 53% in 2016 (Observatorio de la Democracia 2017).

In sum, while the 2016 Colombian peace agreement accurately set out to address the main impediments for sustainable peace in the country, a necessary step in moving towards a more inclusive social contract, it also deepened and made visible profound social disagreements and structural limitations. This reflects a historical pattern of contestation among social groups over institutional and material resources at every level of the Colombian system, from the national to the sub-national, and across different sectors of society. As a result, despite the formal end to the country's decades-long armed conflict, the emergence of a resilient and inclusive social contract will be a lengthy and tumultuous process.

Policy implications and recommendations

The findings presented here have several policy implications for addressing both core conflict issues, land and illicit crops, and for promoting an inclusive, comprehensive, and resilient social contract in Colombia. It is important to mention that these recommendations point to the need to ensure continuity and mutual reinforcements through spheres and mechanisms of social contract making. Progress on one driver alone may not suffice to produce significant change in other realms of social life. The reflections are mainly targeted at national and international policymakers.

First, the findings suggest that the Colombian peace agreement is providing space to reshape existing political power dynamics, yet this is conditional on processes of institutional and social consolidation (progress on driver 2 and 3) that exceed what the agreement can achieve on its own. Two (related)



factors are essential for building an inclusive social contract. The first involves strengthening state institutions at the national and sub-national levels to facilitate inclusive service delivery. This suggests that policymakers should:

- ◆ Address deep-seated inequalities in relation to land, lifting more of the population out of poverty, and designing effective instruments to counteract the incentives luring rural populations into illicit economies and to enable the State to fulfil its developmental functions – processes that started before the peace agreement and will last long after its implementation.
- ◆ Support the strengthening of state institutions, especially at the sub-national level, in order to facilitate service delivery and to build legitimacy-based authority over social processes. This does not mean more institutions in terms of number but rather better managed and coordinated institutions.

Second, the land issue should be addressed institutionally, according to criteria of inclusivity and productivity. As argued above, failing to address the land issue lies at the core of many of the impediments to a resilient social contract in Colombia. While title and ownership formalization is important and will be addressed via a new rural cadaster system, this points at the need for policymakers to:

- ◆ Encourage national and subnational programs to provide the required scaffolding for increased productivity in terms of infrastructure development, credits to farmers, employment creation, and education for capacity-building geared towards small and medium-holder farmers, in order to promote inclusivity and creating and boosting local markets that will create the kind of growth that will spread to and empower local communities.

Third, in relation to illicit crops, it is clear that this problem and the related drug trade escape Colombia's ability to tackle the issue on its own. The

US, Colombia's main partner in addressing the drug issue, has supported crop-substitution programs, but also favors interdiction and control measures in rural areas. This is reflected in Colombia's institutions, which are heavily weighted in favor of repressive approaches. As a result, the transition to a model privileging the structural conditions on the supply side more than interdiction on the demand side has been challenging. This tension is manifested in frequent confrontations between coca-growing peasants, even those included in state-sponsored voluntary eradication schemes, and the Colombian police and military forces. Both aspects reflect contestation over how to deal with the drug problem, not only at the international level, but also at the level of specific communities facing difficult choices between growing a highly lucrative illicit crop or inserting into the less profitable formal, national economy. In relation to this topic, policymakers should:

- ◆ Create opportunities for international dialogue with clear engagement of producer and consumer countries on illicit crops and the drug trade, with a stronger focus on more long-term solutions such as public health, consumption alternatives for addicts and consumers, community development, strengthening legal alternatives to illicit economies (which often fail due to weak trade connections and low rural organizational and entrepreneurial capacity), and violence reduction on both ends.
- ◆ Approach the drug issue from a context-informed and holistic, rather than reductionist, perspective.

Fourth, trust must be built among Colombian communities to promote reconciliation that lays a foundation for a productive economy and the construction of a common vision for society, as is crucial for developing an inclusive and comprehensive social contract. In relation to this, policymakers should:

- ◆ Develop pedagogical and educational agendas for state and society, in order to promote more tolerant and respectful ways of living together across class, ethnicity and regional identity.



- ◆ Foster and enhance existing resilience capacities, including Colombia's vibrant civil society, the institutional scaffolding for peace, and the existing legal framework for responding to humanitarian crises.

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