

## Elections, Land Reform and the Promise of Peace in Colombia

by Nicola Bilotta

The historic ceasefire signed between the Revolutionary Armed Forces of Colombia- People's Army (*Fuerzas Armadas Revolucionarias de Colombia- Ejército del Pueblo*, FARC-EP) and the government of Juan Manuel Santos' on 23 June 2016 represented a ground breaking step towards ending fifty-two years of conflict in Colombia.

While the peace deal was rejected by a popular referendum in October 2016, a revised version of the agreement officially went into effect on 1 December 2016, setting the stage for a long and controversial process of national reconciliation.

In March 2018, Colombia entered the country's most crucial electoral cycle in recent times. Parliamentary elections were held on 11 March 2018 and the first round of presidential elections on 27 May 2018. As no candidate got more than 50 per cent of the votes, a presidential runoff between Iván Duque, leader of the conservative

Democratic Center party (*Centro Democrático*, CD), and Gustavo Petro, who leads a coalition of left-wing parties, is scheduled for 17 June.

While violent hostilities of FARC-EP's guerrilla are over and representatives of the FARC-EP's democratic party ran in the election – getting barely 0.21 per cent of the votes –, a nervous atmosphere has descended over Colombia. FARC-EP leaders have denounced violence against their supporters during the election campaign, while the CD party, the main opponent to the peace agreement, emerged as the most voted political force in the country (with 16.41 per cent of votes in the Senate and 16.19 per cent of votes in the House of Representative).

The presidential election will be a crucial test for the country, as the next government will need to continue on the path of reforms and ultimately implement the peace agreement. The previous government did enjoy

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a *fast track* mechanism to approve a number of reforms connected to the peace agreement between 2016 and November 2017. Yet, only 18.3 per cent of the institutional reforms have thus far been implemented, leaving key issues unresolved.<sup>1</sup>

Out of the long list of outstanding issues, those pertaining to agrarian reform and landownership rights are likely to emerge as a key litmus test for the next government. Indeed, much of the wider reconciliation process may well hinge on these efforts.

The importance of land reform in Colombia stems not only from FARC's long ideological struggle on this issue,<sup>2</sup> but also due to the historical link between agrarian inequality, rural underdevelopment and the persistence of violence in the country. Colombia still has one of the highest percentages of landownership concentration in Latin America, with only 0.4 per cent of Colombian farms owning 67.6 per cent of productive land in the country. Meanwhile, around 2.5 million labourers live off from an average land plot of 1.7 hectares.<sup>3</sup>

<sup>1</sup> Observatorio de Seguimiento a la Implementación del Acuerdo de Paz (OIAP), "La Paz en Deuda", in *OIAP Informes*, No. 5 (5 January 2018), <https://wp.me/p97SYD-1l>.

<sup>2</sup> See James J. Brittain, *Revolutionary Social Change in Colombia. The Origin and Direction of the FARC-EP*, London and New York, Pluto Press, 2010; Centro Nacional de Memoria Histórica (CNMH), *Tierras y conflictos rurales. Historia, política agrarias y protagonistas*, Bogotá, CNMH, 2016, <http://www.centrodememoriahistorica.gov.co/informes/informes-2016/tierras-y-conflictos-rurales>.

<sup>3</sup> Oxfam International, *Unearthed: Land, Power and Inequality in Latin America*, November 2016, p. 23 and 26, <https://www.oxfam.org/en/node/8170>.

The first clause of the peace agreement explicitly deals with the issues of land ownership and rural underdevelopment in Colombia. With its promise to implement a Comprehensive Rural Reform (*Reforma Rural Integral*, CRR), the peace agreement acknowledges that land reform is essential to ameliorate socio-economic conditions in the country.<sup>4</sup>

Land reform will necessitate significant political will and it is in this domain that the composition of the next government will be so important. According to a study carried out by Fedesarrollo, between 2017 and 2031, the overall costs of the CRR will reach 148.3 billion dollars, equal to an annual investment of 9.9 billion dollars – 1.14 per cent of Colombia's GDP in 2016.<sup>5</sup> Out of this number, 36 per cent of funds will be allocated to the development of public infrastructure in Colombia's countryside, 40 per cent for social inclusion projects in rural areas – such as access to clean water, healthcare etc. – and 4 per cent for the substitution of coca cultivations.

In the peace deal, the parties agreed on a blueprint that aims to halve poverty levels in rural areas of Colombia in ten to fifteen years from now, where

<sup>4</sup> Colombia's Office of the High Commissioner for Peace, *Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace*, 24 November 2016, <http://www.altocomisionadoparalapaz.gov.co/Prensa/Paginas/2017/Mayo/El-Acuerdo-de-paz-en-ingles.aspx>.

<sup>5</sup> Roberto Junguito Bonnet, Juan José Perfetti del Corral and Martha Delgado Barrera, "Acuerdo de paz: reforma rural, cultivos ilícitos, comunidades y costo fiscal", in *Cuadernos de Fedesarrollo*, No. 55 (February 2017), p. 182, <http://hdl.handle.net/11445/3344>.

40.3 per cent of the population live in poverty.<sup>6</sup> The CRR is the result of a compromise between the FARC and Santos' government and is based on three pillars: redistributing land, protecting ownership rights and developing infrastructures and basic services in rural areas.

In the first domain, the CRR calls for the establishment of a special entity called the Land Fund (*Fondo de Tierras*) that will be charged with redistributing 3 million hectares of territory to landless people or small labourers. Land deposited with the fund will include territory recovered from illegal use or confiscated due to public or social utility, unexploited land, territory donated to public authorities and from a reduction in special conservation territory under the Forest Reserve Areas according to environmental requirements.<sup>7</sup>

In addition, the state will provide public subsidies and aid to rural labourers, allowing them to purchase land and improve technical training. Rural workers entitled to free or subsidized land include landless labourers, families with insufficient territory and displaced people.<sup>8</sup>

<sup>6</sup> International Fund for Agricultural Development (IFAD), *Investing in Rural People in Colombia*, August 2016, <https://maintenance.ifad.org/en/web/knowledge/publication/asset/39189063>.

<sup>7</sup> Colombia's Office of the High Commissioner for Peace, *Final Agreement ...*, cit., p. 14-15.

<sup>8</sup> To avoid land concentration, these plots cannot be sold for seven years. In the meantime, the ownership of 7 million hectares of small and middle land properties will be formalized to protect the rights of these peasants.

At the same time, Colombian authorities will protect ownership rights of small and middle-sized farmers while enforcing the process of land restitution, as guaranteed by the Victims and Land Restitution Law (*Ley de Víctimas y Restitución de Tierras*) since 2011. During the conflict, around 6 million people were displaced from their homes, with abandoned and dispossessed land accounting for more than 6.6 million hectares.<sup>9</sup>

The application of the law has thus far been a challenge for Colombian authorities. According to Amnesty International, the Victims and Land Restitution Law will affect only the 2 million hectares of land considered illegally appropriated.<sup>10</sup> Thousands of people will not fulfil the requirements of the law and therefore not have their land returned by the state.

Lastly, the CRR's third pillar deals with investments to improve infrastructures and public utilities in rural areas. Particular attention will be directed to the road network, electric power grids and Internet coverage, irrigation and drainage infrastructure. In addition, the CRR will subsidize projects for social development in rural communities, such as better access to healthcare, housing and drinking water.

Deeply linked to the CRR is the gruelling issue of illicit cultivations of coca plantations. The peace agreement recognizes the importance of coca

<sup>9</sup> Amnesty International, *Colombia: The Victims and Land Restitution Law*, April 2012, p. 12, <https://www.amnesty.org/en/documents/amr23/018/2012/en>.

<sup>10</sup> Ibid.

exploitation for poor and socially marginalized labourers. This has led to the development of a National Comprehensive Programme for the Substitution of Crops Used for Illicit Purposes (*Programa Nacional Integral de Sustitución de Cultivos de Uso Ilícito*), including subsidies for labourers who agree to replace coca cultivations with other crops.

In May 2017, around 83,790 families took part in the programme, converting the cultivation of 67,193 hectares of coca plantations.<sup>11</sup> The state has provided each family with 300 dollars per month during the first year, a one-off sum of 700 dollars and 3,000 dollars when they begin cultivating new crops or other projects. In the second year, families will receive 3,500 dollars to continue their productive transition, while also being included in public programmes of government subsidies and other assistance.

It is imperative for the next government to prioritize the complete implementation of the CRR as a means to safeguard the peace agreement. Implementing the CRR will also help to address those structural challenges and socio-economic imbalances that have traditionally affected rural Colombia, creating a fertile ground for conflict.

Many demobilizing FARC-EP's rebels are anxious about their future and some fear that the promises made in the peace

agreement will not be fulfilled. Duque, who is likely to win the runoff against Petro, has advocated changes to key clauses of the agreement. Aside from these proposals, the CD party is also seeking to modify the agrarian reform package, abolishing new institutions created to distribute lands and diminish public investments for rural labourers.

Resulting from these potential backtracks, disillusioned former fighters may well join other guerrilla groups, such as the National Liberation Army (*Ejército de Liberación Nacional*, ELN)<sup>12</sup> or criminal networks. Colombia could therefore fall back into the cycle of violence and repression.

The risks are high and much will depend on the presidential runoff of 17 June. Despite the truism that waging war is easier than suing for peace, Colombia is ready to start a new journey. The heterogeneous bloc of political forces that support the peace agreement still enjoy a slim majority in the new parliament. One must hope that by setting aside their ideological differences, they may act as a counterweight to any significant attempt to reverse Colombia's hesitant transition towards peace.

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<sup>11</sup> Colombia's Presidency, *Comenzó histórico programa de sustitución voluntaria de cultivos ilícitos en Colombia*, 11 May 2017, <http://es.presidencia.gov.co/noticia/170511-Comenzo-historico-programa-de-sustitucion-voluntaria-de-cultivos-ilicitos-en-Colombia>.

<sup>12</sup> ELN is a revolutionary guerrilla group formed in 1964. The group is currently holding peace talks with the Colombian government.



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