

# ARTICLES

## A NEW GENERATION OF PEACE MISSIONS?: EXPLORING THE COLOMBIAN CASE

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### ABSTRACT

*The UN Security Council approved the establishment of a political mission in Colombia. The UN Verification Mission in Colombia to monitor the reintegration of FARC-EP has two precise objectives: to verify the bilateral cessation of fire and hostilities, and to accompany the process of laying down the FARC-EP's arms. This article analyzes this UN mission in Colombia to ascertain if it can be considered one of a new generation of peacekeeping missions. The final statement considers if the model of the Colombian mission could be implemented in other conflicts around the world.*

### I. INTRODUCTION

The United Nations has developed numerous strategies for peace and security. Since 1948, its peace operations have become an important tool for securing and safe-guarding international peace and security. Sixty-nine peace operations have been carried out, fifty-six of them since 1988.

Peacekeeping operations (“PKO”) have proven to be effective and cost-efficient when accompanied by a political commitment to peace.<sup>1</sup> They have evolved over time reflecting changes in international politics and the findings of systematic evaluations of their results. Since the first mission in 1948, when the Security Council

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<sup>1</sup> U.N. Gen. Assembly & U.N. Sec. Council, *Report of the High-level Independent Panel on Peace Operations on Uniting Our Strengths for Peace: Politics, Partnership and People*, U.N. Doc. A/70/95-S/2015/446 (June 17, 2015), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/70/95](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/95).

authorized the deployment of observers to the Middle East, there have been numerous changes such as: more effective programs for Human Rights Monitoring, protection for minorities, verification of agreements, and the promotion of national reconciliation. New approaches have been effective in reducing violence and averting the escalation of conflict. These include Preventive Deployment, Preventive Diplomacy, and Conflict Prevention.<sup>2</sup>

The literature identifies four distinct generations of PKO.<sup>3</sup> Professor Kai Kenkel suggests a fifth generation that is hybrid in character, with both the UN and regional organizations contributing troops to the same missions under distinct chains of command and mandates.<sup>4</sup>

Some of the changes related to these shifts in PKO include the decline of troop contributions from developed states, and a greater participation of regional and sub-regional actors from the developing world. “Rising states have long recognized the utility of participation in peace operations in raising international profile in the strategic arena,”<sup>5</sup> combined with the objective of new regional associations to demonstrate their concern for global security. This is the case of the Latin American and Caribbean Community of States (Comunidad de Estados Latinoamericanos y Caribeños, “CELAC”), which affirms in their press releases at each summit the commitment of its members to disarmament, a ban on nuclear weapons, the fight against terrorism, and support for peace.<sup>6</sup>

The UN Security Council approved the establishment of a political mission in Colombia. The UN Verification Mission in Colombia to monitor the reintegration of FARC-EP began on September 27, 2016, with two precise objectives: to verify the bilateral cessation of fire and hostilities, and to accompany the process of laying down the FARC-EP’s arms. Former UN Secretary-Gen-

<sup>2</sup> See generally JAÏR VAN DER LIJN ET AL., *PEACEKEEPING OPERATIONS IN A CHANGING WORLD* (2015).

<sup>3</sup> Roland Paris, *International Peacekeeping and Global Culture*, 9 EUR. J. INT’L REL. 441 (2003); Mark Malan, *Peacekeeping in the New Millennium: Towards ‘Fourth-Generation’ Peace Operations?*, 7 AFR. SEC. REV. 13 (1998); D. Donald, *Neutrality, Impartiality and UN Peacekeeping at the Beginning of the 21st Century*, 9 INT’L PEACEKEEPING 21 (2002); Alex J. Bellamy, *The ‘next stage’ in peace operations theory?*, 11 INT’L PEACEKEEPING 17 (2004).

<sup>4</sup> Kai Michael Kenkel, *Introduction: Diversity Within a Common Culture: South America and Peace Operations*, in SOUTH AMERICA AND PEACE OPERATIONS: COMING OF AGE 135 (Kai Michael Kenkel ed., 2013).

<sup>5</sup> *Id.*

<sup>6</sup> Declaración Política de Punta Cana, V Cumbre de Jefes y Jefes de Estado y de Gobierno de la CELAC (Jan. 25, 2017), <http://www.sela.org/media/2463711/declaracion-politica-de-punta-cana.pdf> (Dom. Rep.).

eral Ban Ki-moon described the Colombian mission as an “unprecedented experience and an unusual event in the history of the institution.”<sup>7</sup> The tripartite team for negotiations (government, FARC, and UN) is ground-breaking. As the UN Under-Secretary-General for Political Affairs, Jeffrey Feltman, said: “What has been achieved here is truly unique in the world; I am very happy to have been able to see the Tripartite Monitoring and Verification Mechanism (“UN MV”); I am also very happy to have been able to see the evidence of the process of transit to legality.”<sup>8</sup> Significantly, this mission is the first ever to create the conditions for integrating a guerrilla group into the formal political life of a nation state. After four years of dialogue in Cuba, the FARC-EP are integrated into Colombian civilian life. The UN mission provides the steps to accomplish this goal.

There are three reasons that make this mission different. First, there is a tripartite engagement among the UN, the Colombian government, and the Revolutionary Armed Forces of Colombia (“FARC”) which creates a unique organization with the inclusion of an illegal actor into a multilateral institution. Second, the UN is involved in developing and controlling transition camps for former guerrilla members. Third, the UN mission was developed following four years of negotiations during which the rules were agreed to among the parties.

This article analyzes the UN mission in Colombia to ascertain if it can be considered one of a new generation of peacekeeping missions. Are the issues that make the mission different strong elements to highlight the Colombian mission as unique? Could the model of the Colombian mission be implemented somewhere else? Are we witnessing the first mission of a future sixth generation of PKO?

In order to advance some answers, this article starts by describing the five types of PKO developed up to now. It will then outline the history of violence in Colombia to explain why this negotiation process is so special. The following section offers different perspectives on the negotiation process from a series of interviews held in Bogotá in July 2017. The subsequent section de-

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<sup>7</sup> *New Mission in Colombia ‘Unprecedented’ in History of UN Ceasefire Observation—Ban*, U.N. MISSION IN COLOM. (Mar. 12, 2016), <https://unmc.unmissions.org/en/new-mission-colombia-unprecedented-history-un-ceasefire-observation-%E2%80%93ban>.

<sup>8</sup> *Final Stage of the Laying Down of Arms Has Been Initiated by the FARC-EP*, U.N. MISSION IN COLOM. (June 20, 2017), <https://unmc.unmissions.org/en/final-stage-laying-down-arms-has-been-initiated-farc-ep>.

scribes the UN Verification Mission in Colombia presenting its complex system of mechanisms, advisers, facilitators, and experts, who focused on a limited and concrete agenda. Finally, it explores to what extent the mission might usher in a sixth type of peacekeeping operation.

## II. THE HISTORICAL DEVELOPMENT OF PEACE OPERATIONS

It is not surprising that UN peacekeeping should change over the course of sixty years. The first generation of PKO were designed to contain and manage inter-state wars. The Cold War competition, characterized by violent decolonization and self-determination struggles, made it imperative to limit the involvement of the two dominant powers.

Peacekeeping was not mentioned in the UN Charter. Conceived as a deterrent mechanism, high officers developed this model. Taking the concept of peaceful settlement of disputes under Chapter VI, the UN Security Council authorized military intervention to maintain or restore peace and security in areas of conflict. Military missions sought to resolve disputes by involving the military of countries with political leverage over the states in question. They did not pursue political solutions or state reconstruction; they focused instead on deploying military forces between the frontlines, seeking to block contact between the enemy forces. This was the case in Cyprus under UN Security Council Resolution 186 in 1964.<sup>9</sup> It aimed to prevent a recurrence of fighting following intercommunal violence between the Greek and Turkish Cypriots. Conceptually, it follows the three core principles of peacekeeping, i.e., consent of the parties, impartiality, and the non-use of force except in self-defence or defence of the mandate.<sup>10</sup>

After the end of the Cold War, former UN Secretary-General Boutros Boutros-Ghali proposed new goals for peace missions. His *Agenda for Peace* introduced the ideas of Peace-making,

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<sup>9</sup> S.C. Res. 186 (Mar. 4, 1964).

<sup>10</sup> *Principles of Peacekeeping*, U.N. PEACEKEEPING, <https://peacekeeping.un.org/en/principles-of-peacekeeping> (last visited Apr. 30, 2019).

Peacebuilding, Peace-enforcement, as well as Preventive Diplomacy.<sup>11</sup>

Secretary General Boutros Boutros-Ghali, remembering “the immense ideological barrier that for decades gave rise to distrust and hostility,”<sup>12</sup> proposed deploying civilian components within peacekeeping and combined the first-generation “traditional peacekeeping” with “peacebuilding.” This new form of peacekeeping was called “Second Generation.” New tasks were added to missions involving humanitarian actors that sought to bring hostile parties to agreement. Second-generation missions also involved the organization of elections, demobilization of combatants, human rights promotion, and refugee assistance.

It was only in the mid-nineties that it was possible to develop Peace Enforcement missions in conflict areas, where a ceasefire had not been agreed to. Classified as a “Third Generation,” these were multifunctional missions integrating political, military, humanitarian, and electoral components.<sup>13</sup> The UN Security Council allowed these operations under Chapter VII to use force in the implementation of their humanitarian mandate. The cases were intra-state, rather than traditional wars between the armed forces of different nations. The need to protect human rights began to influence the goals of the mission. Taking into account the Brahimi Report,<sup>14</sup> and the failure of several missions, the UN improved its doctrine, strategy, planning, and communication.

Despite these reforms, there was skepticism regarding the effectiveness of third-generation missions. Unlike previous generations, this mission was no longer based on the consent of the parties to the conflict, assimilating the lessons from Somalia or Li-

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<sup>11</sup> U.N. Secretary-General, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, U.N. Doc. A/47/277-S/24111 (June 17, 1992); see generally ALEX BELLAMY & PAUL WILLIAMS, *UNDERSTANDING PEACEKEEPING* (2010).

<sup>12</sup> U.N. Secretary-General, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, U.N. Doc. A/47/277-S/24111 (June 17, 1992).

<sup>13</sup> BELLAMY & WILLIAMS, *supra* note 11, at 111–13.

<sup>14</sup> After publishing two reports in 1999 which highlighted the United Nations failure to prevent genocide in Rwanda in 1994 and to protect the inhabitants of Srebrenica (Bosnia and Herzegovina) in 1995, Secretary-General Kofi Annan appointed the Panel on United Nations Peace Operations. He asked the Panel to assess the shortcomings of the then existing peace operations system and to make specific and realistic recommendations for change. The panel was comprised of individuals experienced in conflict prevention, peacekeeping, and peacebuilding. The result, known as the “Brahimi Report” after Lakhdar Brahimi, the Chair of the Panel, called for renewed political commitment on the part of Member States, significant institutional change, and increased financial support.

beria.<sup>15</sup> In light of the complexities of conflicts and the subsequent tasks of uniting a divided society, emphasis was placed on improving institutional capacity and fostering respect for all groups in society.

In 2006, given the greater emphasis on humanitarian aid and post-conflict rehabilitation, UN peacekeeping adopted a new framework called “Integrated Mission.” The Integrated Mission Planning Process (“IMPP”) aims to improve the planning of multi-dimensional United Nations peacekeeping operations. The missions include humanitarian agencies coordinated by the Office for the Coordination of Humanitarian Affairs (“OCHA”), operating under the UN Department of Safety and Security. This type of mission is wide-ranging and covers ceasefire observation, peacebuilding, humanitarian aid, and developing the concept of “Nation Building.” “Integrated Missions” help countries navigate the transition from war to lasting peace. They involve assessments and planning to ensure coherence between humanitarian, peacebuilding, political, human rights, and peacekeeping components.<sup>16</sup> As Bellamy and Hunt explain, “Although, historically, peacekeeping operations sometimes contained human rights components, civilian protection was typically not considered a core part of peacekeeping before the end of the twentieth century.”<sup>17</sup>

In the wake of the failures of some past missions and the increasing complexity of conflict, the approach consults all stakeholders, including non-UN actors, at all stages of the decision-making process. It is classified as “Fourth-generation” peacekeeping. It identifies and supports activities, groups, and institutions that help to consolidate roads to peace. It focuses on the restoration of order, the protection of human rights, and the strengthening of governmental institutions. In fact, it concentrates rather more on political life than on the conflict itself. As witnessed in Mali and Somalia, fourth-generation peacekeeping seeks to encourage the independent participation of humanitarian actors. A robust approach to peacekeeping was defined in the 2009 “New Partnership Agenda” launched by the UN’s Department of Peacekeeping Operations (“DPKO”) to defend its mandate against those whose ac-

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<sup>15</sup> BELLAMY & WILLIAMS, *supra* note 11, 223–26, 313–16.

<sup>16</sup> OXFAM, UN INTEGRATED MISSIONS AND HUMANITARIAN ACTION (2014), [https://www.oxfam.org/sites/www.oxfam.org/files/file\\_attachments/story/oi\\_hum\\_policy\\_integrated\\_missions\\_august2014.pdf](https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/story/oi_hum_policy_integrated_missions_august2014.pdf).

<sup>17</sup> Alex J. Bellamy & Charles T. Hunt, *Twenty-first Century UN Peace Operations: Protection, Force and the Changing Security Environment*, 91 INT’L AFF. 1277, 1279 (2015).

tivities pose a threat to civilians or risk undermining the peace process.<sup>18</sup>

Professor Kai Kenkel proposed “Fifth-generation” peace operations.<sup>19</sup> He called these “hybrid missions.”<sup>20</sup> Kenkel characterizes the evolution of peace operations as involving five generations: peacekeeping, civilian activities, peace enforcement, peacebuilding, and hybrid missions.<sup>21</sup> He states, “these missions deploy troops and police personnel under mixed command, with both the United Nations and various regional organizations deploying troops to the same missions under separate chains of command and distinct forms of mandate.”<sup>22</sup> Kenkel explains how the global South has become the predominant source of blue helmet troops; using force to protect civilians and human rights; and the focus on economic development and societal stability as well as inter-agency coordination. The institution *Ideas para la Paz* suggested that they are “Multidimensional or Hybrid Operations with more complex and extensive mandates that include actions of pacification and use of force with involvement of both civilian and military personnel.”<sup>23</sup> The African Union–United Nations Hybrid Operation in Darfur (“UNAMID”) made tangible progress in improving security. However, since the root causes of the conflict, durable peace between the warring communities has remained elusive. It is also considered to be a “comprehensive approach,” supporting the Security Sector Reform model, acting in the fields of the military, police, judiciary, customs and border control, intelligence, and disarmament at the same time.<sup>24</sup> This view is close to the stabilization missions, intentionally directed towards active conflict zones.<sup>25</sup> Jones and Cherif use the hybrid concept to describe a different

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<sup>18</sup> *Id.* at 1280.

<sup>19</sup> Kenkel, *supra* note 4, at 135.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*; see also Safak Oğuz, *The Evolution of Peace Operations and the Kosovo Mission*, 13 ULUSLARARASI İLİSKİLER 99, 104 (2016).

<sup>22</sup> Kenkel, *supra* note 4, at 135.

<sup>23</sup> Daniel Pardo Calderón, Alana Poole & Eduardo Álvarez Vanegas, *Monitoreo y Verificación del Cese al Fuego y Dejación de Armas: ¿Qué es y qué Implicaciones Tiene en Colombia?*, 3 SERIE FIN DEL CONFLICTO 4, 29 (2016).

<sup>24</sup> U.N. Secretary-General, *Implementation of the Recommendations of the Special Committee on Peacekeeping Operations*, U.N. Doc. A/69/642, at 5 (Dec. 9, 2014), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/69/642](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/642).

<sup>25</sup> Bellamy & Hunt, *supra* note 17, at 1282.

component of peace missions, related to internal coordination within the UN as well as with other regional organizations.<sup>26</sup>

Former UN Under-Secretary-General for Communications and Public Information, Kiyo Akasaka, presented the different types of missions as a continuum. He said: “Traditional ‘first-generation’ peacekeeping gave way to ‘second-generation’ multidimensional operations, and then to ‘third-generation’ peacekeeping, involving peace enforcement.”<sup>27</sup> “Conflict prevention, peace-making, peacekeeping, and peace enforcement rarely occur in a linear or sequential way. Indeed, experience has shown that they are mutually reinforcing.”<sup>28</sup> Nowadays, clearly, peacekeeping has become a matter of human security. The changing global environment requires that peace missions adapt and we will doubtless see new combinations of peace operations to deal with new conflicts. Indeed, the UN Verification and Monitoring in Colombia responds to the national demands: the illegal group needed to be included in order to achieve its legalization.

The following chart presents the historical evolution of the PKO and highlights the two main differences of the Colombian mission. The reasons why it was necessary to include the FARC-EP in the mission to secure its success are explored in the pages that follow.

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<sup>26</sup> Bruce Jones with Feryal Cherif, *Evolving Models of Peacekeeping: Policy Implications & Responses*, CTR. ON INT’L COOPERATION, N.Y.U. (2003), [http://www.operationspaix.net/DATA/DOCUMENT/5880~v~Evolving\\_Models\\_of\\_Peacekeeping\\_\\_Policy\\_Implications\\_and\\_Responses.pdf](http://www.operationspaix.net/DATA/DOCUMENT/5880~v~Evolving_Models_of_Peacekeeping__Policy_Implications_and_Responses.pdf).

<sup>27</sup> Press Release, Under-Secretary-General, Under-Secretary-General for Peacekeeping Operations Tells United Nations Seminar in Tokyo That Those Who Will Make Peace Are Those Who Made War, U.N. Press Release PKO/185 (June 6, 2008), <https://www.un.org/press/en/2008/pko185.doc.htm>.

<sup>28</sup> Brochure, United Nations Peacekeeping (2016), [https://peacekeeping.un.org/sites/default/files/un\\_peacekeeping\\_brochure.pdf](https://peacekeeping.un.org/sites/default/files/un_peacekeeping_brochure.pdf); Sarah Cliffe, *UN Peace and Security Reform: Cautious Steps in the Right Direction*, CTR. ON INT’L COOPERATION, N.Y.U. (Sept. 15, 2017), [https://cic.nyu.edu/sites/default/files/publication\\_cliffe\\_peace\\_security\\_reforms.pdf](https://cic.nyu.edu/sites/default/files/publication_cliffe_peace_security_reforms.pdf).



TABLE 1: THE GENERATIONS OF PEACEKEEPING MISSIONS<sup>29</sup>

| Type of Mission                 | 1st Generation | 2nd Generation | 3rd Generation | 4rd Generation | 5th Generation | 6th Generation |
|---------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Military</b>                 |                |                |                |                |                |                |
| Observing                       | X              | X              | X              | X              | X              | X              |
| Ceasefire                       | X              | X              | X              | X              | X              | X              |
| Disarming                       | X              | X              | X              | X              | X              | X              |
| Inter-state Wars                | X              | X              | X              |                |                |                |
| Preventing Fights               | X              | X              | X              | X              |                |                |
| Verifying Security Agreements   |                | X              | X              | X              | X              | X              |
| Clearing Mines                  |                | X              | X              | X              |                | X              |
| Training Local Military         |                |                | X              | X              | X              | X              |
| Training Local Police           |                |                | X              | X              | X              | X              |
| Controlling Transitions Camps   |                |                |                | X              | X              | X              |
| Controlling Laying-down Weapons |                |                |                |                | X              | X              |
| <b>Political</b>                |                |                |                |                |                |                |
| Imposing Law and Order          |                |                | X              | X              | X              | X              |
| Placing Political Authorities   |                |                | X              | X              | X              | X              |

<sup>29</sup> Oliver Ramsbotham & Tom Woodhouse, ENCYCLOPEDIA OF INTERNATIONAL PEACEKEEPING OPERATIONS (1999), see also Brochure, United Nations Peacekeeping (2016), [https://peacekeeping.un.org/sites/default/files/un\\_peacekeeping\\_brochure.pdf](https://peacekeeping.un.org/sites/default/files/un_peacekeeping_brochure.pdf).

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|---|---|---|---|---|--|---|---|---|
| Administering Elections                       |   |   |   | X |  | X | X |   |
| Arbitrating Local Disputes                    |   | X |   | X |  | X | X | X |
| Showing Political Impartiality                |   | X |   | X |  | X | X | X |
| Reforming the Security Sector                 |   |   |   |   |  | X | X | X |
| Civilian Peacekeepers                         |   |   |   | X |  | X | X | X |
| Mixed command                                 |   |   |   |   |  | X | X | X |
| DDR <sup>30</sup>                             |   |   |   |   |  | X | X | X |
| Economic and Societal Stability               |   |   |   |   |  |   | X | X |
| 3 Party Monitoring-Verification <sup>31</sup> |   |   |   |   |  |   |   | X |
| <b>Humanitarian</b>                           |   |   |   |   |  |   |   |   |
| Protecting Aid Convoys                        |   |   |   | X |  | X | X | X |
| Protecting Humanitarian Workers               |   |   |   |   |  | X | X | X |
| Refugee Assistance                            |   |   | X |   |  | X | X | X |
| Providing Logistical Support                  | X |   |   | X |  | X | X | X |
| Verifying Human Rights Deals                  |   |   | X |   |  | X | X | X |
| Insert Guerrilla in Legal Life                |   |   |   |   |  |   |   | X |
| Including Victims as Negotiators              |   |   |   |   |  |   | X | X |

<sup>30</sup> *Disarmament, Demobilization and Reintegration (DDR)*, UNAMID, <https://unamid.unmissions.org/disarmament-demobilization-and-reintegration-ddr> (last visited Apr. 30, 2019).

<sup>31</sup> Tripartite Monitoring Verification Mechanism.

## III. THE COLOMBIAN CONFLICT

The Colombian conflict is difficult to summarize, although data helps. In 2017, the population of Colombia was 48 million. According to the *Registro Único de Víctimas* (Unique Record of Victims) there have been 8,074,272 victims of whom 7,134,646 have been displaced, 983,033 killed, 165,927 disappeared, 10,237 tortured, and 34,814 kidnapped.<sup>32</sup> Between 1958 and 2012, 218,094 people were killed in the conflict; 81% of them were civilians.<sup>33</sup> Four percent of the population has been affected by the conflict.

The roots of the conflict are diverse. First of all, there was unequal land distribution and a historical demand for agrarian reform in the nation. Secondly, there was a political culture that considered violence as a valid political tool for solving disputes. Some authors consider that the conflict began with the War of a Thousand Days (1899–1902).<sup>34</sup> The conflict resulted in the victory of the Conservative Party, the economic devastation of the nation, with more than one hundred thousand dead, and the separation in 1903 of Panama.

There was another violent period from 1946 to 1958, known as *La Violencia* (The Violence), in which the main political parties, the Liberals and Conservatives, resolved power distribution through brutal confrontation. Between 1948 and 1966, 193,017 people were killed due to political violence.<sup>35</sup>

Francisco Leal stated that historical violence was nourished by centralist governments, alliances between corrupt politicians and criminal groups, political weakness of the State that did not have the monopoly on the use of force, and social exclusion.<sup>36</sup>

Historically, there are two different readings of the violence: analysts and politicians argue that violence was a pathology of the

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<sup>32</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, BASTA YA! (2016), <http://www.centrode-memoriahistorica.gov.co/descargas/informes2013/bastaYa/basta-ya-colombia-memorias-de-guerra-y-dignidad-2016.pdf>; Pedro Santana Rodríguez, *Víctimas*, REVISTA SUR, <https://www.sur.org.co/victimas/> (last visited Apr. 30, 2019).

<sup>33</sup> Pablo Linde, *Colombia Tras el Conflicto*, EL PAÍS (2017), <https://elpais.com/especiales/2017/planeta-futuro/colombia-tras-el-conflicto/#reportaje>.

<sup>34</sup> Javier García de Gabiola, *La Guerra de “Gabo”: La Guerra de los Mil Días, Colombia 1899–1902*, CLIO: REVISTA DE HISTORIA, 2015, at 66–74; MIGUEL ÁNGEL CENTENO, BLOOD AND DEBT: WAR AND THE NATION-STATE IN LATIN AMERICA (2003).

<sup>35</sup> Rodríguez, *supra* note 32.

<sup>36</sup> Francisco Leal Buitrago, *Finalización del conflicto armado y expectativas de paz en Colombia*, in PROCESO DE PAZ Y POSACUERDO EN COLOMBIA: EFECTOS EN LA REGIÓN (Wolf Grabendorff & Daniel Gudiño Pérez eds., 2017).

working class, while others see it as a consequence of the unfair distribution of land and inequality between the different regions of the country and the urban and rural areas.<sup>37</sup>

From 1958, most presidents tried to bring the State to rural regions. This was also the main goal of President Lleras. The plan included financial aid for the registration of land ownership, public works, measures, and institutions to protect children, housing projects, and the establishment of regional and local justice systems. Most presidents had similar plans. During the “Frente Nacional” period, presidents continued to establish plans and policies to tackle poverty and violence in rural areas without success<sup>38</sup>

While internationally the world was immersed in the Cold War, regionally the Cuban Revolution was establishing itself as a communist regime in Latin America. At that time, Colombia witnessed the emergence of the so-called *independent republics* organized by communists and left-wing peasants. These republics were areas of land where peasants were armed and over which the state did not have any control. One such republic, *Marquetalia*,<sup>39</sup> was attacked in May 1964 which sparked the identification of the FARC as a guerrilla movement.<sup>40</sup> The Cuban Revolution and later the Sandinista Revolution in Nicaragua emboldened the FARC to shift from a defensive to an offensive strategy in 1982.

In the 1980s, the government became increasingly involved in fighting drug lords and the emergence of paramilitary groups. This was particularly acute in the coca-growing regions of Cauca and Nariño. Between 1989 and 1993, more than 5,000 people died in

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<sup>37</sup> See, e.g., Héctor Galindo, Jorge A. Restrepo & Fabio Sánchez, *Conflicto y Pobreza en Colombia: Un Enfoque Institucionalista*, in Jorge A. Restrepo & David Aponte, GUERRA Y VIOLENCIAS EN COLOMBIA, HERRAMIENTAS E INTERPRETACIONES 315–23 (Editorial, Pontificia Universidad Javeriana, Bogotá, Colombia, 2009); Jorge Bustamante, *Concentración de la Propiedad Rural y el Conflicto Violento en Colombia, un Análisis Espacial*, COYUNTURA SOCIAL 73–111 (2006).

<sup>38</sup> For instance, from 1983, President Belisario Betancourt established another National Plan for Rehabilitation which continued during three consecutive governments. Francisco Leal Buitrago, *Una Visión de la Seguridad en Colombia*, 24 ANÁLISIS POLÍTICO 3–36 (2011).

<sup>39</sup> Marquetalia was an area in Tolima Department which did not have any state control and was under the authority of a group of peasants led by Manuel Marulanda and Jacobo Arenas who would later become Commanders of the FARC. In May 1964, the Army launched an operation, called Sovereignty, to end Marquetalia. The peasants and the *guerrilleros* who were able to escape funded the FARC-EP.

<sup>40</sup> James Bargent, *The FARC 1964–2002: From Ragged Rebellion to Military Machine*, INSIGHT CRIME (May 26, 2014), <https://www.insightcrime.org/investigations/the-farc-1964-2002-from-ragged-rebellion-to-military-machine/>.

crimes related to the drug cartels.<sup>41</sup> Five-hundred and fifty police officers were murdered during Pablo Escobar's control of the Medellín cartel. In 1989 and 1990, 150 bombs were detonated by the Medellín cartel.<sup>42</sup> Colombia was considered a failed state by the Fragile State Index.

Indeed, the Cali and Medellín cartels almost brought the Colombian state to its knees. After Pablo Escobar's killing in 1993, the cartels gradually lost power and, thus, successive governments began to explore peace deals with the FARC. The most audacious initiative was promoted by the government of Andrés Pastrana (1998–2002) who began a peace process called *Diálogos de El Caguán*. President Pastrana gave a demilitarized zone to the FARC where they could establish their rule. There was no ceasefire and the process had many setbacks. The most controversial issue was that the FARC did not end its military campaign. The most violent event during the peace process was the massacre of the Turbay Cote family.<sup>43</sup> In 2002, Pastrana declared the process a failure.

The end of the peace process and the beginning of “Plan Colombia” (2000–2015), proposed by the United States government, was considered to be a declaration of war by the FARC. Plan Colombia provided financial support to the Colombian government to help counteract the insurgency in exchange for efforts to fight drug production and trafficking. Fifty-one percent of the resources were aimed at improving social conditions and respect for human rights and to strengthening state institutions.<sup>44</sup> In reality, Plan Colombia focused on combating drug trafficking and fighting the FARC, and so had a heavy military component.

President Álvaro Uribe (2002–2006, 2006–2010) sought during his mandate to answer the demand of broad sectors of society for a stronger state presence throughout the whole nation. The absence of the state in much of the Colombian territory has been a constant problem in the country's history. One interviewee said that in his

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<sup>41</sup> UN Office on Drugs and Crime, *Violence, Crime and Illegal Arms Trafficking in Colombia* (2006), [https://www.unodc.org/pdf/Colombia\\_Dec06\\_en.pdf](https://www.unodc.org/pdf/Colombia_Dec06_en.pdf).

<sup>42</sup> *Id.*

<sup>43</sup> In 2000, Diego Turbay Cote was murdered together with part of his family by the FARC. At that time, Turbay Cote was President of the Peace Commission in the House of Representatives. See Ana Arana, *Colombia's Growing Nightmare*, SALON (Feb. 23, 2002), [https://www.salon.com/2002/02/23/colombia\\_11/](https://www.salon.com/2002/02/23/colombia_11/).

<sup>44</sup> DANIEL MEJÍA, PLAN COLOMBIA: AN ANALYSIS OF EFFECTIVENESS AND COSTS 1–17 (2016), <https://www.brookings.edu/wp-content/uploads/2016/07/Mejia-Colombia-final-2.pdf>.

small town there was no state presence, not even a post office.<sup>45</sup> Uribe proposed a new approach: *Política de Defensa y Seguridad Democrática* (Democratic Defense and Security Policy) and *Doctrina de la Acción Integral* (Integral Action Doctrine). It aimed to strengthen institutions, the rule of law, and civic and political rights for all citizens in Colombia. Uribe's approach emphasized military expansion to every corner of the national territory. Indeed, the implementation of the *Democratic Defense and Security Policy* meant extending public control over territory the state had lost or had never had, the total eradication of illicit crops and drug trafficking, and the deepening of Plan Colombia to fight the guerrillas. Alejo Vargas, a Colombian professor, explained that Uribe's government focused on the following threats: terrorism, drug trafficking, arms trafficking, kidnapping, and murders.<sup>46</sup>

The policy increased the militarization of public security. In January 2004, the armed forces initiated the largest offensive against the FARC: the *Patriot Plan*. This strategy, also known as the J.M. military campaign, in homage to the former commander of the Colombian Military Forces, General Jorge Enrique Mora Rangel,<sup>47</sup> aimed to eliminate any guerrilla presence from roads and urban areas. Colombians were unable to travel on national roads without risk of kidnap, so the plan aimed to take back control of national roads.

The development of the plan required increased military spending. In 2007, more than 7 million pesos were allocated for infrastructure, weapons, and intelligence.<sup>48</sup> From 2006 to 2007, the number of terrorist attacks fell from 646 to 387.<sup>49</sup> However, the number of displaced people increased by 0.4%.<sup>50</sup> The number of demobilized members of the guerrilla and paramilitary forces in-

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<sup>45</sup> Interview with Rodrigo Mezú, Fuerza Área Colombiana, in Bogotá, Colombia (July 18, 2017).

<sup>46</sup> Alejo Vargas Velásquez, *El gobierno de Álvaro Uribe: proyecto y resultados*, 192 NUEVA SOCIEDAD 85, 89 (2004).

<sup>47</sup> General Mora Rangel went from being the main anti-guerrilla general to becoming, in 2012, the negotiator of peace as the agent of the military sector in Cuba's peace process. See *El General Jorge Enrique Mora Rangel*, SEMANA (Feb. 27, 2010), <https://www.semana.com/enfoque/articulo/el-general-jorge-enrique-mora-rangel/113739-3>.

<sup>48</sup> DEPARTAMENTO NACIONAL DE PLANEACIÓN, *Boletín de Resultados en Seguridad Democrática* (2007), [https://colaboracion.dnp.gov.co/CDT/Justicia%20Seguridad%20y%20Gobierno/Boletin\\_Seguridad.pdf](https://colaboracion.dnp.gov.co/CDT/Justicia%20Seguridad%20y%20Gobierno/Boletin_Seguridad.pdf).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

creased from 2,460 in 2006 to 3,192 in 2017.<sup>51</sup> Seventy-eight percent of them belonged to the FARC.<sup>52</sup>

An increasing sense that Colombia was becoming safer for most citizens took precedence over complaints about forced disappearances, extrajudicial executions, and the selective assassinations of activists and opponents disguised as *false positives* in the counterinsurgency. Uribe's goal of wearing down the guerrillas and seeking to increase the coercive capacity of the state resulted in the use of George H. W. Bush's phrase: *the war on terror*. In that context, there was no room for negotiation with the FARC.

After Uribe's two presidential terms, Juan Manuel Santos, his Defense Minister, won the elections in June 2010. Santos and his government have been very different from Uribe's. Many politicians argue that he reinstated the country's best liberal traditions, which had been wrecked by Álvaro Uribe.<sup>53</sup> For the third time in Colombian history, Santos' government began direct peace negotiations with the FARC in 2012 in Oslo, which were continued in Havana. It could be argued that Santos was only able to start the negotiations because Plan Colombia and the *Democratic Security Policy* had markedly reduced the FARC's military power. However, by adopting an approach of acceptance that the FARC can be considered a political group and recognizing that land reform was a necessity, Santos gave the country perhaps its best chance of achieving lasting peace.

#### IV. A FINAL PEACE?

In 2005, the FARC had over 20,000 members. By 2017, membership had fallen to just over 5,000.<sup>54</sup> Uribe's military strategy massively reduced the FARC's capacity. Although not defeated, the guerrillas saw a marked decline in its military capacity and the loss of many of its leaders. When Raúl Reyes was killed in March 2008 and Manuel Marulanda died of a heart attack, Alonso Cano took power. He was killed in November 2011. One year later, peace talks began in Havana. Indeed, President Juan Manuel San-

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<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> RUT DIAMINT & LAURA TEDESCO, *LATIN AMERICA'S LEADERS* 64–96 (2015).

<sup>54</sup> Interview with General Javier Pérez Aquino, Chief of the UN Mission, in Bogotá, Colombia (July 18, 2017).

tos took advantage of the decline in the FARC's offensive capacity to promote a new peace process.

Contrary to previous attempts, there would be no ceasefire; there would be a limited number of actors, a new legal framework established in July 2012, and the recognition of victims enshrined in the Victims' Law and Restitution of Land sanctioned in June 2011.

The peace talks lasted four years. They started in November 2012 and continued until October 2016. In the interviews in Bogotá, it was mentioned that the FARC-EP members felt safe in Cuba and there were less possibilities of leaks to the press: "Cuba was chosen because it played a critical role in bringing the FARC-EP to the table and because its involvement heightened the process's credibility with the FARC-EP and neighbouring countries."<sup>55</sup>

The talks and the agreement that followed were not very popular. On the one hand, it was difficult to convince the armed forces to negotiate with their historical enemy. As Edwin Rodríguez explained, around 3,000 retired officials from ACORE (Colombian Association of Retired Officers of the Armed Forces) revealed that they felt humiliated by President Santos.<sup>56</sup> In a bid to counteract this feeling and attract military support, Santos nominated General Jorge Mora Rangel as a member of the governmental team.<sup>57</sup>

Former Presidents Andrés Pastrana and Álvaro Uribe were against the peace accord. They strongly opposed the special legal framework that allowed those who had committed crimes to avoid prison in return for a confession. Their only *punishment* was to participate in acts of reparation. For Pastrana and Uribe, the legal framework legalized impunity.<sup>58</sup> Moreover, FARC members who demobilized received financial aid from the state to ease their transition to civilian life. They received around 90% of the minimum wage.<sup>59</sup> Many Colombians agreed with Pastrana and Uribe. One colonel from the Colombian army interviewed in Bogotá admitted that after his first trip to Cuba his companions treated him like a

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<sup>55</sup> RENATA SEGURA & DELPHINE MECHOULAN, *MADE IN HAVANA: HOW COLOMBIA AND THE FARC DECIDED TO END THE WAR 11* (2017).

<sup>56</sup> Edwin Cruz Rodríguez, *Fuerza Pública, Negociaciones de Paz y Posacuerdo en Colombia*, 29 *ANÁLISIS POLÍTICO* 146 (2016).

<sup>57</sup> *Id.*

<sup>58</sup> Alvaro Uribe & Andres Pastrana, Conference in Casa de America, Madrid, Spain, La situación de America Latina: Una Visión Presidencial (Mar. 29, 2016).

<sup>59</sup> *El Dinero Que Recibirán las FARC para la Reintegración y la Política*, *EL TIEMPO* (Aug. 25, 2016), <http://www.eltiempo.com/politica/proceso-de-paz/dinero-para-los-guerrilleros-de-las-farc-tras-acuerdo-32151>.



traitor.<sup>60</sup> It was not easy for many Colombians to accept the deal with the FARC and the peace process. However, the government trusted that the population would back the plans to bring the era of violence to an end. Therefore, the result of the October 2016 referendum was a shock: 50.2% of Colombians rejected the peace deal.<sup>61</sup>

The *No campaign* demanded some modifications to the agreement: those found guilty of crimes should be barred from running for public office; the FARC leaders should serve time in prison for crimes committed; the FARC should compensate their victims with the money from illegal trade; and the Constitution should not be changed.

Immediately after the results, President Santos said that the ceasefire remained in place and opened up dialogue with those who opposed the agreement. Finally, after weeks of negotiation and uncertainty, in November 2016 the government and the FARC signed a new agreement. The main changes were that the treaty would not be part of the Constitution; the Special Jurisdiction for Peace, the new legal framework, would only last for ten years and its decisions could be revised by the Constitutional Court.<sup>62</sup>

## V. WORDS OF THE PROTAGONISTS

The UN Mission consisted of about 450 military observers and 180 civilian officials. It took place from September 27, 2016 to September 14, 2017. The result, according to the members of the UN mission, was very positive.<sup>63</sup> On August 15, 2017, the FARC-EP submitted a final inventory of its property and assets, as required in the Final Agreement. Although the Mission was primarily composed of observers from the military and police, the civilian component performed critical roles involved in liaison, outreach, and public information. This enabled the Mission to engage closely

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<sup>60</sup> Interview with Colonel Marco Antonio Castillo, Human Rights Director, Ministry of Defense, in Bogotá, Colombia (July 18, 2017).

<sup>61</sup> Javier Lafuente, *Colombia dice 'no' al acuerdo de paz con las FARC*, EL PAÍS (Oct. 4, 2016), [https://elpais.com/internacional/2016/10/02/colombia/1475420001\\_242063.html](https://elpais.com/internacional/2016/10/02/colombia/1475420001_242063.html).

<sup>62</sup> Redacción Paz, *Listos los 14 juristas extranjeros que acompañarán la justicia de paz*, EL TIEMPO (Dec. 6, 2017), <https://www.eltiempo.com/politica/proceso-de-paz/listos-los-juristas-extranjeros-que-acompanaran-la-justicia-de-paz-jep-159096>.

<sup>63</sup> All the interviewees were satisfied with the results of the UN mission until July 2017. We interviewed seven members of the mission located in Bogotá, Colombia, between July 17 and July 22, 2017.

with government counterparts, local communities, and civil society. In addition, as the Secretary General said: “The full operational insertion of a United Nations peace operation within a tripartite mechanism including the two parties to a peace agreement is undoubtedly one of the innovative elements of our engagement with Colombia.”<sup>64</sup> Former Secretary General of UNASUR, the Colombian Ambassador María Emma Mejía, also recognized the trust in the mission. She said: “I am sure that, as has happened with the current mission, the decision of the United Nations to support Colombia will be paramount for our process—which is unprecedented in its integrity, complexity, and scope—continue its implementation as agreed between the parties and culminates in a successful way.”<sup>65</sup>

To analyze the process and understand the military’s position after four years of negotiating with their historical enemy, fourteen interviews were conducted in Bogotá.<sup>66</sup> Nine interviews took place with military men from Colombia, Argentina, Bolivia, Uruguay, and Cuba who participated in the Verification Mission in Colombia, and two interviews took place with FARC members who were also part of the UN Mechanism. What follows is a summary of the main points from the conversations.

All the participants were based in the same building in Bogotá. In the very beginning, it was difficult for the Colombians to accept the involvement of military personnel from other countries in the talks. One of the issues was related to language. Although they all speak Spanish, there are many words which have different meanings in different countries. For instance, the term *dejación*, which refers to handing over weapons, does not exist in every Latin American country. The term was coined in answer to a FARC demand as they refused to talk of surrendering their weapons, as they considered that a sign of defeat.

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<sup>64</sup> U.N. Secretary-General, *Report of the Secretary-General on the United Nations Mission in Colombia*, U.N. Doc. S/2017/801 (Sept. 26, 2017), <https://reliefweb.int/sites/reliefweb.int/files/resources/N1729311.pdf>.

<sup>65</sup> President of Colombia to the U.N., *Cartas idénticas de fecha 7 de junio de 2017 dirigidas al Secretario General y a la Presidencia del Consejo de Seguridad por la Representante Permanente de Colombia ante las Naciones Unidas*, UN Doc. S/2017/481, at 3 (June 8, 2017), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2017/481&referer=/english/&Lang=S](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2017/481&referer=/english/&Lang=S).

<sup>66</sup> The interviews were conducted by the authors from July 17 to July 22, 2017. We interviewed seven members of the UN mission located in Bogotá; military from the Colombian Ministry of Defense; FARC members; informants; diplomats; and academics. The diplomats did not want to be quoted.

The relationship between the FARC members and the UN delegates was strained in the beginning. Gradually, the FARC began to trust them. Most of the foreign military personnel had been in other international missions and spoke positively about the Colombian process. For the Latin Americans it was important to work with the FARC members to forge a lasting peace.<sup>67</sup> It was also important for the different military groups to work together. Military personnel from Bolivia and Chile worked together, putting aside their grievances about the historical dispute over Bolivia's access to the sea. Cubans were also part of the group and were working with military personnel who did not share the ideology of the FAR (Revolutionary Armed Forces).<sup>68</sup>

In the interviews the Colombian personnel revealed how difficult it was to change opinions about their long-standing enemy. They recognized the need to build trust. However, some of the interviewees admitted that in the early meetings in Havana they could not bring themselves to shake hands with FARC members.<sup>69</sup> There were tough moments when they had to stay together—for instance, the Colombian military and the FARC stayed in a retreat center in Popayán (Cauca) with UN representatives. Part of the training focused on creating a peaceful atmosphere. This training was crucial to understand the need to avoid more victims.

They praised the job done by third countries such as Norway, Switzerland, Chile, and Cuba. The first step was to humanize FARC members and to stop demonizing them. To be sitting around the same table was traumatic but all of the interviewees thought that it was necessary. The main challenge was that the Colombian state should gain a presence in territories where it had been historically absent and should replace the FARC as the source of authority as well as public services.<sup>70</sup>

Two FARC members were also interviewed. One of them is well-known, part of the historical elite of the guerrilla forces. The other member was a younger woman. They both insisted that the FARC has not been defeated. The military chief agreed declaring

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<sup>67</sup> This was mentioned by the Argentinian, Bolivian, and Cuban members of the missions.

<sup>68</sup> In the UN mission there were members of the Chilean and Argentinian armed forces who, historically, have not been ideologically friendly to the Cuban Revolution.

<sup>69</sup> See *supra* notes 54 and 60. This appeared in at least three interviews with different military personnel. We named the colonels that have allowed us to quote them.

<sup>70</sup> Interview with Ruben Morro, FARC member, in Bogotá, Colombia (July 19, 2017). This was mentioned to us on different occasions in Bogotá by members of the Colombian Armed Forces and by FARC members.

“There was a decline in FARC membership but not a defeat. It was a guerrilla force with great fighting power.”<sup>71</sup>

It was interesting to witness the relationship between the old FARC member and the young woman. The FARC has always been described as a very *macho* organization in which women were, sometimes, used as property. The relationship seemed unequal; the man did not allow the young woman time to speak. She just agreed with what he said. Two days later the young woman refused to be interviewed on her own.

The FARC members argued that the organization had handed over a vast number of weapons. They were right: in Afghanistan, 0.76 weapons per militant were recovered. In Colombia, the FARC gave up 1.3 weapons per militant. This was an unprecedented figure.<sup>72</sup> Indeed, the FARC “handed over” 8,994 weapons (guns: 1,817; revolvers: 170); long weapons (assault rifles: 6,177; precision rifles: 28 weapons; shotguns: 6 weapons; submachine guns: 13; machine guns: 274); collective weapons of combat support (rocket launchers: 12; grenade launchers: 229; mortars of different calibre: 268; 1,765,862 ammunition of different sizes); 38,255 kilograms of various explosives; 11,015 grenades, hand and 40 mm; and 3,528 antipersonnel mines.

The UN mission received information on the location of 1,027 munitions stores, of which 750 were neutralized in 182 operations throughout the territory of Colombia. All the munitions and weapons were stored in the General Armament Depot, awaiting their final destination which will be as part of three peace monuments (UN New York, La Havana, and Bogotá) established in the Final Agreement.<sup>73</sup>

The FARC negotiators also emphasized that they would not be put on trial. Their movements in Bogotá were restricted, however. They were not permitted to leave the building of the *Mecanismo de Monitoreo y Verificación de las Naciones Unidas* to go for lunch. They were escorted from the building to the hotel and they could not walk freely around the city or they would face arrest. Hence, although they were not in jail, they were certainly not free.

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<sup>71</sup> Javier Pérez Aquino, Conference, CARI, Buenos Aires, Argentina (May 10, 2018).

<sup>72</sup> *Terminó la guerra, el postconflicto está en riesgo. A un año del acuerdo de paz*, PARES: FUNDACIÓN PAZ & RECONCILIACIÓN (Nov. 23, 2017), <https://pares.com.co/2017/11/23/termino-la-guerra-el-postconflicto-esta-en-riesgo-un-ano-del-acuerdo-de-paz/>.

<sup>73</sup> Congreso de Colombia, *Alto Comisionado para la Paz* (July 31, 2012), <http://www.altocomisionadoparalapaz.gov.co/desarrollos-legislativos-paz/marco-juridico-para-la-paz/Documentos%20compartidos/Acto-Legislativo-N-01-del-31-de-julio-de-2012-4.pdf>.

The FARC interviewees gave all the credit to Hugo Chávez rather than to Cuba or Norway. They also pointed out that while they were adhering to their side of the agreement, the government was slower to fulfill their commitments, especially in relation to the amnesty for prisoners. Of 3,500 prisoners only 700 have been freed. A colonel from a Latin American country also confirmed this. He told us that the FARC is always first to fulfill their commitments.<sup>74</sup>

The FARC members commented that, after the peace process has concluded, the state needs to be able to replace the guerrilla's administration in many remote areas. This was considered crucial for the success of the post-conflict period.

## VI. UNITED NATIONS VERIFICATION MISSION IN COLOMBIA

The Tripartite Monitoring and Verification Mechanism features a singular combination of local, national, and regional components. FARC-EP members, government officials and Colombian armed forces, and the UN mission (made up largely of military personnel from the Community of Latin America and Caribbean States ("CELAC"))<sup>75</sup> worked together to secure peace.

The UN VM's tasks were: 1) to verify the handover of FARC-EP firepower and vehicles; 2) to verify the destruction of weapons in their areas of deployment, prior to movement to the Transitional and Normalization Zones ("TNZ"), by FARC-EP, within 60 days of the final agreement; 3) to monitor individual and collective weapons held by FARC-EP in their camps in the TNZ; 4) to receive individual and collective weapons, grenades, and munitions from the FARC-EP and store them in containers under permanent UN observation between day 60 to day 150 of the final peace agreement; and 5) to transport the weapons out of the TNZ following the destruction of ammunition and the decommissioning of weapons.

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<sup>74</sup> Interview with General Fernando Fleitas in Bogotá, Colombia (July 19, 2017).

<sup>75</sup> *Polémica por presencia de cubanos en misión de la ONU para verificar cese el fuego*, EL COLOMBIANO (July 28, 2016) ("As it is a CELAC mission, Cuban Revolutionary Armed Forces are participating for a first time in a UN combined operation. On the participation of Cuba in the Mission, criticism arose at the time by Senator Álvaro Uribe in the sense that Cuba financed FARC activity armed group and that is why they should not be in charge of monitoring and verification of the end of the conflict."), <https://www.elcolombiano.com/colombia/paz-y-derechos-humanos/polemica-por-presencia-de-cubanos-en-mision-de-la-onu-YC4664357>.

This approach was ground-breaking for many reasons<sup>76</sup> and required the main participants to suspend distrust and be open-minded. First, the FARC-EP, an outlawed guerrilla group, was invited to the negotiation table. Second, one of the requirements of the agreements was the issuance of a national identity document for FARC-EP members. Third, they had to accept the rule of law and its institutions. This was perhaps the most controversial since they had fought against these state institutions both directly and indirectly through its heavy involvement in illegal drugs. Finally, they have to be integrated into the formal labour market and accept its rules.

The agreements have had a wide-ranging impact on Colombian political life. For example, there is set to be a fundamental rural land reform to regularize rural property ownership, guaranteeing rights as well as responsibility for paying land taxes. A comprehensive rural cadastre is to be drawn up to identify rightful private ownership and public land. This addresses one of the FARC's long-held grievances over the concentration of land ownership.

The Colombian agreement establishes a plan to replace coca crops with legal crop cultivation. This requires the institutions responsible for promoting peaceful coexistence and reconciliation<sup>77</sup> to improve land distribution. As pointed by the OAS Report Dispatch:

[G]roups of victims of forced abandonment and dispossession, seeking to meet their unmet basic needs, have returned to the properties from where they were dispossessed and have established their effective presence—sometimes peacefully and other times not—on those properties before a decision has been reached in the legal proceedings over the ownership thereof,

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<sup>76</sup> Calderón et al., *supra* note 23, at 12.

<sup>77</sup> The participating institutions are the Post-Conflict Interinstitutional Council (CIP) created by Law 1753 of 2015 (Article 127) and regulated by Decree 2176 of 2015, composed of the High Commissioner for Peace, the Minister of Finance and Public Credit, Minister of the Interior, the Minister of Defense, the Minister of the Presidency, the Director of the National Planning Department (DNP), and the Director of the Department for Social Prosperity (DPS). Its presidency is exercised by the High Counsellor for the Post-conflict, Human Rights and Security. Jointly with the National Directors of the Colombian Agency for Reintegration (ACR), the National Center for Historical Memory, the Administrative Unit for Territorial Consolidation, the Land Restitution Unit (URT), and the Unit for Integral Attention and Reparation of the Victims (UARIV), these agencies deal with the implementation of post-conflict agreements.

whether through ordinary proceedings or through the land restitution process established in Law 1448/11.<sup>78</sup>

The Colombian agreement also aims to reintegrate former combatants into civilian life. The provision to do this is the transfer of FARC-EP combatants to twenty-six Transitional Local Zones and Points for Normalization that have been selected by the guerrilla members themselves.<sup>79</sup> The process includes psychosocial and reintegration support programs. The government thereby fulfills specific commitments and provides legal and security guarantees to FARC-EP. Jean Arnault, head of the United Nations Mission in Colombia, stated: “The Government has to take responsibility for the physical, socio-economic and legal security of the guerrillas.”<sup>80</sup>

Hence the government has had to re-educate the military to guarantee FARC security and fair treatment for ex-combatants. The military was given stabilization responsibilities. One colonel who was involved in the negotiations admitted:

We were 11,000 men training for this mission. Twenty days of training with expert instructors. The state actors involved were trained and sensitized to grasp and fully understand the new status quo. We had to analyse this war that generated so much hate and conclude that the only way out was to avoid creating more victims. The only solution was the peace process.<sup>81</sup>

Disarmament, Demobilization and Reintegration (“DDR”) is a basic component of fourth-generation peacekeeping. As the UN declares, “DDR activities are crucial components of both the initial stabilization of war-torn societies as well as their long-term development.”<sup>82</sup> DDR was implemented in the Côte d’Ivoire, the Dem-

<sup>78</sup> *Twenty-First Half-Yearly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia* (MAPP/OAS), U.N. Doc. 5194/16, at 19 (May 27, 2016), <http://www.mapp-oea.org/wp-content/uploads/2016/01/XXI-Half-Yearly-Report-MAPP-POEA-.pdf>; see also *Twenty-Second Report of the Secretary General to the Permanent Council on the Organization of American States Mission to Support the Peace Process in Colombia* (MAPP/OAS) U.N. Doc. 5289/17 (Mar. 29, 2017), <http://www.mapp-oea.org/wp-content/uploads/2016/01/XXII-Half-Yearly-Report-MAPP-POEA.pdf>.

<sup>79</sup> Adam Isacson, *The UN Verification Mission’s Essential Role in Colombia’s Long-Awaited Ceasefire*, WOLA (Mar. 22, 2016), <https://www.wola.org/analysis/the-un-verification-missions-essential-role-in-colombias-long-awaited-ceasefire/>.

<sup>80</sup> Margarita Barrero & Felipe Morales Mogollón, *Dejación de armas será total: jefe de Misión de la ONU*, EL COLOMBIANO (June 20, 2017), <http://www.elcolombiano.com/colombia/acuerdos-de-gobierno-y-farc/jefe-de-mision-de-la-onu-en-colombia-jean-arnault-habla-sobre-dejacion-de-armas-BF6755245>.

<sup>81</sup> Interview with Colonel Víctor Portilla in Bogotá, Colombia (July 18, 2017).

<sup>82</sup> *Disarmament, Demobilization and Reintegration (DDR)*, UNAMID, <https://unamid.unmissions.org/disarmament-demobilization-and-reintegration-ddr> (last visited Apr. 30, 2019).

ocratic Republic of the Congo, Sudan, the Central African Republic, Haiti, and Nepal, among others.<sup>83</sup> The difference in the case of Colombia is that the government provided the means and resources to help to integrate ex-combatants into the economic life of the country. It is more robust in its approach to protecting human rights. This brought about a change in UN peacekeeping by giving members of the mission more effective tools to intervene in the local dynamics on the ground. In July 2017, the military commander General Pérez Aquino released information about the weapons and military equipment handed over by the FARC—an unprecedented measure in peace operations.<sup>84</sup>

Ex-combatant reinsertion and reintegration have been included in Colombian peace efforts since *An Agenda for Peace*. As explained by the UN, “reinsertion” is the assistance offered to ex-combatants during demobilization to help cover their basic needs and those of their families. Reintegration is a long-term, continuous social and economic process of development through which ex-combatants acquire civilian status and gain sustainable employment and income.<sup>85</sup>

Given that the military option did not bring about an end to the conflict, the agreements seek to achieve “conflict transformation,” offering concrete opportunities for political and economic assimilation. For instance, the Joint Border Verification and Monitoring Mechanism for the implementation of the agreement on the cessation of hostilities in South Sudan could have had a similar model to the Colombian mechanism. However, violence continues. Nepal Maoists were unwilling to give up their arms before elections.

A delegation of the UN Security Council visited the Colombian peace mission, led by the permanent representative of Uruguay, Ambassador Elbio Rosselli, and co-led by UK Ambassador Matthew Rycroft. The objective was to give the peace process the full backing of the Security Council and the international community.<sup>86</sup> The members of the Council, accompanied by the head of

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<sup>83</sup> *Id.*; see also *DDR in Peace Operations: A Retrospective*, U.N. DEP’T OF PEACEKEEPING OPERATIONS (2010), [https://peacekeeping.un.org/sites/default/files/ddr\\_retrospective102010.pdf](https://peacekeeping.un.org/sites/default/files/ddr_retrospective102010.pdf); BELLAMY & WILLIAMS, *supra* note 11.

<sup>84</sup> Javier Pérez Aquino, *Balance of activities related to the laying down of arms process*, U.N. MISSION IN COLOM. (July 26, 2017), <https://unmc.unmissions.org/en/statement-general-javier-p%C3%A9rez-aquino-balance-activities-related-laying-down-arms-process>.

<sup>85</sup> See *DDR in Peace Operations: A Retrospective*, *supra* note 84.

<sup>86</sup> *Security Council Visiting Mission to Colombia*, WHAT’S IN BLUE (May 3, 2017), <http://www.whatsinblue.org/2017/05/security-council-visiting-mission-to-colombia.php>.



the UN Mission in Colombia, Jean Arnault, visited one of the areas most affected by violence. Sergio Jaramillo said to the members of the Security Council: “We know what peace means for this community and we hope they can talk to the people immersed in the conflict.”<sup>87</sup>

Jean Arnault is a highly experienced and well-trained UN official in Georgia (“UNOMIG”), Afghanistan (“UNAMA”), Burundi (“UNOB”), and Guatemala (“MINUGUA”). The military mission is led by an Argentine general, Javier Pérez Aquino, who was a military observer in the UN Observation Mission for Iraq and Kuwait (“UNIKOM”).

The combined forces belong to nineteen different national militaries. Hence, there are marked differences in language, vocabulary, styles, and behaviors, as well as preparedness and operation skills. As agreed by the negotiating teams of the Government and the FARC, during the negotiations in Cuba, observers from the member countries of the CELAC—elected by the UN—are in charge of monitoring the ceasefire and disarmament.<sup>88</sup> CELAC military participation in the mission reflects new thinking about regionalizing peace operations.<sup>89</sup>

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<sup>87</sup> *In Colombia's central Meta region, Security Council witnesses first-hand progress on peace deal*, U.N. NEWS (May 5, 2017), <https://news.un.org/en/story/2017/05/556752-colombias-central-meta-region-security-council-witnesses-first-hand-progress>.

<sup>88</sup> CELAC, *Special Declaration 15: Support to the Peace Process in Columbia* (Jan. 27, 2016), [http://www.itamaraty.gov.br/images/ed\\_integracao/15.Special\\_Declaration\\_15\\_Peace\\_Process\\_Colombia.pdf](http://www.itamaraty.gov.br/images/ed_integracao/15.Special_Declaration_15_Peace_Process_Colombia.pdf) (“Take note, likewise, of the request of the Government of Colombia and the FARC-EP that the observers of the UN Political Mission should come from member countries of CELAC”).

<sup>89</sup> Rut Diamint, *Security Communities, Defense Policy Integration and Peace Operations in the Southern Cone: An Argentine Perspective*, 17 INT'L PEACEKEEPING 662 (2010).

TABLE 2: UN TRIPARTITE MONITORING AND VERIFICATION MECHANISM (“UN VM”) PARTICIPANT MEMBERS<sup>90</sup>

| Country            | Male | Female | Total |
|--------------------|------|--------|-------|
| Argentina          | 84   | 7      | 91    |
| Bolivia            | 51   | —      | 51    |
| Canada             | 2    | —      | 2     |
| Chile              | 64   | 2      | 66    |
| Cuba               | 10   | 1      | 11    |
| Costa Rica         | 2    | 1      | 3     |
| Dominican Republic | 10   | 3      | 13    |
| El Salvador        | 33   | 8      | 41    |
| Guatemala          | 17   | 2      | 19    |
| Honduras           | 14   | 1      | 15    |
| Mexico             | 21   | 4      | 25    |
| Norway             | —    | 3      | 3     |
| Paraguay           | 34   | 4      | 38    |
| Portugal           | 10   | 3      | 13    |
| Russia             | 1    | 1      | 2     |
| Spain              | 15   | 5      | 20    |
| Sweden             | 5    | 2      | 7     |
| United Kingdom     | 2    | 1      | 3     |
| Uruguay            | 19   | 2      | 21    |
| TOTAL              | 394  | 50     | 444   |

It should also be noted that MM&V has the support of 1,218 members of UNIPEP (*Unidad Policial para la Edificación de la Paz*, Police Unit for the Building of Peace), created by the Santos government to safeguard security.

The Colombian armed forces have 85,000 deployed troops which are to work on implementing diverse plans in 170 municipalities under the UN mission. They require full-time training to be equipped to carry out these new tasks. A colonel we interviewed,

<sup>90</sup> MECANISMO DE MONITOREO Y VERIFICACIÓN, NOVENO INFORME MENSUAL DEL MECANISMO DE MONITOREO Y VERIFICACIÓN [NINTH MONTHLY REPORT ON MONITORING AND VERIFICATION] (2017), [https://unmc.unmissions.org/sites/default/files/17-08-17\\_noveno\\_informe\\_mensual\\_mmv.pdf](https://unmc.unmissions.org/sites/default/files/17-08-17_noveno_informe_mensual_mmv.pdf) (Colom.).

who had been a member of the negotiation team from the beginning, detailed the various courses he had to take. These included classes on Security Sector Reform and Demobilization in Stockholm, on cease-fires in Oslo, and on negotiation techniques in an American university. This signals a major departure from usual military training.

The second mission that began in September 2017 had two main objectives. The first objective was to support the reintegration of ex-FARC combatants. The second objective was to verify security guarantees for the population in areas that were historically dominated by the FARC and which since the cessation of hostilities had been in a power vacuum outside the reach of the Colombian State. The second mission also aimed to support the parties and verify their commitments regarding points 3.2 and 3.4 of the Final Peace Agreement on the reintegration of former FARC-EP members. It had to supervise community protection for those living in former FARC territories. However, it was conceived as a civilian mission, with a lower military involvement. It had a new contingent of 120 military and police officers (fewer than in the first mission): “The majority of the staff of the Verification Mission will be civilians, working in teams with unarmed, non-uniformed international observers.”<sup>91</sup>

This second mission was originally deployed for one year, from September 2017 to August 2018. In September 2018, by a request of the new president Iván Duque, the UN extended the mission for one more year, until August 2019.<sup>92</sup> It reinforced collaboration with local actors and sought to create confidence in the process among the Colombian people. They focused on priority areas for security and protection of communities. Jean Arnault highlighted another challenge for this second mission: “A study conducted at the request of the Security Council on the fragility factors of the peace process, had as one of the conclusions the existence of illegal high-performance products and easy commercialization (drug production and trafficking and illegal mining). Illegal economies can reconstruct forms of violent behaviour.”<sup>93</sup>

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<sup>91</sup> U.N. Secretary-General, *Report of the Secretary-General on the United Nations Verification Mission in Colombia*, ¶ 2, U.N. Doc. S/2017/745 (Aug. 30, 2017), <https://undocs.org/S/2017/745>.

<sup>92</sup> United Nations Verification Mission in Colombia, *Report of the Secretary-General*, S/2019/265 (Mar. 26, 2019), <https://undocs.org/en/S/2019/265>.

<sup>93</sup> Margarita Barrero & Felipe Morales Mogollón, “*Dejación de armas será total*”: jefe de Misión de la ONU, *EL COLOMBIANO* (June 20, 2017), <https://www.elcolombiano.com/colombia/>

It is true that the UN's second mission will be carried out in an internal political scenario very different from the previous one. The electoral campaign for the Presidential elections of June 2018, won by the opposition, the obstacles erected by the opposition trying to delegitimize President Santos' agreements, and the failure of the referendum,<sup>94</sup> are all difficulties for the Agreement. However, the United Nations believes that the model implemented in Colombia will achieve a more positive impact and become a model for peace missions. Still, the reintegration of the members of FARC-EP is the most critical task within the overall peace consolidation agenda. Challenges might disrupt the process but also incentivize greater efforts and ultimately lead to better agreements.

Taking all into account, the second mission will "endeavour to prevent incidents through enhanced coordination between the parties and resolution of disagreements."<sup>95</sup> The UN Resolution describes the "historic and remarkable laying down of arms in Colombia while also noting the many challenges ahead, including reintegrating former fighters and rebuilding infrastructure."<sup>96</sup>

One concern is whether the Colombian government has enough civil servants to be able to extend democratic government to the areas previously governed by the FARC and criminal groups. The absence of the state in many regions of the country is one of the main reasons why the guerrilla and criminal groups were able to take over.

## VII. THE COLOMBIAN MISSION IN PERSPECTIVE

As this article argues, some analysts explore to what extent the peace process in Colombia incorporated new tools to deal with situations that were not resolved in previous PKOs.<sup>97</sup> It presents sev-

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acuerdos-de-gobierno-y-farc/jefe-de-mision-de-la-onu-en-colombia-jean-arnault-habla-sobre-dejacion-de-armas-BF6755245.

<sup>94</sup> The victory of the "No" was very tight: it surpassed the "Yes" by just 0.43% of the total votes with 62% abstentionism. Sandra Botero, *The 2016 Plebiscite and the Political Challenges of Consolidating a Negotiated Peace in Colombia*, 37 *REVISTA DE CIENCIA POLÍTICA* 369, 373 (2017).

<sup>95</sup> S.C. Res. 2381, ¶ 1 (Oct. 5, 2017), [https://colombia.unmissions.org/sites/default/files/051017\\_s\\_res\\_2381\\_2017\\_-\\_colombia.pdf](https://colombia.unmissions.org/sites/default/files/051017_s_res_2381_2017_-_colombia.pdf).

<sup>96</sup> Press Release, Security Council, Security Council Approves Mandate, Operations, Size of United Nations Verification Mission in Colombia, Unanimously Adopting Resolution 2377, U.N. Press Release SC/12992 (Sept. 14, 2017), <https://www.un.org/press/en/2017/sc12992.doc.htm>.

<sup>97</sup> Bellamy & Hunt, *supra* note 17.

eral new elements. First, the Monitoring and Verification Mechanism (“UN VM”) involves non-state actors. The involvement of the UN, the government, and the FARC generates confidence among actors. General Javier Perez Aquino has stated, “The tripartite mechanism allows for more efficient, credible and trustworthy verification.”<sup>98</sup>

Second, it gives political legitimacy to a guerrilla group, creating the conditions for incorporating it into formal political life, giving the Colombian state the resources necessary to achieve the goal. It is a cultural change, as Martin Caparrós described it colourfully: “Former guerrillas no longer wear uniforms; now they wear blue jeans or tracksuits, rubber boots, colourful shirts and coats . . . some guerrillas have gone to Bogotá to take a course to become bodyguards, a possible way out . . . or are working on the coffee harvest.”<sup>99</sup>

Third, the UN mandate successfully supervised the laying down of arms.<sup>100</sup> As confirmed by the head of the contingent of Spanish observers of the UN Mission, the Colonel of the Army, Alejandro Rubiella Romañach, it is “the first mission of the UN that has fulfilled all the objectives that were marked in the agreements (of peace) as in the mandate of the Security Council.”<sup>101</sup>

Fourth, it implements an agreement that reflects the demands, rights, and obligations of the distinct parties involved. This allowed UN observers to perform their role without the trappings of military uniforms and weapons, relying instead on dialogue and information. The rules of engagement do not foresee the use of force. Unarmed peacekeepers are a significant presence for protecting the civilian population. This change is in accordance with the experts’ report: “The United Nations must be committed to open and impartial dialogue with all parties, States and non-state actors.”<sup>102</sup>

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<sup>98</sup> *Colombia Peace Still Being Consolidated, But Progress Serves as Beacon for Others Trying to Exit Conflict*, DPA POLITICALLY SPEAKING, <https://dpa-ps.atavist.com/colombia-peace-still-being-consolidated-but-progress-serves-as-beacon-for-others-trying-to-exit-conflict>.

<sup>99</sup> Martín Caparrós, *La guerra desarmada*, N.Y. TIMES (July 21, 2017), <https://www.nytimes.com/es/2017/07/21/la-guerra-desarmada-farc-colombia/>.

<sup>100</sup> *UN Mission finalizes extraction of arms caches and laying down of weapons of the FARC-EP*, UN MISSION IN COLOMBIA (Sept. 15, 2017), <https://reliefweb.int/report/colombia/un-mission-finalises-extraction-arms-caches-and-laying-down-weapons-farc-ep>.

<sup>101</sup> Jaime Ortega Carrascal, *Proceso de paz colombiano es “único y exitoso,” dice el jefe observador español*, EFE (Nov. 1, 2017), <https://www.efe.com/efe/america/politica/el-proceso-de-paz-colombiano-es-unico-y-exitoso-dice-jefe-observador-espanol/20000035-3425505>.

<sup>102</sup> U.N. Gen. Assembly & U.N. Sec. Council, *Report of the High-level Independent Panel on Peace Operations on Uniting our Strengths for Peace: Politics, Partnership and People*, U.N. Doc. A/70/95-S/2015/446, at 26 (June 17, 2015).

Uniquely, the mission was entirely planned in conjunction with the Colombian government. A specialized technical team discussed the rules of engagement before the mission started. The PKO was involved but the mechanisms were agreed during two years of negotiations between government officials and FARC members in Havana with the special technical group. The UN received the protocols and legitimized the accords as was perceived by many: “the UN is the multilateral body with the most experience in monitoring and verifying peace agreements. The participation of the UN in the MVM through a Special Political Mission in Colombia is a guarantee of trust, credibility and legitimacy for both negotiators and local and international public opinion.”<sup>103</sup>

Members of the mission have commented on how it differs from previous operations. For example, Colonel Rubiella Romañach said that it is unique and successful: “I believe that the mission has fulfilled what I had to do and from my point of view it has been a success.”<sup>104</sup> General Perez Aquino also suggested that the tripartite mechanism provided better tools to manage the situation, although he acknowledged that none of those involved were absolutely clear on how to operate: “We are managing the disorder. We have to agree on things hour by hour. But we all came with open minds and are ready to learn.”<sup>105</sup> In addition, he explained: “We were confined to a convent where we received training on handling the FARC. We also received training on cohabitation with the FARC. In 45 days, we had to organize 7,500 guerrillas in the rural zones. The tripartite model was a valid instrument for integrating local, state, and political issues.”<sup>106</sup>

Another crucial difference is that this mission was developed in a country which despite inequalities and violence, has institutions, democratic elections, division of powers, and organized political parties. However, as it has been said many times before, there are plenty of territories in which the state and the national government do not exist.

Unlike other UN experiences, there was a firm political commitment to achieve the social reintegration of ex-combatants.

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<sup>103</sup> Eduardo Álvarez Vanegas, Daniel Pardo Calderón & Alana Poole, *Challenges and risks for monitoring and verification of the end of the conflict in Colombia*, OPEN DEMOCRACY (Jan. 24, 2017), <https://www.opendemocracy.net/democraciaabierta/daniel-pardo-eduardo-lvarez-vanegas-alana-poole/challenges-and-risks-for-monitorin>.

<sup>104</sup> Carrascal, *supra* note 101.

<sup>105</sup> Interview with General Perez Aquino, Chief Observer, United Nations Mission in Colombia, in Bogotá, Colombia (July 19, 2017).

<sup>106</sup> *Id.*

Overcoming a history of disagreements, injustices, and confrontations, the government and the most violent and organized armed opposition group in Colombia reached a peace agreement with a detailed road map.

### VIII. CONCLUSION

The 2018 elections in Colombia brought uncertainty. The winner, Ivan Duque, an Uribista, expressed doubts about the peace process. It is beyond the goal of this article to explore different future scenarios in Colombia. One thing is certain: peace is difficult to maintain. Indeed, “peace is more stable after decisive military victories than after wars that end in a tie.”<sup>107</sup> As President Santos pointed out: “The transition to peace demands a great amount of time, resources and leadership in Colombia. . . . One of the most challenging aspects of the long negotiations was to balance the demands of justice with the demands of peace.”<sup>108</sup>

While it seems too early to affirm that there is a sixth generation of PKO, the Colombia case shows particularities that encourage the belief that these missions can continue to adapt to national and regional contexts to make peace possible.

Peace-building operations are vital for moving a country from conflict to peace. They have to be grounded in national experience and be planned in an integrated, coherent, and comprehensive manner so that they can respond to the realities of the country. As the Colombian experience so positively illustrates, an imaginative model legitimized by the UN could resolve forty years of war.

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<sup>107</sup> Virginia Page Fortna, *Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace After Civil War*, 48 INT’L STUDIES Q. 269, 273 (2004).

<sup>108</sup> Juan Manuel Santos, *The Promises of Peace in Colombia*, N.Y. TIMES (May 18, 2017), [https://www.nytimes.com/2017/05/18/opinion/colombia-peace-process.html?\\_r=1](https://www.nytimes.com/2017/05/18/opinion/colombia-peace-process.html?_r=1).

