




# The Recent Context in Colombia in Historical and Territorial Perspective: Armed Conflict, the Havana Agreement and Its Implementation

Jerónimo Ríos 

## 1 INTRODUCTION

The principal purpose of the following chapter is to present the most outstanding aspects that have shaped the violence associated with the

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J. Ríos (✉)  
Complutense University of Madrid, Madrid, Spain  
e-mail: [jeronimo.rios@ucm.es](mailto:jeronimo.rios@ucm.es)

Colombian armed conflict, with special emphasis on what has happened over the last two decades, considered from a pre-eminently territorial perspective. To that end, in the first place, it sets out the most outstanding causal factors and their evolution in order to provide contextualisation, making reference to the seminal works that afford a broader and deeper view for understanding the armed conflict in Colombia, a particularly long-lasting and violent phenomenon.

In the second place, it presents the turning point that the presidency of Álvaro Uribe (2002–2010) signified for the transformation of that conflict, essentially in relation to the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC-EP—Revolutionary Armed Forces—People’s Army). The main outcome of the process of militarisation experienced in Colombia, to which increased interference by the United States contributed, has been a change in the balance of forces of the conflict in favour of the state, and a gradual process of weakening of the main guerrilla organisations.

This factor makes it possible to understand why the armed violence in Colombia can be compared to what Touval and Zartman (1985) initially defined as a “mutually hurting stalemate”. That is, a negative process involving a draw, in which neither of the parties involved can resolve the armed confrontation unilaterally. Hence, the changes that become apparent with the election of Juan Manuel Santos as president in 2010 make it possible to understand the process of dialogue that begins in 2012.

Based on the foregoing, the chapter explores the Peace Agreement and its six points—integral agrarian reform, political participation, end of the conflict, solution of the problem of illicit drugs, victims and endorsement and verification—with special emphasis on the territorial dimension that accompanies the Agreement. That is, we assume the perspective that the violence must be transformed by giving priority to bottom-up dynamics of political participation and of construction of capacities and opportunities for citizens (Cairo et al., 2018).

The chapter concludes by analysing the main obstacles to the Peace Agreement, basically focusing on two questions: resistance and delays involving the current presidency of Iván Duque (2018–2022); and the transformation and intensification of unresolved violence involving third-party armed groups, like the *Ejército de Liberación Nacional* (ELN—National Liberation Army) or the *Clan del Golfo* (Gulf Clan) and dissident groups that emerged from the extinct FARC-EP.

The purpose is to show three fundamental aspects: (1) the importance of the territorial dimension of the violence in Colombia; (2) the relevance, originality and necessity of a territorial foundation when it comes to promoting a peace-building process in the country; (3) the difficulties in implementing a Peace Agreement that at the normative level emerged as a referential tool for transforming the violence, but which on the strictly ontological level has profound limitations due to the complexity of the circumstances.

## 2 A BRIEF EXPLANATION OF THE VIOLENCE IN COLOMBIA: FROM VIOLENCE TO FAILED STATE

Formally, the Colombian armed conflict, like others in the Latin American continent, has its roots in the convulsive decade of the 1960s (Kruijt et al., 2019). Colombia, like the rest of its regional neighbours, is inscribed in a context strongly influenced by the Cold War and, in the case of insurrectional movements, by the reference provided by the Cuban Revolution of 1959, which served as an inspiration when raising the banner of social revolution (Ríos & Azcona, 2019).

It is clear that, internally, the country found itself immersed in a process of pronounced political and social agitation. Since the late 1930s there had already been peasant mobilisations calling for greater social justice and access to the land, given the very limited scope really entailed in president López Pumarejo's "revolution underway". Following four continuous governments bearing a liberal stamp, the ultraconservative Mariano Ospina, who was victorious in the election of 1946, succeeded him. The latter introduced a climate of extremely high social conflict, with continuous confrontations between the public order forces and the citizenry, which reached a high point with the assassination of the liberal leader Jorge Eliécer Gaitán in April 1948 (Pécaut, 2011; Ríos, 2021a).

This event, vulgarly known as *El Bogotazo*, ushered in a period of civil war between the political parties, known as *La Violencia* (The Violence), which resulted in 180,000 mortal victims between 1948 and 1953 alone. This was followed by another military dictatorship (1953–1957), which imposed a system of alternation in office by the two hegemonic parties of the time, the Liberal Party and the Conservative Party. This system enabled them to dominate and set limits on Colombian democracy for more than two decades (Bushnell, 1996; Pécaut, 2006).

In the mid-1960s the Colombian state was a formal and restricted democracy, sequestered by an exclusionary two-party system, *de facto* and *de jure*; but it was also a state of minimums with respect to satisfying the needs of its citizens outside the country's main urban centres (Gutiérrez-Sanín, 2010; Pizarro, 2011). This led to the appearance of small insurgent groups, arising from different revolutionary traditions: from a radical agrarian tradition—the FARC in 1964; with a Guevarist character, inspired by the Cuban revolution—the ELN in 1965; or emulating Maoism—the *Ejército Popular de Liberación* (EPL—People's Liberation Army) in 1967. Nonetheless, they made their appearance in very peripheral and scantily populated enclaves, where the institutional presence of the state was notable for its absence (Aguilera, 2013; Borrero, 2019).

During the 1970s and 1980s new actors were incorporated into the armed conflict. From the late 1970s the paramilitary groups acquired specific weight. They were initially linked to the *Asociación Campesina de Ganaderos y Agricultores del Magdalena Medio* (ACDEGAM—Union of Farmers and Livestock Breeders of the Magdalena Medio) (Medina-Gallego, 1990), and the early stages of drug trafficking, which was to become fully consolidated around the cartels of Cali and Medellín over the course of the 1980s (Betancourt, 1991). Finally, while the different guerrilla organisations consolidated their territorial spaces, their bases of support and their financing networks—depending on each case, via kidnapping, extortion and the coca business—they were joined by other prominent groups like the M-19 in 1974, or the *Guerrilla Indigenista Quintín Lame* (GIQL—“Quintín Lame” Indigenist Guerrilla Organisation) in 1983 (Villamizar, 2017).

The background to this process of proliferation and growth of violent actors was a state with more territory than sovereignty, and that lacked the capacity to enter into dialogue with the armed groups, given its weakness as a negotiating actor capable of involving its institutions—whether due to lack of resolve by the different sides, lack of government tools or the erosion of civic-military relations (Pizarro, 2017; Ríos, 2021a). In fact, by the second half of the 1980s, with drug trafficking as the main driving force behind the violence, but with other no less relevant expressions in the form of guerrilla activity, Colombia became the most violent country in the world in terms of homicidal violence, and the notion of the “narcostate” started to be widely accepted (Palacio, 1990).

The decade of the 1990s is little better. It is true that the cartels of Cali and Medellín were deactivated with the death of Pablo Escobar (1993) and the arrest of the Rodríguez Orejuela brothers (1996). Similarly, there was a turning point marked by the Constitution of 1991 and the demobilisation of some guerrilla groups like the M-19, the *Partido Revolucionario de los Trabajadores* (PRT—Revolutionary Workers’ Party), the GIQL and a large part of the ELN. Nonetheless, the substratum of the huge resources proceeding from illicit financing remained unaltered. It is estimated that the FARC-EP obtained close to 1000 million dollars a year from drug trafficking (Aguilera, 2010), and a large part of the power vacuum in drug trafficking was filled by the guerrilla groups and the paramilitaries—first through the *Autodefensas Campesinas de Córdoba y Urabá* (ACCU—Peasant Self-Defence Forces of Córdoba and Urabá) (1994) and later through the *Autodefensas Unidas de Colombia* (AUC—United Self-Defence Forces of Colombia) (1997) (Romero, 2003; Ronderos, 2014). In spite of the successive efforts of the presidencies of César Gaviria (1990–1994) and Ernesto Samper (1994–1998), the armed conflict with guerrilla groups and paramilitaries only increased (Chernick, 2012).

As an example of the foregoing, the figures for the violence began to feed the notion of Colombia as the paradigm of the failed state in Latin America (Rotberg, 2004). In this respect, by the year 1998 the FARC-EP had an effective presence in 200 municipalities and 12,000 combatants (ODHDIH, n.d.). In fact, in their case it became possible to envisage the passage from a guerrilla war to a war of movement, as conceived at the VIII Guerrilla Conference of 1993, which found expression in several operations against the Army between 1996 and 1998. For its part, the ELN followed an upward trend in this period, with more than 4,000 combatants and over 130 municipalities under its control (ODHDIH, n.d.).

Given these circumstances, the process of dialogue promoted by the government of Andrés Pastrana between January 1999 and February 2002, known as the Caguán Process, did not result in an improved scenario. In addition to not reaching agreement on a single point of consensus during the 1139 days that the process lasted, the dynamics of violence during this period continued to increase. The FARC-EP came to have an effective presence in over 300 municipalities and had 18,000 combatants, while the ELN had an effective presence in 150 municipalities and had over 5500 combatants (ODHDIH, n.d.). If we add to

this the growing paramilitary project, consolidated in the seven departments of the Caribbean region, together with other sites like Antioch and Santander, with over 10,000 combatants and 200 municipalities under its control, the geography of violence shows a situation involving a very high intensity conflict, while the state had only a relative capacity of response up until then (Ríos, 2021a; Ronderos, 2014).

### 3 THE POLICY OF DEMOCRATIC SECURITY (2002–2010): TOWARDS A HURTING STALEMATE

When Álvaro Uribe assumed the presidency of Colombia in August 2002, he was initially an outsider to the bipartisan system that dominated the Colombian political spectrum. His popularity was due to a discourse that demanded total confrontation as a means for overcoming the violence. Clearly exploiting the connection with the U.S.'s geopolitical code following the attacks of September 11, he understood the problem of Colombia to be one of narcoterrorism, and not an internal armed conflict *per se* (Cairo, 2018; Ríos, 2021a). That is, the priority had to consist in placing security before any other freedom or guarantee, at the cost of militarising the entire spectrum of political and social life in Colombia.

More resources were invested than under any previous government in overcoming the conflict through the military dimension. In a process sustained over time, more than 4% of GDP was dedicated to security and defence, which was added to the 12,000 million dollars proceeding from the U.S.'s Colombia Plan—whose original version was redefined by George W. Bush and Álvaro Uribe—and priority was given to modernising the National Police and the Army (Government of Colombia, 2010; Otero, 2010). In reality, a large part of this transformative energy was built up on the initial foundations developed under the presidency of Pastrana to strengthen the coordination, organisation and exchange of intelligence between the National Police and the Army (Ríos, 2021a). There was a huge investment in joint combat, aerial and nocturnal capabilities, with the result that the number of members of the National Police rose in barely eight years from 110,000 to 160,000, while those of the Army rose from 203,000 to 270,000 (Government of Colombia, 2010).

For example, 429 new operational structures were created in the Army, as well as 180 police stations and 152 substations. Similarly, dozens of

helicopters and aircraft were acquired to optimize the military response (Rangel & Medellín, 2010), to the point that between 2003 and 2005 alone nearly 4,500 combat operations were conducted against the guerrilla groups on the initiative of the Army, when between 1998 and 2002 the figure had been 2600 (ODHDIH, n.d.).

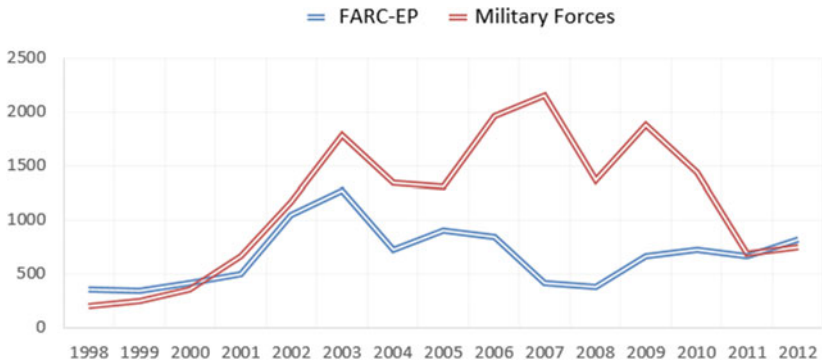
Be that as it may, the FARC-EP had taken maximum advantage of the Caguán process and could also display its highest figures ever in terms of combatants, territorial presence and armed actions. Between 2003 and 2005, it carried out almost 3,000 armed actions, almost half of which took place in 2003. Similarly, its territorial presence affected nearly a third of the country's municipalities. However, from 2005 onwards this strength began to decline notably, as did that of the ELN. This was also due to the paramilitaries as a contributory factor in the fight against the guerrilla groups (CNMH, 2012). To such an extent that in the year 2007, for example, the actions of the FARC-EP were substantially reduced to a little over 400 in 152 municipalities (ODHDIH, n.d.), while the ELN carried out a mere 18 armed actions in 18 municipalities.

For the first time in its history, the FARC-EP received strategic blows directed against its commanders, as in the cases of '*Iván Ríos*' and '*Raúl Reyes*' in operations conducted in 2008, or, previously, '*Negro Acacio*' and '*Martín Caballero*', in addition to the capture of '*Simón Trinidad*' (2005). The Army was engaged in a process of total confrontation with the guerrilla groups, but especially with the FARC-EP (Pizarro, 2021). The paramilitary structures organised around the AUC, which were collaborating covertly with some military contingents, especially in the zones where the paramilitary project was more deeply rooted, were finally demobilised by means of Law 975 of 2005, the Law of Justice and Peace. This legislation was promoted by the political majority in the Congress, aligned with Álvaro Uribe, and provided the leaders of the AUC with substantial penitentiary benefits, without making any significant demands in questions of truth or reparation. 31,000 people benefitted from this legislation.

While the period between 1998 and 2005 witnessed the greatest number of massacres, numbered in their hundreds, and forced displacements, numbered in their millions (CNMH, 2013), these were also the years of a gradual strategic defeat of the FARC-EP, and of the ELN as well (Echandía & Cabrera, 2017). In only eight years, between 2002 and 2010, the number of combatants in the first guerrilla group fell from 18,000 to a little over 8000; and in the second from over 5000 to less

than 1800 (Ríos, 2021a). The geography of the violence barely affected 150 municipalities out of a total of a little over 1,100, and the territorial distribution of that violence had a markedly peripheral character. That is, two scenarios prevailed over the rest: the northeast of Colombia on the frontier with Venezuela, in the departments of Arauca and North Santander; and the south and southwest of the country on the frontier with Ecuador and Peru and, in part, even reaching the Pacific coast in the departments of Caquetá, Putumayo, Cauca and Nariño—as well as Antioquia, another highly violent department with a dynamic of its own (ODHDIH, n.d.).

Stated differently, the foregoing takes us, from 2010 onwards, to a different stage in the violence produced by the armed conflict, one in which both the FARC-EP and the ELN chose to start withdrawing strategically to the enclaves where they had the strongest presence, a process that Ríos (2016) calls *peripheralisation*. That is, a return to peripheral, jungle, mountainous, frontier enclaves, with a markedly coca-producing character, where there was only a weak presence of the state and thus of its ability to provide an armed response. In fact, between 2009 and 2010, for example, there were no major military successes such as those that Uribe had achieved in previous years and guerrilla violence in these places increased very substantially, evincing a notable capacity for resistance and, on the other hand, the state's difficulties in achieving a full victory in strictly military terms (Fig. 1).



**Fig. 1** Evolution of armed actions in Colombia, 1998–2012 (Source ODHDIH [n.d.])



#### 4 JUAN MANUEL SANTOS ASSUMES THE PRESIDENCY: A 180 DEGREE TURN

When Juan Manuel Santos became president of Colombia in August 2010, there was a firm conviction that he was doing so fully committed to continuing the strong-handed policy that had taken Álvaro Uribe to levels of popularity never before seen in the country. Santos had been the minister of Defence at the time of “Operation Phoenix”, which involved the Army bombing Ecuadorian territory to kill the commander of the South Bloc, “*Raúl Reyes*” (Pizarro, 2021). In addition, in 2010 and 2011, two operations had also taken place that had resulted in the deaths of the two most important figures in the FARC-EP following the death from natural causes of “*Manuel Marulanda*” in 2008. This was the case of “Operation Sodom”, in September 2010, which caused the death of “*Mono Jojoy*”, the military leader of the FARC-EP and commander of the powerful Eastern Bloc; and in November 2011, “Operation Odyssey”, which resulted in the death of “*Alfonso Cano*”, the commander-in-chief of the guerrilla organisation (Duncan, 2021).

The latter event occurred when informal contacts were already taking place with the government to explore the possibilities of an eventual process of dialogue. Similarly, the background context was not one of belligerence and hostility with the neighbouring Andean countries, but of friendliness and normalisation. In this respect, it is significant that on the same day that Juan Manuel Santos took office as president, there was an immediate normalisation of the frayed relations with Venezuela and Ecuador. Also, the appointment of Sergio Jaramillo to explore a possible dialogue from March 2011 onwards, and which was made public in August 2012, indicated that the government that had succeeded Uribe in reality represented a 180 degree turn with respect to the latter’s security policy.

The background of violence in Colombia in the year 2012 did not change essentially with respect to the final two years of Álvaro Uribe. The levels of violence and activism of the guerrilla presence remained stable, while the military operations, apart from the important blows against “*Jojoy*” and “*Cano*”, were a long way from achieving a military victory in the short term (Echandía & Cabrera, 2017). Therefore, the peripheral dimension of the violence continued unaltered. For example, in 2012 alone, the majority of the 824 military actions carried out by the FARC-EP were concentrated in seven departments: Antioquia (96),

Arauca (57), Caquetá (64), Cauca (161), Nariño (73), North Santander (74) and Putumayo (70) (ODHDIH, n.d.). Equally, the ELN also kept up a constant activism, although with a different volume of operations, above all on the Pacific coast and in the north-eastern region: Arauca (26), North Santander (11), Nariño (9), Chocó (8) and Cauca (4) (ODHDIH, n.d.). In both organisations a reconstitution with respect to the figures of 2007 can be observed.

Based on the foregoing, the process of dialogue, which formally began in October 2012, did so in a totally different situation from that of the peace initiatives attempted in the past—the most outstanding of which had been those of the presidencies of Betancur (1984) and Pastrana (1998) (Pizarro, 2017). It would seem that the elites of the government and the guerrilla organisations, had, in one way or another, come to accept that a process of dialogue was the only rational way to resolve the armed conflict in light of the impossibility of a military solution (Ríos, 2018). An agenda to that effect was drawn up, which contained six points aimed at resolving the most important aspects on which the armed conflict had arisen: (1) integral rural reform; (2) political participation; (3) end of the conflict; (4) solution to the problem of illicit drugs; (5) victims; and finally (6) endorsement, implementation and verification.

This was done on the basis of a negotiation, the first part of which initially took place in Oslo and was later transferred to Havana, showing the importance of the good offices of third-party international actors in guaranteeing the process of dialogue. That was why the role of two “accompanying countries” was created, Chile for the Colombian government and Venezuela for the FARC-EP, together with that of guarantors like Norway (at the request of the government) and Cuba (at the request of the FARC-EP), to support the talks and facilitate the implementation of the commitments and the expected road map.

Apart from the willingness to engage in dialogue, the internationalisation of the process and the definition of a pragmatic agenda—far removed from the 12 points and 48 sub-points that had been proposed in the negotiation agenda of the Caguán process, for example—the composition of the negotiating teams should be underscored. On the government’s core team, together with the abovementioned Sergio Jaramillo (High Commissioner for Peace), there was a moderate figure highly committed to peace, Humberto de la Calle (Head of the Negotiating Team) together with two retired major-generals, one from the Army (Jorge Enrique Mora) and the other from the National Police (Óscar Naranjo), as well

as Luis Carlos Villegas, very close to the business sector and Frank Pearl, with a long experience in different peace-building initiatives in Colombia.

For its part, the delegation of the FARC-EP was headed by commanders from structures of the guerrilla organisation who were less belligerent than those who had led the Caguán process in 1988, like “*Mono Jojoy*” and “*Raúl Reyes*”. On this occasion structures like the Caribbean Bloc, represented by “*Iván Márquez*”, the Western Bloc, with “*Pablo Cataumbo*” or the Magdalena Medio Bloc, led by “*Pastor Alape*”, were to lead the dialogue. Finally, it must also be noted that, beyond any one-off crises that might arise in the process of dialogue, the latter developed with a commitment to keep in contact with the press through joint communiqués, in order to minimise the impact of disinformation, manipulation or leaks to the press. As a result, a total of 109 joint communiqués were signed, which ensured that all exterior communications proceeding from the negotiating table were controlled, consensual and previously discussed (Ríos, 2018).

Finally, the evolution of the negotiating process between 2012 and 2016, although it did not envisage anything more than very brief interruptions in the hostilities, was conducted as part of a clear process of *de-escalation*. It is sufficient to observe how, for example, in 2015 a total of only 122 guerrilla actions were registered. Of these, 94 (in 62 municipalities) corresponded to the FARC-EP, whose main territorial presence continued to be in the enclaves described above: Antioquia (22), Arauca (8), Cauca (20), Caquetá (2), Nariño (15), North Santander (12) and Putumayo (6). The other 28 actions were the responsibility of the ELN, with its sights set on a process of dialogue that was to start two years later. These took place in Arauca (10), North Santander (9), Bolívar (5), Cauca (2) and Nariño (2). Equally, as the Resource Centre for Analysis of the Conflict (*Centro de Recursos para Análisis del Conflicto—CERAC*) reported, while the average number of deaths caused by the armed conflict between 2012 and 2013 was 500 victims, between 2015 and 2016 this figure fell to less than ten. Not a trivial detail.

## 5 THE TERRITORIAL DIMENSION OF THE PEACE AGREEMENT (2016)

If there is one element that stands out in the Peace Agreement signed in 2016, it is territorial peace. Although this expression does not appear once in the Agreement’s over 300 pages, in transversal form it prioritises

the need to understand that any exercise in peace-building necessarily involves incorporating the communities and the local institutions in capacity building, strengthening democracy, and dialogue with the central level of government (Cairo & Ríos, 2019; Pérez de Armiño, 2020). This Agreement respects each of the six components identified in the negotiating agenda mentioned above: two were a historic demand made by the FARC-EP (rural reform and political participation); another two were non-negotiable demands made by the government (end of the conflict and solution of the problem of illicit drugs), plus an essential point on victims, and another on technical aspects of implementing and monitoring the Agreement (Grasa, 2020). All six are addressed with a transversal gender and ethno-territorial focus (Rodríguez Iglesias, 2020).

For obvious reasons, the point with the greatest consequences for territorial peace is the one concerning integral rural reform. A reform that commits as many as ten million hectares of land for the allocation of title deeds and exploitation for those enclaves that had suffered the armed violence most severely. In addition, it employs different instruments for investment in economic resources, productive fabric and infrastructure in the interest of developing political measures to alleviate the conditions of violence at the territorial level. Thus, a Land Fund of three million hectares and an additional process of formalising rights involving another seven million hectares are aimed at helping small owners by creating opportunities and generating resources. A commitment whose cornerstone is the transfer of resources, lines of credit, road, irrigation and electrical infrastructure, as well as social development, education and housing. The Development Programs with a Territorial Focus (*Programas de Desarrollo con Enfoque Territorial*—PDET) are the most important tool, aimed at optimising these territorial demands and local needs in the interest of strengthening local governability.

The second point of the Agreement, referring to political participation, establishes some of the institutional reforms needed to give voice to the political force that emerged from the extinct FARC-EP, but especially to the sectors and communities hit hardest by the violence of the conflict. For example, one of the main commitments of this point is the creation of 16 Special Transitory Circumscriptions for Peace (*Circunscripciones Transitorias Especiales por la Paz*—CTEP) that would lead to the election of 16 representatives to the Congress for a period of two presidential terms up until 2026. This is aimed at integrating and giving a

voice in the legislative body to victims who, in any case, cannot be affiliated to any of the parties represented in the Congress of the Republic, including that of the former guerrilla organisation.

On the other hand, this point includes a commitment to create media and informational spaces to give visibility to the new political discourse that would be produced by the political party that emerged from the FARC-EP. This would be achieved by the concession of community radios in those enclaves most affected by the conflict, democratising the electromagnetic spectrum and the opening of spaces for institutional and regional radio stations and TV channels. As one would expect, such obligations should be understood as favouring the provision of visibility and the ability to politicise their demands to those groups most affected by the conflict, but they are also aimed at producing and divulging content that foments a culture of peace with social justice and reconciliation.

The third chapter of the Agreement, focusing on the end of the conflict, brings together two core aspects for territorial peace-building. On one side, it establishes the protocols for the laying down of arms and effective demobilisation of the former combatants of the FARC-EP. For this purpose 20 Transitory Rural Normalisation Points (*Zonas Veredales Transitorias de Normalización—ZVTN*) and 7 Transitory Normalisation Points (*Puntos Transitorios de Normalización—PTN*) are established to serve as spaces towards which the former members of the guerrilla organisation should proceed, with the support of the government and the United Nations. In the second place, these enclaves should serve as a starting point for designing the entire strategy of full reincorporation into civil life that should be provided to the demobilised individuals from the FARC-EP.

Based on the foregoing, the second essential component of this point concerns the political, social and economic reincorporation of the guerrilla organisation. In this respect, in political terms the third point establishes many of the aspects related to guaranteeing the latter's juridical status, financing and operational functioning following its conversion into a political party. In this way, for example, the parliamentary representation of the extinct guerrilla organisation is guaranteed, with at least five members of Congress and five senators following the elections of 2018 and 2022—figures that can be higher should the election results require this. On the other hand, in relation to social and economic reincorporation, the most outstanding aspect for territorial peace is related to the importance given to collective reincorporation and the promotion

of cooperative and solidary mechanisms for economic and job insertion, bearing a markedly rural stamp.

The key actor in all of this is to be the organisation of a social and solidary economy, named the Social Economies of the Common (*Economías Sociales del Común*—ECOMÚN), which will be responsible for articulating a large part of the implementation of the Agreement regarding this question. Equally, a National Reincorporation Council (*Consejo Nacional de la Reincorporación*—CNR), formed by two members from the government and two members from the FARC-EP, which defines the activities and timeline, and accompanies their implementation in support of the Territorial Reincorporation Councils (*Consejos Territoriales de Reincorporación*—CTR) defined by the CNR itself. Finally, a set of subsidies is established for the surrender of weapons and the start of the process of reincorporation, and for fostering economic activities, with both an individual and, preferentially for the guerrilla organisation, collective nature.

With respect to the fourth point, titled “Solution to the Problem of Illicit Drugs”, this also has a markedly territorial character. Its central aim is to reduce the impact of drug trafficking on the violence in Colombia, for which purpose a road map is designed that will promote the gradual and voluntary replacement of coca cultivation, without renouncing, in the final instance, its forced eradication. While, before anything else, the principle of voluntary, sustainable, participatory, differential replacement, suitable to the demands and needs of the local rural communities, should be safeguarded. However, this does not prevent the state from proposing mechanisms of forced eradication should this be necessary.

In territorial terms this point of the Agreement connects with the integral agrarian reform, as it envisages providing the same elements of juridical and technical advice that are found in the first point, and with everything concerning the formalisation of property, adaptation of lands, stimuli for the solidary economy and provision of public goods and services in the interest of encouraging the abandonment of coca cultivation. In addition to the foregoing, the most outstanding element that can be mentioned is the chapter on means of putting pressure on narcotics production and commercialisation, in order to improve the state response facing asset laundering and organised crime.

The final major point of the Agreement is dedicated to the victims and, by extension, to guaranteeing and protecting the rights of justice, truth, reparation and non-repetition. There is a commitment to create a

Truth Commission, a Search Unit for Missing Persons due to the Conflict (*Unidad de Búsqueda para Personas Desaparecidas por el Conflicto*—UBPD) and a mechanism of Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz*—JEP) that must establish the particular judicial and processual conditions concerning the former combatants of the FARC-EP (without violating international humanitarian law), and the rest of the people directly involved in the violence produced by the armed conflict—agents of the state, members of the National Police and the Army, or political office holders, amongst others. For its part, the Truth Commission will energise public hearings at the national and territorial level, with thematic and institutional focuses in which, in an individual and collective way, the necessary voices for effective reparations are gathered. Equally, spaces should be promoted for the recognition of responsibility, the explanation of what happened, the exercise of pardon and reconciliation, to eventually conclude with a final report from the Truth Commission that will be presented publicly to the whole of the society affected by the conflict. Once again the territorial dimension occupies a central place in this undertaking. Lastly, as a final component of this point there is the abovementioned Search Unit for Missing Persons due to the Conflict. This should accelerate the processes of seeking, identifying, locating and returning the remains of such persons, activities that should be coordinated with the Truth Commission and the families of the victims.

The Agreement finishes with a sixth and definitive point, “Implementation, Verification and Endorsement”, which details the schema for monitoring its implementation, as well as the actors from the international community that should accompany this task. It establishes that this task should be the responsibility, at the internal level, of the Commission for Monitoring, Promoting and Verifying the Implementation of the Final Agreement (*Comisión de Seguimiento, Impulso y Verificación a la Implementación del Acuerdo Final*—CSIVI). At the external level it involves actors like the United Nations, the European Union or the Organisation of Ibero-American States, and other initiatives are added by way of lessons learned and good practices with which to enrich the correct implementation of the Agreement.

## 6 IMPLEMENTATION OF THE AGREEMENT THE DIFFICULTIES OF A GOVERNMENT LACKING IN COMMITMENT

With the signing of the Agreement, it was envisaged that the downing of arms and definitive ceasefire, together with the development of the normative and institutional component that would assist its implementation, would materialise in the years 2017 and 2018. As a result, from 2019 onwards, the most transformative dimension of the Agreement from the socioeconomic and political point of view should gain momentum. However, according to the report of the Kroc Institute (2021), this has barely obtained a total advance of 2%, passing from 26 to 28%.

In relation to the first point of the Agreement concerning the integral rural reform mentioned above, in 2019, after many months delay and within the framework established by the Development Programs with a Territorial Focus (*Programas de Desarrollo con Enfoque Territorial*—PDET), the government managed to approve the 16 Action Plans for Regional Transformation and the corresponding road map. These were added to the Development Program with a Territorial-Ethnic Focus specific to Chocó, signed in August 2018. Progress had also been made in the two previous years in obtaining a loan of 150 million dollars from the World Bank and the Inter-American Development Bank to support the creation of the land registry that was intended to formalise the lands envisaged in the Agreement. This is an important aspect that serves for little while there continue to be delays in forming a National Land Fund, which has barely obtained a commitment of 925,000 hectares out of the total of 3,000,000 envisaged (Kroc Institute, 2020). Thus, out of a total of 104 dispositions included in this first point, only 4% had been completed by November 2020 (Kroc Institute, 2021), while 13% was in an intermediate state, 64% in an incipient situation and 18% had not even started (Kroc Institute, 2021).

Another point in the Agreement that is lagging concerns the Problem of Illicit Drugs (point 4). The start of the National Program to Substitute Cultivations for Illicit Use has experienced significant delays, to which must be added an appreciable difficulty in articulating spaces for dialogue with civil society and an increase in the violence. Between 2017 and 2020, those departments that showed a greater presence of criminal structures and greater violence against former guerrilla fighters and social leaders were those where the highest levels of coca cultivation were



concentrated (Ideas for Peace Foundation, 2019; United Nations Verification Mission, 2020, 2021a; Indepaz, 2021). In this respect, Antioquia, Caquetá, Chocó, Cauca, Meta, Nariño, North Santander and Putumayo are where 90% of coca production in Colombia is now concentrated (UNODC, 2021), as well as the same percentage of violent deaths of ex-combatants, which is currently approaching 300 cases since the signing of the Peace Agreement (Indepaz, 2021; United Nations Verification Mission, 2021a, b).

In contrast to this, the points of the Peace Agreement that have been most developed to date, excluding the last point, are the second (political participation), the third (end of the conflict) and the fifth (victims). With respect to the second point on political and social participation, barely 12% of the 94 provisions it contains had been fully satisfied by November 2000, while 54% had been carried out to some degree and 34% had yet to be started (Kroc Institute, 2021). There has been very little progress towards a more inclusive and effective democracy during this time, with the result that up until 2021 timid advances had only been made in questions of promoting elections and community broadcasting, together with one-off activities in favour of transparency and the fight against corruption.

The greatest resistance in this component of the second point can be seen in the difficulties encountered in advancing the draft law on political reform envisaged in the Agreement. In this respect, the government withdrew its draft law, after excluding questions like closed lists and gender equality and ignoring all of the amendments proposed by the Special Electoral Committee created by the Agreement. The same happened with the aforementioned 16 parliamentary seats that were deliberately paralysed, which resulted in challenges being presented in the Council of State and the Constitutional Court, finally heard in May 2021. In addition, instances in favour of political dialogue, like the National and Territorial Councils for Peace, Reconciliation and Coexistence, have been relegated to a marginal level, while different measures that were meant to promote and regulated the rights of protest and social mobilisation have so far also been postponed in the development of the current government's normative agenda.

Apparently, the third point, related to the end of the conflict, is the one in which most progress has been made (OEI, 2018; Kroc Institute, 2018, 2019, 2020, 2021). Especially since it includes the entire component on demobilisation, surrender of weapons, and reincorporation into

civil life. Out of 140 provisions, 49% have been completed, 19% are in an intermediate phase, 19% in the initial phase, and only 14% have yet to start. While 97% of the component related to the ending of hostilities and surrendering weapons has been satisfied, broad progress has also been made in the process of reincorporation into civil and political life (59%). Conversely, the greatest delays are found in the guarantees of security for ex-combatants (17%) and the integral action against anti-personnel mines, the whole of which is still in the process of implementation.

Apart from the necessary improvement of the System of Early Warnings that guarantee the security of the ex-combatants, another important problem lies in the obstacles to the former guerrilla fighters' gaining access to land. The lack of guarantees of security and procedural delays are affecting the reincorporation process, which involves a very high agrarian content. While Decree Law 902 of 2017 set up the National Land Agency for the purchase and allocation of lands to favour reincorporation, in July 2021 the majority of the former guerrilla fighters continued to work on leased lands. In November 2020, a mere 86 collective productive projects benefitting 3353 people and another 2214 individual projects for 2692 ex-combatants had been approved, which is the equivalent of less than half of the population of former guerrilla fighters (Kroc Institute, 2021).

Finally, we will analyse the state of implementation of the last of the points in the Agreement, related to the victims. The Integral System of Truth, Reparation and Non-repetition (*Sistema Integral de Verdad, Justicia, Reparación y no Repetición* –SIVJRNR) faced strong opposition from the previous government. From the outset there was a particular delay in approving the Statutory Law of the Special Jurisdiction for Peace. Although on 8 February 2019 the Congress had fulfilled the process of remitting the draft law to the government for its approval, two days later the latter presented objections to the draft law. Although they did not prosper, it meant that the law did not come into effect until 6 June 2019. When it finally did so, there was a 30% reduction in its financing, and it has been the great absentee from the majority of the speeches made by Iván Duque abroad, which reflects the lack of governmental commitment to this crucial point of the Peace Agreement.

Scant progress has also been made with respect to the Integral System of Truth, Justice, Reparation and Non-Repetition (*Sistema Integral de Verdad, Justicia, Reparación y no Repetición*—SIVJRNR). Up until September 2019, the Search Unit for Missing Persons due to the Armed Conflict had only been able to provide advice to some 870 people, and

up until November 2020 the Comprehensive Plans of Collective Reparation had been completed in the cases of only 15 of the 755 collectives identified, while a total of 736 people had been attended to (Kroc Institute, 2021). The foregoing, added to the exceptional situation produced by the pandemic, the delays accompanying Law 1448 of 2011—the Law of Victims—and the difficulties in delimiting and widening the condition of being a victim, have resulted in very little progress being made in the implementation of the SIVJRNR.<sup>1</sup>

## 7 IMPLEMENTATION OF THE AGREEMENT: VIOLENCE, DISSIDENCE AND SELECTIVE MURDERS

One final aspect to consider concerns the scale of the violence that has occurred in Colombia since the Peace Agreement was signed. While violence in the national framework has been diminishing since November 2016, it has been intensifying at the specific level of the enclaves traditionally affected by violence (Nussio, 2020; Ríos, 2021b). This is due to the consolidation of the ELN on the checkerboard of the armed conflict, a proliferation of different dissident and residual groups that in one way or another claim the legacy of the former FARC-EP and, finally, the concurrence of third-party actors in the violence, such as paramilitary groups like the *Clan del Golfo* or *Los Pelusos*, a dissident group that emerged from the extinct *Ejército Popular de Liberación* (EPL—People’s Liberation Army).

According to the data provided by the National Police, between January 2017 and December 2019 a total of 61 actions were carried out against this corps, especially by the ELN. The majority of these actions took place in Arauca (33), Bolívar (8), North Santander (6) and Cauca (6). Similarly, the 506 acts of terrorism carried out in the same period of time had the same peripheral character, as the most affected departments besides Antioquia (122) were Arauca (97), Cauca (37), Nariño (54) and North Santander (34). However, in addition to these departments, others must be added where the violence has gradually been

<sup>1</sup> “According to the Monitoring Committee, the resources assigned to Law 1448 of 2011 are insufficient. To carry out the 14 measures contained in the law, \$357.4 billion are needed up to 2030, that is \$35.7 billion per year, a figure that exceeds the budget of \$15.8 billion assigned by the government of president Iván Duque, for the year 2020” (Peña Montoya, 2020, not paginated).

increasing, such as Meta (34), produced by dissident groups of the FARC-EP, and Cesar (31), due to the greater presence of the ELN and *Los Pelusos* (Rodríguez-Ortega et al., 2019).

These dynamics can also be appreciated in another type of reports, such as that drawn up by the Ideas for Peace Foundation (2020), which counted a total of 211 armed actions by the ELN and 163 confrontations involving the National Police or the Army between January 2016 and December 2018. More than 80% of these engagements were concentrated in departments bordering on Venezuela: Arauca, North Santander and Cesar, on one side; and in Antioquia and the departments of the Pacific region: Chocó, Cauca and Nariño, on the other.

In the second place, the disappearance of the FARC-EP from the scenario of armed confrontation has not prevented some remnants of the extinct guerrilla organisation from continuing to be active, whether due to a refusal to accept the Peace Agreement and demobilise—such as the case of the faction commanded by “*Gentil Duarte*”—or because these are structures that have been formed subsequently—amongst which the “*Segunda Marquetalia*” armed group stands out. Not by chance, these organisations have established themselves and proliferated in the former contexts of the greatest guerrilla violence, once again demonstrating that peripheral logic is extremely useful for explaining the phenomenon (Ríos & González, 2021).

In the Pacific region the main armed actors are dissident groups and remnants of the former structures of the FARC-EP. In Cauca and Valle del Cauca there are organised remnants that emerged from the former Fronts 6, 8 and 30 and the “*Miller Perdomo*” and “*Jacobo Arenas*” Columns. In Nariño there is an important atomisation of armed structures related to the former Front 29 of the FARC-EP and the “*Daniel Aldana*” Column; this is the case of armed structures like the “*Frente Óliver Sinisterra*”, “*Resistencia Campesina*” and “*Defensores del Pacífico*”. In the south of the country some remnants of the former Fronts 14 and 15 in Caquetá and Front 48 in Putumayo have become relevant. While in the northeast there is an appreciable presence of groups that emerged from Front 10 in Arauca and Front 33 in North Santander, as well as the “*Segunda Marquetalia*” group. Finally, in Antioquia structures that emerged from the former Fronts 18 and 36 of the FARC-EP have a presence (Ideas for Peace Foundation, 2019; Indepaz, 2018; Ríos, 2021b).

To these armed groups must be added other fronts that from the beginning chose to remain outside the negotiation, such as Front 1, active in the south of the country (Caquetá, Amazonas, Vaupés) and also in departments such as Meta and Vichada; or Front 7, present in Vichada and Guainía. There have been other upturns of violence in the department of Meta due to groups that raised the banner of the former Fronts 30 and 62 of the FARC-EP (Ideas for Peace Foundation, 2019; Indepaz, 2018). In this respect, the dissident groups “*Gentil Duarte*” and “*Segunda Marquetalia*” in particular have begun to operate in the eastern and north-eastern region and tried to form alliances—as temporary as they are changeable—with the rest of the groups mentioned above.

Mention must be made of outstanding third-party actors in the violence that also operate as protagonists on the checkerboard of the internal armed conflict. In this respect, there is *Los Pelusos*, made up of some 200 combatants, whose activity is centred on the region of Cata-tumbo in North Santander, although there is evidence that in recent years it has managed to extend its activities beyond its traditional roots in areas of coca production and develop residual armed actions in Cesar, Valle del Cauca and Nariño (Ríos, 2021b).

Then there is the armed group of the *Clan del Golfo*, which describes itself as the “*Autodefensas Gaitanistas de Colombia*”. This post-paramilitary phenomenon, which began in 2008, based on the rearming carried out by middle-level commanders of some structures of the extinct AUC, was especially rooted in the Caribbean region, the Pacific coast and the department of Antioquia. These criminal structures, closely related to drug trafficking, ended up extending their territorial control with the result that while it is true that their municipal presence has declined with respect to some years previously, they continue to affect 200 municipalities, principally in the regions mentioned above (Ríos, 2021b).

This whole range of actors, besides taking over the geography of unresolved armed violence in Colombia, are responsible for the high levels of violence specifically directed against social leaders and former combatants of the FARC-EP. The former for calling for the implementation of the Agreement which runs against the interests of the armed groups; the latter due to their being the targets of acts of revenge, co-optation for new criminal activities, or due to their political militancy. For example, of the 262 former guerrilla fighters murdered between November 2016 and July 2021, over 90% of them were concentrated in the departments mentioned above, such as the cases of Cauca (49), Nariño (33), Antioquia (31),

Meta (28), Caquetá (23), Valle del Cauca (22), Putumayo (22), North Santander (17) and Chocó (13). Something very similar has happened with the number of social leaders murdered in the same period of time. According to figures provided by Indepaz (2021), between the signing of the Agreement with the FARC-EP and 14 June 2021, there were a total of 1,182 murders in Colombia. The majority of them took place in the same departments: Cauca (279), Antioquia (156), Nariño (122), Valle del Cauca (88), Putumayo (70), North Santander (55), Chocó (45), Caquetá (42) and Meta (41).

Apart from the many other variables to consider, one element that should be kept in mind can be extracted from the information collected in the successive reports published between 2017 and 2020 by the National Police. The same departments where the most violence and the greatest presence of armed actors is found, namely, Antioquia, Caquetá, Cauca, Chocó, Meta, Nariño, North Santander, Putumayo and Valle del Cauca, have in the last three years also been the location of 90% of the coca cultivated in Colombia (578,504 Ha), 74% of the cocaine seized (1,018,049 kilograms) and 87% of the coca laboratories destroyed by the National Police (1,072) (Colombian Observatory on Drugs no date).

## 8 CONCLUSIONS

Having reached this point several conclusions can be drawn. In the first place, the importance of proposing territorial perspectives in order to understand both the violence in Colombia and the efforts aimed at peace-building. As we have seen, the deep changes that have taken place in the dynamics of the armed conflict in recent decades have coexisted with elements of continuity, particularly with respect to the geography of the violence. Especially given the persistence of certain armed groups and their occupation of the territory initially abandoned by the FARC-EP due to its particular process of laying down arms in early 2017.

Thus, with special emphasis on what has happened over the last twenty years, it can be seen how certain scenarios in particular, such as the peripheral enclaves of the northeast (Arauca and North Santander), the south (Caquetá and Putumayo) and the southwest (Nariño and Cauca)—added to other departments like Antioquia and Meta—have emerged as the locations with the highest levels of violence associated with the conflict. That is, firstly, with the FARC-EP as the hegemonic actor of the violence; and subsequently, with a host of actors like the ELN, the *Clan del Golfo*, *Los*

*Pelusos* or dissident groups from the former FARC-EP, most notably the one led by “*Gentil Duarte*” and the “*Segunda Marquetalia*”.

Given the circumstances, a Peace Agreement like that signed in November 2016 provides important tools and sets out ambitious goals for removing some of the structural, symbolic, territorial and institutional obstacles that have contributed to the longevity of the violence in Colombia. But, given the circumstances of the very limited commitment by the current government of Iván Duque (2018–2022), it has become imperative to return sooner or later to a government agenda that internalises the content of the Peace Agreement.

Only in this way will it be possible to intervene in the factors that affect the most purely territorial dimension of the internal armed conflict, leading the state to a dialogue with the local level in pursuit of strengthening the latter’s capacities (institutional capacities, infrastructure, economic activity, etc.), generating opportunities and intervening in the interest of building a true local democracy and a fully-developed social state. Elements that today continue to be historical debts of a state whose territorial extension exceeds its sovereignty and institutions.

These aspects must involve not only the Colombian state and the government that will occupy the Nariño Palace from August 2022 onwards, but also a society in the process of change, which is providing itself with new repertoires of mobilisation and protest. It also requires a degree of cooperation that, as occurs in the European Union, is capable of optimising good practices and experiences learned in the interest of developing a process, the majority of whose aspects have still to be implemented.

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