

CARR CENTER FOR HUMAN RIGHTS POLICY
HARVARD KENNEDY SCHOOL

Transitional Justice in Colombia

The Carr Center for
Human Rights Policy

**Carr Center
Report**

Reflections on the
Colombian peace process

Transitional Justice in Colombia: Faculty Consultation

Reflections on the Colombian peace process

The Carr Center for Human Rights Policy

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ABSTRACT: In April 2019, the Carr Center for Human Rights Policy at the Harvard Kennedy School hosted a faculty consultation on the integrated system for truth, justice, reparation, and nonrepetition, created as a result of the peace accord between the Colombian government and the FARC guerrillas in 2016. President Juan Manuel Santos and Carr Center faculty called upon leading voices in the field of transitional justice to share perspectives on the Colombian peace process and to formulate recommendations. The discussion was organized into four sessions focusing on the main components of the peace process: reparations, justice, truth, and nonrepetition.

1. Overview

The following is an outline of the consultation:

Opening Remarks

- **Mathias Risse**, Faculty Director, Carr Center for Human Rights Policy
- **Juan Manuel Santos**, Former President of Colombia
- **Kathryn Sikkink**, Ryan Family Professor of Human Rights Policy, Harvard Kennedy School

Reparations

- **Douglas A. Johnson**, Chair; Lecturer in Public Policy, Harvard Kennedy School
- **Phuong Pham**, Assistant Professor, Harvard Medical School and Harvard T.H. Chan School of Public Health; Director of Evaluation and Implementation Science, Harvard Humanitarian Initiative
- **Jacqueline Bhabha**, Professor of the Practice of Health and Human Rights, Harvard T.H. Chan School of Public Health
- **Symbolic Reparations Research Project: Robin Greely**, Associate Professor, University of Connecticut; **Ana María Reyes**, Assistant Professor in Latin American Art and Architecture, Boston University; **José Luis Falconi**, Professor of Latin American Art, Brandeis University

Justice

- **Sushma Raman**, Chair; Executive Director, Carr Center for Human Rights Policy
- **Luis Moreno Ocampo**, Founding Prosecutor of the International Criminal Court; Senior Fellow, Carr Center for Human Rights Policy
- **Martha Minow**, 300th Anniversary Professor, Harvard Law School; Former Dean, Harvard Law School

Truth

- **Diana Acosta Navas**, Chair; Adjunct Lecturer in Public Policy, Harvard Kennedy School
- **Kathryn Sikkink**, Ryan Family Professor of Human Rights Policy, Harvard Kennedy School
- **Ruti Teitel**, Ernst C. Stiefel Professor of Comparative Law, New York Law School
- **Onur Bakiner**, Assistant Professor of Political Science, Seattle University

Nonrepetition

- **Mathias Risse**, Chair; Faculty Director, Carr Center for Human Rights Policy
- **Jennifer Schirmer**, Ph.D. Political Anthropology

2. Opening Remarks

Professor Mathias Risse opened the consultation recognizing the expertise brought by the group—from deep local expertise about Colombia, to expertise on conceptual issues related to transitional justice. He began by describing the background for the consultation, the peace negotiations between the government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) that were finalized in a document dated the 24th of November 2016. The sheer complexity of the agreement and the entire peace process is quite staggering. The agreement includes an integrated system of truth, justice, reparation, and nonrepetition, a far ranging set of judicial and nonjudicial mechanisms. It covers topics like amnesty and pardon for FARC members, the establishment of truth commissions, a special jurisdiction for peace, and reparations to the victims of the protracted conflict. The agreement is the grounding document for the day's discussions, which will focus on the perspectives of how the peace process is going, how the different components of the integrated system are being implemented, and—in light of recent news about Colombia—whether the mechanisms are sufficient enough to anticipate and manage challenges.

Risse explained that for philosophers, the term "transitional justice" is quite fascinating as it captures a deep conceptual innovation. Philosophers have long understood distributive

justice and rectificatory justice, which both capture ideas of appropriate assignment. However, the idea of proper assignment presupposes a functioning society, not a broken society. Situations where things have broken down have traditionally not been addressed under the heading of justice. Therefore, transitional justice is a deep conceptual innovation: that we as a matter of human concern want to think about a place for justice in scenarios of conflict. Transitional justice also expresses hope and expectation that lasting peace can be described under the heading of justice. Risse, therefore, sees transitional justice both as a significant conceptual innovation and as expressing enormous hope for the future of humanity. In this spirit, Colombia is of enormous interest and there is good reason to understand the Colombian peace process both in its own right and for what we can learn for other purposes of transitional justice.

Following Risse's remarks, Former President of Colombia Juan Manuel Santos provided an update on the peace process and described the difficulties encountered. He acknowledged that challenges exist, but they are not insurmountable. He noted his belief that the consultation would be of value by providing an academic lens to analyzing how successful the process has been thus far and by helping to discover the best way to go about the future.

President Santos continued to say good work has been done in the peace process in terms of guaranteed continuation from the legal and ethical/political points of view. He recognized that the Constitutional Court is strongly in favor of the peace process and that view is unlikely to shift due to the fact members will not rotate for another four years. Additionally, the Court made a ruling that no government can change or make a decision that goes against the implementation of the peace agreement—this is an agreement made by the state, not the government—for three presidential periods.

This ruling was unique and controversial. Furthermore, it has already been invoked since the current government has sought to change the agreement in various ways. First, they objected to the statutory law that established procedures for the peace tribunal known as the Special Jurisdiction for Peace (SJP). Additionally, President Duque provided six objections on six different points.

These objections were defeated by Congress in the House of Representatives by an overwhelming majority. President Santos remarked that it is likely that the Senate will also refuse the President's objections, and he will have no choice but to sign the law. This signifies that there will be political opposition if there is an attempt to change the peace agreement.

Domestic political opposition to President Duque's objections was also echoed by the international community, which warned the President and current government that they are in favor of implementation of the agreement.

There is good reason to understand the Colombian peace process both in its own right and for what we can learn for other purposes of transitional justice.

President Duque has announced several Constitutional reforms to change the agreement. Even if they are approved the Constitutional Court has signaled that they will strike them down. In addition to its ruling against government decisions that contravene the agreement, the Court made a ruling that they will again intervene with the intention of guaranteeing the implementation of the agreement.

President Santos noted this is proof that the integrated system for transitional justice is working. He advised implementers to disregard criticism and do what is needed to implement the agreement and produce results as fast as possible. The Special Jurisdiction for Peace (SJP) has been guaranteed a minimum amount of resources to operate so they are not at risk of being defunded by the current government. Furthermore, the government's intention to change the agreement and weaken the SJP has been met with effective and fierce opposition. However, President Santos noted that criticism of the SJP is still likely to continue, as it is used as a political strategy by people who have opposed the peace agreement from the beginning.

President Santos explained that another challenge to the implementation of the peace process is explaining transitional justice to the lay person. It is difficult to explain to the public why those who commit crimes against humanity should walk free. This chasm could be used as a political weapon to criticize the process. President Santos recognized that when you draw the line between peace and justice there will be some who want more justice and some who want more peace.

There is also a disconnect between expectations of the peace process and what can be done. The public has high expectations about the number of perpetrators who will be punished, however, the system will collapse if everyone is judged. Similarly, victims have high expectations for reparations and truth finding, but it is impossible to do so for all victims within a limited time frame.

According to the Constitutional Court, victims are defined as any displaced person. This increases the number of victims from approximately 900,000 to over eight million. It will be necessary to be selective, lower expectations, and find the correct balance between what is possible and what is sufficient.

President Santos stated the focus now should be for the SJP to continue its work and begin measuring the outcome of the peace process. However, this ambitious agreement is not easy to understand by most of Colombia's constituents. Therefore it is imperative to reconstruct the agreement using comprehensible vernacular.

Finally, President Santos outlined some practical questions that remain for the justice system. The special court does not know exactly what type of restrictions they should impose on those who are condemned, what reparations are feasible, and how they should start providing those reparations. He concluded his seeking advice from consultation participants regarding the challenges Colombia is currently facing.

Kathryn Sikkink followed by stressing the importance of empirical comparisons to measure the progress of the peace process. She explained that the human rights movement traditionally makes their arguments through comparisons to the ideal. However, scholars of transitional justice like Sikkink mainly use other kinds of measures such as empirical evidence. This entails comparing a case like Colombia with other known cases. Sikkink and her colleagues developed a transitional justice database¹ where one can browse data collected on prosecutions, truth commissions, vetting, reparations, customary forms of justice, international prosecutions, civil prosecutions, domestic prosecutions, etc. She stressed that situating Colombia with existing cases can assist in lowering the expectations that President Santos discussed. For example, in comparing Colombia to other cases, Sikkink was able to see how ambitious Colombian reparations program is in comparison to other programs around the globe.

3. Reparations

Douglas Johnson opened the session on reparations by noting reparations predate the peace agreement. The 2011 Victims and Land Restitution Law laid the foundation for the peace process by providing evidence of the government's responsibility to its citizens. It established what victims were entitled to, as well as the requirement of finding and registering victims. Johnson concluded by saying that Colombia's reparations program is the most ambitious program in the world to date.

"When you draw the line between truth and justice, there will be some who want more justice and some who want more peace."

Phuong Pham shared several unique observations on reparations from her research. She has not seen another transitional justice system as strongly centered on victims than the one enacted through Colombia's Victims Law and the peace accord. Reparations were provided by the government, sending a strong signal to victims that their struggles were acknowledged. Like Johnson and Sikkink, Pham reiterated that Colombia has the most comprehensive program in the world. The program includes both individual and collective reparations and served a broader number of victims than any other reparations program in the world. Nevertheless, Colombia still has a large number of victims to compensate.

Another feature of Colombia's reparations program is that it is an integrated part of a comprehensive transitional justice system. A major assumption is that the entire system will have a greater impact than the individual components of the program. Pham questioned how we can assess comprehensive systems to provide reparations like Colombia's considering that each program cannot be assessed in isolation. Different parts are moving simultaneously and challenges in one program may be offset by success in others, but together one can see systemic change. Coordination, communication, and complementary strategies serve to spread risk and share success. Pham argued that tight, victim centered feedback loops are needed to learn about the reparations program's success.

¹ See, www.transitionaljusticedata.com



Chatham House Prize 2017 | Wikimedia Commons

Reparations are the only mechanisms specifically for victims, therefore, their satisfaction is very critical. There is a need for conceptual clarity regarding the meaning of justice and truth and the victim's expectations. The acceptable threshold for reparations must be better defined and there needs to be increased dialogue with victims.

Pham described additional observations from her data analysis of the reparations program in 2015. Her analysis included three samples: the general population, those registered to receive reparations, and those who had already received reparations. Her research showed that victims understand that reparations cannot be delivered all at once, and they agreed that those with the most need must receive them first. She also found that displaced persons did not receive collective reparations, and two thirds of those sampled said payments did not deliver sufficient justice. Among those who received compensation payments, most did not feel satisfied. However, participation in reparations did result in higher levels of social engagement.

Reparations also improved relative hope and trust in governmental institutions. Subjects believed that if reparations could be maintained there could be increased trust in the government. Pham observed people must feel consistently cared for by their government before they can report feelings of satisfaction. Satisfaction can only be created through an ongoing dialogue.

Pham concluded by offering several recommendations. She called for further victim centered research to better capture the acceptable threshold of satisfaction and test the impact of the reparations program. She stated that the implementation

process matters, and victims should be able to participate in the process. The government has already legitimized the suffering of the community, but this needs to be a continued priority going forward. There also needs to be more investment in coordination and communication infrastructure to connect all institutions involved in the reparations program. This includes a flexible mechanism that is implemented from the start, responsive to feedback, and maintained through the process. There is a need for transparent and symbiotic communication to give insight into the program's limitations while giving a voice to all victims. Victims ultimately need to feel that their government has their best interests at heart.

Jacqueline Bhabha noted that we are in a time where reparations discourse is politically salient—from discourse about reparations for slavery in the United States, calls for reparations from European powers for the legacy of colonialism, to discourse about reparations in the context of immigration—Colombia will inform other individuals and politicians in a very constructive way.

Professor Bhabha described several reparations strategies: individual versus collective reparations and monetary versus symbolic recompense. She had several criticisms for the “juridification of politics”—placing politics in juridical contexts—which individualizes a whole history of repression. She questioned whether this is an appropriate response and whether the issue is about the ongoing social reality and survivor society, or individuals and individual reparations. Bhabha recognized that the juridical approach is complex and it is not always clear what individual and collective reparations are.

Colombia has the most comprehensive and ambitious reparations program in the world.

She pointed to the example of Indonesia, where women received individual awards but felt a moral obligation to distribute the awards to members of their communities. Another question is the balance between symbolic recompense like apologies, memorialization, rectification in history books, and monetary remedies. Pham's previous observation that payments did not feel like justice to victims is an important reflection. Professor Bhabha stressed the importance of empirical research to document what people want, rather than assume we know what they want. She concluded by asking, "How do we reduce the traumatic impact of these enduring events in both an individual and collective sense?"

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Members of the Symbolic Reparations Research Project stated that their goal was to expand the reparative and transformative potential of symbolic reparations. Colombia's Victims' Law has pioneered the integration of symbolic reparations with other forms of redress to address reparations concretely and holistically. However, the peace accord faces challenges. One such challenge stems from the fact that the concept of symbolic reparations remains vaguely articulated, threatening to limit reach and effectiveness. Robin Greeley, who spoke on behalf of the group, cautioned against three problems: (1) the tendency of the government to view symbolic reparations as an afterthought outside of the political process despite symbolic reparations being the principle mechanism; (2) the tendency to perceive symbolic reparations as producing fixed inanimate objects rather than dynamic processes; and (3) the tendency to define symbolic reparations very narrowly. Symbolic reparations tend to be defined solely as measures of satisfaction without conceptual and programmatic links to other forms of reparations, especially guarantees of non-repetition such as national dialogue and a social pedagogy aimed at rebuilding a social contract.

Greeley concluded by laying out four criteria that can be used to determine an acceptable threshold for successful implementation of symbolic reparations: process, victim agency, linking satisfaction with nonrepetition, and aesthetics. The process for developing and implementing symbolic reparations is important because it gives a sense of investment in the future, and creates space for dialogue and mutual recognition among immediate actors within the conflict and society. The process should be dialogue-based, transparent, inclusive, and representative. Victim agency should be the driving force in the implementation of symbolic reparations. It is also important to link satisfaction with reparations to nonrepetition. Truth commissions provide an opportunity through revisiting the past and projecting into the future. Greeley concluded by highlighting the importance of the aesthetic form of truth commissions saying that surprise, novelty, and wonder can help to alter modes of perception.

4. Justice

Luis Moreno Ocampo observed that there is no other country that has done more than Colombia in terms of criminal justice during an ongoing conflict. The only parallel to Colombia's agreement with the FARC in 2016 in terms of the number of criminal prosecutions made is Colombia's agreement with the paramilitaries in 2005.

Ocampo argued that the problem is not the past, but the future. The biggest challenge is not with the legal system that was adopted—although there is a political challenge posed by the newly elected government and whether they will show respect for the legal system adopted—but how to confront the groups still committing crimes like drug dealers, parts of the FARC and other guerrilla groups. For example, a particular challenge is the arrest of one of the five FARC leaders following a request by the United States for his extradition for drug trafficking. Jesús Santrich was allegedly involved in drug dealing after the peace process but the U.S. is not sharing evidence, and it is unclear whether there is sufficient evidence of criminality. The decision of the Colombian judges could derail not only the agreement with the FARC, but jeopardize the entire peace agreement if the legal system accepts that a person can be extradited with no evidence.

The symbolic reparations program should be dialogue-based, transparent, inclusive, and representative.

Martha Minow sees more puzzles than answers regarding justice. She sees justice as a term that is under renovation; in law, they are “repairing the ship at sea.” It is helpful to think about the justice process as a part of the integrated system for transitional justice in Colombia. However, it is about truth, symbolic reparations and peace. Perceiving the justice process as an integrated component of the system jeopardizes how it needs to be distinct from other components and play all those roles as well. There is a paradox that each component of the integrated system needs to work separately but also together.

The first puzzle that Minow sees is that the judicial system must have all the norms of professionalism, technicality, neutrality, and focus on the past. However, we know it is operating in a way that will be symbolic, generate truth and make peace. What is most remarkable is that the members of the constitutional court understand that. They are willing to play a role that is not a typical judicial role. A major task for external states is to help legitimize what the court has done since there is criticism surrounding this unorthodox role. The key question is where and how can peace be integrated into the judicial system? This goes from the largest ambition to the technical.

The second puzzle Minow sees is understanding individual justice versus collective justice. The typical judicial role normally goes case by case. However, the judicial process in Colombia has to feed into a national narrative. The goal is to have a common history, but each case has to relitigate the facts over and over again.

The third puzzle Minow sees is understanding what remedies and sanctions can work. Retrospectively, The focus is on individuals, however, individual redress will not be sufficient. It is possible for courts to begin discussions about future remedies. Courts get involved in reconstructing major institutions, and the court process can be used to orchestrate a social process and debate. This focus on the remedy is possible but has to be separated from the normal judicial process.

Minow argued that the justice system must also be a restorative justice system. It should be seen as a system of concentric circles with those most responsible at the center. She concluded her remarks with a final critique about the peace accords: they are too technical. The language is too dense to comprehend, thus preventing the community from feeling a sense of ownership to the process. It is imperative that we overcome this.

5. Truth

Kathryn Sikkink began the session on truth by bridging the topics of justice and truth within an international and social science context. Her research has found that with better data, there is consistently a correlation between human rights prosecutions and improvements in core human rights. She has not found this correlation with other transitional justice mechanisms. There are various combinations of transitional justice mechanisms that can be used, but without human rights prosecutions it is difficult to see the improvements in core human rights.



OAS and Colombia government broaden agreement on accompaniment of the peace process, Washington D.C. Photo taken by Juan Manuel Herrera

There is an intersection between truth and justice.

It is therefore critical to include human rights prosecutions in a transitional justice process. The impact of prosecutions is about accountability rather than the number of prosecutions or severity of the sentence. Sikkink observed that it seems like it is about the severity of the case in Colombia, but this should not be the case. More severe sentences do not necessarily lead to better outcomes. What is happening in Colombia is experimental research.

Sikkink explained that truth commissions are more complicated to study. Truth commissions have the same correlations with decreasing human rights abuses. However, with better models this correlation effect disappears. From 1972 to 2007, there was a global increase in truth commissions. Despite this increase, there was a decrease in the mean strength score of the commissions. Nevertheless, Sikkink remarked that Latin American has had high quality truth commissions.

Sikkink concluded by saying that there is an intersection between truth and justice. Truth commissions are not created to be used by the justice system. However, research suggests that once truth commission reports are published, they are often used by the judiciary. Though there is no existing mandated relationship, such relationship normally exists.

Ruti Teitel remarked that what is special about the transitional justice process in Colombia is the connection between all the pieces. People think about transitional justice as a group of different modalities and small scale trials of different solutions. The connection between truth and justice is an interesting challenge that is being addressed in Colombia. Teitel praised the commitment to both peace and justice in the Colombian process, the “unparalleled” commitment to truth, and to placing victims at its center.

Teitel argued that there are ways that the process could work domestically without the Special Jurisdiction for Peace (SJP). However, during a regular judicial process the process would become an adversarial system that would not have victims or truth as the focal point. With the SJP, there is greater access to confidential materials and incentives for people to cooperate in a nonadversarial way. The SJP can construct a more robust truth than would be possible in an adversarial system. Teitel continued to say it is impossible to think about prosecution without thinking about priority principles, particularly when considering justice years later. With human rights violations occurring over the course of a sixty year conflict, there is increased liability.

Teitel concluded with an evaluation of the court. The court has legitimacy and support at the local, regional, and national level. The threat to the peace process is political. Therefore, the question moving forward is how to leverage the widespread support for the process and consolidate support from more political camps.

Onur Bakiner acknowledged that the Colombian peace process and transitional justice process are well thought out, and he is very optimistic about the possibility of the truth commission achieving its goals. The goals of the truth commission are within its name: truth—to create a basis of facts, build a central narrative, contextualize those facts, and promote reconciliation and non-repetition.

Bakiner noted that fact finding missions can be difficult when lies and half truths are circulated. Additionally, the sheer number of perpetrators is a problem in Colombia. Political will has also been lacking from the very beginning. What makes Colombia unique, Bakiner argued, is that several truth finding initiatives already exist. Efforts must be consolidated in order to maximize the efficacy of truth commissions. In this respect, there are various political limitations. However, civil society can play an important role. Examples of such role could be a volunteering initiative for young people to collect testimonies from victims, or statisticians aiding to close the gaps regarding the unknowns behind human rights violations, as was done in Peru.

Bakiner closed his comments by considering how truth commissions can produce impact. He noted that public relations are important. Generally, victims’ groups and human rights organizations are supportive of truth commissions, while perpetrators and their allies are not. Most people fall between this binary, which presents an opportunity to persuade individuals to support truth commissions. Bakiner suggests producing digital content, utilizing social media, and creating a “lay version” of the commission report to make it more accessible.

The steps taken after truth commissions conclude are another important way to produce impact. Most truth commissions produce recommendations and next steps, however, Bakiner noted that not all truth commissions produce deliverables and some are overly ambitious in their recommendations. Truth commissions encourage civil society organizations to mobilize, monitor, and hold governments accountable.

"Truth in the transitional justice process is shaped by local, regional, and international parameters. What began as a domestic process has become international, trans-national, and juridical. Therefore, agreements must respond to regional and global actors as well. "



It is imperative to think of actionable efforts once commission comes to an end. Bakiner concluded that Colombia's truth commission is the most well thought out commission in the world. Nevertheless, he notes that while the commission is great on paper it could benefit from engaging civil society both domestically and internationally.

6. Nonrepetition

Jennifer Schirmer began by recognizing that the negotiating team should be congratulated for their work given the difficult circumstances. Colombia is the first transitional justice system that can judge and sanction both sides of the conflict. It is the first to achieve an integral equilibrium of a negotiated end to a conflict with a bilateral definitive ceasefire, aligned with restorative justice, ample truthtelling mechanisms, and reparations. This is peace with justice, however, if the peace accord is already a model there are significant challenges in its implementation phase. Providing the right to nonrepetition and building social and economic benefits for the poor is a challenge.

Schirmer invoked the audience to appreciate what was not feasible at the negotiating table for the peace agreement in Havana. Given the context of sixty years of war and many failed attempts to negotiate with the FARC there were many constraints. Fears diminished with the ceasefire, but paramilitaries and other groups still posed problems. The FARC did not consider itself militarily defeated, and demanded to be equal parties at the negotiation table. They also resisted any judicial mechanisms that would expose them or other combatants to jail time, including extradition and jail time in the U.S. However, there was a tradeoff that conditioned alternative sanctions on truthtelling in addition to the act of disarmament. Overall, these interconnected measures have incentivized members of the FARC to give both a judicial and extrajudicial sense of what happened, increasing the victims' access to the truth—while over 9000 combatants disarmed.

Turning to the topic of nonrepetition, Schirmer acknowledged that implementation has been very difficult. In the context of the legacies of the sixty year war, the war on drugs, and current political decisions, how can we be assured that truthtelling is being incentivized? Truth is seen as innovative and fulfilling for many, but represents danger and consequences for others.

Schirmer hypothesized that the Duque government seeks to dismember the peace process entirely to avoid such truths. Currently, three current members of the FARC secretariat are refusing to give testimony and are pushing themselves out of the process. As a consequence of what Schirmer sees as the Duque government's ambivalence to ensure guarantees of protection and the right to nonrepetition, many FARC ex-combatants and over 600 social leaders have been killed. This has led to heightened fears by the former FARC combatants and an increased potential of dissidence and rearming. This is derailing the whole peace project. Extradition is also an issue, and the government's willingness to go along with demands for extradition has heightened fears as well. Arrows are being shot at the chariot of peace by spoilers who have their own interests.

Fact finding missions are difficult when lies and half truths are circulated.

Furthermore, there is the issue of needing intermediators between lawyers and politicians to provide a forum of dialogue to learn what is happening. Press coverage of these issues has little positive spin. Schirmer asked whether journalists or civil society organizations could be trained to better report on the implementation of the peace accord and initiate political dialogues in a way that portrays the peace process in a positive light.

Schirmer concluded by raising a number of questions about security. The state has little control over FARC abandoned territories. How should those territories be protected? Should we work with local communities? How can the idea be sold politically in a way that is concrete and not contingent on political coalitions that are currently fighting against it? Can we think about alternatives? Should this be done now or can it wait?

7. Conclusion

Participants in the faculty consultation recognized the significant achievement of Colombia's 2016 peace accords, which put in place a comprehensive transitional justice system integrating reparations, justice, truth, and nonrepetition. They praised the Colombian peace process for showing a strong commitment to both peace and justice and to putting victims at the center. Nevertheless, the group concluded that Colombia's ambitious program faces some significant challenges ahead, both practical and political.

Key themes and recommendations that emerged from the consultation were:

- Although the scale and comprehensiveness of the peace process is unprecedented, important lessons can be drawn from empirical research and comparison of transitional justice around the world.

- Victim centered research will be essential in order to monitor and evaluate the success of the reparations program.
- There are significant political challenges to the transitional justice process, including the current government's opposition to the special judicial system, and recent pressure from the United States to extradite a FARC leader on questionable evidence. The Special Jurisdiction for Peace currently has strong support from both national and international actors and is legally shielded from government interference. Nevertheless, political challenges pose a problem for the peace process.
- Increased engagement between the mechanisms of the transitional justice system with civil society can help to build widespread public support for peace. This includes making the process comprehensible and transparent to the public, consolidating truth finding efforts, and disseminating the findings of the truth commission.

There will always be parties that are dissatisfied with the balance between truth and justice. Helping the general public better understand the transitional justice process will help address the gap between the reality and expectations of what the process can deliver.

"The problem is not only the past, but the future."



Demonstration against FARC Guerrilla.
Photo by Camilo Rueda López

Carr Center Report

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