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## FEATURED Q&A

# Will Colombia's Peace Agreement Remain Intact?



Colombian President Iván Duque, who took office in August, has been critical of the country's 2016 peace accord with the FARC rebels. // File Photo: Colombian Government.

**Q The U.N. Security Council on Sept. 13 extended the mandate of its mission overseeing the implementation of Colombia's peace agreement with the FARC rebels. The council also called on the FARC and President Iván Duque's government "to renew momentum" in implementing the peace deal. Could both sides indeed speed up implementation of the peace accord, and what should they do to achieve that? What is the significance of reports that FARC commanders Hernán Darío Velásquez, also known as "El Paisa," and Luciano Marín, also known as "Iván Márquez," have gone missing? Will the peace accord remain intact during Duque's administration?**

**A Fernando Cepeda Ulloa, professor of political science at Universidad de los Andes in Bogotá and a former Colombian interior minister:** "President Duque has reiterated his commitment to the peace agreement. He has also expressed his reservations with regard to FARC commanders who have become members of Congress if the Special Jurisdiction for Peace (JEP) declares one or more of them responsible for crimes against humanity. He has also expressed concern over the impact the agreement has had on the increase in coca cultivation, which is now much higher than when Plan Colombia started. Even the U.S. ambassador to Colombia said in a televised interview several weeks ago that the FARC had not complied with its commitment to hand over information about drug trafficking routes. The JEP has also complicated the process of extraditing former guerrilla leader Jesús Santrich to the United States. This situation has generated mistrust in the actions of the JEP and led to the almost immediate disap-

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## TODAY'S NEWS

### POLITICAL

## Nine Inmates Killed, 19 Loose After Brazil Prison Break

In all, 28 prisoners fled the Barra da Grota prison in Brazil's Tocantins State following a riot. Two prison staff members were reportedly taken hostage.

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### BUSINESS

## Ruling Expected on Tianqi, SQM Deal

A Chilean court is poised to rule on China-based Tianqi Lithium's purchase of a stake in Sociedad Química y Minera de Chile.

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### POLITICAL

## Peru's Supreme Court Orders Fujimori Back to Prison

The high court annulled the pardon that former President Alberto Fujimori received last December, saying that his conviction of crimes against humanity made him ineligible for a pardon under Peruvian and international law.

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Fujimori // File Photo: TV Perú.

## POLITICAL NEWS

## Peru's High Court Orders Fujimori Back to Prison

Peru's Supreme Court on Wednesday annulled former President Alberto Fujimori's pardon and ordered that he be arrested and sent back to prison. The order was announced on the judicial branch's Twitter page. Human rights groups applauded the decision, but Fujimori's supporters, including his daughter Keiko, gathered Wednesday outside of the former

“This is persecution against my family.”

— Keiko Fujimori

president's house to condemn the ruling, The New York Times reported. “This is persecution against my family,” said Keiko Fujimori, a former presidential candidate who heads the right-wing Popular Force Party. Then-Peruvian President Pedro Pablo Kuczynski controversially pardoned Fujimori last Christmas Eve in a move that his critics saw as payback after Fujimori's son Kenji, a congressman, and his allies helped Kuczynski survive an impeachment attempt. Fujimori had been serving a 25-year prison sentence. Kuczynski ultimately resigned in March amid corruption allegations. Miguel Pérez Arroyo, a lawyer for Alberto Fujimori, told a Peruvian television station that his client was “dismayed” by the ruling, but would comply with the order and file an appeal, The New York Times reported. The Supreme Court annulled his pardon on the grounds that those convicted of crimes against humanity cannot be pardoned under Peruvian and international law, the Voice of America reported. In his appeal, Fujimori's attorney said the 80-year-old former president suffers from heart problems and that returning to prison could kill him. After the Supreme Court reversed his pardon, Fujimori was rushed by ambulance to a clinic in Lima, where there was no word on his condition. During his

1990-2000 presidency, Fujimori beat back a rebellion by the leftist Shining Path guerrillas, but his far-right death squads killed civilians during their fight against the rebels. He was also accused of massive acts of corruption and fled to Japan in 2000 and sent his resignation back to Lima via fax.

## Search Underway for New CICIG Head: Morales

Guatemalan President Jimmy Morales said Wednesday that his government and the United Nations are looking for a new leader for the U.N.-backed anti-graft agency in the country, the International Commission Against Impunity in Guatemala, or CICIG, Agence France-Presse reported. Morales told local radio station Radio Sonora that U.N. Secretary General António Guterres had agreed in a meeting in New York last week to replace Iván Velásquez as CICIG's head. The United Nations had previously backed Velásquez, whom Morales denied re-entry to Guatemala last month after announcing the government would not renew the agency's mandate, which expires next September. Subsequently, Guatemala's Constitutional Court ordered Morales to allow Velásquez to enter the country, a ruling the government denied and is battling through legal means. Under Velásquez, CICIG and Guatemala's attorney general's office had pushed to strip Morales of his presidential immunity to carry out an investigation into Morales' alleged illicit campaign financing in 2015. [Editor's Note: See related [Q&A](#) in the Sept. 20 issue of the Advisor.]

## BUSINESS NEWS

## Chilean Court Expected to Rule on Tianqi, SQM Deal

A court in Chile is expected to rule today on an agreement between Tianqi Lithium and

## NEWS BRIEFS

## Pence to Represent U.S. at López Obrador's Inauguration in December

U.S. President Donald Trump will not be attending Mexican President-elect Andrés Manuel López Obrador's inauguration on Dec. 1, López Obrador said Wednesday, the Associated Press reported. On a phone call between the two presidents regarding development projects in Central America to curb migration north, Trump informed López Obrador that Vice President Mike Pence would be attending the event instead. “Great call, we will work well together!” Trump said on Twitter. López Obrador said “it was a very good call,” the AP reported.

## Nine Inmates Killed, 19 on the Loose After Brazil Prison Break

Nine inmates were killed in a shootout with police and 19 are on the run after they fled into a wooded area following a prison break in the Brazilian state of Tocantins, the Associated Press reported Wednesday. A riot broke out Tuesday at the Barra da Grota prison, leading to the escape of the 28 inmates. Two prison staff members were taken hostage, authorities said. The prison was built to house 480 inmates and was holding 493.

## Argentina Getting Dozens of Cryptocurrency ATMs

Argentina could have as many as 30 ATMs that buy and sell cryptocurrency by the end of the year, Reuters reported Wednesday. U.S.-based Athena Bitcoin launched Argentina's first bitcoin ATM last month, seeking to “be the first to capture the market” amid an economic crisis that has seen the Argentine peso lose nearly half of its value against the dollar this year, said Dante Galeazzi, Athena's Argentina operations manager. U.S.-based Odyssey Group also said 80 percent of its 150 ATMs in Argentina will be bitcoin-operational next year.

Chile's competition regulator, which would allow China's biggest lithium company to buy a stake in the South American country's top lithium producer, Sociedad Química y Minera de Chile, or SQM, La Tercera reported. Tianqi had reached an approximately \$4.1 deal with Canadian fertilizer company Nutrien in May to acquire its 24-percent stake in SQM. Last month, Tianqi and Chile's competition regulator agreed on limits to the Chinese company's influence in SQM, including restricting who Tianqi can name to SQM's board and forbidding the Tianqi-nominated directors from disclosing SQM's sensitive information, according to the agreement, The Wall Street Journal reported. SQM claims the deal does not provide enough protection from a competitor that would become the company's second-largest shareholder. SQM asked the court, the Tribunal de Defensa de Libre Competencia, to reject the agreement, which would remain in effect for up to six years. "I think it's a testament of the size of the prize, that Tianqi is willing to sign up to this deal that limits it ... likely because down the line it will look to increase its influence," said Hugo Brennan, a political analyst at Verisk Maplecroft, who has written about China's lithium strategy, The Wall Street Journal reported. The court set today as a deadline for its decision, which Tianqi could eventually appeal.

## Grupo Bimbo Eyes 100% Renewables Use by 2025

Mexico-based baking giant Grupo Bimbo has announced that it signed on to the RE100 initiative, committing to use 100 percent renewable energy for its global operations by 2025, Renewables Now reported today. Grupo Bimbo said it is the first Latin American company to join the initiative. "This initiative is part of our strategy for renewable energy, which began in 2012 with the opening of the Piedra Larga wind farm and is consolidated with this important commitment," said Jorge Zárate, the company's global operations vice president. The company said it will use power-purchase agreements and other methods to achieve the goal.

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pearance of Iván Márquez and other FARC commanders. Santrich is allegedly linked to the export of 10 tons of cocaine in connection with a Mexican drug cartel. This is just one more scandal related to the implementation of the peace deal. The most worrisome issue is what the president, in his speech to the U.N. General Assembly, mercifully called 'budget fragility' in implementing the peace agreement as well as fragile institutionalism. The reality is that there is no way to meet the commitments unless the international community cooperates because, among other reasons, next year's budget has a deficit of 24 billion pesos. The issue goes beyond Duque's desire to comply with the agreement. Juan Camilo Restrepo, a columnist and former minister in Santos' administration, recently made public his concern over the peace deal's defunding. Another former minister wrote in his *El Tiempo* column that the FARC was tearing apart the agreement. How can we talk, then, of 'renewing momentum'? How can we talk about reforming the agreement? The massive exodus of nearly one million Venezuelans makes the situation even more fragile, which is even more complicated amid reports that 2,300 guerrillas are rebuilding the FARC. It is very complex."

**A** **Oliver Kaplan, associate professor at the Josef Korbel School of International Studies at the University of Denver:** "On an optimistic note, according to the analysts from the University of Notre Dame who are monitoring the implementation, 61 percent of the peace agreement's stipulations have been completed or at least initiated. But that means there is still much to work to do. Robust implementation is key for stemming the risk that FARC members will abandon the peace and join existing 'dissident' fronts. The reports that FARC commanders Hernán Darío Velásquez, also known as 'El Paisa,' and Luciano Marín, also known as 'Iván Márquez,' have gone missing could signal their dissatisfaction with the pace of the

agreement's implementation and FARC members' worries about personal security. The government will need to provide stronger security guarantees for FARC members, as well as social activists, so they can continue with their processes of reincorporating into so-

**“ Duque would be wise to speed peace implementation...”**

— Oliver Kaplan

ciety without fearing for their lives. It is still early to discern how the peace agreement will proceed under the Duque government. The renewal of the U.N. mission by both sides is a hopeful omen, but there has also been a reported budget shortfall for peace investments. Duque has also suggested he may seek to stiffen penalties for the FARC's war crimes, though such a bait-and-switch risks exacerbating the dissidence problem. Duque would be wise to speed peace implementation, and—as long as FARC leaders continue to uphold their commitments—limit any changes to cosmetic ones. The government should also ensure its financial investments in peace and build supportive international partnerships. Since Colombia's national government still has limited reach into rural areas, sustainable peace also depends on civil society actors pressing for peace in their local communities."

**A** **Adam Isacson, senior associate for the regional security policy program at the Washington Office on Latin America:** "The FARC peace accord will remain in place, and President Duque will not 'tear it to shreds.' We'll see some efforts toward implementation. Still, the sad but likely scenario is that,

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over the course of the Duque government, the accord will erode to its barest essence. The accord's vital first chapter, on rural reform and territorial governance, is moribund. Guarantees of political participation are undermined by a wave of social-leader killings. Promises of crop-substitution support for coca-growing households are uncertain. The main reason is that there's no money. Colombia's budget deficit is ballooning, and

“**The sad but likely scenario is that, over the course of the Duque government, the accord will erode to its barest essence.**”

— Adam Isacson

resources are being eaten up by the need to attend to Venezuelan migrants and by pressure to step up coca-eradication operations. There's also little political interest or institutional capacity to capitalize on the FARC's absence and bring a state presence into long-abandoned areas. That would take a 'Marshall Plan' or 'moon shot' level of investment and mobilization, and it's not happening. Meanwhile, new armed groups are filling in the territorial vacuums that the FARC left behind and the state failed to fill. FARC members are defecting, or just 'clandestinizing' themselves out of fear that they might be capriciously arrested and extradited. In the near term, the Duque government must at least get right the reintegration of ex-combatants. The cost isn't large, but it will mean providing land to those who want to work it. And the U.S. government must state publicly that it is not seeking to round up ex-FARC leaders for extradition, that those who are sticking to their accord commitments need not abandon the process out of fear of being sent to a U.S. jail.”

**A** **Enrique Gómez-Pinzón, executive partner at Holland & Knight in Bogotá:** “The peace process is going through one of its most difficult periods. Although the implementation plan of the agreement is supposed to take at least 15 years, in its first year there have already been significant delays, mainly in land issues, protection of social leaders and development of collective projects. Circumstances such as dissent of a few FARC members who returned to clandestinity and substitution of illicit crops are critical factors as well. To achieve implementation as expected, there must be a commitment from the parties and support of multilateral entities. The country hopes that it can continue with the implementation of the agreements, despite the setbacks. Reports that former FARC leaders 'El Paisa,' 'Romaña' and 'Iván Márquez' are missing are worrying, as it is an additional example of the precarious situation of the peace agreement. This is another sign that there is no commitment by all the leaders of this guerrilla to reintegrate into civil society without continuing to commit crimes, and also, that there is a division among their members. In case these former leaders end up joining the FARC's dissidence, the government will have to demonstrate its military power, as it has done in the past and put the country's security as a priority. During his presidential campaign, President Iván Duque pointed out that he will seek to make changes in some of the items agreed upon with the FARC, so some modifications are expected. However, until now there has been no action to confirm what the government will propose. Surely, these changes will be for the better and will allow an approach with the FARC and clear the path for a long-lasting peace.”

*The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at [gkuleta@thedialogue.org](mailto:gkuleta@thedialogue.org).*

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