

Yes but No: Havana Peace Agreement's Ambiguous Sway on Colombia's Rural  
Development Policy

by

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A thesis

presented to the University of Waterloo

in fulfillment of the

thesis requirement for the degree of

Doctor of Philosophy

in

Global Governance

Waterloo, Ontario, Canada, 2018

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## **Author's Declaration**

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners. I understand that my thesis may be made electronically available to the public.

## Abstract

On 24 November 2016, the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) signed a peace accord to end a six-decade war. One of the items included in the accord was the Comprehensive Rural Reform (CRR), an agreement laying out substantive measures on rural development aimed at improving land access, public goods provision and peasant's agricultural supports. This thesis explores whether negotiated transitions can serve to enact distributive rural change through an in-depth examination of the relationship between Colombia's rural development policy and the peace accord. It traces the antecedents, negotiation and early implementation of the CRR.

The thesis draws from my direct involvement in the peace process as a government advisor and three years of fieldwork in Bogotá. In order to explain both the CRR's emergence and the reasons for its ambivalent effect on policy, the thesis develops a framework that weaves together insights from three strands of literature – agrarian political economy, peace implementation and institutional change. By connecting global economic trends, emerging norms, and domestic political dynamics, this framework enables an analysis that captures how the exceptional circumstances of the transition in Colombia influenced policy outcomes.

The thesis argues, on one hand, that the peace agreement did open policy space for a distributive rural agenda. This policy space gained leverage due to two factors: first, favorable global and domestic norms appropriated by key decision makers during the negotiation phase; and second, the drafting of robust provisions in the peace agreement translatable into policy actions. On the other hand, the thesis shows that once the negotiation ended, the reform's scope for change was severely constrained by internal and external obstacles faced by the government. Internally, policy capture by agribusiness elites, coupled with a lack of bureaucratic coordination in the implementation and political pressures exerted by the government's coalition to move away from the CRR, effectively undermined the government's distributive agenda. Externally, a strong right-wing opposition heavily affected the legitimacy of both the government and the peace process overall.

## Acknowledgments

I would like to begin by thanking my supervisor Jennifer Clapp, who throughout the entire PhD program was much more than that. Since my family and I arrived in Waterloo in 2013, Jennifer was always concerned about our well-being and made sure that we had what everything we needed. I felt very privileged to have her as a mentor all these years.

I would also like to thank Derek Hall and Yasmine Shamsie, the other members of my Committee, who were always excited about my project and gave me extremely useful feedback. I have known Derek since I studied my undergraduate degree at Trent University. It was great to meet him again. His curiosity, rigor, critical perspective and humor have always been an inspiration for me. I met Yasmine right after I arrived in Waterloo and it has been great to have her support and generous feedback throughout the research.

I would like to thank as well professors Cristina Rojas and Reina Neufeldt for their thoughtful reading and comments in the defence.

At the Balsillie School of International Affairs, I would like to thank Doctor Andrew Thompson for all his support. Tiffany Bradley, Joanne West and Shelby Davies were always there to support me with various administrative and financial issues. At the Faculty of Environment, I would like to thank also Jennifer Nicholson and Lori McConnell.

At the University of Waterloo, I would like to express my gratitude to friends and colleagues. The lively discussions we had with Matt Gaudreau throughout the whole program were very enlightening. Thanks to the people of the Global Food Studies Group, especially to Beth Timmers and Caitlin Scott, who welcomed me on campus during my visit in Spring of 2018. Thanks to Jane Runwursm from the Writing Centre who sat down with me a whole afternoon in March 2018 and encouraged me to keep writing.

In Colombia, I would like to thank my friends and former work colleagues at the Thematic Direction of the Office of the High Commissioner for Peace (OHCP): Sergio Jaramillo, Elena Ambrosi, Gerson Arias, Carolina Varela, María del Pilar Barbosa, Carlos Prieto, Ana Alonso, Sofia Cabarcas, Daniela Quinche, Oriana Alonso and others. By being part of the peace process we all shared a life-changing experience that inspired and motivated this research. Thanks especially to Carol Barajas who gave me access to the memoirs of the peace talks. I am grateful as well with all of those with whom I shared the experience of implementing the agreement's provisions on rural development and particularly to Carolina Varela, with whom we shared all the positive and difficult things of working in government.

I also want to thank the Institute for Integrated Transitions (IFIT), which provided me with the space and material support when I most needed it. Particularly, many thanks to Mark Freeman, Juanita Goebertus, Martha Maya, Mariana Otoya and Mariana Casij. Juanita's friendship, support and encouragement were key for finishing my research.

I was able to share earlier versions of drafts and ideas with various friends and colleagues to whom I am very grateful. Andrés Bermúdez gave me great feedback on earlier versions of chapters 3 and 5. Julián Arévalo, also a great friend and colleague, with whom we share our academic interests and political views, was a careful reader of my initial project and a great partner to have very fruitful conversations. Thanks to Iván Vargas' attentive and careful reading of chapters 3 and 5.

I would like to thank as well Álvaro Balcázar, who has been a mentor for me not only in rural issues but more generally in life. Thanks also to Alejandro Reyes, who generously shared with me the thorough notes he took at the negotiating table.

I am indebted to the various persons working at the government institutions with whom I had the chance to work and exchange views over the course of the years. Thanks to all my interviewees for their generosity, time and patience. I benefited greatly from the conversations I had with one of the oldest FARC's leaders.

I was fortunate to present part of my research at academic workshops and forums. I am grateful to the people from the Seminario de Problemas de Desarrollo Rural, in particular Rocío Londoño, Mauricio Velásquez, Juana Dávila, Carolina Castro, Armando Corredor and Cristina Lleras. Thanks as well to the people that attended the Seminario on Conflict organized in January 2018 by Michael Weintraub at Universidad de los Andes, especially to Devin Finn whose comments were of great help. Thanks to the Seminario en Desarrollo Rural at the Universidad Javeriana, and particularly to Juan Guillermo Ferro and Olga Lucía Castillo, who invited me over to present my work at an early stage.

I would like to thank the Departamento de Ciencia Política at Universidad de los Andes, which opened the doors to me very generously and supported me during my stay in Bogotá as a visiting researcher. Many thanks to professors Juan Carlos Rodríguez, Laura Wills and to the administrative officer, Ana Teresa Chacón.

I received invaluable research assistantship at different stages of the project from Carolina Velandia, Carol Rojas, Patricia Leguizamón and, especially, Juanita Cuéllar, whose support in the final stage of the research was of great help.

I thank Antulio and Masaya, who have been an essential influence in my life, more than they can ever imagine. Mauricio and María's friendship in Bogotá after we came back in 2015 has been essential and continues to be. Their encouragement, guidance and affection was definitive in my writing process. Thanks to Cody for his close friendship and editorship, especially at the beginning of the research project.

Thanks to Eresbey, my spiritual guide and a support. Thanks to Marina, who helped us at home keeping our place tidy all these years. Thanks to my brothers and sisters who gave me their affection, warmth, and humor.

Thanks to Canada, Waterloo and Toronto, places that received us warmly during the first two years of the program and have shaped who I am. Thanks to the coca leaf tea, which gave me its energy and wisdom mostly in early mornings and helped me staying focused. Thanks to Monserrate, the mountain that guards Bogotá, that kept me physically fit and taught me the value of perseverance. Thanks to my dog Momo and my cat Simona, who kept me always in the present moment.

Thanks to my parents, who have always been supportive and proud of my work. Their unconditional love has been a continuous source of motivation for me. Eduardo, thanks for travelling to Canada with us and for your affection, patience, love and humor throughout this project that has existed since you were a young teenager

Liliana, my partner, my love, thanks for being with me all this time. This thesis is dedicated to you. You have listened (perhaps for way too long) my ideas about this thesis since its inception. Thank you for your care, patience, advice and perspective on life. Your own quest has always been an inspiration for me. You have always reminded about what matters most and kept grounded.

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## **List of Abbreviations**

ADR	Rural Development Agency
AIS	Agro, Ingreso Seguro
ANT	Land National Agency
ANUC	National Association of Peasants
ANZORC	National Peasant Reserve Zones Association
ART	Agency for the Renovation of the Territory
CCP	Colombian Communist Party
CRR	Comprehensive Rural Reform
CGN	National Business Council
CGSB	Coordinadora Guerrillera Simón Bolívar
CORPOICA	National Agency of Agricultural Research
CSIVI	Commission for the Promotion, Verification and Follow-Up of the Implementation
DRE	Rural Development with Equality Program
DSDP	Democratic Security and Defense Policy
ELN	National Liberation Army
EPL	Popular Liberation Army
FARC	Revolutionary Armed Forces of Colombia
FEDEGAN	National Federation of Cattle Ranchers
FINAGRO	National Fund for the Financing of the Agricultural Sector
IAO	Index of Agricultural Orientation
ICA	National Agricultural Inspection Authority
IDEMA	National Institute for Agricultural Marketing in Colombia
INCODER	National Rural Development Agency
INCORA	National Land Reform Agency

M-19	Nationalist Movement of April 19
MAQL	Movimiento Armado Quintin Lame
OHCP	Office of the High Commissioner for Peace
ONIC	National Indigenous Organization
PAM	Peace Accords Matrix Implementation Dataset
PCD	Post-Conflict Direction
PCIM	Plan de Consolidación Integral de la Macarena
PDET	Territorial Development Programs
PMI	Framework Plan for Implementation
PNR	National Rehabilitation Program
PSD	Private Sector Direction
SAC	Colombian Agricultural Society
UAF	Family Agriculture Unit
UP	Unión Patriótica
UPRA	Agricultural Planning Unit
ZIDRES	Zones of Interest for Economic and Social Rural Development
ZRC	Campesino Reserve Zones

# Chapter 1. Introduction

## 1.1 Research Problem and Question

On 24 November 2016, at the Colón Theatre in Bogotá, the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) announced the Agreement for the Termination of the Conflict putting an end to a sixty-year old war and setting forth an agenda of substantive transformations in various issue areas (rural development, transitional justice, political participation, illegal drugs). The thesis explores whether there is an opportunity for actual rural change in the context of this historic deal and the postaccord phase it gave place to. Through the case study of Colombia, the thesis addresses the broader question of whether peace agreements geared towards terminating internal armed conflicts may trigger rural development policy change. This question may be framed as part of a broader literature on agrarian political economy that, in exploring the interaction between politics and economics in rural change, has looked at questions like why, how and under which circumstances may pro-poor rural policy change occur? In other words, what makes support to peasants and vulnerable rural populations work? Are these shifts driven by macropolitical changes derived from pressures from below (e.g. peasant mobilization or a democratic opening), reformist policy elites making the right decisions with a strong administrative and organizational capacity, or both?

In exploring these questions, students of rural politics have recently made clear that developing democracies with high levels of pre-existing power imbalances face enormous institutional constraints and elite opposition when adopting rural redistributive policies, no matter how strong the pressures are from below. Albertus (2015), applying the veto players' framework to land reform politics in Latin America, has shown how redistributive land reform occurs only when a given political context meets two conditions: a split between ruling political elites and landed elites, and low institutional constraints to rule. His evidence is conclusive: significant land redistribution has taken place exclusively in autocratic regimes with concentrated power and incentives to tackle landed elites. Democracies, he argues, provide too

many veto points for landed elites to leverage their influence and obstruct reform. Despite his democratic gridlock argument, Albertus states nonetheless that democratic regimes may have the capacity to carry out less redistributive types of land reform, such as negotiated land reform and allocation of state lands. Furthermore, his argument also leaves room to explore whether, under exceptional circumstances, democratic regimes may be able to advance significant distributive rural reform.

Recent literature on agrarian political economy finds, however, that even in favorable national environments, rural policy reform is hard to attain (Vergara-Camus and Kay 2017a). Distributive policy change is increasingly unlikely in a globalized context that features structural restrictions derived from the concentration of agrifood systems and the “market imperative” (E. M. Wood 2002). Since 1998, various Latin American countries had left-wing governments supported by peasant movements that strived for reversing neoliberal policies and improving land access and agricultural supports to low-income producers. By establishing land reform programs, accessible credit schemes, value-chain linkages and institutions geared towards assisting family agriculture, among others, these governments sought to distinguish themselves from previous governments’ right-wing policies. Overall, however, the measures had a limited impact in “altering the model of rural development inherited from the process of neoliberal globalization” (Vergara-Camus and Kay 2017a). They did not significantly reduce inequality or strengthen the organization and political capacity of peasant producers. Despite these policy efforts, the lack of change had to do with (i) the absence of a developmental state able to renew its previously weakened institutional capacities, (ii) the loss of peasant mobilization capacity, and (iii) the power of agribusiness and landed elites resilience (p. 417).

Such analyses focused on recent left-wing Latin American governments offer theoretical insights useful for examining other, less studied cases in the literature, which are relevant to fully grasp the conditions (political, economic, institutional) conducive to rural policy change. Of interest are developing countries that have experienced – as a kind of “democratic exceptional circumstance,” following Albertus’ notion – a negotiated transition from civil war to peace with an agrarian component built into it. To avoid a return to war, peace agreements often establish, at least

temporarily, a set of extraordinary binding legal and political mechanisms and procedures that may include provisions aimed at tackling pre-existing political and economic inequalities. Peace agreements, as the result of a negotiation process between state and nonstate actors, may be seen as producing what Christine Bell (2016) calls a *lex pacificatoria* or “law of the peacemakers” (*lex pax* for short). While not entirely constituting a new distinctive legal regime, this *lex pax* adjusts the behavior of the parties involved to the expectations of international norms and establishes a new playing field for political stakeholders. For Kaplan and Freeman (2015), transitions may “make possible that which would have been previously unimaginable,” as these are “rare but critical junctures in history during which – against the odds – [conflict-ridden] states can transform their social and political dynamics,” tackling key crucial issues and counteracting exclusionary tendencies (p. 5). Even if few negotiated transitions meet expectations (due to the enormous challenges these countries face to move forward) peace agreements nonetheless do create a kind of endogenous shock to the political system, thus opening an exceptional window of opportunity for distributive rural policy change. In this sense, paying attention to countries that have dealt with agrarian issues under a transitional context – and the related post-conflict dynamics – may be useful to broaden the political economy analyses on the factors and circumstances shaping rural policy change.

Within the field of civil wars and peace studies, there is a burgeoning literature on the agrarian legacies of war and its impact on peacemaking and peacebuilding (e.g., Cramer and Richards 2011; Cederman, Skrede Gleditsch, and Buhaug 2013; Cramer and Wood 2017). For the most part, however, studies have focused on the origins, evolution and effects of armed conflict in relation to agrarian issues and have paid less attention to the way in which agrarian issues are included in peace agreements and, more importantly so, to the extent these agreements have modified or not rural development policy. A notable exception is Elisabeth Wood’s (2001) study of the negotiated transitions of El Salvador and South Africa, which provides key insights for developing an understanding of the political and economic reasons leading up to settlements and their distributive implications. She argues that in both countries, a context of deep political and economic exclusion and brutal repression gave place to an

“insurgent pathway to democracy.” That is, a sustained counter-elite insurgency with a strong sociopolitical support (based on peasant insurrection in El Salvador and on urban labor mobilization in South Africa) forced the economic elites to make a case for political compromise within the regime. These elites had historically resisted democratization, in great part because the distribution of income and the perpetuation of economic privilege were determined by access to state institutions. Yet, propelled by the “accumulating costs of insurgency”, economic elites came to realize that a scenario of prolonged conflict posed a higher threat to their interests than peace. Thus, they pressed state elites to negotiate, “changing the balance of power between regime soft-liners and hard-liners” (p. 864). In the end, the global context of the fall of Communist regimes and the rise of neoliberalism facilitated compromise as economic elites were reassured that their assets would be secured in the post-conflict scenario.

For the case of El Salvador, Wood observes in another work, the agreement included narrow provisions on land transfers only to former combatants and supporters of the guerrilla fighters in conflict zones. Despite these timid measures, land distribution slightly improved in the aftermath of the war. However, overall, the implementation process was riddled with difficulties and had a limited impact on socioeconomic policy. This had to do mainly with the country’s lack of fiscal capacity to finance peacebuilding amidst the neoliberal reform program it had begun in the late 1980s and the government’s lack of political commitment at crucial stages of the peace process (Wood and Segovia 1995). Interestingly, Wood’s work aptly combines historical analysis on the factors triggering the peace agreement with assessment of the ways the agreement, and the transitional context more generally, affected El Salvador’s post-war political and economic dynamics. Nonetheless, her analysis does not provide a theoretical perspective on the conditions under which a peace agreement may or may not influence rural development policy outcomes.

A recent literature more concerned with conceptualizing the effect of peace agreements is that of peace accord implementation research, which has provided a solid empirical and theoretical basis to comprehend post-conflict dynamics (e.g., Bekoe 2008; DeRouen et al. 2010; Joshi, Quinn, and Regan 2015). Based on qualitative and increasingly quantitative analyses, this literature has focused on exploring the



relationship between implementation and the durability of peace. Among the factors influencing the quality of implementation processes, it has identified the robustness of the content of the agreements themselves (Fortna 2004), state capacity (DeRouen et al. 2010), power-sharing arrangements (Hartzell and Hoddie 2003), factions' perception of mutual vulnerability (Bekoe 2008), third party intervention (Doyle and Sambanis 2000) and verification mechanisms (Mattes and Savun 2010). Besides analyzing these factors, this literature has also developed a comparative understanding of how specific agreement provisions take different implementation paths over time, distinguishing between ceasefire, security, rights, institutions, and social and economic development issues. So far, however, it has centered its theorization efforts on issues directly linked to the end of conflict, such as the interaction between parties involved in the negotiation (e.g., credible commitment theory, mutual vulnerability theory). Although recent research in this literature has increasingly paid attention to the specific dynamics surrounding the implementation of social and economic policy reform, a more systematic approach on the course of substantive agreement issues, such as agrarian and rural development, is still needed. Therefore, bringing a political economy perspective into these analyses helps to better understand the trajectory of sectoral policy as well as the institutional and market restrictions faced by the implementation process in the post-conflict scenario.

Building on the existing literature, my thesis aims to weave together these two strands of inquiry – agrarian political economy and peace accord implementation research – drawing as well insights from policy and institutional change literature, in order to explain better the circumstances and factors shaping rural development policy in contexts of negotiated transitions. Specifically, my research seeks to answer the following question: *what factors explain the contours of rural development policy in Colombia in the wake of the agreement that emerged out of the peace talks (2012-2016)?* This main research question is in turn informed by the answers to three interrelated yet distinct sub-questions: (1) What were the features of rural development policy prior to Santos' government and to what extent did Santos' rural agenda represent a departure from this past policy? (2) What explains the emergence of the Comprehensive Rural Reform

(CRR) as part of the Havana peace talks? (3) What impact did the CRR have in shifting Santos' rural development policy orientation?

Focusing empirically on Colombia offers a great opportunity to further knowledge on the political and economic dynamics surrounding the negotiation and implementation of substantive provisions of peace agreements addressing rural inequality. I develop a conceptual framework that accounts for the key factors that have so far shaped the effect of the Havana peace process on Colombia's rural development policy which may be useful to understand potential outcomes elsewhere.

### **The Puzzling Outcome: Recent Ambiguous Rural Development Policy Change in Colombia**

As it will be described in Chapter 3, rural development policy in Colombia has been historically biased against the peasantry and in favor of large-scale agribusiness and traditional landed elites. Even though attempts to improve land distribution and peasant livelihoods were made by liberal governments during the 1930s and 1960s, the overall policy outlook remained skewed. In the 1991 Constitution, land access and support to peasants became a constitutional mandate and successive governments took steps to improve the progressive character of resources allocated to small farmers. However, the ongoing economic liberalization, coupled with the reduction of public expenditure and the weakening of state institutions throughout the 1990s, counteracted the efforts to support the peasantry.

During Álvaro Uribe's administrations (2002-2006, 2006-2010) this policy trajectory maintained its status quo, as key initiatives, such as the ambitious agricultural subsidies scheme designed to increase producers' competitiveness in response to the free trade agreement signed with the U.S. in 2007, were geared towards large agribusiness firms. In 2010, when Juan Manuel Santos became president as Uribe's candidate, the expectation was that his administration would not only continue but also strengthen this policy orientation, due to Santos' commitments with neoliberal ideas and the political backing he received from large economic groups, including agribusiness firms. Indeed, during his administration, Santos maintained his support to large domestic and foreign investment in the countryside, especially linked to the oil

and mining sector. However, at the same time, since the early beginnings of his government, Santos also showed an interest in a pro-poor rural development policy agenda. This progressive orientation of policy was furthered as the public phase of the peace talks with FARC began in Havana at the end of 2012, as one of the key agenda items was a “comprehensive agrarian policy”. In the agreement on this item (the Comprehensive Rural Reform), reached in May 2013, the government committed to a major policy shift on agrarian issues. The Comprehensive Rural Reform (CRR) included significant goals and measures in land distribution, agricultural supports to the peasantry and public goods provisions in rural areas, prioritizing those most affected by the armed conflict.

From this moment on, a significant institutional reorganization of the agricultural sector was carried out and various policy instruments and bills were developed in line with the CRR’s commitments. In 2014, Santos was reelected with the mandate of giving continuity to the peace negotiations and the substantive policy agenda included in them. In August 2016, the government and FARC reached a historical agreement ending a sixty-year-old war. Only one year later, by September 2017, FARC’s 11,345 members had demobilized and the organization had transitioned from being the oldest armed group in the western hemisphere into a legal political party.<sup>1</sup> The agreement’s implementation, which began formally in December 2016, however, began with a serious political deficit after the plebiscite carried out in October 2nd, 2016, asking the citizens’ approval of the agreement turned out to be negative by 50,000 votes (0.5 percent). Although a new agreement including concerns from the opposition was signed and then ratified in congress in November 2016, the government never recovered from the plebiscite’s blow and was not able to effectively advance with the agreement’s commitments, including those associated with the CRR. By mid-2018, two years and a half after the agreement was reached, most of the implementation items lagged behind, not least those linked with structural rural change.

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<sup>1</sup> Of FARC’s 11,345 members that by September 25, 2016 had demobilized, 8,322 were armed combatants and militia members and 2,971 were members in jail. In total, according to the UN Mission that monitored the ceasefire process, FARC turned in 8,112 weapons. See Oficina del Alto Comisionado para la Paz (2017)

From the standpoint of Santos' expected policy orientation in 2010, there has been an unusual and unexpected shift in rural development policy whereby issues like land distribution, agricultural supports to the peasantry and rural public goods have to come to the forefront of the agenda. Nonetheless, if measured against the parameters of the peace agreement and the significant expected changes within a transitional context, this policy shift has been rather gradual and limited. It has indeed achieved the insertion of previously neglected issues into the agenda and designed significant institutions and instruments with a distributive orientation. Yet this change is not either paradigmatic or irreversible, as its effective results in its implementation stage have been discontinuous, limited and weakened by other policy agendas not necessarily aligned with the peace agreement. To be sure, many of the policy changes carried out by the government in this period resulted either as a preparation for the post-agreement context or as a direct outgrowth of the agreement. Other changes, however, did not have anything to do with the peace talks' juncture and responded instead to sectoral demands. This puzzling picture is what I aim to explain in this thesis.

## **1.2 Thesis Contributions**

The thesis makes one theoretical and three empirical contributions. Its main theoretical contribution is to provide an analytical framework that helps to explain the extent to which a peace process with an agrarian component may succeed (or not) in making rural development policy more progressive (pro-poor and pro-distribution). A value-added of this framework is to connect agrarian political economy literature with peace accord implementation scholarship and institutional and policy change research. As described in Chapter 2, these literatures are not well-equipped by themselves to advance the understanding of the relationship between the international political economy, negotiated transitions, rural development policy and domestic political dynamics. By bringing them together in a single conversation, I argue that scholars of these fields will gain a richer understanding of these relationships, paying attention to long-term structural processes as well as to the exceptional circumstances taking place

during a post-conflict transition, and to micro policy processes. In this way, I propose a fruitful cross-referencing between these three strands of literatures that enables drawing the best insights of each of them to account for the interplay of the various forces at work surrounding the politics of rural development policy in a context of negotiated transitions.

More concretely, this framework introduces a set of causal factors that contain different analytical levels to provide a robust explanation for the policy outcome observed in Colombia, which may serve as a conceptual basis for examining other relevant cases. As outlined in the case selection section below, Colombia's case relates to a broader small-*N* universe of cases that have experienced negotiated transitions with an agrarian component built into it. The framework integrates structural-oriented with agency-oriented factors into a multi-causal explanation that accounts for global forces, the exceptional circumstances of peace processes and institutional and political constraints in enacting policy change.

Regarding global forces, the framework identifies the concrete mechanisms through which these tend to either enhance or hinder distributive policy change. By showing how global economic pressures and normative frames influence Colombian rural development policymaking in instances such as institutional arrangements, bills or budgeting, the thesis provides insights to critical and constructivist approaches within the International Political Economy literature

The framework also serves to highlight the exceptional context of peace negotiations. It does so, first by showing how they offer windows of opportunities to introduce issues in the negotiating agenda like rural development that could hardly be possible in other contexts. This is an important insight for the peacemaking literature, as I adapt Hall's (1989) framework of how ideas make their way through policy decisions to study the way in which the linkage between rural development and lasting peace was crucial for introducing the rural development item into Havana's negotiating agenda. The argument that a norm-based mechanism – namely securitization – triggered the inscription of substantive provisions in the agreement by the peace negotiators, rather than a mobilization from below, represents a new way of understanding how transitional contexts may enact policy change. I argue that key

carriers of these ideas in both government and FARC's delegations were instrumental for making them persuasive and institutionally viable during the negotiation. These carriers, who are concrete actors, serve to view the link between ideas on rural development and political decisions in specific historical circumstances.

The other point the thesis makes regarding the exceptional circumstances offered by peace settlements draws on Virginia Fortna's (2004) idea that agreements are not mere scraps of paper. While she argues that the "robustness" of an agreement's text may help ensure the durability of ceasefires and avoiding a return to war, I use this term to establish how substantive provisions like the ones included in the CRR may also have better chances of having an effective implementation if robustly drafted. I develop an analysis of the CRR's robustness disaggregating this concept into what I define as "comprehensiveness" and "specificity". These conceptual tools may be used in the peacemaking literature to examine substantive provisions found in other agreements.

Regarding institutional and political constraints, the framework makes an important contribution to the peace implementation literature unpacking the concept of "state capacity" to examine the various restrictions faced by the CRR in the implementation phase. It does so by exploring three key categories (bureaucracy, political arrangement and interest groups' access points) that help examining the state capacity at different analytical levels. Therefore, the framework enriches the theoretical understanding of the problems states face internally when implementing substantive peace provisions. The thesis highlights the role that competing agendas within central governments have in influencing a peace agreement's implementation, building on the literature that disaggregates the state into its component parts. Moreover, drawing on the literature of coalition rule, the thesis shows how a government's political arrangement may not be completely aligned with the president's peace policy. It also illuminates the conceptual understanding of how agribusiness lobbying worked in this transitional context, providing an analysis of how this sector had direct access points that influenced government decisions on the agreement's implementation. In addition, the framework also analyzes how the external political opposition further undermined the government's capacity by delegitimizing its mandate to advance on the peace process. Drawing on constructivist literature on negative framings, the thesis provides

analytical insights on the political dynamics surrounding contentious issues like a peace process during its early implementation period.

Empirically, the thesis makes three contributions related to the in-depth case study of Colombia's rural development policy change amid the peace talks. First, the thesis contributes to the empirical knowledge on Colombia's peace process, which is of current relevance for peacemaking around the world. It describes the political context that gave place to the peace negotiations, providing an analysis of the immediate domestic and international antecedents that favored the initiation of the peace dialogue. It reconstructs the way in which the agrarian item was included in the agenda, tracing in detail the FARC and government's conceptions on the issue, the domestic context that favored them and how both parties addressed it in the exploratory meeting in Havana. The thesis analyzes the content of the Comprehensive Rural Reform and it traces how the central government prepared itself institutionally for the implementation of the CRR.

A second empirical contribution of the thesis is advancing knowledge of Colombia's rural development policy. It traces its trajectory before, during and after the peace talks through a typology that helps understand its conceptual orientation, institutional processes and concrete results. As part of this analysis, the thesis identifies how global economic trends in the agricultural sector as well as global alternative norms have influenced the course of Colombia's rural development in the period 1990-2010, thus connecting global processes with domestic policymaking. Furthermore, it develops a methodology to analyze rural development policy change and highlights the policy variations between Uribe and Santos' administrations, comparing their emphasis and priorities thus helping to understand the continuities and discontinuities between both governments. The thesis provides ample empirical data, in terms of budget allocation, institutional arrangements, policy instruments and programming that is useful to examine rural development policy in both governments.

Third, the thesis provides an empirical analysis of the difficulties that the Colombian government has had in enforcing the substantive provisions on rural development agreed as part of the peace negotiation. This is an important contribution to the peace implementation research as it traces the various kinds of obstacles and

contradictions encountered by Santos' administration in the post-agreement period. Based on my direct experience working as a government advisor, the thesis reconstructs the different phases of the agreement implementation's institutional preparatory process led by the President Executive's Office between 2013 and 2016. This reconstruction allows viewing how problems of coordination between responsible politicians, loss of presidential agency and insufficient resources, among other aspects, affected the CRR's implementation. Beyond the bureaucracy, the thesis provides an empirical analysis of Santos' coalition rule, its evolution over time and its negative influence on the CRR's implementation. Similarly, it also describes the concrete forms through which the agribusiness sector lobbied for their economic interests undermining the CRR's transformative provisions on land distribution. Finally, the thesis describes Uribe's opposition to the peace process and its effects on the government's legitimacy and on the CRR's implementation.

### **1.3 Case Selection, Methodology and Positionality**

#### **Case Selection**

My own personal and professional experience has affected the way I think about social phenomena in general and about this research in particular. For almost seven years, I worked for the government of Colombia. Between 2011 and 2012 as policy advisor to the Ministry of Agriculture and Rural Development and then as advisor at the Office of the High Commissioner for Peace in two periods, between October 2012 and August 2013, and then again, on a part-time basis, between March 2015 and August 2017. Between August 2013 and March 2015, I went to Canada to undertake my PhD studies at the University of Waterloo. Given my role in government, I became heavily involved in the peace negotiations. First, by doing research on relevant national and international experiences and drafting policy briefs in support of the proposals the government presented at the negotiating table to FARC concerning the rural development item; later, by coordinating the institutional preparation process that the government followed to make the adjustments necessary for the agreement's implementation; finally, by being part of the joint commission in charge of the



implementation oversight during the first year of the post-agreement period. Due to this first-hand experience, which gave me insights into the policy process, I decided to choose Colombia as my case study for the analysis. This selection, however, is not free of epistemological and ethical questions as a researcher. I have tried to be as aware as possible of my own biases in carrying out this research, especially in terms of coming up with verifiable evidence for the arguments I present. Yet, the work is undoubtedly influenced by my own perception of the peace process. Still, this dissertation is by no means an autobiographical account of the process, but rather a political science study on rural development policy change and it should be judged in this way.

Leaving these personal considerations aside, there are methodological reasons to select Colombia for the single-case research, out of the small-*N* universe of developing countries that recently underwent negotiated transitions with an agrarian component as part of a peace agreement. An obvious setback for selecting Colombia has to do with the fact that the agreement's implementation process is at an early stage. Whereas by June 2018 Colombia was in its second year of implementation, all the other cases had already gone through an implementation period of at least ten years. This time frame allows making longitudinal analysis of the implementation's trajectory and having a holistic view of the various inflection points, periods of stagnation and reversals (Joshi, Quinn, and Regan 2015). I am fully aware of the limitations of analyzing a process in *media res* that does not offer the possibility of attaining retrospectively an overall picture of the course of events. Two methodological steps may help counteracting this limitation. One is drawing key insights from the trajectory of the other cases that might be useful in identifying ongoing trends and factors that help explain the still unfolding of events in Colombia. The other is making better use of the material available for my analysis. I do this by broadening the scope of the period analyzed so as to not focus only on the implementation period, which began in strict sense in December 2016, but also to account for the period previous to the negotiations (before 2012), as well as of the negotiation and institutional preparation periods themselves (2012 to 2016). Moreover, as the most recent peace agreement reached, almost one decade after the last one was struck, Colombia's case sheds new light into the role global economic

trends and norms play in transitional contexts and the difficulties of implementing a peace agreement in the current context of globalization.

Beyond its novelty, at least four features of the Colombian case make it relevant, as it will be explained below: it has the most comprehensive agreement of all, an adverse political environment for change to succeed, the most developed state at the moment of the agreement's signing, and an ambivalent policy outcome. Thus, it presents a combination of contradictory circumstances that turn it into a relevant case to identify the factors shaping rural development policy in transitional contexts.

### *Colombia's Peace Agreement Comprehensiveness*

The Peace Accords Matrix Implementation Dataset (PAM) is a time-series data developed by the Kroc Institute that comprises information on 34 peace agreements signed between 1989 and 2012 that allows a comparison of 51 distinct agreement "provisions" across countries and issue areas, and that recently developed a specific project on Colombia's 2016 agreement. The PAM defines a provision as a "goal-oriented reform or stipulation that is costly to one or both conflict actors and that falls under a relatively discrete policy domain (e.g. executive branch reform, police reform)" (Joshi, Quinn, and Regan 2015, pp. 554). The 724 coded provisions fall into six categories (ceasefire, institutions, security, rights, external arrangements and other arrangements). In the category of "other arrangements", there are provisions related to "economic and social development" and to "natural resource usage", both broadly associated with rural development policy reform. Based on this data, I drew a universe of five comprehensive peace agreements carried out in developing countries and containing provisions on rural development policy (see Table 1.1 below). To preserve unit homogeneity, the peace agreements selected are geared towards resolving "centralist" civil wars, in which the insurgents' goal is "to increase political participation or access the means by which to influence policy", as opposed to "regional" ones, wherein parties seek to achieve secession or self-governance (Bekoe 2008, pp. 6-7). Similarly, I also excluded peace agreements that included other states as signatory parties (e.g., Cambodia; United Kingdom) or fundamentally related with ethnic divisions. The claims made on rural development policy change in Colombia

may serve to examine these other type of cases. Nonetheless, to the extent that ethnic-based conflicts entail provisions aimed at solving identity divides and claims to territory, I consider that there are other factors at work in these cases different from the ones identified for Colombia.<sup>2</sup>

**Table 1.1. Relevant Universe of Peace Agreements with Rural Development Provisions**

Country	Peace Agreement	Date
Colombia	Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace	30 Nov 2016
El Salvador	Chapultepec Peace Agreement	16 Jan 1992
Guatemala	Accord for a Firm and Lasting Peace	29 Dec 1996
Nepal	Comprehensive Peace Agreement	21 Nov 2006
South Africa	Interim Constitution	17 Nov 1993

Source: Author's elaboration based on the PAM data.

Of these five agreements, Colombia's stands out as the most comprehensive of all and as the most robust on the specific issue area of rural development. Nearly three-hundred pages long, Colombia's agreement is the longest peace agreement produced in intrastate conflict (Bell 2016, p. 116). This has to do with the level of detail achieved in the specific agreements of the six issues addressed, which included significant "positive peace" measures that go beyond cease fire and disarmament and seek to tackle structural political, social and economic exclusion. Only in the issue area of rural development, the agreement contains 17 provisions and 93 specific stipulations or measures that further detail the content of these measures, as Table 1.2 shows (Kroc Institute 2017, pp. 73-74).

<sup>2</sup> I am not considering as part of my universe of cases Bangladesh's 1997 Chittagong Hill Tracts Peace Accord, Burundi's 2000 Arusha Peace and Reconciliation Agreement for Burundi, Cambodia's 1991 Framework for the Comprehensive Settlement of the Cambodia Conflict; Djibouti's 1994 Accord de paix et de la reconciliation nationale, India's 1993 Bodo Accord, Indonesia's 2005 MoU between Republic of Indonesia and Free Aceh Movement; Lebanon's 1989 Taif Accord; Liberia's 2003 Accra Peace Agreement; Mali's 1992 National Pact; Niger's 1995 Agreement between the Republic Niger Government and the ORA; Papua New Guinea's 2001 Bougainville Peace Agreement; Philippines' 1996 Mindanao Final Agreement; Senegal's 2004 General Peace Agreement between the Republic of Senegal and MFDC; United Kingdom's 1998 Good Friday Agreement.

**Table 1.2. Provisions in Colombia’s Peace Agreement Rural Development Issue Area**

<b>Theme</b>	<b>Provisions (according to the Peace Agreement)</b>	<b># of stipulations</b>
1 Land Access and Use Unutilized Land. Property Formalization. Agricultural Frontier and Protection of Protected Zones	1 Land Fund for Comprehensive Rural Reform	3
	2 Other measures for land access (subsidy, special purchase credit, beneficiaries, rights of use)	4
	3 Land titling of small and medium property	3
	4 Mechanisms to resolve land ownership and use disputes, new agrarian jurisdiction	4
	5 Multipurpose Land Cadaster System	5
	6 Closure of the agricultural frontier, land use, territorial planning, and environmental protection	3
	7 Campesino Reserve Zones (ZRC)	1
2 Territorial Development Programs (PDET)	8 Territorial Development Programs (PDET)	5
3 National Plans for Comprehensive Rural Reform	9 Road Infrastructure (Tertiary Roads)	2
	10 Irrigation Infrastructure	5
	11 Electricity and Internet Infrastructure	4
	12 Social Development: rural health	4
	13 Social Development: rural education	11
	14 Social Development: housing and potable water	4
	15 Agricultural supports: Promotion of the solidarity and cooperative economy. Technical assistance. Credit. Marketing	17
	16 Rural labor formalization and social security	12
	17 System to progressively guarantee the right to food	6
	<b>Total</b>	

Source: Author’s elaboration based on the PAM Colombia data.

In the other cases, as Table 1.3 indicates, peace agreements had fewer provisions on this issue area and were less specific. If combined, the other agreements’ total number of provisions associated with rural development is 56. Colombia’s high value on one of the research’s key dimensions of interest – the robustness of peace agreements – makes it an “extreme” case (Gerring 2006, pp. 101-105) from which it is possible to learn a great deal about the causal links and contextual factors involved in the relationship between peace agreements and rural development policy.

**Table 1.3. Provisions and Stipulations on Rural Development**

Country	Theme	Provision	# of Stipulations
El Salvador	1 The agrarian problem	Lands in excess of constitutional limit of 245 ha	1
		State-owned lands not currently in forestry reserve	1
		Lands offered for sale to the state	1
		Payments for land	1
		New legislation	1
	2 Lands within conflict zones	The land-tenure system in conflict zones	1
		Inventory of cases covered by the Agreement	1
		Establishment of a Special Commission	3
		Legalization of land tenure	1
	3 Agreement on occupied lands (July 3, 1991)	Payment for lands	1
		Respect for the agreement on occupied lands	1
	4 Loans to the agricultural sector and to micro- and small-scale enterprise	Loans to the sector as a whole	1
		Active involvement of target sectors	1
Technical assistance		1	
<b>Total</b>		International cooperation for the agricultural sector	1
<b>Total</b>			<b>17</b>
Nepal	1 Political - Economic - Social Transformation and Conflict Management	Common minimum program for socio-economic transformation to end all forms of feudalism	1
		Scientific land reform program by doing away with the feudal land ownership practice	1
	2 Economic and Social Rights	Land and socio-economic security	1
		Commitment to respect and guarantee the right to food security of all the people	1
<b>Total</b>			<b>4</b>
South Africa	1 Measures to facilitate socio-economic reconstruction and development	Land, its accessibility and use;	1
		The Public Protector, Human Rights Commission,	Restitution of Land Rights
	2 Commission on Gender Equality and Restitution of Land Rights	Commission on restitution of land Rights	2
		Court Orders	4
<b>Total</b>			<b>13</b>
Guatemala	1 Participatory Development	System of urban and rural development councils	1
		Regularization of land situation for rural housing	1
	3 Agrarian situation and rural development	Participation	1
		Access to land and productive resources	4
		Support structure	5
		Organization of the rural population for production	2
		Legal framework and juridicial security	3

Country	Theme	Provision	# of Stipulations
		Land register	1
		Labor protection	1
		Environmental protection	1
		Resources	2
	<b>Total</b>		<b>22</b>
<b>Total</b>			<b>56</b>

Source: Author's elaboration based on the PAM Colombia data.

### *Colombia's Highly Adverse Political Environment to Rural Change*

Of all the comparable cases, Colombia is the country that at the moment of the peace talks' beginning presented one of the most adverse political environment for rural policy change to succeed. Thus, it is a "hard" case methodologically relevant to assess whether there is any causal linkage between an exceptional transitional context and distinct rural policy outcomes.<sup>3</sup> This adverse environment in Colombia has to do, on one hand, with historical-long stability of the status quo outlook of rural policy. On the other hand, it also reflects a relatively low peasant mobilization prior to the peace talks. Although the other countries comparable to Colombia also featured uncompromising rural elites hostile to any distributive change, in Colombia these elites have proven to be highly effective in systematically blocking any attempt of substantial reform even within an existing democratic framework (Uribe López 2013). During Uribe's government between 2002 and 2010, rural elites were able to gain significant advantage in influencing policy outcomes. Santos' land restitution policy served to weaken the power and influence of landed elites linked to violent dispossession. Yet, this sector continued to have political power and policy influence over the course of the peace negotiations and the early implementation process, constraining the scope and nature of reform.

<sup>3</sup> Referring to Colombia as a "hard" case does not mean I am adopting a "crucial-case" (or "most difficult case") research design, as defined by Gerring (2006, pp. 118-122). My thesis is not aimed at confirming or disconfirming a particular theory, but rather at teasing out the interaction between the various factors identified. Nonetheless, by indicating that Colombia is a "hard" case to observe policy change, I am partially drawing on Levy's notion of the "Sinatra inference": "if it can make it here, it can make it anywhere" (quoted in Gerring, p. 119). Yet, as already explained, my case falls more into the "extreme-case" method, which even with its purely exploratory purpose is a productive way to identify possible causal linkages and additional factors affecting the outcome (Gerring 109).

Moreover, whereas in countries like El Salvador and South Africa there was a strong social mobilization that challenged the power of the elite and persuaded it to negotiate, in the case of Colombia the Havana peace talks did not result from pressures from below and, in fact, rural elites, especially agribusiness, remained strong when negotiations started. In other words, the Colombian case is also a hard case insofar the “mobilization from below” argument does not explain the inclusion of rural development provisions into the peace agreement nor any ensuing policy changes. There was indeed a growing rural social mobilization across the country that expressed itself especially in the 2013 agrarian strike, as explained in Chapter 5. Yet, unlike the other cases, the elites did not feel threatened by this social unrest. The “insurgent pathway” to reform that took place in other cases was not feasible in Colombia because these mobilizations did not have a strong link with FARC. At the time of the negotiations, the guerrilla group did not have the support of civil society and did not have either a favorable military balance of forces to pressure elites in making significant concessions.

### *Colombia’s “Most Developed” State*

Another reason why Colombia is analytically relevant is that its long-standing institutions rule out simplistic accounts that attribute poor implementation of substantive agreement provisions to a general lack of state capacity (e.g., DeRouen et al. 2010). At the time the agreement was reached, Colombia was, compared to the other cases of the universe defined, the country with the highest state capacity displaying indicators of a middle-income country (Table 1.4). In most of all the proxies commonly used to show state capacity (economic development, the central government’s economic capacity and political stability and rule of law), Colombia was above all of the other cases. In countries like El Salvador, Nepal or Guatemala, the simple absence of the state leaves no room for a more complex analysis of the political and economic dynamics surrounding policy change. In Colombia, meanwhile, state institutions (central government agencies, congress, courts) are, at least at the national level, relatively consolidated. Interestingly, they operate with multiple and contradictory goals, interests and stakeholders, and therefore the landscape becomes

richer for the analysis and lends itself to teasing out the enabling and hindering factors that influence rural development policy change in the transitional context of the Havana peace agreement.

**Table 1.4. State Capacity Indicators of Countries of Peace Agreements Selected**

Country	Year	Economic development	Government's economic capacity			Political stability and rule of law		
		GDP per capita Constant US\$2010	Tax revenue (% of GDP)	Expense (% of GDP)	Central government debt (% of GDP)	Government effectiveness score	Rule of law	Control of corruption
El Salvador	1992	2,336	NA	NA	NA	NA	NA	NA
Guatemala	1996	2,371	8,53	8,00	11,24	-0,45	-1,13	-0,86
Nepal	2006	513	8,78	NA	49,69	-0,91	-0,62	-0,69
South Africa	1993	5,424	21,78	31,95	43,78	NA	NA	NA
Colombia	2016	7,526	13,21	29,96	57,48	0,02	-0,32	-0,34

Source: Author's construction based on World Bank Open and World Bank Worldwide Governance Indicators.

### ***Colombia's Ambivalent Outcome in Achieving Rural Development Policy Change***

None of Guatemala, El Salvador, South Africa nor Nepal succeeded in fully enforcing during the implementation period the rural development provisions included in their respective agreements. In the best-case scenario, some measures were adopted to introduce certain changes in specific policies, like land acquisition or credit. However, all of these countries experienced various types of internal difficulties and external pressures that impeded making any substantial reform. Colombia's lack of significant advance in its early implementation stage of the Comprehensive Rural Reform does not seem to be an exception, but rather is following a normal pattern of a "negative" *outcome* in achieving effective rural development policy change as a result of a negotiated transition. However, and while it may be too early to have a better assessment of the overall results of the implementation process, in these first years progress has also been made in key areas where other countries failed to do so, as described in Chapter 4. For instance, it is not trivial that there has been the creation of three large rural development agencies geared towards the implementation of the agreement provisions on land titling and distribution, agricultural supports to small-farmers and the rural development programs with a territorial approach. There have been of course numerous obstacles and limitations as well (see Chapter 6). The



outcome thus far is more “negative” than “positive”, but overall it is still indeterminate. Methodologically, this “gray zone” outcome of the Colombian case is useful to move beyond the success/failure binary and to encompass the spectrum of potential outcomes with varying degrees and levels of distributive policy change, which in turn depend on multiple causal and contextual factors.

For all of these reasons, it is relevant to focus on Colombia’s peace agreement to examine the relationship between a negotiated transition and rural development policy change. In what follows, the methodology adopted for this analysis is described.

### **Methodology and Data**

My research lays within the qualitative tradition in social sciences aimed at reaching an explanation of a phenomenon by means of using a single case that serves to illustrate causal mechanisms at work in a wider number of small-*N* cases. My research does not attempt to draw universal conclusions, but rather to make an effort to produce historically-based and contingent knowledge. Still, I think it is possible to generate theory at a meso-level, which could be relevant beyond my case. Considering that the problem analyzed features a number of unknown variables and causal connections among these (Homer-Dixon 1999, pp. 169–170), the purpose of the research is to develop hypothesized causal relationships. In other words, it aims at contributing to developing a theory of a negotiated transition pathway towards rural development policy change (George and Bennett 2005). I draw the explanatory factors identified in my conceptual framework from the existing secondary literature and especially from a careful observation of the Colombian case in comparison to the other cases. My observation is based on the methods of “process tracing” (Gerring 2006) and “eventful analysis”, which serve to specify in detail the chain of events leading to each of the factors identified (Mahoney 1999, p. 1165).

The material used for my analysis draws from my in-depth knowledge of Colombia, the peace process and rural development policy. The primary data collection methods and sources used received ethics clearance by the Office of Research Ethics in January 2016. Specifically for this research, I carried out 21 formal semi-structured interviews (with government officials, rural development policy experts, FARC leadership’s

members, agribusiness entrepreneurs), and went over 110 institutional documents and 200 relevant press releases. The interviews provided information on the negotiation process of the CRR and on the process of translating this agreement into policy. They revealed in a very specific way the complexities, contradictions and ambivalences of government action, as well as the different existing perceptions and perspectives on how the CRR was understood. The documents and press releases were also important in providing background information on the historical context of rural development and the current debates on the peace process and rural development policy.

These primary sources were complemented with background information drawn from my five-year professional experience working as a government official as part of the Office of the High Commissioner for Peace, a role that allowed me gain an inside perspective of the peace talks and an everyday insight of the policy decision-making processes. Although I am still bound to the confidentiality clause I signed as a government official regarding, I believe the information I provide in this research does not violate this clause as it does not disclose confidential information and it is mainly geared towards understanding policy dynamics. Moreover, the secondary literature I gathered on Colombia, the politics of rural development elsewhere, peacemaking and institutional change was fundamental in helping me frame the argument on the Colombian case through a wider historical and comparative lens.

The conceptual framework I put forward in the dissertation was the result of a three-year process in which the information gathered led me to refine the initial questions and intuitions and these adjusted notions opened in turn new empirical directions and took me to inquire additional material. This constant back and forth between theory and empirics helped me viewing Colombia's rural development policy in the juncture of the peace talks in a much more complex way and to understand that I needed to come up with an explanation that did not fit easily within conventional perspectives of rural change. I had a puzzling outcome in front of me that was hard to describe theoretically. It was not clear to me for a long time how to reconcile analytically the development of an ambitious rural reform agreed as part of the peace talks – by a government that was at the outset simply termed as neoliberal – with the adoption of policy measures that were not in line with this reform but actually against

it. This contradictory evidence represented a significant challenge and was what I sought to explain by combining different strands of literature focused at different analytical levels.

An additional methodological difficulty I faced in building my argument was that the peace talks and the agreement's implementation were still underway during my research process. My arguments therefore evolved significantly in time between the start of 2015 and the middle of 2018, once I was able to gain a fuller view of the negotiation and early implementation processes, and more data became available on these. In 2015, although I was already aware of the internal and external constraints the government encountered to implement the CRR, I still considered there was potential for a major breakthrough in policy and for broad support of its implementation. By 2018, after the major political events surrounding the peace talks had taken place, especially the plebiscite and the presidential elections, the forces and factors hindering the CRR's implementation, had become much clearer and it was possible to build a stronger analysis on what had happened.

### **Positionality**

I have the conviction that Colombia urgently needs a structural rural reform. My direct encounter with the dire situation of rural dwellers has led me to strongly believe that such a reform carried out with the active involvement of peasants is the only real path towards sustainable peace. At the same time, their resilience, solidarity and hope for a better life is what guides my political and intellectual journey up to this date. The unsettling questions I had (and still have) on whether it will be possible to take advantage of this transitional context to enact this kind of reform led me to embark on this research project. In the seven-year period working in government, I ended up being in a unique viewpoint to observe, be part of and reflect on government dynamics and policy decision-making processes. Actively involved in the unfolding of events, during all that time I kept thinking how to translate into a theoretically informed research the ongoing developments related with the peace process.

I cannot abstract myself from what I lived through and experienced. There may be various taken-for-granted claims that derive from that context and background. Being

part of the state, as Bourdieu (2014) acutely explains, shapes the everyday “habitus”. The government official label I carried for so long, no doubt, limited my own perspective of things. My interaction with FARC and with civil society organizations was, for many years, filtered and bounded by my own position as a government official. My understanding of nature, of development, of political change was, as well, for many years, given by that bureaucratic worldview. The story I am telling is more a story of hallways and office rooms in Bogotá, than a story of on-the-ground action in rural territories where peasant communities actually create and develop their own destinies. I apologize for leaving out so many groups of people and ways of thinking. It is by no means my intention, although I am aware of the limitations of this research. Even if it is located within a very specific epistemological paradigm and focus (qualitative explanation in political science), this story is worth telling. It is my hope that it will contribute to a better understanding of rural reform politics amid peace processes and that it may be complemented and enriched by others working on and living in rural Colombia and elsewhere in the developing world.

#### **1.4 Research Boundaries**

Due to the theoretical questions explored, the gaps in the literature I seek to fill in and the empirical strategy followed, my research focused primarily on the institutional level of analysis, particularly that of the decision-making processes at the central level government in Havana and Bogotá. This decision of the research boundaries necessarily leaves out other types of analyses that are also relevant for discussing the rural policy implications of the peace agreement. I point out here five caveats that might be viewed as opportunities to complement the argument of the thesis in future research, as indicated in the conclusions in Chapter 8.

A first important caveat is that the research does not deal with local or regional variations of rural development policy and the implementation of the agreement provisions on the ground. In a country with a vast geographic area, with highly heterogeneous patterns of land tenure, agricultural forms of production, ethnic groups, state authority, presence of illegal armed actors, and social mobilization, among other crucial factors, any issue involving rural policies will necessarily have varying

outcomes across localities. In an early stage of the research project, I considered carrying out two regional case studies to complement the focus on the central level of government with a sub-national analysis. However, once the fieldwork began I decided to exclude the case studies because I became theoretically and methodologically inclined to take advantage of my unique vantage point to uncover the complex political dynamics at the national level during the negotiating and early stage of the implementation of the rural development item agreed in Havana.

A second caveat is that my research focuses only on the implementation of the Comprehensive Rural Reform (CRR). Hence, besides brief mentions it does not provide a carefully analysis of the other items included in the peace agreement, including those inextricably linked to the CRR, such as the coca crop substitution policy and the measures to promote citizenship participation in decision-making processes. Although I do point out the systemic nature of the peace agreement and the key issue linkages, I preferred to concentrate on the CRR only given that each item has its own specific trajectory, policy actors and rationale. In order to see a broader follow-up of the implementation, it is important to refer to the research that academic institutes and think tanks like the Fundación Ideas para la paz, the Kroc Institute and the Fundación Paz y Reconciliación are currently carrying out, monitoring the implementation of all of the agreement's items (Fundación Paz y Reconciliación 2018; Kroc Institute 2017; Garzón and Suárez 2018). In this same regard, the research does not focus either on the ways in which the CRR and the peace agreement on the whole were influenced by and affected ethnic minorities and gender issues, which are substantive and in of themselves deserve a specific research design and fieldwork.

Thirdly, even if it is geared towards examining the relationship between the CRR's provisions and rural development policy, the thesis does not develop an exhaustive analysis of agricultural or rural development policy and its connections with Colombia's broader economy. Chapter 4 focuses on three broad categories to study rural development policy change during Santos' administration. Yet, I do not carry out a deeper assessment, especially because recent reports and studies already covered that ground (Misión para la Transformación del Campo 2015; UNDP 2011; OECD 2015; Centro Nacional de Memoria Histórica 2016; Berry 2017). Moreover, a fourth

limitation of the research is that while the Colombian case is framed in comparative perspective, it does not develop an in-depth comparative analysis of the other relevant transitional contexts identified (Philippines, South Africa, El Salvador, Guatemala, Nepal).

A final issue that goes beyond my research's scope is doing an in-depth account of what happened during the negotiating phase. This historiographical kind of research is yet to be developed. While my experience inevitably influences my analysis, I prioritized developing an explanation over narrating all the circumstances and events that surrounded the peace talks. In this regard, it is worth mentioning that the government official memoirs will be available soon. In addition, the Colombian Brain Trust of the Institute for Integrated Transitions (IFIT) will publish in 2018 a book describing the debates that took place in each of the items of the negotiation based on the accounts of the government officials that attended to Havana (Bermúdez Forthcoming book). Alejandro Reyes, a government advisor on the rural development item, published two years ago a book in which he provides a well-informed account of the specific debates that took place on the item of rural development (Reyes 2013).

Having made clear the issues that the research does not include, it is relevant to briefly overview the argument and the thesis' structure.

## **1.5 Overview of the Argument and Thesis Structure**

Through a detailed analysis of three distinct moments of the Havana peace talks (before, during and after), the thesis examines the complex connections between the agreement on Comprehensive Rural Reform and Colombia's rural development policy. I explore whether the agreement fostered a distributive orientation in this policy in order to test the potential for a negotiated transition pathway to policy change. My overarching argument – developed in more detail in the next chapter – is that in Colombia the peace agreement did open a window of opportunity to enact rural development policy change, that furthered the already reformist agenda set forth by Santos early in his government. The CRR took to another level the reforms Santos had set forth early on in his government crystallizing a vision and specifying commitments that had a direct effect on policy. Yet, once the CRR was agreed, even though it

pushed forward distributive measures that moved policy away from the status quo, its implementation faced severe internal and external obstacles that limited its scope of change. This limited and ambivalent policy outcome was influenced by three broad factors. First, by a pre-existing regressive policy orientation, characterized by elite capture and a weak institutional sector, which was further reinforced by global economic trends that fostered the strengthening of the agribusiness sector in Colombia and undermined the peasantry's political and economic capacity. Secondly, by the exceptional context offered by the peace talks' juncture, which, despite these pre-existing forces, opened space for a distributive agenda, aided primarily by the government's reformist agenda promoted by Santos and global alternative norms promoting land access and supports to family agriculture. Thirdly, this ambivalent policy outcome was determined by the low government capacity to enforce the agreed measures that had to do with internal and external constraints. Internally, these were associated with bureaucratic lack of coordination, political pressures exerted by the government's coalition and ongoing agribusiness lobbying. Externally, these were related with the right-wing opposition that effectively undermined the governments and the peace process's legitimacy.

The thesis is structured in eight (8) chapters, including this introduction. Chapter 2 outlines my theoretical framework. First, the chapter surveys three strands of literature that are relevant to address the question of rural development policy change within negotiated transitions: critical agrarian explanations to rural reform, institutionalist theories on policy change, and peace settlement and implementation research. Despite each of these literatures' relevant contributions, I argue that each literature on its own fails to provide sufficient insights into the outcome in Colombia. Therefore, I propose a new framework that draws from various theoretical perspectives seeks to capture the complex political dynamics of rural policy reform under scenarios of peace negotiations. While this framework aims explicitly at explaining the outcome in Colombia, it may be useful to study outcomes in other relevant cases. In short, the framework considers three relevant factors that when taken together account for both short-term and long-term processes, and their interaction effects.

Chapter 3 provides a historical background for the overall argument. It does so, first, by providing a brief context of Colombia's rural inequality, a crucial feature of the country's political economy, and of its relationship with the FARC's origins and the armed conflict. Secondly, the chapter develops a detailed analysis of the immediate political antecedents leading up to the Havana peace talks. Here, I identify that the changes that took place between the end of the 1990s up until the late 2000s in the dynamics of the military confrontation between the government and FARC, especially the armed forces' surpassing FARC's capacity, played a key role in creating favorable conditions for the negotiations in Havana. I note that Juan Manuel Santos' arrival to power in 2010 and the shifts in FARC's leadership were also important factors leading up to the exploratory meetings in 2012. Furthermore, I describe relevant international factors that contributed positively in making the peace talks feasible. Particularly, I refer to the arrival of left-wing governments in Latin America and Obama's election in 2009, both of which opened space for a negotiated solution in the government's and FARC's sides.

After the historical background given in Chapter 3, Chapter 4 begins the analysis of rural development policy change in the context of the peace talks in Colombia based on the conceptual framework proposed. In order to do so, it first traces the global and regional forces (both material and ideational) that play a structural role in constraining and at the same time enabling the emergence of an alternative rural development policy agenda in Colombia as part of the peace talks. I argue that in an increasingly globalized agrifood system, the rising interest for land and primary commodities has exerted strong market pressure in developing countries like Colombia, which end up reinforcing the large-scale agricultural development model that goes against distributive efforts. Similarly, the growing importance of agribusiness, not only in land investments but also in downstream and upstream activities, further increases their lobbying power in policy-making, as governments tend to pay more attention to these giant firms' demands, undermining the already weak family agriculture sector both economically and politically. Agricultural trade liberalization and state reduction have been the two other structural factors that since the 1990s have defeated the efforts made by states to come up with more distributive, peasant-oriented policies. In the



chapter, I describe how these broader trends affected Colombia's agricultural policy in the period prior to the peace talks, 1990-2010. I argue, nonetheless, that at the same time and in reaction to these economic trends, global alternative norms promoting land access, family agriculture and food sovereignty have emerged in this period, creating policy space in Colombia to introduce marginalized issues or conceptions on rural development.

After doing the analysis of these broad trends, the chapter moves on towards a more specific comparison of Santos and Uribe's rural development policies. By examining three policy issues (land access, agricultural supports and public goods provision), I argue that whereas Uribe's administration reinforced the status quo trajectory of the policy, Santos' government, despite its political commitment to powerful economic groups and its liberal views, did alter the policy's trajectory introducing pro-peasant reformist measures. As it is observed in its discourse statements, policy outputs (legislative and budgetary) and concrete outcomes, Santos' government made a break from previous regressive measures and set forth a reformist rural agenda early on in his administration. The land restitution policy, the creation of new rural development central agencies and a renewed attention to invest in technical assistance to support family agriculture, illustrated this unexpected policy path. This policy shift towards a distributive orientation facilitated the onset of the peace negotiations and the discussion with FARC regarding how to include in the negotiating agenda a rural development item.

Chapter 5 moves the attention away from the pre-negotiation period and towards the context of the peace talks. It explains how, based on the favorable political context that led to the emergence of the peace negotiations described in Chapter 3, and the progressive policy initiatives advanced by Santos' since 2010 described in Chapter 4, the negotiating parties took advantage of this window of opportunity to include the item on comprehensive agrarian development as part of the negotiating agenda and to develop a robust agreement on it.

Regarding the exploratory meeting that took place before the formal talks in order to set the rules and agenda of the negotiations, I argue that its design, in terms of structure and procedure, allowed for effective decision-making in a very difficult

scenario in which parties lacked trust. Moreover, regarding specifically the rural development agenda item, I explore the way in which the normative frames and ideas that each of the negotiating parties developed on the issue were instrumental in making possible its inclusion as part of the agenda. Here, I draw on Hall's (1989) insights on the role of ideas in policymaking, to examine the persuasiveness as well as the political and institutional viability of the notion linking rural development with sustainable peace. This framing enabled key actors in each of the delegations to build a consensus on the need of incorporating the item into the agenda. In the case of the government's delegation, I point out the importance of the previous progressive rural agenda that was already set forth by Santos in informing and facilitating the inclusion of substantive rural development measures into the agenda.

In this chapter, I also analyze the CRR's robustness to explain how its comprehensiveness and specificity were definitive in strengthening this agreement's influence over policy decisions. In this sense, in line with what the peace accord implementation scholar Virginia Fortna (2004) has argued, I sustain that the text of the agreement itself is not merely "scraps of paper", but rather has a concrete effect in policy. First, through its discursive power, the CRR brought together previously separated issues pushed by rural organizations into a comprehensive agreement. Thus, condensing long-held progressive aspirations in a politically weighty document. Secondly, through its policy-oriented measures, it produced a distinct set of policy priorities that were due to the exceptional context of peacebuilding at least partially institutionalized by the government. These insights help to explain the CRR's capacity to modify the policymaking process of Santos' government, although it had its limitations and constraints.

Chapter 6, focused on the post-agreement period, shows how the CRR's implementation has been much more limited than what the negotiators in Havana expected, as the translation of the provision agreed into policy measures have experienced a range of internal difficulties within the government. The chapter unpacks the concept of state capacity by identifying three variables that allow viewing it more closely. First, it examines the lack of institutional coordination at the bureaucratic level, characterized by government agencies' competing agendas or non-

alignment with the peace mandate. Second, it explores the political pressures imposed on president Santos by the coalition parties, which undermined the CRR's distributive orientation at the level of the political regime. Third, it considers the continued lobbying by agribusiness sector that had direct meaningful access to policymaking.

Chapter 7 examines the external pressures that the CRR received. It traces the right-wing opposition that former president Álvaro Uribe mounted against Santos and the peace process. In order to protect the economic interests of landowners and consolidate his political power, Uribe effectively undermining the government and the peace process's legitimacy. The chapter analyzes the framings used by Uribe to mobilize public opinion against the peace process in its different moments, analyzing the political opportunities Uribe took advantage of as well as the organizational structure and tactics used to diffuse these framings amid a new global context of "post-truth" politics and social media. Taken together, the internal difficulties and external attacks deteriorated the government's capacity to implement the CRR. The prospects of the CRR's long-term implementation remain highly uncertain by mid-2018 in the face of a new government led by Uribe's candidate that won the elections in May.

Chapter 8 draws general conclusions of the thesis, reiterating the overall argument and pointing out the theoretical implications of the framework constructed based on the Colombian case for other cases. It also indicates relevant new research avenues opened by the current project.

## **Chapter 2. Building a Theory of a Negotiated Transition Pathway to Rural Development Policy Change**

### **2.1 Introduction**

Ambiguous political change is not easy to grapple with. Students of politics, often dealing with cases of either dramatic change (e.g. revolutions) or enduring stability (e.g. long-term authoritarian regimes), have come up with robust theories to explain a wide range of political and economic outcomes of change and non-change.<sup>4</sup> Puzzling cases like the one of Colombia, however, wherein a critical juncture such as the peace talks opens up an opportunity for rural distributive change but at the same time this change does not really come about as expected, are harder to account for (see for example Mahoney and Thelen 2010). This theoretical chapter introduces a framework that may be able to do so. As described in the introduction, the limited rural development policy change in the context of the peace talks is a puzzling political outcome requiring a satisfactory explanation. That is why here, first, I review key existing theories that may illuminate the understanding of this process, recognizing their value-added but also their limitations in fully making sense of the events. Secondly, drawing on the insights that these theories have already put forward, I lay out my own conceptual framework, which brings together structural, ideational and institutional factors that by themselves are insufficient to explain rural development policy dynamics in the transitional context of Colombia. Accounting for the drivers that have hindered and enabled policy change amid the peace accords in a comprehensive way, this framework may be useful to understand potential outcomes elsewhere and to further the knowledge on whether there may be a negotiated transition pathway toward structural rural reform.

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<sup>4</sup> Amongst the best classical examples of studies dealing with political change are Moore (1974), Skocpol (1979), Paige (1975). For examples of research dealing with non-change, refer to Mahoney (2001) and Helleiner (2014).

## **2.2 What Existing Theories Tell Us and Do Not Tell Us about the Puzzling Outcome in Colombia**

What would be the trajectory of rural development policy in Colombia if the Havana peace talks had not taken place? Would it be very different from the actual policy developments between 2010 and 2018? Without the peace process such a policy most probably would not have displayed the reformist bent it showed during the Santos administration. Although there were some indications of these reforms prior to the peace talks, the Havana's dialogue and the CRR helped deepen the policy space created for distributional concerns (e.g., land, public goods in marginal areas and agricultural supports to small-farmers). At the end of the day, however, even in the middle of this transitional context political restrictions have impeded any significant progress or moving away from the previously established policy parameters at the current juncture. How can these institutional and policy developments be theoretically understood? Existing theories on rural reform, peace agreement implementation and policy and institutional change, based respectively on critical agrarian political economy, peace research, and public policy and historical institutionalism literatures, provide important analytical insights to explain events in Colombia. Yet, all of them have limitations and drawbacks that impede attaining a full picture of the recent outcome. In what follows, I review their contributions and caveats before advancing the conceptual framework proposed that draws from them in a new way.

### **Critical Agrarian Explanations to Rural Reform**

Following Marxist scholars like Ellen Meiskins Wood (2002), it is possible to argue that the long-term expansion of capitalist social relations – especially what they entail in terms of the formal separation of the economic sphere from the political one – throughout the developing world constitutes the key driver of agrarian change. The processes of land commodification and labor market dependence determine the establishment of a property rights regime, which in turn crystallizes power relations between laborers and capitalists as the latter appropriate surplus labor from the former via making property the means of production. As capitalism expands globally, through

its uneven and combined development, extending its logic to all spheres of life, capitalists, increasingly linked to transnational accumulation processes, trigger a variety of domestic strategies to secure a legal and policy framework that is conducive to a further appropriation of wealth. Landed elites and agribusiness sectors thus seek to influence national regimes of property rights to accrue a larger control of and access to land and natural resources (Vergara-Camus and Kay 2017b). In this historical process, the peasantry is subject to class differentiation but also achieves in certain circumstances collective organization aimed at changing this power imbalance and thus challenging the formal separation of the economic and the political (Akram-Lodhi 2007).

Based on this understanding of capitalist expansion and class conflict, Marxists conceive the state as the “manager of the long-term interests of capital”, a locus of power that is never completely stabilized as it is constantly challenged by subordinated classes that seek to modify the hegemonic order (Vergara-Camus and Kay 2017a, p. 243). Regardless of the internal debates over the nature and relative autonomy of the state vis-à-vis social classes (e.g. Jessop 1990; Morton 2007a), scholars within this critical theoretical tradition allude to a shift in the balance of forces between competing classes to explain policy outcomes. Having social classes as their main unit of analysis, many critical agrarian political economy scholars attribute rural development distributive policy change to a broader alteration of the macropolitical structures (namely, state power) that is favorable of and politically dependent on the peasantry (De Janvry 1981; Paige 1975; Veltmeyer and Petras 2008; Petras and Veltmeyer 2002; Morton 2007b).

In this view, agrarian reforms in Latin America, past and recent, have occurred primarily where peasants have become an important political player such as in Bolivia in 1954 or Nicaragua in 1979. Although there is an important debate on the land reforms literature regarding the political sources of reforms, which as Albertus (2015) pointed out, have often resulted out of political changes from above, it is relevant to note that this critical perspective locating the source of rural policy change outside the state apparatus. In this sense, they conceptualize state action as a consequence of social forces from the ground up (Fox 1992:14). Insofar as state actors only react to external

pressures, due to the structural power of capital, dominant social classes are privileged over other classes in competition for command over policy. Therefore, as Borras (2007) observes, the activities of the state and policy elites are understood to be “dependent variables” that can be “predicted on the basis of an analysis of class and group formations in society or in the international arena” (p. 66). Following this kind of analysis, the causal mechanisms that need to be examined to empirically account for either policy change or non-change are social mobilization from below or elite policy capture (Sanderson 1984). Ultimately, though, this approach places a “premium” on the influence of pre-existing structures and institutions in the outcome of policy (Borras 2007, p. 66).

If the prospect for the emergence of a distributive policy is, according to Marxist-oriented theories, primarily dependent on macropolitical change, then it is not clear from their point of view how and why an alternative rural development agenda emerged in Colombia recently. No major sociopolitical change occurred. On the contrary, landed elites and agribusiness remained politically influential while the peasant movement stayed weak and fragmented. Marxist-oriented scholars in Colombia have argued that the attention the Santos government gave to rural development policy is not at all contradictory with neoliberal agricultural globalization, but rather well in line with it (Herrera-Jaramillo et al. 2016). According to these interpretations, the ultimate goal of his policy was improving land property rights to secure large-scale agricultural and energy investments and facilitate the development of an efficient and transparent land market. This goal was framed in a political discourse that – following Gramsci’s notion of universalizing via hegemony the particular capitalist interests (Morton 2007c) – emphasized in its narrative benefiting landless peasants and poor rural dwellers. In practice, these authors sustain, this policy coopted progressive discourses on land dispossession and family agriculture, partly motivated by the need of elites to disarm FARC. However, far from achieving a robust distribution of assets, this discourse served to further the elites’ concentration and accumulation of wealth in rural areas. The law drafted and approved by congress in 2016 to concede vast territories of state land to large agribusiness is the best example of this alignment of interests. These claims are highly persuasive. Especially in light of

the lack of significant progress shown by the rural development policy since the signing of the peace agreement. Nonetheless, due to their focus on class conflict, they remain analytically blind to key developments that occurred during the peace talks' juncture. For instance, they neglect the widespread consensus that emerged both in government and public opinion in 2013 on the desirability of carrying out an ambitious rural reform, and do not pay attention either to the structural commitments on land distribution included in the peace agreement nor to the various measures and bills that were passed in that period to strengthen the rural development institutional framework. These counterintuitive events require thus a different theoretical handling, one that allows accounting for the role of norms, administrative and legal arrangements and policy processes in enacting policy change.

To be sure, Marxist approaches provide essential insights for understanding the factors shaping recent rural development policy change in Colombia. First, by linking global economic trends – such as land-grabbing, trade liberalization, state deregulation, financialization or the concentration of the agrifood system, among others – to domestic processes of capital accumulation in the countryside, these approaches make clear that recent policy choices in Colombia have to be examined in the light of global economic structures that constrain and put a limit on state's measures and decisions. In this regard, it is not adequate to study domestic rural development policy isolated from these broader trends that have specific developments in the agrifood sector and general ones in the overall economy.

Secondly, critical approaches have advanced relevant conceptual and empirical contributions on the relationship between armed conflict and rural inequality (Gutiérrez Sanín 2015; Machado 2009). These have been useful to understand the power imbalances present in the Colombian rural landscape prior to the peace negotiation. Like in El Salvador, powerful interest groups actively continue to shape the outcome of the peace implementation. Without this kind of analyses, it is not possible to grasp how Colombia's political economy led to the emergence of large pockets of coca crops in rural peripheral areas, characterized by the lack of basic state services, alternative livelihoods and territorial control of illegal armed groups (Torres Bustamante 2011; Ramírez 2001). Moreover, a recent literature exploring the complex



linkages between violent land dispossession and neoliberal agricultural development policies has pointed out how peasants' livelihoods have been undermined not only through violent extra-economic mechanisms, but also through neoliberal measures favoring large-scale agribusiness (Ross 2003; Thomson 2011; Grajales 2011; Maher 2014; Nelson 2014; Uribe Kaffure 2014).

Thirdly, critical perspectives have also been very useful in making evident the way in which agribusiness elites pressure the state (e.g., government, congress) and develop their own strategies and discourse to justify their own actions and goals (Martínez 2016; Fuerte and Tacha 2016; Mojica 2015). These insights are crucial to trace empirically how the state, even in the context of a peace agreement, is not exempt from the capitalist pressures to enact policy in their favor and how it produces political decisions with skewed distributive consequences.

However, as mentioned, these approaches also have limitations in explaining the puzzling recent outcome in Colombia. I identify three major ones. First, critical analyses are usually not well equipped to deal with the role norms played during the juncture of the peace talks. Whereas in El Salvador, as Wood (2001) notes, there was a change in the balance of forces that led elites to negotiate with the guerrillas and to include rural reforms in the agreement, in Colombia there was not such a change in the context leading up to the Havana dialogue. In fact, as Chapter 3 illustrates, FARC had lost military strength and did not have wide popular support. Alternative explanations must be sought beyond the balance of forces story, at least to understand how the agrarian item became a central part of the negotiations. The class bias of policy still matters, especially to understand the restrictions faced by the implementation of the agreement's rural provisions. Yet, to account for this prior moment, attention must be placed to the way in which emerging global and domestic norms were useful in linking rural development to security and lasting peace. These norms and their carriers, as I describe in detail in Chapter 5, were definitive in the Santos administration's efforts to give back peasants' land rights and drafting an ambitious policy roadmap as part of the peace negotiations.

Secondly, critical approaches have yet to develop a more nuanced understanding of the political dynamics that surround peace negotiations and transitional contexts.

Peace settlements open windows for policy change without a shift in the balance of forces thus giving place to exceptional legal, political and economic mechanisms that need to be properly examined (Kaplan and Freeman 2015; Bell 2006).

Thirdly, there is a disregard by these approaches for micro policy and political processes, as well as for institutional arrangements. Neglecting what happens inside the state may obscure, for example, why Chávez' agrarian reform in Venezuela failed so dramatically after being endorsed enthusiastically by the rural poor (Purcell 2017). Similarly, not paying enough attention to issues of institutional coordination, agencies' and officials' motivations and intra-bloc political coalition dynamics reduces the understanding of Santos' policy. Without focusing on these issues, it is not possible to explain why Santos' land restitution policy was relatively successful, while measures related to family agriculture supports were not fully developed. As Albertus notes (2015), it is relevant to account for veto points constraining policy decisions in democratic governments. Still, albeit these limitations, critical agrarian political economy constitutes a fundamental part of my theoretical framework as it is described further on.

### **Institutionalist Theories Fill in Gap on Policy Change**

Institutionalist accounts of policy change which take seriously the role of norms and institutions are definitely strong candidates to fill in this gap. Heavily influenced by the Weberian-oriented scholarship that "brought the state back in" the social sciences in the 1980s (Evans, Rueschmeyer, and Skocpol 1985), institutionalists emphasize that "states do not simply blend into an array of elite-run institutions but stand out as autonomous, highly powerful organizations in their own right" (Migdal 2001, p.8). They see the state no longer as the "neutral broker among competing interests", but rather as an apparatus "capable of structuring the character and outcomes of group conflict" (Hall and Taylor 1996, p. 938). A state that, as Migdal (2001) acutely claims, is far from being monolithic as it is composed by a complex "ensemble of institutions" motivated by varying combinations of material and ideological goals that cooperate or compete with each other in their exercise of public authority (Fox 1992, p. 29). Despite the internal variations between the different kinds of institutionalist theories (historical,

sociological, rationalist), all of them share the concern of moving beyond class dynamics to explain national trajectories and policy outcomes. In order to do so, they study the impact of political institutions and relationships in places such as legislatures, civil society organizations, the bureaucracy, the electorate and the judiciary, among others (Hall and Taylor 1996, p. 938).

By assuming that the state is an independent actor, which possesses the autonomy and capacity to take decisions that may run counter to the interests of the dominant classes or groups in society, institutionalist perspectives study in detail the context and process of policy decision-making. Whether it is using a rationalist approach, a constructivist one or both, institutionalists trace the specific political circumstances, institutional settings, actors involved and their worldviews to identify how and why policies persist over time or change in a determined moment. For these theories, state agencies – that are not seen as a direct outgrowth of elite interests even though they are embedded in power relations (Mahoney 2001, p. 18) – may create political openings from above and shape under certain circumstances the direction and scope of policy. In studying agrarian reform and rural development policy they pay attention, for example, to the administrative and technical organization of central governments (Tai 1974) and to “policy elites” (Grindle and Thomas 1989; Thomas and Grindle 1990; Warriner 1969). State officials and agencies, in this view, may foster distributive reform based on their own values, strategies, procedures and interests regardless of the pressure that landed elites may impose on them. This does not mean that they do not recognize the constraints (political, economic, institutional) under which policy actors operate. Yet, as Sell and Prakash (2004:147) spell out, these approaches argue that “structures alone do not determine political outcomes” and emphasize the need to examine how key individuals, ideas or networks may change the power equation to influence policy outcomes through normative frames and strategies. In Larsson’s words (2012) “institutional change does not derive from massive exogenous shocks but rather from constant and frequently creative interactions between state elites and the social environments within which they operate” (pp. 148-149).

Two key insights of institutionalist theories have a direct bearing on my analysis of rural development policy change in Colombia. First, the role these theories give to

global and domestic norms and ideas in changing the course of policy action. Second, the focus on institutional constraints and veto points in contexts of democratic policymaking.

Influenced by the “ideational turn” in sociology, institutionalists have adopted to different degrees a constructivist approach to policy change whereby norms are seen to influence taken-for-granted cognitive templates for interpreting the world as well as patterns of behavior, affecting in turn modes of political action and policy choices (Hall and Taylor 1996, p. 940). As global governance scholars have shown, global norms shape domestic policy through various mechanisms, such as social learning (Hall 1993; Coleman, Skogstad, and Atkinson 1996; Keck and Sikkink 1998; Best 2012; Abdelal 2009; Babb 2013). Clapp (2017), for example, has shown how against the backdrop of the international norms around agricultural trade liberalization – which shaped domestic agricultural policies in the post-war period – have emerged recently alternative international norms on environmental sustainability and food sovereignty contesting the free trade paradigm in agrifood governance. These alternative global norms help to understand why in Latin America and Colombia, after a period of long-standing neoliberal agricultural policies, alternative policies emerged. The adoption of supports to family agriculture or legal measures to protect rural dwellers from land grabbing, which were unthinkable a few years ago, became in various countries of the region not only part of the political agenda but also institutionalized in government discourse, procedures and budgeting (Vergara-Camus and Kay 2017a). Global norms have the power thus to determine what is considered to be a “right” or “normal” policy. The process is far from being linear, as there are always multiple norms competing in becoming a “policy paradigm”. In this rivalry, ideas are relevant, but always in relation to the political support they receive in policy networks, institutions and organizations (Babb 2013). Without this analytical insight, it is not possible to understand properly the decisions that the Santos government took to push forward the land restitution measures. Documents like the UNDP’s 2011 Human Development Report focusing on rural development became crucial carriers of these global alternative norms into the national arena, opening the policy space for such reforms to

take place. If only class dynamics were considered, then this norm-based causal mechanism of policy change would be omitted.

Moreover, it is relevant not only to examine how emerging alternative global norms on the environment and food influenced the adoption of distributive rural development measures, but also how norms that emerged domestically shaped policy outcomes. In particular, it is worth noting how during the juncture of the peace negotiations, top officials involved in the government negotiation strategy made a discursive link between rural development and lasting peace, thus producing a common understanding within the decision-makers and then with FARC regarding the importance of this issue for the overall success of the dialogues. Using a constructivist approach to study Thailand's massive rural land titling, Larsson (2012) argues that this policy outcome was the result of Thai government officials' decisions to improve rural property rights in reaction to their perception of a national security threat. Similarly, it is essential to see the distributive turn of Santos' rural development policy as the result of the government negotiators' perception that rural reform was essential for lasting peace. This outcome, as it is described in Chapter 5, has to do more with the political narrative crafted by policy actors located in privileged decision-making positions during that juncture than with a change in the balance of forces. Securitization, understood as the norm-based mechanism that enabled through the construction of a discursive linkage between peace and rural development including substantive rural reforms into the peace negotiations, needs to be studied on its own right. This mechanism has enormous explanatory power, as it allows understanding why and how the government, in an unexpected way from a structuralist perspective, proposed to introduce such reforms as part of the peace talks with FARC.

This norm-based perspective is also helpful for understanding what happened after the signing of the accord. The internal adoption and translation of the rural development agreement into concrete policy measures encountered several difficulties and resistance within the government itself and, once FARC laid down its weapons in June 2017, it even lost policy relevance. Explaining the disconnection between the negotiation and the implementation phases within the government itself requires thus accounting not only for the organizational and operational difficulties that the

government's agencies faced in applying the measures agreed on the ground, which is of course relevant. It also demands paying attention to the ideational contradictions and misunderstandings of the various state actors involved in the implementation concerning what was agreed and how to put it in practice. A small team instructed by the President himself led the negotiation phase, maintaining throughout it a high level of command and control. By contrast, the implementation phase depended on a wide array of institutions (sectoral agencies, the national planning office, the finance ministry, among others) that filtered and interpreted the agreement's provisions according to their own views and procedures. Outside of the government, the political opposition effectively developed narratives and normative frames that undermined the government's legitimacy and the peace process, which are relevant to examine. Thus it is important to draw from institutional constructivist theory to conduct an adequate analysis of the difficulties of the post-agreement period. Material interests and pressures exerted by landed elites and the political opposition matter in constraining policy, but scripts, norms and ideas played a crucial role as well in shaping policy outcomes in this period.

A second insight of institutionalists that is key for understanding the political dynamics surrounding rural development policy change in Colombia comes from the rationalist institutionalist contribution on institutional constraints to policy reform. Albertus (2015), based on Tsebelis' veto players theory, explains why in democracies land reform hardly occurs. He argues that even in contexts where the executive power is willing to carry out such a reform, landed elites are often able to obstruct it either through the legislative and judiciary systems, or at the local level. The checks and balances of democratic regimes offer a great number of instances and mechanisms to resist legally the administrative measures put in place by a reformist central government (not to mention the violent resistance that is also often used by landed elites, as observed by Gutiérrez Sanín and Vargas (2017) in the case of Colombia).

This kind of institutionalist analysis emphasizes the need for paying attention to the organizational structure of the state and the way it affects the policy process during a specific historical juncture. From this point of view, the institutions and actors directly involved in this policy process make a difference. Studying their motivations,

decisions, procedures and discourse is crucial for answering how policy outcomes are produced. As mentioned before, critical approaches are not well equipped for this type of assessment, which is essential for recognizing the obstacles, limitations and contradictions of rural development policy change in Colombia. Within Santos' political regime, as it is described in Chapter 6, internal constraints emerged out of the president's coalition. Scholars on Colombia's political system (Ocampo, 2014; Hartlyn 1988) have studied how clientelistic politics between the executive and Congress determines policy decisions across issue areas. In the agricultural sector, for example, it is important to analyze in detail Santos' decision throughout his administration to maintain the Ministry of Agriculture as a stronghold of his key political allies, first the Conservative Party and then the U Party, to understand how this decision had an impact on the implementation of the distributive measures agreed upon in Havana.

Despite their significant contributions to understand the puzzling policy outcome in Colombia, institutionalist theories are insufficient in by themselves to account for the specific dynamics of policy decisions under the circumstances of the transitional context in Colombia to which I turn now.

### **Explaining Peace Settlements and Negotiated Transitions**

Social and economic commitments that result out of peace settlements are not well understood if they are simply treated as sectoral ordinary policies because they emerge out of a political negotiation to end civil war that comes with what are hoped to be binding legal mechanisms tied to specific political procedures of fulfillment. Therefore, studying policy shifts associated with provisions included in a peace agreement – such as those comprised in the Comprehensive Rural Reform agreed in Havana – must bear in mind that these are part of an overall exceptional transitional context, and not just sectoral reform. Properly accounting for policy outcomes in this context requires thus engaging with the theories and analytical concepts that best describe the specificity of peace agreement's dynamics. Peacemaking theories cover a wide spectrum of scholarly fields, ranging from international law to political anthropology. These theories have a different set of questions and starting points from the critical or institutionalist theories of rural development policy change described previously. They focus broadly on three

kinds of research: explaining what peace agreements are legally; why warring parties in a civil conflict are able to reach an agreement; and how this agreement is enforced during its implementation phase (Stedman, Rothschild, and Cousens 2002; Hampson 1996; Fortna 2004; Kriesberg 1998; Bekoe 2008). Precisely due to their specialized reflections on the nature and effects of peace settlements, these theories provide an analytical perspective that fills the others' gaps on the exceptional legal mechanisms and political window that peace processes and the resulting agreements activate.

According to international law scholar Christine Bell (2006, p. 373), since 1990 there has been a proliferation of peace agreements. Half of the civil wars in this period ended in peace agreements, whereas in the previous two centuries only one in five resulted in a negotiated settlement. These agreements amount to over three hundred peace settlements in more than 40 jurisdictions. With this increase of peace agreements, international multilateral bodies have developed standards to regulate these processes. The United Nations has drafted a wide variety of resolutions, guidelines and recommendations addressing both the procedural aspect of peace agreements as well as their substance, for example, in issues such as human rights abuses (Ratner 1995). The rising practice of peace agreements between state and nonstate actors (e.g. guerrilla groups) has led recently to a rich discussion about their definition and legal status in international law. Providing an exhaustive review of this legal discussion is beyond my scope here. Yet, it is relevant to point out, first, what that the term "peace agreement" refers to, and, secondly, to describe how the Havana peace agreement became constitutionally adopted in Colombia, in order to indicate its implications for the implementation of the social and economic provisions on rural development embedded in it.

Following Bell (2006), the term "peace agreement" is in practice associated with three types of legal-like documents resulting out of different stages of intrastate conflict negotiations. The first type are pre-negotiation agreements. Often termed "talk about talks", these agreements – usually following a period of secret talks in which each party assesses to the other's willingness to negotiate – cement the parties' joint commitment to carry out future conversations. Either written or oral, such initial political pacts set out the conditions for and parameters of formal negotiations, establishing the



objectives, agenda and general procedures and rules of the negotiation.<sup>5</sup> The second type of agreements, known as Framework or substantive agreements, are of the three the ones that most clearly deserve the term “peace agreement”. Just like the Final Agreement signed by the Colombian government and FARC in November 2016, these documents encompass not only provisions for putting an end to military violence (disarmament, demobilization, reintegration of ex combatants). They also include other provisions aimed at addressing holistically root causes of the conflict and setting forth transitional institutions dealing with legacies of human rights violations or political exclusion. Although they vary in form and content, these comprehensive agreements, as Joshi et al. (2015, p. 552) define them,<sup>6</sup> often reflect two kinds of negotiation processes. One that works its way towards having one single framework agreement with lengthy provisions, such as the Belfast Agreement or the South African Interim Constitution. In the other, negotiating parties seek to reach consensus issue by issue through a set of separate agreements that are brought together at the end into a single comprehensive final agreement, like those of Guatemala, El Salvador, Burundi and Colombia (Bell 2006:378).

The third type of agreement is associated with “implementation or renegotiation agreements, which may be in turn classified into two. One that develops in detail aspects of previous documents not sufficiently specific, like the Israeli-Palestinian Interim Agreement (Oslo II) that filled out and partially implemented the framework in

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<sup>5</sup> Examples of these pre-negotiation agreements include the Downing Street Declaration, issued in 1993 at an early state of the Northern Ireland peace process by the British and Irish governments in response to secret negotiations; the Harare Declaration, promulgated by the Organization of African Unity in 1989, which set out the conditions for multiparty talks in South Africa and formed the basis of the secret talks between Nelson Mandela and President F.W de Klerk; the Tashkent Declaration on Afghanistan made public in 1999 by the “six plus two” group (four bordering states, the Russian Federation, and the United States) aimed at building a context for talks (Bell 2006, pp. 376–377). In the case of the recent Colombian peace process, this pre-negotiation agreement was translated into the “General Agreement” signed by the Colombian government and FARC in August 26, 2012 as the result of the exploratory meetings held in Havana during the first half of 2012. I will refer in detail to this initial phase of the negotiation in Chapter 5.

<sup>6</sup> These researchers define “comprehensive peace agreement” considering two dimensions: the involvement of major parties to the conflict in the negotiations and the inclusion in the negotiations of substantive issues underlying the dispute. A “major party” is understood as an actor with “sufficient mobilizational capacity and influence to alter the outcome of a peace process”. The authors define “substantive issues” as the “issues underlying the dispute and representing the main areas of contention between the warring parties”. Based on this definition, the authors identify 34 comprehensive peace agreements between 1989 and 2012 (Joshi, Quinn, and Regan 2015:552–553).

Oslo I. The other that involves a new round of negotiations to include previously excluded parties, like the St Andrews Agreement reached in October 2006 between the British and Irish governments and Northern Ireland's political parties including the Democratic Unionist Party, which in 1998 opposed to being part of the Good Friday Agreement. Although accounting for these three types of "peace agreements" is relevant, drawing on Bell's argument (2006) I focus my analysis on the legal and political exceptional nature of peace agreements based only on the second type, the framework or comprehensive peace agreements.

Framework agreements, according to Bell, are law-like texts that have both a substantive and a procedural component built into them. Their legal-looking structure and legal-type language reflects the parties' need for reassurance of the other's obligations to be compelled to make commitments of their own. However, as Bell (2006, p. 378) also observes, they do not fit easily within either national or international legal categories – whether that is treaty, international agreement or constitution – due to the presence of nonstate actors as signatories. The Vienna Convention on the Law of Treaties, for example, defines in Article 2 a treaty as an "international agreement concluded between states in written form and governed by international law [...]" (United Nations 1969 Art. 2). In some peace agreements – like the General Framework for Peace in Bosnia and Herzegovina – this article may serve as a legal basis to constitute a treaty between intrastate parties that, while not initially defined as separate states, attained that status during the time the accord was reached. However, this is not often the case. Most intrastate peace agreements seem to fall outside this strict definition of treaty, which excludes nonstate parties from international law. Still, aware of this omission, the Convention itself partially resolved it in Article 3 indicating that agreements between states and "other subjects of international law" could also be legally binding (United Nations 1969 Art. 3). The problem, nonetheless, is the gray area left by the Convention regarding who can claim the status of being a "subject of international law" (Rosenne 1989). In recent decades, though, armed opposition groups have justified their inclusion in peace agreements drawing from existing provisions in humanitarian law that, based on the Geneva Conventions of 1949, recognize them as conflict actors that may be subject of

international law (Moir 2002; Cassese 1981; Zegveld 2002).<sup>7</sup> Now, even when nonstate parties are recognized as signatories in peace agreements, it is not clear whether these documents are legally binding, both at the national and international levels (Cassese 2004; cf. Kooijmans 1998; Higgins 1994). This ambiguity has serious implications for an agreement's enforcement in law, as compliance –at least in the international sphere – is usually associated with the extent to which the obligation is legally binding (Shelton 2000). Still, internal peace agreements may be examined in a different light, as they do not have the same purport as an international agreement.

Drawing on Abbott et al. et al. (2000), Bell adapts and applies the notion of “legalization” to peace agreements, exploring the legal form, nature and delegation of enforcement to third parties to reveal their distinct features. Formalized agreements raise the reputation costs of noncompliance. In the context of peace agreements, Bell recognizes that “parties take their obligations more seriously when they believe them to be legal” (Bell 2006, p. 373; see also Watson 2000). A binding legal agreement is meaningful to nonstate actors who achieved by it a new status and legitimacy. States, for their part, although they often resist conceding formal legal status to peace agreements, may also have reasons to do so as it strengthens their interest in making nonstate actors abide by the obligations to which they have committed themselves (Wedgenwood 1999). Moreover, the positive law status of peace agreements, in which international or domestic courts become examiners of the agreement's enforcement through constitutional and legislative adjudication, is important for securing its implementation. This judicial oversight may raise even further the costs of noncompliance for state actors.

Three direct consequences derive from viewing peace agreements as constituting a new distinctive legal regime (*lex pacificatoria*) for my empirical and theoretical understanding of rural development policy change in Colombia amid the peace talks. One is that the unique legal status of the agreement also applies to the sectoral

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<sup>7</sup> Agreements such as those in Angola (between the government and UNITA), Burundi (between the government, armed opposition groups, and political parties), Guatemala (between the governments and the Unidad Revolucionaria Nacional Guatemalteca), El Salvador (between the government and the Frente Farabundo Martí para la Liberación Nacional), and Colombia (between the government and the FARC) fulfill these criteria.

provisions on rural reform agreed in Havana. In Colombia, the peace agreement – not legally binding by itself – was legally adopted through a constitutional amendment approved in Congress in 2017 and then declared acceptable by the Constitutional Court. It has thereafter become a state commitment that goes beyond the current administration’s agenda. This of course does not shield the agreement from political dissent or the lack of state’s compliance. Yet it raises the reputation costs in a country where legal forms and procedures are highly valued, and establishes long-term commitments that must go beyond the current administration’s willingness. Long-term developmental goals like land distribution and investment in family agriculture are hard to achieve. Yet, the fact that these became part of a binding agreement makes it relevant to study carefully what these substantial commitments were and how they were drafted.

The second consequence is that the agreement produces its own implementation mechanisms that are of exceptional nature, like extraordinary law-making, planning and budgeting faculties. These procedures and mechanisms need to be studied in their own right and in relationship to the ordinary institutional structure.

Third, the agreement is part of a larger peace process that triggers a political dynamic that is different from ordinary politics. This context is fertile to the emergence of alternative voices and norms in specific issue areas like rural development, although it is also subject to broader political contention regarding the agreement’s legitimacy. In this regard, rural development policy change must be seen as part of a transition, something that neither critical nor institutionalist approaches deal with in detail. For Kaplan and Freeman (2015), transitions may “make possible that which would have been previously unimaginable,” as they tackle key root causes crucial issues and create an exceptional window of opportunity for change. At the same time, though, this policy area should be seen as tied up to the wider political discussions regarding the agreement’s developments and mechanisms. The growing opposition against the agreement in issues like the sanctions regime established for perpetrators or political participation of guerrilla commanders investigated for committing grave human rights violations became linked, in a systemic way, to specific policy issues in rural

development. These dynamics and interactions need to be historically studied in concrete moments like the political campaign of 2014 and the plebiscite of 2016.

Still, this literature on peace agreements requires a political economy and institutionalist lens to understand the broader trends that affect the agreement's implementation. Although the peace implementation literature has developed a comparative understanding of how specific agreement provisions take different implementation paths over time, so far it has centered its theorization efforts on issues directly linked to the end of conflict and less on the implementation of social and economic reforms. Analyzing in a more systematic way the implementation of substantive agreement issues, such as agrarian and rural development, requires bringing structuralist and institutionalist accounts into the analysis that help better understand the trajectory of sectoral policy as well as the institutional and market restrictions faced by the implementation process in the post-conflict scenario. Having in mind the insights and limitations of each of these literatures, I move on now to provide my own conceptual framework.

### **2.3 A Comprehensive Explanation of Rural Development Policy Change**

Considering the existing theories' limitations to deal with the puzzling developments in Colombia, I propose that an explanation that draws elements from each of them heightens the understanding of the political and economic circumstances surrounding rural development policy reform under scenarios of negotiated transitions. Broadly, the contributions of these literatures to my framework may be divided in three aspects. The norms literature is useful to help understand why Santos' administration veered toward a progressive rural policy in the first place (and away from the status quo), advancing land restitution measures for instance. For its part, the institutionalist literature is useful to explain why the CRR has been only partially implemented and why certain parts of it managed to move ahead and others were blocked along the way within the government itself or by the opposition. The critical agrarian political economy literature helps in turn explaining how structural economic forces and rural elites ended up constraining significantly the implementation of the CRR. By means of

analyzing the Colombian case, I suggest a framework that identifies multiple causal and contextual factors shaping rural development policy. This framework thus seeks to serve as a useful conceptual tool to explore whether there might be a *negotiated transition pathway* to rural development policy change.

A key assumption of this framework is that it is essential to capture both short-term, emergent processes and long-term, structural tendencies and how they interact with each other in a particular historical juncture. In this regard, before explaining the framework, I deem relevant advancing three broad theoretical points.

First, following Vergara-Camus and Kay (2017a), I view the state, and therefore the policymaking process that takes place within it, as a “contradictory space of conflicts of interests where actors deploy their strategies at multiple levels”, considering both material and ideational pressures that “convince or force political authorities into taking certain decisions” (p. 243).

Second, a negotiated transition creates exceptional conditions to foster policy change. A peace process may be understood as a “critical juncture” in which “usual constraints on action are lifted or eased” (Capoccia and Kelemen 2007, quoted in Mahoney and Thelen 2010, p. 7) producing a distinct political playing field. Nonetheless, as the Colombian case illustrates, the effect of this transitional context varies across issue areas. Issues directly linked to the end of conflict (e.g., ceasefire and disarmament) undergo a relatively effective and rapid implementation process. In contrast, issues associated with long-standing substantive issues – such as social and economic development, political inclusion and victims’ rights – do not have a straightforward implementation process.

Third, examining the outcome of any substantive issue like rural development policy requires accounting for pre-existing structural trends and forces that shape the way and extent to which the agreed measures are incorporated during the implementation period through an ordinary policymaking process. In viewing how long-term political and economic trends overlap with the short-term dynamics resulting from the “peace moment”, I attempt to convey two contradictory forces. On one hand, the lasting influence of powerful interests in policy outcomes. On the other, the way that political actors (e.g., landed elites, state officials, peasant organizations) shift their

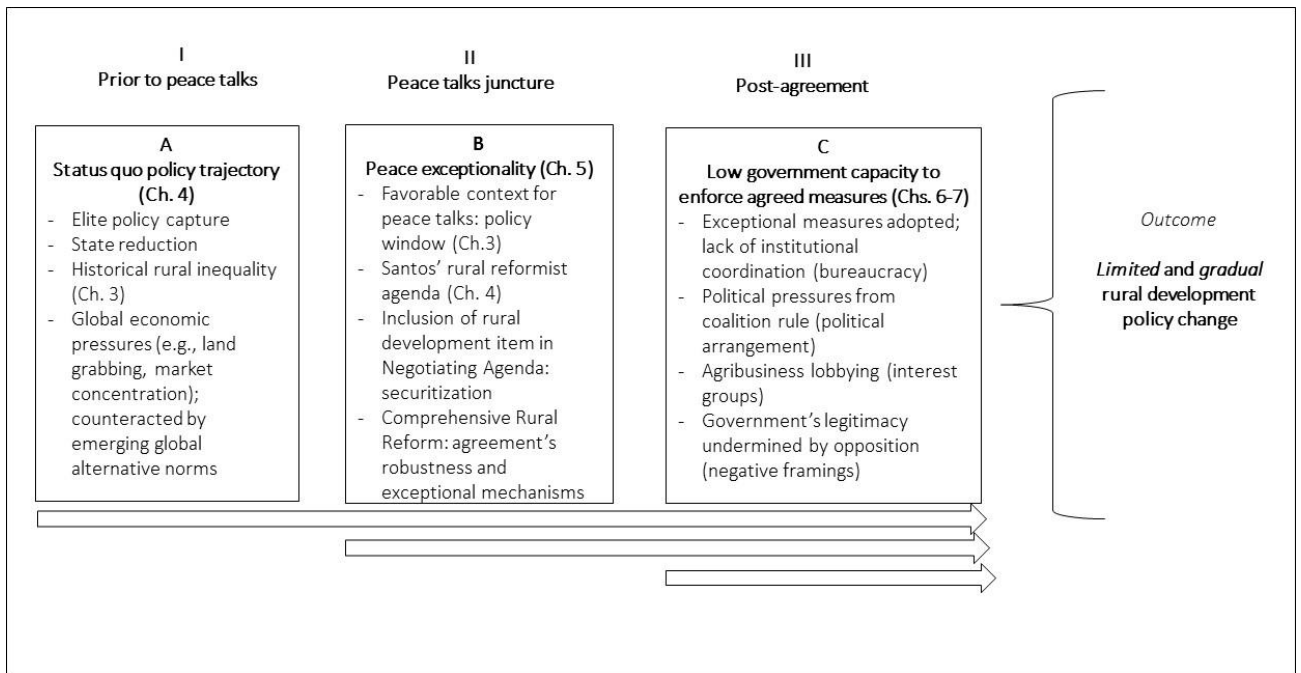
behavior and strategies in function of the changing circumstances (e.g., before, during and after the peace agreement was reached) to increase their ability to achieve their goals and exert influence over the course of events.

### **The Framework's Explanatory Factors**

My conceptual framework is sketched in Figure 1.1. Here I bring into a single picture three major factors that capture apparently separate political, economic and institutional processes occurring at different moments – before, during and after the peace talks – and different analytical levels (macro, meso and micro) to explain the outcome of Colombia's *limited and gradual limited rural development policy change* amid the context of the peace talks. For the purposes of this study, I define *rural development policy change* as an ideational and material shift occurring during the period of Santos government (2010-2018) at the national level geared towards benefiting the rural poor and more specifically small producers. In other words, I am interested in analyzing the *direction* of policy change, that is, the extent to which policy change goes along with an increase or decrease of the government's commitment to benefit this target group (Bauer and Knill 2014). This focus on directionality, as Howlett and Cashore (2009, p. 41) point out, is useful to understand whether the policy developments observed are moving away from the status quo (cumulative change) or correspond to the existing policy equilibrium.

Epistemologically, the framework draws on Mahoney, Kimball and Koivu's (2008, pp. 124-126) considerations regarding the role that multi-causal explanations (INUS causes) may have in explaining particular historical outcomes. The INUS acronym stands for: "an insufficient but necessary part of a condition which is itself unnecessary but sufficient for the result" (Mackie 1965 quoted in Mahoney, Kimball, and Koivu 2008, p. 125). Each of the individual causal factors identified in my framework are neither necessary nor sufficient; rather, they are part of an overall combination that is sufficient for the outcome. In this combinative causality, I broadly point to pre-existing power structures, emerging norms during the peace talks' juncture and institutional arrangements.

**Figure 2.1. Conceptual Framework**



The first factor of the framework points to the *status quo trajectory* embedded in rural development policy decades before the peace talks, thus heavily constraining the shift towards a more distributive orientation. The arrival of Santos to power and the emergence of the peace talks, however, opened a window of opportunity for policy change due to the circumstances offered by the transitional context. Hence, the second factor refers to the *peace exceptionality* that, informed by Santos' early rural reformist agenda, led to including the rural development item into the peace agenda, the robust drafting of the CRR and its influence on policy decisions. Finally, the third factor, focused on the post-agreement moment, alludes to the *low government capacity* in adopting and enforcing the agreed measures. This low capacity has do with internal difficulties and contradictions as well as with the strong sociopolitical opposition against the agreement during that juncture. All of these factors interact with each other either enhancing or hindering the distributive policy shift. Factors one and three (status quo trajectory and low government capacity) have a status quo-oriented direction, while factor two (peace exceptionality) has a distributive-oriented direction. This means that while the former favor a negative outcome, the latter favors a positive outcome. When analyzed together – as if they were vectors with distinct relative



intensities and directions, as Mahoney, Kimball and Koivu (2008, p. 12) suggest – it is understood why the outcome of the policy shift was limited and ambivalent, instead of being radical or completely static. Still, overall, breaking down the explanation into these different analytical factors it is possible to identify how pre-existing economic pressures coupled with the government’s clientelistic source of political governance and the extreme right opposition end up weighing more than the exceptional circumstances offered by the peace agreement.

Before elaborating on each of these factors, a brief epistemological comment on the framework is needed. Following Mahoney and Snyder’s (1999) discussion on the transition and regime change literature, my framework seeks to integrate different levels of analysis into a single explanatory approach. When building this kind of framework, scholars tend to privilege either macro-level or micro-level variables depending on their theoretical preferences (Alexander et al. 1987 quoted in Mahoney and Snyder 1999, p. 9). Following Mahoney and Snyder’s (1999) terms, “structural approaches” usually adopt macro-structural (e.g., world-system position, degree of national economic development) or domestic-structural variables (e.g., classes). “Voluntarist approaches”, for their part, use instead micro-level variables comprising social group (e.g., military factions, social movements) and leadership (e.g., government or party leaders) levels. As discussed earlier in this chapter, these authors also assert that while structural approaches deny the autonomous causal role of micro-level factors, voluntarist perspectives consider these as the only variables necessary to explain change. An integrative approach, therefore, should seek in its multi-level explanation to combine subjective actors and objective conditions as primary causal variables and to focus on proximate as well as remote factors that include domestic and international variables. My own framework draws from this recommendation as it brings together in a single multi-level explanation micro-, meso- and macro-level variables.

Mahoney and Snyder (1999, p. 11) indicate three strategies often used by researchers to integrate the various levels of analysis into a single framework (“the funnel”, “the path-dependent” and “the eclectic” strategies) and discuss the advantages and disadvantages of each of them. Selecting either one ultimately depends on deciding

how to solve the tradeoff between adopting a more parsimonious framework that will inevitably privilege one type of variable over others or one that is more eclectic with the risk of saying that “everything matters”. In my case, I opted for sacrificing parsimony in the effort to combine various factors without which it is not possible to understand the outcome observed. Still, for each of the factors identified I define their direction, intensity, contextual variables and hypothesized causal mechanisms.

The problem with this integrative approach is assessing the relative weight of the causal factors and ensuring that there are mechanisms that link the macro-level variables with the micro-level ones. (Wendt 1991 quoted in Mahoney and Snyder 1999, p. 25). In order to solve this problem, I draw elements as well from the integrative approach Mahoney and Snyder propose (“the resource model”). According to it, “structures” limit agency “not by obstructing, but by making available a finite repertoire of tools for action” (p. 25). A repertoire that, importantly, “actors can potentially modify and improve” (p. 25). In this understanding, structures do not determine human agency. They rather operate as “environments that delimit the range of possible actions without determining action”. From this perspective, “people act through structures, rather than structures through people”. Therefore, human agency is conceived in a reflexive way, meaning that actors “self-consciously deploy structural resources and modify their behavior in response to changing situations” (p. 25). In my own framework, I show how structural factors like global economic forces translate into concrete political processes in the context of the implementation of the CRR, such as the direct lobbying exercised by agribusiness at the president’s office. Likewise, I also show how political actors, like Álvaro Uribe, adapted their own actions based on the new context of the peace talks, consolidating his political power by centering his opposition on the peace process and the government’s legitimacy. As mentioned before, when examining the relative importance of the different factors and variables analyzed to explain the outcome observed, I consider that the status quo trajectory and the low government capacity outweigh the peace exceptionality factor, although this factor is crucial to explain why there was a substantive shift in policy to begin with.

### *Status Quo Policy Trajectory*

Drawing on the contributions of critical agrarian scholars discussed before, a key factor that explains the limited rural development policy change in Colombia, even in the context of the peace talks, is the pre-existing status quo policy trajectory. That is, the policy's regressive outlook, which since the 1970s privileged landed elites and agribusiness sectors over the peasantry in its orientation and supports. This structural feature of this policy area relates historically to the long-standing rural inequality that has characterized Colombia since the nineteenth century, as described in Chapter 3. Also, more recently, it is related with global economic processes of capitalist expansion indicated in Chapter 4, such as land grabbing, trade liberalization and concentration of the agrifood chain, that have further aggravated the domestic power imbalances. These pressures have translated into a loss of public expenditure in agriculture and a larger policy capture by interest groups. The direct bearing of these trends on policy are that they constrain the choices made by government decision-makers due to the lobbying exercised by large agricultural business associations. At the same time, however, I also identify emerging global norms that run against these economic trends and have opened space for governments to develop distributive policies. I illustrate in Chapter 4 how these material and ideational forces played out in Colombia by comparing Uribe's with Santos' rural development policy. Similarly, Chapter 5 argues that the emerging norms provided a favorable background for the adoption of distributive norms in Colombia in the context of the peace talks leading up to the CRR's drafting. However, Chapter 6 describes the way in which the status quo inertia influenced negatively the CRR's implementation. Once Santos, as part of the peace process, made efforts to shift policy away from this orientation, there were already in place long-standing ideas, institutional arrangements and decision-making processes that severely restricted and weakened change in the wake and follow-up of the agreement on the Comprehensive Rural Reform.

### ***Peace Exceptionality***

The second explanatory factor, drawing from the literature on peacemaking and transition previously reviewed, identifies the peace talks, and more specifically the CRR, as a critical driver of distributive policy change during Santos' administration.

Although I argue that Santos' early rural reformist agenda (e.g. land restitution policy and rural development bill) is an important antecedent of the content of the peace agenda and the CRR, I also sustain that this substantive agreement played a definitive role in creating further policy space for this distribution policy orientation at expense of the status quo agenda that, nevertheless, did not disappear but rather remained in place competing for the definition of the government's policy priorities. In other words, I view the exceptional circumstances and agreement provisions created by the peace process as a key intervening variable in explaining why Santos' progressive rural development policy was furthered. Significant initiatives were already in place, but the peace negotiations took the rural development agenda onto another level of political importance and government commitment. In order to understand how the CRR came to be, I trace in Chapter 3 the changing political context that gave place to the Havana negotiations between the Colombian government and the FARC. It is within this favorable domestic and international context that a window opened to include the agrarian item as part of the negotiating agenda and to convert it into a fundamental part of the peace agreement. In Chapter 5, I identify two **hypothetical causal mechanisms** to understand the role of the *peace exceptionality* in enacting rural development policy change. The first one is securitization. As discussed earlier, this is a norm-based mechanism that helps to explain how and why decision-makers in the exploratory phase of the negotiations linked rural development reform to lasting peace. Whereas in other transitional contexts, strong social mobilization was essential in exerting political pressure to force the elites to negotiate substantive rural policy reforms, in this case there was no such pressure from below. Instead, the reasons the rural development issue was included in the negotiating agenda had to do mainly with the ideas and normative frames that both negotiating parties ended up adopting before and during the negotiation, particularly with regards to the relationship between stable peace and rural development. In order to explain the specific processes that explain this inclusion, I draw on Hall's (1989) insights on how ideas may influence a course of action to trace how in each delegation key actors were able to mobilize and make institutionally and politically viable ideas on rural development as inextricable to peace and to that specific peace negotiation.

The second causal mechanism is the CRR agreement's robustness. The policy measures adopted by Santos' administration in terms of land distribution and family agriculture supports were a direct outgrowth of the comprehensive and highly specific provisions included in the CRR as well as of the specific implementation mechanisms it created. As scholars like Fortna (2004) have pointed out, the texts of peace agreements matter and have direct consequences in policy actions. The aspirational politics logic in which the CRR operated was instrumental in the constitution of these new policy norms that ended up forcing the government to adopt distributive policy instruments and institutions.

### ***Low Government Capacity to Enforce Agreement Provisions***

Even though the CRR's agreement was able to bring about new norms and policy measures, its practical effects on rural development policy have been quite limited, at least from the point of view of the parameters set by the agreement itself. The implementation process of the CRR's commitments has faced serious constraints from within and outside government, severely hindering the scope of change. The third factor of the framework, drawing from institutionalist perspectives, precisely addresses the *low government capacity to enforce the agreement provisions*, showing the difficulties it encountered when moving from the exceptional circumstances of peacemaking to the ordinary policymaking world. During the negotiation phase, there was a strong institutional alignment with the CRR goals and measures. Yet, incorporating them into the institutional procedures and specific outputs proved to be highly difficult for the Santos administration. I argue that the weak capacity of the Santos administration to bring about substantive policy change, even after it had already set forth a reformist agenda in its early years and negotiated the CRR, had to do with three interrelated institutional dimensions that I describe in Chapter 6. First, a lack of internal coherence (material and ideational) expressed in problems of bureaucratic coordination and intra-government competition around goals and values of rural development, which I evidence through an analysis of the institutional preparation process of the CRR's implementation. Secondly, the clientelistic nature of the government's political arrangement, which forced Santos to privilege responding to the political demands of

the various parties in the loose coalition that comprises the Unidad Nacional over the need to adequately enforce the agreement's commitments. Third, the ongoing agribusiness lobbying on the rural development policy agenda that rendered outcomes unrelated to the peace agreement.

The right-wing opposition further undermined the government's capacity to put the agreement into practice by affecting the government's legitimacy. In Chapter 7, I examine as well the nature and strength of these external pressures exerted on the implementation of the measures agreed, which had to do mainly with domestic sociopolitical mobilizations of interest groups, that is, of social coalitions against the agreement. Here it is important to emphasize that the contentious politics surrounding the peace process went beyond the rural development issue and, therefore, the concerns raised against the CRR have to be seen in light of the broader criticisms raised against the overall agreement. I identify as causal mechanism of these pressures the negative framings mobilized by former president Álvaro Uribe at different moments of the peace negotiations. In particular, once the plebiscite was lost, the government's legitimacy to continue with the agreement's implementation was highly weakened.

## **2.4 Conclusion**

The advantage of the framework proposed is that based on an INUS model it combines structural factors (e.g., global economic trends, global norms, political arrangement) with those that are more contingent and dependent of concrete actors' choices (e.g., framings of negotiators on rural development reform). This combination allows seeing the influence that all of these forces had in hindering or enabling rural development policy change in the particular context of the peace talks in Colombia.

In what follows I provide a historical context that serves as a backdrop to develop the analysis of each of the framework's factors in the subsequent chapters.

## **Chapter 3. History Matters: Rural Inequality, Conflict and Political Changes Leading up to the Havana Peace Talks**

Colombia has experienced one of the most protracted armed conflicts in recent history, lasting over 60 years. The governmental victim's registry shows that 8.6 million persons became direct or indirect victims of the conflict. This includes approximately 47,000 persons who were enforcedly disappeared, 267,000 persons were killed by homicides, more than 7 million persons became internally displaced, and more than 32,000 persons who were kidnapped. This thesis focuses on the period of the Havana peace talks and Juan Manuel Santos' administration (2010-2018). In order to contextualize this period and understand better its significance, this chapter provides, on one hand, a brief historical snapshot of Colombia's rural inequality and its relationship to FARC's struggle and the armed conflict in general, and, on the other, it traces in detail the immediate antecedents of the Havana peace talks, indicating the changes in the recent armed conflict dynamics since the end of the 1990s and the political implications of the transition between the governments of Álvaro Uribe and Juan Manuel Santos in 2010.

### **3.1 A Long History of Rural Inequality and Armed Conflict**

The inclusion of the agrarian issue in the Havana peace talks is by no means surprising. Given that agrarian reform has been at the heart of FARC's revolutionary program since its origins in 1964 and that rural inequality has been a structural feature of Colombia's political economy, it was rather the most obvious and natural item in the agenda.

#### **Rural Inequality: The Crux of Colombia's Political Economy**

Colombia is no longer the agrarian country that it used to be up until the 1960s. In the last decades, with its growing urban population and move upwards from a low-income to a middle-income country, agriculture ceased to be the economy's major source of revenue. In the 1970s, it represented 25 percent of total GDP. By 2017, its share in

GDP had dropped to less than 7 percent (see Appendix 1). Oil and coal exports have in fact replaced coffee as the main commodities, and the service sector – especially financial services – has increased its share in total output. Manufacturing, even if it has slowed down in the last years, also represents an important share in Colombia's relatively modern economy, which is now far from the picturesque and backward country painted by García Márquez's macondian world. Moreover, political power is concentrated in urban centers, particularly in Bogotá, the country's capital, from where the central government operates and decides upon its major policies, as well as congress and the courts, and where the bulk of the electorate lives. This does not mean, however, that rural areas are not relevant today economically and politically.

Colombia's twenty-first century political economy is still heavily determined by rural inequality, a feature that has remained remarkably unchanged. Low labor productivity, high levels of economic informality, pervasive organized violence and a sustained illegal coca business in peripheral areas are all expressions of this core problem that political elites have not been able to overcome over many decades (Uribe López 2013). A lack of state authority and socioeconomic exclusion of vast rural areas have therefore persisted over time as root causes of the armed conflict. Without a strong nation-state, Colombia failed to develop an inclusive national project. Divisions along party affiliations and geographic regions further impeded the formation of a coalesced economic and political elite interested in building a strong central state. This fragility of central authority would be an ongoing feature in Colombian politics throughout the twentieth century (González González 2014).

The Havana peace talks were an exceptional attempt to address this structural gap, this time with a serious commitment to do so by the government – at least during the negotiation phase. Yet, as I show in subsequent chapters, this attempt, as in other occasions, suffered a strong backlash from the different factions of the rural elites (agribusiness and large cattle ranchers) staunchly positioned against any alteration of the status quo and who, despite their decreasing economic importance, remain politically influential (Gutiérrez Sanín 2010; Escobar 2002). I leave this political analysis for later. Here, I move on to characterize rural inequality and its evolution through time.



There are various ways to talk about rural inequality. One of them is to look at the gap of living conditions or wage differentials between urban and rural areas. This approach is important as it indicates whether economic growth is fostering convergence or is rather widening the distance between rural and urban dwellers' well-being. The rural hourly wage in 2013 only represented 55 percent of the urban hourly wage, a figure that did not change in relation to 2008 (Tenjo 2015). Furthermore, 75 percent of the rural employed population earns less than the minimum wage, as opposed to 39 percent in urban areas, and average per capita monthly income is 196.672 Colombian pesos (approximately \$US100), whereas in urban areas it is 692.763 pesos (approximately \$US350) (Misión para la Transformación del Campo 2015, vol. 1). The precariousness of rural livelihoods has to do in great measure with a lack of access to productive assets. Most rural households do not have any productive asset, and only 4 percent have full access to credit, land, irrigation and technological innovation (Misión para la Transformación del Campo 2015). Rural poverty, measured via monetary income or the multi-dimensional index, although it has decreased in the last years, has remained twice as much as in urban areas (see Table 3.1).

Another way to look at rural inequality is to look at the internal features of rural areas, particularly in terms of the agrarian structure (Machado 2002). Access to land, although it is not a sufficient condition, still determines in great measure the quality of rural livelihoods and it is therefore a relevant proxy of well-being in rural areas (Ibáñez and Montenegro 2014; Arteaga Castro et al. 2017; Ibáñez and Velásquez 2018). In a context in which more than 75.4 percent of rural employment depends on agriculture, and in which more than 80 percent of agricultural units are family-run farms under 10 hectares, the extension of land controlled by this segment of production defines the rural basic income (Corredor 2016, p. 153; Departamento Administrativo Nacional de Estadística 2016). According to Gáfaró et al. (2012), the land Gini coefficient reached 0.87 in 2011. Today, only 36.4 percent of rural households have land and out of those who have land only 40 percent have a formal title (Instituto Geográfico Agustín Codazzi 2012; Departamento Administrativo Nacional de Estadística 2011). As the World Bank (2003) has noted, the lack of proper access to land and property rights has

been an obstacle to rural development in Colombia and a critical source of the high poverty levels in the countryside.

Both ways of addressing rural inequality are relevant and complementary. There is a rich literature in Colombia's agrarian scholarship that has addressed them both (Misión para la Transformación del Campo 2015). For analytical purposes, however, here I focus mostly on the land-centered inequality, as I find it more useful for depicting (in a 50-year view) the broad developments in Colombia's political economy and rural policies throughout the twentieth century, which are in turn the macro scenario under which the armed conflict and the peace talks unfolded.

**Table 3.1 Poverty Indicators in Colombia, 2002-2017**

Year	Multidimensional poverty			Monetary poverty			Extreme poverty		
	Rural	Urban	Gap	Rural	Urban	Gap	Rural	Urban	Gap
2002	na	na	na	60,9	45,3	1,34	32,8	12,3	2,67
2003	79,8	39,8	2	56,3	44,7	1,26	28,6	11,1	2,58
2004	na	na	na	58,3	43,6	1,34	29	10	2,9
2005	na	na	na	56,4	41,1	1,37	27,8	9,1	3,05
2006	na	na	na	na	na	na	na	na	na
2007	na	na	na	na	na	na	na	na	na
2008	59,6	26,9	2,2	57,1	37,2	1,53	32,9	11,1	2,96
2009	na	na	na	54,3	35,8	1,52	29	9,8	2,96
2010	53,1	23,5	2,3	49,7	33,3	1,49	25	8,3	3,01
2011	53,1	22,2	2,4	46,1	30,3	1,52	22,1	7	3,15
2012	48,3	20,6	2,3	46,8	28,4	1,65	22,8	6,6	3,45
2013	45,9	18,5	2,5	42,8	26,9	1,59	19,1	6	3,18
2014	44,1	15,4	2,9	41,4	24,6	1,68	18	5,1	3,53
2015	40	14,4	2,8	40,3	24,1	1,67	18	4,9	3,67
2016	37,6	12,1	3,1	38,6	24,9	1,55	18,1	5,6	3,23
2017	36,6	11,4	3,2	36	24,2	1,49	15,4	5	3,08

Source: Author's construction based on data of DNP, DANE and Misión Rural

Note: Monetary poverty measures the percentage of the population with income below the minimum monthly income defined as necessary to cover their basic needs, that is, to acquire a basket of goods (food and non-food). Extreme poverty takes into account the purchasing power with respect to a basket of food goods. The Multidimensional Poverty Index (MPI), meanwhile, is built based on five dimensions: educational conditions of the home, conditions of childhood and youth, health, work, and access to home public services and housing conditions. These 5 dimensions involve 15 indicators, and households that have deprivation in at least 33 percent of the indicators are considered poor.

Table 3.2 shows how land tenancy in Colombia has become even more concentrated in recent decades. In 1960, 76.5 percent of the agricultural units had less than 10 hectares and occupied 8.8 percent of the agricultural land available. In 2014, 81 percent of the agricultural units had less than 10 hectares and occupied 4.9 percent of the agricultural land. As LeGrand (1986) rigorously described, the origins of land inequality start in the mid-nineteenth century when the state decided to compensate high-rank military officials with state land (*baldíos*) after the civil war. Soon after, a progressive legislation emerged to allocate these *baldíos* preferentially to peasants working on them for a period of at least five years. Nonetheless, market pressures counteracted this policy. Rising global demand for primary commodities drew economic elites into the countryside and towards large-scale land and agricultural investments. This initiated a long-term cycle in which peasant colonos occupied *baldíos* that were then appropriated, often times forcefully, by large landowners or capitalists, motivating a further frontier expansion of peasant colonos into new *baldíos* seeking to work autonomously. The conflict that arose between peasants and landowners throughout the end of the nineteenth century and the early twentieth century was not only about accessing land but, more importantly so, as LeGrand explains, about controlling labor. Insofar as peasants had continued access to *baldíos*, they would opt for working freely on their own plots while landowners would fall short of hands to work on the large estates. The peasant movement for agrarian reform that originated in the 1920s and that resulted in Law 200 of 1936 was therefore demanding land access and at the same time free autonomous labor. The big landowners and capitalists, who were already organized in the agricultural business association *Sociedad de Agricultores de Colombia* (SAC), opposed this reform led by liberal President Alfonso López Pumarejo (Saffon 2010; LeGrand 1986; Sánchez, López-Uribe, and Fazio 2010). The result was that sharecroppers were expelled from their land and large-scale agricultural development prevailed.

In the 1960s, when Colombia's import substitution industrialization was at full speed, in terms of a growing manufacturing and construction sector, amid rising social and political conflict, surged a new attempt to redress the agrarian imbalances. This time it was Carlos Lleras Restrepo, also a liberal reformer, who first as minister of

agriculture and then as president tried to carry out a new agrarian reform in the context of the US-led Alliance for Progress geared towards appeasing communist rural uprisings throughout Latin America. Law 135 of 1961 created robust instruments that Restrepo's administration (1966-1970) tried to put into practice, including the national land reform agency's (INCORA) authority to expropriate unproductive land. The rural elite, once again, politically opposed this reform on the ground and in congress. In 1973, they achieved trimming the law to its minimum expression. From there on, the anti-reformist stance became the norm (Uribe López 2013).

**Table 3.2. Agricultural Units by Size, 1960-2014**

Unit size ha	Units				Area (hectares)			
	1960		2014		1960		2014	
	Number	%	Number	%	Number	%	Number	%
<5	756.605	62,5%	1.444.125	70,5%	1.238.976	4,5%	1.883.822	2,7%
5<10	169.145	14,0%	214.306	10,5%	1.164.749	4,3%	1.522.611	2,2%
10<50	201.020	16,6%	281.518	13,8%	4.210.777	15,4%	6.175.048	8,9%
50<100	39.990	3,3%	54.281	2,7%	2.680.471	9,8%	3.795.553	5,5%
100<500	36.010	3,0%	43.469	2,1%	6.990.471	25,6%	8.593.720	12,4%
500<1000	4.141	0,3%	4.852	0,2%	2.730.764	10,0%	3.374.907	4,9%
> 1000	2.761	0,2%	4.689	0,2%	8.321.619	30,4%	43.826.754	63,4%
<b>Total</b>	<b>1.209.672</b>	<b>100,0%</b>	<b>2.047.240</b>	<b>100,0%</b>	<b>27.337.827</b>	<b>100,0%</b>	<b>69.172.416</b>	<b>100,0%</b>

Source: Author's construction based on DANE's data, National Agricultural Census 1960 and 2014.

Notes: 1) The Census of 1960 only surveyed 24 percent of Colombia's territory, excluding Chocó and the departamentos that were called then Territorios Nacionales. 2) For the 2014 results, I excluded the territories occupied by ethnic groups and the areas not used for agricultural purposes.

Reyes (2009) has argued how with the emergence of drug lords and paramilitary groups in the mid-1980s, the process of land concentration was accentuated. Between the 1980s and mid-2000s, these groups violently dispossessed peasants of an area equal to around 6 million hectares, a figure that is above the current cropped area (under 5.7 million hectares) (Higginbottom 2005; Gutiérrez Sanín 2010; Comisión de Seguimiento a la Política Pública sobre el Desplazamiento Forzado 2009). As I argue in Chapter 4, Álvaro Uribe's policies reinforced this counter-agrarian reform by supporting a large-scale agricultural development model, thus further undermining the living conditions and means of production of the peasantry. The initiative led by president Santos to restitute land property rights to peasants and to include a chapter of land distribution and rural development in the peace talks with FARC was, as had

happened in the 1930s and 1960s, opposed by the same rural elite now represented by Uribe. In Chapter 7, an analysis of Uribe's opposition against the peace process and the rural reform is developed. It is important though to see it as part of this broad history of reactions against any attempt to address the structural rural inequality. Without this political and economic context, the origins and dynamics of the armed conflict and peace efforts cannot be properly understood.

### **FARC's Rural Origins and Agrarian Discourse**

The dispute over access to and control of rural land has been at the center of the armed confrontation (Richani 2013). In fact, for FARC, agrarian reform has not only been at the forefront of its political demands since its historical origins, but it is what has given meaning and discursive coherence to its struggle. However, as it turned into a large army primarily concerned with warfare, dependent on drugs and kidnappings for its funding, and continuously perpetrating massive human rights violations, FARC's peasant-oriented political claims became highly distorted.

Although formally created as a guerrilla group in 1964, FARC's main leaders<sup>8</sup> were *colono* peasants that since the 1940s had joined the liberal party's self-defense groups in the south (mainly Tolima, Huila, Cauca, Valle and Caquetá) to protect themselves from the conservative government's repression during *La Violencia* period (1948-1958). By 1950, some of these groups, led by communist leader Isauro Yosa, fled with around 200 peasant families previously displaced to *El Davis* region in Rioblanco, Tolima, where they settled down for about a decade seeking refuge from violent attacks by the police and organized into a peasant community that would attract close to 2,000 rural workers (Molano 2016, Chs. 1 and 2). Influenced by the community experience in *El Davis*, communist ideas diffused by the Colombian Communist Party in Tolima, and

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<sup>8</sup> This was the case, for example, of Pedro Antonio Marín, better known for his 'nom de guerre' Manuel Marulanda Vélez or 'Tirofijo' (surefire), who would then become FARC's commander-in-chief for over four decades until his death in 2008. After the events of April 9, 1948, he left his family farm in Ceilán, Valle and sought refuge in the western cordillera. In June 1949, he armed a group of 19 men to protest and took over the town of Génova in reaction against the newly elected president, conservative politician Laureano Gómez. With this group, he joined the larger army led by Gerardo Loaiza and his four sons in Rioblanco. After conservative vigilantes attacked the town, Marín, alongside other peasants and their families, fled to the woods and organized into self-defense groups. For a detailed description of Marín's story see Molano 1994; Molano 2016.

peasant revolts that had gained force since the 1930s, FARC's ideational basis was from the outset geared towards defending peasants' land rights and against *latifundio* (González, Bolívar, and Vázquez 2003; Giraldo Ramírez 2015).<sup>9</sup> During this period, repression from the conservative government increased. Publicly announced in July 1964, FARC's "agrarian program" (*Programa Agrario*) explained their decision to adopt the armed struggle in response to the grievances suffered and the state repression against the peasant movement in the south since 1948, that culminated in the *Marquetalia* military operation (1964). Part of Plan Laso, the US-funded anti-communist strategy inspired in the National Security Doctrine, *Marquetalia* became FARC's foundational myth, as it justified its emergence as a guerrilla group in reaction to a war imposed on them (Molano 2015; Leal Buitrago 2012; Rempe 1995).<sup>10</sup> Plan Laso also meant the beginning of a counter-insurgency policy in which certain *colono* regions became labelled as "FARC zones" (*repúblicas independientes*), thus linking from the outset security with land issues, as the elites in Bogotá were concerned that the peasant communities would give leeway for FARC's communist "threat" against the state (Karl 2017; González Arias 1991).

Considering that previous attempts to execute an agrarian reform had failed, the goal of the *Programa Agrario* was to develop a revolutionary land reform, "against the bourgeoisie's fake one" (FARC-EP 1964, my own translation). Moreover, it sought "radically changing the social structure of the countryside and handing over free land to peasants [...] by means of confiscating *latifundios*". Besides its basic claim for free allocation of land to peasants, the *Programa Agrario* also called for property rights to be assigned to all kinds of rural laborers, abolishing archaic forms of land exploitation and creating an economic unit based on land's productivity (see more in Chapter 5). It also

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<sup>9</sup> For detailed analyses on FARC's history see Pizarro (1991); Pizarro (2011); Aguilera Peña (2011); Ferro Medina and Uribe (2002); Molano (1994); Alape (1972).

<sup>10</sup> May 27, 1964, the day that *Operación Marquetalia* started, is taken as FARC's official creation date, as it is said that as a response to state aggression a group of peasants organized themselves in a guerrilla group. By the end of 1965, this guerrilla group carries out its first conference (*Primera Conferencia Guerrillera*) laying out its military, political, educational, organizational and propagandistic plans, and defining as an objective the subsistence of the movement that was named *Bloque Sur*. By the end of 1966, at the second conference (*Segunda Conferencia Guerrillera*), the *Bloque Sur* becomes *Fuerzas Armadas Revolucionarias de Colombia (FARC)*, which is why it is known as the constitutive conference (*conferencia constitutiva*).

called for condoning peasants' debts; providing productive supports to individual and associated peasants, such as technical assistance, seeds, finance, infrastructure, machinery, and irrigation; establishing guaranteed prices; protecting indigenous lands and forms of organization; and generally improving peasants' living conditions, elevating educational levels and securing food and employment.

Over the course of the years, FARC's initially agrarian-centered discourse would evolve into a wider political program; however, it would maintain all the way up to the Havana peace talks its key tenets on land reform (see Appendix 2 below). At its second conference in 1966, the peasant resistance group created in 1964 formally became FARC. In line with other guerrilla movements rising at that time in Latin America, especially motivated after Castro's victory in Cuba in 1959, FARC viewed the struggle for agrarian reform as part of a broader Marxist-oriented project of taking power over and transforming state structures (Ferro Medina and Uribe 2002, p. 36). At its third conference in 1969, FARC defined itself as the "most elevated expression of the poor peasantry", and continued advocating the free distribution and titling of land and the confiscation of the land owned by big landowners and multinational corporations. During this early period, FARC was a small "partisan guerrilla", subordinated to the communist party's guidelines and mainly dedicated to defend itself from military operations. At the end of the 1970s, nonetheless, FARC moved into an offensive position, beginning its military expansion in a context of significant social mobilization and state repression perceived by its leaders and other Marxist-oriented organizations as a "pre-revolutionary moment" that demanded increasing guerrilla warfare (González, Bolívar, and Vázquez 2003).

In the sixth conference of 1978 that took place soon after the events of the 1977 national strike, FARC expanded its political program and adopted the "combination of all forms of struggle" as a way to articulate the guerrilla's military operations with the social movements' actions. Similarly, in the seventh conference of 1982, FARC – now with the surname EP, that stands for the People's Army (*Ejército del Pueblo*) – ordered its fronts to influence popular organizations to push for a democratic agrarian reform and called for intensifying the armed struggle. The guerrilla group sought to increase violence as a response to state repression. At that conference, FARC also drafted an

“agrarian reform revolutionary law” establishing what they conceived as their redistributive policy for the regions they controlled. According to it, properties with an area larger than 1,500 hectares or owned by foreign companies would be expropriated by and pass on to FARC. A committee set up for these matters by the guerrilla’s leadership, would hand them over to landless peasants based on previously defined “economic unities” (FARC-EP 1982). Displaying state-like functions in the regions they possessed military presence and strengthened by their involvement in the coca business since the late 1970s (Gutiérrez 2015), by the early 1980s FARC’s military component slowly took over the political one. The *Programa Agrario*, as illustrated by the “agrarian revolutionary reform law”, evolved into a “new government” program containing as well broader economic, social and political issues.

Despite its increasing links with narcotrafficking and its military orientation, FARC’s agrarian ideological basis would remain an important part of their struggle and would eventually be the starting point for any peace negotiation with this guerrilla group.

### **3.2 Antecedents Leading to the Peace Talks**

Besides FARC, several Marxist-oriented guerrilla groups were also formed around the country during the 1960s and 1970s, including the pro-Chinese Popular Liberation Army (EPL), the nationalist Movement of April 19 (M-19) and, most importantly, the Cuban-inspired National Liberation Army (ELN), still active today. The emergence in the 1980s of powerful “drug lords” that followed the cocaine business boom and of paramilitary groups tied to cattle-ranchers, further complicated a conflict characterized by multiple armed actors and types of organized violence. In the 1990s, the Colombian Government reached peace agreements with the Movimiento 19 (M-19), the Ejército Popular de Liberación (EPL) and the Movimiento Armado Quintín Lame (MAQL), guerrilla groups whose members were demobilized, received amnesty and were reintegrated into the Colombian political system and civil life (Pizarro 2016).

In 1991 the Colombian Constitution was renewed through a Constitutional Assembly in which the demobilized groups participated. Later, between 2003 and 2006, a peace agreement was negotiated and signed between the Colombian

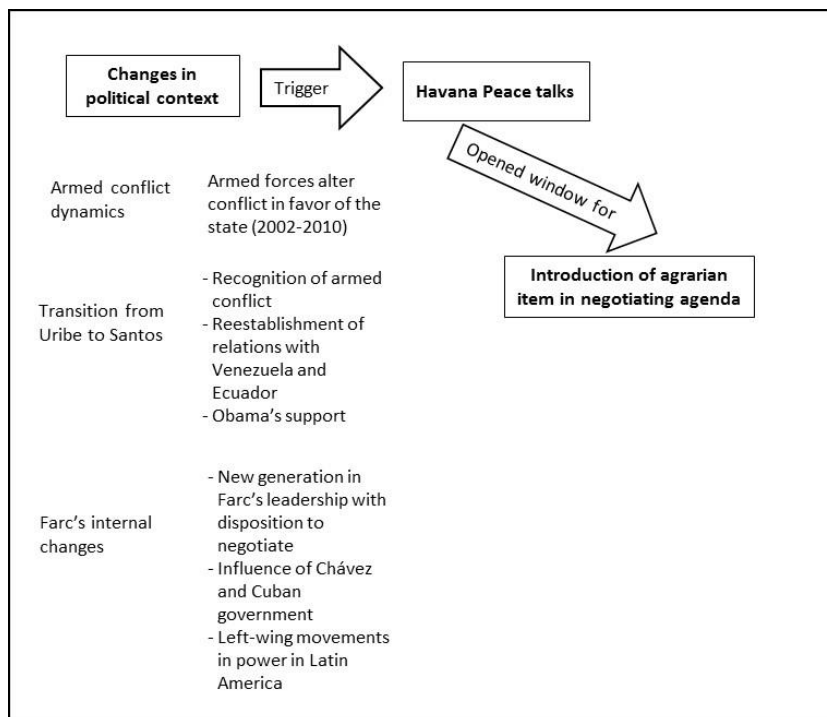


government and paramilitary groups that included conditional suspensions and reduced prison sentences. As a result, more than 37,000 combatants of the 36 paramilitary fractions demobilized collectively, along with a small number of individual members of guerrilla groups. Before the final peace agreement between the Government and the FARC-EP, the parties had already recorded three failed attempts to find a negotiated solution to the armed conflict. The first intent lasted from 1984 to 1987, the second from 1991 to 1992, but perhaps the most significant one was carried out between 1999 and 2002. This peace process coincided with poor military performance on the side of the Government and with the strengthening the FARC-EP (both by influence and by the amount of its members). At the start of the negotiations, there was strong public support for a negotiated solution out of the conflict. This support, however, changed due to the fact that the FARC-EP took control over the large demilitarized area, designed to hold the peace talks, and carried out kidnappings and military trainings in this area. What changed in 2010 that led to the Havana peace talks? Domestically, developments in the military correlation of forces between the government and FARC during the 2000s, the political transition from Santos to Uribe in 2010 and internal changes within FARC's leadership were key factors. Abroad, what mattered most were the rise to power of left-wing movements in the region and the change of administration in the US government from Bush to Obama in 2009. Other scholars (e.g., Richani 2013) have provided excellent in-depth discussions regarding the armed conflict in Colombia and its relationship with the global political economy. Moreover, recent accounts have started to describe the atmosphere the country was in during the transition to the Havana peace process (Acosta 2016; Santos 2015; Gómez Giraldo 2016). My purpose here is to provide a broad picture that captures the way the "planets [were] in proper alignment" for the window to open (Kingdon 2013, 166). Indeed, the Havana peace process created a critical juncture that made it possible, amongst other things, to prioritize rural development in the public agenda.

The broader political change that created the window for bringing agrarian issues back into the public agenda was the beginning of the peace talks, as I show in Chapter 5. Although it is not at the center of my question, having a basic understanding of how

the peace talks emerged is essential to grasp the context under which the specific discussion on rural development took place in Havana. In this sense, I describe key changes that created the political conditions for the peace process to develop. These had to do, first, with the state’s strategic military victory over FARC, which changed in a significant way the correlation of forces between the two actors. Second, with the government transition from Uribe to Santos in 2010. Third, with FARC’s internal organizational adjustments after the death of historical members of the Secretariado that gave place to a new leadership that had to assume the peace negotiation.

**Figure 3.1. Changes in the Political Context**



### **Changes in Armed Conflict Dynamics**

Álvaro Uribe Vélez, a charismatic right-wing leader, was elected president in 2002 with a historically high popular vote. After the failure of the peace negotiations of San Vicente del Caguán,<sup>11</sup> the crux of his campaign – and, once in power, of his

<sup>11</sup> The government and FARC carried out the 1998-2001 peace talks in the urban center of the municipality of San Vicente del Caguán in Caquetá. That is why this process is known as the Caguán process.

administration – was gaining back territorial control and winning the war with FARC. Citizens, primarily those with political and economic power in urban areas, had lost trust in the government and the country was labelled as a threat to regional and international security. In this unruly context, Uribe set for himself the task of improving confidence in the state internally and abroad, and the first step in doing so was making sure people felt safe. Security thus turned into his administration's mantra and, in the following eight years, the word "peace" practically disappeared from the government lexicon, as it had become synonym of weakness. The government dispelled at all costs the phantom of Caguán's fiasco. Uribe rose to power representing the *mano dura* ("heavy hand") the majority of Colombians seem to have been longing for, particularly after the discovery that FARC had been deceiving president Pastrana all along.

### ***Failure of Caguán's Peace Talks***

Andrés Pastrana reached the presidency in 1998 with the promise of negotiating peace with the FARC. In the previous years, Colombia was to slide into what many called a "failed state" status, as the combined actions of drug cartels, guerrilla and paramilitary groups led to unprecedented levels of violence – measured by number of fatalities, frequency and scope of massacres, incidence of armed clashes, number of internally displaced people, economic costs of war, among other indicators (González, Bolívar, and Vázquez 2003). Nonetheless, after Pastrana's four years of peace talks with FARC, that resulted in conceding FARC a demilitarized zone comprising five municipalities in the southeast (42,000 km square) as a condition to advance in the negotiation, the process of San Vicente del Caguán ultimately went nowhere (Kline 2007; Téllez, Lesmes, and Montes 2002). According to many analysts, this outcome had to do mainly with the fact that neither party was completely interested in putting an end to the conflict. Instead, both FARC and the government were drawn into the process by numerous other factors, including using the negotiation to increase their military position vis-à-vis one another; regional and international pressure; and domestic public opinion (Richani 2013; González, Bolívar, and Vázquez 2003; Aguilera Peña 2011).

In effect, throughout the 1990s, FARC concentrated itself in strengthening its military prowess. Since its eighth conference in 1993<sup>12</sup> – that reviewed the strategic plan defined in the seventh conference in 1982 – FARC increased its number of combatants from around 6,500 in 1991 to over 18,000 in 1999. It also stretched its military presence from 437 municipalities to 1,000, and got a hold of 40 percent of Colombian territory, thus posing a real threat to the state (Brittain 2010, p. 17-22). Fuelled by large revenues derived from coca production, kidnapping and extortion (in that order, perhaps \$250 million annually), in the mid-1990s FARC acquired the military initiative and tactical advantage against government forces, scoring several important military victories (Ospina Ovalle 2017; Marks 2007).<sup>13</sup>

By 1998, when the peace talks began, FARC's leadership was convinced of the organization's ability to take power over by force and establishing a revolutionary government. According to its strategic military plan, reaching Bogotá – the country's political and economic center – was an attainable mid-term goal (Spencer 2011). That is why, when the peace talks started, FARC, at its military peak, had no intentions to lay down weapons but rather to further accumulate power to prevail in its struggle. Right from the outset of the negotiations FARC had already obtained what it wanted: a withdrawal of government troops, a ceasefire and a large physical space that facilitated training personnel, gathering resources and weaponry, strengthening their state-like control of the south, and an opportunity to publicly expose its political views and gain national and international credibility. All of these gains were geared towards FARC's broader shift from a "mobile war" to a "war of positions", that allowed them to hold fixed territories for a long period of time, even though they were never able to obtain wide popular support (Richani 2013; Ospina Ovalle 2017; Marks 2017; Spencer 2011; Ortiz 2002).

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<sup>12</sup> FARC developed its strategic guidelines through a series of conferences and plenums. The conclusions of these meetings were carefully recorded and distributed to the dispersed fronts to provide strategic guidance. The conclusions of these conferences are now readily available at FARC's webpage. During the armed confrontation, these were high target documents that were captured and studied in detail by the Colombian security forces. For an analysis of the most important conference, the seventh one held in 1982, see Spencer (2011).

<sup>13</sup> According to Ospina Valle, FARC surprised and defeated military units in places such as Las Delicias and Puerres, 1996; San Juanito and Patascoy, 1997; Miraflores, El Billar and Mutata, 1998. During these actions, the military units were not only defeated but FARC was able to seize hundreds of troopers as hostages (Ospina Ovalle 2017, p. 542).

During this period, FARC privileged its military wing over the political one mainly due to three reasons. First, as a reaction to the systematic persecution and virtual extermination by paramilitaries and state forces of the *Unión Patriótica*, the left-wing political party that FARC and the Colombian Communist Party (CCP) founded during the 1985 peace talks in Uribe, Meta, to facilitate the guerrilla groups's transition towards a political movement (Dudley 2004).<sup>14</sup> During the late 1980s and early 1990s, against the backdrop of the end of the Cold War in the region, which was signaled by the peace treaty in El Salvador in 1992, Colombia was experiencing a period of democratization that culminated with the peace agreements with various guerrilla groups and the 1991 Constitution (Ortiz 2002). At the same time, dirty war and political violence, particularly against the left, soared. In this context, FARC decided to abort the peace negotiations, move away from electoral politics and reinforce its armed struggle.

A second related reason had to do with the distancing of FARC from the CCP since the late 1980s. Even though FARC was born as an “armed instrument” of the CCP, and had maintained strong political and ideological ties to it, since the early 1980s both organizations grew apart due to their different understandings of the armed struggle. In the juncture of the constitutional process, they further moved away from each other.<sup>15</sup> While FARC opted out, the party decided to become involved in the National Constitutional Assembly. For FARC's leadership this meant continuing the armed struggle on its own, abandoning the Marxist-Leninist orthodoxy in replacement of a much less rigid ideological package, labeled as “Bolivarian”, and prioritizing warfare in what they called the “combination of all forms of struggle” (Aguilera Peña 2011; Ospina Ovalle 2017; Ortiz 2002).

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<sup>14</sup>Dudley describes the *Unión Patriótica* (UP) as an equivalent to Sinn Féin, the Irish Republican Army's political wing, and the Palestine Liberation Organization (PLO). “As with Sinn Féin and the PLO, the UP was the voice of the insurgents, a means through which the FARC could test their ideas at the polls. It was also supposed to be part of a pathway to peace, a way for the Colombian rebels to enter the political mainstream and leave their guns behind. In reality, it was neither, but the FARC spent a huge amount of energy and effort in establishing its party” (Dudley 2004, p. xix).

<sup>15</sup>According to Ospina Ovalle, while the CPP understood the armed struggle as one of many lines of effort, for FARC it was the main approach to seize power. “These two views grew yet further apart when, after 1982, FARC formally opted to exploit the drug trade to enhance its means” (2017, p. 530).

A third reason of FARC's shift into war was its increasing links with narco-trafficking. FARC decided to enter into the drug trade in the 1982 conference, as part of its financial plan to back up the broader territorial expansion strategy. By the 1990s, it had become clear that FARC had moved from being the small peasant-led guerrilla group of the 1960s to a large army that derived at least 40 percent of its income from the illegal drug economy. Moving up the production chain, FARC became involved not only in extracting a tax to coca growers (*gramaje*), but also in the distribution and export of cocaine creating alliances with international trafficking groups, such as the Arellano-Felix cartel in Tijuana, Mexico (Marcy 2010; Cook 2011; Henderson 2015). This narcotization of FARC, coupled with its ongoing extortion and kidnappings, led to a major increase of violence in the late 1990s and to a rent-seeking logic that moved the organization away from its original political goals, and more into a terrorist-like organization (Hough 2011). At the same time, these financial capabilities, which translated into greater war-fighting capabilities, were what allowed it to challenge governmental authority (Marks 2017).

For its part, Pastrana's government had no real desire – or planned strategy – to make progress in the Caguán negotiations. Pastrana initially saw the peace process merely as a way to win the presidency, as he launched his peace platform during his bid to win the runoff vote against Horacio Serpa, the Liberal Party's candidate, who had won the first round of elections by a small margin. According to Richani, this peace platform “tipped the electoral balance in Pastrana's favor” (2013, p. 172).<sup>16</sup> Once elected, despite its own ill-preparedness, Pastrana's administration continued to pursue the peace process. This was partly explained by the fact that the rising expectations by important segments of Colombian society of reaching a political settlement became difficult to ignore by the government. In 1997, the popular demands for peace had already manifested through 10 million votes in favor of the Peace Mandate (*Mandato por la Paz*), a symbolic vote in which citizens demonstrated their support for a

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<sup>16</sup> Richani further notes “[t]he Pastrana's electoral machine used the prospects of peace talks with great efficiency. A case in point was that a few days prior to the second presidential round of elections, Pastrana's emissary met with FARC leader Manuel Marulanda. The media widely publicized that meeting, and the noted photo of Marulanda wearing a wristwatch from the Pastrana campaign most likely ensured Pastrana's ensuing victory” (2013, p. 173).

negotiated solution. Another reason was that many among the government, especially among the military, conceived the talks as a way to buy time for carrying out a major reform of the armed forces that could alter the negative balance of forces, and thus improve the government's bargaining position. The military concerns of FARC's growing warfare capacities, coupled with its increasing ties to narco-trafficking as it exploited the vacuum created by the major cartels' destruction, resonated as well within the Clinton administration (Marks 2017; Richani 2013, p. 176; Henderson 2015).

Viewing FARC as a destabilizing force that could undermine its strategic interests in the region, the US government hardened its position against FARC and Pastrana's peace initiative, and instead offered the Colombian government significant military aid conditioned to a substantive military reform and a reinforcement of the antidrug war (Richani 2013, p. 177).<sup>17</sup> Pastrana had set as one of his administration's core purposes improving relations with the US, especially after the bilateral relationship became deeply strained during the period of his predecessor. As the presidential campaign of Ernesto Samper (1994-1998) was found to receive funding from the Cali drug cartel, Clinton's administration lost confidence in the newly elected government, and pushed for Colombia's decertification in 1996 and 1997 and the revocation of Samper's visa to enter the United States (Crandall 2001; Chernick 2008). Against this backdrop, and after a FARC unit kidnapped and assassinated three US NGO activists in February 1999, Pastrana welcomed that in July 2000 the US Congress approved a four-year USD 1.3 billion assistance package, called *Plan Colombia* (Berrios 2017, p. 548; Rosen 2014, Ch. 3). Although it was fundamentally laid out as an antinarcotics policy – as the US could not afford to become involved in another Vietnam-style counter-insurgency intervention – this assistance was geared towards supporting Colombian military reform, a key antecedent for Uribe's security policy against FARC.<sup>18</sup> With the US-

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<sup>17</sup> According to Crandall (2001), right from the start of the peace talks, the US government received pressure from Capitol Hill, where the Republican majority "was concerned that Pastrana's moves to initiate peace negotiations with FARC might undermine antidrug efforts" (p. 113). As a matter of fact, Congress passed a resolution that would have "cut off counternarcotics assistance to Colombia if Pastrana's peace initiatives – especially the proposed plan to grant the FARC a demilitarized zone – interfered with coca eradication efforts".

<sup>18</sup> Following Richani (2013), in order to put these figures in perspective, "in 1995 Colombia received only USD 30 million in US support. By 1998, that amount had increased threefold to USD 98 million

backed *Plan Colombia*, the military forces in Colombia, who had been critical of the Caguán's talks since the outset – due to the government's decisions to demilitarize Colombian territory and include military reform as part of the negotiation's agenda – increased the pressure to civilian authorities against further making concessions to FARC, and to escalate military actions (Rangel 2000).<sup>19</sup> The lack of real progress in the negotiations and a reinforced military led to the military operation of taking back Caguán that began on February 23, 2002, marking the beginning of a new cycle of war in which Uribe fully jumped on board.<sup>20</sup>

### ***Uribe's Democratic and Defense Security Policy***

Upon taking office in August 2002, Uribe Vélez designed the *Democratic Security and Defense Policy* (DSDP) (officially released in June 2003), radically reorienting the state posture from one of negotiation to confrontation (Ministerio de Defensa 2003). Many experts agree in concluding that if it had not been for the DSDP, FARC would not have sat down in 2012 to explore a peace settlement in Havana with president Santos (Personal communication Former Advisor of Ministry of Agriculture, September 22, 2017). Eight years of unwavering execution of the DSDP dramatically altered the balance of forces and, as one of FARC's top leader recognizes, “while it did not beat us, it surely gave us a strong blow” (Personal communication Member of Farc's Leadership September 18, 2017)<sup>21</sup>. At its base, the DSDP aimed at consolidating the rule of law, providing security as a key public good and protecting civilian population.

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and by 1999 to USD 294 million. In total, between 1999 and 2002, the US gave to Colombia USD 2.04 billion in aid, 81 percent of which was for military purposes” (p. 178).

<sup>19</sup> According to Richani, “a direct confrontation between the military and the president came in May 1999 when Victor Ricardo, the peace commissioner, announced that the government was considering extending the withdrawal from the five municipalities for an indefinite period of time. Defense Minister Rodrigo Lloreda resigned in protest, believing like the military that the government had already made too many concessions to FARC, a view that by then Washington agreed. Subsequently, Lloreda and his military backers vehemently opposed the renewal of the demilitarized areas. In due course, the military's high command used this occasion to present a show of force and submitted the collective resignation of twelve generals, twenty colonels, and fifty other officers” (2013, p. 179).

<sup>20</sup> On February 20, 2002, “FARC hijacked a domestic airliner, forcing it to land on a stretch of highway in Huila department. All passengers were freed but one – Colombian Senator Jorge Gechem Turbay – the fifth member of Colombia's Congress to be kidnapped by FARC since 2001”. Right after that, president Pastrana announced the end of the three-year-old talks. “Aerial bombardment, the first phase of military operations to retake the demilitarized zone, began at midnight” (Kline 2007, p. 120).

<sup>21</sup> I have translated any literal reference to the interviewees into English.



In practice, however, it came at a high toll on human rights, as I describe below. Strategically, it meant gaining back the territorial control that FARC had obtained since the mid-1990s, especially through the military campaign called *Plan Patriota*, laid out as a full endorsement of the armed forces to Uribe's political leadership on security matters.<sup>22</sup> According to one of its key architects, General Ospina Ovalle,<sup>23</sup> *Plan Patriota* had three aims "closing the capacity gaps in a grid of self-defense [...]"; "neutralizing and dismantling FARC's armed structures reducing their combat capacity and their strategic plan for the seizure of power [...]", and "attacking FARC's leadership, especially those of the Secretariat" (Ospina Ovalle 2017, pp. 536-540). Most of the military effort was thus focused on area control and conducting offensive operations against FARC, particularly in three crucial regions.<sup>24</sup> One, in FARC's strategic rearguard in the southeast (Meta, Caquetá and Guaviare) where it had established base areas used to replenish its combat power and as a springboard to launch attacks and created a state within a state. A second target was Cundinamarca, where Bogotá is located and where FARC had increasingly gained strength as part of its plan to encircle the capital.<sup>25</sup> A third key area was northwest Antioquia that was key for FARC due to its use of Urabá and the Darien Gap in Panamá for obtaining resources and securing transit (Berrios 2017, pp. 550-553).

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<sup>22</sup> Richani (2013) notes that "prior to Uribe's election in 2002, virtually no integrated state-military policy existed. The lack of a state-military policy started in 1958 when the military transferred power back to civilian rule after both hegemonic warring parties, liberal and conservative, gave the military political autonomy" (p. 202). During Uribe's period, the armed forces were subordinate to the Ministry of Defense. Based on the DSDP, the military issued a "general military strategy" as an applied version to support president Uribe's counterinsurgency approach (Marks 2006, pp. 205-206) .

<sup>23</sup> Between 2003 and 2004, Ospina Ovalle served as General Commander of the Colombian military and between 2004 and 2007 of the armed forces. Along with General Fernando Tapias and General Jorge Enrique Mora, Ospina Ovalle was one of the three architects of the military reform and the Plan Patriota at the end of Pastrana's government and during Uribe's first administration (Marks 2007). Jorge Enrique Mora would be later on appointed by Santos as one of the negotiators once the formal talks began in November 2012.

<sup>24</sup> According to Berrios (2017), area control was "conducted by regular infantry and cavalry units and through the use of *Soldados de mi pueblo* or local soldiers [...] recruited by the army as regular soldiers but allowed by law to serve their mandatory military service in their municipalities [...]. "Offensive operations against FARC were done by counter-guerrilla battalions, mobile brigades and Special forces units, which had the mission to kill or capture FARC leadership" (p. 551). For an in-depth description of *Plan Patriota* see Berrios (2017); Ospina Ovalle (2017); Spencer (2011).

<sup>25</sup> For a description of FARC's entrance in Cundinamarca and the municipalities near Bogotá since the 1980s, see (Peña 1997).

Carrying out *Plan Patriota* supposed among other things improving military training and professionalization of the armed forces, developing joint operations between forces (*Comando Conjunto*), elevating the air-force capacity (air bombs), strengthening military intelligence and targeting “high-value” goals (Porch and Delgado 2010; Berrios 2017). It meant as well increasing military personnel to expand military presence throughout Colombian territory. Between 1998 and 2004, the number of professional and volunteer soldiers rose from 22,000 to 55,000, and regular soldiers, including high school draftees, from 46,000 to 73,000. Overall, total military personnel grew from 260,000 in the early 1990s to 447,408 by the end of 2011. These reforms were accompanied by a significant increase in military expenditure. Between the early 1990s and 2011, it rose from 4.1 percent of GDP to close to 6 percent, becoming one of the highest in Latin America. This unprecedented reinforcement of military strength and technical capacity led to a general reversal of forces on the battlefield. Already by 2003, the number of military-initiated attacks against the guerrilla group exceeded those launched by the latter. Moreover, FARC withdrew from the outskirts of the urban areas back to its safety zones in the jungle and returned to a guerrilla war tactics. State legitimacy was strengthened and FARC’s leadership was decimated (Richani 2013, p. 181-189, 206).

While is true that the DSDP and *Plan Patriota* served to alter the conflict dynamics in favor of the state, their application on the ground also meant a significant increase in human rights violations and a severe restriction of civil liberties (Leal Buitrago 2006; Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo 2003). Framed in the global context of the post 9-11 US war against terrorism, Uribe’s administration, with the support of the US government under G.W. Bush, defined the DSDP as a policy against terrorism (Rosen 2014). The Colombian government classified FARC as a terrorist organization and, under the umbrella of UN Resolution 1373 on terrorism, persuaded various states and multilateral organizations to do the same, including the OAS and the European Union (Leal Buitrago 2006, p. 9). Similarly, the new version of *Plan Colombia* approved by the US Congress was readdressed from just funding counter-narcotics operations to support counter-insurgency, now framed in terms of anti-terrorism (Rosen 2014; Stokes 2006). This

anti-terrorist paradigm provided space to adopt legal and administrative measures that expanded the faculties of the armed forces to carry out detentions without judicial orders, telephone interceptions and home searches without warrants, among others.<sup>26</sup>

With the loss of territorial control and the military offensive, FARC's tactics shifted increasingly into terrorist actions such as the bomb placed in February 2003 at *El Nogal*, an elite, high-class social and business club located at the economic center of Bogotá.<sup>27</sup> Uribe's administration instrumentalized FARC's terrorist actions successfully mobilizing Colombian society, particularly the economic and political elite, against FARC through a very strong discourse of "the common enemy" (Marks 2006; Palau and Arias 2010; Echandía and Bechara 2006; Richani 2013). In the first year of Uribe's administration alone, NGOs reported the killing by state forces or paramilitary groups of 49 activists, 160 forced disappearances, 144 cases of torture, and the arbitrary detention of 2,546 individuals. Besides human rights abuses and stigmatizing human rights defenders, social leaders and journalists, Uribe's DSDP was questioned due to abuses by national intelligence service and extensive ties of armed forces members with paramilitary groups. In addition, there was a national scandal with regards to the more than 3,000 extrajudicial killings made by armed forces (commonly referred to as "false positives", that is, civilians that were assassinated and reported as combatants killed in action, apparently in response to pressure to body counts) between 2004 and 2008 (Richani 2013, p. 204; Human Rights Watch 2012).

Uribe's administration was reelected in 2006 with the mandate of continuing war against FARC despite the critiques received by human rights' NGOs on the DSDP. In this second period, Juan Manuel Santos was appointed as defense minister and Sergio Jaramillo, who had already been working as security advisor for the ministry in the design of the DSDP, was named by Santos as one of his deputy ministers. During this time, Santos assumed as civil authority the responsibility of leading key military operations against FARC's commanders. With the use of intelligence and special

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<sup>26</sup> The Colombian Congress approved an anti-terrorist law in December 2003. Even though in August 2004 the Constitutional Court declared the law unconstitutional, the bill illustrates the extent of the faculties given to the state forces justified by the war against terrorism. See Leal Buitrago (2006).

<sup>27</sup> The 200 kg bomb placed in the third-floor garage of the club killed 36 people and wounded more than 200.

operations, between 2008 and 2010 the armed forces killed Ivan Ríos, Raúl Reyes and Jorge Briceño, all of them top members of the *Secretariado*. The killings took place at the same time that FARC's historical leader, Manuel Marulanda Vélez died in 2008 from natural causes. The loss of four of its seven members of the *Secretariado* in a very short timeframe, in addition to the military setbacks suffered by FARC, including the *Operación Jaque* – a rescue operation in which former presidential candidate Ingrid Betancur and sixteen other hostages were taken away from FARC – represented a significant blow for FARC's position. For war strategists like Ospina Ovalle by 2010 “FARC had reached a state where it was in both the tactical and strategic defensive” (2017, p. 539). Nonetheless, FARC adapted its tactics to this new war scenario by measures such as decentralizing decisions to bloc commanders even further and creating mobile units returning to guerrilla warfare. Moreover, there was evidence that DSDP had reached its maximum level and was in a trend of diminishing returns. In this context, Santos was elected in 2010 as Uribe's successor with the promise of continuing with the *mano dura*.

### **From Uribe to Santos: The Moment for Peace is Ripe**

After a ten-year period of full-on war against FARC, the Colombian public opinion received with surprise the announcement in August 2012 that the government would initiate peace talks with FARC. Especially because Santos, after being Uribe's defense minister, had assumed the presidency two years before with the mandate of sustaining the military confrontation. However, various domestic and international factors were in place for the peace dialogues to emerge.

### ***Political Recognition of the Existence of an Armed Conflict***

Few days after becoming president, Santos adopted a series of measures that marked a difference with Uribe's government. Over time, the distance between the two administrations increased, the peace talks with FARC being the breaking point. For many observers, attempting a negotiated settlement with the guerrilla group was the natural outcome – and indeed the strategic goal – of the DSDP. For Uribe and his

sympathizers, however, it meant outright treason of his security policy that Santos had promised to maintain. Beyond their personal rivalries, the underlying conflict between Uribe and Santos had to do with their opposed understanding of the confrontation with FARC. For Santos, in line with the country's previous liberal legal and political tradition, this confrontation was defined as an internal armed conflict that could be solved via a political agreement. Uribe, instead, only conceived it as an anti-terrorist war against criminals that in no way could have a political outlook.

As already described, during Uribe's administration and within the global context of post 9-11, the government moved away from the armed conflict legal framework, which had been the norm in Colombia in the past and had enabled attributing the guerrillas a status of political actors. Without it, FARC was conceived as a terrorist group with whom no political negotiation was feasible. At the same time that Uribe's government classified FARC and ELN (the other guerrilla group that did not demobilized during the early 1990s) as terrorist organizations, it led the demobilization process with paramilitary groups through a legal framework (which came to be known as *Justicia y Paz*) that later served as a legal basis for the peace talks with FARC. By the time he was elected, Santos was aware, however, that in order to fully exercise the rule of law he had to explore the possibility of ending the armed conflict through a political negotiation. Even if the state had strategically defeated FARC, there was no way to completely beat it without incurring elevated economic, military, political and humanitarian costs, as FARC had moved again to guerrilla warfare (Echandía and Bechara 2006). Despite the success of the DSDP, the government's key decision-makers regarding the armed conflict concluded that the conflict was "ripe" for a peace settlement as it had reached a situation of "mutually hurting stalemate" (Zartman 2008). That is why Santos reactivated the back channeling with FARC as soon as he became president, recognized the existence of an armed conflict, developed a legal framework that could support an eventual process and developed an international diplomacy geared towards creating a favorable environment for this process.

Contacts with FARC leaders were made throughout the second half of 2010 and 2011. Nevertheless, he continued with the military attacks against the guerrillas, including the special operations in September 2010 and November 2011 that ended up

with the deaths, respectively, of Jorge Briceño (also known as ‘Mono Jojoy’), FARC’s strongest military leader, and Alfonso Cano, who had succeeded Manuel Marulanda as FARC’s General Commander. Continuing with this military pressure amidst the exploration of peace talks was essential for Santos to protect himself from right-wing opposition (Velásquez 2015). The successful targeting of high-ranking guerrilla leaders also motivated the government to negotiate as it knew that it could become counterproductive because it risked leaving the FARC without the political capacity to engage in constructive peace negotiations and would become a fragmented, loose army, dispersed in its regional fronts with varying economic interests (Herbolzheimer 2016).

Aware of the need to prepare the terrain for eventual negotiations, once in power Santos passed on to Congress the bill of the victims’ law that included an explicit mention to the armed conflict in Colombia (El Espectador 2011). Passing this law supposed as well for the government moving in the direction of recognizing state responsibility in human rights violations, particularly in the extrajudicial killings of the *falsos positivos*. Months later, early in 2012 Santos presented in Congress a proposal of constitutional reform that came to be known as the *Marco Jurídico para la Paz* (legal framework for peace). This reform – based on the premises that *Justicia y Paz* had already established – sought to enable the government to carry out negotiations with illegal armed groups by opening a path for transitional justice and political participation of the insurgency (Congreso de la República 2012). Both bills were highly criticized by Uribe and ended up sealing the confrontation between the government and the ex-president, now organized in a new party formed around his figure, the Centro Democrático, which as it will be shown in Chapter 6 played a crucial role in effectively putting into question the whole process.

Another important step in the process of smoothing the peace talks was Santos’ reestablishment of relations with neighbor countries, especially with Ecuador and Venezuela, which had been severely deteriorated by the end of Uribe’s administration. Four days later after he stepped in the Palacio de Nariño, Santos met bilaterally with president Chávez and with president Correa and jumpstarted a new phase of cooperation with the two countries (Wills Otero and Benito 2012). During his first

months in the presidency, Santos made a big effort to position his government in the region strengthening diplomatic ties both bilaterally and in regional organizations, managing to balance the relations with the neighbors and with the United States. Accordingly, Barack Obama's election in 2009 helped president Santos in having a margin of maneuver for the peace talks. Obama's foreign policy differed significantly from Bush's and had as a central point in its liberal agenda improving human rights and binding military actions to international legal standards. Despite being a strong ally in the military approach against FARC, Obama's administration was, even if not publicly active initially, supportive from the outset of Santos' decision to explore a political settlement in this new scenario, and its new discourse helped weakening the domestic outcry for continuing war.

When Santos was elected in 2010, the perceived threat that FARC could take over the country that was prevalent among the Colombian elite throughout the mid-1990s had disappeared. FARC was pushed back to the periphery and its capacity to harm had become marginal, even as it continued to have control over entire rural populations. As security conditions improved – especially from the perspective of the elite in the major urban centers – the economy began to grow again, and the armed conflict, although always present, ceased to be a pressing issue in the public agenda. Before the public announcement of the formal talks in August 2012, public opinion was not, unlike the pre-Caguán context, completely absorbed by the armed conflict agenda. Nevertheless, Santos administration had greater political margin than Uribe to explore a peace settlement, as there was an important sector of the economic elite interested again in putting an end to the conflict through an agreement in order to rapidly securing investments in agroindustry and natural resource extraction, that wanted to take advantage of the high commodity prices at the time. Especially as these elites were conscious that the compromised that had to be made were relatively low given the balance of forces. Moreover, as victims became increasingly visible with the discussion on the victims' law there was in the public opinion a greater awareness of the human cost of continuing with the armed conflict and of the need of re-establishing the rule of law and human rights standards after the abuses that resulted from the DSDP's application on the ground.

### *FARC's Decision to Negotiate*

In response to the DSDP, FARC adopted the *Plan Renacer*, a new war strategy that enabled it to accommodate to the new scenario and sustain its guerrilla warfare. Nonetheless, when Santos arrived to the presidency the members of the *Secretariado* were conscious that with the new balance of forces the opportunity to advance in achieving the goal of taking power over through the armed struggle had come to an end and started seeking a political way out of the conflict. By 2011, not only key members of the *Secretariado* were dead, thousands of its members had either been killed or abandoned the armed struggle, and its political base was reduced to small areas where it maintained historical ties with the communities or where it exerted control through repressive means. With the *Secretariado's* restructuring, Rodrigo Londoño, who assumed FARC's leadership soon after Alfonso Cano's death in November 2011, showed a pragmatic approach to negotiate with Santos government. For FARC, a new peace process was an opportunity to become relevant and legitimate political actors again, and stop been seen as terrorists and drug lords.

In this context, the influence of the Venezuelan and Cuban governments over FARC's leadership was essential in their decision to explore a peace settlement and making the transition into a legal political organization. After more than a decade of being delegitimized abroad as a terrorist and drug-based organization, FARC lost much if not all of its capacity to move outside Colombian jungles. Cuba and Venezuela were the only countries where they could be relatively safe, and even so in both cases the governments had interests in FARC's putting an end guerrilla warfare. For the Cuban regime, FARC had affected the left's upsurge in Latin America but also justified the increasing US military presence in the region. Since the Caguán process, Castro had been highly critical of FARC's methods, particularly of kidnapping and narco trafficking, and had insisted since then on their need to transform themselves into a political movement. For his part, Chávez was also interested in FARC's decision of initiating peace negotiations, as the increasing investigations about the *Secretariado's* presence in Venezuela and its economic and political ties with high-level military officials were affecting his government's already weak legitimacy. Chávez himself, a



FARC member of the Secretariado recognized, played a major role in convincing them on embarking into a serious negotiation and provided logistical support during the backchannel meetings of 2010 and 2011.

Besides the pressure of Cuba and Venezuela, another factor that influenced FARC's decision had to do with the political environment in the region since the mid-2000s, as various left-wing leaders reached power in Latin America via democratic elections. Lula in Brazil, Chávez in Venezuela, Tabare Vázquez and Mujica in Uruguay, Correa in Ecuador, Morales in Bolivia, Ortega in Nicaragua, all of these leaders were a clear demonstration that the left could reach the executive power without recurring to the armed struggle. In Colombia, on the contrary, the left was far from reaching power, and the armed confrontation, and particularly FARC's strong military operations and attacks to civil society, were seen inside certain sectors of the political left as a hindrance for a democratic victory. Carlos Gaviria, for example, a left-wing leader that achieved the highest voting result in the left's history in Colombia during the 2006 elections against Uribe, was an active defender of the political solution to the armed conflict.

### **3.3 Conclusion**

With all these factors aligned, FARC and Santos administration began exploring alternatives to negotiate and in February 2012 began the formal exploratory meeting in Havana. Describing how this meeting took place and, particularly, how it enabled introducing the agrarian issue on the table is what I will do in Chapter 5. First, however, I examine in the chapter that follows the status quo trajectory in rural development policy and how Santos' government shifted away from it and carry out a reformist agenda that informed and then was shaped by the CRR agreed in Havana.

## **Chapter 4. Breaking from the Past: Recent Puzzling Change in Santos' Rural Development Policy amid a Persistent Status Quo Trajectory**

### **4.1 Introduction**

Long-term legacies of rural inequalities often create patterns of policymaking that normalize economic privilege and political exclusion, making distributive change harder to achieve. The historical context provided in Chapter 3 showed that throughout the twentieth century Colombia's state failed in addressing the rising rural gap. The emergence of the peace talks in 2012 including a rural development item in its peace agenda raised again the question of whether this new juncture would serve to tackle agrarian structural problems. In order to grasp the extent of this opportunity, it is fundamental to understand the previous economic and ideational forces at work in the current context as well as the change underway at the policy level. This chapter seeks precisely to do that by means of examining, on one hand, the status quo trajectory of rural development policy in Colombia (the first hypothesized causal factor of the conceptual framework) and, on the other, its unexpected disruption by Santos' reformist agenda (a key element of the second causal factor, the peace exceptionality), which was further heightened by the CRR reached in Havana.

Regarding the status quo trajectory, I argue that domestic processes of policy capture and weak state capacity must be seen in light of broader global and regional forces that either constrain or enhance rural distributive change. The global capitalist demand for land and primary commodities as well as the concentration of the agrifood system have led the Colombian state to favor large agricultural groups' pre-existing political and economic power, at expense of the peasantry. Similarly, pressure for agricultural trade liberalization and reduction of the state's intervention in agriculture have translated into a diminished capacity to provide rural public goods since at least the 1990s. This status quo policy orientation was exacerbated during Álvaro Uribe's administration (2002 and 2010), under which highly regressive initiatives were carried out.

This trajectory, however, was derailed by Santos' administration (2010-2018), which from the outset made clear its interest in developing a progressive agenda, at least in terms of providing the peasantry basic access to land and public goods. At one level, this rupture with previous regressive measures was facilitated by the policy space produced by alternative global and regional norms on food and agriculture, which helped defining the terms and parameters for reintroducing in the Colombian public debate a distributive rural agenda. At another level, this policy shift was motivated by Santos' reformist vision. Although framed always within the limits of a liberal economic perspective, this vision, insofar as it upheld land distribution and a stronger intervention of the state in fostering small-scale agriculture, did represent a move away from the anti-peasant measures defended by Uribe. The initial reforms advanced by Santos, particularly the land restitution policy and the rural development bill, were a key antecedent for the discussions in Havana setting the stage for the government's position on the peace agenda, as I will show in Chapter 5. At the same time, once the agreement on the rural development item was struck in mid-2013, the vision and commitments included in the CRR shaped in important ways Santos' rural policy, although, as I explain in Chapter 6, the adoption and implementation of the agreement's provisions was far more limited than what was expected.

Going back and forth in time and straddling between policy processes, the exceptional circumstances and tools provided by the peace agreement and the political dynamics of the implementation, Chapters 4 through 7 – each focusing on a particular moment and factor – highlight overall the ambivalent outcome of rural development policy during the Santos administration and the partial effect of the window for change produced by the transitional context. In this chapter I am interested in describing the policy trajectory, its global influences and puzzling disruption.

The chapter is structured in four sections. The first one describes the global and regional forces influencing rural development policy, tracing both the structural economic trends and norms that emerged in reaction to them and their effect in Colombia. Section two defines the concepts and definitions to analyze empirically Uribe and Santos' rural development policies. Section three and four examine

separately each of these administrations' policy initiatives, surveying specifically three policy dimensions: land access, public goods provision and agricultural supports.

#### **4.2 Policy Change in the Global Context: Between Structural Economic Restrictions and Favorable Global and Regional Emerging Norms**

Situating Colombia's recent rural development policy in a broader context globally and regionally is relevant for understanding the potential for the peace agreement to truly enact rural reform. Previous attempts at agrarian reform have failed in Colombia due to complex and historically contingent reasons. However, it is important to establish whether the fundamental power dynamics governing Colombian economy and society have changed enough to allow the peace accord to foster meaningful distributive policy. Caution is warranted, given that, as in the past, possibilities of change are bound by political and economic restrictions defined by previous long-standing structures. Unlike the past, however, today these structures – even if still primarily domestically determined – are increasingly entangled with and dependent on global and regional forces, actors and norms. In this context of global entanglement, distributive rural change is even harder to see, as global dynamics tend to reinforce entrenched national interests bolstering higher inequality and policy capture. Undoubtedly, the peace accord represents a landmark attempt to address Colombia's longstanding agrarian problems, not least because it has taken advantage of a global context of favorable norms on land distribution and supports to family agriculture. Yet, the remarkable resilience of elites amid globalization may impede bringing about significant agrarian policy change and maintain it within its status quo trajectory.

On one hand, globalization alters the way domestic policy change is studied due to what global governance scholars identify as a growing governance complexity that has at least three dimensions (Weiss and Wilkinson 2014; Rosenau 2006; Ruggie 2004). First, the “thickening web of governance” across subnational, national and transnational scales, which requires examining rural development policy as determined by multiple, overlapping domains of authority, and not by a single national political authority (Cerny 2010; Lake 2010; Slaughter 2004; Latham 2001). Second, the increasing “diffusion of power” along various material and ideational axes, which

points to the need to account for both interests and norms in policy reform rather than one sole source of power (Barnett and Duvall 2005). Thirdly, the gradual intermingling of state and nonstate actors – such as NGOs, social movements, businesses, multilateral bodies – in policy processes that leads to viewing policy as determined not by a single force (e.g. Executive government) but rather by various public and private, transnational and domestic actors that compete and cooperate with each other in pursuing their own agendas and goals (Conway 2011; Koppell 2010; Büthe and Mattli 2011; Clapp and Fuchs 2009). Now, even in this “polycentric governance” context, the sovereign state remains the most relevant unit in the overall global political structure. Its long historical “resilience” and “weak evolutionary stability” as an institutional form (Krasner 2001) has shifted the discussion away from whether the state is or is not in retreat and towards a more productive analysis on the interaction between multiple spheres of (public and private) authority (Rosenau 2006). In the case of rural development policy change in Colombia, I focus on the national government as the main locus of authority responsible for enacting statements, decisions and measures related to this policy, but always in relation to direct and indirect pressures exerted by other actors, which have to do with both structural forces and global norms.

### **Structural Economic Trends Impact the Government’s Policy Space**

A first type of pressure is the structural one exerted by global and regional economic forces (Strange 1996). While global capitalism has shifted in the last decades towards increasingly digitally-based, highly financialized accumulation processes (Castells 2009; Peterson 2003), competition and conflict over natural resources and commodities in specific territories has never been as stark as today (Clapp and Helleiner 2012; Cotula 2012). Emergent phenomena like the “global land rush”, the transformation of rural landscapes into extensive biofuel crops, and the internationalization and corporatization of the food value chain (Margulis, McKeon, and Borrás 2013) have a direct impact on rural areas, domestic agrifood systems and the way central governments make decisions about them (Arndt and Kierkowski, quoted in Dauvergne and Lister 2012).

In Latin America, the long commodity boom that started in the early 2000s has led the region's economies, including Colombia's, to a re-primarization of their development models (León Rodríguez 2012). Mainly based on China's appetite for oil and food, this commodity boom has drawn national and foreign investors alike into rural areas, who have in turn demanded the state for clearer rules and procedures for capitalist expansion. Traditional landed elites linked to activities like cattle ranching are now joined by an agribusiness and energy elite composed of domestic and transnational firms in lobbying the state for favorable policies. Governments, increasingly dependent on the revenues of these extractive activities for their own functioning, are structurally constrained in their capacity to move away from these elites' agenda (Vergara-Camus and Kay 2017b, pp. 433-435; Strange 1996; Clapp and Fuchs 2009). Whether it is a decision on what to do with available state land or the environmental impact of a large energy project, governments tend to privilege elites' interests over those of local communities, disregarding existing norms or ideological commitments. These decisions end up reinforcing the elites' preexisting political and economic power.

In reaction to the revaluation of land and agricultural commodities as world class assets (Clapp and Helleiner 2012; Clapp, Isakson, and Visser 2016), there are indications of a renewed land concentration in various Latin American countries. Legal provisions introduced early in the twentieth century to prevent unproductive land concentration, such as the "social function" clause or the maximum farm size clause ("agricultural family units"), are being contested through new regulations, as large-scale projects require vast tracts of land to be able to expand their investments. Monocrops like soybean, sugar cane and palm oil more than doubled throughout the region in the mid-2000s. According to the FAO statistics, between 2000 and 2016, the number of soy hectares increased in South America from 24 million to 58 million; sugar cane jumped from 5 million hectares to 11 million in 2016; and palm oil from 378,000 hectares to 838,000 (FAO Stat 2018). Besides the deleterious environmental effects of these crops, the massive growth of agribusiness in these countries leads to a concentration of commodity chains, both downstream and upstream, and thus to a great lobbying power in policymaking. As they take over key activities and gain

commanding positions in the value chain, governments pay more attention to these giant firms, supporting them via different types of subsidized credits or market protection.

While agribusiness achieves not only greater market but also policy space, family agriculture, on the other hand, with less ability to compete and less state support, is further marginalized from the commodity chain and undergoes an intense process of internal differentiation (Webber 2017; Lapegna 2017). Some small farmers either completely move out to urban areas into other economic activities or actively pursue nonfarm livelihoods to supplement their falling agricultural income (Dirven 2011; Weller 2016). Others remain in agriculture as their main economic activity, but in a very precarious situation often accepting unequal partnerships or deals with large agribusiness firms to be able to stay afloat in the market. Only a small percentage of them is able to improve its position in the market and sustain its production beyond subsistence levels, becoming leading entrepreneurs in their own communities buying adjacent land or employing less successful neighbors. The effect, again, is one of an increasing asymmetry between agribusiness and family agriculture in voicing its own demands in government (Vergara-Camus and Kay 2017a). As government institutions and policies reflect only certain types of demands, they stabilize and normalize “political legacies of concrete historical struggles” into measures, procedures and ways of functioning that have distributional effects and increasing returns to power (Vergara-Camus and Kay 2017a).

As mentioned in Chapter 2, even in countries where ambitious progressive rural development policies have been put in place at the national level, allocating direct supports to family agriculture and revamping state efforts to distribute land to peasants, these policies have not been effective enough in improving small-farmers autonomy and their own position within the market (Vergara-Camus and Kay 2017b, pp. 415-417). Besides the concentration of the agrifood chain, this marginal impact of recent government intervention is associated with two ongoing global processes since the mid-1980s: agricultural trade liberalization and state reduction. Agricultural trade liberalization in Latin America, as in most developing regions, must be understood as part of the larger process of structural adjustment that most countries in the region had

to adopt after the 1982 debt crisis. This meant a profound transformation of the development model, from import-substitution industrialization to neoliberalism, which went beyond deregulation of international trade flows (Haggard and Kaufman 1992). It encompassed as well a wide set of monetary and fiscal policies aimed at balancing public finances. One of the key premises behind the opening of the Latin American economies was the reduction of government intervention so that economic agents could follow market-price signals.

In agriculture, eliminating distortions of relative prices implied dismantling state agencies directly involved in the production, processing, storing, distribution and consumption of agricultural crops, like the National Company of Popular Subsistence (CONASUPO) in Mexico or the National Institute for Agricultural Marketing (IDEMA) in Colombia, both shut down in the mid-1990s (Appendini 2014). The alignment of agricultural policy with overall market reforms, also meant reorienting new public programs towards supporting farmers considered to have a commercial and competitive potential in open market conditions. Recent efforts to bring the state back into rural development policy face a scenario of weak institutions not fully capable of supporting a distinct pathway of rural development. In the course of deregulation, private firms (importers, processors, distributors) filled the gap left by the state and erected a new governance regime. Given that firm concentration and vertical integration are so strong now, it is difficult for new policies to break from these existing arrangements. Far from being politically neutral, market reforms thus had a significant “distributive effect”, as Snyder (2001) points out in the case of Mexico, affecting the “political equilibria” (Acemoglu and Robinson 2013). The vacuum left by the withdrawal of the state from key regulatory activities, mostly benefited large-scale traders and processors. In this new market-oriented scenario, big firms translated their “corporate power” (Clapp and Fuchs 2009) to influence key policy areas vacated by the old state-based regime setting rules and regulations according to their own interests and affecting negatively the public interests (Ellis 2009).

### *Colombia's Status Quo Trajectory*



In Colombia, in line with these regional trends, three broad tendencies characterize the development of agricultural policy in the period 1990-2010. First, agricultural policy lost its relative importance vis-à-vis the overall public expenditure, and the contribution of agriculture to total growth fell. Even though total public expenditure as a percentage of GDP increased from 16.1 percent in 1990 to 28.4 percent in 2009, agricultural public expenditure dropped from an average of 0.67 percent of GDP during 1990-1996 to close to 0.27 percent during 2000-2009 (UNDP 2011, pp. 315-316). This fall in agricultural expenditure, often associated with the loss of agriculture's share in GDP, declined faster than the activity's output, as the Index of Agricultural Orientation (IAO) shows.<sup>28</sup> While in 1990 the IAO was 0.22, in 2009 was 0.09 (UNDP 2011, p. 316).

Secondly, agricultural policy during this period was further captured by elite interest groups – mainly the *gremios*, or agricultural business associations – that tilted the allocation of resources towards private subsidies and away from investment in public goods (UNDP 2011). Agricultural policy capture is not new in Colombia. LeGrand (1986), Bagley (1979) and Hartlyn (1981), for example, have analyzed how agrarian reform was obstructed in the 1930s and 1960s by the two big agricultural business associations, the Colombian Agricultural Society (*SAC*) and the National Federation of Cattle Ranchers (*Fedegán*) and tilted policy in their favor. These associations gained prominence in the first half of the twentieth century as Colombia's economy became dependent on export-oriented crops and also gave significant space to extensive cattle-ranching. While the peasantry also became organized in national associations like the National Association of Peasants (ANUC) that was very strong in the late 1960s and early 1970s (Zamosc 1986), the Ministry of Agriculture sustained a constant communication with and a preference towards the *gremios* (Gutiérrez 2015).

By the 1990s, with trade liberalization underway, there was a profound change in agricultural policy and a reorganization of the sector. The dismantling of various price supports and tariff quotas affected all crops (Jaramillo 2010), pushing the *gremios* to organize themselves better and become more aligned to the open-market scenario.

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<sup>28</sup> The IAO measures the extent to which agricultural public expenditure corresponds to the share of agriculture in total GDP, where 1 equals a perfect correspondence between the two ratios.

After the initial shock of liberalization, the palm oil, flowers, banana, coffee and sugar cane sectors were able to adapt to this new scenario and become leading activities with strong state support during the Gaviria (1990-1994) and Samper (1994-1998) administrations (Cuéllar Benavides Forthcoming). Meanwhile, small farmers involved in short-cycle crops lost relevance in both production and the policy agenda. The OECD's recent review of Colombia's agricultural policy (2015) details precisely how Colombia's overall support to the agricultural sector was highly skewed against collective services and small farmers, instead privileging direct supports that are primarily directed towards the large-scale farmers. For the period 1999-2007, in average only less than 8.4 percent of total supports were allocated to general services while Market Price Supports – the most regressive of supports as it is based on commodity output – concentrated on average 85 percent of them (p. 198).<sup>29</sup>

A third interrelated feature highlighted by the UNDP is that the sector's public institutions were significantly reduced in this period (see Appendix 3). Whereas in 1990 the sector had 17 agencies responsible for a wide range of planning, execution and monitoring tasks, including substantial specialized rural development agencies, by 2010 only 8 of them remained. This shrinking of the sector resulted out of various reforms carried out throughout the 1990s and early 2000s aimed at reducing public spending, which unsurprisingly affected the scope, breadth and effectiveness of agricultural policies on the ground, particularly those dealing with peasant supports, and reinforced its corporativist character as budget allocation and execution became increasingly concentrated in the Ministry of Agriculture and thus more prone to elite lobbying and capture (UNDP 2011, pp.310-312).

## **Rise of Alternative Global and Regional Norms on Rural Development**

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<sup>29</sup> The OECD's analysis of Colombia's agricultural policy is based on the Total Support Estimate (TSE), an indicator expressed as a percentage of GDP that measures the cost of the support of agricultural support. The TSE, in turn, is disaggregated into three broad types of indicators: the Producer Support Estimate (PSE), the Consumer Support Estimate (CSE) and the General Services Support Estimate (GSSE). The PSE is mostly driven by market price supports (MPS) that include trade measures such as import tariffs, import quotas, tariff quotas and export subsidies, among others. The GSSE, for its part, indicates government expenditures to finance activities that provide general services, such as the agricultural knowledge and innovation system, inspection and control services, development and maintenance of infrastructure, etc. (OECD 2015, pp. 194-197).

Besides structural economic pressures, the emergence of global and regional norms around agriculture, food and rural development overall also played a crucial role in shaping the Colombian government and policymakers' values, beliefs and ideas in the context of the peace talks. In reaction to the negative effects of trade liberalization, large-scale farmland acquisitions, growing corporation concentration in the international food industry, norms on environmental sustainability, food sovereignty and land justice rose on the agenda of and gained influence in global food governance in recent decades (Clapp, Desmarais, and Margulis 2015; Clapp 2017). These emerging norms contested the existing “transnational policy paradigm” (Best 2012) on agricultural trade, which had become the dominant norm in the global economy since the adoption of the 1947 General Agreement on Tariffs and Trade (GATT) (Clapp 2017, p. 337). Despite the global structural trends and the status quo policy trajectory, these emergent norms have helped opening policy space in countries like Colombia to favor a distributive agenda based on land access, family agriculture supports and provision of rural public goods.

### *Norms Promoting Land Access*

After it had been proclaimed dead, since the mid-2000s land reform emerged again into global governance debates. With the advent of neoliberal policies in the 1980s, land reform policies, especially those informed by a strong role of the state in fostering land redistribution via administrative measures, were marginalized from the agenda of international development institutions and states. This “fall from grace” of redistributive land reform, as Borras (2005) calls it, occurred “despite the persistence of land monopolies and land reform on the political agendas of peasant movements” (p. 91). This recent reemergence of calls for land reform has been partly due to the global land grab and to continued concerns on the persistence of rural poverty in the developing world.

Transnational social movements have resisted processes of further accumulation by dispossession through various legal and political venues, including La Vía Campesina's Declaration of Rights of Peasants. In it, the peasant global movement affirms the “right to land and territory” (La Vía Campesina 2009). Similarly, transnational NGOs have

called for an explicit “human right to land”, understood as the right to access land for food security, housing and cultural value (Künnemann and Monsalve Suárez 2013). Moreover, multilateral organizations like the World Bank, the FAO and UNDP have also centered their attention back on land access and land rights. Using a human rights perspective, for example, the UN Special Rapporteur on the Right to Food developed in 2009 claims around the non-commercial dimension of land, linking it to the protection of indigenous peoples and their ways of life, but also to fundamental rights like the right to food and the right to water (Cotula 2013, p. 1617). In 2012, the FAO, for its part, approved the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests. These guidelines resulted of a negotiation with a high level of participation of civil society organizations and social movements, and an important step in the recognition of the rights of marginalized peoples, especially in terms of land and natural resource control and tenure rights (Brent et al. 2016).

In addition, land reform has also gained attention in multilateral institutions which have recognized the importance of land access in overcoming rural poverty amid a food crisis context. In 2006, for example, the UNDP supported the International Conference on Agrarian Reform and Rural Development, which was held in Porto Alegre and centered its discussions on rural poverty reduction strategies wherein land access was crucial (Borras, Kay, and Akram-Lodhi 2007).

In Colombia, these emerging global norms on land governance, especially those defined in terms of the human rights framework, were highly influential in constructing the legal and political discourse around land restitution, which also drew heavily from norms on transitional justice (McKay, Rodriguez, and Fajardo 2016). As Chapter 5 describes, land restitution policy played a key role in serving as basis for introducing the rural development issue into the public agenda and into the peace negotiations.

### ***Family Agriculture Becomes Popular and the State Comes Back in***

Alongside the emerging norms on land governance, the food and environmental crises during the 2000s also gave rise to global norms around the need to support family agriculture in the developing world and to bring the state back in rural development policy. The World Bank, for example, in its thirtieth annual *World Development Report*

of 2008, which is dedicated to agriculture, highlighted the importance that family agriculture had for poverty reduction, economic growth, environmental sustainability and food security, particularly in countries with a high percentage of their poor living in rural areas (Clapp 2009; World Bank 2007). Almost a year later, the International Assessment of Agricultural Knowledge, Science and Technology for Development's (IAASTD) published its report, *Agriculture at a Crossroads* (2009), which resulted from a multi-stakeholder panel to address issues such as hunger, poverty and environmental challenges. The report emphasized the need to tackle inequities against smallholding farmers in developing countries and to support their technological innovations. At the same time, the UN High-Level Task Force on the Global Food Security Crisis, the High-Level Conference on World Food Security, the G8 Summit and the OECD, issued policy statements recommending, among other things, strengthening public agricultural investment and state institutions geared towards the countryside (Clapp 2009).

In Latin America, these norms were primarily adopted and led by Brazil, as the PT government developed a robust federal-led family agriculture program, linking land distribution with financial supports, technical assistance, market access and consumption. This program was legally established by Decree 1946 of 1996, during Fernando Henrique Cardoso administration, and institutionally was carried out by the Ministry of Agrarian Development, a ministry created in 2000 separate from the Ministry of Agriculture, traditionally biased in favor of agribusiness. Brazil's family agriculture program was endorsed by MERCOSUR and adopted as well in countries like Argentina, Uruguay and Paraguay. With the support of the FAO, it became a regional norm that expanded through Andean and Central American countries as well, influencing domestic rural development policies. These massive programs were carried out during a period in which the BRICS were expanding globally and adopting new forms of state developmentalism and regional governance (Mittelman 2013; Riggiorozzi 2012), public investment in rural development became widely accepted again. It is in this global and regional context – in which experts and international organizations were putting pressure to address structural rural problems – in which the Colombian

government conceived as legitimate and desirable fostering rural development and including this issue as part of the negotiating agenda.

Global economic trends and norms affect in a contradictory, uneven way, and through various actors, processes and mechanisms, how national governments make decisions on rural development policy at particular junctures. Policy decisions in Colombia thus have to be framed and understood in this broader global and regional context of multiple forces and contestations.

### **4.3 Moving from the Macro Trends to the Policy Change Perspective**

Global political economy literature is highly relevant to capture the broad tendencies just described. Yet, it is not sufficiently specific to grapple with domestic-level processes associated with policy change from one government to another. In this sense, I now shift the attention to a policy analysis in order to examine the evolution of rural development policy between Uribe and Santos drawing analytical tools from the policy change literature.

The *broad* features of Colombia's agricultural policy – fall of agricultural spending, emphasis on private rather public supports and deterioration of rural public institutions – highlight the status quo trajectory it followed since the 1990s. However, I do not intend doing here a sectoral comprehensive assessment. Such a task is beyond the scope of this thesis, as there are numerous agencies and policy instruments comprising agricultural policy. Ranging from the tariffs used to protect certain products from import competition to the labor training to improve human capital's formation in rural areas, agricultural policy is quite broad. Each of these instruments constitutes in itself a complex policy environment with multiple sources of change. Evaluations like the ones given by UNDP (2011), OECD (2015) or the Commission for the Countryside's Transformation (2015) are oriented towards this broad examination of the entire agricultural policy framework. My focus lies rather on understanding whether there has been a shift in the *directionality* of rural development policy – which is part of agricultural policy – during Santos government. In other words, and drawing from Hong, Kwon and Kim's (2018) discussion on the need to determine the direction of

social policy change, I aim to examine Santos' rural development policy orientation. Howlett and Cashore (2009, p. 41) precisely point out the importance of studying a policy's directionality to distinguish between types of changes. Centering the attention on it helps in determining if the changes observed during Santos administration are either regressive or progressive. A regressive change represents a fluctuation within the existing status quo policy equilibrium. A progressive or *distributive* one indicates instead a move away from the existing equilibrium toward another qualitatively distinct, favoring a more equitable allocation of resources and privileging the poorer sectors of agricultural producers and rural dwellers.

### **Policy Issues and Dimensions**

I examine three issues out of a broad universe of policy issues that signpost what a distributive rural development policy may look like: land access to the rural poor, agricultural supports to peasants and public goods provision. Depending on how it is defined, rural development policy may be seen as comprised by a broader set of issues, such as environmental, social, trade and macroeconomic ones. However, the issues selected are useful to focus the analysis on those aspects of policy that best indicate any change in its directionality, as these are the ones affecting the rural poor directly.

By *land access*, I understand the state allocation of land and land property rights to small peasants and landless rural workers. This allocation may take the form of a land transfer of a plot acquired or recovered by the state, a legal recognition of a previous occupation of state land or a handover of a land violently dispossessed. In other words, land access may occur via either distribution, formalization or restitution. For the purposes of this analysis, I am not considering here the allocation of collective land and collective rights to ethnic minorities – indigenous and afro – that has its own rules and procedures based on the 1991 Constitution (and Law 70 of 1993 for the collective territories of Afro-Colombians). By *agricultural supports*, I am referring to state-funded services directly allocated to small farmers to assist them in their agricultural production process, including financing, technical assistance, association and marketing services. In Colombia other actors different than the central government

may also provide some of these services.<sup>30</sup> However, as my interest is examining the central government policy's directionality I exclude from the analysis all these other actors.

Finally, I define *agricultural public good provisions* in rural areas as central government spending geared towards investment on tertiary roads, irrigation systems, agricultural research and innovation, agricultural information systems and agriculture inspection services. I leave aside public investments in other rural public goods, such as housing and water, health, education, and digital infrastructure that are also essential for improving rural dwellers' well-being for two reasons. The first is that after the administrative decentralization law was passed in 1989, local authorities are the ones legally responsible for providing many of these social services (especially water sewage, health and education), so the central government, even if it does have some programs to benefit the most marginal rural areas where local authorities have a very small revenue, does not usually include these issues as part of its rural development budget, with the exception of rural housing that since the 2000s has become a national policy. The second reason is that I am mainly focusing on public goods oriented towards supporting agricultural production, as they have a direct impact on small farmers' income.

Besides identifying and defining the above policy issues, in order to better specify the type of analysis I am doing, it is also relevant to make explicit the policy dimensions I am accounting for and how. As policy change scholars Hong, Kwon and Kim (2018) point out, policy analyses like the ones carried on Colombia by UNDP (2011) and OECD (2015) have great empirical descriptions and information, but are not theoretically self-reflective of the kind of assessment they are undertaking. They often focus almost exclusively on budget allocation and institutional framework leaving aside goals and beneficiaries. Carrying out a systematic empirical discussion

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<sup>30</sup> Agricultural business associations, for instance, use part of the levy they collect from the producers for technical assistance – the most known example of these services is the one given by the National Coffee Federation that since the 1960s developed a very robust rural extension service geared towards its associates. Regional and local governments also often fund agricultural support services. Big provinces like Antioquia, Cundinamarca and Valle del Cauca have set up their own regional schemes to provide technical assistance and marketing supports to small farmers. Private foundations and international cooperation agencies, for their part, usually have projects on the ground that comprise both financing and technical assistance.



thus requires a clear definition of the dimensions covered and the way these are operationalized. According to Hall's (1993) famous distinction between abstract and concrete policy decisions, policy may change in at least three different levels of "orders". "First order" changes take place when there are calibrations of policy instruments within the existing institutional confine. "Second order" changes occur when there are alterations to the policy instruments within an existing policy regime. "Third order" or "paradigmatic" changes allude to an overall shift of policy goals derived from an exogenous shock that leads to a new equilibrium, whereas first- and second-order changes are incremental but do not alter the existing policy regime. Yet, according to Howlett and Cashore (2009, p. 39) since Hall's work was first published, more recent empirical and conceptual research has led to some refinements of this initial categorization, especially in terms of clarifying how to differentiate "incremental change" from "paradigmatic". Although incremental change is often associated with marginal change and paradigmatic change treated as atypical and unstable, there may occasions in which incremental changes is *cumulative* and thus lead to a paradigmatic change, depending on its directionality.

In this regard, adapting Howlett and Cashore's (2009, p. 39) policy taxonomy components, for each of the three issues above I examine three distinct policy dimensions: content, outputs and outcomes. Policy *content*, following Zittoun (2009), refers to the broader ends or aims of policy and may be studied through the discourse that policy actors themselves put forward ("policy statements") regarding the goals, objectives, strategies, settings and target groups. Data on these policy statements may come from either direct declarations made by policy actors (e.g. ;Minister of Agriculture, the President) or institutional documents in which these policy goals and objectives are laid out (e.g., National Development Plan or the annual report of the Ministry of Agriculture to Congress). *Outputs*, for their part, as Bauer and Knill (2014) define it, have to do with policy means or tools expressed in both administrative (e.g., institutional arrangements, policy instruments) and legislative (e.g., bills issued) measures. As Hong, Kwon and Kim (2018, p. 4) indicate, even if legislative and administrative data may partially overlap, for measuring purposes it is important to treat them separately, as the former is more related to policy reform in the intentions of

the legislator while the latter is directly connected to actual implementation. *Outcomes*, finally, indicate the direct consequences of policy on citizens measured through the effective goods or services delivered, as well by the public expenditure allocated. For the various policy instruments and issues studied there is data publicly available at the National Planning Office and the Ministry of Agriculture detailing annual progress in delivery and expenditures. I do not include an analysis of *impacts* as these have to do with the overall effect of policy actions, such as the reduction of poverty, and need a longer timespan to be properly assessed, although the impact evaluations carried out by the National Planning Office on specific policy instruments (e.g. *Agro Ingreso Seguro*) are also considered. Paying attention to these different dimensions allows not only distinguishing between the various policy elements that can undergo change, but also on the interactions between them.

With these definitions in mind, in what follows I provide an analysis of Uribe's rural development policy to highlight its regressive character, which will be useful to compare with Santos' progressive policies.

#### **4.4 Uribe's Regressive Policy**

Álvaro Uribe's administrations (2002-2006 and 2006-2010) reinforced the status quo of agricultural policy. During his administration, there was no change in the directionality of rural policy, but actually a heightening of its regressive character and its anti-peasant bias (Chapter 7 provides a description of the political and economic sectors supporting him). Amid the global demand for agricultural commodities and the pressures for increasing large-scale commercial farms that I described in the previous section, the agricultural development model that informed Uribe's policy considered it was more efficient to spend public funds supporting large agricultural farms than small-scale farmers. It claimed that while the latter needed social assistance to get out of poverty, the former had the sufficient economies of scale to improve their own competitiveness and thus bolster economic growth and employment (Personal communication Former Advisor of Ministry of Agriculture, September 22, 2017 ). The emphasis of agricultural policy was hence on agricultural supports towards big

landowners and agribusiness. Land access, agricultural services and provision of public goods benefiting small-scale farmers significantly decreased. The 2003 institutional sector reform largely reflected these priorities, further deepening the trend of dismantling the sector's public institutions that had started in the 1990s. The reform replaced various rural development agencies for a single one that lacked the resources and capacity to deal with the multiple problems and demands of small farmers and poor rural dwellers across the country. Beyond the model itself, in practice the allocation of regressive subsidies to particular rich individuals and firms reflected Uribe's political and economic alliances with big landowners, who felt represented by his right-wing political project. By contrast, his government stigmatized rural social movements and repressed protestors, while not sanctioning the violent dispossession of land by paramilitary groups. A brief description of each of the policy issues illustrates the kind of regressive rural development policy Uribe followed.

### **Land Access**

Reyes (2009) and Richani (2013, Ch. 2) argue that with the rise of paramilitary groups and drug lords in the mid-1980s, there was a re-concentration of land that pushed back the slight progress made decades before in land distribution. During Uribe's government, some of this land violently dispossessed – which amounted in total to at least 5.5 million hectares according to a Follow-Up Commission Report (2009, p. 11) – was legalized by entrepreneurs with state support and used for consolidating large scale agricultural projects (Grajales 2011; Thomson 2011; Gutiérrez Sanín 2014; Vargas and Uribe 2017). Leaving aside the highly controversial legal debate on the business firms that were either directly linked to paramilitary groups or took advantage of the fragile property rights context to acquire land cheaply,<sup>31</sup> the point I want to make is that the

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<sup>31</sup> Various national and transnational agribusiness groups have been condemned for having links with paramilitary groups. In 2007, Chiquita Brands, a US banana-exporting company, was fined US\$25 million by the US Justice Department for making monthly payments to paramilitary groups in the Urabá region for over six years (Colectivo José Alvear Restrepo 2008). In December 2016, the Colombian Constitutional Court ordered the Latin American businessman Germán Efromovich, owner among others of Avianca Airlines, to give back 2.000 hectares of land in South Cesar to peasant communities that in 1996 were displaced from their farms by paramilitary groups. This land was later acquired in 2008 at a low price by Efromovich who argued that was not aware of the previous violent dispossession (Semana 2016 a; Verdad Abierta 2016a).

policy orientation was not only of complete disregard towards land distribution, but also lacked any condemnation of land dispossession. As I show in Chapter 7, the rural elites that benefited from the violent appropriation of land and were supportive or sympathetic to Uribe's policy were one of the major actors opposing land restitution and the peace talks' commitments on land distribution.

The Rural Development Bill passed by the government to Congress in August 2006 and approved by it in 2007 (Congreso de la República 2007) included a provision (article 157) that allowed registering a title deed after five years of land occupation without any measure to guarantee the legality of occupation, thus opening a window for legalizing land violently dispossessed (Grajales 2011; Comisión Colombiana de Juristas 2006). It also included other provisions aimed at transferring state land to agribusiness firms interested in developing large-scale investments. In its statement of reasons, the government argued that the bill's intention was to "adapt the countryside to the new realities of the national and global economy", which required a "renewed impulse of entrepreneurial development", and the privileging of "agribusiness competitiveness and profitability" (Congreso de la República 2007). Due to its various unconstitutional provisions and strong civil society pressure against it, the Bill was later rejected by the Constitutional Court (Semana 2009). Nonetheless, with it Uribe's government left its mark concerning how it conceived land rights in regressive terms.

### **Agricultural Supports**

While Uribe's government reduced the amount of rural development agencies, it significantly increased the poverty and social assistance agencies at the central government. Rural poor and peasants were primarily treated as passive beneficiaries in need of cash payments, rather than as producers capable of generating their own income through agricultural production if given the sufficient supports (García Trujillo 2009). Expenditure on public technical assistance decreased, and rural extension services were privatized without state regulation or support. Marketing supports to small-scale farmers were not developed, and even though financing increased in this period through the *Banco Agrario* – the bank created in 1999 with public funds after the

sector's reform to give loans to agricultural producers – it increased its benefits to medium- and large-scale farmers. The Bank's loans for small producers decreased from 86 percent in 2002 to 66 percent in 2010 (Finagro and Misión para la Transformación del Campo 2014). The Ministry of Agriculture did implement during this period a couple of programs geared towards rural development, such as PADEMÉR and Alianzas Productivas. Yet, these initiatives were primarily funded by an external loan with the World Bank, and their scale was very small (FIDA 2007; Econometria Consultores 2006).

The biggest and most renowned agricultural program of this period was *Agro, Ingreso Seguro* (AIS), which had been approved in 2007 by law 1133 as a support mechanism to compensate and prepare producers for the fierce external competition they would face with the signing of the Free Trade Agreement with the United States that same year. This program, with an annual budget of \$US250 million, established as its key objectives to improve producers' competitiveness through capitalization, technology and irrigation infrastructure. However, it ended up benefiting mainly large-scale agriculture and intermediaries. In 2009, it came under fire due to misallocation of resources towards wealthy farmers that led to the resignation and legal prosecution of Uribe's minister of agriculture (Argüello and Valderrama-González 2015). The impact evaluation carried out on this program showed that directing public resources mainly to private subsidies did not translate into better competitiveness indicators (Econometría 2011). It concluded as well that the small amounts allocated to general public services, especially technical assistance, had a large effect in improving producers' agricultural income.

Another key example of the type of agricultural policy developed by Uribe was the subsidy scheme that provided price and market supports to large agribusiness. This scheme was especially relevant to develop the palm-oil sector, a sector predominantly comprised by medium- and large-scale farmers due to its high set-up costs. Starting from 138,457 hectares in 1997, by 2009 palm oil cultivation had increased to 360,537, representing an increase of 160 percent (Maher 2014). By that year, Colombia had become the fifth largest producer in the world (behind Indonesia, Malaysia, Thailand and Nigeria) and the largest in Latin America. Promoted through the National Policy

of Biofuels issued in 2008 and Law 939 of 2006, supports to the palm oil sector included measures such as tax-exemptions, direct supports, price stabilization mechanisms and the creation of a blend mandate to include a percentage of biodiesel in gasoline (CONPES 2008; Congreso de la República 2004). In tax exemptions alone, palm oil producers received in 2011 a support that amounted to more than 200 thousand million Colombian pesos (USD 100 million), a value that surpassed by five times spending on subsidies for poor peasants and displaced families in 2010 (García Romero and Calderón Etter 2012; Departamento Nacional de Planeación 2010a).

### **Provision of Public Goods**

The biggest development regarding the provision of agricultural public goods during Uribe's government had to do with the replacement in 2003 of the existing rural development agencies responsible for this provision with the *Instituto Colombiano para el Desarrollo Rural* (INCODER), a single national rural development agency that assumed all the tasks these other organizations previously had. Justified on the basis of efficiency, this reform would supposedly improve the sector's delivery as one single agency was better than multiple and relatively autonomous institutions at coordinating the execution of the various programs and policy instruments. In practice, however, as the UNDP (2011) points out, the INCODER left many issues behind and never had enough resources to deal in a serious way with the diverse and complex demands of small-scale agricultural producers and rural dwellers. Public spending in rural development fell sharply and with it the attention to the rural poor from an agricultural production perspective. The share of rural development programs in the total budget decreased from an average of 46 percent between 1990 and 1998, to 12 percent between 2003 and 2010, and public expenditure on agricultural research only amounted to 3 percent of total agricultural expenditure (UNDP 2011). Resources allocated to irrigation projects increased significantly during this period. However, these were either geared towards large-scale firms or individuals as part of AIS or towards large-scale projects that even if they included small farmers as beneficiaries they were mostly for medium- and large-size farms, and due to their lack of

environmental sustainability ended up being questioned by the media and civil society organizations (Fajardo 2014).

Interestingly, a parallel policy development took place at the end of Uribe's period, associated with the emergence of the *Programa de Consolidación*, which as I describe in detail in the next chapter, was created in the Ministry of Defense as part of the security and coca crop substitution policy. As a way of building trust with rural communities that had been living for decades in FARC-controlled areas, this program sought to complement military operations with rural public goods provision and supports to family agriculture at a regional level. In the southeast region of La Macarena, it invested heavily on tertiary roads, schools and technical assistance. Although it was mainly funded and operated by USAID and was administratively separate from the Ministry of Agriculture, it established the basis for future government-funded rural development programs during Santos government linked to state- and peacebuilding.

As the previous description showed, Uribe's administration pushed forward a status quo policy agenda benefiting primarily landowners and agribusiness in detriment of the peasantry. As I will show in Chapter 7, these actors perceived that the rural development provisions laid out in the peace agreement put at risk their interests and highly opposed it since its it began. Now, I move on to compare it Santos' policy to see what changed and why.

#### **4.5 Ambivalent Policy Change in Santos' Government**

In June 2010, Santos was elected president as the heir of Uribe. It was widely expected that he would continue not only his predecessor's security policy, but also the economic path set forth by him. His Bogotá-elite family background, well-known commitment to free-market ideas and close ties with the country's large economic groups were reasons to believe that he would continue with the promotion of foreign direct investment and state supports to large-scale businesses. The National Development Plan issued in 2011 effectively translated this status quo economic outlook into policy priorities, defining as the main source of growth the oil and mining sector (Departamento Nacional de Planeación 2011). Throughout his administration,

this outlook persisted over time. The international financial community hailed his macroeconomic orthodoxy. Foreign direct investment grew from an average of 8.1 USD million between 2006 and 2010 to an average of 14.5 USD million between 2011 and 2016, and tax reforms did not affect the wealthy (Presidencia de la República 2017a). In agriculture, as Colombia's eastern plains became seen as one of the last agricultural frontiers available in the region (Dinero 2011), Santos fostered as well large-scale investments imitating the agricultural development of *El Cerrado* region in Brazil. After various failed attempts, as I describe in Chapter 6, in January 2016 he achieved passing a law in Congress that conceded vast tracts of state land to large-scale agribusiness projects (Congreso de la República 2016a). Up until this point, it is the same status quo story of the last decades. Interestingly though, at least within the rural development policy area, Santos began to adopt as well early on in his government a pro-poor distributive agenda, at odds with the neoliberal one. This reformist agenda opened the way for and shaped the content of the inclusion of a rural development item in the exploratory meeting in Havana, as I describe in Chapter 5.

This new and unexpected policy agenda was not a revolutionary overhaul of the system. Yet, by the standards of long-standing regressive policy and, particularly, of Uribe's measures, the reforms did represent a significant shift. With the appointment of Juan Camilo Restrepo, an old-school politician who championed land distribution and agricultural supports to the peasantry, as minister of agriculture in August 2010, Santos set the stage of this policy shift. Restrepo, a public figure who had been a fierce critic of Uribe's administration and who would become in 2016 Santos' chief negotiator for the peace talks with the ELN, rapidly developed a policy agenda that clearly differed from the previous government in significant ways. Although belonging to the political establishment – as an old member of the Conservative Party, who had been among other things minister of finance of Pastrana – Restrepo was nonetheless sensitive to the problems of the countryside and of the need to use state resources to support family agriculture. He reflected a liberal *reformismo agrario* that was very present in the Colombian establishment during the 1930s and the 1960s that conceived land distribution and productivity as part of a modernizing project linked to development and growth. Bringing into the ministry renowned experts in rural development with no



political ties, he drastically changed the policy course of the ministry, paying attention to the problems of violent land dispossession and land informality, scarce rural public goods provision and poor living conditions of rural dwellers (Official of the Ministry of Agriculture and Rural Development 2015).

Santos' also demonstrated this shift by leading the land restitution initiative in Congress that became a core part of the Victims' Law approved in 2011. Over time, and once the Havana peace talks was underway, previously irrelevant issues like land access, rural development with a territorial approach, family agriculture's livelihoods and the right to food, among others, became a central part of the government's discourse. A distinct set of policy goals, institutions and budget priorities pointed to a change in the policy's directionality, now more focused on distribution (see Appendix 4). These measures drew heavily from the UNDP's 2011 Human Development Report, the 2015 Mission for the Transformation of the Countryside and the 2015 OECD Agricultural Policy Review, that were key sectoral roadmaps that outlined substantial recommendations. The reformist path adopted by Santos and minister Restrepo ended up heavily influencing the discussions in Havana of the rural development item and shaping the agreement on the Comprehensive Rural Reform reached in May 2013, as I show in Chapter 5. As the former High Commissioner for Peace expressed, Santos' reformist commitment occurred before the peace talks, thus it was essential in facilitating the negotiations (Personal communication Former High Commissioner for Peace, August 8, 2018). At the same time, the CRR provide the government with a more ambitious framework and specific goals to advance in this reformist path. Yet, by 2018 it was clear that this reform was – due to various political constrains I show in Chapter 6 – far more limited than what by 2011 was signaled by the government itself as a structural rural reform (Indepaz 2011). Still, overall, it is important to note that whereas Uribe invested 2.2 USD billion in rural development between 2003 and 2010, representing 59 percent of the sector's total investment budget, Santos more than doubled this figure, allocating almost 4.5 USD billion between 2011 and 2017, that is, 77 percent of the total investment budget (see Table 4.1). This huge increase in rural development reflected Santos' priorities and policy orientation.

**Table 4.1. Rural Development Policy Budget in Uribe and Santos' Administrations**

In millions of USD (constant COP of 2003)

	<b>Uribe (2003-2010)</b>		<b>Santos (2011-2017)</b>	
	<b>Total</b>	<b>Average</b>	<b>Total</b>	<b>Average</b>
Land access	19,5	2,4	291,8	41,7
Agricultural supports	704,3	88,0	2.467,9	352,6
Public goods	584,8	73,1	679,0	97,0
Total Rural Development	1.308,6	163,6	3.438,7	491,2
Total Sectoral investment	2.211,8	276,5	4.494,8	642,1
% of Rural development in Total Sectoral Investment	59,16%	66,0%	76,50%	76,8%

Source: Author's construction based on Departamento Nacional de Planeación

Note: Investments on fishing, rural housing, forest, or those geared towards large-scale farmers were excluded from the analysis.

## Land Access

A big shift in Santos government policy discourse was emphasizing land rights for the peasantry. This emphasis included, primarily, giving back land to those who had been violently dispossessed of it. Yet, it also meant scaling up land titling and land distribution. The policy's privileged target group was no longer, at least in discourse, traditional landowners, highly favored in Uribe's government, but peasants – especially those victims of the armed conflict. Even if in practice large agribusiness remained an influential actor in policymaking, the fact that smallholders became prominent in the government's narrative indicates a reformist undertone of Santos' policy. His three-pronged approach to land access (restitution, distribution and titling), introduced by minister Restrepo in the preface to the Rural Development Bill drafted in 2012 (p. 9), was associated with Carlos Lleras Restrepo's agrarian reform of the 1960s (Verdad Abierta 2016b). Indeed, Santos himself, as well as his agricultural cabinet, dedicated considerable attention and time to the land question. Between 2010 and 2018, the government pushed forward new bills, institutions and policy instruments to make this commitment tangible, in addition to allocating further resources. The yearly budget on land access increased from an average of 2.4 USD million in Uribe's government to 41.7 USD million. At the end of Santos administration, however, results were more meagre than expected and the agribusiness agenda was still in place. Perhaps the comparison to Lleras Restrepo was exaggerated. Santos never intended to drastically

expropriate land from large landowners or turn himself into a defender of La Vía Campesina's proposals on allocating all land to peasants and promoting food sovereignty. Right from the outset, he saw, from a liberal standpoint, land property rights and well-being in the countryside as a pre-requisite for economic growth and peace. Still, putting peasant land rights back in the policy agenda constituted a change in and of itself, a goal that was taken to a different level with the CRR agreed in Havana.

Early on, land restitution became a top priority for Santos. He attended himself to the congressional debates of the Victims' Law and made a statement in June 2011 when Congress approved the bill with a land restitution chapter (Indepaz 2011). Based on the law, the government developed the institutional framework required for implementing the land restitution policy, including the Land Restitution Agency. During 2012 and 2013, it allocated significant resources deploying the Agency's personnel across regions and creating the procedures to receive peasant's restitution claims. As the law divided the restitution process into an administrative and a judicial phase, the government concentrated its efforts, first, examining whether the claims were eligible and, secondly, supporting the peasants in preparing their legal cases before submitting them to the courts. By March of 2018, after six years since its creation, the Land Restitution Agency had supported 85,505 claims and of these 3,666 had already a favorable sentence (Unidad de Restitución de Tierras 2018).

Besides restitution, land titling received a lot of attention from the Santos' government. Based on the assessment that land informality – estimated by the National Planning Office in 59 percent (Departamento Nacional de Planeación 2014) – inhibited development and facilitated violent land dispossession, the government sought to tackle the issue considering two types of formalization. One associated with state land previously occupied by peasants that had not either received the government's resolution or been registered, and another related with private land that was not registered due, for example, to transaction costs of registering a land inherited by the children within a poor peasant family. The government translated this policy priority into various policy instruments and legal provisions. In 2012, the Ministry of Agriculture created the Land Formalization Program that developed a new

methodology and procedure to formalize land titles that moved away from the demand-based system to a regional-based approach. Drawing from the results of this program, legal provisions on land titling were included in the 2012 Rural Development Bill draft. Even though this draft at the end did not make it to Congress, it provided the conceptual and legal basis for future measures. In the National Development Plan of 2014, the government, following the recommendations of the Mission for the Transformation of the Countryside on carrying out a comprehensive policy for the social structuring of rural property, included a goal on land titling as well as measures to adopt the regional-based approach (Misión para la Transformación del Campo 2015). Moreover, in 2015, based on the CRR's framework and provisions, the National Land Agency was created and its organizational structure included a Direction for the Management of Land Property that had as a mandate to operate through the regional-based approach (Ministerio de Agricultura y Desarrollo Rural 2015a). Finally, in May 2017, the government issued Decree Law 902 as part of the laws that implemented the peace agreement, and which included a whole procedure to make land titling more effective. By the end of 2017, the National Land Agency formalized 44,930 land titles that corresponded to 145,000 hectares (Departamento Nacional de Planeación 2018a).

The government's comprehensive view on land access reintroduced into the policy agenda the issue of land distribution as well, after it had been politically marginalized for a long time. Since Law 160 of 1994 adopted market-oriented mechanisms to land reform, the view that the state had a role in providing land to landless peasants – prevalent during the 1960s and early 1970s – lost traction (Fajardo, Darío 2002; Lahiff, Borrás, and Kay 2007). Some attention was placed in responding to the land claims made by indigenous groups, but land distribution to peasants received few resources or administrative energy. An important step taken by Santos in this regard consisted in making use again of agrarian legal procedures to recover state land from illegal or ineligible tenants. In the Rural Development Bill Draft, minister Restrepo sought to include provisions to speed up these procedures that would eventually lead to redistribution of land to peasants. In April 2012, Santos appointed Miriam Villegas, a progressive executive who had worked closely with peasant organizations, as director of the INCODER. During her administration, she moved forward various cases of

administrative land seizure and recovery of state land that were lagging behind. Yet, she only lasted a year in her post, because, as I explain in Chapter 6, her aggressive stance on recovering ill-obtained state land and unexploited farms was not welcomed by the agribusiness sector. Nonetheless, the commitments made in Havana on land distribution, related with a creation of a land fund, a land subsidy and a land purchasing credit line, led the government to setting up the National Land Agency and the drafting of Decree Law 902. Although, as I show in Chapter 6, not much progress was made in terms of concrete outcomes, the Santos government laid out the legal and institutional framework for a renewed role of the state in land distribution.

The government's comprehensive land policy included addressing land use issues as well. Based on the CRR, the government pushed for the creation of a specific jurisdiction within the judiciary system aimed at dealing with land tenancy and use conflicts from an agrarian law perspective. Whereas the last attempt of establishing agrarian courts had failed in the late 1980s, Santos led the discussions of it in Havana and then the drafting of a bill that in early 2018 was still being discussed. A public debate emerged on the benefits of such a jurisdiction, especially in terms of improving peasants' access to justice (Abril Bonilla 2018). Moreover, the government developed through its National Planning Office a policy for carrying out a Multi-Purpose Land Cadaster (CONPES 2016a), an issue that was also included in the CRR and is essential for planning, registration and taxing purposes. Additionally, several land use conflict resolution mechanisms that became part of the CRR were developed at the national and local levels, like the National Council for the Use of Rural Land, created in December of 2015 and the Local Dialogue Procedure.

### **Agricultural Supports**

Recognizing the role of the peasantry in rural development was another item that set Santos' policy apart from Uribe's. During Uribe's administration, Juan Camilo Restrepo had been a public critic of the AIS Program. His objection to it was not only in terms of the illegal use of the program's funds to support landowners that had politically supported Uribe's campaign, but also because of the status quo agricultural development model the program was framed in. Once he became appointed as

minister, Restrepo completely redesigned the program (renaming it Rural Development with Equality Program, DRE for its initials in Spanish). Based on the emerging global and regional norms on rural development, he moved it away from the provision of direct subsidies to large-scale farms and agricultural firms to the provision of public goods provision (mostly irrigation infrastructure) and services for small- and medium-scale farms (credit and technical assistance). By 2012, the \$USD 250 million budget of the program had been completely reallocated to bolster small farmers' productivity and growth. Yet, once Restrepo left the ministry in 2014, the program was shut down by the subsequent ministers – such lack of continuity within Santos' government itself will be discussed in detail in Chapter 6.

As part of this renewed attention to support small farmers, during Santos government the technical assistance and rural extension services were institutionally and legally strengthened. In 2012, the Ministry of Agriculture issued its technical assistance policy framing this support as a public service that should be provided at the municipal level with national oversight and financial muscle, have universal coverage and be free of charge for the peasantry (Ministerio de Agricultura y Desarrollo Rural 2012a). This service became so relevant in the government's agricultural policy that the goal in the National Development Plan was to pass from 644,500 producers receiving technical assistance in 2014 to 3,031,247 producers – although in practice by the end of 2017 only 797,766 producers had received this service, that is, a 26 percent progress from the goal traced (Sinergia DNP 2018). In 2017, based on the results of this policy, the Rural Development Bill Draft and the commitments made in Havana, the government passed in congress the law for the creation of the National Agricultural Innovation System. This law established that this system would be composed of three interrelated subsystems, one of rural extension one, another of training and education and a third of research and innovation.

As part of the DRE Program, the government targeted its preferential loans to finance small-farmers' agricultural investments. As a result, between 2012 and 2017 total agricultural loans to small farmers increased from 236,482 to 273,076 loans, which in value meant an increase from 1.6 billion pesos to 3.4 billion (Ministerio de Agricultura y Desarrollo Rural 2018). The institutional organization of the agricultural

credit system was not modified – its framework had been defined by Law 16 of 1990 – but the existing instruments were effectively refocused to benefit the peasantry. Other existing programs aimed supporting small-scale farmers were further boosted.

Productive Partnerships (*Alianzas Productivas*), for example, a program created in 2002 with a World Bank loan to support the funding and marketing of small-scale agricultural enterprises by linking them with larger firms in the value chain, received public funds from the Ministry of Agriculture. This additional public funding served to expand the program's scope from 2,979 beneficiaries to 6,367 between 2010 and 2014 (Departamento Nacional de Planeación 2018).

Even though many of these programs were further reinforced, they did not end up representing a significant amount of the sector's budget. Total agricultural supports indeed increased threefold from 704 USD million during Uribe's period to 2.47 USD billion in Santos administration. However, much of Santos' agricultural supports budget was destined, on one hand, to overcome the coffee producers' productivity crisis of 2013, as the government used over 600 USD million to finance the coffee variety replacement and maintain the coffee price for over a year (Steiner, Salazar, and Becerra 2015). On the other hand, this budget also served to finance the projects that resulted out of the deals that the government brokered with the peasant organizations that led the agrarian strikes in 2013 and 2014. In this sense, rather than reflecting an overall coherent policy strategy, these resources responded to particular demands as a way to terminate the road blockages carried out as part of the strike (Corredor 2016).

Another important development with regards to agricultural supports is that the Santos' government, influenced as mentioned in the previous section by emerging regional norms on the need to support family agriculture promoted by the Brazilian government, MERCOSUR and the FAO, began to adopt a policy strategy and measures on it.<sup>32</sup> In 2014, in response to the commitments made in Havana, the

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<sup>32</sup> The Ministry of Agriculture and Rural Development signed an agreement on technical cooperation with the Brazilian government that included as one of key issues the support in developing a family agriculture policy. In June 2015, MERCOSUR, with the support of the IICA, FIDA and PBA, a local technological innovation NGO, organized an event in Bogotá on family agriculture public policies that served as a space for discussion with the national government and peasant organizations on how to develop a family agriculture policy in Colombia (Gómez Muñoz 2015). In this event that I attended to as representative of the OHCP, the Vice-Minister of Agriculture and Rural Development mentioned that

Ministry of Agriculture developed a roadmap to draft a family agriculture program together with the main national peasant organizations (Ministerio de Agricultura y Desarrollo Rural 2014). Eventually, this roadmap fell through but it nonetheless served as a basis for the sector policy documents on the issue (Ministerio de Agricultura y Desarrollo Rural 2017a, 2017b) and for the 2017 Resolution on Family Agriculture (Ministerio de Agricultura y Desarrollo Rural 2017c), which were also drafted as an institutional response to the commitments made in the Havana peace talks to support the peasantry. Along these lines, an important institutional reform within the Ministry of Agriculture was the creation of the Vice-ministry for Rural Development (before it was only a Direction), which elevated the political relevance of rural development programs.

Finally, another set of instruments adopted in relation to agricultural supports had to do with the coca crop substitution program, created in early 2017 as part of the implementation of the peace agreement. Even though it depended on the Post-conflict Presidential Office and not on the Ministry of Agriculture, it was aimed at providing direct supports to small farmers involved in the coca crops that committed themselves to move away from them and adopt other livelihoods. Focused on the municipalities with the highest coca crop areas, this program received a significant portion of the budget geared towards supporting rural development projects – by February 2018 it had spent over 200 USD million (Alta Consejería Presidencial para el Posconflicto 2018).

### **Provision of Public Goods**

Whereas Uribe dismantled the institutions geared to the provision of rural public goods and services, Santos created new ones. The rationale behind the creation of the three new agencies (Land National Agency, the Rural Development Agency and the Agency for the Renovation of the Territory) was the need to strengthen the state's authority and increase public investment in rural areas, particularly those most affected by conflict. Small farmers' productivity and well-being required thus a basic set of goods

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MERCOSUR's and Brazil's recommendations on family agriculture were at the time being studied carefully in order to adopt them in the Colombian policymaking context.



and services provided by the state and particularly by the national government in coordination with regional and local authorities.

Early on in his period as minister, Juan Camilo Restrepo began shifting the policy's orientation from one of private subsidies to one of public goods. From his perspective, the most effective public investments were the ones geared towards general or collective goods and services like irrigation infrastructure, tertiary roads and agricultural research and technical assistance, as these would benefit regional agricultural projects on a whole, rather than individual producers (Ministerio de Agricultura y Desarrollo Rural 2013). Through the DRE Program, between 2012 and 2014, the government funded the construction or restoration of small-scale irrigation projects. However, as already mentioned, the scheme developed by the DRE was interrupted in 2015 and not much progress was made on irrigation afterwards. Yet, the creation of the UPRA as a planning office represented a progress for the government as through it a national assessment of the existing irrigation systems was carried out in 2016 (Ministerio de Agricultura y Desarrollo Rural 2016), as well as a proposal for modifying the existing legal framework (El Espectador 2017a).

Along with irrigation infrastructure, the improvement of tertiary roads was the other crucial investment that Restrepo called for to boost rural development and agricultural producers' income and well-being. According to a paper he co-authored after leaving the Ministry, investing in tertiary roads increases the output of crops like tomato, onion and potato, which are predominantly produced by small farmers (Lozano-Espitia and Restrepo-Salazar 2016). Improving these roads meant in other words making the public investment with the highest social return. During Santos' government, the Ministry of Transport and INVIAS, the agency at the national level responsible for investing in tertiary roads (although regional and municipal authorities also have a constitutional obligation to do so) invested over 1.6 USD billion in maintaining 39,930 kilometers of tertiary roads (Ministerio de Transporte 2017). In this period, the government also drafted a national policy for tertiary roads structuring a long-term financial and institutional strategy to maintain tertiary roads (CONPES 2016b).

Besides infrastructure, Restrepo also emphasized the need to strengthen the national agricultural research system, the national agriculture inspection services and the price information system, considered to be three crucial public services that would benefit especially small-scale farmers. During this period, CORPOICA, the national agency in charge of agricultural research, was institutionally and financially strengthened to become the leader of the processes of agricultural technological innovation based on a network-system with global, national, and local researchers and producers of various crops and livestock (Restrepo Ibiza 2014). National inspection services led by the ICA also received more government attention. ICA began to support producers, especially the small-scale farmers, in adapting their productive processes to the national and international standards. Between 2010 and 2017, the budget of the ICA increased from 57 thousand million pesos in 2010 to 174 thousand million (Departamento Nacional de Planeación 2018b).

During Santos period not much progress was made on marketing policy – after the IDEMA, the national marketing agency was shut down in 1997 there has not been any comprehensive policy around this issue. Although the Ministry did include some provisions on it in the Rural Development Bill Draft, the bill never went to Congress. Some of these provisions, like those signaling the need to link public procurement with family agriculture production in a similar vein to Brazil, were adopted in the Comprehensive Rural Reform, but in practice had not been developed. At the practical level, the only marketing instrument that was put into effect was *Celu Agronet*, a real time price information system set up as a service for agricultural producers to provide daily market prices through their cell phones in order to improve their decision-making and bargain power with intermediaries. By 2017, *Celu Agronet* reached 636.968 producers (Ministerio de Agricultura y Desarrollo Rural 2017d).

Another important policy shift during this period was how the government began to plan its interventions having as a unit of analysis not the rural household or the farm but rather a whole region or territory with the premise that these type of public investments are more effective and inclusive in promoting rural development. This regional or territorial focus (*enfoque territorial*) of rural development was inspired by previous interventions like the EU-funded Programas de Paz y Desarrollo. In fact, the

National Planning Office adopted it in its policy documents on rural development (PDRIET) and pilot project in Southern Tolima. It was also included in the Havana Peace Talks, as the Rural Development Programs with a Territorial Focus (PDET, for its initials in Spanish) became a key component of the Comprehensive Rural Reform agreed. Moreover, it informed the sectoral reform that the government did in 2015, as the organizational structure and processes of the two rural development agencies created, the ADR and the ART, responded to a territorial approach. In the case of the ADR, its technical assistance, marketing and infrastructure services had to be planned on the basis of a territorial development project (Ministerio de Agricultura y Desarrollo Rural 2015b). The ART, for its part, in charge of coordinating the PDET in conflict-ridden areas was designed in a way that enabled bringing together the results of local participative processes and the sectoral programs in a regional action plan. By early 2018, these type of interventions were only starting, but the institutional design and processes was already in place.

#### **4.6 Conclusion**

In this chapter I examined Colombia's status quo policy trajectory, the first factor of my conceptual framework, and how it was disrupted in an unexpected way by Santos' reformist policy initiatives. Drawing on global political economy literature, the chapter analyzed the global economic trends that exerted structural pressures in domestic policymaking reinforcing the already existing policy capture by agribusiness sectors. At the same time, it showed how in reaction to these economic trends, social movements and international organizations promoted alternative emerging norms on land access, environmental sustainability, food sovereignty and supports of family agriculture. These emerging norms have also come into play in the domestic context providing policy space for an alternative rural development agenda in the context of the peace talks.

The chapter also reviewed the rural development policies of Uribe and Santos' governments. This comparison showed how Uribe's highly regressive and anti-peasant policy orientation reinforced the status quo trajectory. In Chapters 6 and 7, I come back to this long-standing trajectory in order to show how key actors that had benefited

from this regressive policy orientation (in particular agribusiness and cattle-ranchers) mobilized (inside and outside the government) against any shift away from the status quo. In the previous description, I showed how in Santos administration rural development policy experienced an unexpected change towards a distributive orientation. I supported this assertion with the evidence on budget allocated, the institutional arrangements carried out and instruments created in this period to foster land access, family agriculture supports and rural public goods. The evidence also illustrated, however, that the changes in policy were not as strong as announced by the government. This ambiguity is what it is interesting to tease out. Santos' initial reformism gained thrust at the Havana peace talks, but then it faced serious obstacles from within the government itself and outside of it. In what follows, I explore how the transitional context actually gave rise to an agreement on rural development that helped moving forward this policy shift.

## Chapter 5. A Window Opens: The Havana Peace Talks and the Robust Agreement on Rural Development

### 5.1 Introduction

On October 18, 2012, the parties installed the Negotiating Table in Oslo. That day Colombian public opinion watched how the leaders of both negotiating parties delivered a speech in which they announced the peace dialogue that was about to begin – and that would last four years until the Final Agreement was reached in November 2016. Both of them, each from their point of view, made explicit allusions to rural development highlighting its importance within the overall peacebuilding agenda. For Humberto de La Calle, the government’s chief negotiator, the aim of the negotiations was, at once, putting an end to the armed confrontation and defining a roadmap to carry out in a peacebuilding phase the socioeconomic transformations the country had postponed for decades in order to overcome rural inequality (Gobierno de Colombia 2012). For Iván Márquez, FARC’s chief negotiator, the issue of agrarian development was a fundamental piece of the negotiations as land dispossession was at the heart of the armed struggle they began more than fifty years ago (FARC-EP 2012). Less than one year after these statements, the negotiating table would agree on the “Comprehensive Rural Reform” (*Reforma Rural Integral*, hereafter CRR), the first of five substantive agreements.

Chapter 3 described the changes in the political context that led to the peace talks. Chapter 4 examined the status quo policy trajectory and the puzzling changes it experienced towards a distributive orientation during Santos’ government. In this chapter, I develop the second causal factor of my framework (*peace exceptionality*), which goes in another direction of the first one. According to it, while Santos’ initial reforms played an important role in establishing a new policy course, the policy’s distributive orientation was actually deepened in the context of the exceptional circumstances offered by the peace negotiations. In other words, I argue that the Havana peace talks (and in particular the CRR) were definitive in furthering Santos’ reformist vision and the government’s adoption of pro-poor measures on land access,

public goods and family agriculture supports. The effect of the peace talks on policy change occurred through two hypothetical causal mechanisms. One was the inclusion of the rural development item in the peace talks' agenda. The other was the drafting of robust commitments in the agreement itself.

I explore, in turn, the role of these first causal mechanisms in two ways. First, by describing the exceptional features of the exploratory meeting, its structure and decision-making procedures, which were instrumental to facilitate the parties reaching a substantive document. Second and most importantly, by viewing the inclusion of the rural development item into the negotiating agenda as the result of a normative link the parties made before and during the exploratory meeting between rural development and peace. This linkage, referred to as securitization, was essential in persuading key decision-makers in both delegations, especially in the government, to decide on including this substantive provision on the negotiating agenda. Drawing on Hall (1989), I trace the ideational origins of this normative linkage, but also the institutional and political environments that made it feasible.

Regarding the second causal mechanism, I argue that the CRR agreement's robustness was crucial to influence the government's rural development policy towards a more distributive orientation. I disaggregate this robustness in terms of its comprehensiveness and specificity.

## **5.2 The Introduction of the Rural Development Item in the Negotiating Agenda**

The political context described in Chapter 3 provided a conducive environment for the emergence of the peace talks. Once the parties were exploring what to include in the negotiations, a window of opportunity opened to discuss measures on rural development.<sup>33</sup> Previous peace processes in Colombia had already offered opportunities to address the unresolved "agrarian question". In fact, the rural development item was included in the agendas of the three previous attempts to reach

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<sup>33</sup> For Kingdon (1995), policy windows are "opportunities for action on given initiatives [that] present themselves and stay open only for short periods". Policy windows, he explains, open either because of a political change (e.g. a shift in administration or in congress) or because a new problem captures the attention of government.

a peace settlement with the FARC: La Uribe in 1984, Caracas and Tlaxcala in 1991 and 1992 and San Vicente del Caguán in 1998. Therefore, the introduction of the agrarian issue in the Havana agenda is by no means surprising. Agrarian reform, as seen in Chapter 3, has been at the heart of FARC's revolutionary program since its origins in 1964. Moreover, the relationship between armed and agrarian conflicts (Gutiérrez Sanín 2015) has become evident in periods following peace settlements.<sup>34</sup> Right after the National Front Agreement in 1956, land titling to small and medium tenants living in public lands (*baldíos*) increased significantly, as a means of improving conditions in the countryside and thus of stabilizing the territories most affected by *La Violencia*. In the 1980s, during the negotiation process with other guerrilla groups, the government adopted a number of provisions geared towards improving access to land, especially in zones most affected by the armed confrontation (Centro Nacional de Memoria Histórica 2016). Likewise, in countries with high rural inequality levels that experienced a negotiated transition, such as Guatemala, El Salvador, South Africa and the Philippines, peace talks also opened a window to introduce measures to tackle such inequality and address historically neglected rural problems (Wood 2010; Borrás 2007; Brett 2013; Binswanger-Mkhize, Bourguignon, and Brink 2009). The question then is not *why* the window opened but *how*, under *what* circumstances and in *what ways* it was effectively exploited by key actors. Answering this question is relevant because the way the issue was addressed in the agenda ended up defining the scope and parameters of the item in the negotiation. It is hence an initial step for understanding how and to what extent the Comprehensive Rural Reform affected the course of rural development policy.

The concrete mechanism through which this opening materialized in Havana was the “General Agreement to End the Armed Conflict and Build a Stable and Lasting Peace” (Gobierno de Colombia and FARC 2012), signed by government and FARC delegates on August 26, 2012 as a result of a six-month exploratory meeting. During this preparatory phase of the negotiation, both parties sought to identify the other's

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<sup>34</sup> For the Centro Nacional de Memoria Histórica (Centro Nacional de Memoria Histórica 2016), “[...] [t]he common thread of Colombian agrarian history has been a dialectical relationship between agrarian conflicts, violence, peace agreements and attempts to solve the agrarian problem, the latter expressed mainly in the inequitable distribution of land and the poverty rates of the rural population” (97).

actual willingness to carry out a serious dialogue and reach a final agreement. Summing up the outcome of this meeting, the General Agreement – a major innovation compared with previous peace negotiations in Colombia – contained the blueprint of how the talks were going to develop, laying out the objectives, methodology and agenda, as well as the role of civil society and of the international community (Herbolzheimer 2016). An important lesson drawn from failed peace talks with FARC was the need to develop, prior to the actual negotiations, a framework establishing the rules of the game and the agenda that would guide the formal talks in order to guarantee concrete results in a relatively short period. In the Caguán process, for example, the themes to be covered were so broad that negotiations turned into long-lasting discussions about structural problems of Colombian society, which went nowhere.<sup>35</sup> The General Agreement served thus to properly define the scope and reach of the negotiations in Havana.

On the agenda that is part of the General Agreement, the parties put forward the consensus reached during the exploratory meeting regarding what to include and what not to include as issues of the negotiation, achieving a middle ground between a substantive and a minimalist focus towards peacemaking. In its final version, this agenda contained six issues: (1) comprehensive agrarian development policy, (2) political participation, (3) end of conflict, (4) solution to the problem of illicit drugs, (5) victims, and (6) implementation, verification and endorsement. Each of these issues was further developed into headings and subheadings conceived as the building blocks of what four years later became the Final Agreement. The way to address each of these issues was subject of intense discussions. Both parties knew that the agenda had the power to create the political space and parameters to approach the issue at the negotiating table and to determine its reception in Colombia, both by FARC's rank-and-file members and by the public opinion more broadly. Setting up a peace roadmap

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<sup>35</sup> The agenda, defined in May 1999, covered 12 issues and 48 sub-issues. These included human rights, agrarian policy (the distribution of lands bought with drug money and the substitution of illicit crops), natural resources, the revision of the economic and social development model, reform of the Justice system and the states, accords on International Humanitarian Law, the redefinition of the peace-time role of the armed forces, and international agreements and the democratic mechanisms legitimizing these. For an analysis on this and previous processes between government and FARC, see (González Posso 2004) and Pizarro (2016).



from a blank slate, the General Agreement was crucial in opening the policy window for each of the substantive issues included as part of the agenda.

The inclusion of the issue of “comprehensive agrarian development policy” in the General Agreement as the first item on the agenda, allowed rural development to gain public attention and policy relevance once again in the country. The issue contained a brief introduction stating that “comprehensive agrarian development is determinant to promote the integration of regions and an equality-based social and economic development of the country” (Gobierno de Colombia and FARC 2012).<sup>36</sup> Following it, six subheadings were laid out:

1. Access and use of land. Unproductive lands. Formalization of property. Agricultural frontier and protection of reserve zones.
2. Development programs with territorial approach.
3. Infrastructure and land adequacy.
4. Social development: Health, education, housing, poverty eradication.
5. Stimuli to agricultural production and the solidary and cooperative economy. Subsidies. Credit. Income generation. Commercialization. Labor formalization.
6. System of food security.

How did these subheadings develop during the exploratory meeting? What were each parties’ initial views on the issue? How were they able to agree on it? I argue that the inclusion of this issue in the agenda in such a way had to do with the structures and procedures of the exploratory meeting itself, especially because it permitted direct negotiation and effective decision-making. Secondly, it had to do with the normative linkage between rural development and peace.

### **Effective Delegation, Decision-Making and Method**

Three previously failed negotiations followed by ten years of mistrust and full-on military confrontation made any agreement between government and FARC seem hardly probable. When both parties met for the first time in February 23, 2012 in Havana to commence the exploratory meeting, there was a high level of uncertainty about whether this new effort would lead to a concrete result (Personal communication Former Advisor of the Office of the High Commissioner for Peace, August 25, 2017). There are features of the exploratory meeting that help explain how the delegations were able to draft, against all odds, the General Agreement. These are: (1) the

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<sup>36</sup> All the quotes of the General Agreement that are presented here were directly translated by me.

delegations' authority to advance on an agenda that was facilitated by the personal overseeing of the process by President Santos and 'Timoleón Jiménez', FARC's general commander; (2) the reserved and unmediated nature of the dialogue; and (3) the methodology developed by the parties to jointly draft the text.

Beyond the fact that, as expected, President Santos and Timoleón Jiménez entrusted people of their highest esteem and personal confidence for the exploratory meeting, they provided their teams with the sufficient mandate and authority to reach a common ground.<sup>37</sup> In the case of the government, it is worth noting that this presidential mandate is based constitutionally on the "right to peace" that confers the executive power with special powers to carry out negotiations with illegal armed groups.<sup>38</sup> For its part, FARC's *Secretariado* imparted clear instructions and sufficient powers to the people assigned to Havana (Personal communication Member of FARC's Leadership September 18, 2017) . Both delegations thus had ample space during the exploratory meeting to decide on crucial aspects, such as the issues contained in the agenda, without having to put them to public scrutiny (or in FARC's case, to internal consultation with their rank-and-file membership). This "exceptional" space is created in political democratic systems only under very special circumstances like a peace settlement. What is important to point out here is the relative autonomy and exceptional decision-making power given to the delegations at the exploratory meeting in order to reach an agreement, a crucial feature that was maintained during the public phase of the Negotiating Table.

The direct oversight of the talks by both president Santos and Jiménez further reinforced effective decision-making of each delegation at the exploratory meeting (Personal communication Former Advisor of the Office of the High Commissioner for Peace, August 25, 2017). Even if they were not physically present in Havana, each

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<sup>37</sup> The government's team was integrated by Alejandro Eder, Frank Pearl, Enrique Santos, Sergio Jaramillo, Lucía Jaramillo and Jaime Avendaño; FARC's team was integrated by Mauricio Jaramillo, Ricardo Téllez, Andrés París, Sandra Marulanda and Marcos Calarcá.

<sup>38</sup> Article 22 of the Constitution establishes that "peace is a right and a duty of obligatory fulfilment". Developing this constitutional norm, Law 418 of 1997 establishes various measures to facilitate dialogue and subscribe agreements with illegal armed groups including the provision according to which the authorized representatives of the government may carry out talks with illegal armed groups in order to find solutions to end the armed conflict (article 7). Article 10 determines that the direction of the peace process corresponds exclusively to the President, as responsible of public order. Those who on behalf of the government participate in peace talks will do it according to the instructions imparted by him.

leader had a constant and fluid communication with his team and the final word regarding any strategic decision that needed to be taken by the parties. In the case of the government, for example, every recess during the exploratory meeting saw the team travel back to Bogotá to meet with the president and discuss for however long necessary the roadmap and decisions ahead (Personal communication Former Advisor of the Office of the High Commissioner for Peace, August 25, 2017). Such micro-management of the process also guaranteed that the negotiating team had the sufficient political orientation and support, a lesson learned from the Peace Commission set up by president Betancur in 1982, which despite its ambitious goals, lacked a direct channel of communication with the president and a clear institutional mandate (Ramírez and Restrepo 1988).

A second feature of the exploratory meeting that was relevant for its success had to do with its unmediated and reserved character. Even though Cuba and Norway were selected by the parties as guarantor countries, the talks were carried out directly between government and FARC delegates, which entailed serious difficulties in building trust but also proved to be critical in the drafting of the General Agreement. The onset of the talks themselves and the definition of the agenda during the exploratory meeting were therefore not the by-product of third parties' influence and pressure to jump-start conversations – according to some analysts, this was the case in the Caguán's failed process (Richani 2013, 170-178) – but rather the result of the parties' own initiative and willingness to dialogue. Moreover, the fact that these initial discussions to define the agenda took place behind closed doors and remained confidential until the General Agreement was publicly announced facilitated reaching solutions and a common ground acceptable to both delegations. Confidentiality provided the parties with political space to bridge positions that otherwise would have been very difficult to attain. If the conversations had been public right from the outset, both parties would have suffered strong external pressures to defend its initial position that would have undermined the very effort of building up confidence incrementally and creating a dynamic of mutual respect and recognition. This dynamic, as the former High Commissioner for Peace commented, eventually led the delegations to move

from their goal of advancing their own interest to seeking a cooperative, win-win solution (Jaramillo 2017).

Finally, the third key feature of the exploratory meeting was developing a practical methodology that in the day-to-day work and through concrete outputs supported the goal of finding a common ground. According to one of the government advisors that participated in the exploratory meeting, “instead of exchanging documents, what we [both delegations in Havana] used to do was to meet in a room full of white blackboards and, after having long discussions, write down the coincidences until we reached somewhere. It was really tiresome but at the end, out of scratch, we built something that both parties shared despite our differences” (Personal communication Former Advisor of the Office of the High Commissioner for Peace, August 25, 2017). This method of exchanging and jointly writing ideas helped the process move forward from intractable positions to small gains that slowly produced the General Agreement, which was at the same time concrete enough to have a shared roadmap of the negotiation and relatively open for interpreting certain sections of the agenda. Both parties converged in using certain terms and concepts in the General Agreement but for very different reasons, producing what Bruno Palier refers to as an “ambiguous agreement” (2005).

All of these features of the exploratory meeting help explain how the government and FARC were able to move into a formal negotiation with clear rules and agree to a substantive agenda. However, they do not explain why and how the specific issue of rural development was included in the agenda. In order to do so, I need to examine the way in which certain ideas and cognitive frames regarding this issue gained force within each party and were adopted as part of the General Agreement.

### **5.3 Linking Normatively Rural Development to Lasting Peace**

After the General Agreement became public, many observers welcomed with excitement that the item of “comprehensive agrarian development” was in the agenda. Although for many it was obvious that such a structural element of the conflict appeared as a negotiating item, its inclusion within the text did not follow a straightforward path. It actually resulted from an arduous effort by key actors on each

side who managed to introduce and move ahead the ideas and normative frames that determined the conceptions and decisions of the delegations on this issue. Political actors, as constructivist scholars have recently argued, are always guided by normative frames understood as “specific metaphors, symbolic representations and cognitive clues used to render or cast behavior and events in an evaluative mode and to suggest alternative modes of action” (Zald in Sell and Prakash 2004, 145). The empirical question is how to account for the role these ideas and frames have on decision-making in specific historical settings.

Peter Hall (1989) argues ideas have authority based on their own persuasiveness. More importantly, he notes, a certain set of ideas becomes relevant in deciding a course of action if they are institutionally and politically viable. Adapting Hall’s framework, I examine the conditions and actors that in each delegation enabled linking rural development with lasting peace. Moreover, to understand the political viability of this framing, I identify, on one hand, how pressing problems in the countryside requiring government action facilitated the inclusion of the rural development item as part of the agenda. Emerging global norms on rural development, expert knowledge and social movement pressures further accentuated this political viability. On the other hand, I also identify the political and economic restrictions that limited the scope of the item in the negotiation, expressed in the government’s “red lines”. I base my description of this process ideas based on the interviews I carried out with the peace negotiators of both delegations and also on my direct experience as a government advisor in Havana, where I spent the first semester 2013 working on the draft of the Comprehensive Rural Reform.

### **FARC’s Framing on the Agrarian Issue**

In order to account for the way in which FARC addressed the inclusion of the item of comprehensive agrarian policy in the exploratory meeting, I examine three factors: (1) FARC’s political stance regarding its agrarian demands in peace negotiations; (2) FARC’s *colono* peasantry as its historical social base; (3) and FARC’s social composition and rationale with regards to the negotiation, particularly of the members of the *Secretariado* attending the exploratory meeting.

### *FARC's Agrarian Discourse*

In Chapter 3, I described how FARC's origins are linked to its demands for agrarian reform in the 1960s. It is important to see how these were translated into political proposals in the peace negotiations previous to the Havana peace talks. In the 1980s, after years of war escalation, the government and FARC reached a ceasefire accord in March 1984 at Uribe, Meta, as part of the peace process initiated by president Betancur in 1983. In this agreement, there was a provision stating that the government was willing to “promote vigorously an agrarian reform recognizing that land is at the core of current social conflicts” as well to “expand public services geared towards improving peasants' living conditions” (Comisión de Paz and FARC 1984). Nonetheless, this provision had no effect as the process did not make much progress and by 1988 was suspended, among other things, because FARC was actually in a process of military strengthening and expansion and because it did not gain sufficient support within the state (Ramírez and Restrepo 1988; Rojas Puyo 2018, pp. 225-230). Other guerrilla groups did continue with the peace talks that culminated with a double process. On one hand, the demobilization in 1990 and 1991 of the *Movimiento 19 de abril* (M-19), the *Movimiento Armado Quintín Lame* and the *Partido Revolucionario de los Trabajadores* (PRT). On the other, the installment of the Constitutional National Assembly in 1991. FARC, as well the *Ejército de Liberación Nacional* (ELN), stayed at war against the government.

During the peace attempt of the Caracas and Tlaxcala dialogues (1991-1992), FARC, jointly with the *Ejército de Liberación Nacional* (ELN) and the *Ejército Popular de Liberación* (EPL) in the joint platform *Coordinadora Guerrillera Simón Bolívar* (CGSB), drafted a letter sent to Congress outlining what they conceived as a possible negotiating agenda that contained twelve points (Coordinadora Guerrilla Simón Bolívar 1992). One of them picked up the issue of redistributing land “wherever the *latifundio* is in place”. It also signaled the need to build road infrastructure, provide cheap credit, make available inputs and technology, and to guarantee the marketing of the produce in order to develop agriculture. However, this document went well beyond the strictly agrarian issue and called for, among others, reviewing the neoliberal macroeconomic

policies imposed by the IMF and the World Bank and the contracts on natural resource exploitation. These dialogues were interrupted in 1993, war resumed and FARC continued to grow and expand throughout the country. Despite the fall of the Berlin Wall and the significant democratic space opened by the newly adopted constitution, FARC maintained its radical discourse. In its eighth conference in 1993, FARC made some small adjustments to its original *Programa Agrario* mentioned in Chapter 3. More importantly, it approved its “government platform” (*Plataforma de un gobierno de reconstrucción y reconciliación nacional*) that, in a similar way to the 12-point agenda drafted with the CGSB in 1992, alluded to the agrarian issue as part of a broader political and economic project. Regarding agrarian policy, it introduced the ideas of stimulating agroindustry, protecting agricultural production from unfair international competition and developing regional development plans to be formulated with communities’ organizations including the “liquidation of the latifundio, land redistribution, a redefinition of the agricultural frontier so as to rationalize the *colonización* and protecting environmental reserves” (FARC-EP 1993, my own translation).

During the 1990s, FARC would strengthen its military apparatus and at the same time, led by Alfonso Cano, would try to expand and update its program considering the new economic and political realities of the country. At the Caguán Peace Talks, FARC and the government drafted a broad negotiating agenda (*Agenda Común por el Cambio Hacia una Nueva Colombia*) that included within the 12 points an item called “comprehensive agrarian policy” (*Política agraria integral*). This item in turn contained six sub-headings that were important antecedents for the Havana agenda: (1) Democratization of credit, technical assistance and marketing; (2) Redistribution of unproductive land; (3) Recuperating and distributing land acquired through narco-trafficking; (4) Stimuli to production; (5) Comprehensive territorial ordering; and (6) Illegal crops substitution and alternative development (Gobierno Nacional and FARC-EP 1999). It is worth pointing out that in this agenda emerged issues such as territorial ordering, illegal crops substitution and narco-trafficking.

By the time the exploratory meeting began in Havana, FARC’s agrarian discourse had not changed much. During the 2000s, FARC’s political thinking remained

practically static, as the increased armed confrontation with the military drew all of its attention. In its end-of-year message in December 2010, ‘Alfonso Cano’ insisted on demanding agrarian reform and handing over land to its true owners, that is, colono peasants and indigenous and afro communities that had been dispossessed of it (Cano 2010). Along similar lines, in a declaration of the *Secretariado del Estado Mayor Central* in December 2011, FARC reiterated its basic claims for land to peasants and against latifundio and neoliberal economic policies (FARC-EP 2011). Overall, as the table in Appendix 2 illustrates, FARC’s agrarian discourse maintained over time the core elements of the *Programa Agrario* developed in 1964. Even though since the 1980s FARC envisioned a broader political project, its demands – and ultimately its self-explanatory justification – were linked to the idea of redistributive land reform based on the confiscation of latifundio and foreign property. It was, in the words of a FARC commander, “what allowed FARC to be a cohesive army around a basic political agrarian program” (quoted in Ferro Medina and Uribe 2002, p. 62). That is, it constituted their basic source of legitimacy, both in relation to the colono peasantry and to the international audiences sympathetic to its struggle. It is what gave a sense of “origin” to the revolutionary struggle as well of “potential future”. Over the course of the Havana negotiations, FARC’s discourse would incorporate as well concepts such as territory and food sovereignty, but these were not yet present at the exploratory meeting in the first half of the 2012. Now, fully understanding their positioning during these first meetings in Havana requires examining as well FARC’s social and political base.

### ***FARC’s Colono Peasant Base***

Besides their normative discourse on agrarian reform that justified the armed struggle, FARC’s historical relationship with the *colono* peasantry of the south, especially that one involved in coca crops, is key for understanding why the rural question has been at the center of their demands and had to be necessarily included in the Havana agenda. To be sure, besides these *colono* areas of the south where FARC emerged and maintained its historical social base, FARC’s expansion and strengthening over time, unlike other guerrilla groups in Latin America, was not the result of an alliance



between the peasant movement and the guerrilla group (UNDP 2011, p. 219). Even though FARC, true to its Marxist-Leninist orientation, claimed to be “the people’s army” and to represent the voice of the peasants, it did not participate in any of the major struggles of the peasantry across the country between 1970s and 2000s. Initially subordinated to the communist party guidelines –what made it the “guerrilla of the party”– FARC was distant to ANUC’s (the national peasant association) struggle over land between 1969 and 1975. It did not get involved either in the major social mobilizations of 1987 and 1988 of the *Oriente* and *Nororient* nor the national agrarian strike of 1993 (Giraldo Ramírez 2015). Their military development and control of vast territories did not translate into a bold political project nor into a broad support on behalf of its struggle amongst lower-class urban and rural sectors (Pizarro 2011). Rather than reflecting a growing resonance with social demands, FARC’s expansion into every Colombian municipality (Brittain 2010, p. 16) was the outcome of the armed conflict dynamics and the group’s tactical and operational decisions, such as diversifying their funding sources and improving war conditions (Echandía 2006; Echandía 1999). In the end, despite aiming at gaining sympathizers at a national level, FARC’s real social base was bound to the *colono* and coca-leaf production areas where they established a strong social, political and territorial control (González, Bolívar, and Vázquez 2003).

FARC’s discourse on the “confiscation of the *latifundio*” was coupled with the call for supporting peasants dedicated to coca leaf production, with the aim of speaking to and preserving its social base in *colono* areas. The degree of empathy towards FARC’s revolutionary project in these regions is far from being homogeneous. As peasant families began to adopt coca as their main cash crop from the 1980s onwards, they became illegal and therefore unable to legally demand state services through regular institutional procedures (Gutiérrez 2015). Besides funding their army on a “tax” on coca crop production, FARC exploited this situation of coca growers’ illegality politically, and as early as 1984 began proposing livelihoods alternatives for these rural inhabitants.<sup>39</sup> Most of the demands of peasants living in these areas were about

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<sup>39</sup> According to Uribe and Cadavid (2016, p. 40), FARC presented to the government a regional development proposal at La Uribe peace talks that included a coca crop substitution plan for the area of

accessing basic social services and obtaining better agricultural production and marketing supports. Yet the state was not able to respond to these demands effectively and they remained FARC's sphere of influence and control. By commanding or coopting rural organizations at the local level, FARC became a strong political actor in these regions promoting through them their struggle against the state since the 1980s. Sustaining a radical agrarian discourse in Havana was therefore central to maintain a strong foothold in these political and social bases.<sup>40</sup>

### *The Secretariado's Rationale in Havana*

Another reason why FARC persisted on its agrarian discourse has to do with the social composition of the organization itself, whose majority of rank-and-file members have rural origins to this day. In the same way that its social base has historically been the *colono* peasantry, FARC's social class composition remains predominantly peasant with 79 percent of its members having a rural background according to a recent census made by the National University (2017). In contrast to other guerrilla groups in Latin America, the peasant and lower-class members have always outnumbered the urban middle-class intellectuals as the recruitment process has usually taken place in marginal rural areas. Even though since the 1960s Colombia was already becoming a highly urbanized country, FARC's revolutionary discourse stayed mainly agrarian, aimed at its own members.

FARC's leadership has also been historically composed by peasant leaders, although the *Secretariado* had as well an important urban middle-class intellectual component. Even today, after a decade of significant changes of its leadership, most prominently the death of its historical leader 'Manuel Marulanda', six out of the nine members of the *Secretariado* have a peasant background. Most of the members of the *Estado Mayor*, commanders of fronts and columns are from peasant origins as well. A

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the lower and middle Caguán river in Caquetá. Moreover, in the 1998 peace talks, they also presented a highly detailed plan for substituting coca crops for legal cash crops at the municipality of Cartagena del Chairá in Caquetá (FARC-EP 1999).

<sup>40</sup> The relationship between FARC and rural communities and organizations in *colono* and coca growing regions is much more complex than what I am describing here. For further analysis refer to (Ramírez 2001; Torres Bustamante 2011; Aguilera Peña 2011).

key difference between the *Secretariado* and the rest of FARC's members are its educational levels. Whereas 68 percent of FARC's combatants do not have any formal education or attended only primary school, 3 percent have university education, most of which are part of the leadership (Universidad Nacional 2017). This difference partly explains a key feature in FARC's history: the gap between its orthodox Marxist discourse and its war and social control actions against civilians in its zones of influence (González, Bolívar, and Vázquez 2003).

FARC arrived at the exploratory meeting with the idea of “winning over the revolution via negotiation”, as a government official put it (Personal communication Former Advisor of the Office of the High Commissioner for Peace, August 25, 2017). Unlike Caguán's negotiations, at the time of the first encounter in Havana the armed confrontation was significantly tilted in favor of the military forces. Yet, FARC arrived to that first meeting in February 2012 with a staunch position, far from the government's initial perception about FARC's probable willingness to carry out a fast-track negotiation. According to one of FARC's *Secretariado* members, who was part of the exploratory meeting from the start, “the government thought we [FARC] had gone to Havana simply to surrender but they were wrong about that; we had gone there as equal parties seeking a political solution to the armed conflict” (Personal communication Member of FARC's Leadership, September 13, 2017). From FARC's perspective, if they were going to give up the armed struggle – as a voluntary decision to continue with their political agenda without resorting to guerrilla warfare, rather than out of a lack military capacity – it had to be the product of a political settlement that necessarily addressed the access of peasants to property in the countryside. This meant, from their Marxist point of view, bringing into the political sphere, at least in the specific conjuncture of the peace talks, the conditions under which the peasantry may increase the degree of autonomy in relation to the market (Vergara-Camus and Kay 2017a, pp. 243-245). In other words, forcing a discussion on the role of the state with regard to the expansion of the logic of capital in land ownership, agricultural production and natural resource exploitation.

At the same time though, unlike the Caguán's process, at the exploratory meeting in Havana FARC was more pragmatic and willing to reach a common ground with the

government. This was, in part, due to the political and conflict context already explained, but also, and importantly, to the FARC's negotiators that attended the exploratory meeting who were fully aware of the need to come up with an agenda that could facilitate parties reaching an agreement. In the definition of the rural development item, Mauricio Jaramillo, who had been in FARC for over forty years, played a very important role. With a rural origin – he was born and raised in Caquetá, one of FARC's historical zones of influence in the south of the country – Jaramillo was one of the few members of the organization with a university degree. Although he began his studies in medicine at the National University, with the support of the Colombian Communist Party he traveled to Cuba to finish them and then to the Soviet Union for obtain a further specialization (Ávila 2012). Mainly responsible for installing the health system that the FARC decided to create in its eighth conference in 1993, the rank-and-file members knew him well, especially in the region of the *Llanos del Yari*, as the medical centers that he developed in the middle of the jungle were very effective in attending the wounded and sick members. During that decade, he also became very close to Manuel Marulanda and Jorge Briceño, as he was their personal doctor. Once Briceño died in 2008, Jaramillo became part of the *Secretariado* and the leader of the *Bloque Oriental*, FARC's largest front in the southeast, and gained the trustworthiness of Timoleón Jiménez, Iván Márquez and Pablo Catatumbo. Trained in orthodox Marxism but also with a long experience on the ground that made him aware of the rural realities in the countryside, Mauricio Jaramillo sustained a position in Havana that, while maintaining FARC's key agrarian discourse, was also open to explore alternatives and move away from rigid positions. This is something that perhaps would not have been possible with Alfonso Cano or Manuel Marulanda.

### **The Government's Framing on Rural Development and Lasting Peace**

The government negotiators were highly aware of FARC's agrarian demands and worked hard to come up with a position that would meet these concerns as much as possible.<sup>41</sup> Doing so would indicate approval of, and support for, FARC's transition

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<sup>41</sup> It is worth noting that previous to the beginning of the exploratory meeting, the government's technical staff developed a matrix that organized FARC's historical demands based on the meticulous

from an armed guerrilla group to a legal political movement, and thus increase the probability of reaching a final agreement (Personal communication Formal advisor of the Office of the High Commissioner for Peace, September 25, 2017). Within the government, the main person responsible for this task was Sergio Jaramillo, who was, as noted above, deputy minister of defense in 2006-2009 and, once Santos became president, appointed as National Security Advisor and then in 2012 as High Commissioner for Peace. While Santos assigned the task of leading the exploratory meeting to a group of people he personally trusted – including his older brother Enrique Santos – it was Jaramillo, due to his background and expertise, who became the team’s key strategist in the drafting of the General Agreement. His active participation was crucial for addressing the rural development issue, as he laid out the government’s conceptual foundations linking the issue with the broader goal of building peace. These ideas were, additionally, well received and gained force in the government as they were considered to be legitimate and in line with previous antecedents and current policymaking. It is important therefore to show both the conceptual foundations of these ideas as well as their viability within the government due to the strategic location of the person carrying them.

### ***Seeing the End of Conflict as an Opportunity for State-Building***

By introducing a key distinction between ending conflict and building peace in the exploratory meeting, Jaramillo provided the conceptual framework that is at the basis of the pre-negotiation document (the General Agreement) of which rural development is a crucial part. At its start, the General Agreement establishes that parties have taken “the mutual decision of putting an end to the [armed] conflict *as an essential condition* for building a stable and lasting peace” (Gobierno de Colombia and FARC 2012, emphasis added). Further on, it reiterates that parties agreed to “initiate direct and uninterrupted talks about the issues on the Agenda here established, with the purpose of reaching a Final Agreement to end the [armed] conflict that contributes to the

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study of the guerrilla group’s documents and conferences. This matrix reflected the government’s interest in identifying the core issues in FARC’s political thinking that could serve as a basis for defining the essential agenda items (Goebertus 2017).

building of stable and lasting peace”. The separation of these two terms – end of conflict and building peace – sought to overcome the difficulties previous negotiations had faced of not having a clearly defined objective (Arias 2017). Jaramillo proposed this new frame first to the government’s delegation and then to FARC. According to this framing, the purpose of the negotiating table was not to reach an agreement on peace in general, but on a number of issues that would lead to the termination of the armed confrontation. Peace was a much more complex and broader process involving multiple actors and sectoral changes across a long period of time that two parties in a negotiating table were unlikely to sign in an agreement. Yet, the delegations could put an end to the military conflict and include in the agreement provisions geared towards initiating a long-term peacebuilding process. This more limited purpose was something attainable for the warring parties. Reaching an agreement to end conflict would give place to a peacebuilding phase of which society at large could be part. In order to secure lasting peace, such an agreement had to address not only the aspects related to the end of conflict (ceasefire, laying down of weapons, reintegration of ex-combatants), but also those that have fed the conflict for decades (Jaramillo 2017 and 2013). That is why the agenda of the General Agreement contained substantive issues including rural development, striking a careful balance of having a realistic but also ambitious roadmap for the negotiation phase.

The inclusion of these substantive issues in the agenda had a double meaning for Jaramillo. It meant, on one hand, recognizing and facilitating FARC’s transition from an insurgency to a political movement by addressing their historical demands for agrarian reform and political inclusion that had motivated and justified their armed struggle. On the other, it meant seeing the end of conflict as an opportunity to carry out basic state-building tasks that were pending, amongst other things, because of the armed confrontation (Jaramillo 2017). In this conception, reaching an agreement to end conflict that addressed issues related to its persistence would activate a transitional period aimed at consolidating the rule of law and the state’s presence in the territory as a guarantee of non-repetition and satisfaction of citizens’ rights. In such a transition a structural transformation of the countryside geared towards improving rural dwellers’

well-being, reduce poverty and inequality, would play a definitive role (Jaramillo 2013).

Conceiving the peace negotiation as more than just the ceasefire and disarmament, but actually involving a solution to structural problems, was by no means new. In Colombia, there is a long tradition of conflict and peace experts and policymakers that since the 1960s have established the connections between conflict and social structure (González, Bolívar, and Vázquez 2003). Moreover, at the international level, strong arguments had already been put forward in favor of considering peacebuilding beyond strengthening security and formal democratic institutions. After the widespread reappearance of conflict in various countries, it became evident that peacebuilding had to also tackle social grievances derived from preexisting socioeconomic imbalances (Cramer and Richards 2011; Cederman, Skrede Gleditsch, and Buhaug 2013). In fact, critical assessments of the UN's peace missions carried out in the 1990s emphasized how these international interventions had focused only in establishing procedural democratic mechanisms while failing to address broader economic and political issues (Arévalo Bencardino 2014; Paris 2006). The ability of Jaramillo therefore rested in organizing these ideas on peacebuilding in a structured, coherent narrative that could be accepted by president Santos as an overall framework to approach the negotiation.

In the preparation of the exploratory meeting, Jaramillo and his team provided the government with the first conceptual basis on rural development establishing the reasons that justified the inclusion of this issue in the agenda. Strategically, this issue was conceived within the negotiation as the “golden bridge” that could bring together both parts at the beginning of the talks and build confidence in the process itself (Personal communication Former Advisor of the OHCP, September 21, 2017). However, this conception emphasized the need to frame this issue beyond simply meeting FARC's demands and more in terms of the desirability of taking advantage of the opportunity to end the conflict to address the country's neglected rural problems. On one hand, this meant reversing the effects the conflict itself had produced in the countryside, particularly in terms of forced displacement and land dispossession. On the other, it meant reducing the rural-urban poverty gap by strengthening public investment, distributing land and formalizing property rights, delivering basic social

services and creating favorable conditions for equitable rural development. This securitized framing – in which rural development is essential as a guarantee of non-repetition – was instrumental in justifying why the government was negotiating this item with FARC and establishing it as part of the agenda. This framing was well received within the government delegation because of its own argumentative authority but also, and more importantly, as I discuss next, because there was a favorable institutional environment for these kind of ideas.

### *Reformist Vision within the Government*

The ideas linking rural development to peacebuilding that supported the government's stance of including this issue as part of the agenda have a strong discursive power. Persuasiveness is, to be sure, a relevant mechanism in seeing how ideas influence a government's political decisions, as it has the power to “change the perceptions a group ha[s] of its own interests, [...] ma[king] possible new courses of action” (Hall 1989, 369). Yet, as Hall also notes, any explanation of this kind must go further than simply discussing the innate qualities of ideas themselves and trace, at least, who are the “persuaders” putting forward these ideas, from which (economic and political) position are they doing so and what is the institutional environment in which these ideas are discussed. In other words, he highlights the need to understand how a particular set of ideas (and not other) becomes institutionally viable within a specific historical context. That is, why they were likely to be accepted according to the “administrative biases of the officials responsible for approving [them] [...] and in the light of the existing implementational capacities of the state” (1989, 373). For the context of the exploratory meeting, this means three things. First, further identifying Jaramillo's positioning within the government and, particularly, in relation to Santos. Second, pointing out the previous policies that had already brought to Santos' attention the need to see rural development in connection with security policy and as part of a peacebuilding agenda. Third, describing the reformist agenda on rural development that Juan Camilo Restrepo, the appointed minister of agriculture and rural development, was already advancing at the beginning of Santos' government, in



line with a tradition of *reformismo agrario* (agrarian reformism) of previous liberal governments.

Jaramillo's overall ideas on the agenda, and particularly those related to rural development, were well received by Santos. His legitimacy and authoritative expertise gained in previous years, combined with the support he obtained from the team of international advisors set up by the president for making decisions on the peace process, made Santos receptive to his ideas. As defense deputy minister, Jaramillo became advisor to Santos – who was minister at the time – in security issues of high confidentiality, being responsible, among other things, for strengthening the military intelligence strategy to fight against FARC. In fulfilling his duties, Jaramillo established strong connections with military commanders and key officials at the United States and the United Kingdom, countries that were providing Colombia with security cooperation, which served to position him well within the administration. Moreover, his results-based performance, lack of a political agenda of his own, high-quality advice and profound knowledge of the armed conflict and of FARC, made Jaramillo a valuable asset for Santos, who included him since 2007 in his top circle of strategic decision-making. Once in power, Santos appointed Jaramillo in 2010 as National Security Advisor and gave him the task of preparing the overall strategy of the exploratory meeting. In this regard, when Jaramillo presented his ideas regarding the agenda items to the president he possessed the delegated authority and legitimacy to back up his expertise on the topic (Personal communication Former Advisor of the OHCP, September 21, 2017).

These ideas were reinforced by the international advisors that met with the president in the days prior to the first exploratory meeting in Havana. Among these advisors was Jonathan Powell, a British analyst who had worked as cabinet chief of staff during Blair's administration and as the UK's government key negotiator in the peace talks with the IRA. According to him, the agenda needed to include FARC's historical demands if the negotiations were to be successful. Backing up the analysis that Jaramillo had already presented to Santos, Powell argued that the issues of rural development and political participation should be the ones opening the dialogue as they were essential in building the "golden bridge" with FARC. Beyond the argument

being made, it is important to point out that Santos highly valued the opinion of these advisors, particularly Jonathan Powell, as Santos had been very close to Blair throughout his political career and he had developed a local version of Blair's Third Way (Santos 1999). So, in a scenario in which decision-making was based on a very small group, the president relied heavily on the opinions and ideas of these international advisors, as he judged them as sound.

A key antecedent that biased and conditioned Jaramillo and Santos in viewing rural development as an important item in the agenda of the negotiation was their own experience with the territorial consolidation policy that was formulated and executed by Jaramillo after the results of the democratic security policy began to wane in 2006 (Delgado 2015). Drawing from previous post-conflict interventions carried out in Colombia during the 1950s and the 1980s, this policy was based on the belief that military operations were not sufficient to regain control of territories previously held by guerrilla groups, and especially not able to build a new relationship with the citizenry based on trust (Palau and Arias 2010). The *Plan de Consolidación Integral de la Macarena* (PCIM) (2007-2009) – the pilot intervention of the consolidation policy developed in the southern region of La Macarena, Meta, a FARC historical stronghold – took the idea of consolidating the rule of law by pushing for presence of civil institutions after military operations in areas where the state was weak or nearly inexistent one step further (Mejía, Uribe, and Ibáñez 2011).

The PCIM sought to tackle the limitations of focusing only on military control, especially in areas where guerrillas exercised quasi state functions, such as sanctioning conducts, solving conflicts between families and neighbors, taxing economic activities, among others. This meant that the program was geared towards providing public goods and services, starting with security, but also justice, infrastructure, health and education, rural income-generating projects. Even though it was part of the broader counterinsurgent policy – that was strongly criticized by human rights NGOs for emphasizing the military component over the socioeconomic one (FIP 2011) – the PCIM developed a strong capacity to execute development projects within communities, improving the livelihoods of poor rural households that were dependent on illicit coca crops (Personal communication of Former Advisor of the Ministry of

Agriculture and Rural Development, April 13, 2017). Led by a development economist— who would later become a key advisor of Jaramillo in Havana for the issues of rural development and illicit crop substitution – this program conceived and put into practice three ideas that inspired in great part the government’s conception of the rural development issue in Havana: support to family agriculture and small-producers associations, a territorial approach to rural development and a strong emphasis on community participation in decision-making.

The PCIM served as a way of linking, conceptually and practically, security and rural development, for example by carrying out agricultural projects to substitute peasant-based coca crops. It therefore became a watershed experience for Jaramillo and Santos providing the cognitive and institutional framework which enabled –and made seem as relevant and desirable – drawing the connection between ending conflict, building peace and rural development. In fact, the difficulties the PCIM encountered on the ground, mainly related to the lack of a broader rural sectoral policy and the continuous presence of FARC, were still fresh in Jaramillo and Santos’ minds at the time of the exploratory meeting, thus serving to internalize and judge as necessary the inclusion of rural development as an inextricable part of the agreement to end conflict. The institutional path this program had followed – receiving strong support by the US and overall positive evaluations – fixed the meaning and boundary of this kind of policy in such a way that it was not unnatural for these decision-makers to deem as legitimate the inclusion of rural development in the peace agenda. In the context of the government’s internal discussions on the exploratory meeting, Jaramillo was able to reframe the event of the PCIM in a meaningful way appealing to it as “acceptable action” (Barnett and Finnemore 2004, 33).

A third institutional circumstance that defined the government’s inclusion of the rural development item within the agenda as legitimate had to do with the fact that a reformist program led by the Ministry of Agriculture and Rural Development was already underway, as already pointed out in Chapter 4. The ministerial policies led by Restrepo provided a strong institutional basis to argue for the need to solve long-standing rural development problems as part of a peacebuilding agenda. Furthermore, Restrepo’s policy agenda became the main reference point for the negotiating team in

defining the government's position at the exploratory meeting (Personal communication Former High Commissioner for Peace, August 9, 2018). In effect, according to one of Jaramillo's advisors, the draft of the negotiating team containing the headings and subheadings of the "comprehensive agrarian development policy", basically reflected the outline of the ambitious land and rural development bill put together by Restrepo's ministry in 2012. When the negotiations began in Havana, the bill was following its due course (Personal communication Former Advisor of the Office of the High Commissioner for Peace, August 25, 2017). Drafted by a group of experts, this bill sought to consolidate in one single text the fragmented measures on land and rural development issues as well as to establish a body of law to support a conception on rural development mainly focused on public goods provision and access to land (Restrepo and Bernal 2014, Ch. 4). The bill became publicly available during the process of previous consent with indigenous peoples, giving place to a wide debate on rural development in the country. As nobody knew about the development of the exploratory meeting – not even other members of government – Jaramillo and his team referred to the last version of the bill to put forward the government's proposal on the issue as a starting point for discussing with FARC.

Organized in two volumes, one containing provisions on rural development in general and the other on specific land policy, the bill condensed the government's reformist view on how to address rural structural problems. The first volume was structured in five sections: (1) General considerations; (2) Rural development policy; (3) Policy of supports to productive development; (4) Policies to increase human, social and physical capital; (5) Land adequacy. The second also in other five sections: (1) Planning of property ordering and use of rural lands; (2) Agrarian procedures; (3) Formalization and access to rural property; (4) Mechanisms to mobilize the land market and the efficient use of land; (5) Final dispositions (Ministerio de Agricultura y Desarrollo Rural 2012b). The chapters and articles within each section depict the broad scope of the bill, which sought to integrate measures on land (land access, distribution and formalization, appropriate use, environmental sustainability), with those on agricultural production (commercialization, credit, income-generating projects, innovation and rural extension, irrigation) and rural inhabitants' well-being (housing,

education, social security, basic infrastructure, food security). The bill also had a crosscutting emphasis on community participation and territorial approach to development.

The six subheadings of the “comprehensive agrarian development policy” item drew from a number of the bill’s articles and reflected the bill’s structure. The negotiating team had developed a first version of the government’s position on the issue in a confidential meeting with the president and the international advisors held in Cartagena in January 2012. In it, the issues that could be addressed in the negotiation were summarized, including land access, comprehensive rural development, supports to the countryside, community participation, environment and rural development (Personal communication Former Advisor of the OHCP, September 21, 2017). Yet, after the exploratory meeting had begun, and an initial exchange between FARC and the government had taken place, the negotiating team used the bill’s items to strengthen the government’s position at the table. As discussions moved ahead in Havana, the six subheadings of the item slowly took shape as government and FARC found common ground. The first addressed land access and use, including its environmental component. The second put forward the idea of development with a territorial approach that was already present in the bill and that was also a basic tenet of the PCIM. The third and fourth subheadings made reference to the provision of basic goods and services provision in the countryside: infrastructure and land adequacy, on one hand, and social services (housing, education, health, potable water) geared towards poverty eradication, on the other. All of these items were also developed in detail in specific chapters of the bill. The fifth included providing support to family and small-sized cooperatives and agriculture; the sixth, included a mention of food security.

What is clear so far is that the government’s negotiating team defined its position during the exploratory meeting based on the rural development policy underway and Restrepo’s bill. Ideas linking the end of conflict and building peace to rural development were therefore not at all foreign to the existing institutional environment, but rather considered relevant and necessary. They were received within the government as one more step in the direction that had already been set by minister

Restrepo and president Santos two years before. In addition to this institutional viability, pressing problems at home at the time also helped to politically justify and legitimize this agenda item.

### **The Rural Reform's Political Viability**

The political viability of including the issue of rural development in the negotiating agenda rested upon the broad consensus in place at the moment regarding the government's need to respond to rural development problems. Even before the exploratory meeting started and the window of the peace talks was opened by this event in the political stream, the government had already decided to undertake some sort of initiative to respond to these pressing problems.<sup>42</sup> The emergence into the political arena of the issue of land dispossession as part of the wider demand for satisfying victims' rights, coupled by the crisis of the agricultural sector due to its declining competitiveness, and the pervasive presence of coca crops in peripheral rural areas were problems that in of themselves captured the attention of government. A rising national agrarian social movement advocating for solutions on all of these, in addition to the experts and international organizations' recommendations on addressing rural problems in a comprehensive way, further convinced decision-makers on the need to come up with alternatives for these issues, and of the high political cost of not doing so. Therefore, when the opportunity to discuss this issue as part of the agenda emerged, the proposals advanced by Jaramillo and his team were deemed by president Santos as politically acceptable, as they spoke directly to the interests of various groups that were already demanding solutions. At the same time, the government had to be very careful in crafting the specific terms of the discussion in Havana so as not to spark off right from the start the antagonism of strong economic and political sectors. Ultimately, the government drew the line of what was legitimate

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<sup>42</sup> Kingdon (1995) discusses how pressing problems may determine and complement the opening of a policy window caused by developments in the political context. Both "problem and political windows" are relevant for understanding how an issue becomes prioritized and eventually adopted. "The problem windows and the political windows are related. When a window opens because a problem is pressing, the alternatives generated as solutions to the problem fare better if they also meet the tests of political acceptability" (p. 175).

to include in the agenda and what to exclude according to its perception on how to better achieve this fine political balance.

### *Pressing Problems on the Countryside*

As already mentioned, the government, led by minister Restrepo, paid attention and provided full support to the development of the land restitution policy that resulted out of the Victims' Law 1448 approved in Congress in June 2011. In his recent book regarding the agrarian question and the Havana peace talks, Restrepo mentions that in June 2010 he received a call from president Santos who had just been elected asking him not only to assume the ministry of agriculture and rural development, but also to coordinate an “innovative and bold policy of giving back the land to peasants who have been dispossessed of it by guerrilla and paramilitary groups” (Restrepo and Bernal 2014, 29, my translation). The problem of forced displacement and coercive land dispossession had been identified and formally recognized since the late 1990s.<sup>43</sup> However, it became politically relevant in the public agenda in the late 2000s as various sectors mobilized in favor of victims' rights, including the renowned congressman Juan Fernando Cristo from the Liberal Party, who would then become Santos' minister of interior (Montoya Londoño and Vallejo Mejía 2016; Uprimny and Sánchez 2010; Saffon 2010).

After the effort to pass a first victims' bill in Congress failed in 2009 due to Uribe's resistance to the initiative (El Espectador 2009), Santos, as soon as he became president, distanced himself from his predecessor by taking on victims' claims as one of his key political priorities. Moreover, he underscored the need to restitute dispossessed land to victims, thus laying ground to the view of connecting land rights with the need to put an end to the armed conflict. The phenomenon of coercive dispossession, which became widely documented by the mid-2000s by NGOs, the Constitutional Court and academics, involved the violent transfer of at least 2 million hectares (Peña-Huertas et

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<sup>43</sup> Estrada and Rodríguez (Estrada and Rodríguez 2014) trace the trajectory of the land restitution policy to 2001, when the Proyecto de Protección de Tierras y Patrimonio para la Población Desplazada (Project for the Protection of the Land and the Patronage of the Displaced Population) was created, following the measures established in Decree 2007, which in turn was developing provisions laid out in Law 387 of 1997 that defined measures on displaced population.

al. 2017).<sup>44</sup> The creation of the legal and institutional framework to tackle this phenomenon led to defining as illegal and illegitimate violent appropriations of land on behalf of armed groups and third parties. It also meant the state's formal recognition of the need to fight against violent concentration of land. Based on the land restitution policy, the government pushed as well a pro-poor rural development agenda, based on claims on justice, rights and equality, thus obtaining political and ideational leverage from a wide sector of society – although also significant opposition as I show in Chapter 7 (Montoya Londoño and Vallejo Mejía 2016). In this framing, addressing the pressing problem of land restitution created a favorable political environment for addressing broader land and rural development issues in Havana.

Besides land dispossession, the poor economic performance of the agricultural sector was another strong political reason to make appealing the inclusion of the rural development issue in the negotiating agenda. Years of low growth, investment and productivity in the countryside, caused among other things by the armed conflict, were taking their toll on the sector's growth and competitiveness (Misión para la Transformación del Campo 2015; Arias and Ibáñez 2012). In an increasingly globalized environment, state agricultural policies, as described in Chapter 4, had practically receded, and small farmers were not sufficiently supported to face external competition. As producers started to feel directly hit by what they perceived as unfair competition resulting out of the free-trade deals with the United States and Europe, and grew increasingly dissatisfied with the government, their demands for state support became unavoidable (Cruz Rodríguez 2017). The government came up with an immediate response to placate the imminent crisis, particularly the precarious position of coffee growers (The Economist 2013). However, the prominence of the problem justified seeking long-term solutions as well. Subverting the fall in the agricultural trade surplus, which plummeted between 2007 and 2012 from US\$2,590 million to US\$465 million,<sup>45</sup> in order to reduce the country's increasing dependence on imports became a relevant policy goal framed in terms of attaining food security. Moreover, in a global

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<sup>44</sup> The figures regarding the extent of this phenomenon vary widely depending on the source. Some reports have established the magnitude of the land dispossession in 10 million hectares, others in 1.2 million. For a discussion on these figures, see (Gómez, Sánchez-Ayala, and Vargas 2015).

<sup>45</sup> I am indebted to Armando Corredor for pointing out this significant trend.



context of rising demand for agricultural goods, developing policies to boost exports and transform Colombia into a food powerhouse became politically attractive. Especially, this was the case considering that the government needed to steer the economy away from the perils of Dutch Disease resulting out of the oil and mining boom (Argüello and Jiménez 2015). Viewing the end of conflict as an opportunity for improving the country's food security and stimulating agricultural growth was thus rendered by the government as a reasonable – and politically viable – alternative to address producers' demands for the sector's structural solutions.

The sustained presence of illicit coca crops in peripheral rural areas, despite an intense antidrug policy supported by the United States, was another unresolved structural problem in the countryside that, due to its strong connection with the armed conflict, also served to justify the inclusion of the rural development issue in the negotiation. Although after *Plan Colombia* was launched, coca hectares reduced from 144,807 in 2001 to 61,813 in 2010, between 2010 and 2011 total crops increased again by 3 percent to 63,765 hectares, demonstrating the problem's stickiness (UNODC 2011). Significant efforts were made in the 1980s and 1990s by the Colombian government and the United States to tackle the illegal drug industry that began to flourish around the mid-1970s, while it also had negative repercussions on public health, the environment and increased state violence in rural areas. Nonetheless, by 1997, Colombia had become the world's top producer of coca leaf and cocaine, surpassing Bolivia and Perú. Intending to further confront production – with the underlying rationale of cutting supply to drive up the street prices in the US and therefore reduce demand and consumption – in 1999 the Clinton Administration pushed for *Plan Colombia*, as noted in Chapter 3 (Rosen 2014; Dion and Russler 2008). This meant propping up aerial spraying using a fleet of US-supplied planes and helicopters. Eradication efforts during the 2000s had an impact on coca cultivation. Nonetheless, when Santos assumed power in 2010, evidence on the “balloon effect”, according to which the decrease in crops in one region translated into the pop up of coca in others, led policymakers to reevaluate the strategy (Spellberg and Kaplan 2010).

To be sure, the illegal drugs industry was tightly connected with the armed conflict and hence viewed within a security policy framework. Armed actors – guerrilla and paramilitary groups – had since the 1980s increasingly funded their military operations through the coca business (production, processing, distribution). At the same time, however, the government also recognized – as illustrated with the design of the PCIM and previous alternative development programs – that the emergence and persistence of coca crops in peripheral areas by *colono* peasants was related to a lack of state and legal rural livelihoods (UNDP 2011; Thoumi 1995). As *Plan Colombia's* overall effect on coca production started to be questioned, among other things because the decrease in coca hectares was countered by an increase in yields (Mejía and Restrepo 2008), the view of tackling coca crops through a more comprehensive strategy began to gain traction. At the end of Uribe's government, mounting criticism of the environmental and health effects of aerial spraying, coupled by rising assassinations of police personnel dedicated to manual eradication, drew attention to the need to address the problem from a more structural rural development perspective (Varela 2017; Dion and Russler 2008).

Early in his government, Santos laid out his interest in moving beyond policies focused exclusively on repressing production (The Observer 2011). The emerging global debate on the effectiveness of the war on drugs facilitated this initiative. The report of the Latin American Commission on Drugs and Democracy, led by former presidents of various Latin American countries, emphasized in 2009 the need to reform international drug policy (Franz 2016; Latin American Commission on Drugs and Democracy 2009). According to them, besides military and police action to confront organized crime and illegal armed groups associated with the coca business, governments had to increase public goods provision and state presence in coca production areas. Coca cultivation appeared to be more common in less developed regions with low access to legal markets and a weak state presence (Dion and Russler 2008; Thoumi 1995). Coca leaf was adopted as a basic cash crop by around 60,000 rural households that produced it on small landholdings of less than two hectares (UNODC 2015). Regional development projects, especially in infrastructure like tertiary roads, and technical and market support to producers, was therefore a crucial

aspect of a policy geared towards coca substitution. For the government, this meant making the connection between coca production and rural development as part of the negotiating agenda in Havana.

### ***Pressure by Social Mobilization and Experts***

The relevance attained between 2010 and 2012 by the issues of land dispossession, agriculture's lack of competitiveness and coca crops' persistence in the political scenario was in great measure a result of two factors. First, the pressure exerted by a broadly constituted national agrarian movement that succeeded in centering the government's attention on these matters. Second, the convergence of influential experts and international organizations with significant presence in Colombia on the call for structural rural development reforms. As soon as Santos' administration began in August 2010, social mobilizations and protests soared. Repression, stigmatization and criminalization of social movements during Uribe's administration had reduced their margin of action during the 2000s (Archila 2005). Moreover, during this period, and precisely as a reaction to Uribe's repressive policies, social movements were in the process of reconfiguring their discourses and organizational platforms after the crisis they had undergone in the mid-1990s (Archila 1995). Santos did not affect the existing punitive legal approach to social protest. Yet, his moderate discourse and democratic orientation, in which social mobilization was recognized as a legitimate form of political participation, opened the space for social movements' ample deployment. A context of greater political guarantees was further seized by social movements as they had improved their organizational capacity and ability to establish nation-wide framings and coalitions (Cruz Rodríguez 2017).

Of particular importance was the emergence of peasant and indigenous platforms that articulated regional and sectoral initiatives in national bodies and under specific campaigns.<sup>46</sup> Since the end of 2010, with the installation of the *Congreso de los Pueblos* in Bogotá and the *Encuentro nacional de comunidades campesinas, afrodescendientes e indígenas*

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<sup>46</sup> According to Espinosa Rincón and Ferro Medina (2016), at least six broad agrarian movements emerged or solidified during between 2010 and 2012: (1) ONIC, the national indigenous organization; (2) Congreso de los Pueblos and the Coordinador Nacional Agrario; (3) ANZORC and Marcha Patriótica; (4) Dignidades Agropecuarias; (5) ANUC and (6) Comunidades negras.

*por la tierra y la paz de Colombia: el diálogo es la ruta* that took place in Barrancabermeja in mid-2011, the agrarian social movement gained strength and the particular demands of specific sectors, communities and organizations were turned into broad common goals and objectives. During this period, they defined as their two major goals demanding a political solution to the armed confrontation and proper rural development policies and measures. Many of these organizations had developed their agenda and strategies previously, and were active during Uribe's government, as they participated and led protests against neoliberal policies, such as the Free Trade Agreement signed with the United States and *Agro Ingreso Seguro* (Espinosa Rincón and Ferro Medina 2016). However, it was during Santos' government that these organizations grew in strength and voice forming a wide front on claims for land restitution and a progressive rural development bill, and against trade liberalization, large-scale mining projects and repressive policies on coca production. The inclusion of the rural development issue in the agenda was not a direct outgrowth of the social movement pressure. Yet, the increasing relevance and visibility of these mobilizations did serve as a reminder, especially to the government, that something had to be done about it and that it had to be part of the peacebuilding agenda.

In parallel to social movements' pressure, the numerous studies, reports and analysis on rural development that came out during that period carried out by influential experts, NGOs and international organizations also helped creating a favorable atmosphere for pushing for broad sectoral reforms. UNDP's 2011 *Human Development Report* on Colombia, which for the first time centered exclusively on rural development, was of particular relevance. It was able to consolidate a comprehensive analysis of the key problems of rural Colombia, linking the effects of the armed confrontation on the countryside with institutional and sectoral deficits, and to provide a clear policy roadmap geared towards decision-makers (UNDP 2011). Moreover, directed by Absalón Machado, a renowned economist on agrarian issues with credibility across sectors, UNDP's report was able to bring together academics, NGOs, business associations, local communities, international organizations and government institutions in its research process and final outreach. UNDP's strategic institutional location in Bogotá, close to policymaking circles, facilitated the report's promotion of a

common understanding around rural policy and the creation of an overall framework from which to assess the various pressing problems. President Santos' attendance to the report's launching event in September 2011 demonstrates not only the study's resonance and positive reception in policy circles, but also, as Babb points out regarding the role of expert knowledge in policy-making (2013), the government's usage of it as a means of legitimizing its policy course (Sistema Informativo de Gobierno 2011; El País 2011). The report, a high government official states, became an important source for minister Restrepo's rural development bill, as well as for the negotiating team in Havana (Personal communication Former Advisor Office of the High Commissioner for Peace, August 25, 2017; Restrepo and Bernal 2014, p. 150).

The World Bank, USAID, FAO and non-governmental organizations like Oxfam also produced relevant analysis and reports in line to UNDP's policy guidelines. Land dispossession and the free trade agreements had attracted since the mid-2000s significant attention of think tanks and international organizations, all of which were converging around the need to center rural development policy on land access, family agriculture and food production sustainability (Garay, Barberi, and Cardona 2010; Forero 2010; Oxfam 2013; World Bank 2004; Econometría 2011; Perfetti and Cortés 2013; Junguito, Perfetti, and Becerra 2014). Reflective of this trend, research agendas on rural and land issues flourished. In Bogotá, important universities created or strengthened their rural development research programs, led by renowned academics. Such a conducive policy environment led the government to begin arrangements in 2012 for carrying out the 2014 National Agricultural Census and to develop a new Rural Mission of experts that commenced its task in 2013 with the goal of providing a comprehensive roadmap for policy reform (Misión para la Transformación del Campo 2015).

This growing interest on rural development policy in Colombia was indeed part of a broader global policy shift that took place during the 2000s, especially after the global food crisis, when agricultural policy, food issues and rural poverty became relevant again in the global agenda, as described in Chapter 4 in the discussion of the alternative emerging norms. In the middle of this domestic and global context in which experts and international organizations were putting pressure to address structural

rural problems, the Colombian government conceived as legitimate and desirable including the rural development issue within the negotiating agenda.

### *The Government's "Red Lines"*

As described, an existing reformist vision within the government, pressing problems, social mobilizations and experts' recommendations influenced the decision of introducing the substantive discussion on rural development policy in Havana's negotiation. At the same time, however, the political viability of this issue's inclusion was given by what Santos had decided from the outset not to negotiate. The president thought there were topics that were not part of the peace talks with FARC (Personal communication Former Advisor of the Office of the High Commissioner for Peace, August 25, 2017). Besides, he faced serious political restrictions from the coalition that had brought him to power and from the opposition. Before the first session of the exploratory meeting took place, the government's negotiating team sat down with president Santos to define their "red lines", that is, issues not negotiable in Havana (Personal communication Former Advisor of the Office of the High Commissioner for Peace, September 21, 2017). Regarding rural development, these had to do with FARC's claims for carrying out an agrarian reform based on a massive expropriation of unproductive *latifundios* that would constitute a serious risk for private property rights; renegotiating investment and trade agreements; and reviewing macroeconomic policy, particularly in relation to the country's growing dependence on natural resource extraction. Ultimately, by identifying these red lines, Santos established what he considered was not legitimate to discuss as part of the rural development point and how far the government was willing to go on this issue in the negotiation, clearly demarcating the parameters of what it understood in the peace talks by "comprehensive agrarian development policy". In Santos' view, it was one thing to recognize, as part of a peacemaking agenda, the need to tackle rural poverty, promote equitable agricultural growth and escalate public investment and the state's presence in the countryside, especially in areas most affected by conflict. It was another to accept, in the name of a discussion on "rural development", an overhaul of the country's broader economic development model. The central idea behind this was to address

only those aspects strictly related to the persistence of the armed conflict (Personal communication Former Advisor of the Office of the High Commissioner for Peace, September 21, 2017).

These red lines, unsurprisingly, reflected the economic stance held by Santos throughout his political career, as well as his economic policy since he came to power. As mentioned earlier, Santos espoused in Colombia a local version of Blair's Third Way. In his former posts as *El Tiempo's* commentator, minister of commerce and minister of finance, he was a staunch defender of the market economy, private entrepreneurship and liberalization as sources of growth and prosperity. At the same time, he admitted that having a strong state was necessary for enforcing the rule of law, promoting good governance, ameliorating poverty and providing basic assets to all (e.g., education and health). The economic strategy of Santos' national development plan 2010-2014, in a similar fashion to the one of the previous administration, was geared towards furthering the economy's liberalization, attracting foreign investment, securing property rights in the countryside, and promoting a growth strategy based on oil and mining exports (Departamento Nacional de Planeación 2010b). A fierce critic of socialist perspectives, particularly of those like FARC's closely linked to Chavez's Bolivarian Revolution, Santos never accepted introducing in the agenda any discussion that called into question the economic model. On the contrary, in Santos' view, the armed conflict, as the World Bank had already pointed out in its country's report, besides having nefarious humanitarian effects, was an obstacle to growth that had to be removed so as to unleash Colombia's full economic potential (Giugale, Lafourcade, and Luff 2003).<sup>47</sup>

Besides Santos' personal economic views and the government's defined development strategy, another reason for keeping off the table these "red lines" was the

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<sup>47</sup> The central message in World Bank's report states, "[t]here is no doubt that the long-standing armed conflict is the most important issue facing Colombia as a nation, let alone as an economy. The cost of violence is difficult to overestimate. Since 1980, some 100,000 people have died directly as a result of the conflict, and two million *desplazados* have lost their jobs, homes and, increasingly, hope, and are now lingering at the fringe of society. Another million, perhaps the most educationally disadvantaged, left the country altogether. By some calculations, the conflict dampens GDP growth each year by two full percentage points – in other words, had the war stopped, say, 20 years ago, the income of the average Colombian would now be 50 percent higher, and an estimated 2.5 million more children would be above the poverty line" (Giugale, Lafourcade, and Luff 2003, p. 2).

government's commitments with the country's main economic groups. During the presidential campaign, Santos earned the support of most of the business sector and once in power sought to sustain good relationships with it. Like in any other government constrained by capital's structural power (Cerny 2010), Santos had made very clear right from the start of the exploratory meeting that if the negotiation with FARC was to succeed, it could not go against business interests, especially of those at the center-stage of the country's economy. In practice, this meant not including items that may in any way put at risk major economic activities like oil and mining, which since the mid-2000s had become the key source of foreign direct investment and fiscal revenue. Moreover, anticipating the political cost that the announcement of the start of the formal peace talks would entail if an agenda was agreed upon, Santos sought to minimize the opposition's reaction by making sure that any issue included in it could be framed in terms of the constitution. The right-wing opposition led by Uribe criticized starkly the negotiations right from the beginning, as Chapter 7 describes in detail. Still, the negotiating team's decision not to accept the inclusion of sensitive topics, like the control of natural resources or trade agreements, provided the government with the sufficient legitimacy to defend the final version of the agenda.

Although elected as the candidate that would give continuity to Uribe's policies, Santos' political economic base was distinct from Uribe's. While for the latter, cattle ranchers represented an important sector of his direct constituency, the former was dependent on an increasingly internationalized business sector.<sup>48</sup> Accordingly, this sector was far more readily willing to accept – at least from an economic modernization project discourse – a rural development policy that tackled violent

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<sup>48</sup> Richani's (2013) analysis on this point, although not carried out for this specific period, is still relevant. According to him, "since the late 1990s we have seen a shift in the political attitude among an important segment of the dominant classes in favor of a negotiated settlement for the conflict mainly because of the increasing costs of war, which are jeopardizing the country's economic growth and its incorporation into global markets" (129). Moreover, he also notes that "[i]n a stark contrast with the growing power of conglomerates, the economic decline of the agrarian elite represented by the coffee growers, cattle ranchers, agribusiness groups, and large landowners is reflected in their decreasing share of the GDP during the 1980s and 1990s. While the services sector share increased from 43 percent in 1980 to 49 percent in 1998, the agricultural sector declined from 22 percent of the GDP to 13 percent in 1998. These figures reveal an emerging economic structure and a new social configuration of the dominant classes. This configuration is clearly biased toward the international segment represented by fourteen companies and groups, mostly in the services sector" (137).



appropriation of land and irregular property rights, promoted a productive use of agricultural resources, and improved rural inhabitants' human capital, each of which is also consistent with a liberal economy. With this in mind, the "end of conflict as an opportunity" narrative was essential for the government's framing of the negotiating agenda. Especially because it justified the need to carry out reforms or tasks that were in the country's interest whether or not they were agreed with FARC. In this way, the government was able to argue that while the existing development model was not in discussion in Havana, it was interested in reaching an ambitious agreement on measures to improve rural living conditions, close the rural-urban gap and stimulate agricultural growth.

Far from being naïve, FARC knew what Santos stood for. Even more so, the fact that he represented in every way the "establishment" was in FARC's view a guarantee that the various "factions" of capital and of the "ruling class" were in favor of a negotiating. Still, they never gave up their ideas on rural development. Certain terms agreed on at the exploratory meeting, like "use of land" gave them leeway to continue pushing forward during the next phase of the negotiation for a broader discussion on issues like natural resource extraction.

The previous description traced the path the rural development item followed towards its inclusion into the negotiating agenda. It showed the evolution of FARC's agrarian discourse up until the Havana's exploratory meeting, as well as the government's conception linking peace with rural reform. Moreover, it identified the institutional and political conditions that favored this inclusion, highlighting how the item responded to pressing problems in the countryside, an increasing rural social mobilization and experts' recommendation on the topic, while at the same time its scope was bound to the political restrictions established by the government from the outset. The opening of this window to discuss a substantive issue in a peace negotiation was indeed crucial. Now, I move on to analyze how the parties converted the issue into a concrete draft as part of the agreement during the formal phase of the negotiations. A description of its main features will serve to understand how it triggered an alternative discourse with tangible effects in rural development policymaking.

## 5.4 The Robustness of the Comprehensive Rural Reform

In May 2013, after almost six months of intense discussions in Havana, the delegations reached for the first time in history a substantive agreement on rural development. Its first paragraph begins by stating “[w]ithin the context of this Agreement to End the Armed Conflict, the Comprehensive Rural Reform (*Reforma Rural Integral*), hereinafter referred to as CRR, lays the foundation for the structural transformation of the countryside, creates conditions for well-being of the rural population – men and women – thereby contributing to the building of a stable and long-lasting peace” (Gobierno de Colombia and FARC 2016, p. 10). As described in the section before, in the agenda defined at the exploratory meeting the negotiating parties not only exploited the window of the peace talks by introducing the agrarian agenda item but also demarcated its roadmap for the negotiation phase, thus facilitating the discussions amid the wide ideological gap between them. In this section, I turn to the phase of the formal negotiations where there were no antecedents on how to address the agenda items in the negotiating table and convert them into provisions shared by both delegations. A first outcome of this phase was the 21-page partial agreement on “comprehensive agrarian development policy”, which contained concrete commitments made by the government that were instrumental in shifting Santos’ rural development policy towards a more distributive orientation and, at least temporarily, away from the status quo trajectory. As the former High Commissioner for Peace stated, “the peace process operated as a lever of change which can help to achieve transformations on the countryside that in ordinary policymaking had not been possible” (Personal communication, August 8 2018).

In order to analyze this agreement, I draw partially on the work of peace accord implementation scholar Virginia Fortna (2004), whose work has evidenced how peace agreements are far from being mere “scraps of paper” and are actually relevant in improving the quality of the implementation, to argue that the CRR agreement’s *robustness* was definitive in influencing this policy shift. Compared to other peace agreements with agrarian provisions, as noted in the case selection section in Chapter 1, Colombia’s CRR is the most robust due to both its comprehensiveness and level of

detail (see Table 1.2). I understand this comprehensiveness or breadth in terms of the wide-ranging issues covered by the agreement. For its part, I view its level of detail or specificity in relation to the degree to which the measures agreed may translate into concrete policy actions and be subject to monitoring and follow-up.

The comprehensiveness and specificity of the CRR resulted out of the parties' rationale and incentives to reach such an agreement. On one hand, the government's negotiators were interested in reaching an agreement that would meet three purposes at the same time. First, the agreement had to include substantive and ambitious reforms that would speak to FARC's agrarian demands and allow them to continue in the negotiating table. Second, it also had to be framed in a way that would be received positively in the public opinion in Colombia to secure a broad support during its implementation phase. Thirdly, it had to develop obligations and accountability mechanisms for the state that would overcome the traditional inertia of the institutions of not fulfilling the promises made to rural communities and social movements. The government negotiators did think at the table in Havana that the CRR could lead to change the political incentives of not paying attention to the countryside by including commitments with annual goals, such as the Land Fund. As I will show in Chapters 6 and 7, internal and external difficulties prior and during the implementation showed that events happened in a different way. Yet, it is important to highlight the logic behind the CRR's agreement at the negotiation phase. For the FARC, in turn, it was important that the CRR reflected the aspirations of their armed struggle so that they could justify in their own membership that the insurgency had been worth it and that they would maintain their historical claims of agrarian reform once they transition towards a legal political party. This meant, moreover, that there had to be measurable commitments and plans in the agreement.

Based on interviews and my first-hand experience in the negotiations as a government advisor, in what follows, first, I describe the agreement's comprehensiveness by showing how the negotiating parties developed the notion of "comprehensive rural reform". While recognizing the importance of addressing land access issues, this notion framed them within a broader policy strategy aimed at the rural inhabitants' well-being in all of its dimensions. Moreover, the proposals handed

over by civil society at the events organized as part of the peace talks' mechanisms of citizenship participation allowed introducing or reinforcing new issues in the agreement, as well as making visible and opening policy space for previously marginalized rural voices and alternative agendas. The CRR, in this way, condensed – in its ambitious scope and goals – the widely shared aspiration for rural change postponed for decades.

Then, I examine the agreement's specificity and its effect on policymaking by tracing the crafting process of the proposals handed over by the government to the FARC in the negotiating table, which eventually turned into the agreed provisions. Drawing from existing policies, civil society and technical experts' recommendations and relevant international experiences, the government's delegation constructed these proposals pushing forward the limits of what was feasible but also making sure that these were realistic and linked to ongoing institutional processes. Examples of the proposals made on land access serve to highlight how the specificity of the agreement had an impact on policymaking.

### **Framing the Rural Development Item through a Comprehensive Lens**

Reaching common ground on the CRR was not easy. Although the item's headings defined in the exploratory meeting helped to set the parameters of the discussion, the starting points of each of the delegations were starkly different. FARC called for a radical land reform of the 1960s variety that entailed a massive expropriation of unproductive land and a revision of oil and mining contracts. In contrast, the government considered the need to address rural poverty and inequality as part of the peace agenda, but within the existing constitutional and legal framework. Even if there was a shared belief that rural development was central to a peacebuilding agenda, the views on the root problems of the countryside and on the measures to act on them were quite apart from each other, as explained in the previous section. An idea that served to bridge the gap between the two delegations was the need to approach the issue through a comprehensive lens. In line with the UNDP's report, this meant emphasizing "rural" rather than "agrarian" reform as the overarching conception guiding the issue's discussions. This framing of the issue placed the accent on the living

conditions (*bienestar*) of rural inhabitants and not on the number of expropriated hectares: “the ultimate objective [of the CRR] is the eradication of poverty and the total realization of the needs of citizens in rural areas [...]” (Gobierno de Colombia and Farc 2016, p. 13). Moreover, it focused on the territory (*territorio*) rather than on the individual plot, stressing the importance of strengthening public goods provision to foster economic growth and equality at the regional level. By centering on the *bienestar* with a territorial focus, this framing fruitfully led the discussion towards identifying the different measures required for achieving it and away from the zero-sum approach of land redistribution. Hence, a broad conception of the issue, not entirely focused on the contentious question of modifying the highly unequal agrarian structure, allowed finding common ground in less controversial policy areas without leaving unaddressed the land access and use issues.

Guided by this comprehensive lens, the delegations structured the agreement on rural development around four key pillars – land, public goods and agricultural supports, right to food and regional development programs. In the agreement, the negotiating parties brought together previously disconnected issues into a single, coherent vision of rural reform that recognized the need of paying attention to historically marginalized rural areas and communities and gave visibility to alternative voices. The Comprehensive Rural Reform, as the negotiators named it, created a distinct policy discourse that opened the space for and gave legitimacy to progressive demands that otherwise would not have become part of the policy agenda. Inscripting within the overall peace agreement considerations, principles and provisions aimed at achieving substantive transformations in the countryside, the CRR gave symbolic and political weight to distributive aspirations long-held by ignored sectors of society. In fact, once it was agreed, the demand of fully implementing the CRR became a major mobilization discourse of nation-wide rural social movements in key political moments.

The first pillar of the CRR, access and use of rural land, encompassed provisions associated with the distribution of land to landless peasants, the regularization of rural property rights, land conflict resolution mechanisms, the rural cadaster and land tax, and environmental schemes to protect agricultural frontier zones and fragile

ecosystems. It was the most difficult pillar to negotiate as it dealt with the core differences between the delegations. Interestingly though, as Moreno (2016) notes, this pillar was able to include distinct policy goals within a single strategy clearly differentiating between instruments of land access from those of land use that often tend to be conflated. Most importantly, this pillar upheld land distribution as a state commitment, after it had been discarded as a policy goal since the 1990s when market-led mechanisms replaced the more traditional ones on land reform. These mechanisms took on proposals made by peasant organizations, like the *Mesa de Unidad Agraria* (Agrarian Unity Table), which were very active in the discussions on the rural development bill drafted by minister Restrepo in 2011 and 2012 and in the formal civil society events organized as part of the peace talks (Gobierno de Colombia 2018).

This pillar also developed the notion of “comprehensive access to land”, meaning that the state had the responsibility not only of giving land to landless peasants but also of providing basic goods and supports to secure that this land would actually become a productive asset in overcoming poverty and generating an adequate livelihood. This notion was coined by the government’s delegation in the negotiating table based on policy lessons of previous land distribution programs in Latin America that did not succeed in tackling rural poverty. Earlier interventions focused on allocating land only, without considering the need of complimenting it with additional agricultural supports or goods, such as irrigation, technical assistance or marketing supports (De Janvry and Sadoulet 2002). Including these additional supports in the agreement also responded to the historical demand made by peasant organizations for state supports that, as described in Chapter 4, were quite meagre during Uribe’s administrations.

The second pillar of the CRR, called “national development plans” materialized into concrete provisions the notion of “comprehensive access” by establishing commitments on infrastructure, social development and agricultural supports. All of these plans had the overarching goal of overcoming rural poverty and inequality and closing the gap between rural and urban areas in a fifteen-year transition phase. Based on the multi-dimensional definition of poverty, in these plans the government adopted policy commitments geared towards improving the living conditions of rural inhabitants that included measures on tertiary roads, electricity, irrigation, education,

health, housing, drinkable water, rural extension, agricultural financing, marketing supports, and social protection (Gobierno de Colombia and FARC 2016, p. 24). All of these measures were drawn from existing sectoral policies. What the CRR achieved was bringing them into the peace agreement language of commitments and provisions and introducing three policy conceptions that were not prevalent in the government at that time. One was that rural areas demanded more institutional presence and higher public investment, particularly in terms of general public goods and services. This conception captured minister Restrepo's view of privileging public goods over private subsidies in rural development policy. By translating it into concrete measures in the peace agreement, the negotiators cemented this view as a state commitment as a way of further influencing the sector's institutional reform toward a distributive direction.

A second conception that the agreement reinforced was that of adapting sectoral policies to rural contexts. For example, the health, education and housing plans in the CRR explicitly recognized setting up flexible infrastructure and service models to respond to the geographic and cultural conditions of rural areas. In practice, this prompted the corresponding institutions to design new programs or to modify existing ones as part of the preparatory process of the agreement's implementation taking into account rural communities' voices and specific needs. In the case of education, for instance, the commitment of achieving universal coverage with comprehensive service provision for early childhood meant adjusting the geographic areas, the budgeting, the infrastructure planning and the staff deployment of the early childhood national policy in order to include the agreement's goal of covering children of rural areas (Gobierno de Colombia and FARC 2016, p. 26). Similarly, in relation to the provision geared towards creating a "special public health model for dispersed rural areas with emphasis on prevention", the Ministry of Health had to extend its ongoing small pilot public health intervention in Guanía, a department in the Amazon region, to other rural areas like Chocó (in the Pacific region). Even though the preparatory process for implementing these commitments was not effective enough, as it is described in Chapter 6, at least the agreement served to push sectoral policy guidelines into considering the specificity of rural areas, a shift demanded long ago by experts, regional authorities and civil society but had not happened.

A third policy conception endorsed by the national development plans was that of supporting family agriculture – or as the agreement puts it the “family-run and community-based economies” – as the basis for equitable rural development (Gobierno de Colombia and FARC 2016, p. 29). The agreement recognized that “the development of rural areas depends on a proper balance between the various existing forms of production – family farming, agro-industry, tourism, agriculture on a commercial scale – [...] and on [the] promotion and encouragement on an equal basis of links between small-scale rural production and other production models”. Nonetheless, it emphasized the need to especially promote and protect the family-run and community-based economies, a discourse that contrasts with that of the Uribe administration, which did not conceive the peasant economy as a target of agricultural supports but only of social assistance. The six plans established in the CRR to stimulate the agricultural production of family agriculture are geared towards promoting the economic empowerment of this sector. Drawing from civil society proposals made during the peace talks’ public events, these plans –on stimuli for a solidarity and cooperative economy, technical assistance, credit, marketing, formalization of rural labor and social protection, and associations – turned this conception into a comprehensive set of concrete measures, some of which were not present before in the institutional policy discourse. For instance, the Comprehensive National Technical, Technological and Research Assistance Plan) included a provision for “promoting and protecting native seeds and seed banks” in a participatory way and incorporating communities’ traditional knowledge (Gobierno de Colombia and FARC 2016, p. 29), a claim that rural organizations like *Cumbre Agraria* had made at the different participatory spaces. In this sense, the agreement served as a vehicle for introducing progressive policy views and measures that in the ordinary policy cycle would not have taken place.

Complementing the “national development plans”, the third pillar of the CRR was the creation of a “system for the progressive realization of the right to food”. This system defined specific measures to eradicate hunger and malnutrition, improve the food availability, increase food access and develop healthy consumption and nutrition habits. Although a national food security policy already existed, with the creation of



this system the negotiating parties sought to advance towards the materialization of the right to food, highlighting the relationship between small-scale food production, rural livelihoods and adequate nutrition in rural areas. The agreement's focus on promoting local and regional food production and food markets and on building local and regional food councils moves the existing policy towards a more decentralized, participatory and production-oriented approach. Proposals on the right to food made by rural women's organizations like ACSOMAYO served as a basis of the agreement, which included, amongst other things, acknowledging "the fundamental role played by rural women in their contribution to fulfilling the right to food" (Gobierno de Colombia and FARC 2016, p. 32; Lancheros 2017).

The fourth pillar of the CRR were the Territorially Focused Development Programs (PDETs, for its initials in Spanish), a new kind of state intervention tailored for the conflict-ridden regions that best reflected the comprehensive orientation of the agreement. Previous regional interventions, such as the *Programa Nacional de Rehabilitación* (PNR) of the late 1980s, the Peace and Development Programs of the early 2000s and the *Plan de Consolidación Integral de la Macarena* (PCIM) of the late 2000s, inspired the PDETs territorial orientation. Rather than focusing on families or sectoral projects, the PDETs aimed at improving in a ten-year period the living conditions of the inhabitants of sixteen regions selected based on four criteria (armed confrontation, poverty levels, weak institutional capacity, and illegal economies). For every region, the PDET would develop participatory action plans containing assessments and measures on the different issues areas (infrastructure, social development, agricultural supports). In turn, the governmental bodies at the national, regional and local levels would coordinate the response to these action plans in terms of the delivery of goods and services required. The execution of these multi-level and multi-actor action plans in the peacebuilding phase would foster, at once, economic inclusion, rural citizens' empowerment and reconciliation. The PDETs reflected the aspiration of marginalized rural communities to receive preferential state treatment at least during a transitional period as a way of balancing the historical abandonment these regions had suffered due to violence and the lack of state presence. The PDET's broad aims of enabling rural inhabitants' effective exercise of their political, economic,

social and cultural rights and reversing the effects of the conflict, presupposed the development of a strong relationship between the state and communities as well as a strong vertical and horizontal coordination between state agencies. In this perspective, land distribution and titling were only one kind of measures among a wide set of measures geared towards achieving sustainable rural development. Without the CRR, this territorial approach to rural development would have gained political attention and would not become part of rural community's expectations of how public policies should be designed and implemented.

The comprehensiveness of the CRR, supported by its four key pillars, was complemented by its specificity in achieving a robust agreement that was an important catalyze of the policy shift observed.

### **The CRR's Specific Measures**

Peace implementation researchers have recognized as an important attribute of the CRR its level of detail (Kroc Institute 2017; Salgar 2016). Unlike other peace agreements, the CRR goes beyond general considerations and purposes (e.g. "reducing rural poverty") by establishing as well numeric goals and concrete state commitments translatable into policy actions and subject to monitoring and follow-up. According to the Kroc Institute Colombia Peace Matrix, the CRR contains 93 stipulations (Kroc Institute 2017). Based on the agreement, the Implementation Framework Plan prepared by the government, defined 150 outputs with their corresponding indicators carry out the CRR (Gobierno de Colombia 2017). The CRR possesses not only a significant discursive power that serves to shift the policy towards a comprehensive and distributive orientation, but also contains exceptional measures and implementation mechanisms that have a direct effect on policymaking (creation of institutions, rearrangement of programs, budgeting decisions, etc.). Put differently, the CRR crystallized a reformist vision that while was based on some initiatives underway it took existing policy into a whole new level, cementing this major reform into a peace accord with binding commitments that would not have existed if it had not been for the procedural and political aspects of the peace talks. In order to understand the effect

of the measures agreed on policymaking, it is relevant to trace the drafting process of the CRR's provisions during the negotiating phase.

The CRR's crafting was the result of a writing process in Havana that started with a government's draft of each of the specific items and ended with a discussion and a series of revisions of the original draft at the negotiating table. To prepare these drafts, the government – specifically the technical staff of the Office of the High Commissioner for Peace (OHCP) – studied FARC's proposals on the issue and prepared a technical briefing for the negotiating team based on existing policies, experts' recommendations, civil society's proposals and relevant international policy experiences. Before discussing this draft with the FARC, the government's delegation reviewed the final wording of every commitment with the corresponding minister to ensure its viability and adequacy. In various issues, nonetheless, the draft prepared by the government's negotiators went beyond the sector's current policy instruments, as it sought to outline ambitious measures for the peacebuilding phase. In this way, the agreement served to push forward the existing policy in terms of its distributive orientation, while at the same time maintaining realistic goals. The provisions on land access serve to understand better this scaling-up process induced by the agreement.

The CRR's provisions agreed on land access were instrumental in mobilizing the government's policy towards developing previously nonexistent programs on land distribution and strengthening the institutional framework associated with rural land and property rights. The Land Fund (*Fondo de Tierras*) created to benefit peasants without or with insufficient land was the most important provision agreed on this item. First, because it brought together into a single fund six different sources from which the state could recover land: (1) land acquired through illegal activities; (2) illegal occupation or appropriation of state land (*baldios*); (3) land located in Forest Reserve Areas that had lost its environmental use; (4) unexploited land; (5) land acquired or expropriated by the state for public utility reasons; and (6) land donations made by private actors (Gobierno de Colombia and FARC 2016, pp. 14–15). Even though most of these sources were already part of the legal framework (all except private donations), they had not been conceptualized as part of a large fund for distribution.

Moreover, this provision, as I pointed out in Chapter 4, specified the administrative and legal procedures that the state possessed to obtain the land in each source and indicated the revisions some of these procedures needed to be more effective. For example, in relation to the land acquired through illegal activities, the provision stated, “the National Government will speed up the necessary reforms for making the legal ownership cessation procedure more flexible” (Gobierno de Colombia and FARC 2016, p. 15). Second, the Land Fund was highly relevant because it defined a goal of procuring and distributing three million hectares of land during the next twelve years of implementation. This ambitious figure, which was subject to intense discussion in the negotiating table, surpasses the total number of hectares distributed by the state previously – between 1962 and 2011, over 1.9 million hectares were distributed to 120,295 peasant families (Arteaga et al. 2017). Therefore, it presupposes a great institutional capacity to be able to do so, thus forcing the state to make the necessary adjustments to achieve this goal. Third, because this provision goes hand in hand with the creation of a Beneficiaries Registry that, on one hand, explicitly defined the vulnerable and poor rural population as the fund’s target and, on the other, established the need to create an administrative and participatory procedure to select the beneficiaries. This registry was an innovation of the agreement which, based on Brazil’s land reform program, sought to tackle the problem of assigning land to ineligible people (e.g., not poor or not involved in agriculture) that was very common throughout the late 1990s and early 2000s (Personal communication official from Brazil’s Ministry of Agrarian Development, February 2, 2013).

Other relevant provisions on land access complemented the Land Fund. In terms of land distribution, the government adopted two additional market-led mechanisms, a comprehensive subsidy for the purchase of land by beneficiaries in prioritized areas and a special credit line for the purchase of land. Both of them already existed, but did not have an effective execution. Since the early 2000s, the subsidy had become the only policy instrument to distribute land generating a high expectation on peasants but with a low impact due to its high demand and tight budget (Deininger and Binswanger

1999; Borras 2003).<sup>49</sup> The agreement instead conceived it as an instrument that may be useful in specific circumstances to solve cases of lack of sufficient land. Likewise, the special credit line for purchase was created by FINAGRO (the National Fund for the Financing of the Agricultural Sector) before the agreement, but had had a low demand due to its short-term deadlines, high interest rates and strict guarantees requirements. By contrast, the CRR conceived the credit line as an additional instrument to the Land Fund geared towards small farmers in need of buying extra land to secure their livelihood. Furthermore, the agreement also established a provision of creating a massive land titling plan, thus combining land distribution (Land Fund, comprehensive subsidy and credit line) with land formalization as a means to ensuring land access. The plan aimed at titling seven million hectares of small and medium-sized rural properties, including both occupation of state land (*ocupación de baldíos*) and informal tenure of private lands.

The CRR, in use of the exceptional scenario the peace agreement offered in terms of issue linkage and definition of binding commitments, connected the provisions on land access with other land provisions essential for their proper functioning. First, it defined a safeguard to avoid future land concentration, guaranteeing that the allocated land would be inalienable and non-seizable for a period of seven years. Second, it devised a preferential targeting of the agricultural supports comprised in the national development plans (technical assistance, credit, marketing, etc.) for the beneficiaries of the land access measures to ensure that the land was part of a comprehensive policy to overcome rural poverty. Third, it made a direct connection with other relevant institutional mechanisms created on the land use provisions, including: the agrarian jurisdiction aimed at improving land conflict resolution and ensuring the rule of law in the countryside; the multi-purpose cadaster system that, among other things, would facilitate the land titling processes and stimulate the productive use of land; and the measures on environmental protection to avoid further land allocation in agricultural

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<sup>49</sup> Between 2010 and 2012, the INCODER (the National Rural Development Institute) allocated 10,248 hectares through the subsidy, benefiting 1,529 peasant families. The goal was to allocate 37,500 hectares and benefit 7,550. The institute received more than 80,000 applications to this subsidy (Moreno 2016, p. 16).

frontier areas and providing alternative livelihoods to current rural dwellers of those areas (Gobierno de Colombia and Farc 2016:16–18).

All of these specific provisions on land access induced concrete policy actions many of which were described in Chapter 4. For example, the creation of the *Agencia Nacional de Tierras* (the new land national authority) in December 2015 was the direct result of the government's goal of preparing itself for the CRR's implementation. The agency's organizational structure was explicitly set up for carrying out the land distribution and land titling tasks with a territorial focus (see organizational diagram below). The Direction for the Social Ordering of Rural Property (*Dirección de Gestión del Ordenamiento Social de la Propiedad*) was created with the mandate of carrying out the land titling process with a territorial focus and through participatory mechanisms. For their part, the Legal Direction (*Dirección de Gestión Jurídica de la Tierra*) and the Direction for Land Access (*Dirección de Acceso a Tierras*) aimed at designing and operationalizing the Land Fund on the ground (see in Appendix 5 the organizational structure of the Land National Agency) (Agencia Nacional de Tierras 2018).

Besides the agency, the government also issued Decree Law 902 on May 30, 2017 formally creating legally all of the instruments of the land access provisions, including the Land Fund, the comprehensive subsidy for land purchase, the land titling plan, the Beneficiaries Registry and the comprehensive access (Presidencia de la República 2017b). The drafting of this Decree Law, as part of the overall process of converting the agreement's provisions into policy actions, was extremely difficult and full of contradictions, as the next chapter shows. Here though I want to emphasize that the government did translate these provisions into policy outputs that were not present before and that represented a change in the policy direction towards a distributive orientation.

## **5.5 Conclusions**

In this chapter, I analyzed how the negotiating parties included the rural development item into the peace agenda during the exploratory phase and how this item became the Comprehensive Rural Reform agreement. In doing so, I developed the second causal factor of my conceptual framework, namely, the peace exceptionality. Drawing from

constructivist approaches on policy change, I argued that Santos' reformist vision described in Chapter 4 informed the government's position in Havana, which was essential for the inclusion of the rural development item in the exploratory phase and the drafting of the CRR. The CRR, in turn, further heightened the reformist orientation of Santos' policy, an outcome that was not expected from a critical agrarian political economy perspective. Despite the status quo policy trajectory, the transitional context opened a space for key decision-makers to push for a progressive policy approach that was institutionally and politically viable. The normative linkage between end of conflict, lasting peace and rural reform played a crucial role in mobilizing the government's acceptance of such an approach during the negotiating phase, which also sought to respond to FARC's historical agrarian demands.

Moreover, based on peacemaking literature, I argued that the agreement's robustness was also essential not only in translating the agreed provisions into a clear and specific policy roadmap with concrete policy effects, but also in generating enough incentives at the negotiating table for both parties to stay on it. The CRR's robustness was important for furthering FARC's secretariat decision of laying down weapons and transitioning to legal political life. The negotiations still had ahead various items that were extremely difficult to negotiate, such as the transitional justice system created and the disarmament agreement. Yet, FARC's secretariat had already made up its mind to participate legally in politics. Even though, as I show in the next two chapters, the implementation of the CRR encountered several internal and external obstacles, FARC's decision to carry out the disarmament process during the first semester of 2017 was mainly motivated by its urgency of getting involved in the congress elections of 2018. There were internal divisions within the insurgency with regards to disarming without knowing whether the government was going to fulfill its substantive commitments, especially regarding the CRR. Nonetheless, the leadership of those giving priority of making the political transition to civilian life won over those that remained skeptical about the implementation phase. In fact, the structural forces described in Chapter 4 did not disappear in the transitional context and effectively resisted efforts to alter the status quo course. No matter how binding the agreement was, in the post-agreement period, two competing policy agendas coexisted in Santos'

government. One favoring the rural elite, especially agribusiness, and the other the peasantry and rural poor.



## Chapter 6. Weak Government Capacity in Implementing the Comprehensive Rural Reform

### 6.1 Introduction

The implementation stage of a peace agreement is a long-term endeavor. Perhaps it is premature to make an assessment of the effect of the CRR on policymaking only one year and a half after the final accord was reached in November 2016 for a process that is planned to last at least fifteen years (Gobierno de Colombia and FARC 2016:23–24). However, considering that the CRR was initially agreed in mid-2013, this five-year period (mid-2013 up until mid-2018) of preparation and early implementation at the central level, without looking at the varying projects on the ground,<sup>50</sup> already indicates broad trends regarding the challenges ahead. Like in Central America and South Africa, it is unlikely that in post-conflict Colombia a significant rural reform may take place. In this chapter, in order to develop the last hypothesized causal factor of the conceptual framework (*low government capacity*), I provide an explanation as to why, despite the ambitious provisions set out in the CRR, the implementation of these distributive measures encountered serious constraints that made it more limited and ambiguous than what it was initially anticipated by the negotiators in Havana.

Chapter 4 showed how the Santos administration undertook in an unexpected – even if limited – way a shift in the direction of rural development policy towards a more distributional orientation and away from the status quo trajectory it had followed in the previous decades. A policy shift that was definitive in setting the stage for the government’s position in Havana on the issue of rural development. In effect, Chapter 5 showed how this item was introduced into the peace agenda and argued that the peace talks opened an exceptional window for change, crystallizing in the CRR a progressive discourse on rural reform and drafting specific provisions with direct policy

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<sup>50</sup> Assessing the agreement’s implementation on the ground is an entire research agenda on its own. There are significant variations across regions, issues and sectors, and many of the projects are only on the design or early implementation stage. There is a vast scholarship on peacebuilding initiatives at the regional and local levels in Colombia, complemented by ongoing research on the implementation of the current agreement that I refer to in the conclusions chapter.

effects that pushed further the distributive measures in favor of land access, rural public goods and supports to family agriculture. Nonetheless, even with the efforts made to advance in this new policy agenda, by 2018, many of the most significant measures of rural development, as well as of other essential components of the agreement, lagged behind. In other words, when combining the various factor at work in my INUS based explanation, the observed outcome was more influenced by the status quo trajectory and the low government capacity than by the leverage offered by the peace agreement to enact rural change.

In this chapter I argue that the policy change induced by the CRR is rather fragile and, at least as of yet, has not resembled a “paradigm shift” in Peter Hall’s (1993) terms. These difficulties and constraints are examined both internally within the government (this chapter) and externally through the sociopolitical pressures (described in Chapter 7). My argument is based on the premise that, as pointed out in Chapter 2, it is theoretically relevant to account for the concrete variables affecting the CRR’s implementation at the institutional level. From a structuralist standpoint, critical agrarian scholars may contend that, insofar there was no change in the balance of class forces during this transitional period, the lack of a real shift in rural development policy was nothing but expected. This perspective is indeed useful to gain an understanding of the structural forces constraining action and choices, as showed in Chapter 4. However, it does not describe – and actually tends to ignore – *how* and *in what ways* these forces interact with and operate under *meso-* and *micro-* conditions and processes, such as concrete institutional environments, policy decisions and political actors. In this regard, in order to have a more complete explanation of the outcome of ambiguous and limited policy change, I pay attention to the role played by domestic institutions and social actors in the juncture prior to and after the agreement was reached in weakening the government’s capacity to enforce the CRR’s provisions.

In bridging the structural analysis with an agency-oriented approach, I argue, on one hand, that the peace talks did in fact give place to a political scenario with fewer restrictions, in which policy actors had more margins of maneuverability than usual and where the outcome was more indeterminate and open to short-term interactions, choices and political crafting. At the same time, however, even under these exceptional

circumstances, Santos' rural development policymaking was still dependent on and bound by pre-existing norms, institutional capabilities and power structures, which ended up greatly affecting the leverage for change offered by the transition (Mahoney and Snyder 1999:5; Capano 2009:16; see also Knill and Lenschow 2001).

At the institutional level, I argue that although the transitional context did create the incentives and exceptional conditions for developing new procedures geared towards implementing the CRR's provisions, the government did not structurally alter the existing policy framework in order to give full-on life to the rural development reform. The government agencies did prioritize their budget towards the regions selected for the implementation, but the existing instruments and programs to deliver services were not changed to reflect the agreement's principles, for example, in terms of its territorial focus and participative approach. Even further, there was actually no policy crisis or ideational collapse, often seen as a pre-condition for the emergence of a new policy paradigm (Donnelly and Hogan 2012). Instead, the new measures adopted were an additive to the existing framework. Regardless of the transitional context, institutions in charge of the implementation of the CRR, in particular the Ministry of Agriculture, kept up doing things "business as usual", as the new norm did not become dominant. The defenders of the CRR's vision within the government – mainly the Office of the High Commissioner for Peace, the Victims' Unit and the Land Restitution Unit – did not gain enough ascendancy over the policy orientation and thus were not able to consolidate the CRR's large-scale adoption. With other agencies and bureaucrats in charge of the implementation different from the ones that participated in the negotiation phase, the CRR's implementation suffered from the lack of a robust institutional coordination at the central level during its planning and early implementation. In addition, rural development policy remained subject to clientelistic transactions required to maintain the loose political coalition and prone to capture by the agribusiness elite.

## **6.2 Weak Government Capacity**

Since the negotiations started, the government had stated that no matter how difficult the talks were in Havana with FARC, the implementation phase was going to be the

real challenge of the peace process (Jaramillo 2013). The implementation entailed translating a wide variety of commitments agreed into practice through the enactment of bills, administrative decisions, services provision, etc., in a highly coordinated manner and in a vast geographic area, where the central government had never had a strong presence. The negotiation process involved directly only the government's negotiating team and the FARC's delegation in Havana, as described in Chapter 5. President Santos had command and control of every major decision in Havana. Moreover, his negotiating team, although in close touch with all the cabinet members depending on the issue area being discussed, had the mandate to agree on provisions committing the national government to the execution of tasks on the ground. The implementation, on the contrary, due to its complexity and multi-sectoral nature, required by definition the active participation of an ample spectrum of actors – central government agencies, the military, regional and local authorities, congress, the courts, the private sector, civil society organizations and international cooperation agencies, among others. Moving from peacemaking in Havana to peacebuilding in Colombia implied therefore a strong leadership of the executive not only to confront the ongoing political opposition that the peace process had encountered from the outset but also to articulate into a single peacebuilding agenda these multiple tasks and actors involved. It required as well the government's ability to take advantage of the political leverage offered by the exceptional window opened by the peace talks in order to incorporate within the ordinary policy process the ambitious measures set forth in the agreement. In other words, it required what it may be called a robust government capacity.

In the peace implementation literature, various authors have argued that the lack of state capacity explains why various peace processes have failed in the post-conflict stage (DeRouen et al. 2010; Hartzell and Hoddie 2003; Fearon and Laitin 2003; Peksen, Zetnep, and Drury 2007). Whether expressed in terms of low levels of economic development or low taxation capabilities, weak state capacity appears as a key variable in civil war recurrence and implementation failure. In this literature, however, government capacity is understood in broad terms simply as the “state's ability to accomplish the goals it pursues, possibly in the face of resistance by actors within the state” (DeRouen et al. 2010, p. 335). Although it is a useful definition, it

needs to be disaggregated it into more specific categories in order to move beyond the conventional story, according to which weak states recovering from conflict fail in sustaining peace during the implementation phase due to their inability to deliver and their dependence on international intervention (e.g. Doyle and Sambanis, quoted in DeRouen et al. 2010, p. 335). As pointed out in the case selection section in Chapter 1, Colombia, by the time the agreement was reached, was classified by the World Bank as a middle-income country with relatively strong state institutions, at least at the central level. Hence, the story of why there is been a limited implementation of the CRR so far has to do not so much with a generalized absence of the state but with a number of more nuanced and complex political and policy processes taking place within and outside the government that need to be properly traced. Still, these processes may fall under the concept of weak or low government capacity if this term is pinned down into variables that allow fulfilling its explanatory potential. The concept may apply to understand the implementation process of the different aspects included in the agreement (e.g., transitional justice, political participation, measures against illegal drugs), insofar as all of them share structural features of the Santos government. Yet, I will use it only to describe the government's limitations in enforcing the Comprehensive Rural Reform and thus in influencing on rural development distributive policy change.

Considering the need to account for different scales and sources of intra-government power dynamics, I identify three interrelated yet distinct factors that depict the government's weak capacity: (1) poor institutional performance in the CRR's preparation and early implementation; (2) a fragmented and clientelistic-based political coalition; (3) and an ongoing lobbying by the agribusiness elite. Each of these factors refers to a different level of institutional analysis – correspondingly, the bureaucracy, the political regime, and interest groups – and thus points to distinct sites of power. Combined, as a set of reflectors in a kaleidoscope that when in contact with each other give light to a specific pattern, these factors serve to open up the blackbox of government capacity and translate it into variables. In what follows I examine each of them separately.

### **6.3 The Executive's Office Ineffective Efforts to Prepare the CRR's Implementation**

Drawing lessons from the failed implementation processes in Guatemala and El Salvador, the Colombian government readily started to prepare itself for the implementation phase of the Havana agreement even before the negotiations ended (Guatemalan Advisor of the Post-conflict Direction, Personal Communication, April 20, 2015). In fact, right away after the CRR's agreement was reached in May 2013, the Office of the High Commissioner for Peace (OHCP) appointed an advisor to the minister of finance as the coordinator of the planning and preparatory process for the implementation of the commitments made by the government in this first agreement. With this appointment began what would be a series of discontinued and at the end ineffective efforts led by the Executive Office to direct and organize the implementation process in an orderly manner. Although the issue area was "exceptional" in the sense that it dealt with the implementation of an agreement, its implementation followed an ordinary policy decision-making process, and analytically should be treated as such, "comprising twists and turns, transformations, abandonment and relaunch", as well as multiple "variations of meaning, forms and alliances" (Zittoun 2014, p. 172).

References to central governments tend to assume they are a single, coherent unit. In practice, however, governments are far from reflecting this image of a well-demarcated entity. Within them, there are multiple rivalries and contending divisions and agendas across sub-units, even on delicate issues such as a peace agreement. It is crucial to disaggregate Santos' government into its smaller components (e.g., agencies, ministries, departments, offices, bureaus) to account for the interests and motivations that coexisted and competed between each other within the Santos' government during the planning and early implementation process of the CRR (Migdal 2001; see also Gupta 2012, Ch.2).<sup>51</sup> Analyzing these intra-government dynamics, including the

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<sup>51</sup> Providing an in-depth theoretical and methodological discussion that problematizes the 'state' and how to study it is beyond the scope of this thesis. However, in the description that I develop in this section I have been influenced by the literature on the anthropology of the state, particularly by Migdal (2001) and Gupta (2012). My own work could be not an institutional ethnography in the strict sense of the term. Yet, as I explained in the Introduction, my seven-year experience working as a government

decisions of and interactions between technocrats, politicians and decision-makers, is of crucial importance to depict the overall difficulties the CRR's implementation had and its limited cumulative effect. In what follows, I describe the various initiatives and exceptional measures led by the Executive Office of the President between May 2013 and March 2018 to prepare the government for the agreement's implementation. Based on interviews I undertook for this research and my own participation at the OHCP,<sup>52</sup> the description below highlights five key aspects that affected the CRR's preparation: (1) a loss of presidential agency in the policy areas entrusted to ministers in charge of the implementation process; (2) a change in the leading actors from the negotiation to the implementation phase; (3) insufficient institutional resources (money and time) to prepare for the CRR's implementation; (4) mismatch between the negotiation's timing and the sector's agendas and priorities; and (5) a lack of continuity in the overall strategy of planning, follow-up and oversight of the sector's responsibilities.

### ***The Institutional Framework to Prepare for the Implementation***

Following the appointment of the minister of finance's advisor as the coordinator of the planning tasks, the OHCP began to consider the various financial, legal, institutional and operational dimensions that putting the CRR into practice entailed. In June 2013, the *Consejo de Ministros* (or cabinet meeting) discussed a first briefing of all of these issues – including an initial budget, a map of tasks and responsible government actors and a timeline with short-term, mid-term and long-term goals (Former Advisor

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advisor, two in the Ministry of Agriculture and five in the Office of the High Commissioner for Peace, crucially shaped and informed my empirical and theoretical reflections. The analysis of this section merely scratches the surface of the “anthropological” turn on the Colombian state. Recent anthropological work undertaken by researchers like Juana Dávila, Kristally Roxani and Gwen Burnyeat provide rich institutional ethnographies of Santos administration and the transitional context.<sup>52</sup> Working at the Thematic Direction at the OHCP, which is part of the *Departamento Administrativo de la Presidencia de la República* (DAPR) or the Administrative Department of the Presidency, I had a direct participation on the discussions and decisions taken at the presidential level on the preparatory tasks for the agreement's implementation. As part of the Presidential coordinating team of the preparatory tasks for the implementation of the peace agreement between March 2015 and August 2017, I had direct interaction with a wide variety of bureaucrats and decision-makers of more than twenty central government agencies. My everyday work consisted precisely in organizing meetings and exchanging communications with the technical staff and top-level officials of these institutions in relation to the agreement's implementation. I have a personal archive of e-mails, memorandums and briefings taken during these years, which have served as empirical information for this analysis besides the interviews carried out with officials of these various ministries and offices.

of the Ministry of Finance, Personal Communication, May 8, 2018). At that point, the negotiations were still reserved and the partial agreements were not publicly available. Yet, as mentioned in the previous chapter, the ministries were well aware of the agreement's progress due to the meetings the negotiating team had with them and their teams in Bogotá to review and get their approval on the drafting of every provision. Still, at that cabinet meeting the OHCP handed out a document which translated the CRR's commitments into policy outputs and outcomes so that each ministry or agency was aware of its own role and tasks for which it was responsible (Oficina del Alto Comisionado para la Paz 2013).

In that early period of the preparatory process, the rest of the government was receptive to the orientation given by the Havana negotiators and the OHCP. As one OHCP advisor put it, "whenever we had a meeting with other agencies, they welcomed us warmly as they were curious in finding out how the talks were advancing" (Personal communication, Former Advisor of the Office of the High Commissioner for Peace, September 18 2017). At that time though, when negotiations were at an incipient stage and it was not clear if these were going to succeed, the preparation process did not advance much. The ministries hence continued with their own policy priorities and agendas. Santos's initial decision of separating the peace effort from the rest of the government's agenda, in case these failed, made sense at the beginning. It gave the negotiations a necessary low profile to advance without affecting the government's ordinary policies. However, it also inadvertently isolated the peace negotiators and the OHCP from the other ministries (Former Advisor of the Office of the High Commissioner for Peace 2017).

In this context, from May 2013 up until the presidential elections one year later, the preparatory process did not make much progress. Facing the lack of an adequate institutional environment, by December 2013 the advisor of the Ministry of Finance decided not to continue in the coordinating post. "There simply was no political backing of this preparatory task. The stakes were not there at the time", she explained (Former Advisor of the Ministry of Finance, Personal Communication, May 8, 2018). A comment made by an OHCP's advisor sheds light on how the timing affected advancing this task.



Our timing was off. The rule at the negotiating table of ‘nothing is agreed until everything is agreed’ played against the government’s preparatory process that year. We [the government] could have made important progress right after the CRR was agreed. At that time, the ministries and functionaries had it fresh in their minds and had high expectations about it. But the ministries could not have waited us until the final agreement. They had to stay on track with their own budget execution goals (Personal communication, Former Advisor of the Office of the High Commissioner for Peace, May 5, 2018).

This tension between the time of the negotiation in Havana and the time of the preparatory work in Bogotá lingered on. Nonetheless, the OHCP with the support of María Lorena Gutiérrez, the President’s Secretary General and closest adviser, continued working in this preparatory task. In bilateral meetings, they explained the *matriz de alistamiento* (or preparatory matrix) to cabinet ministers and agencies, which indicated their assigned responsibilities. Moreover, Gutiérrez created an inter-sectoral committee on peace issues (then formally created in the National Development Plan) to make high-level decisions and resolve potential conflicts between commitments made in Havana and a minister’s initiative. This committee, however, did not have many sessions as one of its key attendants, Sergio Jaramillo, the High Commissioner for Peace, was most of the time away in Havana. Still, the committee was instrumental in the government’s decision of carrying out the 2014 National Agricultural Census. Santos had already decided on its realization, but the Ministry of Finance stopped its approval for a long time due fiscal constraints. At the committee, Santos urged his minister to execute his decision. In it, the peace negotiators pointed out that making the effort to update the 40-year old agricultural statistics would convey a message to the public and the FARC on the government’s serious commitment with the CRR’s implementation (El Universal 2013a).

For the presidential campaign of 2014, Santos decided to ramp up the attention given to the peace process and assumed the defense of the negotiations as one of the campaign’s pillars for his re-election (Noticias RCN 2013; La Nación 2013; Reyes 2013). After being re-elected in a close victory against Uribe’s candidate and with an explicit mandate of continuing with the peace negotiations, early in his second administration Santos created the Counselor Ministry of Post-conflict, an office ascribed to the Executive’s Office. He appointed as its head the retired Police General

Óscar Naranjo, who was along with Military General Jorge Enrique Mora the other General commissioned in 2012 as a government negotiator in Havana. Through his active career fighting against drug dealers, Naranjo had gained nation-wide credibility and acceptance (Noticias RCN 2014). By creating this ministry and immediately appointing Naranjo in it, Santos sought to provide additional resources to the planning and preparatory process of the implementation, even if the negotiations were far from ending.<sup>53</sup> In the Post-conflict Direction (PCD), one of the key areas of this new Counselor Ministry, was appointed in March 2015 Alexandra Guaqueta, a top-level executive with a long trajectory in the private and think tank sectors in armed conflict and peace issues who had worked before with Sergio Jaramillo. In principle, the passing over of the responsibilities of the planning tasks of the OHCP to the PCD should have been an easy process. However, making a distinction between the tasks that would continue to be in charge of the OHCP and those that would be led now by the PCD was a difficult bureaucratic endeavor that lasted a couple of months. The technical staff at the OHCP, who had been involved in the negotiations in Havana, knew every detail of the partial agreements reached so far and had been working for over two years with the various ministries and agencies in the preparatory and planning process. For its part, the PCD's newly recruited staff, although not previously involved in the negotiations, was eager to assume what was now their legal and institutional responsibility. Jaramillo and Naranjo settled their differences in a meeting. On one hand, they decided that the OHCP would continue to be in charge of the *alistamiento institucional* or institutional preparation with the support of the PCD in the follow-up. On the other, the PCD would focus for that initial period on developing the Rapid Response Strategy geared towards designing the projects for the first twelve months of the implementation.

During this period, the OCHP developed a methodology for the preparatory process that included laying out a roadmap for planning the legal, financial, institutional and operational requirements for implementing each of the provisions

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<sup>53</sup> The structure of this new ministry reflected the President's Office conception of laying down the ground for the implementation process. According to Decree 1649 of September 2014 that established its organizational structure, the ministry had a Post-conflict Direction, a Security Direction, a Human Rights Direction and the Direction for the Comprehensive Action against Anti-personnel Mines.

agreed and began working on it with the various institutions (Oficina del Alto Comisionado para la Paz 2015). Overall, the preparation of the CRR required more than 30 institutions, agencies or offices had to develop 32 “preparatory” plans that in turn had detailed sub-products and activities. For example, the creation of the Land Fund, a responsibility allocated to the President’s Secretary General, the Ministry of Agriculture and the National Planning Office included drafting bill, designing the institutional structure of the fund, organizing the software and deployment of the personnel, among other activities. In July 2015, the OHCP presented this preparatory strategy at the minister’s cabinet and each minister received the tasks assigned. The president, moreover, sent each ministry a follow-up letter instructing them on their tasks. At this stage, the preparatory process made some progress. Every minister appointed a deputy minister as politically accountable on the progress made on these preparatory tasks and for briefing the president by weekly. A team of technical officials was set up in each of the ministries to follow-up on the day-to-day activities and be in contact with the OHCP and the Executive’s Office. Through these teams, the Executive’s Office created a network of mid-level bureaucrats working on the agreement’s implementation, which became very useful over time to diffuse the peace agreement’s rationale and goals within the government. The Executive’s Office set up as well a monitoring system to assess the weekly goals. At the same time this process was taking place, the Rural Mission handed its recommendations over to the president regarding various policy areas. These served to reinforce the message made by the OHCP to the bureaucrats regarding the need to take advantage of the peace juncture to design rural policies, programs and projects incorporating new and ambitious ideas.

Despite the progress made on the technical level, the ministries did not pay enough attention at the political level to the preparatory process. As I will show next, politicking and clientelistic transactions always got in the middle. The technical teams, at least in the ministries where these were created, did not receive the necessary resources nor time allocation to carry out properly the tasks assigned. On one hand, the government’s budget was constrained between 2014 and 2018 due to the unexpected downfall of fiscal revenues tied to the declining oil prices and its

macroeconomic orthodox policy. On the other, the ministries' agendas privileged daily sectoral tasks over the CRR's longer-term planning. Any headway made on this front – some ministries made more progress than others – was not the result of the presidential mandate, but depended instead on the contingent or personal interest of the minister appointed or the commitment and ability of the mid-level technocrats to move things forward without support of their bosses. As the negotiations did not move as fast as expected, central agencies became less and less interested in them and focused on their ordinary policymaking. Furthermore, the agreements reached were not included in the National Development Plan and therefore were not translated into specific budget lines and programs. As one advisor of the peace negotiations put it, “the mystique prevalent within the government in the early period of the peace talks was lost once these started to become too long” (Former Advisor of the Office of the High Commissioner for Peace 2017). The difficult discussions with FARC in Havana did not allow the negotiators spending enough time in Bogotá sharing views of the agreement with the rest of the cabinet and engaging with the preparatory process. Jaramillo, for example, increasingly delegated this task to his technical staff in Bogotá who had less political ascendancy over the ministers, who felt disconnected from the Havana's peace process.

In November 2015, after General Naranjo decided to leave his post, Santos appointed Rafael Pardo as the new Counselor Minister of Post-conflict, a liberal politician with a long trajectory in government posts and former minister of labor during Santos first administration (Semana 2015). At first, with this appointment there not much changed in the preparatory process. However, when the negotiations end seemed close, the new Counselor gained more relevance as the head of the implementation phase and, in consequence, the OCHP lost importance in influencing the preparatory process. In the 1980s, Pardo was involved in the peace process with FARC and played a major role in the *Programa Nacional de Rehabilitación* (National Rehabilitation Program or PNR). The PNR was a large development program carried out in the regions most affected by the conflict at the end of the 1980s and early 1990s that executed infrastructure and income-generating projects with the active participation of rural communities. Very close to former president César Gaviria, the Liberal Party's president and at the time a key politician supporting Santos' political

coalition, he was also a representative of the party in the cabinet and in the Executive's Office. Pardo's appointment was initially well received by conflict and peace experts. However, over time, his negligence and lack of political commitment with the implementation process became evident within and outside the government. His views were different from those of the government's peace negotiators, especially from those of the High Commissioner for Peace, and there was a gradual drift from the agreement's agenda.

An important development took place during this time in parallel to the preparatory process. Gutiérrez, who had been in June of that year appointed as Chief of Cabinet, led the institutional reform of the agricultural sector that resulted in December 2015 in the creation – via extraordinary decree laws – of three new agencies, the National Land Agency (ANT), the Rural Development Agency (ADR) and the Territorial Renovation Agency (ART). While the Executive's Office did not create these agencies to fulfill an explicit provision of the CRR, it did conceive them to strengthen the institutional framework of the rural sector required for the peacebuilding phase. The organizational structure of each of the agencies reflected the distributive measures, mechanisms and procedures laid out in Havana, in particular in relation with the territorial focus of rural development, its participatory approach, and privileging of public goods provisions and support to family agriculture (Ministerio de Agricultura y Desarrollo Rural 2015a, 2015b, 2015c). However, in their public launching the president did not link in his speech these agencies to the CRR because, as mentioned before, the government could not start the agreement's implementation while the negotiations were still underway. Still, these newly created institutions sent a clear message to the FARC and the public that the government was serious in its preparation to make effective the CRR's commitments.

The preparatory work continued during the end of 2015 and the beginning of 2016. After the victims' issue was agreed in Havana in 15 December 2015, the president instructed the ministries to accelerate the planning process, as it seemed that an agreement could be reached in the course of 2016. Nonetheless, and despite the weekly cabinet meeting arranged for this matter, during this period, due to the Gutiérrez's resignation in April 2016, a lack of resources to support the ministries' work and a

weak follow-up by PCD, the preparatory process did not advance at the speed and coordination required. The various preparation plans advanced to varying degrees, not only on the CRR's commitments but also on the other specific items of the agreement. During that time, the OHCP, the National Planning Office and the Ministry of Finance carried out a robust exercise to estimate the total costs of the agreement's implementation. However, as the end the negotiations got closer, the OHCP's staff concentrated more on its tasks of supporting the negotiators in Havana and explaining the agreements in Colombia. This meant handing over the preparatory process to the PCD, now led by Gloria Ospina, a bureaucrat who had worked closely with Pardo before and although she did not have any experience on post-conflict issues, had been appointed as the new PCD's director 2016 (Artículo20.com 2016). To position themselves within the government as the heads of the agreement's implementation, Pardo and Ospina worked with the National Planning Office in a Policy Document laying out the institutional and financial framework for the post-conflict. This framework included assigning a decision-making role to Inter-Institutional Council for Post-conflict, as well as the creation of the Post-conflict Funds and the *Contratos Paz*, a mechanism to bring together national, international, regional, local and private sources of funding for peacebuilding projects in specific regions (Departamento Nacional de Planeación 2016). The problem of this policy document, from the point of view of the OHCP and the Havana negotiators, was that it did not entirely reflect the content of the agreements and its implementation mechanisms nor the preparatory process that had been done in the previous three years (Personal communication Former Advisor of the Office of the High Commissioner for Peace, September 18, 2017).

Once the agreement was reached in Havana in August 24, 2016, a new phase of the preparatory process began guided by the mechanisms, instruments and priorities agreed in the implementation item, one of the last ones to be agreed, and that would sustain and guide the implementation process during its early stages. In it, there were two essential aspects, one related to the planning of the implementation and the other with its legal enforcement. Regarding the first one, the agreement contained the *Plan Marco de Implementación* or Framework Plan for Implementation (PMI, for its initials in Spanish), conceived by the negotiators as a 10-year roadmap that had to translate all of

the agreement's provisions into policy outputs with a public investment strategy (Gobierno de Colombia and FARC 2016, pp. 196–197). Regarding the second one, the agreement's item on implementation also contemplated a set of prioritized bills (constitutional reforms, statutory and ordinary laws and decrees) required to legally enforce the agreement's key provision. In order to do so, the government passed a constitutional amendment through congress, approved in July 2016, creating a special legal procedure or fast track. On one hand, this procedure accelerated the ordinary legislative process to discuss and vote laws associated with the agreement's implementation. On the other, it gave the president extraordinary powers for six months to issue decree laws related to the agreement (Congreso de la República 2016b; Gobierno de Colombia and FARC 2016, pp. 200–204).

In order to prepare both teams, the planning and the legal instruments of the implementation, the Executive's Office shifted the attention of the *alistamiento* away from the sectoral plans. For these purposes, by July 2016 the Executive's Office created two teams: a legal one, led by the President's Legal Secretary with the support of the OHCP, the PCD and the Ministry of Interior; and a programming team, led by the National Planning Office, with the support of the OHCP, the PCD and the Ministry of Finance. In the former one, every ministry, based on the previous preparatory work, proposed to the Executive's Office the drafts of the legal reforms it needed to enforce the agreement in any of its sectoral commitments. In the latter one, the National Planning Office developed a methodology to design the PMI with the involvement of all the sectors. Although between August and November both the teams made important progress, during those months the Executive's Office also had to focus in campaigning for the plebiscite and the renegotiation process that ensued after the No vote won, as the next chapter describes. The plebiscite's negative results affected the preparatory process as many of the technical bureaucrats in the ministries lost motivation in the tasks they were doing. Some were even reassigned by their bosses to other tasks. This meant that with the negative turnout of the plebiscite much of the momentum that a certain point the preparatory process had gained was lost, even at the technical level of the bureaucracy, thus affecting the government's capacity to get ready for implementing the agreement at its most crucial period.

After congress endorsed the renegotiated agreement in November 30, 2016, the implementation phase officially started. From that moment on, the Executive's Office efforts on the preparatory work refocused towards the management of the Joint Commission for the Promotion, Verification and Follow-Up of the Implementation (CSIVI, for its initials in Spanish). The CSIVI, which started to operate in early December 2016, was a mechanism created by the two parties in Havana to follow up on decisions and controversies that could emerge during the implementation process and that began to meet by early December 2016 (Presidencia de la República 2016). During the first half of 2017, this joint commission went over the operational aspects of the laying down of weapons and the legal solutions associated with FARC combatants' reincorporation (amnesty and transitional justice system). In addition, it reviewed the key bills and initiatives in relation to other substantial provisions, especially those of the CRR. However, in this implementation phase, now fully led by the PCD and the sectoral ministries, the systemic vision of the CRR developed in Havana by the government's negotiators was lost and the sectors advanced with their own responsibilities in a fragmented and loosely articulated way. The agricultural sector, for example, led at the time by minister Iragorri, despite all the preparatory work done, did not have an overall strategy for implementing the CRR, but only isolated initiatives led by specific agencies or people within it. Out of all these initiatives, it is worth noting the progress made on the bills on land access and Rural Development Programs with a Territorial Focus (PDET, for its initials in Spanish) that were drafted by the ANT and the ART, respectively, with the support of the Executive's Office. These were first discussed in CSIVI and then issued by the President in May 2017 (Presidencia de la República 2017b, 2017c). Moreover, the government also made progress in the design of the PMI and in the estimation of the costs of the implementation, which the Ministry of Finance included in the Medium Term Fiscal Framework in June (Ministerio de Hacienda y Crédito Público 2017).

Due to the amount of simultaneous tasks involved in the implementation, General Naranjo – appointed by Santos as Vice-President in March 2017 – became the overall manager of the implementation, overseeing the work of Pardo and the rest of the sectors. However, Naranjo's attention at the time centered on assuring FARC's laying



down of weapons – which took place in June – as well as other immediate tasks, such as security conditions, reincorporation, the transitional justice system, and the crop substitution program, which had varying results (Kroc Institute 2017). The CRR’s key initiatives, except the PDET, which started the local participatory planning processes by August 2017, did not receive much of Naranjo’s dedication. The sectors involved with the CRR’s implementation continued with their own priorities and goals featuring an institutional inertia in which extraordinary measures were not undertaken during the transitional context. The ministries did not create special task units to deal with the ambitious provisions included in the agreement. Despite the window of opportunity offered by the exceptional legal tools, the sector’s bureaucracy delayed the presentation of bills and investment programs. Furthermore, during the second half of 2017, after FARC laid down its weapons, the CRR’s progress slackened. The government only passed through congress the bill on the National System of Agricultural Innovation (Congreso de la República 2017). In 2018, amid the presidential electoral campaign, the rural development reform lost importance in the government’s agenda despite being the centerpiece of the post-conflict phase. The structural problems of the sector’s institutional framework inherited from the neoliberal policies since the 1990s described in Chapter 4, affected the government’s reaction capacity to prepare itself for the implementation. Regardless of the newly created institutions, the agricultural sector remained weak.

As described above, there was a lack of leadership and coordination during the early implementation process. Yet, many of the difficulties experienced by the government in taking the CRR into practice had to do with the nature of Santos political bloc, as it is discussed next.

#### **6.4 Santos’ Dependency on his Loose and Clientelistic-Oriented Political Coalition**

Even under an exceptional circumstance like a peace process, the likelihood of rural distributive reform in a democratic regime depends on the sustained cooperation of a wide range of political actors and sufficient administrative capacity. At the bureaucratic level, as described in the previous section, despite the efforts made during

the preparatory and early implementation period by the Executive's Office, there was not enough support within the Santos government to advance in the implementation of the CRR's provisions. Yet, in order to fully understand the political restrictions surrounding the policy process, it is necessary to move beyond the level of the bureaucracy and look as well into the government's political arrangement. According to Albertus (2015), in democratic regimes the "opposition of a small number of actors can jeopardize [land] reform" (p. 16). To pin down the institutional constraints to rural development policymaking that Santos encountered, it is necessary to characterize how his political power was built and evolved over time and to identify the mechanisms through which this domestic political structure affected the CRR's implementation.

My main argument here is that Santos' political regime, based on a heterogeneous multi-party coalition, while granting him a majority in congress necessary to support his key policy initiatives (including those linked to the peace process) and enabling him to become re-elected in 2014, took a high toll on the CRR's implementation. The parties supporting Santos – mostly guided by their clientelistic appetite and rent-seeking logic – were far more interested in accessing top cabinet positions and bureaucratic power than readily becoming involved in a complex peacebuilding task that in the short-term was not going to give them any political return. Santos, therefore, paid the price of the backing of these parties, which was never unconditional, by handing out key institutions for the implementation of the CRR, like the Ministry of Agriculture and the agencies ascribed to it, to party members either indifferent to or against the paramount task at hand (Lewin 2016a; Bermúdez 2013a) (see Appendix 6 for an analysis of the political affiliation of the agricultural sector's top officials). Santos' structure of political governance, on one hand, carried him through the peace negotiations and, on the other, obstructed the very reforms contained therein. Throughout his administration – and especially during the last period of the second term when his political capital was rapidly diminishing – Santos prioritized political governance over technical expertise and ideational commitment for the agreement's implementation. He was trapped, as Mejía-Guinand, Botero and Solano have recently argued (2018), by the very nature of presidential agency loss in coalition governments. The result was a rather limited status quo backing for peace. In order to

unpack this argument, in what follows I describe first how Santos' coalition was crafted and then I examine its implications for the CRR's development.

### *The Origins and Evolution of Santos' National Unity*

Bargaining, making transactions and reaching compromises across political parties to run a government is what any administration in a democratic system (either parliamentary or presidential) ordinarily does. What is particular to Colombia's political system – even for the Latin American context – is that, at least since the National Front period (1958-1974), the arrangements to form coalition governments include excessive compromising elements for the government's agenda. Parties' mutual veto, proportionality in bureaucratic appointments and a share in public expenditures, “tend to go [in Colombia] considerably beyond the forms of cooperation and compromise found in all democratic regimes” (Hartlyn 1988, p. 5). In Leal Buitrago and Dávila's (1990, p. 52) terms, clientelism became long ago the key feature of Colombia's system. To be sure though, after the 1991 Constitution and, especially the political reforms of 2003 and 2006 (Hoskin and García 2006), Colombia abandoned the traditional bipartisanship, so well described in Hartlyn's study of coalition rule during the National Front period (Botero 2018; see also Gutiérrez Sanín 2007; González 2011; Rodríguez Raga and Seligson 2010). Nonetheless, the existing multi-party system did inherit many traits and clientelistic practices prevalent back then. Even more so, the traditional Liberal and Conservative parties, perhaps against their will and at a high political cost, ended up adapting themselves to the new political environment, carrying with them the old ways of doing politics (Hoskin 2011). Santos, a politician of the economic and political establishment, well acquainted with these rules of the game, became dependent, as presidents before, on this form of governing, as he inherited power from Uribe.

Álvaro Uribe was elected in 2002 in an unprecedented manner as an outsider of the political establishment.<sup>54</sup> Having as a main pillar of his campaign – besides confronting

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<sup>54</sup> After declining to participate in the Liberal Party primaries, Álvaro Uribe, who had been senator and governor of Antioquia representing that party, launched an independent candidacy by collecting signatures from voters to win ballot access with the backing of *Primero Colombia* (Colombia First) movement, an independent political platform constituted as a citizens' initiative. In the middle of the

FARC military after the failure of the Caguán's process – fighting against corruption and clientelism (Gutiérrez Sanín 2004),<sup>55</sup> once in power Uribe forged various pacts with the traditional political parties (González 2011). Despite his attacks against the congress, Uribe realized early on that political parties remained strong. He dealt with them through clientelistic transactions, even making alliances with politicians that turned out to have close ties to paramilitary groups, to succeed in the approval of the government's top legislative initiatives (including the constitutional amendment to become re-elected in 2006) (López 2010; González 2006). At the same time, Uribe's neo-populist form of governing granted him a direct source of popular legitimacy that made him less dependent on traditional parties. Uribe constructed a direct relationship with the citizenship, hearing their demands at the weekly *Consejos Comunitarios* (Community Councils), allocating direct subsidies to poor families and communicating the government's results himself in the mass media (González 2011; Sánchez Ángel 2005; García Trujillo 2009; González 2006). His huge popularity led him become to re-elected in 2006 with 7.3 million votes (62 percent). In his second government, however, due to the effects of the political reforms of 2003 and 2006 directed to strengthen the multi-party system, Uribe had to create a coalition to form his government (Botero and Rodríguez Raga 2011). The *Coalición Uribista*, as it came to be known, was composed of the *Partido de la U* (U Party), *Cambio Radical* (Radical Change), *Convergencia Ciudadana*, *Alas Equipo Colombia*, *Colombia Democrática* and the Conservative Party, would become in 2010 the basis of Santos' own coalition.

Uribe's attempt to run for a third term by changing the constitution for a second time was not accepted by the Constitutional Court. Due to this ruling, five months before the first round of presidential elections, Uribe designated as his candidate Juan Manuel Santos (Velásquez 2015; Pachón and Hoskin 2011). Inheriting Uribe's vast political capital, Santos won the first round of elections held in May 30, 2010 with 46 percent of the votes. For the second round, pitted against a coalition of independent

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campaign, when Uribe's candidacy increased in the polls, the Conservative Party endorse him. In 2002, Uribe won the elections in the first round with 5.8 million votes representing 54 percent of the total votes. See Vélez Vieira (2009).

<sup>55</sup> One of the main proposals of Uribe during his 2002 campaign was to carry out a referendum to reduce congress and develop a meritocratic civil service system, among other measures against corruption. The referendum took place in October 2003, but did not pass due to low turnout. See Gutiérrez Sanín (2004).

politicians that formed the Green Party and supported candidate Antanas Mockus, Santos sought additional allies. In this period, he crafted what later became the *Unidad Nacional* or National Unity Government, a National Front style coalition composed by the U Party, the Conservative Party, the Radical Change Party, and the Liberal Party, which decided to join it in June after having been in the opposition during Uribe's second government. Endorsed by the bulk of Colombia's political class, Santos won the second round with a historic turnout of 9 million votes (69 percent). Yet, far less charismatic than his predecessor and in need of maintaining the political establishment aligned, Santos cemented his political power on the National Unity (Gómez Buendía 2010). Excluding only the left-wing party *Polo Democrático Alternativo*, the Green Party and other small parties, the National Unity had a majority in congress with 74 percent of the seats in Senate and 83 percent in the lower chamber, enabling Santos passing his key legislative initiatives.

The main opposition to the National Unity would come, however, from Uribe himself, after he moved away from the newly elected government (Botero 2018). In 2013, in preparation for the legislative and presidential elections of the following year, Uribe, who had lost control over the U Party, formalized his political opposition by creating the right-wing *Partido Centro Democrático* (Democratic Center Party) (Velásquez 2015:111; Lewin 2012). The stern opposition mounted by Uribe described in the next chapter, pushed Santos to depend even further on the National Unity to maintain his support for the peace process, sustain majorities in congress and become re-elected in 2014.

In the legislative elections held in March 2014 prior to the presidential elections, Santos' National Unity coalition obtained again a majority with 65 percent of the seats in Senate and 71 percent in the lower chamber. For its part, the newly created Democratic Center Party acceded to 18 percent of the seats in Senate and 12 percent in the lower chamber. For the presidential elections, benefiting from his opposition against the peace process, Uribe surprised in the first round with a victory of his candidate Óscar Iván Zuluága, who obtained 29 percent of the total votes, surpassing Santos (23 percent). Alarmed by the prospect of defeat, Santos reached out not only to the parties of the National Unity and their traditional clientelistic barons in the regions,

but also to the left-wing and independent parties in a call for a broad front for peace (Ardila 2014). In the second round, Santos beat Zuluaga with 7.8 million (51 percent), against 6.9 million (45 percent).

During his second term, with historic low popularity levels and a sustained opposition from the right, Santos increasingly relied on his coalition to govern and maintain support for the peace process, although by the end of his mandate – amid a new electoral period – he had lost most of his political capital and the National Unity became fragmented. This fine balance of keeping the various parties satisfied in exchange for their support came at a high cost for the peace process preparation and early implementation. I show this next by examining the mechanics of how these clientelistic transactions operated and the specific consequences it had on the CRR's implementation.

### *The Effects of Coalition Rule on the CRR's preparation and early implementation*

The failed attempt of liberal president Carlos Lleras Restrepo to carry out a redistributive agrarian reform in the early 1960s amid the US-led Alliance for Progress is well known. Its lack of success had to do not only with the predictable veto exercised by the landed elite in congress against any kind of land expropriation, but also with the obstruction prompted by politicians directly involved in the government's coalition. This is what Hartlyn described as the “thwarted reformism” of the National Front's clientelistic-based political system (Hartlyn 1988; see also Bagley 1979; Zamosc 1986; González 2011). Although the historical context has changed, the anti-reformist behavior of Santos' own coalition is not very different from what happened during that period. Back then, as Hartlyn noted (1988, p. 93), the regime's structure accentuated the power of the established, organized interests expressed in the dominant political parties, which in turn inhibited any policy initiative that moved away from the status quo. The question now is how exactly these obstructions from within the political regime took place in the current context and how these may be traced empirically. As pointed out by Mejía-Guinard, Botero and Solano (2018), one specific locus of power serves to make evident these obstructions and their effects on the CRR's implementation, that is, cabinet and bureaucratic appointments.

### *Counterproductive Bureaucratic Appointments in the Agricultural Sector*

Throughout his two consecutive administrations, Santos made 68 changes to his cabinet (composed of 16 ministries). Every replacement of one minister for another had a well-premeditated intention depending on the political circumstances. The overall purpose though had to do with maintaining the fine balance in the bureaucratic share of the different factions composing the National Unity. He also appointed ministers considering their technocratic outlook, especially in sensitive areas like finance. Yet, in both of his periods he used – as other presidents had done in the past – the formation of the cabinet and the designation of the directives in central agencies and departments as a way of paying off parties for their political support (in congress and elections) in previous occasions or in advance. As Table 6.1 illustrates, the distribution of Santos ministries corresponded, more or less, to the weight each of the National Unity's parties had in congress in each of the two periods.

**Table 5.1. Cabinet Appointments and Congress Participation of Santos' Coalition**

Party	2010-2014		2014-2018		2010-2018	
	% Congress	% Cabinet	% Congress	% Cabinet	% Congress	% Cabinet
U Party	28,6	23,7	21,6	29,7	25,1	26,7
Liberal	19,9	29,0	20,9	27,0	20,4	28,0
Conservative	21,8	29,0	17,1	10,8	19,5	20,0
Radical Change	9,0	7,9	8,6	13,5	8,8	10,7
Green*	4,1	0,0	3,7	2,7	3,9	1,3
Polo Democrático*	3,8	0,0	3,3	2,7	3,6	1,3
No party affiliation**	-	10,5	-	13,5	-	12,0

Note: Author's construction

\* Joined the government's coalition in 2014 to support the peace process.

\*\* Cabinet members appointed due to their professional expertise without party affiliation

As said before, this practice of political bureaucratic appointment is not specific to Santos' administration and not exclusive either to Colombia's democracy. Yet, it is relevant to specify how it played out during the context of the peace talks, in which Santos had major stakes. Santos appointed the negotiators and peace commissioner in charge of the talks in Havana considering their role in making the process successful and, for the most part, kept this negotiating team isolated from the parties' bureaucratic

allotment. This made possible developing and carrying out rigorously a negotiation strategy followed through the end. Meanwhile, in areas of government that were also instrumental for the preparation and implementation of the peace agreement, Santos was more prone to allocate key posts based on political criteria (Wills Otero and Benito 2012:102) (see Appendix 7 for a description of the political affiliation of Santos' ministries).

As soon as Santos arrived to power, as it had become the common practice by the presidents since Pastrana's government (1998-2002), the agricultural sector was handed over to the Conservative Party (Bermúdez 2013b). Santos' first minister of agriculture, as described in previous chapters, was the conservative politician Juan Camilo Restrepo. Although he fulfilled the criteria of his partisan affiliation, he was an atypical minister. First, due to his ideational commitments with a rural distributive reform that, regardless of his conservatism, led him to endorsing the negotiations in Havana and promoting a middle rural class. Secondly, because he rejected the requests made by his own party (directives and senators) to appoint politicians in the sector's institutions as a way of paying political favors. The directors of the ministry's institutions (at the INCODER, the Land Restitution Agency, CORPOICA, Banco Agrario, Finagro and ICA) appointed by Restrepo were primarily technocrats or independent professionals (see Appendix 7). These technocratic-based appointments helped Restrepo advancing his policy orientation. At the same time, the Conservative Party's directives became disgruntled with Restrepo. In May 2013, less than two years after he was appointed, Restrepo resigned, among other reasons, due to the pressures he received from the Conservative Party for his lack of response to the party's bureaucratic purposes (Diario del Huila 2014).

In the following years, Santos changed the minister of agriculture four times, drastically affecting the continuity of the vision and policies that Restrepo had set forth, including the CRR's implementation. After Restrepo left, Francisco Estupiñán, also a conservative and former president of the Banco Agrario, became minister. He only lasted four months due to his poor management of the agrarian strikes and the position he adopted on the scandal regarding the land acquisitions (see next section) (El Universal 2013b). After him, in September 2013, Santos appointed Rubén Darío



Lizarralde as minister, who was of conservative affiliation and an executive of a major agribusiness firm, until the first administration ended. It is important to point out that during the second half of 2013, as Santos was preparing his political arsenal for the presidential elections of 2014, the appointments made by Santos in the ministry's institutions, including that of minister Lizarralde, had a political calculation (León 2013a). At that time, the Conservative Party was deciding whether to stay in the coalition and support Santos' key legislative initiatives and the 2014 re-election campaign or move out of it and join Uribe's challenge against him. Seeking to avoid a rupture with his conservative allies and in need of their votes to pass in congress the bill on the peace referendum discussed at the time, Santos accepted the bureaucratic petitions of senators Roberto Gerlein, Efraín Cepeda and Hernán Andrade to access of key institutions. Álvaro Navas Patrón, recommended by Gerlein, was appointed as Banco Agrario's president, despite of his lack of experience in the financial or agricultural sectors. Luis Humberto Martínez, close to Cepeda, was designated as director of ICA, the national agricultural inspection authority. Rey Ariel Borbón Ardila, a strong political ally of Hernán Andrade in Huila, became INCODER's director (Bermúdez 2013a, 2013b, 2013c; La Silla Vacía 2013a). With these appointments, which in turn implied the arrival of political friends in each of these institutions, Santos sacrificed a rigorous preparation of the CRR's measures and the transformation of the sector's institution for political governance (La Silla Vacía 2014 a; Bermúdez 2013d).

In his second administration, Santos further reinforced the political approach to the agricultural sector undermining the CRR's implementation (La Silla Vacía 2015a, 2014b; Bermúdez 2015). As soon as he was re-elected, he assigned the agricultural sector to the U Party and in July 2014 appointed as minister Aurelio Iragorri, who had been his former Advisor on Internal Political Affairs, deputy minister and minister of interior (El Espectador 2014). Due to their families' friendship, Santos knew Iragorri well since their childhood, as he came from an elite landowning and politically influential family and was the son of a former liberal congressmen and grandson of former president Guillermo León Valencia (La Silla Vacía 2018). As Advisor on Internal Political Affairs, Iragorri was in charge of guaranteeing that the president's

political allies had their share in the national bureaucracy. Then, during his time in the Ministry of Interior, he was responsible for managing the processes of informed consent with the indigenous peoples and the negotiations with the peasant leaders that carried out the massive agrarian strikes in 2013. At the Ministry of Agriculture, one of his main tasks was preparing the implementation of the CRR. In the three years he stayed as minister, however, he barely paid attention to the peacebuilding agenda, even though he was discursively committed to it (Revista Palmas 2016). As soon as he arrived to the ministry, he ousted the technical directors that had the trajectory and knowledge to translate the CRR into concrete policy measures, and replaced them with political appointments (La Silla Vacía 2014c). Despite his lack of progress in such an important matter for the peace process, Santos kept him as minister for most of the second administration, given the role he played in maintaining good relations with the U Party and other parties of the National Unity in congress and, also, in the plebiscite's campaign. Yet, the effects of Iragorri's prolonged duration as head of the ministry were deleterious for the CRR's implementation. Regardless of his close personal ties with Santos, Iragorri did not pay attention to the peace implementation mandate and developed instead a political agenda of his own undermining the efforts of the CRR's preparation.

For the coordination of the CRR's preparatory tasks given to the Ministry of Agriculture, in mid-2015 Iragorri appointed as deputy minister of rural development affairs Juan Pablo Díaz-Granados. According to the tasks assigned to the ministry by the OHCP, Díaz-Granados was in charge of leading the development of the CRR's provisions on technical assistance, financing, marketing supports, rural housing, irrigation, and family agriculture. In a ministry cabinet held in October 2015, Iragorri instructed all of the ministry's departments and ascribed institutions to carry out these preparatory tasks under the leadership of Díaz-Granados. In that same meeting, however, he also presented his flagship policy *Colombia Siembra* (Colombia Sows). Unrelated to the Havana agreement, this policy was geared towards rapidly boosting agricultural production by 1 million hectares. In order to move this initiative forward, he pressed the same officials that had assumed tasks regarding the CRR's preparatory process to carry out immediate duties (Ministerio de Agricultura y Desarrollo Rural

2015d). What happened in this meeting illustrates the lack of real political commitment of Irigorri with the CRR's preparation, which was always sidelined against his key own policy priorities. Interestingly though, the technical staff he appointed for the preparatory tasks did make progress in the issues they were delegated with. The technical assistance provisions, prepared by CORPOICA, the national agricultural research agency, eventually were translated into the creation of the National System of Agricultural Innovation through a bill approved 2017 as part of the fast-track (Congreso de la República 2017). The issue of family agriculture evolved as well into a policy document drafted by Díaz-Granados' team and then into a ministry's resolution issued in 2017 (Ministerio de Agricultura y Desarrollo Rural 2017c). Similarly, the provisions to strengthen the irrigation policy, assumed by the Agricultural Planning Unit (UPRA, for its initials in Spanish), were developed into a policy document and turned into a bill that was passed into congress in 2017 (although it was not approved) (Ministerio de Agricultura y Desarrollo Rural 2016, 2017e). Yet, the progress on these issues depended more on the commitment and interest of the individual officials in charge than on the political oversight of the minister. Without a top-down mandate, the CRR's preparatory work within the ministry was assumed simply as another ordinary task and not as part of the government's major policy agenda (Official of the Ministry of Agriculture and Rural Development 2015).

Moreover, minister Irigorri never adopted the CRR's comprehensive vision on rural development. Instead, he perceived it as a framing foreign to him, directly linked to his antecessor, Juan Camilo Restrepo, and to the peace negotiator Sergio Jaramillo, and thus wanted to distance himself from it. Also skeptical of the technical recommendations given by the expert's Rural Mission, Irigorri saw himself as a "hands-on" minister. Rather than offering his views on rural development strategy, he wanted to solve concrete problems on the ground. His lack of knowledge of the agricultural sector, in addition to his clientelistic way of doing politics, led him to marginalize the preparatory work of the CRR that demanded a complex and highly detailed planning on legal, organizational, programming and financial aspects. According to people within the ministry, it was almost as if there had been a change in government in 2014, because Irigorri did not give continuity to the policy measures

laid out by Restrepo in the 2010-2014 period, in terms of land access, public goods provision and supports to family agriculture. By March 2017, when the implementation had to be already underway, the minister presented at the CSIVI the progress made so far on the preparation work. In that meeting it became very clear that besides some policy documents and the agencies created in December 2015, there was no organized systematic plan to undertake the CRR's ambitious measures. Besides the bills presented in the fast track, in the two years of the implementation up until mid-2018, the ministry did not put into effect any major project related to the CRR. Other political-based appointments in the sector also influenced this slackness.

As explained earlier, in December 2015 the Executive's Office created three new institutions in the agricultural sector. Two of them, the Land National Agency (ANT) and the Rural Development Agency (ADR) replaced the National Rural Development Institute (INCODER), which was considered to be inefficient and corrupt (Ortiz Soto 2009; Ruiz 2016). The third one, the Agency for the Renovation of Territory (ART), was created to coordinate the Development Programs with a Territorial Focus (PDET), one of the key measures agreed in the CRR. In April 2016, Santos appointed Mariana Escobar as director of the ART, Miguel Samper at the ANT and Carlos Eduardo Géchem at the ADR. While Mariana's appointment was based on her technical expertise, the other two – both sons of renowned politicians and members of the Liberal Party and the U Party, respectively – were designated due to their political affiliations as part of the government's bureaucratic negotiations with the National Unity's parties (La Silla Vacía 2017; La Opinión 2016; Lewin 2016b). Neither of them had experience nor knowledge of the agricultural sector. Nonetheless, Santos named them in crucial agencies for the CRR's preparation and implementation. Samper, with more experience in government, rapidly created a team of advisors that helped him organize the new agency and worked toward the fulfillment of the agreement's provisions on land access, especially through the drafting of the Decree Law 902, which I will refer to later on. In the two years of implementation, he achieved important results in the land titling process, as mentioned in Chapter 4. Géchem, for his part, even though the ADR had major tasks of the CRR's implementation, such as irrigation, marketing supports and funding, did not make much progress. He focused

instead on managing the new agency in traditional clientelistic terms, for example, by supporting his father, a U Party representative, in becoming re-elected by participating in campaign events or appointing people close to him at the agency (Ortiz 2017).

Created as an operational agency of the Ministry, the ADR was supposed to play a key role in the rapid response strategy in peripheral rural areas during the early phase of the agreement's implementation. However, the institution's routines and practices were not adjusted to the urgency of the post-conflict scenario.

Another political appointment that hindered the CRR's preparation was that of Jorge Enrique Vélez, a politician of Radical Change party, as Superintendent of Notary and Registry, the national authority in charge of overseeing the real state and land transactions that in 2011 created a Rural Land Direction after the Victims' Law. Although his office was not part of the agricultural sector, Vélez became an important policy actor in land issues after the public denunciations his office made available in 2012 on the illegal allocation of state land (Bermúdez 2013e). Vélez arrived to the government as a close political ally of Germán Vargas Lleras, Santos' Ministry of Interior during the first administration and then Vice-President in the second one. Despite his lack of alignment with Santos' peace agenda, Vargas Lleras concentrated significant political power within the Santos' government, due to his crucial role in Santos' 2014 re-election as he mobilized his electoral base in the Caribbean region. Once Superintendent, Vélez became a close advisor of Santos on various legal land issues, especially regarding the controversy around the land acquisitions of large agribusiness firms discussed in the following section. He became so close to the president that when Estupiñán resigned as minister in August 2013, Vélez was one of Santos candidates to replace him. He proved himself when he stood up for the government, during a public hearing organized in June 2013 by the left-wing opposition. However, due to his party affiliation, the Conservative Party, which bureaucratically "owned" the sector, vetoed his appointment (León 2013b). As Superintendent he was able, nonetheless, to amplify his political influence by controlling the top advisory posts at INCODER's Land Direction, appointing in 2014 two lawyers who were close to him (León 2014).

As he gained predominance over the government's decisions on land policy, Vélez exercised throughout 2015 and 2016 his veto power on the technical committee for preparing the provisions related to land access and use that the OHCP had set up as part of the CRR's preparatory work (Advisor of the Office of the High Commissioner for Peace 2017). Although in public he was a stringent defender of the peace process, inside the government he sabotaged the efforts made during the *alistamiento* to move forward with the creation of the Land Fund and the adoption of measures against the illegal appropriation of *baldíos* (López 2016). In early 2017, he resigned as Superintendent and became the president of Radical Change to work on Vargas Llera's presidential campaign for 2018 (Lewin 2017). After he left, the OHCP and the Land Agency were able to move forward with the preparatory work, most importantly that of the drafting of the Decree Law 902.

The description of how these appointments ended up affecting the CRR's implementation points to the broader paradox of Santos' government: the coalition is what allowed him to politically sustain the peace process, but at the same time that coalition has limited the implementation of the CRR's agreements provisions. The pressure exerted by the agribusiness sector further reinforced this tendency towards the status quo, as explained below.

## **6.5 Agribusiness' Meaningful Access to Land Policy Decision-Making**

In a classic work, Samuel Huntington (1968) claimed that under democracy elites tend to capture or influence disproportionately the policymaking process to undercut redistribution. The lobbying in congress of agricultural elites in Colombia, as said earlier, has been well studied in its hindering role of agrarian reforms in the past. During the Santos administration, agricultural elites – particularly those tied to large agribusiness investments carried out in the late 1990s and 2000s – effectively exerted pressure to defend their interests in the discussions of the public land policy. Unlike cattle ranchers, agribusiness did not oppose the peace talks. They actually supported it, as Chapter 5 showed. Yet, they also sought to protect their economic interests and to obtain legal assurances regarding the post-conflict scenario. In order to explain how

these pressures actually occurred, I draw on Brockett's (1991) term "meaningful access points". Although coined in a different context – to examine the conditions for peasant mobilization in Central America – it is useful to identify the specific mechanism used by the agribusiness sector to influence rural development policy in Santos' political regime, and thus weaken its capacity to enforce the CRR. "Access points", Brockett describes, may be interest-aggregating institutions such as political parties, legislatures, bureaucracies or top-level executive decision makers. They are "meaningful", insofar the "access" is "institutionalized and power-wielding" (p. 260). Agribusiness elites, in this context, due to their oligarchic position, influenced policy directly by speaking with Santos or his appointed ministers (top decision-makers). Two cases serve to illustrate their straightforward meaningful access. One is the influence over the government-led initiative that, after various failed attempts, resulted in a bill favoring their interest of developing large-scale agricultural projects in public lands. The other is the review committee created by Santos in early 2017 to allow the business sector (including agribusiness) to examine and make suggestions to the bills developed by the government to implement the agreement's provisions, including those to enforce the land provisions of the CRR.

### *Agribusiness Access to Decision-Making over Baldíos Policy*

Since Santos came to power in 2010, his administration attempted to pass legislation benefiting agribusiness investors and landowners interested in both legalizing previous investments and developing future large-scale agricultural projects in public lands, a policy measure that was already underway during Uribe's administration. The existing law at the time (Law 160 of 1994), in line with the state's obligation to provide land to the peasantry (according to article 64 of the 1991 Constitution), defined that public lands (*baldíos adjudicables*) were exclusive for eligible peasants – those demonstrating a five-year land tenure and a main income derived from their family-based agricultural activity. Moreover, it also established that the state could only allocate one *Unidad Agrícola Familiar* (Family Agriculture Unit or UAF), a measure in hectares which varies according to the plot's geographical location estimated to ensure a monthly

income of at least two minimum wages.<sup>56</sup> Once allocated, the *baldío* was handed over to the peasant family who could sell it afterwards, although to preserve its distributive nature a single buyer was not permitted to purchase more than one UAF.

In mid-2013, various domestic and international investors (including renowned global firms like Cargill and Poligrow), which since the mid-2000s had developed large-scale mono-crop projects (corn, soybean, palm oil) in agricultural frontier areas like the eastern plains (*altillanura*), were accused by congressmen, NGOs, the public ministry and even the government's National Rural Development Institute (*INCODER*) of bypassing this legal restriction (El Espectador 2017b; Bermúdez 2013f, 2013g; Oxfam 2013; Arias 2015; Osorio 2010). Beyond the legal implications for the parties involved, the controversy surrounding the "accumulation of UAF", as the questionable land acquisitions came to be known, pointed to a broader debate on how to develop economically those frontier areas. Investors, allied with Bogotá-based law firms and the *Sociedad de Agricultores de Colombia* (SAC, the Colombian Agricultural Business Association), argued that the UAF's regime had become obsolete for developing areas requiring large economies of scale. Defenders of peasants' rights, for their part, insisted that public land was for poor rural dwellers due to its role in promoting rural equality. Amid this debate, agribusiness investors, in their quest to protect their interests linked to the questioned projects and also to future ones, exerted direct pressure on the government to change the law on public land allocation. President Santos, close to many of the business firms and persons involved in these land deals, including Colombia's largest sugar manufacturer Riopaila Castilla and the Bogotá banking and construction holding company Grupo Aval, owned by multi-millionaire Luis Carlos Sarmiento, used the government's staff to explore various legal solutions to this conundrum (Otis 2013).

In a clear contradiction with the agenda set forth by the land restitution policy and the peace negotiations in Havana, Santos carried out four different attempts to alter the legal measures on public land allocation to favor the agribusiness sector before succeeding in 2015. Early on, through the National Development Plan Bill (Law 1450

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<sup>56</sup> The agency in charge of determining the size of the UAF in each region considers aspects such as soil quality, access to markets and technology (INCODER 2009).



of 2011), Santos issued three articles (60, 61 and 62) that created the *Proyectos Especiales Agropecuarios o Forestales* (Special Agricultural or Forestry Projects), thus modifying Law 160 by allowing agribusiness companies purchasing any number of UAF without limit if tied to a large-scale agricultural or forestry project. In 2012, however, the Constitutional Court ruled against these measures turning them ineffective (Corte Constitucional 2012; Bermúdez 2013h). A year later, in July 2013, after the left-wing opposition in congress made public a report about the land deals, only a couple of months after the CRR had been agreed in Havana, the government explored again various legal options to ease the strict rule on the sale of *baldíos* (Semana 2013a; Semana 2013b).

The scandal against Cargill became politically prominent as many of its purchases between 2010 and 2012 were arranged by the Bogotá law firm Brigard & Urrutia, whose former main shareholder and managing partner was Carlos Urrutia, a friend of Santos who had been appointed less than a year before as Colombian ambassador to the US. This scandal, which eventually led to Urrutia's resignation, makes very clear the direct access points of the agribusiness firms, highlighting the existing network between these firms' staff and the top-government decision-makers, including the president (Bermúdez 2013h; La Silla Vacía 2013b). Nestor Humberto Martínez, who would later be Santos' cabinet minister and General Attorney, also participated in the government's drafting of one of the legal solutions as the lawyer of Luis Carlos Sarmiento (La Silla Vacía 2013c; Coronell 2013). The bill's draft, which sought to pardon the firms' purchases received internal critiques by the minister of agriculture, Francisco Estupiñán, who had replaced Juan Camilo Restrepo in May, and by Miriam Villegas, a person that – as described in Chapter 4 – was close to peasant organizations and had been appointed by Santos in 2012 as INCODER's director. At the end, the bill's final version ended up excluding the legalization of past land acquisitions, against the agribusiness firms' pressure. Nonetheless, even without it, Santos decided not to pass it to congress as it was not politically convenient at the time, as it would affect the ongoing peace negotiations in Havana with the FARC (Bermúdez and León 2013; La Silla Vacía 2013d). Still, in great part due to their critical positions on this matter,

minister Estupiñán and director Villegas resigned from their posts (León 2013b; Duzán 2013).

The third attempt to modify the law was made in November of 2013 by Rubén Darío Lizarralde, who, as a newly appointed minister of agriculture in September 2013, made adjustments to the bill and presented it to congress without the consent of the president. The bill, which proposed eliminating the UAF's limit and creating special business zones in the eastern plains, was deemed by Santos as highly controversial at a moment in which he was trying to obtain the left-wing party's support for his re-election in 2014 amid the agrarian strikes. After internal discussions in the Palacio de Nariño and a Post-conflict council between the peace negotiators and minister Lizarralde, Santos decided not to move forward with the bill (Ardila 2013; Lewin 2013a; Lewin 2013b).

In 2014, after Santos' re-election, another version of the bill was drafted by María Lorena Gutiérrez, Santos' right-hand, and Jorge Enrique Vélez, who had been appointed by Santos as Superintendent of Notary and Registration Office (Bermúdez 2014). Even though this version discarded the idea of legalizing previous acquisitions and focused only in securing future land investments, it received again strong critiques by NGOs and left-wing opposition in congress. By April 2015, the bill was pulled off from the legislative process (Verdad Abierta 2015). A few weeks later, however, the government presented another version of the bill. Even though it was not very different from the one before, it ended up succeeding in the internal discussions and the legislative debates (La Silla Vacía 2015b). By January 2016, the law creating the *Zonas de Interés de Desarrollo Rural, Económico y Social* (Zones of Interest for Economic and Social Rural Development, ZIDRES) was approved (Congreso de la República 2016 a).

Throughout 2015, the bill received internal criticisms by the OHCP and the Land Restitution Agency, which considered that the creation of this figure of preferential zones for large agribusiness firms should come later – and not before – the processes of land distribution, formalization and restitution to peasants. President Santos, who had already accepted not including the provisions regarding the previous accumulation of UAF, left aside this time the peace agreement's arguments and considered that bill

gave a positive message for the agribusiness sector that had stalled its massive investments in the last three years due to the lack of clear rules. The SAC defended this law in the public hearing held by the Constitutional Court in September 2016, which approved it a few months later (El Espectador 2016a; Dinero 2016).

Although the approved bill did not leave the agribusiness firms involved in illegal land purchases completely satisfied, throughout the four-year policy process to approve it was clear how they exercised their influence through the direct access point via the top-decision makers to defend their status quo policy orientation. Interestingly, the peace process itself impeded the smooth translation of their interests in policymaking, as it introduced an alternative distributive agenda within the government itself that in various occasions became prioritized. Still, the agribusiness economic power, on top of the personal and professional connections of the major agribusiness firms to the government's decision makers and their strategic political positioning – inherited from their past ascendancy over policy-making – made this sector a key actor in rural development policy. By protecting their own interests, the CRR's agenda was hindered and the status quo policy trajectory was reinforced.

### *Agribusiness Pressure on the Fast-Track Bills in Action*

As mentioned before, in order to prepare the legal reforms required to implement the peace agreement's provisions, the President's Office created in July 2016 a legal team led by the Legal Secretary, along with the PCD, the OHCP and the Ministry of Interior. Based on the work of this team, once the Final Agreement was reached and endorsed in November 30, 2016, the government began to pass the laws through congress and to issue them through presidential decree. The drafts, as already described, were prepared by each sector (agriculture, education, justice, etc.) with the support of the presidential legal team and then presented at the Joint Follow-Up Commission (CSIVI), where they were reviewed together by the government and FARC in light of the agreement's provisions. Depending on the relevance of the issue, the government consulted some of these bills with relevant interest groups before passing them through congress or issuing them by decree. The business sector bypassing this decision had from the outset a preferential access to all the bills them

through a review committee Santos created in early 2017 with the *Consejo Gremial Nacional* (the National Business Council or CGN), the most important third-level business association in Colombia encompassing agricultural, trading, services and industrial business associations.<sup>57</sup> Since the peace negotiations started, Santos maintained well informed the business sector of the progress made at the negotiating table and through the peace negotiators carried out frequent meetings with the most relevant business associations. Amongst them, the CGN publicly endorsed the peace process, although in the course of it identified critical issues in which the agreement had to be carefully monitored. Highly interested in studying in detail the implementation scheme that was being set up, the review committee gave the CGN a firsthand opportunity to comment on the fast track bills' content and make suggestions to those of their special interest, such as the ones associated with transitional justice, rural development or citizens' participation.

This direct, privileged access to the bills' drafts made the CGN highly influential because, in a government-like function, its legal staff participated in the meetings held at the Palacio de Nariño and also edited the bills as if they were another public agency. The CRR's bills that the government was preparing on rural cadaster, irrigation, land use rights in Forest Reserve Zones, agricultural innovation, agrarian jurisdiction and, especially, land policy, were shared in advance with the CGN's staff who examined them in detail. At the advisory level, the CGN channeled its comments through the Private Sector Direction (PSD) of the Post-conflict Advisory Office. The PSD's advisor sent back and forth the drafts' commented versions between the leading sector and the

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<sup>57</sup> The Consejo Gremial Nacional has 21 affiliates: Asociación Colombiana de Fabricantes de Autopartes (ACOLFA), Asociación Colombiana de Medianas y Pequeñas Empresas (ACOPI), Asociación Colombiana de Industrias Plásticas (ACOPLASTICOS), Asociación Nacional de Comercio Exterior (ANALDEX), Asociación Nacional de Empresas de Servicios Públicos y Comunicaciones (ANDESCO), Asociación Nacional de Empresarios de Colombia (ANDI), Asociación Bancaria y de Entidades Financieras (ASOBANCARIA), Asociación de Cultivadores de Caña de azúcar de Colombia (ASOCAÑA), Asociación Colombiana de Exportadores de Flores (ASOCOLFLORES), Asociación de Fiduciarias de Colombia, Asociación Colombiana de Administradoras de Fondos de Pensiones y Cesantías (ASOFONDOS), Cámara Colombiana de la Construcción (CAMACOL), Cámara Colombiana de la Infraestructura (CCI), Federación Colombiana de Transportadores de Carga y su Logística (COLFECAR), Confederación Colombiana de Cámaras de Comercio (CONFECÁMARAS), Asociación Hotelera y Turística de Colombia (COTELCO), Federación de Aseguradores Colombianos (FASECOLDA), Federación Colombiana de Ganaderos (FEDEGAN), Federación Nacional de Comerciantes (FENALCO), Federación Nacional de Cultivadores de Palma de Aceite (FEDEPALMA) and Sociedad de Agricultores de Colombia (SAC).

CGN, until the CGN felt satisfied with an adjusted version of the bill. The CGN also had top-level private meetings with Santos, his ministers or top advisors. The CGN, moreover, hired as their team coordinator a top-level executive who had worked with Santos as a minister and peace negotiator. This direct influence in policymaking of the agreement's implementation bills was particularly evident in the Decree Law 902 on land access the president issued in May 29, 2017.

Being one of the most relevant issues of the CRR's legal implementation, the drafting of the Decree Law 902 was a highly contentious process with multiple discussions within and outside government, in which the agribusiness sector almost had a veto power that exceeded by far the influence of any other civil society group in the government's decision. In its first version of November 2016 – drafted by an inter-institutional team composed by legal advisors of the National Land Agency, the Ministry of Agriculture and Rural Development, the National Planning Office, the Land Restitution Agency and the Office of the High Commissioner for Peace – the bill was an ambitious rewriting of the current legal framework (Law 160 of 1994). It sought to fulfill at the same time the CRR's provisions on land access and solving the legal loopholes of the *baldíos* regime. By February 2017, this version had suffered important changes, as minister Irigorri, after having met with the agribusiness groups, included the articles left out of the ZIDRES Law that sought to legalize past land purchases above one UAF. However, this version was subject to significant revisions as a result of four developments: (1) discussions at the CSIVI between the government and FARC, (2) the recommendations of the academic experts' group appointed by the CSIVI to provide an analysis of these land measures (Universidad de los Andes, Universidad EAFIT, and Universidad Externado de Colombia 2017), (3) the public hearings held during March by the National Land Agency in various regions of the country to socialize that first draft of the bill (El Espectador 2017c; Verdad Abierta 2017a, 2017b), and (4) a Constitutional Court's ruling determining the criteria for the decree laws that the president could issue through his extraordinary faculties to implement the peace agreement (Corte Constitucional 2017).

In a new version of the bill, the government decided to split it into two: a decree law containing only the land access provisions explicitly outlined in the CRR (Land

Fund, land subsidy, land credit, titling process, and beneficiaries' registry) and a broader law that needed congress approval as it included substantial changes to the *baldíos* regime. The problem with separating the legal text into two different bills was that the agribusiness sectors' concerns were left unaddressed in the decree law. In order to reassure them, president Santos held a meeting with the CNG's agricultural affiliates in early May at the Palacio de Nariño. The *gremios*' leaders decided not to sabotage the decree law with the condition that the government would include in the larger bill the measures required to disentangle the legal dispute around the accumulation of UAF in the eastern plains. Having reached a consensus, the government moved forward with the final steps before issuing the decree law: a further discussion at the CSIVI and the informed consent process with the ethnic minorities.

When the bill was about to be approved by the indigenous peoples, minister Iragorri decided to pull it off the table after the CNG's legal team questioned some of the measures it contained and replaced it for a revised version with the CNG's suggested additions (Caracol Radio 2017). This change led to the suspension of the informed consent process by the indigenous leaders, who argued that the government violated the procedure by modifying *ex post* the text in discussion. To resume the informed consent, the government had to go back to the previous version and agree to it at the CSIVI with the FARC. During this revision, the CGN, in direct communication with Iragorri, insisted on including the concession of land use rights to large agribusiness firms. This measure, however, was not part of the CRR, making hardly possible any reference to it. At the end, the CSIVI approved a new version and the informed consent process with the indigenous peoples started all over again. Right until the end, a CNG's legal advisor was present at the informed consent process to oversee the bill's discussion and guarantee that the sector's interests were not being affected. After its issuing, the CNG reiterated to the president the need to pass the larger bill with the legal measures that had no room in the decree law. In the second half of 2017 and the first half of 2018 a version of the land bill including those provisions was submitted by the government to the congress (El Nuevo Siglo 2018; El País 2018).

## 6.6 Conclusions

In this chapter I showed how the lack of coherence in the institutions preparing for the implementation, the bureaucratic demands of the parties comprising the National Unity and the agribusiness' pressures to maintain a land policy that would benefit them ended up undermining the government's capacity to fulfill the ambitious promises contained in the CRR. In order to do so, I drew from the literature on institutional constraints that emphasizes the need to analyze the organizational structure of the state at the micro and meso level to trace a policy outcome. At the same time, I connected in this chapter the status quo trajectory described in Chapter 4 by showing how this was translated into lobbying pressures of powerful interest groups, in this case, agribusiness. Certain policy shifts indeed took place, but the agencies working on the peace agreement remained relatively isolated within the government despite all their efforts at making the agreement the government's grand reformist agenda. The political urgencies and specific interests of each ministry and the need to maintain political governance and economic powers satisfied were prioritized over the peace accord's commitments. Santos was able to keep the peace process afloat during the negotiations, but all of these pressures took a high toll on the CRR's transformative potential during its implementation phase. Regardless of the exceptional circumstances provided by the transitional context, which at first seemed to lead an unprecedented change, the institutional inertia and policy capture of the pre-existing status quo trajectory manifested themselves in the everyday policymaking of the CRR's implementation, deploying their structural veto power against any attempt of long-lasting reform. The agreement's robust commitments helped creating binding legal and institutional mechanisms that forced the government to advance the CRR into policy measures. Nonetheless, the pervasive forces described in this chapter, that materialized in daily decisions at the bureaucratic level, favored maintaining the status quo. The political restrictions the Santos' regime faced during this period surpassed by far the leverage given by the norms that made possible passing an agreement with a distributive orientation. The next chapter will show how besides these internal

constraints the domestic sociopolitical pressures also played an essential role in undermining the government's leverage to carry out a structural rural change.



## **Chapter 7. Uribismo's Effective Framings Weakens the Peace Agreement's Legitimacy**

### **7.1 Introduction**

The ability of a government to implement a given policy depends not only on its internal capacity, but also on a key external one, legitimacy (Migdal 2001, p. xvii). In other words, on the citizens' normative acceptance of the government's authority. That is, on the people's perceptions of the government's discourse and action, measured in the levels of trust, approval and credibility it possesses to carry out its policy agenda. A government may have the legal mandate to develop a policy initiative, such as a peace process with an illegal armed group. Yet, an initiative's legitimacy does not derive from its legality, but rather from whether people consider it desirable and adequately executed. It is therefore not a legal but a political problem that by nature is contentious and subject to constant deliberation. A problem therefore that lends itself to a "politics of signification" (Hall, quoted in Benford and Snow 2000, p. 613).

This problem of legitimacy is all the more acute in transitional contexts, wherein there is often a struggle in society to define the narrative of what "peace" means and whereby vested interests are defended by those who perceive that their economic privilege may be at risk in a post-conflict scenario with distributive implications (Wood 2001, p. 884). Legitimacy, as Clapp and Fuchs note (2009, pp. 10–11) is thus intimately wrapped up in discourse itself, as it depends on the "willingness of message recipients to listen and to place at least some trust in the validity of the contents of the message". In transitional contexts, negotiating parties build their own narratives to explain, legitimize and justify why they embarked in a peace process. Chapter 5, for example, described how the government and the FARC built a normative linkage between lasting peace and rural development that suited both of them. Yet, simultaneously, contending narratives or counter-framings espoused by non-state interest groups also emerged competing with these official frames of reference in influencing the public's opinion (Chong and Druckman 2012).

In this chapter, I argue that Santos' government capacity to enforce the CRR was undermined not only by the administration's internal dynamics I described in Chapter 6. It was also weakened by the external attack led by the right-wing opposition coalesced around the figure of former president Álvaro Uribe Vélez. Through the creation and diffusion of effective negative framings, which outweighed in resonance and salience the government's narrative, the opposition was able to affect the legitimacy of the peace process endeavor. By putting into question the negotiations themselves, the agreements reached therein and the parties' lack of fulfillment of their commitments, the Uribe-led opposition heavily damaged the citizen's credibility on the peace process throughout its different stages, since it began in 2012 up until its early implementation in 2018.

Paradoxically, the systemic property of the peace process allowed, on one hand, opening a window for rural development policy change by including, as I explained in Chapter 5, an ambitious rural reform as part of the broader peace agreement. On the other, however, due to the inextricable link of each of the specific issues to the agreement on a whole, it also made impossible isolating the rural measures agreed from complex political discussions that did not have anything to do with them, such as FARC commanders' political participation or the sanctions regime. The CRR's appropriateness was indeed criticized in of itself, but the condemnations it received were mainly for being part of the peace process.

In this chapter, first I characterize the opposition's constituency, motivations and interests, and then describe the framing process through the peace negotiations and early implementation phase. Through this analysis, I reveal how framings appealing to moral grounds, such as that of "FARC's impunity", actually served the opposition to shield particular economic interests and in achieving their political goal of coming back to power in 2018. I sustain that Uribe targeted the peace process as a strategy to regain political power and defend the rentier economic interests he represented.

## **7.2 The Peace Talks: The Perfect Punching Bag of the *Uribismo***

As mentioned before, as soon as president Santos made the announcement of the Havana peace talks, Uribe, his former boss, began to distance himself from him. There

was, no doubt, an unbridgeable conceptual difference between the two regarding how to define the FARC (whether solely as a terrorist organization or also as a political actor with whom it was possible to sit down in a negotiating table) and therefore of how to put an end to the armed conflict (Orjuela 2015). However, beyond these ideational cleavages, which were not as strong as Uribe said them to be,<sup>58</sup> his mounting opposition against Santos' peace process aimed at achieving two objectives. One was using this opposition to become once again the leader of a nation-wide political force capable of competing in local, legislative and presidential elections, as the Centro Democrático Party rapid expansion showed in the elections held between 2014 and 2018 (Botero 2018; Losada and Liendo 2016). In June 2018, the Party's candidate, Iván Duque, won the presidential elections with more than 10 million votes, more than doubling the result of Óscar Iván Zuluága in 2014, who obtained 3.8 million votes in the run-off against Santos. In 2018, the Centro Democrático Party also became the major force in congress with 19 senators and 32 members of the lower chamber.

Moreover, by mobilizing a critical discourse against the peace process, Uribe's second goal was to defend a very specific set of economic interests tied to big cattle-ranching and rural landed elites, including those involved in coercive land dispossession (Robles Zabala 2016; Gutiérrez Sanín and Vargas 2017; Montero 2012).<sup>59</sup> Although these sectors had lost economic power compared to the 1960s or 1970s, they remained politically influential and gained ascendancy during Uribe's administrations. In fact, as Richani (2013) points out, Uribe rose to power in 2002 in great part thanks to the support of these sectors (see also Richani 2013:chap. 9 and 10;

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<sup>58</sup> During his government, Uribe attempted to negotiate with FARC on various occasions and was willing to concede them demands that the Santos government did not accept in the Havana negotiations (Semana 2014a; El Espectador 2016 b; Lara 2012). Moreover, from the outset the strategic goal of the Democratic Security policy was to weaken FARC militarily in order to lead them toward a negotiating table, as described in Chapter 3.

<sup>59</sup> According to Gutiérrez Sanín and Vargas (2017), big cattle ranchers represented a "surprisingly high percentage of the leadership of paramilitary groups [...] Almost half of the national leadership arriving at the peace negotiations with the government in 2002 were ranchers" (p. 742). These paramilitary groups, as it has been widely documented recently, played in turn in the violent land grab that took place between the mid-1980s and mid-2000s, in various cases coordinated and promoted by legal rural elites, such as José Felix Lafaurie, the leader of the *Federación Colombiana de Ganaderos* (National Cattle-Ranching Association, FEDEGAN). Lafaurie, very close to Uribe, has been a staunch critic of the CRR and the peace agreement in general. He is married to María Fernanda Cabal, elected in congress in 2014 as part of the Centro Democrático.

Verdad Abierta 2014; Grajales 2013; Uribe López 2017; Ballvé 2013; Romero and Valencia 2007). A son of a prominent cattle rancher in Antioquia whose father FARC kidnapped and later killed in a failed rescue attempt, Uribe's political project combined hatred towards the guerrillas with the staunch defense of the status quo (in its rentier rural variant). Feeling represented by this project, an important sector of large landowners, cattle ranchers, agribusinesses and narco dealers with strong ties with paramilitary groups (that Richani refers to as the "reactionary coalition of class forces") supported Uribe's presidential candidacy in 2002. Ernesto Báez, a former paramilitary commander, speaking of the support his illegal group gave to Uribe in that campaign, said they had "overlapping goals" (quoted in Richani 2013, p. 205). Through Uribe, these sectors sought to enhance their political and economic power as well as to legalize the assets they had accumulated violently and circumvent any justice or human rights claims against them.

When Santos came in to power and began to display his reformist agenda, these sectors blocked any policy geared towards restituting, regulating and formalizing property rights affecting their status quo. While the government's peace negotiators conceived the peace talks as a way to introduce progressive changes in rural development policy, Uribe's-led opposition used them strategically for strengthening and legitimizing their own diminishing power and interests. By raising highly controversial and unpopular issues, like FARC's political participation and transitional justice, the peace talks – and the agreements reached therein – became Uribe's perfect "punching bag". This was all the easier considering that the peace talks themselves integrated into the public debate previously disconnected issues, thus helping to trigger the unification of fragmented interest groups opposing different aspects of the agreement into a relatively cohesive conservative coalition skillfully exploited by Uribe during the 2016 plebiscite (Semana 2012).

The development and evolution of this opposition against the peace talks, and particularly against the CRR, may be examined by focusing on four major junctures in the 2012-2018 period. The first one started with Santos' public announcement of the beginning of the peace talks in August 2012 and ended right after with the joint statement made at the end of June 2013 by the government and FARC regarding the

first partial agreement reached on the item of comprehensive agrarian policy. The second one occurred during the first half of 2014 when congress and presidential elections took place. The third refers to the time of the plebiscite campaign, which started in August 2016 and the renegotiation process that ensued in October and November 2016. Finally, the last juncture was that of the implementation phase during Santos' last year of government and the 2018 congressional and presidential elections.

Drawing on the framework proposed by Sell and Prakash (Sell and Prakash 2004:148) to analyze how normative frames are promoted, deployed and grafted onto current debates to serve certain interests, I identify for each of these junctures the framing strategy, tactics, political opportunities and organizational structure (including key actors within it) of the opposition.<sup>60</sup> Through this methodology, I show how as “signifying agents”, Uribe’s-led opposition engaged in the production and maintenance of meanings regarding the peace agreement for their own constituents, antagonists, as well bystanders and observers (Benford and Snow 2000). While there were relevant political dynamics at each moment, it is important to see these junctures in light of the broader political process that was unfolding, that is, Uribe’s spoiling and delegitimizing of peace as a form of attaining political power and maintaining the status quo (Newman and Richmond 2006; Nasi and Hurtado 2018). The table below summarizes the key elements I examine in each of the junctures.

**Table 7.1. Framing Process of Uribe’s-Led Opposition against the Peace Talks**

	<b>Announcement of peace talks and of CRR partial agreement (August 2012- June 2013)</b>	<b>Congress and Presidential and elections in 2014</b>	<b>Plebiscite campaign and renegotiation (August - November 2016)</b>	<b>Implementation (December 2016 - 2018)</b>
Framing strategy	Peace process: Negotiating with terrorists; murderers doing politics; impunity; ‘castrochavismo’;	Peace process: Negotiating with terrorists; murderers doing politics; impunity; ‘castrochavismo’;	Peace process: impunity (no jail time); gender ideology CRR: unfair land tax;	Peace process: illegitimate; need to destroy the agreement; FARC’s no laying down of weapons and ongoing

<sup>60</sup> Benford and Snow (2000) provide a review of the sociological literature on framing, recognizing that the concept draws from psychology, particularly cognitive psychology, linguistics and discourse analysis, communication and media studies, and political science and policy studies.

	<b>Announcement of peace talks and of CRR partial agreement (August 2012- June 2013)</b>	<b>Congress and Presidential and elections in 2014</b>	<b>Plebiscite campaign and renegotiation (August - November 2016)</b>	<b>Implementation (December 2016 - 2018)</b>
	Country: Deteriorating security conditions CRR: Massive land expropriation; threat to private property; FARC's appropriation of vast rural areas	Country: deteriorating economic and social situation; lack of attention to farmers CRR: Massive land expropriation;	expropriation, handing over rural areas to FARC; fiscal impact of policy measures agreed	narcotrafficking; impunity and unfair FARC's political participation CRR: land to FARC and not to peasants
Tactics	Public opinion; social media	Anti-land restitution rallies; social media	Congress opposition; social media political campaign; renegotiation	Sabotaging voting in congress; social media; presidential debates
Political opportunities	Confidentiality of the peace talks; FARC's declarations in Havana; Legal Framework for Peace; agrarian strikes; collapse of Venezuela; controversy on Peasant Reserve Zones	Congress and presidential elections; Collapse of Venezuela	Agreements on transitional justice and reincorporation; tax reform; plebiscite campaign; increase of coca crops; scandal on sexual orientation booklets	Fast-track bills discussions; Congress and presidential elections; slow implementation;
Organizational structure	Creation of Centro Democrático Party (CD)	CD elected in Congress as main opposition party	Coalition of the NO	Congress elections Presidential elections: Conservative Coalition.
Key actors	Rafael Guarín; José Félix Lafaurie	Oscar Iván Zuluága; Alejandro Ordóñez	Andrés Pastrana; Marta Lucía Ramírez; Rafael Nieto; Asociación Víctimas FARC; cristianos; Jaime Castro	Iván Duque; No leaders' coalition

Source: Author's own construction

### *Announcement of the Peace Process*

Right after the public phase of the peace talks began in August 2012, Uribe began to construct his overall normative framing against the peace process, and to put together the tactics and organizational structure that would support his opposition up until 2018. Before he created the Centro Democrático Party in early 2013, Uribe's main political tool to criticize the peace process was the social media Tweeter (Suárez 2013; López Urrea, Páez Valdéz, and Cuéllar Rodríguez 2016; Vélez 2014). This venue facilitated Uribe's way of doing politics in a "post-truth era" which, in a similar way to US President Donald Trump, questioned traditional media outlets and lend itself to diffusing fake news, pseudo-facts and fringe theories geared towards polarizing and creating a constant state of uncertainty (Nasi and Hurtado 2018; Levitin 2017; Rabin-Havt and America 2016; The Economist 2018). During this time, due to the confidential nature of the talks, the government negotiators' in Havana maintained a low profile. By contrast, the FARC's members pronounced statements in Havana every morning, expressing their political views even if unrelated to the actual discussions at the negotiating table. Uribe capitalized on this information asymmetry by filling the space with a critical and distorted narrative of the dialogues that appealed to normative claims pointing to their illegitimacy and inconveniency. Grafting his own agenda onto major societal concerns, Uribe effectively obscured the economic interests he was defending by exploiting the public's generalized animosity against FARC as well as Santos' lack of popularity.

A first overarching framing that he developed after the negotiating table was launched in Oslo in October 2012, and that would be recurrent in his overall critique of peace process, was that it was unacceptable to "negotiate with terrorists" (Caracol Radio 2012). This framing did not tackle the content of the negotiations but their rationale. As said earlier, for Uribe the guerrilla group was not a political actor. The FARC were only a terrorist group threatening Colombia's democracy. The framing he developed encapsulated very well the rage felt by the majority of Colombians against the FARC, especially after the failure of the Caguán's peace process in 2001. The extortions, kidnappings, town occupations, bombings, among other means of violence

used by this group, were fresh in people's minds; by 2012, the positive perception of FARC was still under 4 percent, unchanged since the year 2000 (Gallup Colombia 2018). What this framing concealed, however, was that all previous administrations since Betancur in the 1980s, including Uribe's, had sought a political dialogue with the guerrillas precisely with the aim of putting an end to the armed confrontation. Nonetheless, Uribe cleverly pounded this framing over the following years making use of his charismatic, eloquent and colloquial way of speaking he mastered during his presidency (Richard 2008; Sandoval 2011; Pardo Arboleda and Galvis Árias 2017; Arrieta 2009; Dugas 2003; Nasi and Hurtado 2018).<sup>61</sup>

In his first speech after the Oslo event, delivered at the last U Party assembly he attended before moving out and creating his own party, Uribe also mentioned two other key general framings: the fear that the Havana peace talks would “turn Colombia into a *castrochavista* model” and that the negotiations would result in “FARC's impunity”. Both of them proved as well quite effective in mobilizing people's perceptions and feelings against the peace process early on. Regarding the first, Uribe coined this term to associate the Cuban and Venezuelan failed socialist models (economic crisis, authoritarian rule) with the peace negotiations and FARC's proposals in them (Colombia.com 2012). As Venezuela's political and economic situation kept deteriorating into near collapse during the period of the talks, it became an increasingly relevant issue for Colombians – not least because of the massive migration the country received due to the humanitarian crisis – and its specter all the more realistic (International Crisis Group 2018a). FARC, indeed, had strong connections with Chávez' regime before the negotiations, as described in Chapter 3 (including illegal drug businesses), and a similar Bolivarian political project that they were proud to announce every time they could during the negotiations. Moreover, Venezuela was designated as one of the facilitator countries in the Negotiating Table (along with Chile). With these elements in mind, Uribe built a simple but persuasive narrative equating the peace talks to the instauration of a socialist regime in Colombia that

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<sup>61</sup> There is a relevant literature on Uribe's political communication strategy during his presidency. Using critical discourse analysis this literature has contributed significantly to understanding the emotional and normative basis of Uribe's popularity. See, for example, (Richard 2008; Sandoval 2011; Pardo Arboleda and Galvis Árias 2017; Arrieta 2009; Cárdenas-Támara 2012)



completely misrepresented the actual agreements, which were far away from such kind of measures.

The other key general framing was that of “FARC’s impunity”. Well before the negotiations addressed the issue of justice, Uribe began to convey the idea that the peace talks would not lead to a strong punishment of FARC’s commanders for the grave crimes they had committed, and that the country would end up seeing these “terrorists” free and doing politics without any restrictions. These declarations sought to capitalize the critiques posed against the government-led “Legal Framework for Peace”, a constitutional amendment approved by congress in July 2012 (Congreso de la República 2012). Prior to beginning the public phase of the negotiations, the government pushed this Legal Framework through congress with the idea of preparing the ground for the eventual peace talks and giving them legal stability. In practice, it meant recognizing the various actors in the armed conflict (guerrilla, paramilitary groups, state forces) and the need of coming up with transitional justice mechanisms to address the massive human rights violations committed by all of the actors involved in the conflict. For Uribe, this was unacceptable because it equated the FARC with the state forces as “actors” in a conflict, and because it led to recognizing the possibility of FARC’s political status (Maya 2012).

Alongside these framings against the peace process, Uribe, directly or through close advisors like Rafael Guarín, who was former deputy minister of defense, combined criticisms against Santos’ government, highlighting especially the country’s “deteriorating security”. In his public interventions and tweets, Uribe kept reminding the public opinion of how his government recuperated the tranquility of Colombians by strengthening the armed forces and weakening the guerrilla groups. He contrasted these results with Santos’ slackening, arguing that the peace talks had meant paying less attention to the ongoing violence and a demoralization of the army (Quevedo and García Segura 2012; González Espinosa 2012; El Espectador 2013; Murphy 2012). Although security indicators actually improved during Santos’ first years, the citizens’ perception on insecurity increased from 48 percent to 77 percent between July 2010 and June 2013, evidencing the effect of Uribe’s narrative on the public’s opinion (Gallup Colombia 2018:16; El País 2012).

### *Announcement of the CRR*

As it is evident from the above description, the discussion on the rural development item in Colombia became enmeshed in the broader debate about the peace process in general right from the onset of the negotiations. Uribe exploited throughout the peace talks the connections that the negotiating agenda itself made to raise his own concerns across a variety of issues. Still, he and his close allies also came up with specific framings to delegitimize the talks on this particular item, especially after the announcement of the partial agreement on the CRR in May 2013. As pointed out by a top government advisor interviewed, the fact that the CRR did not result out of a broad political consensus across sectors assisted the opposition's claim of lack of the agreement's legitimacy (Personal communication Former Advisor of Ministry of Agriculture 2017, April 13, 2017). Its content was the outcome of a settlement between negotiating elites in Havana and therefore had from its outset a democratic deficit derived from the design of the peace talks themselves. There were indeed, as described in Chapter 5, mechanisms through which civil society participated in the negotiating phase with proposals and inputs. Yet, the negotiations were not, and could not have been, as the Caguán failed experienced showed, a widely democratic process. They were carried out between the government's and the FARC's negotiators. An ample consensus on the problems faced by the countryside was in place, as showed in the previous chapter, synthesized in expert reports, government bills and civil society policy recommendations. Nonetheless, there was not a consensus on the solutions to these problems, for example, on how to distribute land and what do with the *baldíos*. In this respect, the measures consigned in the CRR's document, no matter how elementary they were, crossed the line of what was acceptable for right-wing political sectors.

The reception of the CRR's announcement was positive across important segments of Colombian society. Most of political parties, business associations, NGOs, rural organizations, the academia, the media, the international community, reacted enthusiastically to this first partial agreement (González Posso 2013; Ávila 2013; León and Bermúdez 2013; La Crónica del Quindío 2013). However, the right-wing

opposition led by Uribe, in close alliance with the cattle ranching sector in charge of José Félix Lafaurie, were critical of it and exploited its democratic deficit, at a time in which the text of the agreements was not made available due to the confidentiality rule (El Universal 2013c; El Tiempo 2013). Most importantly, they often used FARC's radical declarations – and not the agreement itself – as a way of creating fear in the citizens' perception of the measures agreed.

The most contentious issues of the CRR according to the opposition were those referring to the land access measures. In a letter sent by Lafaurie to Humberto de La Calle, the government's chief negotiator, dated on June 26, 2013, in reaction to the Joint Report published on June 21 by the government and FARC, which described in more detail what the rural development item agreed, he explained his arguments (Gobierno de Colombia and FARC 2013; Lafaurie 2013). For Lafaurie, the Land Fund defined in the CRR to distribute land was problematic because it enshrined as one of its key sources the state recovery of unexploited land through the administrative ownership cessation procedure. Adopting the same argument cattle ranchers used to oppose the land reform in the 1960s, Lafaurie stated his concern that the agreement did not establish the specific criteria or rules of how this procedure would actually assess the proper social and ecological function of the land. This lack of clarity would give place to a discretionary application of this procedure on behalf of government bureaucrats thus opening a “Pandora Box” against land proprietors and threatening the constitutional right of property ownership. The “expropriatory spirit” of the Land Fund, he argued, was too lenient with FARC's historic pretensions on carrying out a massive land overhaul and put at risk the economic stability and future growth of the countryside. The fact that this procedure had an existing, long-dated constitutional and legal basis was not a sufficient guarantee for Lafaurie, who also did not recognize that the agreement also established an agrarian jurisdiction to protect the due legal process in any administrative measure. Regardless of the actual content of the agreement, the Uribe-led opposition used this normative framing of the “massive land expropriation” throughout the peace talks – usually together with that of the *castrochavismo* – to question the CRR and scare middle and large farmers. These framings though were in great part fuelled by FARC's radical statements in Havana, mainly geared towards

their rank-and-file members that were still in the jungles or in jail. The Land Fund proposed by the guerrilla group was to be composed of twenty million hectares that would come mainly from expropriations of unproductive land (FARC-EP 2014:27). Although the agreement actually reached was far from reflecting FARC's pretensions, the opposition used them as "evidence" to indicate the risks of such an agreement.

Another framing the *uribismo* advanced in this period against the CRR had to do with the Peasant Reserve Zones (PRZ) (Nassar 2013). As explained in Chapter 5, the agreement on the PRZ recognized that these were an existing figure created in Law 160 of 1994 to support peasant communities inhabiting agricultural frontier areas, and committed the government to execute the development plans for the zones that were already in place and to continue studying the requests for creating new zones (Gobierno de Colombia and FARC 2016:sec. RRI). Disregarding what the agreement actually said, the opposition exploited fruitfully FARC's public proposals in Havana of turning these zones into a new political administrative entity that would have the same character of an indigenous territory (*resguardo*) (including veto powers) and of extending them in an area of nine million hectares (FARC-EP 2014). Equating FARC's proposals to the agreement and capitalizing on the third annual assembly of the National Peasant Reserve Zones Association (ANZORC, for its initials in Spanish) during the first months of 2013, Lafaurie and other critics incited amongst public opinion the fear that FARC would take over vast rural areas, creating "independent republics" within the state (Bermúdez 2013i). With this framing, the opposition appealed to a deeply rooted mistrust against the PRZ that was present in Colombia's conservative sectors since FARC's origins in the southwest in the 1960s (Karl 2017).

The government responded to all of these framings explaining at different venues what the rationale behind the CRR and addressed all the concerns raised by the opposition. However, during that same year, the national agrarian strike that unfolded in 2013 (described in Chapter 5), weakened the government officials' interest in defending the measures of rural citizens' participation in planning and decision-making processes contemplated in Havana. The strike lasted for several weeks and it developed with a logic of confrontation and negotiation with the government that wore out the ministries and government advisors appointed by the president. Many of these officials

were involved afterwards in the CRR's preparatory tasks, but they assumed them with little enthusiasm or incentives after their "traumatic" experience negotiating with the agrarian movement (personal communication advisor of President's Office). Moreover, at a time in which the peace negotiations were not yet the main priority of the government, the defense of the CRR was not as adamant as the critiques made by the opposition. After Juan Camilo Restrepo's resignation, the only ones talking about it were the negotiators, thus leaving too much space for FARC's radical proposals and Uribe's framings to coopt the public's perceptions on it.

### ***Pushback against Rural Reform in the 2014 Elections***

Santos only assumed the peace agenda as his main government's flag by the end of 2013 when the campaign for the 2014 presidential elections started. Before that, his administration maintained two competing discourses, one on the benefits of the peace dialogues and the other, in case these were not successful, of a military confrontation. This latter discourse, espoused by the Ministry of Defense, also sought to maintain a hardline narrative that would counteract Uribe's opposition against Santos' security policy. However, as the peace process made progress – by November 2013, an agreement on political participation, the second item of the negotiations was reached – Santos constructed his campaign around the need to conform a broad political front to support the ongoing peace talks. By this point, besides the left-wing party *Polo Democrático Alternativo*, Uribe, at the other side of the political spectrum, had become the government's main opposition, and was getting prepared for the legislative and presidential elections by building the newly created Centro Democrático party's local and regional platforms. In this electoral period, he kept criticizing fiercely the peace process and Santos' overall performance (Nasi 2014). On the latter, he focused now not only on the security, but also developed as well a complimentary framing around the deterioration of the economic and social situation, raising the concerns of the growing urban middle class on unemployment, health, transportation and corruption, which were in the public's mind more important than the peace agenda (Lewin 2014; Semana 2014b).

One of the strategies used by Uribe to strengthen his political bloc was to mobilize the unsatisfied farmers who had continued protesting due to the declining prices and to support the sector of the rural tenants who felt threatened by the land restitution policy. In alliance with the conservative Inspector General, Alejandro Ordóñez, and Fedegán's president, José Félix Lafaurie, Uribe helped organized various events and rallies that sought to capitalize politically the growing discontent of the landowners who were in a legal battle with the Land Restitution Unit regarding their links to coercive land possession (Solarte 2016; Barrantes 2014). Alongside the notions of *castrochavismo* and land expropriation, Uribe exploited this anti-restitution sentiment to generate a rejection of the CRR agreed in Havana claiming that all of these issues were putting at risk the private property.

Taking into account that the Centro Democrático was just a recently created party that was not part of the government's coalition, its turnout in the legislative elections of March 2014 was surprisingly high. With more than two millions votes and 38 congressional representatives, the Centro Democrático became the second most voted party (after the U Party) and gained significant relevance during the 2014-2018 period. Uribe now had not only Twitter but also a large political force in the legislative branch from where to continue with its opposition to the government. Moreover, Uribe's candidate, Oscar Iván Zuluága won the first round of the presidential elections with 29 percent of the total votes based on his campaign against the peace process. For the run-off, as explained in the previous section, Santos built a large coalition based on the support of the peace process to win over Zuluága.

### ***The Plebiscite and the Renegotiation: Amending the Comprehensive Rural Reform***

After Santos was re-elected, the peace talks continued their course. As the negotiations entered into the most difficult topics (narcotrafficking, transitional justice, laying down of weapons, FARC's political participation, endorsement mechanism and legal binding mechanisms), Uribe's opposition grew in intensity and extension as it covered more grounds and constructed more alliances. The turning point of the political balance of forces between the government and the opposition was the plebiscite that took place in October 2016 to approve the final agreement reached a couple of months earlier.

Conceived by the negotiators as a mechanism through which the citizenship would have a direct saying on the settlement drafted by the delegations in Havana and that would activate all the implementation mechanisms agreed, the plebiscite became the perfect scenario for the opposition's deployment of its "politics of significance". An agreement of more than three hundred pages that included highly detailed and complex issues like the creation of the transitional justice system contrasted with the simple and straightforward framings that the opposition had diffused consistently since 2012 on "impunity" and *castrochavismo*. Although more inclined to frame its critiques on moral grounds, during this campaign, the Uribe-led opposition also revealed explicitly its rentier economic interests, criticizing the update of the rural cadaster included in the CRR with the argument that it would have an impact on the land tax (Semana 2016b). Over the course of the campaign, the government did a poor job in mobilizing the Yes vote. Meanwhile, the No camp leaders combined specific critiques to certain items of the agreement (e.g. fiscal impossibility of implementing the CRR or the disorder the participatory processes would generate for decision-making), with ongoing criticisms of the country's economic and social situation and emotional appeals that did not have to do with the agreement at all. The best example of the latter was that of the "gender ideology" issue, which served to mobilize the Christian conservative sectors against the agreement. By arguing that the agreement's inclusion of a gender focus would have an impact on the rights of families to decide how to educate their children and on the definition of family overall, the opposition was able to graft onto the plebiscite a broader societal debate. At the end, all of these framings proved fruitful as the No vote won with a margin of 0.5 percent and less than 50,000 votes. The week after the election, the manager of the No campaign, in similar terms to what occurred with Brexit, vividly stated that "they wanted people to vote with rage" and that they had decided intentionally to "stop explaining our arguments against the agreement and focus via social media on the message of indignation" (El País 2016).

As Basset recently showed, the No vote mostly concentrated in middle class urban sectors (2018). Unlike El Salvador or South Africa, there were no major economic or political power relations at stake with the agreement. The armed conflict had become marginal and people in the cities did not experience directly anymore. Economic

conditions including foreign investment had already improved years before, so for many people the benefits of peace were not as tangible, whereas the moral arguments against the FARC were very strong. Only in rural municipalities where people still felt the ongoing effects of violence, the Yes vote won by a significant difference, but the proportion of this rural vote vis-à-vis the urban vote was marginal. Urban dwellers were more concerned about FARC's impunity or the unfair subsidies the combatants were going to receive for their reincorporation process – which was another of the framings the No campaign used to trigger a negative reaction – than with the actual possibility of ending a conflict and beginning a peacebuilding phase.

A concrete political result of the plebiscite was that Uribe strengthened his opposition against Santos and the peace talks by new actors that had also supported the No vote and conformed a broad No leaders' coalition, which was instrumental for the negotiations of the new agreement and the following 2018 elections. Former conservative president Andrés Pastrana and conservative politician Martha Lucía Ramírez, who rallied against the agreement's approval for different reasons, joined this coalition, as well as the No religious sector, composed by a Christian sector and a Catholic sector led by the former Inspector General Alejandro Ordóñez. The FARC's Victims National Association, who had been very vocal against the insufficient sanctions established against FARC's commanders, also joined it, as well as group of right-wing lawyers, such as Rafael Nieto and Jaime Castro. In the renegotiation that ensued, the government sat down with this group of No leaders to address their main concerns and then discuss them with the FARC in Havana. Although a new agreement was reached and then endorsed by the congress by the end of November of 2016, the No leaders considered that it had not addressed their major concerns – sanctions regime and FARC's political participation – and did not accept it as legitimate. Since then, the illegitimacy of the agreement's approval lingered on affecting its implementation. Still, during the renegotiation process the *uribistas* revealed their economic interests, strongly rejecting the measures on the rural cadaster and the increase of the land tax included in the agreement.

***Post-Plebiscite: Lack of Legitimacy and Poor Implementation***



After the endorsement of the new agreement, Uribe's-led opposition continued its staunch critique against the agreement and of its implementation. Its main venue was the congress by sabotaging the passing of the constitutional amendments and bills through the fast track mechanism created to provide a legal framework of the implementation. Santos' National Unity worked well for the first major laws but in the second half of 2017, as the elections got closer, the legislators drifted and the coalition's support to the key government's peace legislative initiatives fragmented. FARC laid down its weapons by June 2017 in a very orderly manner with the oversight of a special UN mission approved by the UN Security Council. However, the No leaders' coalition questioned this process claiming that FARC had not handed over its entire military arsenal and that it continued its links with the drug dealing business. The government, with time constraints and less political capital prioritized certain laws over other and relegated the major bills of the CRR to a second level. Of all the bills that it had drafted to implement the normative components of the CRR (rural financing, irrigation, cadaster, technical assistance, land, Forest Reserve Zones, implementation plan) only the one creating the Agricultural Innovation System passed successfully through congress. With an unfavorable political context, even if the international community supported the peace process, most of Santos' ministers did not sacrifice their political capital for the sake of the agreement's implementation and the government's institutions in favor of a robust peacebuilding phase were not many.

In the 2018 congressional elections, the Centro Democrático increased its number of seats, becoming the party with the most seats (19 in senate and 32 in the lower chamber). Besides the growth of its power in congress, Uribe exploited the No leaders' coalition to build an electoral bloc for the presidential elections. In March, he reached an agreement with Martha Lucía Ramírez, Andrés Pastrana and Alejandro Ordóñez to select a single candidate out of all of them. The winner of this primary was Iván Duque, Uribe's designated candidate, who had been a Centro Democrático's senator during the 2014-2018 period and a major player during the agreement's renegotiation process. Supported by this broad base coalition, and maintaining a discourse against the agreement – based on the growing security problems with FARC's dissidents and organized crime and the increasing coca crops – Duque won the presidential elections

in June with 54 percent of the votes. Most of the politicians of the parties that supported Santos' National Unity, in a pragmatic calculation, accommodated themselves to the new political scenario, and moved towards Duque's campaign regardless of his critical position against the peace agreement (Ardila 2018). The slow implementation of the justice tribunal, in addition to the scandal that one of FARC's key negotiators in Havana had incurred in a cocaine export deal to the US after the agreement had been reached, gave further discursive ammunition to Duque's campaign, which sought at the time to talk less about the agreement's implementation. Five years after its announcement, in May 2018 the CRR was not anymore in anyone's mind and had lost political relevance. Not even the candidates supporting the agreement had it as its main political flag. The opposition had productively delegitimized the government, which in turn had lost political governance over the implementation.

### **7.3 Conclusions**

Complementing the argument espoused in Chapter 6, this chapter described how Uribe's opposition also undermined the government's implementation of the CRR through effective framings against the peace process. It did so drawing on the constructivist literature on normative frames that points out the role collective understandings have in shaping political outcomes. More specifically, I traced the various framing strategies used by Uribe's-led opposition to put into question the peace process overall and the rural development reform in particular. Through this description, the chapter brought to the fore how ideational narratives based on moral grounds unrelated to the CRR served to reject implementing substantive provisions that affected the status quo of rural landed elites. The status quo policy trajectory that was in place during Uribe's governments was to an extent interrupted by Santos' reformist vision and the Havana peace talks, which opened a different path tilted in favor of the peasantry and the rural poor. As the CRR's implementation period began, however, the internal and external constraints it suffered outweighed the exceptional capacity the government had to implement its transformative provisions. In mid-2018,

a sweeping rural reform did not seem close, especially after Uribe's candidate won the presidential elections.

## Chapter 8. Conclusions

### 8.1 Main Arguments and Contributions

Are negotiated transitions from civil war to peace favorable for enacting distributive rural change? If so, in what ways and through what mechanisms? What role do global economic forces and norms play, if any? What role do domestic politics, class dynamics, policy processes and institutional trajectories? In order to answer these questions, this thesis examined the determinants of rural development policy change in the context of the recent Colombian peace talks, bringing together into a single analysis three distinct sets of literature that rarely speak to each other – agrarian political economy, peacemaking and peace implementation research, and institutional and policy change. In doing so, the thesis explained through an INUS-based framework, on one hand, that the Havana peace agreement reached in 2016 by the Colombian government and the FARC did open a window of opportunity for carrying out a rural reform geared towards improving land access, public goods provision and agricultural supports to peasants. On the other, it also argued that several political and economic factors restricted the translation of this reform into substantive policy action. Two years after the implementation began and five since the agreement on the rural development item was reached, the prospects for rural policy change remain uncertain. In a nutshell, transitions matter but political and economic constraints tend matter more. To what extent, then, does the Colombian experience challenge conventional wisdom about negotiated pathways to rural development and in particular the role of macropolitical change as driver of rural reform?

The experience confirms that peace settlements tend to offer an exceptional democratic circumstance to address rural inequality issues at the heart of armed conflicts. However, it also downplays the significance of popular mobilization from below in creating and sustaining the conditions for distributive rural change, which was crucial in countries like El Salvador and South Africa. Instead, it highlights how norms defined by key decision makers at the negotiating table can impact policy shift even in the absence of widespread social unrest. In the case of Colombia, rural pressure helped ratcheting up the scope of the rural reform agreed, but only when the political

conditions were ripe for these distributive measures in the first place. Nonetheless, this norm induced shift also evidenced its limitations. After the peace negotiations ended, the government's incentives to tackle structural inequality as part of the implementation phase diminished.

Colombia's experience also confirms the long-noted idea that pre-existing global and domestic economic forces thwarted attempts to rural reform. In a globalized context of increasingly reduced national policy space, it is not unsurprising to see that, even amid a transitional context, rural elites (both traditional cattle ranchers and export-oriented agribusiness) were able to secure their interests and obstruct the agreement's provisions to improve land distribution. This is most clearly illustrated by the access points agribusiness firms' lawyers had to influence land policy at president Santos' Executive Office during the implementation period of the Comprehensive Rural Reform. It is also evident in the way in which Uribe mobilized the rural traditional elites (mainly associated with extensive cattle ranching) against basic claims for land restitution, titling and cadaster updating. At the same time though, the thesis also indicated how alternative norms at the global level on land access, family agriculture and food sovereignty, among others, opened policy space domestically to push forward a distributive policy agenda favoring the peasantry. In other words, it showed how ideational and material forces operated in favor and against rural policy shift either strengthening or constraining the leverage of domestic political actors.

These observations add up to a key methodological lesson. Researchers seeking to assess the impact of a peace agreement on a substantive issue area like rural development policy need to make serious efforts to understand how central governments function from within and inside out. It is particularly important to avoid generalizations. Paying attention to meso and micro institutional and political dynamics in detail is crucial to understand what is at stake in the implementation of developmental provisions of a peace agreement with distributive implications. Today it is known that Colombia's performance has been weak in the early phase of the implementation. The central government did, after all, encountered serious internal and external obstacles to live up to the expectations created by the agreement itself. But it is risky to draw a priori conclusions on this fact unless there is evidence that these

limitations were, indeed, faced by the actors responsible for the implementation during events. State incapacity should not be interpreted as a *prima facie* indication of lack of policy change. This may lead commentators to make wrong assumptions as to why governments decide to address structural issues in a peace process and then renege of its commitments (e.g. Chagas-Bastos 2018). Governments are, in fact, conflict-ridden entities, full of internal rivalries and competing agendas that need to be teased out empirically. Policy outcomes must be therefore understood as the messy result of political dynamics rather than clean-cut outgrowths of a president's agenda. In the case of rural policymaking in Colombia, I looked at Santos' bureaucracy, political arrangements, and interest groups to examine the contradictions faced by the government in the CRR's implementation period.

My pursuit of explanation based on a close study of the interaction between rural development policy and the transitional context also has a theoretical implication. It challenges the structuralist view according to which policy change is fundamentally driven by macro-level variables. In practice, structures, even if they limit the range of possible actions, operate and must be made visible through concrete political actors, who adapt to the changing political circumstances and make strategic use of the resources available to them. The opposition led by Álvaro Uribe against the peace process had an underlying economic component – the defense of the rural elite's status quo – but it developed through effective framings that went way beyond it and addressed moral issues like justice, as they were politically tailored to the specific scenario of Havana's peace agreement.

Throughout the dissertation I have approached the trajectory of rural development policy in Colombia as a product of the Havana peace agreements and domestic political dynamics, influenced as well by global economic trends and norms. I believe the conceptual framework I developed may be useful to explore other relevant experiences of countries that have gone through a peace settlement with rural development provisions. I also think that the research is important for scholars and policymakers interested globally in discussing the relationship between the transitional nature and effects of peace agreements, including its exceptional legal and political mechanisms for implementation, and development trajectories.

## 8.2 Future Research Avenues

As I mentioned in the Research boundaries section in the introductory chapter, I am also aware that the thesis leaves various questions unanswered and opens new research avenues that may be fruitful to pursue in the near future.

Above all, I think it is relevant to analyze the CRR's local implementation and its effects on the ground. In order to do this, it is important to draw from existing research on Colombia's political economy regional differentiation in relation to the processes of armed conflict, state-building and agrarian development (González 2014; González, Bolívar, and Vázquez 2003; Rettberg et al. 2018). There is also ample work on the diverse local social orders and their implications for peacemaking created by the forms of control developed by illegal armed actors (Arjona 2016). Moreover, the emerging quantitative and qualitative research on the effects and challenges of the peace agreement's implementation on the ground, particularly on rural development issues, will be fundamental for this kind of inquiry (Guarín, Tovar, and Amaya 2018; Jaramillo Marín, Castro-Herrera, and Ortiz Gallego 2018; Binningsbø et al. 2017; Binningsbø et al. 2018; Miklian and Medina Bickel 2018; Vargas and Hurtado de Mendoza 2017; Criado de Diego 2018). In-depth regional and local studies of the CRR's implementation need to address as well the gender, age, class and ethnic differences across rural populations in Colombia. The CRR has specific provision on gender equality and guarantees for ethnic minorities that are worth studying on their own.

Besides completing the analysis of the CRRs' implementation with local-level analysis, it is relevant as well in the future to develop the framework proposed here in a systematic comparative perspective. Based on the factors examined, it is worth considering a careful inquiry into the trajectories of the agrarian agreements introduced in Guatemala, El Salvador, South Africa and Nepal. Wood's work (2001) is a good start for undertaking this comparison, which may shed a light on Colombia's political difficulties to enact rural change.

I also think it is relevant to carry out further research in examining the rural elites' attitude towards the peace talks and particularly towards the CRR. There is a need of more detailed empirical information that may help explaining the differences amongst agribusinesses and cattle ranchers with regards to how they perceived the benefits and costs of the rural reform. Within each group they were divided, and it is not clear what are the factors explaining these differences. While some agricultural business associations and cattle ranchers' associations were in favor of the peace process and of the CRR, others were against it and some were simply ignorant or indifferent of its implications. For example, regarding extensive cattle-ranchers recent research has shown (Gutiérrez and Vargas, 2017) how some of these rural elites supported paramilitary groups in certain regions and opposed land restitution. Yet, there were also small- and medium-scale cattle ranchers that supported the peace process elsewhere, such as those associated to the Federación de Ganaderos del Caquetá, a separate association from FEDEGAN that brings together cattle-ranchers from Caquetá, a region that was highly affected by the armed confrontation between FARC and the military forces. Within the agribusiness there are were also similar gaps that need to be properly account for.

### **8.3 Final Thoughts**

As students of political issues, it is relevant to be aware of the need to see current events in the light of history to avoid rushing into big conclusions about an ongoing phenomenon. That is why the arguments I put forward in this thesis are far from being definitive; at best, they serve to explore key questions and to open a long-term research agenda. I hope that in ten years' time, I am better to analyze what this critical juncture has meant. I am finishing the dissertation *in media res* (in the middle of events), at a very critical point, only two years and a half after the peace agreement was signed and the implementation phase is just starting, and right before a new government formed by the political sectors that opposed the agreement take power. I do not have the advantage of seeing retrospectively the whole trajectory of events. There are a lot of issues I am not sure how they are going to end up. Even within the span of this few



years, since the moment I presented the proposal in March 2015 up until now in mid-2018, only in three years, my skepticism has just increased as reality has shown how the inertia and structural factors are stronger than the change attempted.

Currently, the agreement's overall implementation is at risk. Besides growing security threats – including the increasing assassination of community leaders – that put in danger the positive effects of the end of the armed confrontation with FARC (Osorio Granados 2018), Iván Duque, Uribe's candidate that became elected as president in June 2018, campaigned against the peace process and has promised to modify substantial aspects of crucial items off the agreement like the transitional justice system. More importantly, what is at stake right now is the collective understanding of whether the end of the armed conflict with FARC should give place to a transitional period including structural socioeconomic transformations. Paradoxically, in democratic contexts like Colombia's, in which the violence has been marginalized to peripheral areas and has not directly experienced by most of the urban population in recent years, it is harder for a society to accept the need for transitional mechanisms (Aoláin and Campbell 2005). For many urban dwellers, the notion of entering a transition period is still not conceivable. In this mindset, FARC was a terrorist group threatening Colombia's economic and political system, but there was no need to modify the course followed. The risk now is that the substantive developmental measures included in the Havana agreement, especially those geared towards tackling widespread inequality, will not gain enough relevance. A probable near future scenario is that the provisions on land distribution will fall out from the government's agenda and become marginalized in the public opinion. As a country, Colombia will miss again another opportunity to resolve its long-standing problems and may put at risk achieving sustainable peace. As in previous occasions, a group of ex combatants may be replaced by another generation of young people that will take up arms, this time not with any particular political motivation but simply with an economic one, as the current events on rearmament and reconfiguration of the coca business since FARC disappeared have shown (International Crisis Group 2018b). Nonetheless, there is also room to think that now that FARC ceased to be an armed group, Colombian democracy may become more vibrant and open for different political agendas as the

recent presidential elections showed. Moreover, the increasing mobilization of civil society in rural areas and their participation in the structures and mechanisms created by the CRR also leads to believe that citizen demands for distribution and economic justice will not disappear any time soon.

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## Appendices

### Appendix 1. Percentage Share of GDP by Activity in Colombia, 1970-2017

Activity	1970	1980	1990	2000	2010	2017
Agriculture	25,09%	19,36%	16,24%	8,31%	6,33%	6,31%
Mining	1,95%	2,29%	9,32%	5,93%	8,67%	4,87%
Industry	20,66%	23,27%	19,95%	13,93%	13,99%	11,90%
Public services	1,06%	1,31%	2,52%	3,27%	3,28%	3,06%
Construction	3,97%	4,72%	4,95%	4,18%	5,34%	6,82%
Commerce and tourism	12,49%	13,27%	14,14%	12,91%	15,63%	17,51%
Transport and communications	8,69%	8,90%	9,11%	6,27%	3,42%	2,77%
Financial services, real state services and business services	13,80%	13,71%	11,15%	20,63%	19,21%	20,82%
Other activities	12,30%	13,17%	12,64%	24,58%	24,13%	25,94%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Author's construction based on data of DANE and Banco de la República.

Notes: i) I used the different available data at DANE on annual GDP. I used the 1975 database for the 1970-1993 period; the one of 1994 for the period 1994-2000; that of 2005 for 2000-2004; and the 2015 database for the 2005-2017 period. When there were differences between databases, I used the most recent figures. ii) The 2015 database disaggregates the financial services in three categories. In order to make this period comparable with the previous ones, I added these three categories into a single one for the period 2005-2017. iii) In the category "Other activities" I included: social, personal and community services; activities of public administration and defense; social security; education; health; and taxes.

## Appendix 2. Trajectory of FARC's Agrarian Discourse

Year	Event/Document	Main claims
1964	FARC's Agrarian Program	Confiscation of the landowner property. Free access to land for peasants
1966	2nd Conference	Constitution of the Revolutionary Armed Forces of Colombia (FARC) "New stage of struggle and unity with all the revolutionaries of our country, with all the workers, peasants, students and intellectuals, with all our people, to promote the struggle of the great masses towards the popular insurrection and to take the power for the people"
1969	3rd Conference	Confiscation of the large estate property. Free access to land. Confiscation of all lands occupied by North American companies. Nationalization of the oil industry, gold, silver and platinum
1982	7th Conference	All properties or concessions of foreign companies, oil, mining, banana or timber companies are abolished.  All properties over 1500 ha are abolished
1984	La Uribe peace talks	"to vigorously promote the application of an Agrarian Reform policy in recognition of the fact that land problems are present in the current social conflicts, and the other actions of state agencies should aim to expand permanently the services to the peasantry in order to improve the quality of life and the normal production of food and raw materials for the industry ... "
1992	VII Summit of the <i>Coordinadora</i>	"Redistribution of land should be made where the latifundio prevails. Build the road infrastructure and provide the necessary transport in rural areas in the country, set up low credits for agriculture and livestock, crop insurance, provide materials and modern technology to all who generate wealth in our fields and ensure the commercialization of their products.
1993	8th Conference	"Agrarian Policy that democratizes credit, technical assistance and marketing. Total stimulus to industry and to agricultural production. State protectionism against the unequal international competition".  "Each region will have its own development plan jointly constructed with community organizations, eliminating the latifundio where it subsists, redistributing the land, defining an agricultural frontier that rationalizes the



<b>Year</b>	<b>Event/Document</b>	<b>Main claims</b>
		colonization and protects our reserves from devastation. Permanent support for national and international marketing. "
1999	San Vicente del Caguan's Common Agenda towards the change for the New Colombia	Recovery of unproductive land and drug trafficking properties. Substitution of illicit crops
2010	Alfonso Cano's end of the year message December, 2010	Return the lands usurped in all these years to their true owners, <i>colonos</i> and peasants Restitute lands to indigenous communities and give lands that belong to black communities Eliminate the latifundia "A modern land law with a strategic vision, which sows peace, must inexorably include economic and technological aids, facilities for marketing, roads, but above all, it necessarily has to harmonize in it the social, territorial, cultural, environmental and the spatial, in all its considerations and prospectations".
2011	Statement of the Secretariado of the Central High Command	Land for peasants Reconsider the unfair contracts that benefit transnationals
2012	Havana's General Agreement	Comprehensive agrarian development policy

Source: Author's construction based on FARC's documents

### Appendix 3. Evolution of Rural Development Institutions in Colombia

Institution	Acronym	Year	Field of action
Ministry of Agriculture and rural development (Ministerio de agricultura y desarrollo rural)	MADR	1913-present	Formulation, coordination and evaluation of agricultural and rural policies
Colombian Agricultural Institute (Instituto Colombiano Agropecuario)	ICA	1962-present	Prevention, monitoring and control of sanitary, biological and chemical risks
Agrarian Bank of Colombia (Banco Agrario de Colombia)	BANAGRA RIO	1999-present	Financing for the agricultural and rural sector
Fund for Agricultural Financing (Fondo para el Financiamiento del sector agropecuario)	FINAGRO	1990-present	Financial institution that channels resources for agricultural projects
Colombian Corporation for Agricultural Research (Corporación Colombiana de Investigación Agropecuaria)	CORPOICA	1993-present	Development and transfer of scientific knowledge and technological solutions for the agricultural sector
Colombia International Corporation (Corporación Colombia Internacional)	CCI	1992-present	Support, promotion and development of modern, non-traditional agriculture
Colombia Mercantile Exchange (Bolsa Mercantil de Colombia)	BMC	1979-present	Public arena for the negotiation of commodities
National Institute of Fishery and Aquaculture (Instituto Nacional de Pesca y acuicultura)	INPA	1990-2003	Research, administration, promotion and control of the fishery and aquaculture activities
National Institute for Land Adequacy (Instituto Nacional de Adecuación de Tierras)	INAT	1993/94-2003	Promotion, financing and co financing of land adequacy programs and projects
Co-financing fund for social investment (Fondo de Cofinanciación para la Inversión Social)	DRI	1985-2003	Co financing of integrated rural development programs and projects
Colombian Institute for Agrarian Reform (Instituto Colombiano de la Reforma Agraria)	INCORA	1961-2003	Articulation of the agrarian and rural development policy and promotion of progressive access to land ownership by agrarian workers
Colombian Rural Development Agency (Instituto Colombiano de Desarrollo Rural)	INCODER	2003-2015	Implementation of agricultural and rural policies and facilitation of the access to productive assets
National Unit for Rural Land (Unidad Nacional de Tierras Rurales)	UNAT	2007-2009	Planning and administration of rural properties owned by the nation

<b>Institution</b>	<b>Acronym</b>	<b>Year</b>	<b>Field of action</b>
Special Administrative Unit for Managing restitution of forcibly Dispossessed land (Unidad Administrativa especial de gestión de restitución de tierras Despojadas)	URT	2011-present	Administrative management of land restitution for victims of abandonment and dispossession
Administrative Special Unit, National Authority for Fishery and Aquaculture (Unidad Administrativa especial autoridad Nacional de Acuicultura y Pesca)	AUNAP	2011-present	Implementation of fishery and aquaculture policies
Agricultural Planning Unit (Unidad de Planificación de Tierras Rurales, Adecuación de tierras y usos agropecuarios)	UPRA	2011-present	Technical guidance of territory management policy
Rural Development Agency (Agencia de desarrollo rural)	ADR	2015-present	Implementation of the agricultural and rural development policy with territorial approach
Land National Agency (Agencia Nacional de Tierras)	ANT	2015-present	Implementation of policies regarding land property, access to land, legal security and compliance of the social function of property
Agency for the Renovation of the Territory (Agencia de Renovación del Territorio)	ART	2015-present	Coordination of institutions in rural areas affected by the conflict, execution of plans and projects for territorial renewal

Source: Misión para la Transformación del Campo (2015), Ministerio de Agricultura y Desarrollo Rural

## Appendix 4. Budget Allocation in Rural Development Policy, 2003-2017

in \$USD million (constant COP of 2003)

	Uribe										Santos				
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Land access</b>	<b>0,009</b>	<b>1,222</b>	<b>0,475</b>	<b>0,998</b>	<b>3,768</b>	<b>3,241</b>	<b>6,387</b>	<b>3,361</b>	<b>10,728</b>	<b>21,335</b>	<b>57,622</b>	<b>52,567</b>	<b>47,321</b>	<b>34,629</b>	<b>67,607</b>
Distribution	0,000	0,000	0,000	0,000	0,000	0,269	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	15,603
Restitution	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,219	4,459	20,554	30,995	24,473	23,985	25,439
Titling	0,009	1,222	0,475	0,998	3,768	2,972	6,387	3,361	10,508	16,876	37,068	21,572	22,848	10,643	26,566
<b>Agricultural supports</b>	<b>45,717</b>	<b>61,483</b>	<b>75,966</b>	<b>96,336</b>	<b>107,952</b>	<b>109,472</b>	<b>84,211</b>	<b>123,206</b>	<b>337,115</b>	<b>421,257</b>	<b>469,949</b>	<b>481,438</b>	<b>392,880</b>	<b>216,758</b>	<b>148,505</b>
Technical assistance	1,804	5,678	6,307	12,873	13,676	16,804	15,964	19,804	27,510	26,512	29,366	19,633	78,284	50,710	14,567
Marketing	29,887	13,478	47,795	50,163	45,459	37,762	36,232	37,049	18,842	32,332	29,797	194,170	55,856	23,510	20,847
Direct support to family agriculture, rural women, youth or displaced	0,000	0,000	4,337	1,939	9,953	5,854	2,811	3,930	0,377	29,143	51,554	60,998	115,241	65,710	40,841
Credit and direct subsidy	11,455	36,786	9,728	25,878	28,760	37,195	19,979	52,090	79,757	97,877	34,909	17,139	106,863	57,874	39,512
Entrepreneurship	2,085	5,167	7,007	4,544	9,346	11,027	8,478	9,504	20,966	26,439	32,332	23,104	8,601	14,719	32,043
Food security	0,000	0,000	0,369	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
Competitiveness and productivity promotion	0,487	0,374	0,424	0,939	0,758	0,831	0,746	0,829	189,663	208,953	291,991	166,394	28,034	4,236	0,694
<b>Public goods</b>	<b>28,357</b>	<b>31,716</b>	<b>44,350</b>	<b>62,619</b>	<b>82,360</b>	<b>99,264</b>	<b>114,379</b>	<b>121,715</b>	<b>100,121</b>	<b>76,220</b>	<b>109,561</b>	<b>143,990</b>	<b>102,863</b>	<b>55,768</b>	<b>90,438</b>
Agricultural information	3,542	3,230	2,028	3,307	4,788	4,796	5,566	6,108	8,050	7,605	6,833	8,382	8,049	4,652	5,202
Agricultural innovation	1,648	1,542	0,651	0,629	0,360	0,743	0,679	0,942	1,696	1,765	1,726	58,523	1,424	0,695	0,564
Inspection services	7,624	7,518	8,831	17,158	19,497	21,138	16,722	20,737	31,075	37,999	52,762	37,267	31,721	16,896	26,637
Irrigation	14,807	19,188	32,692	41,210	57,715	72,587	91,411	93,928	59,300	27,931	46,521	31,653	42,309	10,158	19,539
Studies and planning	0,667	0,238	0,148	0,315	0,000	0,000	0,000	0,000	0,000	0,359	0,000	0,000	0,502	5,386	0,822
Others	0,069	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,023	11,635	0,000

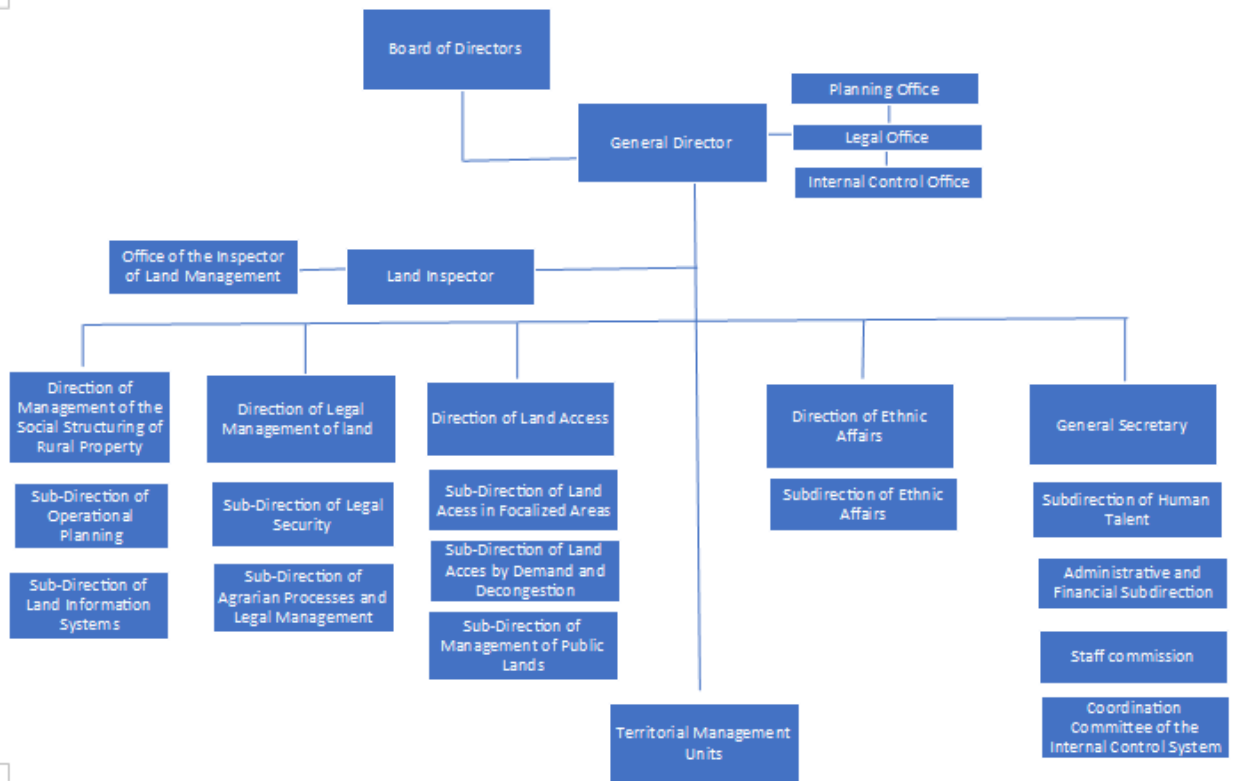
in \$USD million (constant COP of 2003)

	Uribe										Santos				
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Development Programs with Territorial Focus	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,561	1,719	8,165	18,836	6,345	37,674
<b>Total Rural Development</b>	<b>74,083</b>	<b>94,421</b>	<b>120,791</b>	<b>159,953</b>	<b>194,080</b>	<b>211,977</b>	<b>204,977</b>	<b>248,282</b>	<b>447,964</b>	<b>518,811</b>	<b>637,133</b>	<b>677,995</b>	<b>543,063</b>	<b>307,155</b>	<b>306,550</b>
Total Sectoral investment	87,528	125,055	143,482	214,880	369,492	428,993	402,253	440,077	527,037	652,791	790,539	956,800	726,229	383,905	457,452
% of RD in Total	84,64%	75,50%	84,19%	74,44%	52,53%	49,41%	50,96%	56,42%	85,00%	79,48%	80,59%	70,86%	74,78%	80,01%	67,01%

Source: Own calculations based on Departamento Nacional de Planeación, in million \$USD (constant COP of 2003).

Note: Investments on fishing, rural housing, forest, or only geared towards large-scale farmers were excluded

## Appendix 5. Organizational Structure of the Land National Agency



Source: Author's construction based on National Land Agency

## Appendix 6. Political Affiliation of Santos' Appointed Ministers (2010-2018)

Ministry	Appointed minister	Period	Political Affiliation
Interior	Germán Vargas Lleras	Aug 2010 - May 2012	Cambio Radical
	Federico Rengifo Buga	May 2012 - Sept 2012	Partido de la U
	Fernando Carrillo	Sept 2012 - Sept 2013	Partido Liberal
	Aurelio Iragorri	Sept 2013 - Aug 2014	Partido de la U
	Juan Fernando Cristo	Aug 2014 - May 2017	Partido Liberal
	Guillermo Rivera	Jun 2017 - <u>Jun</u> 2018	Partido Liberal
Defense	Rodrigo Rivera	Aug 2010 - Aug 2011	Partido Liberal
	Juan Carlos Pinzón	Sept 2011 - Jun 2015	Partido de la U
	Luis Carlos Villegas	Jun 2015 - <u>Jun</u> 2018	Partido Liberal
Agriculture and Rural Development	Juan Camilo Restrepo	Aug 2010 - May 2013	Partido Conservador
	Francisco Estupiñán	Jun 2013 - Sept 2013	Partido Conservador
	Rubén Darío Lizarralde	Sept 2013 - Aug 2014	Partido Conservador
	Aurelio Iragorri	Aug 2014 - Oct 2017	Partido de la U
	Juan Guillermo Zuluága	Oct 2017 - <u>Jun</u> 2018	Partido de la U
Trade, Industry and Tourism	Sergio Díaz Granados	Aug 2010 - Oct 2013	Partido de la U
	Santiago Rojas	Oct 2013 - Aug 2014	Partido de la U
	Cecilia Álvarez-Correa	Aug 2014 - May 2016	Partido de la U
	María Claudia Lacouture	May 2016 - Aug 2017	Partido de la U
	María Lorena Gutiérrez	Aug 2017 - <u>Jun</u> 2018	Independent
Finance	Juan Carlos Echeverry	Aug 2010 - Sept 2012	Partido Conservador
	Mauricio Cárdenas	Sept 2012 - <u>Jun</u> 2018	Partido Conservador
Justice	Juan Carlos Esguerra	Jun 2011 - Jul 2012	Partido Liberal
	Ruth Stella Correa	Jul 2012 - Sept 2013	Partido Liberal
	Alfonso Gómez Méndez	Sept 2013 - Aug 2014	Partido Liberal
	Yesid Reyes	Aug 2014 - Apr 2016	Partido Liberal
	Jorge Eduardo Londoño	Apr 2016 - Mar 2017	Partido Alianza Verde
	Enrique Gil Botero	Mar 2017 - <u>Jun</u> 2018	Partido Conservador
Culture	Mariana Garcés	Aug 2010 - <u>Jun</u> 2018	Independiente
Health	Mauricio Santamaría	Aug 2010 - Jan 2012	Independiente
	Beatriz Londoño	Jan 2012 - Sept 2012	Partido Conservador
	Alejandro Gaviria	Sept 2012 - <u>Jun</u> 2018	Partido Liberal
Mining and Energy	Carlos Rodado Noriega	Aug 2010 - Sept 2011	Partido Conservador
	Mauricio Cárdenas	Sept 2011 - Sept 2012	Partido Conservador
	Federico Rengifo	Sept 2012 - Sept 2013	Partido de la U

<b>Ministry</b>	<b>Appointed minister</b>	<b>Period</b>	<b>Political Affiliation</b>
	Amilkar Acosta	Sept 2013 - Aug 2014	Partido Liberal
	Tomás González Estrada	Aug 2014 - Mar 2016	Partido Conservador
	María Lorena Gutiérrez	Mar 2016 - Apr 2016	Independent
	Germán Arce	May 2016 - <u>Jun</u> 2018	Partido Conservador
Transport	Germán Cardona	Aug 2010 - May 2012	Partido de la U
	Miguel Peñalosa	May 2012 - Sept 2012	Partido de la U
	Cecilia Álvarez	Sept 2012 - Aug 2014	Partido de la U
	Natalia Abello	Aug 2014 - Apr 2016	Cambio Radical
	Jorge Eduardo Rojas	May 2016 - Aug 2017	Partido de la U
	Germán Cardona	Aug 2017 - <u>Jun</u> 2018	Partido de la U
Labor	Rafael Pardo	Oct 2011 - Jun 2014	Partido Liberal
	José Noé Ríos	Jun 2014 - Aug 2014	Partido Liberal
	Luis Eduardo Garzón	Aug 2014 - Apr 2016	Independiente
	Clara López	Apr 2016 - May 2017	Polo Democrático Alternativo
	Griselda Restrepo	May 2017 - <u>Jun</u> 2018	Partido Liberal
Information Technology and Communication	Diego Molano Veja	Aug 2010 - May 2015	Partido Liberal
	David Luna	May 2015- Apr 2018	Partido Liberal
	Juan Sebastián Rozo	Apr 2018 - <u>Jun</u> 2018	Independiente
Housing, City and Territory	Beatriz Uribe Botero	Aug 2010 - Apr 2012	Partido Conservador
	Germán Vargas Lleras	May 2012 - May 2013	Cambio Radical
	Luis Felipe Henao	May 2013 - Apr 2016	Cambio Radical
	Elsa Noguera	Apr 2016- Aug 2017	Cambio Radical
	Jaime Pumarejo	Aug 2017- Oct 2017	Cambio Radical
	Germán Cardona	Oct 2017 - Nov 2017	Partido de la U
	Camilo Sánchez	Nov 2017 - <u>Jun</u> 2018	Partido Liberal
Environment and Sustainable Development	Frank Pearl	Sept 2011 - Sept 2012	Independent
	Juan Gabriel Uribe	Sept 2012 - Sept 2013	Partido Conservador
	Luz Helena Sarmiento	Sept 2013 - Aug 2014	Partido Conservador
	Gabriel Vallejo	Aug 2014 - Apr 2016	Partido de la U
	Luis Gilberto Murillo	May 2016 - <u>Jun</u> 2018	Cambio Radical
Foreign Affairs	María Ángela Holguín	Aug 2010 - <u>Jun</u> 2018	Partido Liberal
Education	María Fernanda Campo	Aug 2010 - Aug 2014	Independent
	Gina Parody	Aug 2014 - Oct 2016	Partido de la U
	Yaneth Giha	Nov 2016 - Jun 2018	Partido de la U

Source: Author's construction based on press releases (El Tiempo 2017; Lewin 2017; La Opinión 2016; Guzmán Pinilla 2017; La Opinión 2018)



## Appendix 7. Political Affiliation of the Agricultural Sector's Top Officials

Entity	Position	Name	Period	Party Affiliation
Minister of Agriculture and Rural Development	Minister	Juan Camilo Restrepo	2010-2013	Partido Conservador
		Francisco Estupiñán	2013	Partido Conservador
		Rubén Darío Lizarralde	2013-2014	Partido Conservador
		Aurelio Iragorri	2014-2017	Partido de la U
		Juan Guillermo Zuluaga	2017-	Partido de la U
	Deputy Minister of Agriculture	Ricardo Sánchez	2010-2013	
		Andrés Felipe García	2013	
	Deputy Minister of Rural Development	Aníbal Fernández de Soto	2013-2015	Partido Conservador
		Juan Pablo Díaz Granados	2015-2017	Partido Liberal
	Deputy Minister de Agricultural Affairs	Claudia Jimena Cuervo (e)	2017-	
Andrés Felipe García		2013-2015		
Juan Pablo Pineda		2015-2017	Partido de la U	
Inocoder	Director	Samuel Zambrano Canizales	2017-	
		Juan Manuel Ospina	2010-2012	Partido Conservador
		Miriam Villegas	2012-2013	
Banco Agrario	Director	Rey Borbón	2013-2015	Partido Conservador
		Francisco Estupiñán	2010-2013	Partido Conservador
		Francisco Solano	2013	Partido Conservador
		Álvaro Navas Patrón	2013-2014	Partido Conservador
		Francisco Solano	2014-201	Partido Conservador
Finagro	Director	Luis Enrique Dussan	2016-	Partido Liberal
		Luis Eduardo Gómez	2011-2015	
		Luis Enrique Dussan	2015-2016	Partido Liberal
		Carlos Ramiro Chavarro	2016-2018	Partido Conservador
Corpoica	Director	Delia del Socorro Cedeño(e)	2018	
		Arturo Vega Varón	2005-2011	
Agencia Nacional de Tierras	Director	Juan Lucas Restrepo	2011-	
		Miguel Samper	2015-	Partido Liberal
Agencia de Desarrollo Rural	Director			
		Carlos Eduardo Gechem	2016-2017	Partido de la U
Unidad de Restitución de Tierras	Director	Juan Pablo Díaz Granados	2017-	Partido Liberal
		Ricardo Sabogal	2012-	
Agencia para la Renovación del Territorio	Director	Mariana Escobar	2016-	
Superintendencia de Notariado y Registro*	Superintendent	Jorge Enrique Vélez	2010-2016	Partido Cambio Radical
		Jairo Alonso Mesa Guerra	2017-	Partido Cambio Radical

Note: Author's construction

\* This institution does not belong administratively to the agricultural sector, but is fundamental in land policy.