



## THE PARTICIPATION OF THE VICTIMS IN THE PEACE PROCESS

### INTRODUCTION

On August 16<sup>th</sup> 2014, the first 12 of the 60 victims selected to participate in the discussion of the fifth point of the agreement to end the armed conflict<sup>i</sup> arrived in Cuba. This is the first formal mechanism facilitating direct participation of victims in a peace process not only in Colombia but also in the world. Although other processes have recognized the importance of civil society participation to ensure the legitimacy of the process and facilitate the implementation of final agreements, no country has created a mechanism exclusively for the participation of victims at the dialogue table. This text examines the victim participation model being used in Colombia and briefly looks at cases of victims' participation in peace process through civil society initiatives around the world.



### WHY ARE THE VICTIMS PARTICIPATING?

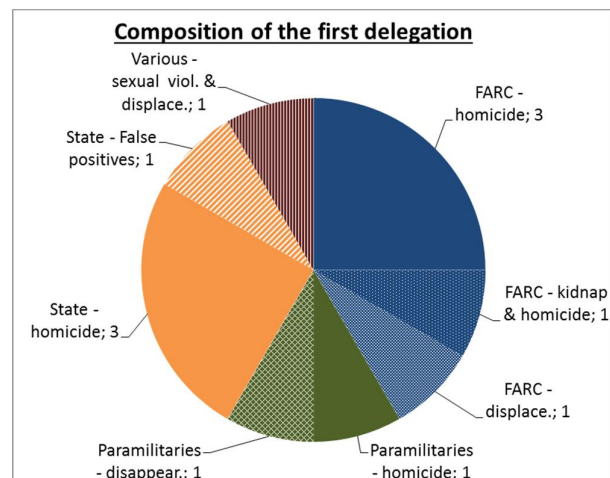
The direct participation of victims in the peace process in Colombia is unusual because Colombia is unique in the treatment it has given victims of the conflict. Although with difficulties, the implementation of reparation processes and restitution has taken place during the conflict, allowing the consolidation of an institutional model that channels the interests of victims' organizations, which are therefore able to apply political and other pressure for the implementation of public policy to their benefit. This facilitated the inclusion of a point on victims on the peace talk agenda. The presence of the victims in Havana has been very important as it means recognition of their interests and needs in the design and implementation of initiatives that aim not only to end the conflict, but also to generate peacebuilding mechanisms and ensure the fulfillment of their rights to truth, justice, and reparation. So far, one delegation participated in the talks on August 16<sup>th</sup>, and the second on September 10<sup>th</sup>. A total of five delegations will travel to Havana to participate in this way.

### THE SELECTION AND PARTICIPATION MODEL

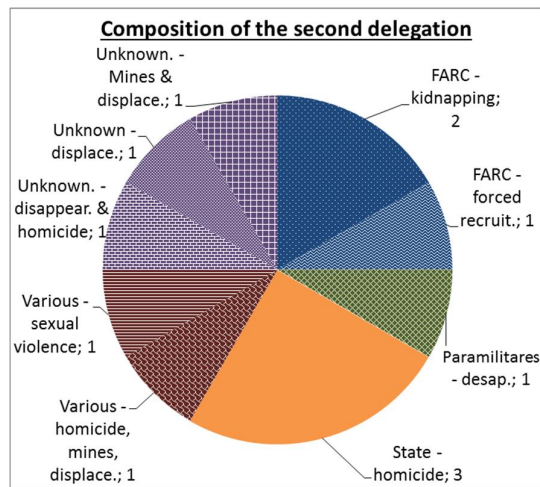
The peace process with the FARC is innovative with respect to victims, who have been engaged with the talks in a range of ways. These include the forums requested by the dialogue teams and organized by the UN and the Universidad Nacional, conducted in July and August of 2014 in Villavicencio, Barrancabermeja, Barranquilla, and Cali. These forums convened a total of more than 3,000 victims from around the country. In each one, the victims worked in roundtables where they presented proposals from their organizations to be compiled and sent to Cuba for review by the dialogue teams.

The UN, the Universidad Nacional, and the Episcopal Conference were in charge of the selection of the victims to form the delegations that go to Havana. The selection criteria defined by the dialogue teams were: i. regional diversity; ii. gender equity; iii. types of victimization; and iv. armed actor responsible (guerrilla, paramilitaries, and State). For the GOC, the inclusion of victims of armed groups other than the FARC follows the idea that the peace process aims to end the conflict as one sole phenomenon. Also, previous experience with the Justice and Peace process demonstrated that differentiating between victims of one or another group generates problems in communities and between victims' organizations.

The selection process of the delegation members is done in the following way:<sup>ii</sup>



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**Note:** It is important to note that ‘homicide’ and ‘forced disappearance’ (disappear.) indicate people who are legally victims because their family members were victimized in these ways. ‘Unknown’ means that the author of the victimization has not been made public or is unknown by the victim.

In terms of gender, the first delegation had 8 women and 4 men, and the second 9 women and 3 men.

Another mechanism in the talks that addresses the topic of victims is the Historic Commission on the Conflict and its Victims, which began work on August 21<sup>st</sup>.<sup>iii</sup> This Commission aims to clarify the multiple origins and causes of the conflict, main factors that have facilitated or contributed to the persistence of the conflict, and its most notorious effects and impact on the population. The Commission’s final report will be published in December 2014 and its results will form essential input for the agreement on the victims agenda point, and therefore for the design of programs, legal reforms, and institutional changes necessary for the implementation of measures that benefit the victims of the conflict.<sup>iv</sup>

### RELEVANT CASES

The current case of victims’ direct participation in the peace process in Colombia is unique, but other processes have recognized the role of the victims’ voice to a lesser extent, through civil society participation mechanisms.

In **Guatemala**, the first agreements between the guerrillas and the government included the creation of the Civil Society Assembly (ASC).<sup>v</sup> The ASC was conformed by around 100 organizations from various sectors including the indigenous population, who were the main victims of the conflict.<sup>vi</sup> In total, the ASC produced five documents: i. the role of civil society and the army in democracy; ii. indigenous people’s rights; iii. constitutional and electoral reform; iv. resettling of displaced people; and v. socioeconomic and agrarian reform.<sup>vii</sup> The ASC had a crucial impact on the peace process, and most of its recommendations were included in the final agreements.

In **Liberia**, groups of displaced women, refugee women, and women from communities affected by violence

organized themselves in the Women In Peacebuilding Network (WIPNET). This organization managed to motivate President Charles Taylor to agree on the urgent need for a peace process and to start the dialogues. Once the process had begun, WIPNET met with the negotiating teams to make recommendations related to the topics of gender and victims. The women were invited to participate in the generation of peace strategies and in committees on security and policy that served as advising bodies for the negotiating teams.<sup>viii</sup>

Finally, in **Colombia** in 1998 the GOC began dialogues with the FARC in San Vicente del Caguán. The participation of the victims took place through two mechanisms. The first were the public hearings, in which approximately 25,000 civil society delegates presented proposals. The second was the National Peace Council, conformed by 41 civil society representatives such as union members, women, peasants, demobilized people, and displaced people. Its functions included advising the government in the definition of peacebuilding strategies, and motivating citizen participation in the process.<sup>ix</sup> Despite the potential of these mechanisms, they did not achieve their purpose of unifying the proposals in order to compile succinct input documents<sup>x</sup>, and eventually the negotiations ended.

### CONCLUSION

The current model of victim participation is innovative because of the formal and direct contact between the victims and those responsible for their victimization, and because of the importance given to the victims’ voice. In contrast with other cases in which civil society participation has been facilitated in some aspects of the negotiation, this process makes the victims one of the crucial axes of the talks. This makes it an innovative model that could become a central tool for the success of the process and the implementation of its agreements.

<sup>i</sup> “La voz la tienen las víctimas” El Espectador, August 16th 2014. <http://bit.ly/1oYwKmx>

<sup>ii</sup> “Las 12 historias de dolor que viajaron” El Tiempo Sept 9th 2014 <http://bit.ly/1sshleu>

<sup>iii</sup> The members of this Commission are: Daniel Pecaut (French historian and Colombia specialist), Francisco Gutiérrez, (IEPRI, U. Nacional), Gustavo Duncan (U. Andes), Jorge Giraldo, (EAFIT), Vicente Torrijos (U Rosario), María Emma Wills (Centro de Memoria Histórica), Renán Vega (U Pedagógica), Alfredo Molano: Sociólogo, Darío Fajardo (U. Externado), Jairo Hernando Estrada (U Nacional), Malcolm Deas (British historian and Colombia specialist), Sergio de Zubiría (U. Andes) and the secretaries Víctor Manuel Moncayo (U. Nacional) and Eduardo Pizarro Leongómez. Comunicado conjunto La Habana, 5 de agosto de 2014. <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-05-de-agosto-de-2014>.

<sup>iv</sup> Bouvier, V. “Mediation Perspectives: Innovative Approaches in the Colombian Peace Process” International Relations and Security Network, August 27<sup>th</sup> 2014. <http://bit.ly/1C76sZ6>

<sup>v</sup> Nasi, C. (2013). Sociedad civil y negociaciones: ¿zo vadis? <http://bit.ly/1zEWKtc> y Inclusive Security. 9 Models for Inclusion of Civil Society in Peace Processes. <http://bit.ly/1tckC8E>

<sup>vi</sup> Krzmaric, R. Civil and uncivil actors in the Guatemalan peace process. <http://bit.ly/VNAwI7>

<sup>vii</sup> Alvarez, E. The Civil Society Assembly: Shaping Agreement <http://bit.ly/1tKd1W>

<sup>viii</sup> Inclusive Security. “Nine Models for Inclusion of Civil Society in Peace Processes” <http://tinyurl.com/o87tscu>

<sup>ix</sup> Zuluaga, J. (2012) El síndrome de El Caguán.” <http://bit.ly/1lw6MM9> and “El Concejo Nacional de Paz participaría más activamente”. <http://bit.ly/1nDef75>

<sup>x</sup> Universidad de los Andes (2012). Caguán 10 años: Más allá de un proceso de paz. Documentos de Ciencia Política # 16. <http://bit.ly/1tckKFI>