

BUILDING BLOCKS TOWARDS PEACE

7TH SEMESTER, GLOBAL REFUGEE STUDIES

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ABSTRACT

The aim of this paper is to investigate how the legal and social mechanisms of transitional justice influence the post-conflict peacebuilding (PCPB) in Colombia. Moreover, this research paper explores how civil society actors manage the social, legal and political changes induced by the final peace agreement from 2016, then how the work of governmental actors has influenced civil society in a post-conflict context in the peacebuilding field. Our focus is to examine how these actors interact between international and national standards and principles of PCPB strategies and legal frameworks. We will argue that the final peace agreement and actors involved have created an ideological fundament for Colombia's transition to peace that incorporates both the global and local.

The paper conducts a qualitative approach, which is founded by empirical research of 5 semi-structured interviews with actors working in the PCPB field, this includes: a non-governmental organisation (NGO), international organisation (IO), the Colombian Government and in a foreign representative from the Danish Embassy. The study also calls for further research on the current social context through the actors perceptions on how one should protect the children, and elucidate how these merge with the transitional justice elements in post-conflict peace building.

Keywords: *Colombia, post-conflict peacebuilding, transitional justice, the final peace agreement.*

ABBREVIATIONS

The following table describes the significance of various abbreviations and acronyms used throughout this project.

(The page on which each one is defined or first used is also given. Nonstandard acronyms that are used in some places to abbreviate the names of certain white matter structures are not in this list.)

Acronyms	Meaning
CRC	Convention on the Rights of the Child
DDR	Disarmament, Demobilisation and Reintegration
ELN	Ejército de Liberación Nacional
FRAC-EP	Fuerzas Armadas Revolucionarias de Colombia— Ejército del Pueblo
ICBF	Instituto Colombiano de Bienestar Familiar
ICC	International Criminal Court
ICTJ	The Victims and Land Restitution Law
IGO	Inter-governmental organisation
INGO	International non-governmental organisation
IOM	International Organisation for Migration
JEPP	Jurisdicción Especial para la Paz
NGO	Non-governmental organisation
OPAC	Optional Protocol to the Right of the Child
PCPB	Post Conflict Peacebuilding
TRC	Truth and Reconciliation Commission
UN	United Nations
VLRL	Victims and Land Restitution Law

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1. Introduction

“The hard times we’ve survived have made us stronger. Civil-society organizations have a great capacity to act, to make our [victims] voices heard. This is a critical time” (Alarcón, 2018: n.a).

The war has ended in Colombia, and the people that have been affected by the violence are now speaking up, eager to be heard. International attention and reactions to the current sociological, economical and political tensions, affected by 50 years of internal violence in Colombia has therefore increased. Looking into the contemporary tensions in Colombia, the biggest influence at this time is the neighboring country, Venezuela which finds itself in an economical collapse, due to its high inflation rate and political dictatorship, Colombia has received more than 1 million refugees, crossing the border to seek asylum with hope of a better future. Furthermore, other tensions are arising from some of these internal differences, major cities all over Colombia are currently preoccupied with massive demonstrations led by e.g. university students who are protesting against the Duque administration, and his choice to increase taxes in the public universities. These demonstrations have recently turned into violent events, enforced by the ESMAD riot police who are attacking students with tear gases. These are just some of the events we see contributing to an agenda that demands for attention in Colombia. Not only on a domestic level are these demands getting more awareness, Colombia has got more international interest from various actors, such as foreign states and international bodies as the United Nations.

On that note, one must not forget the recent peace accord signed by former President Santos and FARC-EP members affirmed on 24th November 2016: “The Final Peace Agreement for Ending the Conflict and Building a Stable and Lasting Peace” (App. A). The negotiation between the guerilla group and the government founded the cornerstone for ending the longstanding conflict and strive towards democracy and peace.

The final peace agreement will be referenced throughout this paper (App. A), as it serves as a legal and political document for the point of analysis, both in itself and as a reference applied throughout our empirical data. The final peace agreement serves as a marker that

transitions Colombia from a country in conflict to a post-conflict State and as the starting point of our conceptual time frame.

For our focus on this event, once introduced then it will provide one point of reference when analysing the empirical data, to see how and why the actors work within these laws and how the laws are used to justify the actor's agenda and position surrounding the protection of victims and children.

The final peace agreement is used as an event that has marked the beginning of the PCPB in Colombia, this comprehensive peace building placed transitional justice as a significant mechanism in Colombia. Determined in the final peace agreement transitional justice has the objective of determining truth and justice, to reconcile with the past and move forward. Therefore, we will investigate the role transitional justice have played in the PCPB, influencing, as we will argue, other mechanism like the DDR programs concerning children.

As stated in the beginning quote, the civil society has the power to make vulnerable voices been heard within the state. Therefore to understand the foundation of PCPB we believe that the actors in civil society will serve as qualified sources, since they are the main actors in the implementation. We wish to investigate, the different opinions of the actors of civil society in Colombia's PCPB to understand the challenges of working in a post-conflict context. In addition, wish to examine the how international, national and local actors work in relation to one another and positions themselves in regards to the empowerment of people's rights and a development towards peace.

Through the project will we argue that PCPB has been shaped differently due to the political situation in the country where it has been implemented, and furthermore it has shaped shaping the strategies and actions of the actors in civil society. We therefore believe that it is necessary to consider the political and social context in Colombia, to understand this peace development and thereby the foundation for the need of both truth and justice in the current transition.

1.2 Political and social context

1.2.1 The conflict with FARC

For more than five decades Colombia has experienced internal conflict. The peace development and transition seen in current time is not solely a new phenomenon in Colombia, before the 1940s there has been an internal development for peace and transition. As Robert A. Karl states, this was done: “decades before human rights and transitional justice cohere as global regimes” (Karl, 2017: 3). The current post-conflict period in Colombia has changed from being an internal peace development, to an international and national collaboration in the development of peacebuilding. Therefore, to understand the ongoing transition in Colombia it is now crucial to identify the key events within the Colombian history that have influenced the PCPB today.

The year 1948 marked the beginning of the longest South American conflict between the government and the armed forces (Kern, 2009: 361; Pabón, 2018: 2). The armed conflict between the government and the guerilla and paramilitary groups was caused by the election of the conservative president, Marino Ospina Perez the year before (Fluharty, 1957: 92-94). This event revived the conflict between the conservative and the liberal parties. The following period was named “La Violencia”, due to its violence (Fluharty, 1957:92-94). This violent period in Colombia had a considerable social, economical and political impact throughout the country, and the period especially changed the political awareness and consciousness of the population (Bailey, 1967: 575).

Through the Colombian conflict, several armed groups were established, the three most notable groups were Revolutionary Armed Forces of Colombia (FARC-EP), National Liberation Army (ELN) and the United Self-Defense Groups of Colombia (AUC) (Chaljub, 2013: 14; Hagen, 2003: 66). The FARC-EP arose from the establishment of peasants within the areas of the south of Colombia in 1964 (Wickham-Crowley,1951: 27; Chaljub, 2013: 14). The second group, ELN, arose in the north of Colombia. The group was mainly established by students (LaRosa, 2012: 86), while the third was the biggest umbrella organisation of paramilitary groups, led by United Self-Defense Groups of Colombia (AUC) that was formed in 1966 (Hagen, 2003: 66).

The Colombian government has throughout the years tried to form peace negotiations and since the 1980’s have signed nine peace agreements with the different armed groups, not all

of them with a positive outcome (Pabón, 2018: 15). One of the first presidents to begin successful peace negotiations was Alvaro Uribe, who was president from the years 2002-2010 (Hagen, 2003: 65-66; Arnson, 2004: 1). In 2003, Uribe began peace negotiations with the largest paramilitary group of Colombia, the Autodefensas Unidas de Colombia (United Self-Defense Groups of Colombia, AUC) (Arnson, 2004: 1). The AUC demobilised in 2005 and its former members went through the DDR programs implemented by the government in 1982 (Arnson, 2004: 1; Ruiz, 2018: 21). This DDR program focused mainly on the amnesty that was offered to the armed groups. The program was changed, developed and modified after the demobilisation process of AUC members in 2003-2006. Now the DDR programs have been developed and expanded to conform to the post-conflict context. It has adopted three more mechanisms such as the psychological support to the former combatants, social reconciliation and transitional justice (Chaljub, 2013:15; Ruiz, 2018: 21).

1.2.2 Previous peace negotiations

The Colombian Government has, since 1982 been in peace negotiations with FARC-EP, which consisted of a series of negotiations from 1998 until 2002. These peace negotiations were without any outcome, due to the lack of ceasefire (Chaljub, 2013 :14; Ruiz, 2018: 25). It was eleven years after the failed attempts that the Colombian president Romeo Santos (2010-2018) achieved to create a peaceful negotiation (Chaljub, 2013: 14). On September 4th 2012, the Santos government and FARC-EP began the peace negotiations in Havana, Cuba, with the support of the United Nations (UN) members (Nasi, 2018: 39). The agenda of the Santos government in the final peace agreement was on issues such as development in the rural area, political participation, end of the conflict, illegal drugs and victims rights (Chaljub, 2013: 14). It was first 4 years after, in 2016, that the two parties came to an agreement and signed the final peace agreement (Pabón, 2018: 2). The fundamental aspect of the agreement was that the Colombian government had agreed to recognise that it adhered to the principles of international law, international human rights law and the international humanitarian law in regard to the transition and post-peace building process in the country (App. A: 4). Additionally one of the most essential parts of the final peace agreement is the process of truth telling, which meant that the combatants had to admit to the crimes they had committed over the last 5 decades (Pabón, 2018: 2). The Colombian government established a Truth Commission (TC) to uphold and ensure that truth and justice process were implemented in the final peace agreement (Carrasco, 2016: 11). The main purpose of

implementing the TC was to assure non-repetition of the conflict, achieve the maximum realisation of victim's rights, to guarantee that the participants of the conflict was taking responsibility for their actions, and to secure that the ones who had admitted to their crimes was safeguarded by the judicial system (Carrasco, 2016: 11).

The victims rights is the main focus of the Jurisdiction for the TC, more specifically The Special Jurisdiction for Peace (JEP). The JEP addresses the victim's rights, which was implemented with the TC in 2016. the narrative of the JEP is to exercise the different legal functions of the transitional justice process (Tapias & Pabón, 2018: 75). The JEP has to fulfill the duty to prosecute, investigate and sanction crimes that have been committed by adult in armed conflict. Furthermore, it is important to keep in mind that there are some crimes where the JEP is not authorized to grant amnesty, these are e.g. genocide, torture and other crimes against humanity. These crimes will often be investigated and prosecuted by the International Criminal Court (ICC) (Tapias & Pabón, 2018: 75).

Another essential part of the final peace agreement from item 5 that was focused on the 'Victims' accord" (App. A: 9) was the ratification of the Ley de Víctimas y Restitución de Tierras (The Victims and Land Restitution Law, VLRL) which was affirmed in 2011 (Amnesty International, 2012: 7-8). The VLRL law established truth-seeking mechanisms and reparation programs both for minors and adults. This demonstrates the role of victim's rights and how it has influenced the form of transitional justice (Amnesty International, 2012: 6).

The focus on the truth telling and judicial safeguard of the people have not only been implemented through the DDR programs and the final peace agreement but moreover through a paradigm shift in the Colombian Constitution. But despite these developments there was still a lack of reconciliation between the Colombian people and a demand for a stronger Constitution.

The Colombian people have through the years of violence experienced a lot of uncertainty and political turmoil. The violence of the nineteenth century had developed a lack of trust in the authority of the Colombian constitution from 1886 and its judicial system. The Colombian constitution of 1886 was first replaced in 1991 (Pérez, 2012: 313-314). The new Constitution of 1991 marked a paradigm shift, strongly influenced by an international trend towards the constitutionalisation of human rights, and pressure to enhance the human rights guarantees in the country (Pérez, 2012: 314 & Eslava, 2009:185). The new Constitution with its development of human rights furthermore recognised the justice feeling that the

population had felt due to the repeating violations of their rights through the years (Eslava, 2009: 185). This feeling of justice was strengthening in 1991 through the establishment of a court system, administrative systems like the inclusion of the Ombudsman's office. These systems were created to guarantee the fundamental human rights throughout the country (Pérez, 2012: 314-315).

Additionally, the paradigm shift that came with the new constitution of 1991 paved the way for a Constitutional amendment in 2005. This was the first time The Convention on the right of the child (CRC) was adopted into the Constitution. This marked another crucial shift in the judicial and ideological safeguard and protection of children in time of war and peace (Constitution Project, 2018: 11). It was moreover through the new constitution of 1991, that Colombia officially recognised its moral obligations to the principles of international law (Constitution Project, 2018: 22-23).

1.2.3 Conclusion

Through the history of Colombia one can comprehend the current situation in Colombia, particularly with the way the conflict between the Government and the armed forces have transformed the country and its population sociological, economically and politically. Thus, its undergoing development of transitional justice, through DDR and PCPB within the periods of conflict. It furthermore present the changes of the national and international pressure in the reestablishment of the Colombian Constitution and the recognition of justice, protection and safeguard to the people through and the implementation of judicial legislation such as the national law, the VLRL and the TC and the JEP court. This liberal international presence in the peace development of Colombia furthermore presents the underlying structures for understanding the national paradigm shift of ideology towards the victims in the conflict in past as well as in the current time, and how combatants should either be seen as a criminal or victims within the PCPB process.

1.3 Terminology and Conceptual framework

This chapter will serve to explain the different notions and concepts given by theorists in the field of transitional justice and civil society, subsequently it will envisage the theoretical framework for this report. Thus, we have formed the following research question:

In the light of the final peace agreement in Colombia, how does the encounter between the local and global determine the transition to peace?

1.3.1 Post-Conflict Peace Building (PCPB)

The research seeks to answer our questions through a post-conflict peacebuilding (PCPB) perspective. Through the PCPB model we can understand the dynamics and interrelation between the local, national and international level actors and institutions that deal with the protection of children in a post-conflict context. The key concepts that stem from the PCPB are disarmament, demobilisation and reintegration (DDR) and transitional justice.

The concept of modern PCPB was first introduced in 1992 in a report written by the Security-General of the UN at the time, Boutros-Ghali. The report labelled “An Agenda for Peace” identified PCPB as: “[an] action to identify and support structures, which will tend to strengthen and solidify peace in order to avoid a relapse into conflict” (Ghali: United Nations Security General, 1992: 6). It is important to recognise that the concept and application of PCPB has transformed and changed since 1992 (Boulton and Heathershaw, 2012), but the normative grounding for it remains the same: to build sustainable peace in a post-conflict country and removing any chance of repetition of conflict.

The grounding laid out by the report “An Agenda for Peace” created a need of strategies for what should be enforced once a conflict had ended, and the objective was clear in that PCPB was to include: “almost every sector of international assistance” (Cousens, 2001: 6). The report did not come without criticism though, Cousens identifies this rather nicely and argues that: “[the report] emphasised the “what” and “who” of peacebuilding, over

the “how”, “why”, or “to what end” [question]” (Cousens, 2001: 7). It is this complex paradigm of PCPB involving various actors that we will explore throughout this paper. From the empirical data we can find out the various actors positions in Colombia’s PCPB and hope to answer that question of “how” and “why”.

There is much debate in the PCPB literature as to its transformative concept [1], and so what kind of PCPB is most productive for a specific country remains undetermined. In this research paper we hope to argue that the PCPB in Colombia after the final peace agreement has determined a PCPB process that is involving local, national and international actors. Civil society is working in cooperation with the Colombian Government and other international state actors to, in reference to the final peace agreement here: “[build] a stable and lasting peace” (App. A: 8).

However, what is important to stress here is that the purpose of this research paper is not to explore PCPB as a universal concept, but instead understand it as a context specific notion that has been used in the legal and political aspects of Colombia in a post-conflict context. The modern concept of PCPB involves an overlap of various mechanisms; DDR, transitional justice and civil society are not mutually exclusive from one another, and especially not in Colombia’s case.

1.3.2 Disarmament, demobilisation and reintegration (DDR)

To comprehend the process of PCPB, the projects aims at linking the abovementioned framework to the measures of transitional justice and disarmament, demobilisation and reintegration (DDR), and how these may contribute to the PCPB process. Historically, DDR processes have been influential in the peace negotiations that started in 1982 Colombia (Ruiz, 2018: 51). However, as Sergio Jaramillo, Yaneth Giha and Paula Torres allude to in their paper on “Transitional Justice and DDR: The Case of Colombia” (2009) the incentives in transitional justice, such as reconciliation, had not been properly present in the national context before the final peace agreement was established in 2016 (Giha, Jaramillo & Torres, 2009: 5). According to Jaramillo, Giha and Torres, the elements of transitional justice are required for grasping the events of the past, which DDR alone cannot fully do.

As the International Center for Transitional Justice (ICTJ) confirms in 2009 the: “DDR process in Colombia aims to guarantee citizens their fundamental rights while still creating space for the integration of demobilised armed groups” (Giha, Jaramillo & Torres, 2009: 3).

This idea of DDR is visible in the final peace agreement, Item 3 is specifically aimed at the DDR mechanisms to the peacebuilding process, which will be explored in more detail later on (App. A: 59). Item 3 sets up a DDR program specific for the: “Reintegration for minors who have left FARC-EP camps” (App. A: 59) [2]. This PCPB mechanism determines a comprehensive DDR system for the reintegration of minors, acknowledging the principles of international humanitarian law and the best interest of the child. So through this item one can see how DDR are still significant to the peacebuilding process, and how it is legitimised by its acknowledgement of international humanitarian law.

Noëlle Quénivet, who we will refer to throughout the paper argues in her article, “Does and Should International Law Prohibit the Prosecution of Children for War Crimes?” that DDR programs have become a standardised form of PCPB, promoted by global civil society (Quénivet, 2017: 435). Particularly in the UN peacebuilding programs, DDR has been ascribed as one of the key objectives in their interventions in a post-conflict country (Quénivet, 2017: 444). And so it seems that DDR is a tool used in the PCPB model of Colombia, what will be introduced later on in the paper is how these programs deal with the children in a post-conflict context, and who are the main actors behind them. We will analyse how DDR as a PCPB mechanism influences the rights and protection of a child.

1.3.3 Transitional Justice

As argued above, the framework for this project focuses on PCPB and the elements attached to the process; the final peace agreement and civil society actors in Colombia. Due to the recent establishment of the agreement between FARC-EP and the Government, it is essential that the country is in a transition: legally, politically and socially.

Pabón views transitional justice as: “a broad label that refers to a series of different interim arrangements applied in post-agreement scenarios, with different outcomes” (Pábon, 2018: 1). Following Pábon’s description we believe, due to PCPB in current Colombia, that it is evident to focus on transitional justice and argue for the effects and aspects which are apparent in the final peace agreement. It will be argued that transitional justice tends to be implemented as a “top-down” model which is at risk of becoming less aware of the actors and thereby create divisions within.

From the assessment of the: “Transitional Justice Genealogy”, through a historical approach, Ruti G. Teitel (2003) analyses the evolution of transitional justice since the end of

the Second World War. She claims that transitional justice has normalised from a juridical rights mechanism that is characterised by the liberal ideal of rule of law, interstate cooperation and the criminalisation of a state's wrongdoing, to a universal moral paradigm built by international humanitarian law and the "global rule of law" (Teitel, 2003: 11). She concludes that this universal moral paradigm of transitional justice involves a wide variety of actors: "those with legal and political authority to those with moral authority in civil society" (Teitel, 2003: 10).

Transitional justice, as represented by Teitel, can resemble with Line Gissel's description on transitional justice as: "the normalising blueprint being promoted by global governance" to achieve exceptional justice in PCPB countries (Gissel, 2017: 369). Paul Gready and Simon Robinsy are particularly critical of this universalism of transitional justice and claim that its attractiveness as a global political framework has turned it into an international professional and donor network, rather than a nationally rooted movement aimed at finding justice and peace (Gready and Robinsy, 2014: 342). This argument is also supported by Gerhard Anders and Olaf Zenker, who argue that transitional justice has transformed PCPB to rely on a liberal state building project controlled by external actors such as Western donors and international organisations (Anders and Zenker, 2014: 397).

However, Gissel does raise an interesting point about how some forms of PCPB have been the normalising blueprint of the international sphere. Through our empirical analysis we hope to take this point further and understand how and to what extent the institutions, actors and programs working with the rights of children are influenced by this normalising blueprint of PCPB.

Although, the aforementioned framework might be produced from a "top-down" angle, we find it necessary to be critical towards this understanding that transitional justice is solely a stagnated institution propagated by international actors. Therefore, we wish to apply the framework from the idea that transitional justice is an alternating phenomenon, equally determined by the interaction between the local and global.

1.3.4 Civil Society

It is important then to introduce how we define civil society for the purpose of our research project. Kora Andrieu (2010), as an expert in transitional justice will be a significant philosopher to our understanding of civil society in relation to former. She argues that there has been a dominant strategy in PCPB that has focused on the global and macro-level factors,

or as she calls it: “same top-down state-building approach” (Andrieu, 2010: 541). However, as we will demonstrate throughout this paper, the PCPB in Colombia has focused on the reconstruction of an active civil society; at both the local and transnational level. Mathijs van Leeuwen in his book, *Partners in Peace: Discourses and Practices of Civil-Society Peacebuilding* defines civil society as:

“the public space between the state and its citizens, occupied by organisations which function separately and autonomously from the state, and are formed voluntarily by members of society to promote their interests and values” (Van Leeuwen, 2009: 27)

Van Leeuwen, who specialises in local level peacebuilding initiatives presents a basic framework for what civil society is within a post-conflict state. This understanding of civil society demonstrates a localised view of it, although it does not adequately outline the complex paradigm of the various levels of civil society. Still, Leeuwen presents a supported local understanding of civil society, which will be helpful for when we are analysing the local level of NGOs in Colombia’s PCPB process. Alexander Betts (2005), a researcher in Forced Migration Studies and currently a professor in International Affairs at Oxford, (University of Oxford: 2018) will also be introduced later in this paper. Through his article on: "Should Approaches to Post-conflict Justice and Reconciliation be Determined Globally, Nationally or Locally?" and for the purpose of our paper, we evaluate his argument that transitional justice should be determined at the local level. Therefore, an understanding of local civil society is important.

However, as much of the literature has demonstrated, the concept of civil society is much more complex. Although we will depend on a focus of the local civil society for much of our paper, we also will consider civil society from a “so called” global perspective. It is crucial to emphasise, that the ‘global’ should be encompassed as a discourse from which international and national actors seek to articulate towards normalising and universalising. Thus, discourses on the ‘global’ level are *not* universal, but *claim* universality (Björkdahl et al., 2016: 4). We will argue that these are generated from within a liberal paradigm of standardising principles and norms, which should apply on the work done by humanitarian organisations.

Alexander Cooley and James Ron (2002) in their article “The NGO Scramble: Organizational Insecurity and the Political Economy of Transnational Action” characterise

a more relevant understanding of civil society for Colombia, and that is the role of global civil society in the PCPB. Although their article is intended to criticise global civil society, which we will explore later in this paper, they identify it as: “comprising [of] local civic groups, international organizations (IOs), and international nongovernmental organizations (INGOs) [... the] new civil society” (Cooley and Ron, 2002: 3). This is the civil society that is apparent in Colombia’s PCPB, and most relevant for our interviewees who comprise of local, national and international actors.

1.3.5 Sociology of law

Sally F. Moore (1973) argues, that all legal rights and principles are aspects of social relations: “[legal rights] are not essentially rights in things, though they may pertain to things. They are rights to act in certain ways in relation to the rights of other people” (Moore, 1973: 734). Following this notion, it is our intention to demonstrate how government and civil society actors are affected by the juridical implementation in Colombia. Subsequently, the conducted interviews are meant to reflect on the idea that the final peace agreement has affected the social field. In the light of the final peace agreement, we find it necessary to illustrate how the legal principles and aspects have affected the civil society actors. The framework applied by Moore will help us to examine the civil society and governmental actors’ interpretation of law, and how they utilise it to define their work within the PCPB in Colombia. Our theoretical angle is thus not to review and interpret law as universal, and, as Moore alludes to, not see the law as self-contained in itself (Moore, 1973: 719). But, rather we will formulate a sociological understanding of the law.

So, using Moore’s sociology of law theoretical framework for the foundation we argue that the legal structures in the final peace agreement construct an ideological fundament for social change. We will draw upon Moore’s concept of formal and informal actors and institutions in this social field (Moore, 1973: 740). The formal represents the legislation part of the system, the actors in the PCPB process whose agency is determined by law; government actors for example. The informal represents the networks in the social field that are distanced from the legal institutions, whilst at the same time being directly affected by the formal, which in our case is civil society. What is important to note here is that both formal and informal actors are effective in their strive to determine social change. However, as Moore argues: “the [...] difference between the legal rules and the others is not in their effectiveness

[...] the difference lies in the agency through which ultimate sanctions might be applied” (Moore 1973: 744).

Therefore, in this research paper we will argue that the formal has a significant role in the ideological construction of the peacebuilding process. The legal framework surrounding the PCPB in Colombia that we have presented in this introduction are not an end in themselves. What we will argue throughout the paper is that the ratifications of legal principles in the final peace agreement has set the grounds for ideological influence and social change. It is the social context of which these legal principles have been implemented in the final peace agreement that affects the work of civil society in a post-conflict setting.

2. Methodology

The purpose of our fieldwork in Colombia was to gather empirical data that could help our understanding of how the Colombian government, non-governmental organisations (NGOs), and international organisations (IOs) work within a transitional justice, post-conflict peacebuilding (PCPB) framework.

In the beginning of our fieldwork, we sought to research vulnerable groups in a post-conflict setting, and in particular to investigate a group that is underrepresented in the literature and in the general political sphere. Therefore, our interest was to focus on former child combatants in Colombia. Our angle was to explore to what extent the final peace agreement would and could affect the protection of children, and if there had been any crucial legal changes that could alter that protection. The juridical framework for this project has been a necessary fundament to understand the children’s legal protection, and due to the fact that the peace agreement contains national and international principles, we sought to examine how these coincide with each other.

The child combatants that we decided to study at the beginning of the project were as we believe, a vulnerable group. Because of the situation in Colombia, introduced earlier in the paper, the long conflict of Colombia has displaced many children and left many unprotected, which has left them vulnerable to recruitment by armed groups.

When investigating the topic of legal protection of former child combatants, our main discussion point was whether the former child combatants are defined as *victim* or

persecutor. We found that the main focus from the organisations in this field was on the prevention of having children involved in conflict again, children's rights to protection and in broader terms, a life without conflict. Due to the amount of new data we had collected through our fieldwork, we decided to change the focus of our research. Instead of focusing on the potential grey areas between international and national law, in concern with the protection-prosecution dilemma of former child combatants in Colombia, we wanted to look at the protection of children more generally. Using the final peace agreement of 2016 between the Colombian Government and FARC-EP, we will look at how the transitional justice framework is used to protect and prevent children from being involved in armed groups in a post-conflict post-agreement context.

When collecting information about this topic we had to consider which actors and organisations that could serve as the best sources for our empirical data, how and where we could gather this information. We discussed the possibility of conducting first-hand interviews with children. However, it became clear to us that there were too many reasons not to proceed with this. Kvale (2007) points out, that there are many ethical reflections to take into consideration when doing interview with children instead of adults (Kvale, 2007: 28), and utilising them as sources.

One would have to consider whether the interview would cause harm to the child or not. Kvale (2007) explains how, the interviewer should present themselves with openness and intimacy, this for a child can be difficult to distinguish from the intention, and therefore later be understood as deceitful (Kvale, 2007: 29). Additionally, it could be experienced as awkward or painful for the child to talk, either about their personal experiences, that could be traumatic and difficult to relive, or their personal relationship with persons and institutions that they have or perhaps still are dependent on.

Furthermore, in a discussion of the effect of international law in relation to the protection of children, children themselves would not serve as a valuable source. We wish not to investigate how the law affects the children's psychological livelihood per se. But instead we want to understand how the government applies international law, and how it cooperates with organisations to prevent young people from being recruited or engaging in criminal acts, but moreover how they work with former child combatants. Therefore, the purpose of our empirical data was to interview governmental and civil society actors to understand what programs and strategies they work with and how. In addition, we also

focused on the legal principles and standards that they work with to support their programs and agencies in the protection of children.

We therefore decided to do interviews with organisations operating with programs that have a special focus on the protection of children to gain their perception on the dynamics between international and national actors role in a post-conflict peacebuilding period. This, we hoped would help elaborate if the organisations working within this framework have met any challenges concerning the legal instruments applied to their programs. Thus, examining the actors in this transition that can help to understand the influence, efficiency and power international actors and institutions have in such a process within a national setting.

Therefore, we interviewed Mr. Munive, a Trends and Research Advisor with Save the Children, Copenhagen, who has done work on disarmament, demobilisation and reintegration (DDR) programs in post-conflict countries. Save the Children is an international non-governmental organisation who promotes children's rights and helps support children in developing countries. The interview offered us with a broader understanding of the work that an INGO as Save the Children does in relation to post-conflict countries.

We decided to travel to Colombia and conduct interviews with various actors who function within the field of promoting transitional justice within a PCPB context, and more specifically, who manage protection programs for former child combatants. For our research it has been essential to go Colombia, since we agree with Galal in her statement “that meaning is produced in practice and thus must be studied in practice” (Galal, 2015: 154). Following Galal’s statement it has been significant for our understanding of the subject to have been witnessing this transition Colombia is undergoing.

In Bogotá, Colombia we conducted an interview with Mr. Luna, coordinator of reintegration and prevention to recruitment programs within the International Organisation for Migration (IOM) office in Bogotá (App. H). IOM is an international inter-governmental organisation who promotes humane and orderly migration for all refugees and migrants, by providing them and their governments with needed services. A significant interview for our research because they have been working with the Colombian Government since 2001 in demobilizing and reintegrating children once they had left armed groups.

Following that, we interviewed Mogens Pedersen, the Danish Ambassador in Colombia (App. L). The Danish Embassy have not directly worked with the protection and prevention

of children in post-conflict. Still we believed that the interview could contribute to our understanding of how support of foreign actor influences Colombia in a post conflict peacebuilding period. Mr. Pedersen has previously worked within the framework of PCPB.

With Francisco Pulido Acuña, a Human Rights Lawyer based in the municipality of Bogotá, we wished to learn more about the dynamics between municipalities in Colombia, with a focus on the legal frameworks from a more national perspective on the final peace agreement (App. K). With the intention of finding out how and if the international actors influence the municipalities in Colombia.

Our final interview in Colombia we had was with Mrs. and Mr. Suarez. They were founders of Casa de la Memoria, a local non-governmental organisation in the region of Huila (App. I). They conduct a local level-based approach in their programs, with their focus being on children and young people, women, indigenous and farmers (App. C, 58:01). With this interview is vital to understand the dynamic between local, national and international organisations and actors viewed from a local NGO experience.

Mrs. Suarez was the leading spokeswoman during the interview, which is why we have referred to her as the main actor. However, it should be noted that her point of view is not distinguished from Mr. Suarez' attitude.

2.1 Style, structure and translation

We decided that the most efficient method to gain access to the field we wanted to investigate was through interviews. So we had to decide on which form of interview that would be most suitable for our research. We chose to conduct semi-structured interviews because this form lets the interviewer to set the structure of the interview and to prepare in advance what themes that should be touched upon in the interview (Kvale, 2007: 52), while still being open for new knowledge that the interviewee might present in the situation, referred to as knowledge-producing potentials of dialogues.

We structured our interviews in themes related to the legal definition of a child, and how the interviewees position themselves towards: this concept, to their work on demobilisation, disarmament and reintegration (DDR), to the legal framework that they as an organisation work with (both international and national), to their understanding of the final peace agreement from 2016, and how the transition to peace affected their work and visions.

Furthermore, we had to take into consideration the need of a translator, since we chose to conduct fieldwork in Colombia, most of our interviewees were unable to do the interview in English or preferred to carry out the interview with a translator present. Therefore, we had translators present to make sure the data would be clear and precise. The main challenges with having to use a translator was that, firstly, the need for translator could be a disturbance in the conversation between the interviewer and the interviewee since the personality of the translator could play a role in the interpretation (Tirkkonen-Condit, 2000: 48). Secondly, there could occur a distortion in the interview, which is why the skills of the translator could determine the outcome and the quality of the data (Tirkkonen-Condit, 2000: 47). The translator clearly needs to be skilled in translation techniques, furthermore experience is needed to balance the pressure of time and the expectations from the interviewer who hires the translator can be difficult (Tirkkonen-Condit, 2000: 45). Consequently, we had to make sure we were competent to avoid this problem.

Even though, taking these challenges into consideration and our aim for skilled translators, we still experienced some challenges in the process. In the interview with Mr. and Mrs. Suarez we had a translator present because of the lack of English skill from both Mr. and Mrs. Suarez, the translator we used was a person we got to know during our field trip in Neiva. This translator was not Colombian, but from the UK. As stated earlier, there is a considerable difference between a professional and a non-professional translator (Tirkkonen-Condit, 2000: 47), but we believe that she had the skills to translate because of her high level of Spanish, as she was working as a teacher in Colombia. The main challenges we experienced in this interview was not the lack of skill in translation from our translator, rather a lack of experience of being a translator. This was both productive since she several times stepped out of the role of translator to ask follow up question or to clarify.

What became a consequence of this was that we experienced lack of control in the interview, which allowed Mr. Suarez to lead some conversations in the direction he pleased (App. C, 97:50). Especially Mr. Suarez seemed very prepared in what he wanted to tell us - similar to a presentation on the NGO rather than a conversation - and the most part of the interview with him was influenced by the way he told about the history of the organisation, a choice we will investigate by applying Lise Paulsen Galal's (2015) reflections on our position in the field.

In our interview with Mr. Acuña we had the support of a newly retired Colombian translator, who lived in Bogotá. And even though we attempted to secure the level of translation skills by hiring a translator with experience, we encountered problems with the translators ability to directly translate all what our interviewees told us. This led to some distortion in the conversation with Mr. Acuña, when we intended to ask more in-depth follow-up questions that he believed he had already answered (App. E, 4:55).

These challenges with the use of translator are factors that we have considered when analysing the data we have collected in our interviews. Furthermore, we became aware that our positions in the field have had an influence on the encounters in which our empirical data was created.

2.2 Our position in the field

We as researchers sought to understand the participant of the interview's position through an ethnographic approach. Thus, an interactional relation between us and the subject of investigation was automatically created. The correspondence between us and the interviewee was affected by various settings: geographical location, cultural, and vernacular differences. These settings will be explained in the following by applying Lise Paulsen Galal's (2015) notion in "Interculturality in Ethnographic Practice - Noisy Silence" to emphasise the position we as researchers had when travelling to Colombia to perform interviews.

The setting was, first of all, defined by the geographic location, all of our interviews took place in the offices of the interviewee, except in the case of Mr. Pedersen, since his office was under construction. The geographic location sets the frame for the interview, but, just as important is the space where researcher and participant encounter is not just of geographical importance but also of political, this is what Galal defines as political locations, which: "are constructed in fields of unequal power relations" (Galal, 2015: 155). This context that Galal defines came to determine how we would present ourselves towards the interviewees, and vice versa, and it therefore became an important part of the outcome of our fieldwork. Galal emphasizes the importance of including the power relations of an encounter rather than: "aiming at a utopian power-free relationship with one's [the researchers] object" (Galal, 2015, 155). Remembering that the positions are: "a result of the

interaction between the objectives and practices of the participants involved" (Galal, 2015: 158), thus argued in the interaction between researcher and research subject (Gala, 2015: 154). Galal suggests that we as fieldworkers should utilize the interaction, to gain a better understanding of the position the interviewees present to us, as both insiders and outsiders of the field. Thus, this positioning of the fieldworker is not seen as an obstacle, but rather an opportunity (Galal, 2015: 165).

To further understand our empirical data the question of a power relation is inevitable to reflect upon. In our fieldwork these power relations became especially influential in our interview, especially with Mr. Acuña from the municipality, Mr. Luna from IOM and Mr. Suarez from the NGO Casa de la Memoria.

What surprised us was that most of our interviews lasted one and a half hours, which in office hours is quite long, they took the time to answer all of our questions. Furthermore, we experienced that our interviewees were keen to answer with general prepared responses and were well-articulated with calm coherent answers. In our attempts to critically reflect on topics with the interviewees, as the semi-structured interview allows, we were more than once met with diverging answers or simply asked to hold our questions for later, not just to make the interviewee finish a point, but to continue the rather prepared statements.

This behavior can further be understood with Galal's notion of insider and outsider in the context of interaction, which we can understand Mr. Acuña's eagerness to present the department and his work, we experienced that he throughout the interview tried to silence the discussion we attempted to generate. In our attempt to question, to what extent the former child combatants are legally protected by the government. Also, if the child's background can have an affect on the case, for example if a child combatant from the ELN guerilla group could be judged or evaluated differently than one from FARC-EP, Mr. Acuña simply replied that all children regardless of guerilla background are judged equally, because they are children (App.E, 35:40). And even though we pressured him on the topic, he would not yield from his statement and elegantly went around the discussion on the complexities and grey areas you find within the right of the children.

Thus, taking into consideration Mr. Acuña's prioritising of time spent on the interview, and further the behavior of diverging discussions to make room for a general prepared response makes him, from an insider and outsider approach, a participant with an objective of his own.

We believe that Mr. Acuña's interest in outsiders like us can be viewed as a way of initiating us with the potential of an insider position, the position of an apprentice (Galal, 2015, 157). Thus, it is essential that we understand his motive on his premises rather than questioning the nature of integrity. His objective might be to censure the realities of Colombia and the ongoing political instability (App.E, 74:03). As stated before this power relation has been visible in the interviews we have conducted. Especially with Mr. Acuña, additionally with Mr. Luna and Mr. Suarez (App. I), which makes it vital for us to include Galal to account for these preformed power relations and include this in our analysis of our empirical data.

In the former we have now demonstrated an important reflection concerning the empirical data that will be the fundament for our analysis. Since the statements of our interviewees are essential for the way we will examine international and national actors influence, on the peacebuilding process in Colombia, we have to reflect on the validity of them. When applying Galal we are able to reflect on the encounters with our interviewees, and as demonstrated we reflect on the power relation that occurs in our fieldwork.

4. Analysis

The research paper takes a point of departure in an examination of the collected empirical data constituted by interviews and observation during fieldwork in Colombia. The data continues to elucidate through different components within the theoretical framework on post-conflict peacebuilding, transitional justice and civil society. The analysis consists of three overall themes: The Friction between the Global/Local scale, Children as Victims to promote peace and Transitional Justice as National Objective.

As previously mentioned, the question we ask evolves from the following:

In the light of the final peace agreement in Colombia, how does the encounter between the local and global determine the transition to peace?

The analysis will explore the empirical data provided by our interviewees, whom we argue belong to the global civil society. Moreover, the focus will be on the PCPB happening in Colombia, which we find necessary to define through our sources, whom as argued in the abovementioned, belong to both the non-state - as well as the state actors. We seek to characterise their different positions within PCPB, by nuancing their different positions, and demonstrate how they are all somewhat bound by mutual goals concerning peace establishment in Colombia.

4.1 The Friction

This part of the analysis aims to elaborate on how the ‘local’ non-government organisation in Huila, Casa de la Memoria, positions themselves in opposition to the Government and the international organisations within a Colombian transitional justice and post-conflict peace building (PCPB). This will be elaborated and analysed through applying: Susanne Buckley-Zistel (2016), Alexander Betts (2005), Kora Andrieu (2010) and Mathijs Van Leeuwen and Willemijn Verkoren (2016). These will serve to conceptualise the encounter between the local and global through the framework of friction. Finally, to thoroughly understand the local position, we seek to argue that there is a liberal setting which surrounds the humanitarian work, and how the organisations are to abide by these principles and standards, through Alexander Cooley and James Ron’s conceptualising.

This will help illustrate how they position themselves in contrast to the Government, as they find themselves forgotten in the peacebuilding process.

4.1.1 “They are prioritising places where they want stability, like political stability”

To comprehend the PCPB we find it necessary to emphasise the importance Casa de la Memoria has in terms of community reparation and their perception on the cultural dynamics in Huila. Through his analysis, “Should Approaches to Post-conflict Justice and Reconciliation be Determined Globally, Nationally or Locally?” Alexander Betts (2005) points out, that to determine the dynamics of justice, one must examine the local level through a cultural framework (Betts, 2005: 740). He questions which level transitional justice is best applied at, and attempts to conclude, that global, national and community levels can operate without one another, but should not be excluded from one another. Furthermore, for a productive PCPB process a focus on the local is essential (Betts, 2005: 739). Additionally, we advocate for the choice of our ethnographic research conducted in the Huila region, with his assessment of understanding transitional justice as most comprehensible on the local level. Therefore, the actors at Casa de la Memoria are essential actors in this analysis. Moreover, the NGO seeks to establish a strong local community and we argue that the position is highly crucial for civil society in PCPB Colombia.

Kora Andrieu (2010) argues in favor of a “comprehensive peace operation” in her paper on “Civilizing Peacebuilding: Transitional Justice, Civil Society and the Liberal Paradigm”. She subsequently aims to shift focus from the institutional state-building [3] discourse to concentrate on the societal perceptions (Andrieu, 2010: 540). The purpose of this chapter is exactly to highlight the bottom-up processes through Andrieu’s assessment on civil society as the crucial source for understanding transition (Andrieu, 2010: 537). Andrieu portrays the ideal of a healthy civil society in this way:

“...external agents can only promote capacities that will increase the likelihood of peace. [Transitional justice] involves redefining relationships, creating a healthy civil society and facilitating the healing process, as well as making institutions both trustworthy and trusted. But, the international community is not always well suited for such tasks, and any attempt to achieve such goals can appear paternalistic. Local involvement remains essential” (Andrieu, 2010: 548).

We argue, together with Andrieu’s understanding of civil society, that actors are the most essential agents in a “healthy” peacebuilding process, additionally, that the peace agreement should be understood through the perception of actors at Casa de la Memorias. Only then we

can explore the relation they have with other international organisations, IOM, and the Government.

To understand this issue, we will apply Susanne Buckley-Zistel's (2016) concept of 'friction' and furthermore demonstrate the 'local' as the important agent in relation to the 'global'. She argues: "the local is not simply the product or even the victim of the global, but is an active agent in the exchange [...]" (Buckley-Zistel, 2016: 26). It is necessary to explain, that the local (in this case Casa de la Memoria) and its agenda is not solely a product of the global (which in this case should be reworded as 'international').

The concept of friction establishes a framework that can help explain how the transnational actors are affected and challenged by encircled forces, arguably the liberal norms as we will account for further on. We consider this to be crucial in order to understand the complex articulations that concern the PCPB process in Colombia. Thus, to encompass the empirical data produced in the interviews, we will in the following position the actors at Casa de la Memoria within the framework of friction and how their transaction can define them as active political agents in the peacebuilding process.

When visiting the vibrant and lively house, Casa de la Memoria, we were greeted by Mr. and Mrs. Suarez, who both took their time to speak with us. After a short tour, Mrs. Suarez took over and presented Casa de la Memoria's strategies which have strong political agendas (App. C, 48:02). Especially due to their dissatisfaction with the government's action in the Huila community — or lack of — since the final peace agreement was established in 2016. The strategies of Casa de la Memoria are primarily concerned with vulnerable groups and the protection of the population living in the rural areas. One of their projects 'Tierra y Territorio' (Land and Territory) focuses on strengthening and uniting farmers and indigenous communities, empowering and encouraging them to act on their rights for keeping their land (App. C, 63:10). The final peace agreement has paid particular focus to a compelling rural reform, which is confirmed in Item 1: "comprehensive rural reform must integrate the country's regions, contribute to the eradication of poverty, promote equality and ensure full enjoyment of citizenship rights" (App. A, Item 1).

According to Mrs. Suarez, the peace agreement only gives certain priorities, and these do not allude for the Huila region: "Other states got funding, but Huila was left out [...] and the government ignores that" (App. C, 23:30). So although the transitional justice element

ambitiously seeks to reconcile with the rural areas, and with those most affected by the conflict, our data has proven otherwise. The Government has been unsuccessful in reconciling with Huila, at least that is what Mrs. Suarez argues. She testifies to this as they criticise the government for not comprehending the final peace agreement to its fullest and has, according to her, neglected Huila and the people there:

“They are prioritising places where they want stability, like political stability [...] the government is choosing to help places [...] where there is a lot of political action [...] so the motive is not to help the poorest person, even though they kind of say that [...]” (App. C, 36:54).

Mrs. and Mr. Suarez narrative should through our assert be recognised as active agents and not a product of global intervention. What she is arguing, is that the government is more focused on seeking political stability, rather than supporting the communities in need of their support. Additionally, Mrs. Suarez argues that when the government should be reaching out to help the people in need of help, it chooses to focus on the political situation instead, and therefore does not live up to its promises. The crucial point is that in accusing the government of being too focused on the political situation rather than the people, and at the same time pointing out that people should take on their own political autonomy, she positions herself in opposition to the agenda of the government.

4.1.2 Our ideas of development are very different from the ideas in Europe

Mrs. Suarez advocates that the international organisations have enforced ideas and actions on the region, which she defines as the the “epistemology of the south”, and that these conflict with the philosophy of Casa de la Memoria which is, “buen vivir” (live well) (App. C, 13:18). Mrs. Suarez believes that people should act on their political autonomy in order to gain influence on their rights.

Although the Government may be the one accused for not applying the resources, the actual contributors are the ones who Casa de la Memoria may need to consolidate their relation with. Mrs. Suarez is placed in limbo, as she on one hand believes in the organisations autonomy, whilst having to cooperate with the international donors and their principles in order to reinforce Casa de la Memoria’s programs.

To apprehend the complexities that the leading actors at Casa de la Memoria might feel in their encounter with the government and international organisations, we emphasise some of these through Mathijs Van Leeuwen and Willemijn Verkoren's (2016) concept of "neutrality" (Van Leeuwen & Verkoren, 2016: 114). According to Van Leeuwen and Verkoren, donors nowadays are less inclined to financially support organisations with strong political agendas. According to them, several humanitarian organisations are determined to adjust to the norms laid out by the government, concerning which laws and standards are necessary to abide to (Van Leeuwen & Verkoren, 2016: 114).

In other words, to preserve a healthy structure in a PCPB process, the humanitarian organisations are inclined to appear passive in order to conform to the government's idea of collaboration (Van Leeuwen & Verkoren, 2016: 106). Smaller politically driven actors, as the ones running Casa de la Memoria, can come about as less appealing to international donors, particularly if their program comes out too political — and not obey the international standards. Especially when working next to the government and not in collaboration with it. Casa de la Memoria are consequently likely to be rejected by the government and donors, if they do not undergo the transitional justice process in Colombia. Mrs. Suarez maps out this issue and blames the international institutions such as the UN for trying to enforce a model on their community that does not adhere with Huilas own "buen vivir":

"our ideas of development are very different from the ideas in Europe, therefore it is very important to recognize the traditions of towns, they are independent towns and therefore the UN should not have one model" (App. C, 74:30).

This is where Mrs. Suarez's' critical point of view becomes visible, as she seeks to distance Casa de la Memoria's visions from the static "UN model". Andreiu argues, that peacebuilding operations generally contain liberal components in the democratising [4] towards political change through human rights instruments (Andrieu, 2010: 538). Consequently, transitional justice will often be promoting a liberal "peace package" (Andrieu, 2010: 541), having a top-down approach, which we correlate with Mrs. Suarez belief and critique towards the UN only applying "one model". Therefore we claim that donors have an influence on the setting of the agendas and norms of how the 'global' civil society should be performed. Finally, we believe that Casa de la Memoria is an important pawn in the PCPB, regardless of the recognition from the government.

Moreover, to establish the fundament for the transnational interaction between organisations such as Casa de la Memoria and IOM, we will utilise “The NGO Scramble: Organizational Insecurity and the Political Economy of Transnational Action” (2002) by Alexander Cooley and James Ron. They claim that international humanitarian work enforced by organisations in the field are positioned within the realm of a “transnational behaviour [that] is shaped chiefly by liberal norms” (Cooley & Ron, 2002: 7). This notion will contribute to the idea that humanitarian organisations are at risk of becoming distracted by competitive forces.

If donors are expecting INGOs and NGOs in general to accommodate to an imperative, as Cooley and Ron account for, it can induce a pressure on the organisations to compete with one and another (Cooley & Ron, 2002: 17-19). The overall purpose of the projects are likely to be overruled by the organisations self-interest, most notably regarding the: “environmental and human rights fields” projects (Cooley & Ron, 2002: 8). If the NGOs choose to sustain to the material pressure by the normative motivations, their projects are inclined to become dysfunctional (Cooley & Ron, 2002: 4). These motivations are, in the case of Colombia, most likely to be of a liberal interest in supporting transitional justice models. Additionally Mr. Pedersen as an agent for international encounters between Denmark and Colombia, confirms his personal growing interest in financing projects that support the peacebuilding process. Nonetheless, he specifically states that:

“But if we want to support the peace process, I think we should not give general development cooperation [...] If we get some funds in the future, we should focus on the peace process” (App. F, 23:35).

From this standpoint he further explains the importance of establishing transitional justice in a country as Colombia. He thus becomes a part of the liberal discourse that seeks to enforce transitional justice attributes, whilst having the position he has allows his voice to be heard on the global level. We finally argue that Casa de la Memoria are caught in between a competitive and liberal sphere, and that they are likely to be understood as the “victims” through the scramble. In respect to their narrative being good-hearted and fighting for the community, nevertheless, this narrative can obtain great advantages in the transnational sphere, as we argue, the local actor is highly influential.

Mrs. Luna states some of their greatest challenges in their programs are: “what happens is that in some rural areas [there] is the challenge that there [is] not education for the children in the areas where they return to, and the children have lost many years of school in the guerrillas” (App. B, 72:25). Consequently, as a result of the armed conflict, Mr. Luna argues that many former child combatants have experienced an inadequate reintegration process. The social and political context of the rural areas serve as a barrier to their work and capacity to guarantee the legal principles. Basic rights such as the right to education is inaccessible, which determines the obstacles facing the civil society organisations.

We argue that there are challenges which do not just exist on the local level, but becomes a considerable challenge on the international level to the government. It is especially this governmental and international connection that has made it more difficult for IOM as a humanitarian organisation to implement their own agenda, which may prolong their purpose, as becomes pertinent in the following statement “[...][remember] that IOM is invited by the government in Colombia, according to [...] (an) agreement IOM is able to intervene” (App. B, 25:17), international organisations have to balance their intentions and the government interests. We argue that IOM is another level of civil society that are facing challenges concerning the limitations by the government. Although they are apolitical and “neutral”, due to their host-position in Colombia, they are still bound by the government’s principles.

4.2 The Victims

In the previous section we have alluded for the presence of friction between the local, national and international levels, and more specifically how Mrs. Suarez and Mr. Luna interact within the liberal settings that are constructed by the “NGO scramble”. Furthermore, we have suggested how the PCPB in Colombia complicates the implementation of the final peace agreement due to these factors. Having located the positions of the actors will provide a fundament for understanding the elements of transitional justice, and demonstrate how positioning children as victims can be a tool for furthering peace.

In the following section we will examine the political context of the final peace agreement in order to determine how the transitional justice model in Colombia is both focused on restorative and retributive forms of justice. To comprehend the different aspects and levels

of transitional justice we will resort to Ruti G. Teitel (2003) and her article: “Transitional justice genealogy”. She amplifies the perspective on transitional justice understood as: “...defined as the conception of justice associated with periods of political change” (Teitel, 2003: 69).

Furthermore, this section aims to question the role the State has concerning the protection of former child combatants, which will be approached through Noëlle Quénivet’s article (2017): “Does and Should International Law Prohibit the Prosecution of Children for War Crimes?”. To determine how children have been included in Colombia’s transitional justice we will analyse how former child combatants are identified as victims and what role DDR programs have had in this. Finally, we invoke the scale between the formal and informal actor, suggested by Sally F. Moore through her analysis on: “Law and Social Change” (1973) and Ana Paula Barbosa-Fohrman in: “Transitional Justice: The Reintegration of Child Soldiers through Post-Conflict Methods of Justice” (2015). We seek to clarify the ‘formal’ aspect by inducing Mr. Acuña to suggest his influence on the PCPB, through his promotion of the final peace agreement and the Constitution.

4.2.1 The guarantee of justice is an essential principle for the construction of peace’

Teitel (2003) argues that the form transitional justice takes is dependent on the politics of the time (Teitel, 2003: 69). We will use Teitel’s framework to understand Colombia’s transitional justice model. For previous peace negotiations and peacebuilding initiatives the model has been dominated by a restorative disposition (Pabón, 2018: 7). However, the political and social context of the peace negotiations around the time of the peace negotiations between FARC-EP and the government represented a strong desire for more retributive justice mechanisms to be advanced. As Pabón and Tapias argue, there was a lack of support of the original peace agreement amongst some local civil society actors for its “[lack of] retributive justice” (Pabón & Tapias, 2018: 4) systems implemented into the document. This lack of reconciliation amongst the population explains the amended agreement ratified after this opposition.

Jerónimo Delgado Caicedo and Juliana Andrea Guzmán Cárdenas (2018) in “Rethinking the Colombian transition to peace through the South African experience” reflect on the transitional justice framework in South Africa. They argue that comparable experiences can be drawn to: “inform Colombia’s path forward” (Caicedo & Cárdenas, 2018: 198). Caicedo

and Cárdenas comment that the South African transitional justice experience was driven by a national objective based on non-retributive reconciliation between victim and perpetrator (Caicedo & Cárdenas, 2018: 200). If we are to understand transitional justice as a national objective, we argue that the objective in the Colombian transitional justice is to achieve both truth and justice. This objective is represented in much of our interviews. Mr. Acuña for example, when asked about what is most important after the final peace agreement claims that: “the guarantee of justice is an essential principle for the construction of peace” (App. E, 34:00). Mr. Luna also claimed during the interview that they have been collaborating with the government and: “worked a lot with victims, supporting the government in the retributive to restorative justice” (App. B, 79:50). Both actors, Mr. Acuña being a representative of the government, and Mr. Luna being an inter-governmental organisation demonstrate the State’s overall position on PCPB in the post-final peace agreement context. Victims to the conflict are the primary objective, then following that is the role of justice and building strong transitional justice systems; this is Colombia’s national objective.

4.2.2 “if you don’t see them as victims you will see them as criminals”

What is important to note is that there has been a strong demand for justice amongst the Colombian people, as alluded to previously. However, this provision for retributive justice does not often extend to the case of former child combatants. As our interviews uphold, children are seen as the victim amongst governmental actors and a majority of the population. As confirmed by Mr. Luna, the public opinion on former child combatants is that these children should not be considered as objects for reparational justice, since the communities do not see the children as actors in the conflict, but as victims of it (App.B, 54:20).

This point of view is generally presented amongst all of our interviewees, and it is the programs on the protection of children and that should be specified to concentrate on their exclusive rights and protection. One key aspect of rights given to former child combatants is their reintegration into society, supported by both State actors and civil society. For former child combatants, durable reintegration programs are essential, not only to the individuals, but collectively to the PCPB of Colombia. From Mr. Pedersen’s point of view, there can be no successful reintegration if there is no transitional justice enforcement: “if victims do not get reparation then you will not finish the process [...] this is key for the reconciliation” (App. F, 29:09).

Furthermore, Mr. Pedersen confirms that when asked about the role of justice and the treatment of former child combatants in Colombia's PCPB he claims: "if you don't see them as victims you will see them as criminals" (App. F, 21:25). An assessment of the rhetoric and positions presented by the actors interviewed demonstrated that through the transitional justice systems in Colombia, there exist a short gap within the procedures of those who receive amnesty, being a victim to the conflict and those categorised as criminals.

Quénivet (2017) in: "Does and Should International Law Prohibit the Prosecution of Children for War Crimes?" produces an interesting study on the relatively low number of prosecutions of former child combatants on a global scale. Quénivet argues that a State will push for a rehabilitative model of justice (e.g DDR) rather than choose to prosecute the former child combatant for previous crimes. This established disposition that former child combatants are victims to a conflict is ingrained in international humanitarian law and international human rights law (Quénivet, 2017, 442). Therefore, we will use Quénivet's understanding of the political and legal international standardisations to understand how former child combatants are identified in Colombia. Clearly distinguishing a former child combatant from any possible prosecutory consequences. This low number of prosecutions runs contrary to the number of cases of breaches of international law, such as the Geneva Convention and its Additional Protocol I. This is because, Quénivet argues, the idea that children are perpetrators is "frowned upon by a number of" UN bodies and NGOs (Quénivet, 2017:435). The notion of children on an international level is that they, by their status of being a child are not legally defined as mature enough to "understand their own actions in the context of the conflict" (Quénivet, 2017, 435), but rather being "prawns in the adult game of war". Therefore, a child is seen from a restorative perspective whilst the adult that recruited that child should be held accountable (Quénivet, 2017: 435).

It is this dynamic between former child combatants and the recruitment process that is confirmed in the final peace agreement. Those who have committed crimes against humanity, or more specifically: "all systematic violations of international humanitarian law will not be granted amnesty or pardon" (App. A: 100). Those members of FARC-EP that are granted amnesty will often go through the JEP (as introduced earlier). However, it is important to determine that this transitional justice system is distinct from the transitional justice mechanisms a former child combatant will go through; the DDR programs are distinct from the JEP and this helps distinguish the victim and perpetrator assessment.

Therefore, we propose that in the light of international law standards, referring to international human rights law protocol I and protocol II, and international human rights law on the rights of the child (CRC), Colombia has chosen to set the focus of prosecution and juridical reparation on the adult. To align with international criteria for former child combatants Colombia ratifies the laws (highlighted above) as its main framework for its classifying of children. This is visible in the final peace agreement in item 5, which recommends that:

“Some of crimes will be ineligible for an amnesty or a pardon, in accordance with Item 40 and 41 of this document. Neither crimes against humanity nor other crimes set out in the Rome Statute are ineligible for an amnesty” (App. A, 124)

As Quéniwet explains, by using the PCPB in Sierra Leone as an example, the establishment of the Special Court in Sierra Leone (SCSL) determined that former child combatants were not to be prosecuted since “trials stigmatize children and compromise their rehabilitation in the local community” (Quéniwet, 2017,435). The aim of a PCPB period is to support a country’s transformation to stability and peace, and, within this framework, reintegration should be appreciated as a significant factor in this transition. Case examples like Sierra Leone demonstrate that the stable reintegration of former child combatants is crucial to a nation’s integrity.

Through the article “Transitional Justice: The Reintegration of Child Soldiers through Post-Conflict Methods of Justice” (2015) Ana Paula Barbosa-Fohrmanon argues that reparation is a State’s responsibility, but emphasises further that a child should have suitable reparation that is unique to the fact that they are a minor. A child should receive financial support that will: “allow the child to go back to school, access to medical and psychological assistance and fulfill the basic needs for sustenance” (Barbosa-Fohrmanon, 2015, 488). And these assistant programmes should support the progress of reintegration, since children are recognised as the important actors in the “construction of a stable and lasting peace” (Camino Diferencial de Vida, 2018, 11). A successful reintegration will “curtail[...] the future incidence of war crimes that child soldiers may commit (Quéniwet, 2017, 452). Therefore, this system of reintegration will lead to a substantial effort to non-repetition.

For the State to be able to provide children with this support special DDR programs have developed to accommodate the significant transitional justice mechanism of reparation.

There has been an attempt in the final peace agreement to determine an extensive DDR initiative that is centred on the key elements of transitional justice; elements of justice, truth, reparation and non-repetition. To have a successful transition then the PCPB must be able to create a unifying sense between all members of the population. Mr. Acuña supports this philosophy of DDR, but argues, however that the capacity of the programs set up in the final peace agreement have lacked durable measures, stating that:

“the problem with the final peace agreement [is] that children that have left the guerrilla group do not have the safety they need. ICBF does not have enough measures to provide this protection. Former child soldiers has a lot of important information that can affect their safety“ (App. E, 30:00).

Mr. Acuña argues for DDR and its necessity for former child combatants and claims that the crucial part of the program is the period after the reintegration. Mr. Acuña hints that the traditional forms of DDR are simply not enough for the PCPB after the final peace agreement. Specific protections have to be set up to determine the security of that child who goes through these programs, they have to be durable during the transition. But as Mr. Acuña confirms, the measures that the governmental programs have are not enough to secure that. Even though it is important to stress DDR mechanisms have had a crucial role on the Colombian PCPB process, and have been a crucial tool in peacebuilding processes, the traditional DDR mechanisms have to be updated to be enhanced for it to be a substantial tool in the post-conflict context and contribute to the transition to peace.

In Colombia’s transitional justice there has been a great focus on the “voice of the victims” (Pábon, 2018: 253). This is reflected in the government’s DDR programs, supported by IOM, that these programs aim to position the former child combatants as the role of victim by: “developing programs that can explain the children why they are victims ... it is not a price but an issue of rights to have the status of former child soldier” (App. B, 76:04). So supporting the child on the basis of their status as victims the government provides the children with a sense of reparation. Work needs to be done, however, on the direct involvement on that child’s psychology. An issue IOM raises is that one of the complexities of the child going through these programs is to make the child understand that they are a victim. Mr. Acuña also confirms this and admits: “[that] they do not consider themselves victims” (App. E, 62:00). So both actors that work with the direct programs of DDR admit that the systems are often too mechanical and that psychological processes are an important

tool. Quénivet (2017) focuses on this point by stating that the educational element of DDR programs should be:

“making them [the children] understand that what they have done is wrong and that such behaviour cannot be tolerated, thereby ensuring that in the future they will not follow a criminal path on the basis that such behaviour is tolerated” (Quénivet, 2017: 455)

This leads on nicely to the role of the government in the PCPB. The government demonstrates accountability towards the victims of the conflict, and determines who will not receive a juridical reparation. The government’s choice not to prosecute children under the age of 18 is often rationalised by the idea that children should be taught about their role in the conflict. The choice of a State not to prosecute children relies not only on the interest of the child, but further it can be argued as a “long-term interest of the society at large” (Quénivet, 2017, 450). This notion of having a uniting aim in a post-conflict period is visible in the PCPB and visible in much of the DDR programs in post-conflict countries. However, it seems that more work needs to be done and the DDR programs in Colombia need to be developed.

4.2.3 “Nothing is perfect, but [...] none of the peace agreement [is] perfect”

In a country’s transition to peace the government needs to establish itself as an actor, that can be trusted, to move forward from conflict and secure peace. To secure a change of mentality, with all members of society, the government needs to demonstrate accountability, so they can establish their authoritative role in the PCPB (Quénivet, 2017: 452).

In a post-conflict period, the government, as argued above, that they will choose not to prosecute children under the age of 18, since they should be defined as victims. This standpoint may leave the civilians that have been victimised by the conflict, feeling a sense of unfulfilled justice. This feeling of unrighteousness, may be caused by the direct involvement of that former child combatant’s actions, whilst engaged in the armed group. The process of not prosecuting the children but treating them as victims, is the role of the government and other civil society actors. Moreover, this is particularly the position of the government, as they are in charge of the official DDR programs post-final peace agreement. The government should according to Quénivet, serve as the mediator between these two. They have to secure accountability from the community through alternative mechanisms that can coincide with the DDR programs (Quénivet, 2017: 452). This dynamic between government actors,

victims and children, demonstrate the role of reconciliation, and the way it interacts with all levels of a post-conflict society.

From our data it is clear that, from a transitional justice perspective, governmental and international actors play a role in the reconciliation between civil society itself. They all have a mutual interest in rebuilding the country, which is necessary for them in their work towards stability. So far we have demonstrated that our interviewees acting within the humanitarian sphere are part of the civil society, and their agenda is to promote the civilian's protection. We have elaborated that children are utilised as an example in sustaining and rebuilding a society, and that within a PCPB society, the influence of children can be promoted as a long-term interest for stable peacebuilding.

In the case of Mr. Acuña, we argue that he expresses within a national unity discourse as he affirms to the final peace agreement as an important step for the country to move forward:

“Nothing is perfect, but things have to be adjusted, anything that could help to have peace in the Colombian territory is good, none of the peace agreement are perfect, you can't guarantee that everyone will be punished, it is not perfect but it is a way to guarantee there will be peace, after the peace talks 80% of deaths have been reduced, less victims are coming to Bogota” (App. E, 72:00).

Although being slightly critical throughout the interview, he decides to promote the final peace agreement and accept that, even though it is not fully comprehensible, it is necessary for establishing peace. According to Barbosa-Fohrmanon, Colombia has a: “developed constitutional and national legal system” and furthermore argues that the Constitution and legal orders should: “result in safety and stability for the system, and reinforce the legal and social efficacy of the rules” (Barbosa-Fohrmanon, 2015: 478-484). Additionally, Barbosa-Fohrmanon postulates that in order to construct a sense of national unity one must believe in the Constitution:

“if the people begin to trust in its meaning [the Constitution], in the social effectiveness of its principles and rules, and in the functioning of its institutions, and its Legislative, Executive and Judiciary powers. Only then will the state have a chance of surviving in the future” (Barbosa-Fohrmanon, 2015:483).

When Mr. Acuña emphasises that “nothing is perfect” but “it is a way to guarantee peace”, we argue that his position can be related to a “feeling of unity”, as Barbosa-Fohrmanon

describes it. This is understood as an aim for reconstructing and rebuilding, a strong and stable nation, the essence of a peacebuilding process. Mr. Acuña promotes the final peace agreement, because of its legal core to the Constitution. Moreover, Mr. Acuña must believe in the mechanisms of the final peace agreement and how it is essential for the rebuilding of the nation.

We argue that Mr. Acuña's standpoint on the "Constitutional feeling" is more influential in society, and thus in relation to civil society actors, than he may be aware of. By applying Sally F. Moore's notion on the sociology of law through her work in: "Law and Social Change" (1973) we can understand the interviewees position in the PCPB process in Colombia from which social field they belong to: "these social fields have their own customs and rules and the means of coercing or inducing compliance" (Moore, 1973: 721). Moore's argument is that actors belong to social fields that mediate their relation to the body politic (Moore, 1973: 721). So to take Mr. Acuña's position as an example, he, through Moore's framework, is a part of the "official formal body politic" (Moore, 1973: 742). Mr. Acuña is a governmental actor who's position is determined by law; this alone gives his position autonomy and directly influences social change. Moore argues, that law does not simply change structures through legal declarations, but actually it sets grounds for ideological influence and social change within, and therefore all legal rights are aspects of social relations (Moore, 1973: 734). In terms of the peace agreement and its strong elements of truth, justice and reconciliation, it can be argued that civil society actors are affected by a "mentality" change in the liberal settings concerning transitional justice. Thus, Mr. Acuña, being a part of the "promotion of the Constitution" as argued, plays a key role in setting the frame for a new "new ideological structure" followed by the peace agreement and its formal standards.

Consequently, it can be argued that these legal changes followed by the peace agreement has induced has subsequently created a setting for a social change within the country, allowing civil society agents to accord to a deliberate cause that affirms their intention and influence they have on the peace process. This is important in the case of the protection of children, as this cause becomes the argument and motivation for the social actors to implement change from their perspective and thereby allowing them an important position and role in the reconstruction of a society built on peace (truth, justice and reconciliation). In other words, the legal aspects of the peace agreement and influence of the international

law has pushed Colombia through a social transition that affects all social actors, and their purpose and goal.

Mr Acuña, being a representative for the juridical department, it is his responsibility to promote such mechanisms that can, and will strengthen society and gain stability. Consequently, it can be argued that Mr. Acuña's promoting and withstanding narrative of a "strong Constitution" (Perez, 2012: 313) has emerged from a long history of instability in the Colombian Constitution, which was not fully established before 1991. This could be crucial for Mr. Acuña's forwarded position on the final peace agreement, as a representative of the judiciary powers, he is responsible for upholding a stable State by following its principles and rules. These responsibilities are especially framed within the PCPB and transitional justice process.

Nevertheless, due to a long history of armed conflict and instability, it is evident for the nation to strengthen their Constitution by enhance its capability for the future. What is essential here, is not whether Mr. Acuña believes in the Constitution or not, or whether his actual actions are motivated by benevolence towards the people of Colombia. Rather, what is pivotal is his articulation, within a discourse that envisages towards future reparation and strengthening the feeling of Constitution. As Moore explains the law is not self-contained on its own premises but dependent on the context which it is applied in, and Mr. Acuña is part of this change in social discourse (Moore, 1973: 734). Moore further argues: "law, thus condensed into one term, is abstracted from the social context in which it exists, and is spoken of as if it were an entity capable of controlling that context" (Moore, 1973: 719).

This should help emphasise that law should not be interpreted as universal, as it always depends on the context of its adherence. The legal structures in the final peace agreement construct an ideological fundament and provides a key to social change within. A transitional justice in Colombia constructed by formal actors such as Mr. Acuña, but performed and acted upon by civil society actors, as Casa de la Memoria. To further this idea of a "strong Constitution", Andrieu advocates that general academic work on PCPB has focused too much on 'high politics' and the reconstruction of the State (Andrieu, 2010: 539). PCPB here acts as a holistic transitional justice, that somewhat envisions how a State should be built and how legal principles and standards should be key to the re-establishment.

Supposedly, the final peace agreement demonstrates its cooperation between local, national and international actors collaborating to form a productive peacebuilding process,

however it is not possible to not emphasise the privileging role of the international actors (Pábon, 2018: 16). Pábon criticises the peacebuilding initiatives after the agreement was signed and sealed, when arguing:

“[...] the ‘liberal’ co-option of customary law and local forms of justice. These initiatives are commonly encountered as removed or distant, and often fail to support sustainable peacebuilding initiative[s]” (Pábon, 2018: 16).

We want to follow this argument by claiming that what is at issue here is not the blueprint of the peace agreement, but rather how it has been implemented as a liberal and normative project. If we apply the example of Huila as previously illustrated, it has been argued that the government has reduced its capacity to enforce the promised structural formation and support for those in need. Instead, it appears as though the interest has been less on the people and more on the structure.

According to Moore, law does not simply change structures through legal declarations, but actually it sets grounds for ideological influence and social change within, and therefore all legal rights are aspects of social relations (Moore, 1973: 734). In terms of the peace agreement and its strong elements of truth, justice and reconciliation, it can be argued that Colombia has changed its “mentality” concerning the peace process and its effect on society. Thus the legal changes that the peace agreement has induced subsequently creates a setting for social change within the country.

Although, we do not wish to investigate further whether the legal aspects are managed by a submissive Government, and thereby demonstrate that civil society actors are thus suppressed by it. Rather, we wish to nuance the landscape and understand how civil society actors function within.

4.3 The Justice

4.3.1 Looking at the framework for transitional justice, how it is applied and used in different post-conflict countries.

As presented in the previous chapter, transitional justice is not a self-contained phenomenon, but rather it is a combination of judicial and non-judicial mechanisms. That alter and transform depending on which post-conflict country it is applied in (Annan, 2010: 4). We will use Teitel's (2003) theoretical understanding of transitional justice and argue that the model of transitional justice applied in Colombia is a direct result of the political, social and legal characteristics of the country's journey to peace. The transitional model represents both judicial and non-judicial mechanisms.

Laura McLeod argues in her article: "Reconciliation through Restorative Justice: Analyzing South Africa's Truth and Reconciliation Process" that retributive justice is centered around guilt and punishment, whilst restorative justice is based on reparation and responsibility (McLeod, 2015: n.a). From the final peace agreement it is clear that the transitional justice model will be a model that is both about justice and the prioritisation of victims. The final peace agreement determines the main elements of transitional justice:

"The final outcome of the application of the comprehensive system for truth, justice, reparations and non-recurrence must be to guarantee legal certainty in order to promote the stable and lasting peace" (App. A: 123)

To use Teitel's framework here, she argues that the model of transitional justice will be determined by the political context of that country (Teitel, 2003: 11). To comment on this idea then, for example using the Rwandan experience of transitional justice which has primarily involved a retributive justice system, with the influence of the ICC and other international institutions (Anders & Zenker, 2014: 398). The transitional justice approach in Bosnia was focused on a retributive model based on the main form of transitional justice of criminal prosecutions (Kiza, 2012: 250), and the South African experience with transitional justice was characterised by truth commissions and non-judicial setups (Bentrovato and Wassermann, 2018: 336). Through these examples one can understand the changing nature of transitional justice, and also how it should not be seen as a stagnated entity, but rather a modifying form of PCPB that is specific to the political and social context of that country. So if we are to use the reference from the final peace agreement above then this determines

that transitional justice in Colombia will be conditioned by a combination of restorative and retributive mechanisms. Establishing a peaceful country calls for a national narrative that can promote the idea of reconciliation within the State, that goes beyond peremptory decrees and declarations (Caicedo & Cárdenas, 2018: 199).

4.3.2 They stood up and they told the truth [...] and they were forgiven

As mentioned previously, there has been much research conducted on the similarities that can be drawn between the Colombian and South African experience with transitional justice (Tejedor, 2016: 21). But to what extent lessons from the South African experience with transitional justice can be implemented into Colombia, remains uncertain: “the history of South Africa and its experience with transitional justice provide a benchmark for reflection about the Colombian case” (Caicedo & Cárdenas, 2018:190). Although South Africa may just be a benchmark to understand Colombia’s transitional justice process, it seems that there can be some comparisons drawn between the two. The most salient would be that the truth telling that was implemented in the South African TRC [5] and it was successful for its restorative justice system (Affa’a-Mindzie, 2015: 176). But through the comparisons it is clear that it is impossible to have a one-fits-all model for PCPB. Conflicts are different, and this is visible through the mechanisms that have been implemented. However, it seems that a comparison made between the Colombian and South African experience with transitional justice is possible. Mr. Pedersen states through our interview, when asked about the transitional justice mechanisms put in place after the final peace agreement:

“[...] I think the issue here is [with the peace agreement in Colombia].. if you put all the truth on the table, you will still be punished [...] the fact that in South Africa [...] they stood up and they told the truth [...] and they were forgiven [...] they were forgiven” (App. F, 50:20).

Because of the nature of the conflict in South Africa and the actors that were involved in it, the Truth and Reconciliation Commission, was deemed the most appropriate system for the PCPB process. One of the most significant actors in the TRC, Chairman Desmond Tutu [6], had clear religious elements in his rhetoric when stating:

“We are sisters and brothers in one family -- God’s family, the human family. Having looked the beast of the past in the eye, having asked and received forgiveness and having made amends, let us shut the door on the past -- not in order to forget it but in order not to allow it to imprison us” (App. G, Vol. 1).

Although not directly religious, Mr. Pedersen still applies some of the same elements in his idea of truth telling and the importance of forgiveness. In the case of Colombia's extrajudicial measures, Mr. Pedersen appears slightly critical when explaining: "I think the issue here is [...] if you put all the truth on the table, you will still be punished" (App. F, 48:30), and he thereby partakes a holistic approach towards the idea of truth telling. Mr. Pedersen implies that there are failures in the transitional justice system in Colombia that members of FARC-EP are not granted amnesty but rather are punished. Tutu's ideal of "one human family" is according to Mr. Pedersen not respected.

However, this lack of retributive justice in the South African experience did receive some criticism. One of the most salient critiques of the TRC is how amnesty has been granted to those who wished to disclose their crimes committed, and naturally receive compensation for the truth telling, notwithstanding the nature of the crime (Caicedo & Cárdenas, 2018: 192). Consequently, the mediation between reconciling victim and offender in South Africa has been problematic, since reconciliation has been prioritised over justice, leaving the victims with an unsatisfactory feeling of righteousness.

We find that a religious rhetoric can be associated with the restorative transitional justice, and emphasise the importance it has had for the South African peace process. The Colombian PCPB may be inspired by the South African restorative model, nevertheless weighing justice as much as forgiveness makes Colombia different from South Africa (Caicedo & Cárdenas, 2018: 192).

4.3.3 The international actors

Additionally, this point of view we found represented in the international actors was that they seem rather in favour of this restorative form of justice. Concerning the success of the peacebuilding process Mr. Munive and Mr. Jørgensen from Save the Children argue:

"To create lasting peace you need to have some reconciliation process which entails some level of holding perpetrators accountable ... part of [the] justice system in Rwanda was having people admit to what they have done ... a legal system. South Africa as well, although victims had to suffer with perpetrators getting off easier but it was important to having a reconciliation process" (App. D, 57:55).

Commenting on the TRC in South Africa, Caicedo and Cárdenas claim that: "The rehumanization of victims and perpetrators alike, the unification of the population around a

common national objective, the consolidation of new national symbols” (Caicedo & Cárdenas, 2018: 197) are all elements of transitional justice that are significant to Colombia’s PCPB. The importance of truth telling is essential to the PCPB in Colombia as it is a way to reconcile all members of society. What is interesting in both international actors, Mr. Pedersen, Mr. Munive and Mr. Jørgensen’s point of view is that they seem to support the idea of a restorative justice in a post-conflict system, and their opinions seem elevated from the complexities of the country. However it is pivotal to note, that being foreign actors their position approximates an idealistic and somewhat liberal approach, as they tend to take the transitional justice perspective as given. Hence, we place them as representatives of what Casa de la Memoria eagerly pleads against, and hereby demonstrates the friction of the civil society, a space from where the enabling of “the international community” (App. A: 78:02) coerces the “buen vivir” of the South. To draw on Moore’s notion of formal and informal actor State actors such as Mr. Acuña and Mr. Pedersen are in a privileged position because they are sanctioned by the autonomy of the government.

But this idealistic point of view on transitional justice should not be discouraged, as we hope to have argued throughout this chapter. PCPB involves various levels of actors, both local, national and international with differing points of view.

As stated previously, there is an argument in the literature and in the empirical data that there has been a privileging of international norms of justice over the local in the PCPB of Colombia, Pábon (2018) for example presents quite a strong argument for this. Also, Casa de la Memoria is particularly critical to this privileging of the international over the local in Colombia PCPB.

It can be argued that the external agents are in fact imposing “their archetype” of a transitional justice model, although being abstracted from the social context as Moore puts it. Utilising internal actors as pawns on a chessboard when promoting this archetype, and not aware of the effect it has on the social setting in Colombia.

4.3.4 National objective to build peace

So to conclude, what we have argued in this section is that the PCPB in Colombia involves different levels of actors, both local, national and international. The government and civil society have been united in this process as both have been deemed as significant as each

other. To draw on Moore's (1973) notion of formal and informal actor. State actors such as Mr. Acuña and Mr. Pedersen are in a privileged position because they are determined by the autonomy of the government. Whilst civil society actors are the informal actors, but as Moore argues, it does not mean they are any less effective in social change: "[civil society] can generate rules and coerce or induce compliance to them" (Moore, 1973: 722). National and international laws have been an essential part of legitimising the PCPB, particularly how it was applied in the final peace agreement. But what has been made clear is that the primary element of Colombia's PCPB is determined by the differing actors that try to coerce social change. This coercion consist of State and civil society actors. Although, as demonstrated through our analysis of our interviewees through the PCPB framework you can understand the various agendas and objectives of the actors, but all agree to some kind of cooperation to reach the national objective.

Although international influence on Colombia's PCPB has shaped much of the peacebuilding initiatives, what is undeniable is that all actors we have interviewed have confirmed that the PCPB in Colombia after the final peace agreement has been a national objective. A national movement that involves all members of society: state actors, civil society, victim, and perpetrator. A transitional justice model in Colombia has been determined by restorative and retributive elements, as the PCPB philosophy has been based on reconciling past injustices, and retribution with future initiatives to build greater harmony amongst communities. Children have been crucial to this, as they are part of the future. The programs that directly deal with children in a post-conflict context embodies the international normalisation of children as victims. Strong transitional justice and DDR mechanisms are implemented in these programs to make sure that the child will always be seen as victim rather than perpetrator (Moore, 1973: 722).

5. Conclusion

The signing of the final peace agreement between the FARC-EP and the Government in 2016 was ambitious in its aim, its full title: ‘‘Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace’’. We have used this event to determine our theoretical framework of PCPB. This event transitioned Colombia into a post-conflict state and the final peace agreement determines what is next; transitional justice. From our analysis of the empirical data there is a conclusion that the final peace agreement was a detailed and comprehensive political and legal document. The final peace agreement resulted in a collaboration between local and global, recognising the final peace agreement not as a statebuilding project, but rather an incentive for societal and rural reconstruction, that reconciled victim with perpetrator. Therefore, the PCPB has involved both an international promotion of a liberal ‘‘peace-package’’ (Andrieu, 2010: 541) operating in parallel to a ‘‘bottom-up’’ community reconstruction project, driven by civil society actors.

However, it is in this complex PCPB process we have argued the presence of a friction between these global and local actors. Further we can conclude that the peacebuilding process in Colombia from friction has produced both competition and cooperation between the global and the local. To use Casa de la Memoria as an example, this is a local NGO whose identity is determined by its self-autonomy, distant from government and international interference. But inevitably a local NGO has to conform to the international paradigm of peacebuilding.

In the analysis we have demonstrated how international agendas have standardised PCPB mechanisms such as transitional justice in Colombia, as demonstrated in our analysis of the status of former child soldiers. We have argued that international standards are in favor of restorative justice system, that has influenced the government and the NGO’s to prioritised a rehabilitative focus in the protection of children.

With this said, we have through our analysis found that the national objective in Colombia’s transitional justice is to bring truth and justice to the victims of the conflict, and these transitional justice mechanisms are primarily characterized by national and local objectives. We have concluded that the liberal ‘‘peace-package’’ promoted by the global is providing rhetoric tools for Colombia’s PCPB period. But, ultimately for the final peace agreement to be fully operationalized it requires a stronger national cooperation between

government and community levels to secure children's rights and justice for the future generations.

6. Notes

[1] Ben Boulton and John Heathershaw's (2012) *Post-Conflict Peacebuilding* book published in 2012 presents an interesting overview on the concept surrounding PCPB. Their study is particularly interested in the contemporary post-9/11 era where they argue that the implications of the terms security and threat being transformed both theory and practice of PCPB has changed with it. A new form of PCPB has taken place and that is one primarily concerned with individual rights

[2] This section from Item 3 of the final peace agreement demonstrates the DDR programs that were specific to minors of the conflict: "The Special Reintegration Program for minors will be prepared by the National Reintegration Council within 15 days from the signing of the Final Agreement, based on the proposal presented by the technical panel created by Joint Communiqué No. 70. Once the program has been approved, the Government will process the necessary regulatory amendments to ensure its implementation, always taking into account the best interests of the child and international humanitarian law". (App, A: 59)

[3] Andrieu comments on the institutional state-building project and its discourse: "Conflict management and state-building are indeed embedded in a hard security discourse that focuses on state failure only." (Andrieu, 2010: 540)

[4] The decline of communism and end of a bipolar political sphere post-cold war gave rise to political democratization, and as Andrieu argues "liberalization" (Andrieu, 2010: 538), it was these forms of PCPB that became the dominant form of peacebuilding, promoted by international institutions such as the UN. "democratization", "liberalization" and "transition" have all become central terms in human rights and international relations.

[5] The TRC was formed so it could deal with the gross human rights violations that were committed during the period of the Apartheid regime. These violations include acts such as abductions, killings and torture. The TRC held special hearings that focused on specific institutions and individuals. TRC granted amnesty to perpetrators who confessed their crimes.

[6] "Desmond Tutu was an Archbishop in Lesotho for 2 years, and he has also worked as the first black general secretary of the South African council of churches. Moreover, the reason for Desmond Tutu being playing an essential part of the TRC, is due to the fact that he was an important leader in the fight against the apartheid regime, and he also helped the president at that time, Nelson Mandela, oversee the demise of the Apartheid, Nelson Mandela appointed Desmond Tutu as president of the Truth and Reconciliation Commission which started in 1996." (De Klerk, 2002: 326)

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