

Dialogue

March-April

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**Colombia's Truth,
Coexistence and
Non-Recurrence
Commission:
Innovations,
Challenges and
Opportunities**

*A policy brief
for stakeholders
involved in the
truth-telling
process*



Rodeemos el Diálogo



Embrace Dialogue (ReD) is a transnational civil society network that supports a comprehensive, inclusive peace through the strengthening of the culture of dialogue.

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Dialogue is a publication of Embrace Dialogue that offers analysis and policy recommendations for peacebuilding in Colombia through the strengthening of the culture of dialogue.

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This policy briefing compiles reflections from a series of talks organised by the research team of the “MEMPAZ: Bringing Memories from the Margins” project in autumn 2019.¹ The University of Bristol hosted members of the Truth, Coexistence and Non-Recurrence Commission (TCNC) to participate in ‘Truth, Memory and Diaspora: The Seeds of Peace in Colombia,’ from 16-21 October, for a week of transnational dialogue and collaboration between British and Colombian state, academic and civil society institu-

¹ A research project between academics at the University of Bristol and the National University of Colombia, funded by the Arts and Humanities Research Council (AHRC), Newton Fund and the Colombian Administrative Department of Science, Technology and Innovation (Colciencias), which seeks to learn from grassroots organisations’ memory practices and showcase them on a national stage.

tions.² This week of events was an opportunity to understand the developments and challenges faced in implementing the truth-telling mechanism of the transitional justice system, at this pivotal time in Colombia’s history.³

² International Speakers: Carlos Beristain, Commissioner of the TCNC; Ana Cristina Navarro, head of the Pedagogy team of the TCNC; Alejandra Coll, representative of the Gender Working Group of the TCNC; Fabio López de la Roche, Professor at the National University of Colombia; Gonzalo Sánchez, former director of the Colombian National Centre for Historical Memory and member of the Advisory Board of the TCNC. For more information see: <http://www.bristol.ac.uk/news/2019/october/bristol-colombia-week-.html> (18 Feb 2020)

³ This week was possible thanks to the financial support of the AHRC Truth Commission network and the Benjamin Meaker Distinguished Visiting Professorship. Embrace Dialogue participated in the Bristol events and organised a public dialogue at University College London



Executive Summary

In November 2016, the Colombian government and the FARC-EP guerrilla (Revolutionary Armed Forces of Colombia-People's Army) signed the Final Peace Agreement,⁴ designed to end Colombia's fifty-year armed conflict. This agreement established a truth commission in Colombia - The Colombian Truth Coexistence and Non-recurrence Commission (TCNC) —as part of a broader, comprehensive system intended to bring about truth, justice, reparation and non-recurrence of violence.

The Colombian Truth Coexistence and Non-recurrence Commission (TCNC), officially launched on 28 November 2018, has to date the most sophisticated mandate ever of a Truth Commission. This policy brief explores the TCNC's innovative work on gender, pedagogy and the diaspora thus far —three key areas where the TCNC stands to become a landmark example for future Truth Commissions in the world— and the challenges of truth-telling in the polarised context of what is often referred to as the 'post-truth era'. It outlines the roles that the international community, the Colombian government, and civil society can play

to strengthen the TCNC's chance to contribute to breaking the cycle of violence that fuels the longest-standing armed conflict in the Western Hemisphere.

This policy brief offers insights for stakeholders in Colombia's transitional justice process. It describes key TCNC innovations in three areas (gender, pedagogy and the diaspora), the challenge of truth-telling in post-truth era, the opportunity for reconciliation, and some recommendations as the TCNC works to promote long-lasting peace and reconciliation in Colombia.

⁴ See: <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf> (18 Feb 2020)



Three Key Innovations

A GENDERED APPROACH: A CORNERSTONE OF THE MANDATE

Colombia's TCNC is the first Truth Commission to incorporate a gendered approach as central to its mandate, which recognises that women and LGBTI people have been disproportionately affected by the armed conflict due to their gender and/or sexual orientation. Previous truth commissions in other countries have tended to restrict interpretations of 'gender' to the use of sexual violence as a weapon of war, rather than including a broader discussion of gender-based harms, and have tended to overlook the impacts of conflict on LGBTI persons. In some instances, such as the Peruvian Truth Commission, when LGBTI communities have been considered, this has been too controversial for inclusion within the final report.⁵ The TCNC is not only mandated to make gender a transversal approach, enabling it to uncover patterns of "violence for prejudice," but its intersectional work is a key innovation, and fundamental to shed light on the intersections of racism, patriarchy and misogyny, colonialism, and poverty in the conflict in Colombia.

⁵ Personal interview with an official of the Peru's Truth and Reconciliation Commission, 21 Feb 2020.

The TCNC has adopted a framework grounded in feminist theory and uses feminist methodologies designed to promote the participation of women and LGBTI people in its work. For example, on 26 June 2019, 30 women and LGBTI persons presented their testimonies of sexual violence in Cartagena, in the first 'Encuentro por la Verdad' ('Truth Encounter')—events organised by the TCNC to officially recognise victims' experiences of abuse and bring past wrongs into the public domain. This event was an important opportunity to listen to the victims of sexual violence who have for years been largely silenced, and denied a public voice.

A PEDAGOGY TEAM: AN OPERATIONAL PILLAR

Pedagogy is another global innovation of the TCNC and is one of its four operational pillars, crucial to promoting co-existence and non-recurrence. The tasks of the TCNC pedagogy team are: (1) to open spaces for dialogue about the conflict, because many people have never talked openly or publicly about it before; and (2) to foster awareness among young people in particular of their responsibilities in ensuring that violence is not repeated. The TCNC pedagogy team has set up partnerships with 90 universities across Colombia to create groups



Civil society rallies in support of the Truth Commission, Cesar, Valledupar. Photo: Truth Commission's archive.

of volunteers, and aims to have a total of 1000 volunteers in 2020. Civil society organisations, including Embrace Dialogue, have met with the TCNC pedagogy team to carry out pedagogical strategies in schools and support the team's work with young people.

However, the TCNC's pedagogical work is happening in an unfavourable political context, in which misinformation spread through social media dominates. Common post-truth 'scripts'⁶, misinformation messages or catchphrases which sought to discredit the original peace agreement, especially in the context of the 2016 Peace Referendum, such as castro-

chavism, peace without impunity, and gender ideology, persist among large sectors of the population. The challenge of truth-telling in this context is explored in more detail below, but the creation of a pedagogy team to dismantle these scripts is a key innovation in the post-truth era, to uncover lies, promote fact-checking, and give each citizen the opportunity to understand the truths about what happened in the conflict. These truths belong to the whole of Colombian society and should be heard.

The TCNC's pedagogical work will be even more critical with the publication of its final report at the end of 2021, which will include recommendations to address structural inequalities and stimulate long-term policy and social change, including through educa-

⁶ See: https://www.academia.edu/33970288/Comparative_Education_Peace_Process_Pedagogy_lessons_from_the_no-vote_victory_in_the_Colombian_peace_referendum (18 Feb 2020)

tion. How any of these potential recommendations is received is the responsibility of not only Colombia's government, but also its citizens. A key contribution of the TCNC pedagogy team is to lay the groundwork for this to happen, to facilitate widespread uptake of the report's findings and recommendations, in order to maximise the potential for this to contribute to non-recurrence of violence.

THE DIASPORA: A TRUTH COMMISSIONER DEDICATED TO DOCUMENTING EXILE

Although there have been over 40 truth commissions in the world, only five of these have made any attempt to include the voice of its diaspora, and those in more limited capacities than that of the TCNC.⁷ Colombia is therefore charting new territory in including those living outside its borders within the truth-telling process. The TCNC honoured its mandate to seek the active participation of civil society organisations and received their suggestions and recommendations in setting up its international work, including the selection of one commissioner – Carlos Beristain - exclusively dedicated to documenting the truth of the Colombian diaspora.

According to the National Victims' Registry, there are more than

8,500,000 victims of the armed conflict and 7,500,000 victims of forced displacement in Colombia. The UN High Commissioner for Refugees (UNHCR) estimates that approximately 500,000 Colombian victims live abroad, although the real figure is likely to be higher. However, Colombian society has tended to disregard the different flows of cross-border forced migration since the 1970s and underestimate the pain of exile. For those who live abroad, the challenges of carrying out truth-seeking in a polarised context—where pain is internalised and social fractures run deep in society—are often intensified through disconnection, fear and burying all they left behind. As some have described,⁸ they may have a better standard of life abroad, but their souls are deeply troubled, as many have never spoken about the trauma of fleeing and the isolation faced in the host countries, which is frequently worsened by the painful process of seeking asylum status.

Further challenges faced by the TCNC's international scope include reaching out to perpetrators living in exile about their role in Colombia's armed conflict, and uncovering the impact on second generation Colombians, who may not have had direct experience

⁷ See: <https://rodeemoseldialogo.wordpress.com/2018/11/20/cuadernos-de-red-3/> (18 Feb 2020)

⁸ See: <https://comisiondelaverdad.co/actualidad/noticias/la-comision-realizo-un-encuentro-con-poblacion-exiliada-que-ha-retornado-a-colombia> (18 Feb 2020)

of the conflict but who have nevertheless faced complex societal processes as a result of their families' experiences and perceptions of Colombia beyond its borders.

The TCNC intends to create new spaces where previously silenced memories can be shared. To do so, the TCNC promoted the creation of hubs of civil society organisations in more than 24 countries around the world, including the UK. Civil society has an important role to play in reaching the Colombian diaspora and in supporting the TCNC realise its mandate. To complement the work of these regional hubs, the TCNC has also trained more than 70 people in Europe alone (including victims), who are now collecting testimonies. The diversity of the people collecting testimonies is allowing even sceptical sectors of society to come forward and tell painful truths that they have kept inside for many years. By December 2019, 321 interviews had been completed with members of the diaspora, the majority of these in Europe.

In some cases, the TCNC is conducting joint interviews with the Special Jurisdiction for Peace (JEP), the judicial branch of the transitional justice system, to reach key groups outside Colombia and prevent the need for victims to duplicate their testimonies in what can be an emotionally draining process. For example, in October 2019, 16 interviews with

victims and survivors of the Patriotic Union (UP) Party were conducted in Switzerland. This is an invaluable development, particularly given the notorious difficulties of inter-institutional collaboration in Colombia, and enables both the JEP and the TCNC to engage with key sectors of society whilst carrying out their independent functions.



University of Bristol.

The Challenge: Truth-telling in The Post-Truth Era

A number of challenges—including lack of funding and limited resources, a restricted time of operation, misinformation, and the ongoing recycling of violence—threaten the TCNC’s potential to clarify the truth about the armed conflict and thus limit its potential to build peace in Colombia. In particular, a deeply divided and polarised political context is undermining what is an already fragile peace settlement.

Memory and truth in Colombia are threatened by toxic narratives, made up of hatred, vengeance and fear, built up over years of conflict, driven largely by those who opposed the Peace Agreement, and spread through social media and mainstream news

outlets. This is evident in ongoing debates over legitimacy and official memory production; the continued denial by some of the existence of an armed conflict in Colombia, which has contributed to the National Centre for Historical Memory being suspended from the International Coalition of Sites of Conscience in February 2020;⁹ and the continued presence in Colombian society of the “gender ideology” script, coined in 2016 in the context of the Peace Referendum, which misrepresented the transversal gender focus of the Peace Agreement, a world

⁹ See: <https://www.sitesofconscience.org/en/2020/02/statement-on-the-centro-nacional-de-memoria-historica-of-colombia/> (18 Feb 2020)

first in peace processes, as going against religious traditions.

Decisions taken by Iván Duque's government (2018-2022), such as the selection of Dario Acevedo as new director of the National Centre for Historical Memory, suggest that a sector of the Colombian state is "moving from a memory by and for the victims to one constructed by and for those responsible."¹⁰ A key challenge for the TCNC is to ensure that marginalised voices, which have historically been excluded and discriminated against, are now heard and taken seriously. This extends beyond the Colombian state, as polarising narratives continue to be reinforced by social networks, the media, and individuals in everyday conversations.

Mainstream media has tended to downplay the reportage of recent truth-telling and memory efforts, in favour of documenting the unfolding violence in the country, with the notable exception of *El Espectador's* Colombia 2020 project,¹¹ which foregrounds news about peace and reconciliation and thereby contributes to virtuous circles. In a post-truth era which routinely ignores evidence, memory and testimony are particularly important tools. If communicated

in the right way, they can help to challenge fearmongering, sensational narratives, and stigmatisation. Powerful human testimonies can also engage diverse audiences and capture people's hearts and minds, mobilising society with positive emotions such as solidarity. The TCNC urgently needs to develop an engaging media strategy, to begin reporting its preliminary findings and prepare for the release of its final report.

¹⁰ See: <https://cire-bristol.com/2019/11/13/bristol-colombia-week-2019-opportunities-and-challenges-for-the-colombian-truth-commission/> (18 Feb 2020)

¹¹ See: <https://www.elespectador.com/colombia2020/> (18 Feb 2020)

The Opportunity for Reconciliation

MEMPAZ non-academic partners (such as the *Ruta Pacífica de las Mujeres* and the *Red Colombiana de Lugares de Memoria*) are examples of the invaluable memory work which many civil society organisations have been doing for years. They have contributed not only to documenting, but also humanising the conflict, and opening the door for the victims to speak out. For many victims and civil society organisations which support them, now is the time to know the truth, in order to move on. The TCNC has the potential, as an official truth-seeking institution, to complement efforts that have already been forged in Colombia, toward clarifying the truth and reconstructing the historical memory of the armed conflict.

Knowing and understanding one's past can open the way for reconciliation, but it is a challenging, complex and emotive process. Achieving reconciliation through personal efforts between individuals and communities is not the same as reconciling a whole society. In embracing the truth and looking to the future, Colombian society needs to be open to surprise, to enable a gaze that goes beyond existing labels and stereotypes, which shape how people see others, and to promote opportunities for dialogue that foster understanding and open the doors to reconciliation.

The TCNC has a fundamental objective of promoting reconciliation in Colombia. In partnership with



Commissioner Carlos Beristain, University of Bristol. Photo: MEMPAZ.

civil society organisation ABC-Paz, in November 2019 the TCNC facilitated the “Narratives of Ex-combatants”¹² Working Table. A group of 30 men and women, including former members of the National Liberation Army (ELN), the 19th of April Movement (M-19), the Revolutionary Armed Forces of Colombia (FARC-EP) and the United Self-Defence Forces of Colombia (AUC), met several times, and wrote and signed a statement making various commitments to peace, including completely rejecting violence and any possibility of returning to war. While this is

a remarkable achievement, demonstrating that through dialogue, enemies are able to overcome differences, the Armed Forces were absent.

Truth-seeking in Colombia will not end with the culmination of the TCNC’s three-year period. The final report produced by the TCNC is to be accompanied by meaningful efforts to promote dialogue, reconciliation and coexistence in Colombia, including a commission to follow up on recommendations and ongoing public engagement activities, and will create conditions conducive to peace for Colombians to learn more about the TCNC, connect with the country’s transitional justice process, and support peacebuilding efforts.

¹² See: <https://comisiondelaverdad.co/actualidad/noticias/narrativas-de-excombatientes-nunca-mas-a-la-guerra> (18 Feb 2020)



Gonzalo Sánchez, University of Bristol, MEMPAZ.



Recommendations

To the International Community

1. To support the creation of an international network of former and current international truth commissioners and practitioners to share experiences and offer timely recommendations, particularly to complement the role of the TCNC's own advisory council.
2. To increase the financing of the gender working group to expand its capacity to collect testimonies in different regions, to strengthen its cooperation with other institutions of the transitional justice system, and to design an effective communications strategy.
3. To support the partnership between the pedagogy team and universities in Colombia and around the world. Exchange programs and conferences could contribute to mutual learning and knowledge exchange, and also broaden the impact of the team among the younger generation of Colombians, including second generation Colombians abroad.
4. Host countries should support the TCNC efforts to promote

the participation of Colombians through the Colombian consulates, and help find alternative sources of funding and resources in kind, such as venues, advocacy and information-dissemination, for local branches of the TCNC to carry out activities

5. To make international funding of Colombian state institutions that work with victims of the conflict dependent on explicit recognition by that institution of the existence of an internal armed conflict and the privileging of the voices of victims as defined in the terms of the 2011 Victims' Law (Law 1448).

To the Colombian Government

1. To openly reject misrepresentations of the gender approach and other divisive narratives, and to construct new ones that foster trust and invite an open national dialogue, building bridges across divisions. This must begin with formal acknowledgement of the wrongdoings of the past, including by the state, and holding up as exemplary those government officials actively committed to truth-telling.

2. To actively encourage pedagogical strategies across all entities of formal and informal civic education to promote historical memory about the past, truth-telling about the conflict, and empathy and compassion for reconciliation.
3. To invite Colombians from all paths of life to contribute to truth-telling, offering security guarantees to vulnerable people and communities who decide to participate, and being genuinely open to listening to those testimonies.
4. To the Ministry of Foreign Affairs: establish clear guidelines for consulates and embassies to support the TCNC's mandate abroad, whilst respecting its autonomy as a state institution.

To COLOMBIAN CIVIL SOCIETY

1. To listen to young people and support spaces where they are participating. The TCNC's innovations in alternative methodologies that encourage the participation of this key group present a valuable step towards the clarification of truth and non-repetition.
2. To make efforts to connect the TCNC with different community groups, acting as a bridge between the TCNC

and Colombians who need to share their stories. The TCNC requires the collection of testimonies to be completed by June 2020.

3. To motivate those Colombians living abroad to contribute to uncovering the truth of Colombia's conflict and recognise the valuable role they can play in the process, including through providing their testimony.

To THE TRUTH, COEXISTENCE AND NON-RECURRENCE COMMISSION

1. To build a sophisticated and solid communication strategy to inform about their findings and pave the way for positive reception of their recommendations. The TCNC cannot wait until the final report to unveil its discoveries. In the post-truth era, repetition is as important as breaking news.
2. To create partnerships with global and national NGOs, universities and think tanks, to create awareness about the innovations of the TCNC, thus ensuring a broader participation in truth-telling. Participation is not restricted to Colombians, but extends to foreigners who have access to part of the truth of the Colombian conflict, either via witnessing or direct experience.

3. To have a proactive foreign policy, engaging with the Ministry of Foreign Affairs, the embassies in Colombia of the international community, and multilateral global and regional institutions. The TCNC has the potential to set new standards for future truth commissions, which is essential to secure the legacies of the final report, but it has to actively work towards it.



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Co-responsibility to embrace the idea that in order to build peace we need to come together with others, we need to broaden our horizon and enrich our view; Generosity to offer to give the best of us in order to build a better world, to be patient to see the results of our efforts, and not to give up at the first obstacle; Honesty to share what we think without being afraid of others taking advantage of us, to nurture trust as a way of being; Respect to do our best to accept other people's opinion and to try to understand without judgement why they feel and think the way they do; Self-criticism to recognise that peace is a path of self-cultivation, and therefore we must be open to reassessing our prejudices and actions, in order to never stop growing; Solidarity to put ourselves in the shoes of others, and offer to help those who are in need, so as to nurture compassionate beings enriched by the happiness of others.