

The Peace Process in Colombia: seeds of hope for an embattled labour movement

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On the 2nd of October, the Colombian electorate will vote in a plebiscite to gauge popular sentiment about the peace accords recently finalised between the Colombian Government and the guerrilla group, Las FARC (in Spanish, the Armed Revolutionary Forces of Colombia). The accords and their expected electoral approval would end the armed conflict waged between Las FARC, the Colombian Government, and numerous paramilitary factions which has caused more than 220 000 violent deaths (*Centro de Memoria Histórica*, 2013) and created millions of victims, making Colombia the country with the second highest number of internally displaced people in the world – more than 6 million (Semana, 2015). Indeed, this peace deal, negotiated over the past four years in Havana, Cuba, would culminate in the transition of Las FARC from an armed insurgency group, formally inaugurated 52 years ago, into a political party accorded minor congressional representation¹.

The deal, brokered during four years of intense negotiations, has six chapters² and marks a novel attempt to seriously incorporate a platform for justice and victims within the more concrete process of ensuring that the insurgent armed group makes the transition from guerrilla struggle to electoral politics. The chapter on victims seeks to uphold three core elements via a form of transitional justice, based on truth, reparation and no repetition. All those who openly and completely confess their crimes will be accorded a form of non-incarcerated punishment, which will involve territorial seclusion together with community focused, reparation-type work. All other perpetrators of crimes against humanity who do not voluntarily confess will face jail time of 15 to 20 years. This model of justice moves beyond a Kantian and Hegelian understanding of punishment as retribution towards a Hobbesian understanding, wherein penance should focus on the reformation and education of the guilty party.

The Colombian union movement has, like many other social movements, suffered enormously during this decades-long conflict. A database from the National Union School of Colombia, the ENS, paints a torrid picture of the woes bestowed upon Colombia's unionists. From 1986, the year marking the creation of the country's largest union confederation, the CUT, until the 25th of August 2016 (the date of the formal end of the peace negotiations), 14 03

violations have been recorded against unionists, including 3 043 murders, 6 872 death threats and 1 895 forced displacements³. Although Las FARC has not been one of the major perpetrators of anti-unionist violence – being responsible for an estimated 3% of all violations (432 in total), as opposed to 24% for paramilitary groups, 7% for state organisations and more than 64% unaccounted for⁴, without doubt, the guerrilla-state conflict has markedly and historically exacerbated both anti-union violence and anti-union practices from the state and business.

The weak and fragmented nature of Colombian unions underlines this point. Union density in 2014 was only 4.5% of the workforce and over 80% of Colombian unions have less than 100 members (OECD, 2016: 109), which severely limits their bargaining leverage. Indeed, a recent study by the ENS showed that only 0.3% of all formally registered Colombian businesses⁵ had signed any form of collective bargaining agreement (Vásquez, 2016), a fact that demonstrates the extremely precarious nature of social dialogue in the realm of labour relations.

The peace agreements offer a new beginning for the Colombian labour movements and social movements as a whole. For decades, workplace and broader socio-political and land-based struggles have been tinged with the tag of being sympathetic, if not openly in collusion, with Las FARC and other guerrilla groups. Branches of the Colombian government have even been found to have directly conspired with far-right paramilitary factions as a means of threatening and murdering unionists who were deemed to be thorns in the side of the state. For instance, in 2011, Jorge Norguera Cotes, ex-Director of the former state intelligence agency, DAS, was sentenced to 25 years in jail for criminal association with paramilitaries that resulted in the murder of, at least, seven union leaders⁵. And while anti-union violence and persecution has decreased significantly since the end of the far right-wing presidency of Álvaro Uribe Vélez in 2010, there were still 130 unionists killed between 2011-2015, even after President Santos signed the Labour Action Plan with his US counterpart, Obama, as a means of ending union persecution and improving the

Colombian government's protection of fundamental labour rights. Without doubt, the possibility of broadening union freedoms and the avenues open to peaceful social protest become much stronger in a context where war no longer exists.

It is for this reason that the vast majority of Colombia's union leadership is actively supporting the peace process and, especially, the 'Yes' campaign for the plebiscite that will determine whether or not the peace agreements receive the required electoral support⁷. The CUT, the teachers' union Fecode (which is the largest union federation in the country), and the petrol workers' union (USO) are all currently conducting nationwide workshops, in alliance with diverse NGOs⁸, which are geared at informing union members and the wider community of the content of the agreements as well as at discussing how the Colombian union movement can grow in size and influence in a context in which Las FARC have down its arms.

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Footnotes

1 As part of the peace accords - specifically chapter two on political representation - Las FARC would be granted five parliamentary seats in the senate out of 107 seats, and another five in the chamber out of 171 seats, as well as having the possibility of enlarging its representation by participating in the legislative and presidential elections of 2018.

2 Integral Rural Development; Political Participation; The Termination of Conflict; Illicit Drugs; Victims; and Implementation, Verification and Electoral Approval.

3 Escuela Nacional Sindical (ENS). Sistema de Información en Derechos Humanos (Sinderh).

4 Escuela Nacional Sindical (ENS). Sistema de Información en Derechos Humanos (Sinderh).

5 In Colombia in 2015, there were 667 088 firms that were registered to Fasescolda, the insurance agency for workplace accidents, and 2 235 collective covenants registered with the Ministry of Labour.

6 The seven murdered unionists were: Alfredo Correa De Andreis, Zully Codina Pérez, Fernando Piscioti Vanstrahlen, Cesar Augusto Fonseca Morales, José Rafael Fonseca Cassiani, José Ramón Fonseca Cassiani, Andreis y Edward Ochoa Martínez. For more information on this case see Semana (2011).

7 To pass the electoral test, at least 13% of the electorate (roughly 4.5 million adults) must vote yes, and also the yes vote must outnumber the no votes.

8 Especially ENS, Viva la Ciudadanía and Cajar.