

Migration and Post-Agreement: Challenges for the Colombian State

Migración y posacuerdo: desafíos del Estado colombiano

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ABSTRACT

This article analyzes the relationship between two of the most complex realities Colombia is currently facing: The implementation of the *2016 Final Agreement* to end the armed conflict, and the migratory waves from Venezuela and other countries in the region. Through qualitative research, based on the analysis of documentary sources in contrast to semi-structured interviews, it is concluded that the presence of the immigrant population in the studied territory does not increase the criminality in the area. On the contrary, it is evidenced that migrants are highly vulnerable subjects. The analysis of these realities will allow establishing synergies that guide public policy from a human rights approach.

Keywords: 1. migration, 2. peace agreements, 3. implementation, 4. Colombia, 5. Venezuela.

RESUMEN

En el artículo se analiza la relación entre dos de las realidades más complejas que enfrenta Colombia en la actualidad: la implementación del *Acuerdo Final de 2016* para poner término al conflicto armado, y las olas migratorias provenientes de Venezuela y de otros países de la región. A través de una investigación cualitativa, fundamentada en el análisis de fuentes documentales en contraste con entrevistas semiestructuradas, se concluye que la presencia de la población inmigrante en el territorio estudiado no incrementa la criminalidad de la zona, por el contrario, se evidencia que los migrantes son sujetos altamente vulnerables. El análisis de dichas realidades permite establecer sinergias que orienten a la política pública desde un enfoque de derechos humanos.

Palabras clave: 1. migración, 2. acuerdos de paz, 3. implementación, 4. Colombia, 5. Venezuela.

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INTRODUCTION

Colombia is currently facing two major and important challenges: on the one hand, the fulfillment of the Final Agreement entered into in 2016 by the National Government and the insurgent group of the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP, acronym in Spanish for Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo) to end one of the longest armed struggles in the region; and on the other hand, a reconfiguration of its migratory reality, taking into account that it has been a traditional State of emigration. However, especially since 2015, it has also become a destination and transit country for migrants coming mainly from Venezuela (Palma, 2015).³

These challenges are complex in a number of ways in a post-agreement scenario.⁴ In this sense, this article explores the relationship between criminality⁵ and migration, in order to determine whether this association could jeopardize some of the constituent points of the 2016 Final Agreement (Acuerdo Final de 2016). Some authors have understood migration as a security problem, giving rise to the concept of "securitization of migration" (Ceyhan & Tsoukala, 2002; Doty, 1998; Huysmans, 2000; Tirman, 2004). Conversely, others have constructed concepts in which securitization has implied the creation of stereotypes and paradigms (Gil Araujo, 2002). It should therefore be noted that criminality is a complex phenomenon that goes beyond the internal armed conflict, in fact associated with scenarios that do not end with the armed conflict. Still, different manifestations of criminality feed and finance conflict dynamics.

When inquiring about the sources of post-conflict risks in Colombia, it was found that the book *La economía política regional del conflicto armado y la criminalidad en Colombia* [The regional political economy of the armed conflict and crime in Colombia] (Rettberg et al., 2018) explores the link between products and resources in the framework of legality (coffee, coal, emeralds, ferronickel, gold, among others), and the dynamics of armed conflict and criminality. Beyond drug trafficking, the book suggests that different economic activities have been linked to the armed conflict and crime.

Given the challenges that criminality implies for the implementation of the 2016 Final Agreement, this article seeks to explore whether migration may or may not be related to such challenges (Acuerdo Final de 2016). If a positive correlation is predicted (the higher the migration,

³ In recent decades, Colombia has undergone radical changes in its migratory profile, especially as a result of several waves of migration from Venezuela. The presence of Venezuelan immigrants in precarious conditions, with humanitarian and international protection needs, became more visible from August 2015, when the Venezuelan government closed its border with Colombia and when massive expulsions and deportations took place, not only of Colombians residing in Venezuela, but also of its own nationals (García Arias & Restrepo Pineda, 2019).

⁴ Some have suggested the term "post-conflict in Colombia", but given that the armed conflict in Colombia is ongoing, we rather suggest the concept of "post-agreement."

⁵ Criminality is understood as a series of events that are outside the margins of what is socially regulated, whether in legal form or in the form of social morality.

the greater the insecurity), migration in Colombia could represent an obstacle to the implementation of the 2016 Final Agreement. However, contrary to this idea, several studies have found a negative association between migration and crime rates (Bankston, 1998; Hirschi & Gottfredson, 1983; Lee & Martínez, 2002; Lee et al., 2001; Mears, 2001; Pastore & Maguire, 2006; Reid et al., 2005).

A positive approach to migration identifies this reality as strengthening social control mechanisms in destination places (Martínez & Lee, 2000; McDonald, 2009), while temporary increases in immigration contribute to decreasing the rates of crime and violence by expanding the formal capacity for social control, for example, through the deployment of more police per capita. This view includes those who understand migration as a driving factor that can improve employment levels, so that enclave economies can develop (Levitt, 2004; MacDonald, 2004; Marvell & Moody, 1991, 1996). On the other hand, although migrants are commonly associated with increases in crime, in reality they are more likely to be victims rather than perpetrators of crime (Bankston, 1998; Lee & Martínez, 2002; Lee et al., 2001). This is based on the fact that migrants tend to be vulnerable people, especially when in an irregular situation, as they do not belong to the society of the destination State and are unfamiliar with domestic regulations, the framework of rights, and in some cases do not share cultural references or language (United Nations [ONU, acronym in Spanish for Organización de las Naciones Unidas], 2004).

In turn, Koslowski (2012) warns that a positive correlation between migration and illicit economies or criminality is a possibility when policies for the social and economic integration of the migrant population fail. The failure of these inclusion processes may result in certain forms of violence against citizens, since, in these contexts, the increase in international migration can be exploited to increase the income of illicit economies. In terms of this, the author states that “international migration is not in itself a security problem” (p. 2); the actual problem being the increasing (voluntary and involuntary) transit across borders of products, money, means of transport and people, lacking State regulation.

Koslowski (2012) also highlights the subtle difference between human smuggling and human trafficking, so as to understand the slight distinction between committing a crime and being a victim of human rights violations. Human smuggling involves an individual crossing a country’s international border without authorization and assisted by paid smugglers. Trafficking occurs when a person being smuggled is forced to perform certain types of work or activities (prostitution, transporting drugs, money, etc.). Article 3 of the Palermo Protocol defines human trafficking as:

(...) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Naciones Unidas, 2001).

Such is the case of migrants who pay smugglers to cross a country's border and, once they arrive at their destination, their passports are confiscated and they are forced to participate in criminal networks. These people are thus re-victimized, as their participation in such networks is oftentimes exploitative. In this way, what at first was an illegal (yet voluntary) act to cross a border becomes a forced act of human trafficking. It is worth noting that in trafficking, the consent of the victim does not exempt the occurrence of the crime, as in those cases the vulnerability of undocumented migrants becomes even more evident.

In this regard, a study conducted for the Colombian case analyzed the relationship between migratory flows of Venezuelans and the crime rates in Colombia between 2012 and 2017 (Castillo et al., 2019). The report evidences that insecurity in the country during that period did not increase due to the presence of Venezuelan migrants in the territory: "the Venezuelan population has assimilated into Colombian dynamics behaving like the bulk of the population" (Castillo et al., 2018, p. 30). In this sense, it should be stated that Venezuelans are in a situation similar to that of Colombians when it comes to their exposure to criminality, in such a way that they may be—just like State nationals—victimizers and/or victims, depending on the particular case. This excludes the criterion of national origin as a determinant for the increase in insecurity, and shows how this can rather be a stereotype that leads to discrimination and xenophobia.⁶

The thesis posed in this article establishes a negative correlation between migration and criminality, yet it is understood that this correlation is associated with the particular context in which it occurs. In this case, in the post-agreement scenario in which Colombia finds itself, migrants may join the criminal gangs that carry out illicit activities, but also may become victims of such organizations. On the one hand, migrants, especially undocumented ones, are in constant danger of being voluntarily or forcibly enlisted in insurgent groups to work as informants, militia members or as part of illegal economic structures (micro-trafficking and sale of drugs to Venezuela, fuel smuggling, production of drugs such as *raspachines*⁷).

Likewise, illegal groups keep strict control over Venezuelan nationals in border areas, which in turn has generated not only distrust on the part of members of the receiving populations, but also the entrenchment of a sense of insecurity derived from their stay in the territory. Thus, irregular and parallel governance structures have been created to control migration from Venezuela (World Bank Group [Grupo Banco Mundial], 2018).

The challenges posed by Venezuelan migration with respect to the implementation of the 2016 Final Agreement can be studied by reviewing three of the six points that comprise it: point 1, regarding the Comprehensive Rural Reform (RRI, acronym in Spanish for Reforma Rural Integral)

⁶ Migration has both positive and negative effects on the States of origin and destination. One of the main concerns of the inhabitants of host countries lies precisely in the raise of insecurity or criminality (Aruj, 2008). Despite this, it is important to establish a clear difference between what migration can mean as a flow of human populations—in general terms—and the effects on the rights of migrants in particular, given their vulnerable status.

⁷ Common name given to workers who collect (by means of scraping, *raspar*) the leaves of coca bushes.

and the Development Programs with a Territorial Approach (PDET);⁸ point 3, which addresses the end to the conflict through Territorial Spaces for Training and Reintegration (ETCR);⁹ and point 4, which focuses on the agreement for the Solution to the Problem of Illicit Drugs (Solución al Problema de las Drogas Ilícitas), the Comprehensive National Program for the Substitution of Illicitly Used Crops (PNIS)¹⁰ and the Comprehensive Community and Municipal Plans for Substitution and Alternative Development (PISDA).¹¹ The proposed analysis is specifically focused on Arauca, a department bordering Venezuela that has been one of the hubs of irregular migration and that, due to the impact of the armed conflict, has been prioritized to deploy different initiatives of the 2016 Final Agreement. This paper aims at reviewing whether the criminal context of the department (emergence of new types of violence, recruitment, and micro-trafficking) may be related to the insertion of migrants in the territory, and whether or not this situation may weaken the implementation of the 2016 Final Agreement and/or contribute to the vulnerability of migrants.

Table 1 shows the most important aspects to be elaborated on throughout the text. This thesis expresses the double tension suffered by migrants in relation to the three points of the 2016 Final Agreement, which will be analyzed for the specific case of Arauca.

Table 1. Tensions Identified

Point of the agreement	Progress	Double challenge
1. Comprehensive Rural Reform (RRI)	Implementation of rural goods and services (PDET)	Four municipalities in Arauca have PDETs: two border municipalities (Saravena and Arauquita), and two others (Fortul and Tame) that are obligatory transit municipalities for migrants. However, PDETs do not mention migrants even once, neither as a target population of the planned investments nor as a population to be consulted within the participation process.
3. End to the Conflict	ETCR- Philippines	The migrant population has been victimized but also (voluntarily and forcibly) recruited by the dissidents to work as informants, combatants or as <i>raspachines</i> .
4. Solution to the Problem of Illicit Drugs	PNIS & PISDA	Controlling the area is useful for drug traffickers as a corridor to Venezuela. In these corridors, the migrant population is both the target of human trafficking and of militias that feed the micro-trafficking routes of illegal economies.

Source: Own elaboration based on information obtained from the 2016 Final Agreement (Acuerdo Final de 2016).

⁸ Acronym in Spanish for Programas de Desarrollo con Enfoque Territorial.

⁹ The Final Agreement established Transitional Village Zones for Normalization, which ended on August 15, 2017, giving rise to the Territorial Spaces for Training and Reintegration (ETCR, acronym in Spanish for Espacios Territoriales de Capacitación y Reincorporación).

¹⁰ Acronym in Spanish for Programa Nacional Integral de Sustitución de Cultivos de Uso Ilícito.

¹¹ Acronym in Spanish for Planes Integrales Comunitarios y Municipales de Sustitución y Desarrollo Alternativo.

To this end, the paper is divided into three parts. The first part contextualizes the situation, the figures, and the policy responses adopted, focusing on regularization and humanitarian assistance to the migrant population. The second part frames the armed conflict in Colombia and the attempts to end it in a negotiated manner; specifically, the six points agreed upon in the 2016 Final Agreement are made explicit. Finally, the third section analyzes the specific case of Arauca, and reviews how the migratory reality—in this department—may come into tension with the implementation of the Agreement.

MIGRATORY CONTEXT AND POLICY RESPONSES

As explained in the introduction, Colombia has experienced a transformation in its mobility dynamics, which contrast between the existence and persistence of forced internal displacement, international transit and destination migration (mainly, although not exclusively, by Venezuelans),¹² and the emigration of Colombians seeking asylum or some other type of international protection, or in search of better living conditions. The confluence of these realities has demanded responses from the State to cater to foreigners from a rights-based approach. However, such attention to foreigners is the least developed and its lack of articulation has meant that foreigners face constant violations of their human rights. This allows identifying some points of convergence with the implementation of the peace agreements.

According to the International Organization for Migration (IOM),¹³ migrants comprise 3.6% of the world's population, equivalent to approximately 281 million people. Despite this, in 2020 and as a result of the COVID-19 pandemic, the trend decreased by 27% (ONU, 2021). In Latin America, migration dynamics have also fluctuated. In the last 10 years, mobility in the region has increased by 66% despite the pandemic, a figure including the movement of people in Central America and the exodus of Venezuelans (Acuña-Alfaro & Khoudour, 2020).

In the case of Colombia, according to Colombia Migration (Migración Colombia, 2021), as of February 2021 there were 1 742 000 Venezuelan migrants, representing a considerable increase in terms of variation of the migratory profile of the country, apart from the slight decrease due to the pandemic. According to the United Nations High Commissioner for Refugees (UNHCR),¹⁴ of the nearly 4.7 million Venezuelan nationals who left their country, about 40% are in Colombia. However, these figures are not accurate, since they only account for people crossing the Colombian-Venezuelan border through official channels, not including migration through irregular channels, this leading to an under-recording of individuals in the national territory.

¹² It should be noted that, although immigration from Venezuela is the most visible and voluminous migration flow in Colombia, there are also migratory flows from Haiti, Cuba and Asian and African countries.

¹³ OIM, Spanish acronym for Organización Internacional para las Migraciones (2020).

¹⁴ ACNUR, Spanish acronym for Alto Comisionado de las Naciones Unidas para los Refugiados (2020).

Arauca is one of the destination areas of irregular migrants, undocumented Venezuelans making up 9.7% of the total migrant population (Grupo Banco Mundial, 2018). According to official figures, this department is home to nearly 25 000 Venezuelan migrants, of which only one third have the necessary documentation (Mesa Rivera, n.d.).

The flows coming from Venezuela took Colombia by surprise with scarce regulations in terms of rights for foreigners, since Law 2136 of 2021,¹⁵ was only adopted in the year 2021, law that acknowledges a minimum list of rights that do not cover the demands of this matter, a state of things that has been handled by the constitutional judge through writs for the protection of fundamental rights. Consequently, most of the measures adopted have been short term. It is worrying to realize that Colombia, being the country with receiving the largest Venezuelan migration, is the only one in the region lacking a comprehensive migration law with a broad and clear framework of rights that reflect international commitments.

Peru, a neighboring State receiving Venezuelans as well, has Decree 1350 of 2017, better known as the Migration Law, which is regulated by Supreme Decree 007-2017-IN of 2017. In turn, Ecuador has the Organic Law on Human Mobility (Ley Orgánica de Movilidad Humana of 2017). As for Chile, this country is currently reforming its regulations on migration, which is condensed in Decree Law 1094 dating from the 1970s. Finally, in recent years Brazil approved its migration and foreigners law, Law 13.445 of 2017, which modified the previous statute from the 1980s.

The above shows that, although several efforts have been made in Colombia to develop a migration policy, it really still lacks a complete regulatory framework for the acknowledgement of rights for foreigners, and that the few existing regulations on this matter fail to suffice the growing need for attention in the State. This is evidenced by the implementation of actions that usually seek a temporary remedy for the protection of individuals within the territory;¹⁶ these actions have been aimed at developing regulatory frameworks for Venezuelan persons only, which makes the presence of individuals of other nationalities in the territory invisible. Finally, by implementing executive actions that are framed as government policies and not State policies, the complex migratory reality of the country and the importance of human rights treaties in the territory, which apply to all persons subject to the jurisdiction of the Colombian State, a category that includes all foreigners, are lost sight of.

The scarce attention given to international migration by means of legal regulations in Colombia responds to factors such as the existence of an armed conflict that, for decades, fed a dynamic of national and foreign emigration. Hence, one of the main problems in terms of human mobility for the country has been forced displacement within the territory and the need for international protection, represented in asylum and refugee applications in the case of Colombians who have crossed the international border (Carreño Malaver, 2014).

¹⁵ The rights provided for in this Law include the right to family unity and the right of movement (only for nationals, returnees, asylum, seekers, and in the case of permits and regularization issues).

¹⁶ Prior to 2021, Colombia developed a short-term regulatory framework to address migration exclusively from Venezuela. The actions, being short-term, are dispersed and inefficient to address long-term migration.

The above can be seen in national legal regulations for the classification and acknowledgement of the rights of internally displaced persons (Law 387 of 1997; Law 1448 of 2011). The protection of this population is reinforced by a broad and significant jurisprudential production aimed at localizing the international standards provided in the Deng Principles (Naciones Unidas, 1998) and the Pinheiro Principles (Naciones Unidas, 2005), incorporated into the block of constitutionality (Corte Constitucional de Colombia, 2016).

Due to the fact that in the history of mobility in Colombia people has been displaced and others have been forced to emigrate and cross international borders,¹⁷ the State has implemented assistance programs for Colombians abroad¹⁸ (Clavijo Padilla, 2013), not taking into account mixed migration flows. On this scenario, the migration of Venezuelans takes place without a process of acknowledgement of the rights of foreigners embodied in Articles 13 and 100 of the Colombian Constitution of 1991. From a short-term view, the measures that have been adopted in response to the migratory context described above are divided into: i) actions aimed at regularization; and ii) actions that promote humanitarian aid in terms of social rights and access to the administration of justice (Palacios Sanabria, 2019).¹⁹

Several documents have been implemented for the regularization of Venezuelans in Colombia. For example, the Border Mobility Card (TMF),²⁰ (Resolution 1220 of 2016; Resolution 1845 of 2017) and several temporary permits that have led to the issuance of the Special Stay Permit (PEP)²¹ (Resolution 5797 of 2017), the Special Stay Permit for the Promotion of Formalization (PEPFF)²² (Decree 117 of 2020), and the recent Temporary Protection Permit (PPT),²³ as part of the Temporary Protection Statute for Venezuelan Migrants (ETPV),²⁴ (Decree 216 of 2021). In addition, Law 1997 of 2019 allows access to Colombian nationality for children of Venezuelans born in the territory, even under an irregular situation.

The TMF arose to normalize pendular migration in the main border departments,²⁵ and was repealed in 2018. The PEPFF is another temporary provision aimed at promoting access to work

¹⁷ Political violence, armed conflict, and the economy have driven some Colombians to leave their country, seeking international protection or better living conditions and opportunities.

¹⁸ *Colombia Nos Une* should be counted among the programs aimed at strengthening the rights of Colombians abroad, a program created through Decree 1000 of 2013 with the purpose of serving and linking Colombians abroad and making them subjects of public policies.

¹⁹ The permits issued by the national government described in the following section should be mentioned among the measures aimed at the regularization of people. As part of the measures to promote humanitarian assistance, health care and education have been strengthened, mainly; this article, however, will not go further into this subject.

²⁰ Acronym in Spanish for Tarjeta de Movilidad Fronteriza.

²¹ Acronym in Spanish for Permiso Especial de Permanencia.

²² Acronym in Spanish for Permiso Especial de Permanencia para el Fomento de la Formalización.

²³ Acronym in Spanish for Permiso de Protección Temporal.

²⁴ Acronym in Spanish for Estatuto Temporal de Protección para Migrantes Venezolanos.

²⁵ Guajira, North Santander, Arauca, Vichada, and Guainía.

and thus move on to regularization. Among the requirements to access this mechanism are having not committed any crimes, having a formal employment offer, and not having deportation or expulsion immigration orders. This is a limited access measure, and its implementation has been suspended due to the pandemic.

In recent times, the Colombian government adopted the Temporary Protection Statute for Venezuelan Migrants (ETPV)²⁶ to complement the care provided to asylum and refugee applicants (Migración Colombia, 2021). This measure is the only one in the history of Colombia to be promoted in the long term (10 years) and represents a significant shift in the policies so far designed. It should be stressed how necessary it is that this measure is truly complementary and does not replace the practice of refuge, that it is widely disseminated, and that it is effective in promoting access to the rights accounted for. Finally, Law 1997 of 2019 sought to solve a potential increase in Statelessness in the country by means of a temporary action that, once again, perceives migration as a short-term issue, as it establishes a temporary term for the acquisition of Colombian nationality.

Measures aimed at providing humanitarian care have addressed access to the rights to health, education or work (Consejo Nacional de Política Económica y Social, 2018), among other aspects. The main provisions can be found in Decree 1288 of 2018 issued by the Presidency of the Republic, through which migrants registered in the Administrative Registry of Venezuelan Migrants are given access not only to permits to stay in the country, but also to health coverage, and access to work and educational systems.

Although these measures will not be addressed to any depth in this article, it should be noted that the guarantee of these rights is very limited and the provisions lack sustainability over time (Palacios Sanabria et al., 2019). The above is stated, since, in terms of health, for example, the greatest assistance provided to Venezuelans is when they are regularized in the territory. Therefore, approximately 40% of the population are beneficiaries of this right (Unidad Nacional para la Gestión del Riesgo de Desastres, 2018). Thus, the only medical service that undocumented persons can access is that of vital emergencies, unless they manage to accredit an extraordinary and extremely vulnerable situation that can be assessed by a judge, as may happen with minors who eventually manage to access greater protection.

As for the right to education, the Colombian State has promoted schooling for all Venezuelan minors in the country through actions by the Ministry of Education and the territorial secretariats. This shows that there is no formal regulatory discrimination; despite this, multiple barriers to the full exercise of the right to education can be identified in practice, such as insufficient school places, school dropout, and difficulties in validating educational studies undertaken in the State of origin, among others (Palacios Sanabria et al., 2019).

Finally, regarding the right to work, most Venezuelans in Colombia carry out informal activities and it has not been possible to elaborate a complete socio-labor profile of this group of migrants (Proyecto Migración Venezuela, 2020). Despite the availability of work permits, these regulations

²⁶ Acronym in Spanish for Estatuto Temporal de Protección para Migrantes Venezolanos.

are not sufficient to make the most of the benefits of migration in terms of development for the country.

CONTEXT AND FIGURES IN THE FRAMEWORK OF THE PEACE PROCESS

In Colombia, in addition to the challenge of having to provide relevant responses to migrants, there is the challenge of addressing the needs of a significant number of victims affected by the armed conflict. As of 2021, the Victims Registry (RUV)²⁷ had identified nine million victims, of which eight million are victims of forced displacement and 180 524 of forced disappearance (Unidad para la Atención y Reparación Integral a Víctimas, 2020); 151 604 victims have been registered in Arauca only, the main violations being forced displacement (129 125), homicide (21 055), and forced disappearance (5 062) (Unidad para la Atención y la Reparación Integral a las Víctimas, 2020).

The National Center for Historical Memory (CNMH),²⁸ in its report *¡Basta Ya!* (CNMH, 2014), describes how the armed conflict began in 1948 with the assassination of Liberal leader Jorge Eliécer Gaitán Ayala, and its (inconclusive) end in 2016 with the signing of the Havana agreements and the subsequent demobilization of FARC combatants. Due to its duration, Colombia represents an unprecedented case in the construction of institutional spaces to negotiate a solution to internal armed conflicts. Regardless of the numerous attempts that have been made, the conflict has recycled its dynamics and actors, and it remains ongoing to this day (Llorente & Deas, 1999; Angeleri, 2000; Medina, 2009; Medina & Toloza, 2009). The following is a brief review of the history of different attempts to end the armed conflict by means of negotiations; particular emphasis is made on the 2016 Final Agreement signed between the Santos government and the extinct FARC-EP (Acuerdo Final de 2016).

In the 1950s, the National Front (Frente Nacional) was agreed upon: a pact between political parties to alternate in power and put an end to the partisan violence that left more than 300 000 dead (Caballero et al., 2012). This alliance excluded social groups that found in violence a way to validate their demands. In the 1980s, President Betancourt signed the Uribe Accords (Acuerdos de La Uribe) (Comisión de la Verdad, 1984) with the FARC-EP rebel group. From this agreement emerged the Patriotic Union (Unión Patriótica), a political party that brought together former guerrillas and Communist Party militants, which was diminished by the assassination of more than 5 000 of its members. At that time, both drug traffickers and paramilitary and self-defense movements were armed actors with the capacity to exacerbate the conflict; this led to a new negotiation process in the 1990s, through the National Constituent Assembly (Asamblea Nacional Constituyente), which resulted in the demobilization of different guerrilla groups (such as the EPL,

²⁷ Acronym in Spanish for Registro Único de Víctimas.

²⁸ Acronym in Spanish for Centro Nacional de Memoria Histórica.

the Quintín Lame Armed Movement [Movimiento Armado Quintín Lame], the Revolutionary Workers' Party [PRT]²⁹ and the M-19).

After the National Constituent Assembly was approved, there were other failed processes: i) the dissidences of the ELN guerrilla group (during the Cesar Gaviria administration, 1993-1994), ii) the ELN itself (during the presidency of Ernesto Samper, 1997-1998) and iii) the FARC-EP (with the presidency of Andres Pastrana, 1998-2002). Between 2003 and 2005, the government of Álvaro Uribe Vélez negotiated the disarmament, demobilization and reintegration process of the United Self-Defense Forces of Colombia (AUC).³⁰ This process culminated with the signing of the Justice and Peace Law (Law 975 of 2005) and the subsequent demobilization of 32 000 men.

In turn, President Juan Manuel Santos initiated a consultation process with the FARC-EP that ended with the signing of the Final Agreement in October 2016. However, this was rejected in a plebiscite by 50.21% of voters, so a renegotiation with the opposition became necessary and the final draft was approved by the Congress of the Republic and reviewed by the Constitutional Court. The Agreement is made up of six points: 1) Comprehensive Rural Reform (RRI); 2) political participation; 3) end to the conflict; 4) solution to the problem of illicit drugs; 5) victims; and 6) implementation, verification and countersigning. In this section we present the degree of implementation of points 1, 3 and 4.

The first point is based on the creation of peace by means of eliminating those contexts that allow for the prolongation of hostilities. The existing social and economic inequalities make the rural populations vulnerable. Along this line, the first point defines the bases for the transformation of rurality through the integration of regions, the reduction of extreme poverty, and the fulfillment of rights (El Congreso de la República, 2019). The main strategies of this point are the access and use of land, the Development Programs with a Territorial Approach (PDET), and the National Plans for a Comprehensive Rural Reform (Planes Nacionales para la Reforma Rural Integral) (Instituto Kroc de Estudios Internacionales de Paz, 2019).

Progress has been made on this first point (as of December 2018): on the one hand, the Land Fund was created (Comisión de Seguimiento, Impulso y Verificación a la Implementación y Centro de Pensamiento y Diálogo Político [CSIVI & CEPDIPO], 2020); “the formalization and adjudication of 992 866.52 hectares for field workers, 570 237.38 for indigenous people, and 2 573.04 for black communities” was achieved (Instituto Kroc de Estudios Internacionales de Paz, 2019, p. 21), and finally, 43 municipalities were targeted for the implementation of the Social Ordering Plans for Rural Property (POSPR),³¹ and the National Land Agency (ANT),³² (El Congreso de la Republica, 2019). Likewise, Decree Law 893 of 2017 was issued, defining 16 PDET territories (CSIVI & CEPDIPO, 2020).

²⁹ Acronym in Spanish for Partido Revolucionario de los Trabajadores.

³⁰ Acronym in Spanish for Autodefensas Unidas de Colombia.

³¹ Acronym in Spanish for Planes de Ordenamiento Social de la Propiedad Rural.

³² Acronym in Spanish for Agencia Nacional de Tierras.

There is evidence of a legislative delay in the reform to Law 160 of 1994, as well as difficulties in the PDET articulation processes. Although national plans and PDETs have been issued that seek to comply with this point, it is not clear which ones formally determine the budget allocations for its implementation. In addition, the inter-institutional roundtables of the Peasant Reserve Zones (ZRC),³³ and the Peasant, Family and Community Agriculture Roundtable (Mesa de Agricultura Campesina, Familiar y Comunitaria) were suspended (Instituto Kroc de Estudios Internacionales de Paz, 2019).

The relevant elements to highlight from point three are: the cessation of hostilities and the laying down of weapons, the reintegration of the FARC-EP, the safeguard guarantees for minors, and the program for the eradication of anti-personnel landmines (Instituto Kroc de Estudios Internacionales de Paz, 2019). These elements allow creating the conditions necessary to implement the Agreement and strengthen the reincorporation of ex-combatants into civilian life.

Progress was made on this point, as the Tripartite Monitoring and Verification Mechanism (Mecanismo Tripartito de Monitoreo y Verificación)³⁴ was effective in maintaining and monitoring the ceasefire and laying down of weapons protocol. The ceasefire was not interrupted for the duration of the Transitional Village Zones for Normalization (ZVTN)³⁵ and the Transitory Points for Normalization (PTN).³⁶ The UN Mission collected 8 994 weapons and destroyed 750 hiding places (Instituto Kroc de Estudios Internacionales de Paz, 2019).

Between August 2018 and July 2019, 4 062 people entered the education system through the reincorporation process (El Congreso de la República, 2019). The FARC party participated electorally in March 2018 with 23 candidates for the Senate and five lists for the House of Representatives. Its second political participation was in October 2019 for Assemblies, mayorships and councils (CSIVI & CEPDIPO, 2020).

Regarding the difficulties faced in the implementation of this point, it should be noted that most of the funds allocated to socio-economic reincorporation have not been disbursed. Along the same line, most of the projects require the delimitation of portions of land due to their agricultural nature and, so far, only one rural estate has been defined for this purpose (Instituto Kroc de Estudios Internacionales de Paz, 2019). As for political reincorporation, further work is necessary to avoid stigmatization and strengthen the financing and legalization of political participation (Instituto Kroc de Estudios Internacionales de Paz, 2019). In this particular sense, there have been threats,

³³ Acronym in Spanish for Zonas de Reserva Campesina.

³⁴ This tripartite mechanism, made up of the Government of Colombia, the FARC-EP and an international component, is in charge of monitoring and verifying the agreement on the ceasefire, the bilateral and definitive end of hostilities, and the laying down of arms, in order to create trust and provide guarantees for its compliance. The international component presides over and coordinates the mechanism in all its instances, settles disputes, makes recommendations, submits reports, and will begin its work once the agreement has been reached.

³⁵ Acronym in Spanish for Zonas Veredales Transitorias de Normalización.

³⁶ Acronym in Spanish for Puntos Transitorios de Normalización.

attacks and lack of safety guarantees: between August 2018 and July 2019, 56 former FARC combatants were killed, resulting in a total of 138 since the beginning of the process (El Congreso de la República, 2019).

Regarding the fourth point—Solution to the Problem of Illicit Drugs—, the main strategies are programs for substitution and formalization of illicit crops (PNIS-PISDA), prevention of consumption, and eradication of production and commercialization of narcotics (Instituto Kroc de Estudios Internacionales de Paz, 2019). Addressing these issues allows raising the level of rural development and mitigating drug trafficking, which have been major problems in the management of the conflict in the country (El Congreso de la República, 2019). On voluntary crop eradication (hectares of coca), 98% compliance was achieved (Oficina de las Naciones Unidas contra la Droga y el Delito, 2020). In turn, 1 065 families have benefited from the Formalize to Replace program (Formalizar para sustituir), which provided them with land titles (Instituto Kroc de Estudios Internacionales de Paz, 2019).

Several difficulties have arisen in the process of complying with this point: the security of the territories has deteriorated due to the influx of criminal organizations and the struggles for control of the areas where substitution plans are being promoted; also, substitution and eradication programs require greater technical and timely assistance in order to assist communities and thus achieve better marketing alternatives for substitution products (Instituto Kroc de Estudios Internacionales de Paz, 2019).

Arauca: Between Migration and Implementation

This section addresses the relationship between the challenges of migration and the end of the armed conflict, specifically analyzing the three points mentioned above for the case of Arauca.

As posed in the previous section, the first point of the Agreement seeks to promote investment in rural public goods and services in prioritized municipalities, thereby improving the quality of life of the population and fostering socio-economic progress in the regions. Arauca, a department with a Multidimensional Poverty Index (MPI) of 61%, reflects the inequality between urban and rural areas: “in the municipal capitals the rate is 55%, while in the rural area poverty affects 93% of the population” (Verdad Abierta, 2018b, para. 7). As of July 2017, it was recorded that only 16% of the rural population had access to the right to water supply, in contrast to the 92% coverage in urban areas, and 2% with sewerage, as opposed to 80% in urban areas (Verdad Abierta, 2018b).

In this sense, the Rural Reform proposed in the first point of the Agreement is fundamental for the department. The four rural municipalities prioritized were Tame, Fortul, Saravena and Arauquita, as they are some of the most affected by the armed conflict, with high levels of poverty, development of illegal economies, and lack of State presence (see Map 1).

Map 1. Location of the department of Arauca and the four PDET municipalities



Source: Map taken from Milenioscuro (2015), edited by the authors to include information regarding the location of PDET municipalities, based on information obtained from the Final Agreement (Acuerdo Final de 2016).

In 2018, these four municipalities initiated a participatory process to build the PDET Programs at three levels: village, municipality and subregion. As a result of this, the 15-year Regional Transformation Action Plan (PATR)³⁷ for the Arauca subregion was signed. Nearly 8 000 people participated in this process, and a total of 2 000 initiatives were included. The PDETs have been developed as public policy instruments through the signing of Ordinances and Agreements in the territorial areas (Presidencia de la República de Colombia, 2020); the national government plans to invest 2.44 trillion Colombian pesos in bringing these to fruition, mainly through:

The creation of technological development centers that allow for the growth of the agricultural and forestry sector; the creation of a rural public university with a differential approach; the implementation of participatory projects for the ecological restoration of the forests along the water courses of the canals, rivers, estuaries, morichales and wetlands; the construction of protection, prevention and mitigation works for floods produced by the Arauca, Cravo, Caranal, Bojabá, Banadías, Cusa and Ele rivers; coordinate actions for the implementation of life plans and safeguard plans for indigenous peoples, among others (Martínez, 2019).

According to official sources, by 2020, 78 works had been executed in the four PDET municipalities of Arauca for an approximate value of 10 108 million Colombian pesos (Presidencia de la República de Colombia, 2020), of which, one is in Saravena, 45 in Arauquita, and another 32 are projected for the municipalities of Fortul, Saravena and Tame. Thus:

It is projected that by the year 2026, the Development Program with a Territorial Approach for the Arauca subregion will have advanced 50% of its planned construction, which will allow the department to have roads that guarantee its connectivity with the rest of the country,

³⁷ Acronym in Spanish for Plan de Acción para la Transformación Regional.

thereby achieving productive, agro-industrial, and competitive development through which a better quality of life will be provided for peasants who are victims of the conflict and the community in general (Martínez, 2019).

All this investment in rural public goods and services, achieved and projected for Arauca, runs parallel to the increase in migrants. However, of all the PDETs in Colombia, only three departments or subregions have a higher percentage of migrant population than the national total, equivalent to 3.1%: the department of Arauca with 8.9% (15 924), the border subregions of the Sierra Nevada del Perijá with 6.8% (110 475), and Catatumbo with 5.1% (8 933) (Departamento Administrativo Nacional de Estadística [DANE], 2020).

In this sense and very much in line with the thesis of this article, the DANE states that the challenge is to achieve sufficient supply of public goods and services so as to incorporate young migrants into the labor market, and thus they can contribute to the economic system of the municipality. This is due to the fact that the entry of immigrants could affect the labor market of the host society in cases where this entry of people is not regulated. On the other hand, it can also have an impact on the increase of discrimination and xenophobia, tearing apart the social fabric. Achieving the incorporation of this population into the labor force and promoting training programs for young people is therefore a great challenge (DANE, 2020, p. 18).

However, the great omission in the PDETs are Venezuelan migrants. The PATR for the Arauca subregion does not mention Venezuelan migrants in any capacity. Competition for resources could explain this omission. Given that there are several funded programs in the department aimed exclusively at migrants, including them in the PDETs would have been a way of sharing resources that, by their nature, may be exclusive to the local and national population of the State. Excluding Venezuelans is a way of ensuring that the resources made available by the PDETs will not be distributed to the migrant population. However, the absence of this population in the territory's development plans prevents planning from offering relevant responses to the reality experienced especially in the PDET municipalities, which are either border municipalities (Araucuita and Saravena) or necessary temporary stay/transit points for migrants (Tame and Fortul).

As noted in the previous section, point three includes the definitive cessation of hostilities, ceasefire by the FARC, as well as the entire reintegration process—in the social, economic and political spheres—of former combatants. On the other hand, point four includes important programs for the replacement of illegal crops. In the case of Arauca, these two points are paradoxically related.

In this sense, the work articulated between social organizations and official institutions in the eradication of illicit crops:

Allowed the national government to promptly declare Arauca a territory free of illicit crops (...) By the end of March [2019], the High Council for the Post-Conflict [Alta Consejería para el Posconflicto] announced that (...) the last 406 hectares of coca leaf remaining in the department had been eradicated (Verdad Abierta, 2018a).

What has happened in the ETCR-Philippines, located in the border municipality of Arauquita, is also encouraging. In this area, and especially at the time of the FARC's greatest armed activity, there was a continuous flow between the two countries. It is for this reason that both Colombian and Venezuelan ex-combatants live in the ETCR-Philippines, families of both nationalities coexist there. As such, there is a Venezuelan population that has been temporarily received in this ETCR, not because of their migrant status but because of their status as ex-combatants or family members of ex-combatants. This has been a source of confusion in the area, given that the migrant population has understood the ETCR as a shelter or a place for migrants. As of 2020, 165 people in the reintegration process³⁸ and 459 in the reincorporation process³⁹ were officially living in this ETCR (Agencia para la Reincorporación y la Normalización [ARN], 2018).⁴⁰

In productive terms, projects such as “sacha inchi, banana, tomato and cachama crops” (Martínez, 2019, p. 85) have been initiated in the ETCR-Philippines. This, thanks to the basic monthly income received by the ex-combatants (provided by the national government until December 2019) and the economic resources provided by the governor's office. Several of these projects are the result of alliances that the farmers of the region already had, and that sometimes hire Venezuelan labor. Among these productive initiatives, it is worth mentioning the Agricultural Cooperative for Peace (AGROPAZ)⁴¹ which produces sacha inchi⁴² and markets its derivatives. To this end, and supported by the Government, the cooperative has inaugurated the SachaMóvil, a plant for processing the oilseed in 11 agroindustrial units that operates with farmers from the region, former coca growers, and former FARC combatants. Equally visible are the educational achievements of the ETCR-Philippines: in two years, 85 former FARC guerrilla fighters and 20 civilians from neighboring communities graduated from high school (Semana, 2019).

Still, despite these important and significant achievements in both crop eradication and reincorporation processes, the armed conflict in Arauca has not ended (La Comisión, 2019). On the one hand, the control and expansion of the National Liberation Army (ELN)⁴³ in Arauca is still ongoing. The ELN has taken over several of the former FARC's territories, especially Tame and Arauquita, and has strengthened its political control over local authorities and the population (Johnson, 2018).

³⁸ Regular reintegration: population of the United Self-Defense Forces of Colombia (AUC) and FARC members who demobilized before the entry into force of the 2016 Final Agreement, who did not commit crimes against humanity (Acuerdo Final de 2016).

³⁹ Those demobilized by the 2016 Final Agreement with the FARC. It is a reincorporation route that was created under this agreement.

⁴⁰ First (June 2018), FARC ex-combatants arrived at the ZVTNs, which were ended in August 2018 (with the total surrender of weapons). At that time, the Territorial Spaces for Training and Reintegration (ETCR), designed to facilitate both the reincorporation process of ex-combatants and to make a positive contribution to the surrounding communities, were implemented.

⁴¹ Acronym in Spanish for Cooperativa Agrícola para la Paz.

⁴² Sacha inchi is an oleaginous plant consumed for its high content of omegas 3, 6 and 9.

⁴³ Acronym in Spanish for Ejército de Liberación Nacional.

Likewise, nascent dissidences and new armed groups have come together to perpetuate armed conflicts (Johnson, 2018). Of particular concern is the fact that since 2018, former members of the Arauca Vanquishers Bloc (Bloque Vencedores de Arauca), which was part of the United Self-Defense Forces of Colombia (AUC) structure, have arrived in the region (Verdad Abierta, 2018a). This armed presence has derived in parallel governance structures that instrumentalize Venezuelan migrants, controlling their entry into Colombia and expelling those who do not have “a recommendation from a local that guarantees their permanence and work” (Grupo Banco Mundial, 2018, p. 89). This strict control of the actions, movements and activities of the Venezuelan population, such as the distribution of threatening pamphlets, murders of Venezuelans, and attacks on places of shelter, generate “suspicion and distrust among locals, and perceived insecurity derived from their presence in the community” (Grupo Banco Mundial, 2018, p. 84). Illegal groups on the border also represent significant security risks for PNIS leaders.

In July 2019, the Council for Stabilization and Consolidation (Consejería para la Estabilización y la Consolidación) adopted security measures to ensure the protection of the population. In this way, due to their alienated condition, young migrants, underage and in irregular condition

are at risk of being voluntarily or forcibly recruited by illegal armed groups (...) as informants, combatants or as part of illegal economy networks (micro-trafficking and sale of narcotics, drug transportation to Venezuela, fuel smuggling to Colombia) (Grupo Banco Mundial, 2018, pp. 88-89).

In Arauca, protective environments—such as schools—have favored the voluntary recruitment of boys and girls, who are especially vulnerable when they have family problems, are reluctant to attend school, or are trying to earn money to support their households economically. This is aggravated by the regular presence of members of armed groups outside schools, who are constantly on the look for children to recruit (Mesa Rivera, n. d.).

It is noteworthy that, despite the total eradication of illicit crops, Arauca continues to be a strategic area for sustaining illegal economies. This is clearly the reason why illegal groups continue exercising control in the area as a drug trafficking corridor to Venezuela (Vélez & León, 2018). In this way, armed actors have turned the numerous irregular crossing points along the border into strategic corridors for the development of criminal activities and thus they can control the entry of migrants and offer them illegal employment opportunities (Castillo et al., 2018).

According to information published by the Institute for Development and Peace Studies (INDEPAZ)⁴⁴ and the Heinrich Böll Foundation (Espitia Cueva, 2018):

The arrival of Venezuelans and their difficult situation was being taken advantage of by illegal armed groups, so as to incorporate them into their armies and into their chain of illegal revenue. According to various estimates, there are between 1 500 and 3 000 Venezuelan citizens

⁴⁴ Acronym in Spanish for Instituto de Estudios para el Desarrollo y la Paz.

arriving daily to the country through border trails and posts (González Posso & INDEPAZ, 2018, p. 70).

Lacking the documents required by the competent authorities to pass migration controls, Venezuelan migrants—in irregular legal status—are generally forced to make use of *trochas*.⁴⁵ This situation increases the risk of coming across traffickers or insurgent groups (Grupo Banco Mundial, 2018) who, in turn, have used the illegal crossings as strategic spaces for approaching and recruiting migrants (González Posso & INDEPAZ, 2018). The above exposes individuals to multiple risks associated with migration.

CONCLUSIONS

The Final Agreement entered into by the Santos government and the FARC-EP in 2016 is one of the many attempts made in Colombia to put an end to an internal armed conflict ongoing for more than 70 years. This enormous challenge ran parallel with the profound transformation that the country's migratory reality has undergone. As noted throughout the article, in the study conducted by the Ideas for Peace Foundation (FIP),⁴⁶ the increased migration experienced by the country did not raise crime levels for the period 2012-2017. Moreover, this research “suggests that the Venezuelan population has been inserted into the Colombian dynamics behaving like the bulk of the population” (Castillo et al., 2018, p. 4), experiencing the same conditions and vulnerabilities as nationals in terms of the risks of integration themselves into irregular structures or being victims of them (Grupo Banco Mundial, 2018).

These results confirm the thesis of Koslowski (2012), who stated that, in itself, international migration does not represent a security problem; the real problem is the increasing transit across borders of products, money, means of transport, and people. It is the failure of socioeconomic, political and identity integration, together with a lack of political will and of adoption of long-term measures, which does not allow the emergence of feelings of belonging in the host society, since neither are spaces for political participation nor the recognition of citizens' rights opened up. It is essential for the State to think of itself as an inclusive society and to reconfigure its perception of nationality and citizenship based on migratory realities, since the invisibility of migrants and their lack of integration into their environment does increase feelings of discrimination and xenophobia, which can lead to the emergence of new forms of violence.

This is precisely what has happened in Arauca. It is not migration in itself that has increased criminality in that territory—as the FIP study points out—and, therefore, it is not migration that puts the implementation of the Agreement in check. What has specifically challenged the achievements of its implementation is that the department constitutes a strategic corridor for drug trafficking into Venezuela (Vélez & León, 2018). The real threat to what has been implemented

⁴⁵ The term *trochas* refers to informal crossings, inhospitable or jungle areas or roads that are not controlled by the country's immigration authorities, which is why they are not regular stretches of road.

⁴⁶ Acronym in Spanish for Fundación Ideas para la Paz.

are the armed actors that have turned the irregular transit channels—which expand along the border—into strategic corridors for the development of criminal activities. And to the extent that migrants come into contact (voluntarily or forcibly) with such criminal networks, they may end up linked to illegal activities (Castillo et al., 2018).

In this sense, the challenge is not to establish more controls to contain migration—which has historically been a two-way migration between these two countries—, nor are so the regularization and humanitarian assistance measures that the Colombian State has provided so far, which fail to materialize a complete and dignified exercise of rights. It is essential, then, to achieve an offer of sufficient public goods and services to achieve the incorporation of migrants into the labor and educational market, which must go hand in hand with a strong social investment scheme for the native population. Otherwise, the criminal gangs that have turned Arauca into a strategic border crossing not only for commercial and cultural exchange, but also for the development of criminal activities, will be strengthened, which will weaken the valuable achievements in the implementation of the Final Agreement, and will position migrants in an even more vulnerable condition.

Translation: Fernando Llanas.

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