

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM GHNÓTHAÍ EACHTRACHA AGUS TRÁDÁIL, AGUS COSAINTE

### JOINT COMMITTEE ON FOREIGN AFFAIRS AND TRADE, AND DEFENCE

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*Déardaoin, 11 Iúil 2019*

*Thursday, 11 July 2019*

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The Joint Committee met at 9.30 a.m.

Comhaltaí a bhí i láthair / Members present:

Seán Barrett,	Ivana Bacik.
Niall Collins,	
Seán Crowe,	
Tony McLoughlin,	
Maureen O'Sullivan.	

I láthair / In attendance: Senator Paul Gavan.

Teachta / Deputy Brendan Smith sa Chathaoir / in the Chair.

## **Business of Joint Committee**

**Chairman:** We have a quorum. Apologies have been received from Senators Lawless and Ned O’Sullivan. I propose that we go into private session to deal with housekeeping matters. Is that agreed? Agreed.

*The joint committee went into private session at 9.35 a.m. and resumed in public session at 9.40 a.m.*

## **Scrutiny of EU Legislative Proposals**

**Chairman:** We will now deal with scrutiny of EU legislative proposals - Schedule B. It is proposed that the following proposals - COM (2019) 238, COM (2019) 239, COM (2019) 241, COM (2019) 245 and COM (2019) 265 - do not warrant further scrutiny. Is that agreed? Agreed.

## **Colombian Peace Process: Discussion**

**Chairman:** We will now meet Ms Sarah Merrill from Justice for Colombia, Ms Mariela Kohon, senior international officer with the Trades Union Congress, Mr. Kevin Callinan, senior general secretary designate of the Fórsa trade union, and Mr. David Joyce, international officer at ICTU, to discuss the implementation of the peace process in Colombia. The witnesses are welcome and I thank them for providing their briefing material in advance. I also welcome the Colombian ambassador, H.E. Ms Patricia Cortés Ortiz, to our meeting.

Before beginning, witnesses and persons in the Public Gallery are requested to ensure that, for the duration of the meeting, mobile phones are turned off completely or switched to air-plane, safe or flight mode, depending on their devices. It is not sufficient just to put their phones on silent mode, as that will cause interference with the broadcasting system.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the joint committee. However, if they are directed by the Chairman to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against any person or body outside the Houses or an official either by name or in such a way as to make him, her or it identifiable.

I call on Mr. Callinan and Ms Kohon to make their opening statements.

**Mr. Kevin Callinan:** I thank the committee for the opportunity to meet it today and for listening to what we have to say about the situation in Colombia. I am the senior general secretary designate of Fórsa, which is Ireland’s second largest trade union with more than 80,000 members. I am also one of the two vice presidents of ICTU, having been re-elected last week at the biennial delegate conference.

Justice for Colombia is an NGO wholly owned by the British and Irish trade union movement. I serve as one of the Irish members of its governing body. In my capacity as ICTU vice president, I visited Colombia during late November and early December 2016. During the week in which I was there, the peace agreement between the Colombian Government and FARC, which had been renegotiated following its narrow rejection in a plebiscite the previous September, was ratified by the Congress in Bogotá. I was accompanied by the then president of ICTU, two Westminster MPs, a number of senior British trade unionist leaders, an eminent lawyer and a well-known journalist. Our intensive schedule included a range of meetings in Bogotá with a variety of human rights and social justice campaigners, the leadership of the main trade union federation, the Central Union of Workers, CUT, relatives of the “disappeared” and key leaders of the FARC. We then travelled to Buenaventura, the main Colombian port, through which 60% of trade passes. There we visited some of the outer suburban slums where people who had been displaced to make way for the expansion of the port were housed. We also saw some of the infamous “chop houses” in the port area itself where those abducted by paramilitary gangs were dismembered prior to their body parts being scattered in the ocean.

Following a journey to the city of Cali, we travelled into rural and mountainous Cauca. Over the course of a day, we heard the testimonies of approximately 200 rural dwellers there, some of whom had travelled on long journeys to meet us. As this location was one of the designated zones for the reincorporation of FARC combatants, we also met the local commanders before proceeding to meet the army leaders, including three colonels, who were stationed in nearby barracks.

Our group divided on returning to Bogotá, with some travelling to Chiquinquirá prison where a large number of FARC prisoners were being held. I was part of the small group that visited Mr. Huber Ballesteros in La Picota prison. He is a trade union leader who at the time had been in prison for more than three years.

Prior to returning home, I also met members of the congressional peace commission and the Presidential Counsellor for Human Rights with three of her staff. Some of the delegation met the British ambassador and his officials.

The foregoing is not an exhaustive list, but it will give the committee a flavour of the range of contacts made and the distance travelled over six days in Colombia.

I am pleased to say that, following my return to Ireland, Mr. Ballesteros was released from prison and, on my proposal, he was invited to attend and address the ICTU biennial delegate conference that took place in July 2017 in Belfast. It was an emotional moment and one that was fittingly recognised when the President of Ireland, Mr. Michael D. Higgins, addressed him personally during his speech to the conference.

The Colombian peace agreement contains six main pillars. These are: comprehensive rural reform, which seeks to help rural communities gain access to land and formalise land titles, access the means to make this land productive and participate in the planning of their regions; political participation, which seeks to open up the democratic space and guarantee rights for the political opposition, reform an electoral process and guarantee that politicians and weapons are no longer used together; end of conflict, which seeks to carry out the FARC’s disarmament, guarantee FARC members’ transition into civilian life and their political, social and economic reincorporation, dismantle paramilitary groups and guarantee secure conditions for former combatants and communities; a solution to the problem of illicit drugs, which seeks to help illicit crop growers to transition to legal activity through the implementation of a crop

substitution programme, facilitate treatment for consumers and fight against the entire chain of drug trafficking; the victims pillar, which seeks to establish a truth commission to clarify what happened during the conflict, bring about justice regarding crimes committed by all actors during the conflict with a focus on truth and restorative justice, establish a special unit to find the disappeared, bring about comprehensive reparation for victims and guarantee that these events will never happen again; and the implementation and verification pillar, which seeks to ensure that the peace agreement is implemented and a commission of three senior government and three FARC members is established to follow up the implementation process, with that implementation accompanied internationally by several institutions and organisations and verified by a UN special political verification mission.

I was struck by important similarities to the Irish peace process. While there are differences, it is clear that the journey to peace has had many similar elements in both countries. Indeed, Irish politicians from all sides, particularly in the North, played an important role in assisting the Colombian process. Justice for Colombia was centrally involved in the co-ordination of this effort. I was also struck by the importance of the land question in Colombia. Comparison can be made to the way in which land played an important role in Irish history, particularly towards the end of the 19th century. Since my return from Colombia I have continued to work with Justice for Colombia, JFC, including, as I said, serving as one of the Irish members of its governing body.

In 2017 my union, Fórsa, through our Developing World Fund, agreed to support the establishment of a JFC peace monitor. The work commenced in 2017 and is continuing in an effort to spread awareness about the situation in Colombia to help trade unionists and other social leaders there.

Two further high-level visits to Colombia have taken place. The delegations again comprised parliamentarians, senior trade unionists and lawyers. Two of my senior colleagues have participated and on both occasions they have confirmed the value and importance of the visits, not just because of the effect on morale for Colombian trade unionists and human rights defenders, but also because of the unique access to and exchanges with Colombian institutions and state agencies. Since the peace agreement was ratified there has been an upsurge in the level of attacks, threats, intimidation and murder of civil society activists and human rights defenders. Members will hear more detail about the scale of that later.

I acknowledge the efforts of the EU special envoy, Eamon Gilmore, who has played a very important influential role in the peace process itself. I also take note of the input of Irish officials during the extended peace talks in Havana. The recent opening of an Irish embassy in Bogotá and the appointment of Ambassador Alison Milton should also be acknowledged.

The situation in Colombia is grave. As we know in this country, peace is fragile and requires constant effort to ensure the necessary balance of measures that are required to sustain a peace agreement once it has been negotiated. It is a source of serious worry that elements of the Colombian peace agreement have been ignored, changed or progressed too slowly. Our experience on this island means that we have a special responsibility to assist peace efforts and to point out unacceptable practices, but all the while, speaking out for the oppressed and those who seek to defend or advocate for them.

Colombia is the most dangerous country in the world to be a trade unionist. Human rights defenders regularly encounter violence and death. Civil society activists operate in fear of their lives. The interest and action of members, as legislators and parliamentarians, can make a dif-

ference. Justice for Colombia is a very small NGO but it has credibility and unique access to a wide range of actors in Colombia. My colleague, Mariela Kohon, served as its director for many years, was then an adviser in the peace process from 2016 to 2018, prior to taking up an appointment as the senior international officer at the Trades Union Congress, TUC, in Britain earlier this year. I will let her inform members about the path to the peace agreement itself, the difficult situation since it was ratified and the current situation that pertains in Colombia.

**Ms Mariela Kohon:** The situation in Columbia is critical. The peace agreement signed in November 2016 between FARC and the Colombian Government faces significant challenges and more so since the election of President Iván Duque. The implementation of the agreement has been slow and there have been attempts to change the agreement by the current Administration. The implementation of the chapters dealing with the root causes of the conflict - comprehensive rural reform and political participation - have seen little progress. The chapters dealing with the consequences have been subject to attempts to change their nature and have been under-resourced by the state.

The current Government, led by President Iván Duque, is from a party, Centro Democrático, which has openly attacked the peace agreement and challenges the transitional justice model as agreed, which would affect the rights of all victims of the conflict. He was elected on such a platform, and the polarisation seen during the election remains.

As mentioned, I am currently the senior international officer at the TUC. Between 2016 and 2018, I was an adviser in the peace process, liaising with the international mechanisms established to verify the implementation of the agreement, with the UN Verification Mission, with the UN Security Council, and with other mechanisms. I participated in the negotiations and advised in the CSIVI, the implementation, monitoring and oversight commission, made up of three government ministers and three FARC representatives. Prior to that, I was director of Justice for Colombia, and led an initiative to take cross-party representatives involved in negotiating the Good Friday Agreement and trade unionists to share their experiences in Colombia and Havana during the process.

The agreement was not for the benefit of FARC but for that of all the people of Colombia. While FARC has complied with its obligations, its disarmament was verified by the UN Verification Mission, its members have appeared before the Special Jurisdiction for Peace, and there is the transitional justice process known by its Spanish acronym, JEP, the Government has not implemented crucial areas of the agreement and has attempted to change the JEP's scope. We have seen a significant and alarming number of social leaders and former FARC combatants assassinated with little effective action taken by the Government.

At the heart of the agreement is the transitional justice process, including the JEP, as well as a truth commission and a unit to search for the disappeared. The JEP has been subject to repeated attacks by the ruling party, to attempts to change its scope, and to being undermined by the former Attorney General. Despite that, the JEP has heard several cases since it started to work: case 001 related to kidnappings, and the entire former leadership of FARC appeared before the court; case 002 related to acts of war; and case 004 related to the humanitarian situation in Urabá. Case 007 about the recruitment of minors is being prepared.

Both the parliament and the constitutional court excluded the mandatory jurisdiction of the JEP over civilian state agents such as politicians and public administrators, and third parties such as funders and organisers of paramilitary groups, limiting the mandatory jurisdiction to former combatants, members of the public security forces and former guerrillas. The attacks

on the system raise the question whether there are sectors afraid of the truth being revealed and putting an end to the impunity many have enjoyed for decades.

On 10 March 2019, the President expressed six objections to the draft statutory law of the JEP. The international community strongly pronounced its support for the law, and finally, on 8 April, the Government's objections were rejected by Congress. The JEP has received significant international support. Repeated Security Council sessions on Colombia have called for its autonomy to be respected. The UN Secretary General, in a press statement to announce the publication of the UN Verification Mission's latest report stated: "I call upon all parties to ensure that any reforms undertaken respect the commitments made to those who laid down their arms in good faith and on the basis of provisions in the Peace Agreement, a principle that the Security Council has itself underscored."

There is also concern over funding for the system. The truth commission lacks resources and has been forced to rely on international support for its functioning. The chapter of the agreement dealing with political participation, where political exclusion and a lack of democratic space has been recognised as a cause of the conflict, has several areas which have not been implemented. Crucially, the 16 seats in the House of Representatives agreed for civil society representatives from the regions most affected by the conflict have not been established.

In the area of comprehensive rural reform there is also slow progress. The Government's own national development plan sees less than 1% of its budget dedicated to investment in the countryside. One of the main concerns for peasant organisations is the creation of the strategic zones of comprehensive intervention, which many perceive as a return to the old war on drugs, where the main responsibility in terms of eradication of crops will fall on the Ministry of Defence. That is far removed from the measures stipulated in the peace agreement. Many compare the zones to the consolidation areas, which were areas of military control and operation under the previous Uribe Administration, raising concerns about the potential for human rights abuses. The security conditions of those who work in the programme to substitute illicit crops is worrying. There are reports of approximately 50 workers murdered so far. The President has announced intentions to return to the fumigation of crops, which causes significant environmental damage and health risks and goes against the roadmap established in the peace agreement to deal with the problem of coca and other crops for illicit use in a sustainable way.

The reincorporation of former combatants remains of concern. There is still an urgent need to purchase land. Support for the areas for training and reincorporation is due to finish in August 2019. The uncertainty caused by the lack of economic reincorporation, combined with the killings of former combatants, creates a worrying panorama. According to FARC, 135 former members have been murdered, and 11 forcibly disappeared. Since I wrote this statement, two more were killed in the past three days. One of the most recent to be killed was Dimar Torres, a FARC member who is alleged to have been murdered by a Colombian soldier, who then appears to have intended to forcibly disappear his body. A recent statement by the UN special rapporteur on extrajudicial executions and the UN working group on enforced disappearances urged the Colombian Government "to cease inciting violence against demobilised individuals of the FARC-EP and to meet the guarantees that were made to them during the negotiations in Havana, most importantly respect of the right to life". The Minister responsible for peace implementation, Emilio Archila, reacted by calling the statement "badly intentioned" and rejected the conclusions. The UN Verification Mission's report covering the period 26 March to 26 June stated that during this reporting period "14 former FARC ... members were killed, including the second recorded killing of a female former combatant, Lucero Jaramillo Alvarez,

on 4 April ...". The figures of killings of human rights defenders and social leaders is similarly alarming. Figures vary. Some human rights organisations estimate that since the signing of the peace agreement in November 2016, 591 social leaders have been assassinated, 193 of these in the past ten months since President Duque took office. These include human rights defenders, trade unionists, social leaders and community leaders promoting coca crop substitution and others defending the peace process. A human rights monitoring programme, Somos Defensores, identified that between January and March there were 245 different aggressive acts against human rights defenders, a 66% per cent increase from the same period last year. The ITUC's just published Global Rights Index shows that 34 trade unionists were killed in Colombia last year, meaning the majority of trade unionists killed are Colombian, with little action being taken to bring those responsible to justice. It is listed as among the ten worst countries to be a worker and where workers have no guarantee of rights. This all occurs in the context of upcoming local elections in October this year. The non-governmental electoral observation mission warned in a 27 May report that violence and intimidation against local candidates may increase during this period. It noted that already incidents against potential candidates are 50% higher than in the equivalent period in previous local elections in 2015.

Despite the challenges many brave Colombians remain committed to the peace process. The current situation in Colombia means the role of the international community is increasingly crucial if we want to see a lasting and sustainable peace. The peace agreement was signed not just by the Santos Administration but by the Colombian state. It is an official document circulated in the UN Security Council and the state, regardless of the ruling party's opinion, has an obligation to implement it.

**Chairman:** I thank Mr. Callinan and Ms Kohon for their presentations. I call Deputy Maureen O'Sullivan.

**Deputy Maureen O'Sullivan:** I thank the witnesses for their presentations and it is good to see Ms. Mariela Kohon again. This discussion is very timely. I was struck by what Ms Kohon said about sectors being afraid of the truth. We debated a Bill here last night that would see increased information being given from this State to Northern Ireland regarding the Good Friday Agreement peace process etc. There is no doubt there are people who are afraid of the truth and afraid to accept what goes on. We are seeing here what the witnesses are reporting on in Colombia. This discussion is also timely as Christian Aid published a report this morning on the issue of illicit drugs in Colombia, Myanmar and Bangladesh. The witnesses said there are progressive elements in the peace process to deal with this but progress is not been made. What is needed to get that moving?

I acknowledge that our ambassador comes in and gives us updates on the implementation of the peace process, and acknowledges the areas where the process is very slow and the areas where the process is continuing. Mr. Callinan mentioned his visit to Colombia and it is good he has access to many institutions and agencies when he was there. In spite of the negatives and the grim situation the witnesses paint, are they sensing there is a desire to implement the peace process? Where are the obstacles to that? They might refer to the role of the paramilitary groups and those who have not come into the process.

We know how difficult it is for a country to come out of a conflict situation where there has been massive loss of life and the effects this has. I can see the conflict in that context as well but there have been attacks, murders and the massacre of trade unionists and civil society leaders. Why do the witnesses think there is not enough protection of those groups? Who is stopping that protection? Why are so many murders allowed to happen? Obviously, these leaders in

their communities are known, so why is there not a protection regime for those people?

It was good to hear from Ms Kohon that the Colombians remain committed to the peace process. In terms of the role of the international community, it is good we have an ambassador and that she is getting to make visits there. She was here recently and we met her and heard what is going on. If there was one thing the witnesses would change to bring about a drive for a just peace, what would that be?

**Ms Mariela Kohon:** I thank the Deputy for her questions. On the point she raised with respect to the truth, since I wrote the intervention, the government announced a 30% cut to the budget for the whole transitional truth and justice process. The JEP has said that will be very difficult and the Truth Commission has said it will stop it being able to function. The unit for the disappeared will have to cut several of its areas, and already they are having to rely on international supports. One concrete thing would be to pressure the government to give enough resources to that system.

On the coca issue, there is a roadmap in the peace agreement for that. That is not being kept to in the sense that aerial fumigations, to which the government has announced an intention to return, have been shown to be ineffective and they cause huge damage. There is a voluntary crop substitution programme in the peace agreement and 30,000 families are waiting to sign up to that. Approximately 99,000 families are registered in that programme but, of those, only 22,000 have received the payments they are supposed to receive and only one third have received technical assistance. That programme requires many more resources and speed to drive it. Also, the leaders of those communities require a protection programme because many of them are the ones being targeted by different groups with interests in continuing the drugs trade.

On the issue of paramilitaries, it is a very complicated issue and it changes according to the regions of the Colombia and different economic and political interests. The government has not done enough to stop the climate of hate and stigmatisation of social leaders. Even with respect to the justification of some of the killings, the defence Minister reacted to the killing of the FARC member I mentioned and tried to say there had been some kind of armed interaction when he was murdered. The timely action plan, the PAO, which the government announced as a measure to deal with the killings, does not include civil society organisations, human rights organisations or position groups in the programme in terms of their involvement in creating the programme whereas the security measures designed in the peace agreement are a whole host of different and complicated institutional and legal measures which very much include those organisations, and there is also the National Commission for Security Guarantees. While we would not criticise any effort by the government to try to target these killings a more concerted effort needs to be made and some of the measures in the agreement need to be implemented.

In terms of the international community, a letter sent by the foreign Minister to all members of the diplomatic community in Colombia on 25 June caused concern recently. It stated that they can no longer visit the ETCRs, the FARC zones of reincorporation, without the government's authority, that they have to explain why they want to go, that they have to co-ordinate their agenda in conjunction with the government and even when they are going with a UN mission it must be in co-ordination with the government. That violates the right of the international community to visit these zones, which had put much resources into these implementation and reintegration projects. FARC has the right to invite the international community to come and see these projects. It is important to keep an eye on that and to make sure the international community has access to these areas and that it urges the Colombian Government to stop trying to change the agreement as it was signed, to put the necessary resources into its implementation

and to try to tackle the climate of polarisation because there are elements within the Administration and within the party that is behind the president which have been vociferously against the peace agreement.

**Chairman:** I call Deputy Crowe.

**Deputy Seán Crowe:** The witnesses are all very welcome. What we have heard this morning is a very bleak report. I would like to be more positive about the situation. The release of Huber Ballesteros was a positive. Another positive is Ms Kohon's statement that many Colombians are still committed to the peace process. As she outlined in her report, many governments and politicians gave a commitment and much time and energy to the process. Having heard her presentation, the suggestion is that the process is dying from lack of action, clearly from the government. The key elements concern land reform and resources. The absence of movement on those issues is a major step back. One of the greatest difficulties in getting the peace process under way was trying to convince those engaged in the conflict that there was a new way forward and the possibility of a transitional period to move away from conflict. Many people are being killed now, however. Many of those are human rights activists, people with no involvement and ex-combatants and yet they are being killed. Mr. Callinan spoke about Colombia being the most dangerous place in the world for trade unionists despite there being a peace process.

My first question concerns all those politicians in the UN who gave a commitment to the peace process. The UN has a permanent office in Bogotá monitoring the peace process. That was happening even prior to the peace agreement. What can those organisations do now given that there are clearly major difficulties in the peace process? Some of the activities undertaken by organisations and people prior to the peace process involved trying to convince people to take part. Many of the people they were attempting to convince had been part of a previous process where those who took a political role were slaughtered. Approximately 2,000 ex-combatants stood for election at that time and were then killed. We seem to be experiencing a repeat of that process. An element of this peace process concerned people in jail. What is happening concerning their release? What happens when those people are released? Is there a programme for them to be reintegrated into society and are the necessary resources being supplied? It has been mentioned that the requisite land is not being made available.

The Irish Government recently opened an embassy in Bogotá. Embassies in locations around the world where there have been conflicts and difficulties with human rights have played a major role in monitoring what is going on. Representatives from those embassies have also attended trials and had a general involvement in those areas. How important is that kind of activity for a new embassy such as Ireland's as well as other embassies? Is there a role for those embassies in this process? There is also growing concern about another topic that I have raised here and in the Chamber previously. Other groups have also commented on this issue regarding one area of Colombia. I am referring to the ESB buying significant amounts of coal from the Cerrejón mine in the north east of Columbia. Deputy Maureen O'Sullivan and I met one of the human rights defenders from that area who works with indigenous people at a recent meeting of the foreign affairs committee. She stated that her life was under threat and that threat has increased since she returned to Colombia.

I have seen pictures of the mine. It is devastating the way of life of the indigenous community in the region and causing extensive environmental disruption. Are the witnesses aware of the mine? Members of the local community in that area have received death threats and some of them have been killed by local paramilitaries. Considering that land was at the heart of the

Colombian conflict, it is disturbing that the Colombian government is continuing to facilitate land grabs and people being forced away from the river and clean water. The locals rely on companies to get clean water and food and one company has been in the area for the past 40 years. Is there a role in that for the Irish Government? Does the ESB have a responsibility as a company that is purchasing coal from that mine? Should it familiarise itself with what is going on in Colombia? Given the connection with the ESB, would it be important for the Irish ambassador to visit that region and see exactly what is happening on the ground?

**Mr. Kevin Callinan:** I will make a general point and Ms Kohon might deal with some of the specifics. It was only possible to get a certain amount of information during a short visit to Colombia. I was particularly struck by meeting a panel of human rights lawyers and some of the religious involved in peace and justice issues. At the end of that session, I asked what we could do to help. That is at the heart of what the Deputy said. We must remember that meeting was two and a half years ago. We were told that there was a need for international monitoring of human rights abuses as well as a need for international agencies, including the EU to remain in Colombia after the agreement to ensure proper monitoring. There was also a request for action - and I reiterate this was two and a half years ago - to ensure that the agreement was not undermined through persecution. That is what has been happening. It was stated that the international funds provided should be monitored so that they were channelled directly to organisations working in communities to reincorporate former guerrillas into those communities.

We in Ireland and the international community need to try to drive that process forward to ensure that the peace agreement is secured. The visit of various colleagues in the intervening period has confirmed that is the most useful thing we could do. I fully agree with the Deputy's comments concerning the land question. Colombia is a stunningly beautiful country. Many aspects of rural Colombia would remind an Irish person of the Ireland of 50 years ago. At the root cause of the problem in Colombia is the expropriation of 8 million ha of land and the displacement of 7 million people. Land is at the heart of the problem and that is why the agreement itself was quite specific on how to deal with the processes needed to address that land question. Linked to that issue was the topic of illicit drugs and crop substitution. Ms Kohon might be in a better position to answer the specific questions posed by the Deputy.

**Ms Mariela Kohon:** Regarding the bleakness, it is difficult because we are faced with all of these challenges. The reality, however, is that many people are working very hard to support the implementation of the peace agreement. There is an interesting process called *Defendamos la Paz*, DLP - let us defend the peace. That is a loose alliance of many different people from different political sectors and from many different political perspectives. It includes journalists, politicians and human rights defenders who are trying to work to defend the peace agreement and its implementation. A major demonstration planned for 26 July is being programmed specifically around the killings of leaders. I would not want to give an impression that it is all bleakness. The agreement is still there. It is an official document of the UN Security Council and it needs to be reclaimed and protected.

The verification mission report released just last week recognised that the Territorially Focused Development Programmes, PDETs, have been established and some more projects for reincorporation have been agreed. There are, therefore, some small areas where it is possible to see that efforts are being made. It is also important to state that the cessation of combat between FARC and the Colombian army has saved thousands of lives. That is something to be recognised. The overwhelming sense for many people, however, is that there is a lack of will in many areas and that the killings are alarming.

As the Deputy mentioned, FARC has that history with the Patriotic Union Party. During a previous attempt at a peace process, it entered the political process and more than 4,000 members of the Patriotic Union Party were assassinated. Many of those were elected members of congress, councillors and mayors. That is the last experience they have of entering the political process. That is especially alarming given the local elections. One of the leaders of FARC said yesterday that he had information that there was a plan to systematically kill members of the organisation. There is much concern because of that. Many of the security measures being called for do not just involve bodyguards and armoured cars. They concern collective protection and involve fundamentally changing the use of weapons in politics, which has happened historically in Colombia. Another problem is where there are not sustainable economic projects for the FARC members in the region to be involved in. The peace agreement has not got rid of the illegal economy or the other armed groups. There is a criminal offer there and people can be tempted when they do not have sustainable ways of making a living.

The Irish embassy was established in January. Ireland has the history of the peace process and the Colombians have greatly benefitted from that experience. If Ireland does end up on the Security Council, it would have a significant role in terms of the mandate on the UN verification mission. The security council is visiting Colombia tomorrow, I think. Those kinds of visits are vital as is making sure the agenda is balanced and that they have access to all sectors of Colombian society. On the mine, it is a region where many indigenous children from the Wayúu community have died because of malnutrition. There are serious issues in that region. We have had contact with the union that tries to organise workers in that mine. Any kind of visit from the diplomatic community to the regions is incredibly important, as they can see things first hand and have direct access to the communities. The Irish embassy has a big role to play there. The EU has a group of ambassadors that focus on human rights defenders. They do things like inviting human rights defenders to the embassy, supporting human rights initiatives and pushing for support for the transitional justice process.

*Deputy Maureen O'Sullivan took the Chair.*

**Senator Ivana Bacik:** I thank the witnesses for their comprehensive presentations. I also welcome the Colombian ambassador. I am struck by the comment that it is a bleak assessment but, as Ms Kohon said, it is important to try to take a balanced approach. It would be a mistake to characterise it as a dying peace agreement. I am struck by the European Parliament report on Colombia of May 2019, which we were given by Ms Cáit Hayes from the Oireachtas communications unit. The report refers to a fragile stability in Colombia and, while it addresses the challenges in the peace process, it tries to pave a way forward. That is what we should try to do. We heard in recent months from the EU special envoy, Eamon Gilmore, who spoke at this committee about the challenges and his continuing work. I thank Mr. Callinan for paying tribute to Mr. Gilmore and his continued role with the EU. It is also positive to see the Irish embassy opening in Bogota with Ambassador Alison Milton. I welcome the assistance and support Ireland and Irish officials have given to the peace process. I also pay tribute to the important work of Justice for Colombia. The European Parliament report makes clear that NGOs and civil society will have a significant role in ensuring the implementation of the peace accord.

I am struck by the appalling news of the deaths of so many human rights defenders and the statement that Colombia is the most dangerous country in the world in which to be a trade unionist. That is pretty bleak. All of us following the situation have been alarmed at President Duque and his Government's apparent lack of commitment to the peace accord. The question for us as committee members is how to help with the implementation of the peace accord, how

to use any influence we have to place pressure on the Colombian Government and how we can work through the EU. The EU's trust fund for peace has been instrumental in the negotiations on the peace accord and in trying to see it implemented. The briefing we received from the Department of Foreign Affairs and Trade points out that Duque's government is a coalition and that there are different views in the different parties. Perhaps it is not quite as monolithic as might sometimes appear in reports. Typically, this committee has expressed its views by way of a letter to the Tánaiste and Minister for Foreign Affairs and Trade, asking him to use any influence he has at EU level and in bilateral contacts to push for implementation of the peace process. We might do that again today.

Like Deputy Maureen O'Sullivan, I was struck by the fact that one significant difficulty has been the pillar on illicit drugs and drug cultivation. The Christian Aid report suggests that the war on drugs has been the wrong approach. It is a view I have taken for a long time. The European Parliament report notes that while more needs to be done to eradicate the cultivation of illegal crops, the strategies that have been continue to be adopted have been ineffective. A joint report by a number of think tanks and prominent NGOs has demonstrated their ineffectiveness. That report calls for a different policy that would include a focus on rights and public health and that would move away from the prohibitionist strategy of the war on drugs. Is there any way we can use our influence to put forward an alternative approach to the problem of illegal drugs that would help to resolve that issue?

One of the issues identified in the European Parliament report and in our own Government's assessment is the recently deteriorating situation in Venezuela, which is having a destabilising effect within Colombia as estimates of tens of thousands of refugees are coming into the country every day across the border. Friends who visited Colombia in recent months tell me this is a visible issue and clearly problematic. The European Parliament report suggests that tackling the implications of the Venezuelan crisis is one of the key interventions that need to be made in ensuring the effective implementation of the peace accord.

The witnesses might comment on the ongoing security issue from the ELN, the guerilla group which has not been party to the peace accord and which I think was responsible for a bomb attack in Bogota in January of this year. Peace talks are continuing in Havana but have been suspended at various periods. Is there any prognosis there? We spoke with Eamon Gilmore about that issue, too, and he pointed out some key challenges.

I reiterate the commitment of all members on a cross-party basis to ensuring that the fragile stability currently pertaining in Colombia is supported and that we try to help in any way we can to ensure the implementation of the peace accord and continued peace and protection of human rights, with an end to the dreadful assassinations and deaths of so many human rights defenders in Colombia and support for victims. One of the positive things that shone out to me from the reports I have been reading is that victims and families have participated. The witnesses talked about how important the JEP and the transitional justice process have been. That is working and, although clearly it is being undermined, there are some positive signs. One has been the participation by very brave victims and their families. There is support from the Colombian people even though it is a polarised population, as is exemplified by the vote in the referendum on the peace deal and in President Santos having lost the 2018 election. This is a massive issue. While it appears to be a bleak assessment currently, is there a way forward? If so, can the committee assist in that?

**Ms Mariela Kohon:** I will try to pick up as many points as I can. On the victims, the attacks on the JEP rarely come from victims. They are coming from people who have been

implicated in things they do not want to be discovered or for political reasons. We have seen a lot of support for the transitional justice process from the victims. They are not just victims of the FARC. This process is for victims of everyone in the conflict. The purpose of this transitional justice process is sometimes misrepresented. After all the lessons from the Good Friday Agreement, it is the one area in which Colombia has perhaps advanced more in terms of legacy and truth, at least in agreement if not in practice. Internationally that process has been highly regarded, with its focus on restorative justice and truth rather than a punitive process. Some civil society organisations have made presentations to the system, including Afro-Colombians and indigenous groups, women, and relatives of victims of extrajudicial execution and killings by the army. I agree that victims are supposed to be at the heart of this peace agreement. It is important that the process be defended.

Regarding the ELN, the talks have been suspended since the bombing of a police academy in January for which it claimed responsibility. The Colombian Government called off the talks. Civil society and defenders of the peace process are keen for them to resume and for some kind of peacefully negotiated resolution to be found with the ELN. Although the ELN is not as large as FARC was, it is a significant force and there needs to be a peaceful resolution to the process.

In the context of Venezuela, the number of migrants, particularly in the border region, is a source of difficulty. Last year, we took a delegation to Catatumbo, which borders Venezuela. It is something that one hears about. Defenders of the peace process do not necessarily agree with the Duque Administration's interventionist approach or any move towards any kind of conflict. The implication of that for the peace process would be difficult. There are concerns, but there is also support for issues to be resolved through negotiation.

In terms of the war on drugs and the coca crop issue, I would encourage the Colombian Government to implement what is in the agreement as a way of solving the situation. The agreement has a clear roadmap, including a public health focus in respect of users. It also has a focus on sustainable alternatives that empower peasant farmers to move beyond subsistence levels and do not damage the environment. There needs to be development of the countryside, but a lack of resources has been provided for that purpose under the national development plan. The Programas de Desarrollo con Enfoque Territorial, PDETs, that were mentioned in the UN report are a welcome step, but there needs to be more investment in the countryside. The agreement had a progressive way of dealing with the drugs issue that was welcomed by many people who work on the issue in greater depth.

I agree that the Colombian Government is not homogenous. The Centro Democrático party houses different views. It is a challenging situation, particularly given the party's history of being so opposed to the peace agreement and then becoming responsible for implementing it. I will reiterate the fact that this is an agreement signed by a state, not by an administration. As such, the party has an obligation to implement it. The agreement needs to be protected.

Regarding the international community and what the committee could do, a visit would be incredibly important if that were possible. The committee should ensure its independence during the visit and meet all of the various institutions, civil society and the signatories to the agreement. In the context of the peace process, FARC is a signatory to the agreement. It is not just another political party now.

The EU trust fund and all of the other support that has been given have been important, but political support is almost more important than resources. The backing for the agreement and the diplomatic pressure that can be applied, be that through statements, letters or some other

way, are important. The statements that have been made by the UN Security Council every three months defending the Special Jurisdiction for Peace, JEP, and its autonomy have been very significant. Some of the progress is down to that international shield. The UN verification mission is fundamental. Its mandate is due to be renewed in September, and its continuation would be important in light of the presence on the ground it provides. People feel like it is a shield. Anything that the committee can do to build the feeling of an international presence is important.

**Vice Chairman:** I thank Ms Kohon.

**Mr. Kevin Callinan:** It would further be open to the committee to invite the parties to the Oireachtas to present to it. Rather than everyone having to go to Colombia, the committee could usefully issue an invitation to the parties.

**Senator Ivana Bacik:** Just to clarify that interesting point, the parties Mr. Callinan means are-----

**Mr. Kevin Callinan:** To the agreement. The Colombian Government and FARC.

**Deputy Niall Collins:** My apologies for being late. I caught most of the presentations on the monitor in my office. Most of what I wanted to ask has already been addressed. In terms of the international trade union movement, how is the message that has been given to us today being received and acted upon in other countries? Countries with strong and open democracies should have a greater interest in this. Is the message being well received and acted upon there?

Since we are at a remove from the situation, what is the mood within the Colombian population? There has been an uprising in Venezuela for different reasons, but it started from the ground up. What is the feeling among the ordinary people in Colombia? Are they so oppressed that they feel they cannot rise up and challenge their leaders? Are the churches playing enough of a role or having an impact?

**Ms Mariela Kohon:** There is a great deal of awareness of the situation in the trade union movement. Justice for Colombia played a role in building that awareness. The International Trade Union Confederation, ITUC, published its global rights index report two or so weeks ago. It lists Colombia as being among the ten worst countries for workers and the most killings of trade unionists. ITUC has been working on raising the profile of Colombia and the Trades Union Congress, TUC, views it as a priority country. In Ireland, ICTU has also done a great deal of work on Colombian trade unionism. The American Federation of Labor and Congress of Industrial Organizations, AFL-CIO, in the US has done a great deal of work, particularly in respect of the US-Colombia trade agreement and its provisions regarding an action plan to improve labour rights and human rights and to tackle some of the failures to reach related targets. During the negotiation of the EU-Colombia trade agreement and its roadmap, there was a widespread movement among the European trade union movement. Several sectoral federations had motions and the European Trade Union Confederation, ETUC, was active in trying to have included in the agreement binding benchmarks for labour and human rights that had to be met. Eventually, the attempt to get binding benchmarks was not successful. There is a roadmap but, unfortunately, many of its targets have not been met yet. In light of all of that, Colombia is a significant issue for the trade union movement internationally.

It is fair to say that feelings among the general population are polarised. There has been a great deal of misinformation about what the peace agreement is. That is why I started by saying

that the agreement was not for FARC, but for the Colombian people. Despite Mr. Juan Manuel Santos's commitment to the peace agreement, there was a lack of pedagogical work done by his Administration to show why the agreement was beneficial to the people of Colombia and to prevent it from being sidelined by extremist opposition to it as just being about FARC getting to be in Congress and being allowed impunity for its crimes. That discourse has entered the mainstream in a way that is damaging to the peace process.

There will be a mobilisation on 26 July, but I would not say that there is mass mobilisation in defence of the agreement. There was around the time of the referendum. Under the new process that I mentioned, though, there is general cross-party and cross-civil society political support for the peace agreement. That is a new thing and it is interesting that people have been able to overcome their political differences to defend the agreement. There is hope.

During the time of the referendum, some church figures were against the peace agreement being ratified because of the equality and gender components. That the peace agreement has a gender and equality focus cross-cutting throughout is historic. There was some misinformation to the effect that it was targeting the traditional family and pursuing a gender ideology. Some of the evangelical churches campaigned against the peace agreement on those grounds. However, several of those parties went to Havana, met FARC and the Government and had the gender process explained to them. Seeing some of the shift afterwards was interesting. There are some well-known Catholic Church representatives in the broad alliance supporting the peace process. There has been a mix of people involved. The church played a role in monitoring the ELN talks as well.

**Deputy Niall Collins:** What about big business - banking and industry - interests? Colombia obviously has a huge economy that is on another level. Is there any movement that has corporate responsibility at its core? For example, in this country, the Irish Business and Employers Confederation, IBEC, represents the business community and larger businesses. Is there an equivalent in Colombia - I presume there is - and is it trying to play an overt, active role in trying to address the issues?

**Ms Mariela Kohon:** During the Santos Administration's time in office, there was an interesting group of high-profile, prominent business people promoting the peace agreement. They played a very important role in trying to get the business community behind the process. I am not sure how active that group is now under the new Administration. The UN mission has done very interesting work at regional level with local businesses on trying to engage them in supporting reintegration projects and trying to see the economic benefits of peace. I am not an expert on it. That is as much as I know, but the UN has done some interesting work to try to promote that.

**Mr. Kevin Callinan:** On the international trade union aspect, Colombia is the most dangerous country in the world in which to be a trade unionist. My union is supporting this peace monitor project and, as part of that, we have had a number of delegations. On one of the delegations last year, we had Ms Sharan Burrow, the general secretary of ITUC, alongside one of my senior colleagues. We are spreading the message through the various confederations, including the global one.

**Deputy Seán Barrett:** I must admit that I am not fully *au fait* with Colombia. It is important to be honest and say that. Work has to be done to inform people more widely about the situation if we are interested in trying to find a resolution. I am interested in assisting in that and I am delighted to welcome our guests. This is a first. I have been a Member of this Parlia-

ment since 1981, which is a long time, and it is the first occasion on which I have heard any type of debate or discussion at this level about Colombia. A country like Ireland, which developed from being under the fist of the British for so long and then established its independence and so forth, has, on the basis of its experience, a great deal to give to a country such as Colombia. I accept the point that has been made. At parliamentary level, it is vital that we get together somehow as elected politicians - whether it is us going to Colombia or representatives from Colombia coming here is not the important part - and listen to people like our guests in order to inform ourselves. Creating awareness of a situation such as this is very important.

I would be pleased to welcome a delegation here because more is learned by bringing people to a place where they can see how we have developed, as distinct from us going there. I am not saying that we should not go. However, the first thing that should be done is to try and get people to come here to talk about where we have come from and the difficulties we had. There is no doubt that we had many difficulties on the road to getting to where we are today. We have been fortunate that we were brought along with the European Union. We became part of a bigger enterprise, as it were. In addition, Irish people have traditionally travelled abroad a great deal and have gained much experience. I strongly believe we have something to offer to a country such as Colombia and I recommend that, whether it is an invitation from this committee or otherwise, we invite a delegation to discuss its future development and to learn from us. I am not being big-headed about this but I believe we have much to offer in terms of a developing modern democracy in Ireland. I would welcome a delegation if that was possible.

Eamon Gilmore is my former constituency colleague and I am delighted that he is taking such an interest. He has a great deal to offer and I hope we will support his efforts in every way we can. However, it is vital that members of this committee are informed regularly and that we are not afraid to give an opinion, without being dictatorial. I would very much welcome a delegation to this country so we could discuss the problems, as we are doing now. Perhaps there could be a prearranged agenda so there will be some structure to the meeting. We could assist in the development of what is happening because of our experience, and I believe we should share that.

**Vice Chairman:** To clarify, we had a meeting with Eamon Gilmore and he provided an update.

**Deputy Seán Barrett:** Yes.

**Vice Chairman:** We have had some informal meetings. Certainly, I attended one which was also attended by the Colombian Ambassador to Britain to update us. We have also had a number of informal meetings with groups. One that struck me was the visit of representatives of the guardians of the river from the Choco region. My question, after Senator Gavan makes his contribution, is on the environment and environmental issues.

**Senator Paul Gavan:** I thank the committee for allowing me to speak as I am a guest here this morning as well. I wish to pay tribute to Justice for Colombia. I was fortunate to be part of the most recent delegation. I pay particular tribute to the Fórsa trade union because it is giving significant support to this incredible civil society organisation. It is really punching at a high level because one of the most significant aspects of our visit was the fact that the Colombian Government felt it necessary to meet with us at the end of the week. That was very significant and, in a way, very positive.

I will share some of the statements I heard because we met a range of people from trade

unions, social leaders and community leaders. It was a very moving week, in fact. It is such a beautiful country but the level of oppression is quite shocking. One of the human rights defenders told me directly, “We are witnessing a genocide of social trade union leaders and human rights defenders”. That is a shocking statement. Perhaps the saddest statement was from Aída Avella, a member of parliament for the Patriotic Union party. Like me, she is a lifelong trade unionist. She said: “There are not so many trade unionists killed lately, but then there are not so many of us left”. It is absolutely shocking. I was disturbed by what Mariel Kohon told us about the new restrictions on visiting the transition zones. We visited Tierra Grata in the north east of Colombia, in the La Paz district, and one could see at first hand that there was potential to deliver something significant economically in terms of independence, but it is not happening due to lack of support. It was disturbing that when we raised it with the government in that meeting at the end of the week we were met with denial, effectively. That was disappointing.

Another issue is that, and I speak as an Irish republican, I did not hear the language of a peace process from the government Ministers. That was particularly disturbing. We were first-hand witnesses, yet we were told we were effectively liars. That word was used a number of times. I did not hear the language that we would expect from a peace process and what we hear from our own peace process, despite the challenges from time to time. Perhaps the most moving part of the mission was the visit to Cajibío, a town in north Cauca. What we saw there in a community setting was pictures on the wall of local community leaders who had been murdered in recent years. They were young men, many of them members of the Sintrainagro agricultural trade union. I will not name the company but this community setting was surrounded by property owned by an Irish company. The people said the paramilitaries were using the land to come out in the dark to attack and kill the people. As an Irishman I found this particularly disturbing.

We had a very positive meeting with Alison Milton. One of the things she committed to doing was visit that mine. If I may be so bold as to suggest a further action of the committee might be to write to the ambassador to ask about that visit. Has it taken place and what are her views on it? As my colleague, Deputy Crowe, said, and he sends his apologies because he had to go to the Dáil, as a country we should not be importing blood coal. I noted that in a recent response the Tánaiste indicated he would have a further look at this and I hope he does because it is very much not in keeping with a lot of the very good work being done by Ireland.

The local elections in October were mentioned. It was a big topic when we were there. How can these elections be free and fair, and how free and fair are they likely to be, given that we met people who told us their lives are being threatened? It is very hard to run an election when people’s lives are being threatened. As a number of people said, there is a gaping vacuum where the defence of leaders should be. The representatives of the justice department and the police in particular seem to be in denial yet the facts are in.

My next question is difficult and perhaps I am asking for an opinion. With regard to FARC members being killed by right-wing paramilitaries, these paramilitaries are acting with impunity and this is very clear. Are they also acting in collusion with the state?

I thank Justice for Colombia for giving me the opportunity to go out there. I hope the Government speaks with a strong and loud voice. I acknowledge the work of Eamon Gilmore on this issue. I have to say that at a personal human level I found it deeply shocking to meet people whose relatives are killed. The number of deaths has been increasing since the peace process was signed. It is very hard to keep a peace process going when one side is being slaughtered.

**Ms Mariela Kohon:** I will add to the tribute paid to Fórsa for supporting the peace monitor

delegations. One feature of the delegations is that they meet everyone. I recognise the Government for having engaged with the delegations, the embassy in London and the Minister's meeting at the highest level. It is incredibly valued that this engagement has taken place and it gives credibility to the delegation that it is meeting everyone, including JEP, the UN, the institutions and the parties.

There are concerns about the impact of extractive industries on the environment - and we heard about the mine - and that licences given should respect the indigenous land that is constitutionally provided for. There are campaigns about fracking and obvious concern about the possible fumigation of crops with glyphosate, which is incredibly toxic.

On the elections, having international observers is incredibly important but one of the concerns is that sometimes they come the day before the election. The problem in Colombia is not just about the day of the election; it is about what happens before the election. It is about the violence and intimidation that comes in the build-up to an election. The electoral observation mission released a report at the end of May that states that since last October five mayoral candidates and two aspiring council members were among the 75 registered political assassinations and that 37 political activists had survived an assassination attempt. The elections come in the context of what has happened before and attention needs to be put on this issue. Perhaps some monitoring should be done at that stage. It will be the first time FARC will participate in local elections and it will be quite exposed. This will be very difficult. The EU has sent observers to previous elections and it will be important to see what type of monitoring can take place. The UN mission has a mandate to verify the political reincorporation of FARC and it will monitor the situation.

With regard to collusion, the killings of members of FARC vary. In some cases, they have directly involved the army, such as the case of Dimar Torres. Other cases involve the ELN or paramilitary groups perhaps linked to dissidents. It is complex and depends on the region. Some of them were clearly politically motivated while the reasons for others are unclear. What is important is that where there has been state involvement, those involved are brought to justice.

As part of the peace agreement, a special investigative unit is supposed to be established to dismantle and investigate paramilitaries. There was a huge back and forth with the former attorney general over this unit because the whole point of the unit was to be completely autonomous but it had to be created within the office of the attorney general because of his opposition to it. It is important to support the autonomy of the unit to investigate and dismantle paramilitary groups.

There was supposed to be a political pact throughout the country to take violence out of politics and change the hate. The JEP has a role in terms of the reconciliation. One key feature of the peace agreement is that it is comprehensive and interlinked. If we start chipping away and taking bits then other bits will not work. We have to implement it as a whole. If FARC members do not have legal guarantees, why would they offer the truce? The government needs to see the agreement as a whole.

I reiterate what Mr. Callinan said about hosting both parties. Any opportunity for signatories to the agreement to be recognised as such and to give their views would be very valuable.

**Senator Paul Gavan:** I noticed when I was there that President Duque was on record supporting Nicacio Martínez to be the new head of the army. This is a man accused of serious

human rights abuses. It is a very disturbing message to send. Do the witnesses have a view on this?

**Ms Mariela Kohon:** Yes, there have been concerns. In May, there was a report in *The New York Times* that highlighted a return to combat and pressure on soldiers to report wins in combat. In the past, those incentives under the Uribe administration led to the extrajudicial scandal, whereby thousands of civilians were murdered by soldiers and presented as though they were guerrillas killed in combat and the soldiers received promotions and bonuses in reward. There was a big scandal about this. I understand the Minister for defence took back some of the orders and reformed some of them but there are still some that are concerning. This particular general had been implicated in some of those crimes. There was a lot of concern about his promotion and the opposition parties tried to block it in congress. It is very concerning. The doctrine in the military of the internal enemy and the enemy of the state was discussed a lot during the peace talks, with regard to having to change the culture and the army becoming the protector of the people.

**Vice Chairman:** We will conclude. The presentations were grim and the issues have been highlighted for us. In the middle of the grimness, though, we saw positives. We must work on them. Our guests have given us suggestions regarding how we can move forward. On behalf of the joint committee, I thank them for their presentations and for dealing with our questions in such a comprehensive manner.

The joint committee adjourned at 11.01 a.m. *sine die*.