A (Feminist) Farewell to Arms:†
The Impact of the Peace Process with the FARC–EP on Colombian Feminism

Lina M. Céspedes-Báez††

"No te vayas guerrillera, no te marches compañera, si te vas tras el combate, si te duermes de agonía. No me dejes sin tu esencia, no abandones mi consciencia. Déjame tus esperanzas, tu fusil y tu alegría. Déjame en los sentimientos las alas de tus quimeras, tus olores a montaña, infatigable compañera, en tu lucha por lo firme, por lo digno, por lo justo. Déjame el aliento dulce de tu lucha por el pueblo, para yo juntar tu fuego con mi fuerza en la trincherá, déjame tus ilusiones y tu canto de guerrera."

Excerpt from a song about FARC–EP's women combatants or farianas

† The title of this Article is based on the one Ernest Hemingway gave to his novel about a love story in the context of the Great War: ERNEST HEMINGWAY, A FAREWELL TO ARMS (1929).

†† Lina M. Céspedes-Báez is a Colombian lawyer who graduated from Universidad del Rosario (Colombia). She obtained a Master’s Degree in Gender Studies at Universidad Nacional de Colombia and an LL.M. with a concentration in international law from Cardozo School of Law (Yeshiva University). She was awarded a Fulbright Scholarship to pursue her doctorate degree in law in the United States. From 2014 to 2015, she was a doctoral fellow at the Institute for Global Law and Policy at Harvard University’s law school. In 2016, she received her doctorate degree with honors from Temple University. She also holds a specialized degree in Tax Law from Universidad del Rosario. She was the Vice Dean of Universidad del Rosario’s Law School since September 2015 until March 2019. Currently, she is a professor at this law school.

1. This song praises the presence and contribution of guerrillass or FARC-EP women combatants, also known as farianas, within the guerrilla organization. It is composed as a joropo, a music style developed in the Colombian and Venezuelan plains. Its lyrics depict the ideal role of a fariana. Even if this image does not match exactly with farianas’ everyday life and position within FARC-EP, it outlines the message the insurgent group wanted to convey inside and outside its ranks about women’s participation in their revolutionary struggle. A free translation reads as follows: “Don’t go guerrillera, don’t go comrade, if you go after combat, if you fall asleep in agony. Don’t leave me without your essence, don’t abandon my conscience. Leave me with your hopes, your rifle, and your joy. Leave me with your feelings, the wings of your chimeras, your mountain scents, tireless comrade, in your struggle for that which is firm, for that which is worthy, for that which is just. Leave me with your sweet breath of your struggle for the people, so I can couple your fire with my force in the trenches, leave me with your dreams and your fighter’s chant.” MB Suroccidente, Guerrilleras de las Farc Ejército del Pueblo, YOUTUBE (July 7, 2018), https://www.youtube.com/watch?v=bHetaemIf7M [https://perma.cc/956B-D8MW].

Introduction

The strategic deployment of international law played a key role in introducing a gender-based reading of the Colombian internal armed conflict. During the early 2000s, domestic women’s rights NGOs appropriated the language of this body of law to demonstrate that the conflict not only was imposing a heavy toll on women, but also that it was impacting them differentially and disproportionately. To do so, they outlined a narrative using the terminology of international human rights, humanitarian, and criminal law to frame particular wrongs women were enduring as gender-based violence. Following the lines of the international discourse on conflict and women, sexual violence was at the center of their documentation, advocacy, and litigation work. In less than a decade, the most visible Colombian NGOs and activists, along with the collaboration of international and regional organizations and NGOs, hammered out a specific knowledge about the internal conflict, positioned it in the national and international realm, and spurred government action to turn it into legislation, public policy, and judicial decisions.

In August 2012, the Colombian government initiated peace conversations with the Revolutionary Armed Forces of Colombia–People’s Army (FARC–EP), the strongest and longest standing guerrilla in the country and Latin America. After the demobilization of paramilitary groups in 2005, reaching an accord with this guerrilla was the step needed to call an end to the internal armed conflict. In a negotiation that lasted for almost four years...

---

4. See id.
7. At the time of writing, the Colombian government of President Juan Manuel Santos was negotiating with the Christian-Marxist guerrilla National Liberation Army ("ELN"). In January 2019, the government of President Iván Duque officially ended the peace dialogues with this guerrilla group. Laura Viviana Guevara Muñoz, Norway and Cuba demand to comply the Protocol with ELN, LatinAmerican Post (Jan. 23, 2019).
years, the government and the guerrilla dealt with their interpretations of the causes, consequences, and solutions of their five-decade confrontation. In August 2016, the guerrilla group and the government reached a comprehensive agreement that paved FARC–EP’s way to relinquishing their arms and transitioning to a political party, among other things.

Initially, women and gender were not explicitly listed as issues for discussion. However, after the women’s movement exerted pressure on the negotiators, they not only became part of the agenda but also part of the peace table’s organizational layout. In the second half of 2014, the Sub-Commission on Gender was established to provide gender input to the parties. The integration of the gender-based dimension of armed conflict to the peace talks implied bringing to the negotiation table the mainstream insights that women’s rights NGOs and activists had produced over the last decade on this matter drawing from international law and the transitional justice field, validating their importance to reach a thorough and legitimate agreement. Also, it exposed them to contestation, transformation and/or appropriation from the parties, and all the actors participating in the peace process and in the implementation of the agreement.


13. Diverse feminist voices strove to be heard during the negotiation process to pose questions regarding different issues impacting women such as mining and the economic model. However, their efforts were not entirely successful since the agreement’s gender perspective did not delve specifically into the economic and social causes of gender-based violence and discrimination. See Juan David Ortiz Franco, Hablamos con Francia Marquez, la lideresa negra que puso contra la pared al presidente Santos, ¡PACIFISTA! (Mar. 2, 2016), http://pacificista.co/hablamos-con-francia-marquez-la-lideresa-negra-que-puso-contra-la-pared-al-presidente-santos/ [perma.cc/2WVA-DPXR].
In this piece, I explore whether the process of negotiating and implementing the peace accord with FARC has in any way altered the mainstream account of the gender-based dimension of the internal conflict. The peace negotiations and the implementation of the agreement have offered a unique opportunity to test the consensus around the diagnosis put forward by women’s rights activist and NGOs about the conflict. Even though the materialization of prosecutions and specific gender-based public policy to address and redress the situation of women in conflict has been difficult, there has been little serious and public objection to their depiction of women in the context of conflict as mainly victims, their emphasis on the disproportionate impact conflict imposes on them, and their focus on sexual violence.\footnote{See Acosta et al., supra note 12, at 109, 110, 115, 124, 125. See also Lemaitre & Sandvik, supra note 12.} Although much of their ideas had been shared and debated in international and national institutional and civil society settings, the negotiation table and the reintegration of FARC–EP ex-combatants to civilian life have implicated the addition of diverse voices to the discussion.\footnote{See Acosta et al., supra note 12, at 125. See also Paarlberg-Kwam, supra note 12.} The official mandate of mainstreaming gender posed a challenge and represented an opportunity to examine the pertinence and accuracy of this well-established narrative. It not only widened the issues to which gender perspective had to be applied and operationalized, but also invited other interested actors into the conversation: FARC–EP’s women combatants, or *farianas*.

While it is early to determine the full extent of the impact the peace process with the FARC–EP will have on the understanding of the situation of women in conflict and peacebuilding, it is already possible to see how the topics of the negotiation and the presence of *farianas* carving out their own version of revolutionary feminism confront certain aspects of the mainstream feminist knowledge about the internal conflict. To explore these sites of tension, I organize this Article in five sections. The first offers a brief overview of the Colombian armed conflict and its genderization through the strategic use of international law. The second examines the legal and feminist landscape against which the peace negotiations with FARC–EP took place. The third identifies and studies the key challenges the mainstream feminist approach to the armed conflict had to face during these negotiations. The fourth analyzes the particular feminist view of the peace agreement and whether it reflects the inclusion of a new actor, *farianas*, in the conversation. The fifth section draws some conclusions highlighting the fact that the peace agreement and its implementation is at the same time an official endorsement of the feminist reading outlined in the last two decades around the conflict and a unique opportunity to confront and redefine it. The presence of *farianas*’ voices in the debates about women in conflict might not mean that their feminism would replace the work the women’s movement has done in the past, but it could encourage a more diverse and nuanced exploration of their experiences and needs within and outside armed conflict.
I. The Colombian Armed Conflict and its Impact on Women

The remote origins of the Colombian armed conflict are in the 1940s, with the upsurge of bipartisan violence between the liberal and conservative parties.16 In the late 1950s, their political leaders halted the wave of violence that was impacting the country, reaching an agreement that lasted until 1974 to share political power by alternating the presidency and establishing parity in bureaucratic posts.17

The genesis of the FARC–EP can be traced back to the formation of liberal and communist self-defense groups during that violent period, the unwillingness of some of them to accept the amnesty granted by the government in the 1950s, and the inability of the traditional liberal and conservative parties to include political dissidence in their pacification scheme.18 Officially, the FARC–EP dates its establishment as a guerrilla group to 1964, the year in which the military began attacking their encampments, commonly known as “independent republics.”19 In that decade, other communist guerrilla groups were born, such as the National Liberation Army (“ELN”) and the Popular Liberation Army (“EPL”).20

During the 1960s and 1970s, guerrilla groups seldom engaged in wide and open armed operations against the government.21 In the 1980s and 1990s, this situation radically changed. Drug trafficking boomed in the country, attracting money, spurring criminality, and leading to the formation of private armies.22 The implementation of administrative decentralization and the discovery of significant oil deposits allowed illegal groups to capture rents and gain leverage through the co-optation of regional and

21. See Lawrence Boudon, Guerrillas and the State: The Role of the State in the Colombian Peace Process, 28 J. LATIN AM. STUD. 279, 280-82.
local governments, attacks to oil infrastructure, kidnapping, and extortion.\textsuperscript{23} The strengthening of non-state armed actors fueled the conflict in their quest to control the Colombian territory and its resources, increasing the attacks against the civilian population.\textsuperscript{24}

According to the Administrative Unit for the Attention and Reparation of Victims, a government agency, the armed conflict has caused the forced displacement of more than 7 million people, the forced disappearance of 175,153 individuals, the kidnapping of 37,025, the homicide of 1,012,201 people, and the commission of 29,133 crimes against sexual liberty and integrity.\textsuperscript{25} The government agency Historic Memory Center reports 1,982 massacres between 1985 and 2012 and 11,751 victims associated with them.\textsuperscript{26} Regarding sexual violence, the Center reports 15,076 victims between 1958 and 2016, and 14,309 between 1985 and 2016.\textsuperscript{27}

The sex-disaggregation of these figures shows that generally men constitute the most vulnerable group to armed-conflict associated violence, except in relation to land loss and forced displacement, where men and women are similarly impacted, and to threats and sexual violence, where women as victims are a majority. According to the Administrative Unit for the Attention and Reparation of Victims’ figures at the time of editing this article, 26,555 women, 2,140 men, and 438 lesbian, gay, bisexual, transsexual, and intersex (LGBTI) individuals were victims of sexual violence.\textsuperscript{28} In relation to the Historic Memory Center figures, the sex-disaggregation of victims of sexual violence is 13,810 women and 1,235 men.\textsuperscript{29}


\textsuperscript{24} See Max G. Manwaring, \textit{Non-State Actors in Colombia: Threats to the State and to the Hemisphere}, \textit{SMALL WARS & INSURGENCIES}, 2002, at 69-70.

\textsuperscript{25} To understand properly the Administrative Unit for the Attention and Reparation of Victims’ figures it is important to have in mind that its registry is based on individuals’ declarations and that there could be either incentives or disincentives to inform a government agency about armed conflict-related crimes. To access administrative reparations, victims have to be included in the Unit’s registry with the details of the crime they suffered. However, certain individuals could fear being included into an official database for real or perceived security reasons. These figures include crimes reported that have taken place before 1985 through 2019. They change as more declarations are received and accepted in the Administrative Unit for the Attention and Reparation of Victims. In this sense, the database intends to encompass the entire extent of the Colombian armed conflict. Red Nacional de Información, \textit{Unidad para la Atención y Reparación Integral a las Victimas}, (Oct. 21, 2019), https://cifras.unidadvictimas.gov.co/ [https://perma.cc/853S-T2DA].

\textsuperscript{26} \textit{Estadísticas del conflicto armado en Colombia}, \textsc{Centro Nacional de Memoria Histórica} (Jul. 07, 2018, 12:10 PM), http://www.centrodememorihistorica.gov.co/micrositios/informeGeneral/estadisticas.html [https://perma.cc/R47S-K57V].


\textsuperscript{29} \textit{La Guerra Inscrita en el Cuerpo}, supra note 27, at 500. Perhaps the visibility of sexual violence as a crime associated to womanhood explains the stark contrast between
During the 1990s and early 2000s, the escalation of the armed conflict was mostly felt through forced displacement. Internally displaced people (“IDP”) roaming homeless in cities and towns brought light to its dynamic and sparked a humanitarian emergency. The women’s rights movement had the challenge to become a pertinent voice against this background. The 1980s and 1990s had equipped these women to confront this task. Their experiences participating in regional feminist encounters and international feminist conferences sparked the creation of networks and the appropriation of the language of international law. The availability of international funding for the furtherance of women’s rights paved the way for the creation of women’s rights NGOs in the country. Their participation in the discussion and approval of the 1991 Constitution offered them not only the possibility of including some of their demands in the constitutional text following the lines of the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”), but also of learning how to interact with the State.

By the late 1990s, the Colombian women’s rights movement had already cemented its path towards complete professionalization and consolidation as a relevant national and international actor. Their two decades of training transformed them into *letradas*, or women holding the


33. See id. at 214–20.


knowledge of the letter, specifically, the letter of the law.36 The internal armed conflict became a proper setting to move forward in this direction. To outline a women-based agenda in this context and apply successfully for resources to develop it, they had to identify why it was necessary to approach the issue of women in conflict separately. To do so, they had at hand the narrative of international human rights, humanitarian, and criminal law, which has incorporated recent developments on women and war after the Balkans and Rwanda armed conflicts.37 Specifically, the debates leading to the 1998 Rome Statute had mainstreamed an account of the predicament of women in this setting structured around victimhood and sexual violence.38

Including a women’s perspective in the analysis of forced displacement meant coupling it with sexual violence, the notion of continuum of violence, and the insights of the CEDAW. What makes certain violence gender-based? According to this Committee, one of two things: “violence that is directed against a woman because she is a woman or that affects women disproportionately.”39 Is forced displacement gender-based violence? It is, the Colombian women’s rights movement sustains, since it impacts them disproportionately.40 Where does the disproportion lie? Not necessarily in the numbers of men and women IDPs.41 Their analysis states that women face violence during peace and war times and that the violence they endure in any of these settings is a continuum and varies only in intensity.42 For them, sexual violence is the paradigmatic gender-based crime, the crime every woman is exposed to no matter the context, since men exert their domination over women mainly through sex and sexuality.43 During armed conflict, sexual violence gets exacerbated, and it is used not only to dominate women individually but also to wage war.44 Forced displacement and sexual violence are intertwined. Armed actors, mainly male, embody sexual predators. Women are forced to flee to escape sexual violence only to find more sexual violence on their journey to safety.45

36. See Ángel Rama & John C. Chasteen, The Lettered City 18–22, 29 (1996); Céspedes-Báez, supra note 2, at 304 n.20.
38. See id. at 62–63.
41. See Rueda, supra note 40; Informe III, supra note 40.
42. See Rueda, supra note 40; Informe III, supra note 40.
43. See Rueda, supra note 40; Informe III, supra note 40.
44. See generally Informe III, supra note 40.
45. See Rueda, supra note 40; Informe III, supra note 40.
Even if men and women experience forced displacement, the situation of women is different due to the increased danger of suffering sexual violence.

This gender-based reading of the internal conflict gained traction in the first decade of the 2000s. In 2001, the United Nations Special Rapporteur on Violence Against Women, its Causes and Consequences visited Colombia to examine the situation of women in the internal conflict. Her report on this visit highlighted the incidence of sexual violence against women and used it to distinguish the experience of women from that of men. In 2004, Amnesty International published a report focusing exclusively on sexual violence against women in the Colombian conflict. The international NGO claimed that all legal and illegal armed groups had resorted to sexual violence, turning women’s bodies into battlegrounds.

In 2005, the Inter-American Commission on Human Rights’ Special Rapporteur on the Rights on Women, Susana Villarán, organized a mission to Colombia. Her report identified sexual violence as a paradigmatic crime against women and deployed it as the main device to describe a gender-based narrative of the conflict.

The discussion and approval of Law 975 of 2005, commonly known as the Peace and Justice Law, to facilitate the demobilization of paramilitaries, generated the implementation of transitional justice rhetoric and conceptual tools in Colombia. This legislation offered to illegal armed actors, among other things, expedited prosecutions and reduced sentences in exchange for truth and reparations. The investigation and prosecution of sexual violence within this legal framework became a priority for the women’s rights movement and led them to concentrate their efforts on documenting cases and honing the knowledge needed to succeed in this

---


49. See id. at 3.


51. Id. at 10.

52. See generally JUSTICIA TRANSICIONAL, TEORÍA Y PRÁXIS (Camila de Gamboa Tapia ed., 2006).

endeavor. For doing so, they drafted reports and guides to demonstrate the pervasiveness of the crime and confront the paramilitary members’ versions, identify relevant international and national case law and regulation to further litigation, and educate the general public about what had been happening to women in the internal conflict. In 2008, the Colombian Constitutional Court, responding to their insistent advocacy and accrued knowledge on the subject, backed their work appropriating the rationale they had hammered out to sustain a women’s rights approach to the conflict. Therefore, the Court stated officially that women in conflict were bearing a disproportionate brunt and placed sexual violence at the center of their experience in this setting. Hence, the Court ordered the government to design tailored measures for women and prevent, investigate, and prosecute sexual violence with no delay.

By the end of the first decade of the 2000s, the women’s rights movement had turned into a highly professionalized and legalistic sector. It organized in NGOs and networks, outlined its agenda along the lines of international law, and strategically positioned itself as a legitimate counterpart of the government to monitor, demand action from, and negotiate with it. Their expertise allowed them to word their demands in legal argot, making them readable for initiated audiences, such as international organizations, justices, government agencies, among others, and creating a particular and specialized knowledge about women.

II. The Road to Havana

At least since 1985, the Colombian government had been trying to put an end to the conflict through a combined strategy of negotiation and confrontation. The 2012 Havana peace talks were part of these efforts. They began during the government of President Juan Manuel Santos, which succeeded that of President Álvaro Uribe Vélez, whose security pol-
icy had debilitated the FARC–EP. However, this process was carried out within a very unique legal setting in comparison to the others. In 2002, Colombia ratified the Rome Statute, but invoked its article 124 to delay the application of the jurisdiction of the International Criminal Court for seven years in relation to war crimes. In 2009, this stay came to an end, creating a very different background to negotiate with illegal armed actors in comparison to past endeavors.

Also, the 2000s had meant the gradual installation in Colombia of the transitional justice paradigm to approach armed conflict and peacebuilding. Truth, justice, reparation, and non-repetition defined the legal and political landscape against which the government and FARC–EP had to talk and reach a deal. The successes and failures of the paramilitary demobilization that preceded the Havana conversations, and the legal developments drafted following the Rome Statute as well as transitional justice rhetoric, set out the blueprint the parties to the negotiation had to either pay heed or improve.

The paramilitary demobilization process started in 2005 under Law 975. The entry in force of this law marked the official adoption in the country of the transitional justice scheme to find solutions to the conflict while complying with international law. The judicial processes against paramilitary members shed light on the level of victimization civilians had endured and the violent redistribution of land forced displacement had caused over the years. This evidence contributed to the drafting and approval of a statute to redress armed conflict-related victims through expedited administrative and judicial processes. Law 1448 of 2011, commonly known as the Victims and Land Restitution Law, aimed at compensating victims of breaches of international humanitarian law or grave and manifest breaches of international human rights law that had occurred since January 1, 1985 in the context of the internal armed conflict.

63. See Mónica Pachón, Colombia 2008: éxitos, peligros y desaciertos de la política de seguridad democrática de la administración Uribe, 29 REV. DE CIENCIA POLÍTICA 327 (2009).
65. See Sriram, supra note 64.
67. See id.
68. See generally Laplante & Theidon, supra note 66.
71. See id.
Law 1448 is a legal document that indicates the state of the art in relation to the mainstream knowledge and understanding of conflict by the beginning of the second decade of the 2000s. Thus, this piece of legislation demonstrates the achievements and blind spots of the *letradas’* strategy to genderize the internal conflict. It reveals how the Colombian state and public opinion had adopted the equation between sexual violence and women and foreshadows the importance the topic of land restitution and redistribution would have in the years to come. The Victims and Land Restitution Law included specific provisions along the lines of the Rome Statute to protect sexual violence victims during judicial trials.\(^{72}\) Also, it established a particular hybrid process consisting of administrative and judicial proceedings to redress land seizure and abandonment.\(^{73}\) The gender-based measures introduced in its mechanics evidenced that in the last two decades the issue of women and land in the context of conflict had not been at the forefront of the analysis and production of specialized legal knowledge.\(^{74}\) For that reason, Law 1448 integrated measures to benefit women that either were limited to bureaucratic advantages, such as preference in the processing of their claims, or that replicated already acquired rights, as in the case of joint titling for married couples and domestic partners.\(^{75}\) Particular provisions to resolve the usual legal problems that affect women’s relationship to property were not taken into account in the design...


\(^{74}\) Even though the question of women’s access, control, and recovery of land in the context of conflict was not at the center of the debate about gender-based violence in this setting, scholars such as Donny Meertens, a Dutch anthropologist based in Colombia since the 1970s, have contributed to the discussion of this topic. See Donny Meertens, *La Tierra, el Despojo y la Reparaci´on: justicia de g´enero para mujeres vic´timas en Colombia*, in FONDO DE DESARROLLO DE LAS NACIONES UNIDAS PARA LA MUJER, *Justicia desigual? Genero y derechos de las victimas en Colombia* 195 (Marcela Giraldo ed., 2009); Donny Meertens & Margarita Zambrano, *Citizenship Deferred: The Politics of Victimization, Land Restitution and Gender Justice in the Colombia (Post?) Conflict*, INT’L J. TRANSITIONAL JUST. 189, 195–96 (2010). However, this topic did not gain the same traction as sexual violence in the first decade of the 2000s. For instance, to date, the Gender Group of the Center for Historic Memory has not produced a specific report on the subject, while it has done extensive research on sexual violence. The Center’s analysis on the question of land and women has been part of broader researches not led by the Gender Group. See generally LA TIERRA EN DISPUTA, supra note 69. *Letradas* focused their documentation and study heavily on sexual violence. It seems that this situation is starting to change during the implementation phase of the peace agreement with FARC. I will develop this point further below.

\(^{75}\) See, e.g. L. 30/88, marzo 22, 1988, D IARIO OFICIAL [D.O.] 38264, Art. 12 (Colom.); L. 1448/11, junio 10, 2011, D IARIO OFICIAL [D.O.] 48096, Arts. 75, 81, 91 & 114-118 (Colom.). In 1988, joint titling was introduced into the agrarian reform regulation after peasant women, along with the support of women in government, pressured the Colombian state to do so. Maria Fernanda Sañudo Pazos, *Reforma Agraria:*
of this transitional justice scheme. For example, the Victims and Land Restitution Law did not offer guidance on issues such as polygamy, successive domestic partnerships, pending inheritance processes, loss of connection to their parents’ plot due to marriage or the establishment of domestic partnerships and consequent migration to their husband’s/partner’s plot, lack of recognition of their work to prove possession, etc.\footnote{See \textit{L. 1448/11, junio 10, 2011, DIARIO OFICIAL [D.O.] 48096 (Colom.).}}

Almost at the same time the negotiations with FARC–EP began, Congress started to discuss a bill that specifically focused on sexual violence against women during armed conflict.\footnote{See \textit{Amnesty International, Public Statement: Colombia new law aims to address impunity for conflict-related crimes of sexual violence, AMR 23/024/2014 (June 19, 2014)).}} It was drafted taking into account the input of \textit{letradas}, UN Women, Human Rights Watch, and Amnesty International, among others.\footnote{See id.} In 2014, Congress passed this bill as Law 1719.\footnote{See id.} It modified the Penal Code to include statutory rape, forced pregnancy, and non-consensual sterilization against protected persons under international humanitarian law, among other provisions.\footnote{See id.} It also introduced into the Colombian legal system an explicit definition of sexual violence as a crime against humanity following the Rome Statute.\footnote{See \textit{Press Release, Press Statement by the Special Representative of the Secretary-General on Sexual Violence in Conflict Zainab Hawa Bangura; Colombia: Historic New Law Offers Survivors of Sexual Violence Hope for Justice and Redress (June 24, 2014), https://www.un.org/sexualviolenceinconflict/press-release/press-statement-by-the-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-zainab-hawa-bangura/ [https://perma.cc/8KW4-UAEL].}} The bill faced little opposition and illustrates the wide-range acceptance of \textit{letradas’} reading of conflict when the peace talks began.\footnote{See id.} Sexual violence was strongly linked to the understanding of women’s experience in conflict and had become the preferred site of intervention for the Colombian state and civil society to respond to the challenges of a gender-based approach to the internal conflict.\footnote{See id.}

Given the traction the topic of women had gotten in the analysis of the Colombian conflict, it was surprising that, at its inception, the talks with the FARC–EP did not have a gender perspective, nor an approach to make women’s experience in conflict and peacebuilding visible.\footnote{See \textit{Céspedes-Báez & Jaramillo Ruiz, supra note 3, at 87.}} The agenda charted five general points of negotiation (agrarian development, political participation, illegal drugs, victims, and end of the conflict).\footnote{Id. at 85.} Each party appointed their plenipotentiaries. No woman was selected on either side.
for that position. This situation caused inconformity among *letradas* and the women’s right movement in Colombian and prompted their mobilization to pressure the government to include women on its team and their topics in the common agenda. They organized meetings, drafted statements, and engaged the international community in the debate about their exclusion. In October 2013, with the support of UN Women, they celebrated the First National Summit of Women for Peace and reiterated their demand for the effective integration of women and women’s issues in the peace talks.

In November 2013, responding to the pressure, the government appointed two women plenipotentiaries, and in September 2014, the parties established the Sub-Commission on Gender. This bipartisan body was created to provide gender-based insights to the peace talks and mainstream gender into the agreements. Although the Sub-Commission did not have decision-making authority, and was not able to change substantially what was agreed before it started its work (agrarian development, political participation, and illegal drugs), it became a strategic platform to advocate for the participation of women in peacebuilding, a scenario to listen to *letradas*, victims, advocates, and activists, and an opportunity to learn about FARC–EP’s position on this subject.

### III. Letradas, Farianas, and Victims Get Together in Havana

The dialogues in Havana posed a key challenge to the knowledge *letradas* had produced in the previous years to genderize the internal armed conflict, given the broad scope of the matters being negotiated and the participation of *farianas* in fashioning the necessary insights to make sure gender was mainstreamed throughout the process and documents. Although the Sub-Commission on Gender did not include as members any of the most prominent *letradas*, by the time of its installation there was no doubt their expertise had already become part of the official narrative through judicial decisions and legislation. It was certainly an advantage that the inclusion of a gender-based perspective to the peace conversations

---


87. See Céspedes-Báez & Jaramillo Ruiz, supra note 3, at 85.

88. See *id*.

89. See *id*.

90. Bouvier, supra note 86, at 20–21.

91. *Id.* at 21.

92. *Id.*

93. *Id.*
had a clear point of departure in letradas’ knowledge to guide the work on this matter. However, its narrowness was undoubtedly its most visible downside to effectively integrate thorough diagnoses and measures for women impacted by conflict. Also, focusing on women as victims and sexual violence as the paradigmatic gender-based crime was not going to necessarily match with the account farianas wanted to draft for themselves as women combatants and revolutionaries.94

Gutiérrez and Carranza, two experts on the Colombian armed conflict, catalogued the FARC–EP as a feminized guerrilla.95 Estimates of the percentage of women within this guerrilla’s ranks fluctuated between 20% to 40%.96 Starting in the 1980s, this group introduced some structural changes that spurred their enrollment.97 The most important was its conscious abandonment of the peasant self-defense organization to become an army.98 This entailed the assumption of “a highly militaristic model based on lifelong membership, stiff discipline, strict separation from the civilian population, permanent training and drilling, ideological education, and rigorous control over everyday activities of its members.”99 Isolating the guerrilla from civilians and sustaining the lifelong commitment of its members implied turning the group into a self-sufficient unit able to provide daily life dynamics, such as sentimental and family-like relationships. According to them, the precarious position which women had while living in the countryside could explain women’s interest in becoming guerrilla members.100 Although their chances to climb to the top of the guerrilla’s hierarchies were very low, they encountered a more egalitarian environment inside the FARC-EP than in their former social and family circles.101 There women and men shared basic chores and duties, received the same training, and participated in combat.102

Then, farianas seemed to have arrived at Havana bringing with them a notion of the contrast between life for countryside women outside and inside the guerrilla’s ranks. In this sense, even if they had not elaborated a feminist manifesto before the dialogues started, their experience inside the group equipped them with basic insights that were going to inform their nascent feminist stance that was going to gradually take form during and after the peace conversations. Their vindication of women rights was going to be in direct relation with their life inside the FARC-EP. Thus, it was

96. Id.
97. Id.
98. Id.
99. Id. at 773.
100. Id. at 772.
101. Id. at 774.
102. Id. at 775.
going to give a prominent place to their camaraderie with men, their decision to take up the arms, and their revolutionary ideas. In summary, *farianas*’ understanding of women’s role promised to clash sooner or later with some points of the *letradas*’ agenda.

The most visible *letradas* made an effort to personally deliver their message and expertise to the Sub-Commission. This body organized the visit of delegations in order to have the opportunity to hear first-hand the proposal of the women’s rights movement.103 Prominent *letradas* were among them and they relayed the message on the urgency of tackling the subject of sexual violence in the context of conflict during the peace conversations.104 In doing so, *letradas* were making sure that their particular narrative of the conflict based in sexual predation of men against women was infused into the peace conversations. Its soundness stemmed not exclusively from their proficiency in the subject, but also from international law developments and international organizations’ endorsements. UN Women was crucial in this endeavor.105

Bringing the theme of sexual violence to the table was not exempt from controversies and tensions. Since 2005, the attention on this issue had been concentrated mostly on the paramilitary groups given their demobilization process and their obligation to offer truth in exchange of lenient sentences.106 Ventilating the knowledge *letradas* had accrued during those years in the context of the Sub-Commission promised to shift the focus of attention to the FARC–EP itself as an organization implicated in those crimes against civilians and its female members.107 Although the

---


104. Id.


former situation meant acknowledging the commission of heinous actions against women from the populations they supposedly represented and protected, a transitional justice setting such as a peace process is a propitious scenario to address it. However, facing FARC–EP’s involvement in crimes against their members endangered its image as a united and disciplined organization, and threatened to undermine farianas’ agency and narrative about autonomy and recognition within the group.¹⁰⁸

Since the moment gender mainstreaming became a mandatory directive in the parties’ negotiation agenda, sexual violence against women became its epitome and a doubled-edged sword.¹⁰⁹ Its proper recognition and treatment in the talks was turned into a crucial measure of the level of incorporation of the gender perspective in the agreements and the extent of


the commitment of the government and FARC–EP with women victims.\textsuperscript{110} However, it also exposed a weak spot of the guerrilla group and seemed to limit even more the debate about women in the internal conflict to this crime. During the years of the negotiation, sexual violence dominated the news in relation to gender, conflict, and peace in the context of the Havana conversations.\textsuperscript{111} To the contrary, the specific gender-based angle of other issues, such as rural reform and drug crops and trafficking, among others, barely made news or was integrated into the \textit{letradas’} account of and advocacy around the peace process.\textsuperscript{112}

The \textit{letradas’} advocacy platform, \textit{Cinco Claves} (Five Keys), was pivotal to situate sexual violence in the transitional justice scheme that was being designed in Havana.\textsuperscript{113} This coalition of well-known women’s rights NGOs and networks, such as Sisma Mujer, Corporación Humanas, Red Nacional de Mujeres, and the No es Hora de Callar campaign, combined the expertise of \textit{letradas’} lawyers and activists.\textsuperscript{114} Its main goal was to require the parties to include a differentiated treatment of sexual violence against women in conflict in the context of the negotiation.\textsuperscript{115} They demanded the creation of a truth commission solely devoted to this crime, prohibition of granting amnesties to its perpetrators, prioritization of its investigation and prosecution, establishment of a special chamber within the transitional justice judicial structure exclusively devoted to it, and design of a tailored program to redress its victims, among other measures.\textsuperscript{116}

Although certain women’s collectives and coalitions had drafted and made public from the beginning of the peace process manifestos making explicit that their conception of peace was also linked to the improvement of their socioeconomic conditions and the recognition of the impact conflict has had on the rural economy, access and control of land, and environment, etc., no \textit{letradas’} platform as strong and visible as \textit{Cinco Claves} took up their message and brought these issues to the table.\textsuperscript{117} Although it would not have been far-fetched to expect \textit{farianas} to strongly defend this group of women and advance similar claims, given their Marxist back-

\begin{itemize}
\item \textsuperscript{110} See id.; El \textsc{País}, supra note 103.
\item \textsuperscript{111} See, e.g., Anastasia Moloney, \textit{Colombia must probe sexual violence by state forces: rights groups}, \textsc{Reuters} (August 27, 2015).
\item \textsuperscript{112} See, e.g., June S. Beittel & Liana W. Rosen, \textit{Colombia’s Changing Approach to Drug Policy}, \textsc{Congressional Research Service} (Nov. 30, 2017) (the United States’ Congressional Research Service report on drug policy which fails to mention women or gender-based activism).
\item \textsuperscript{114} Id.
\item \textsuperscript{115} Id.
\item \textsuperscript{116} Id.
\item \textsuperscript{117} See, e.g., Press release, \textit{Farianas}, Por una Nueva Colombia sin discriminación de género, supra note 108.
\end{itemize}
ground and proximity to rural women, my investigation has not found evidence in that direction. Even though they made general statements against capitalism and its role in generating patriarchy, in them they did not examine this issue in depth nor proposed detailed lines of action to deactivate the interplay between the economic model and gender-based discrimination and violence.\textsuperscript{118} Perhaps the fact that FARC–EP women combatants arrived to the negotiation table with scarce feminist training hindered the identification of their main objectives in gender-based terms and their potential allies.\textsuperscript{119}

IV. A Lettered Peace Agreement?

The government and FARC–EP reached an agreement in August 2016.\textsuperscript{120} In a 297-page document they outlined the conditions to deactivate the longest-standing guerrilla organization in all of Latin America.\textsuperscript{121} Its table of contents is an overview of the interpretation each party had about the causes and consequences of conflict. Rural reform, political participation, and illicit crops and drug trafficking had been among the most common subjects associated to the emergence, escalation, and impact of the internal war.\textsuperscript{122} Therefore, the agreement laid out the principles and actions to solve what allegedly had kept the guerrilla in arms for so many decades.

The Colombian people rejected the August 2016 agreement by a small margin.\textsuperscript{123} Its appropriation of a broader understanding of gender that included the lesbian, gay, bisexual, and transgender (LGBT) population was one of the arguments against it.\textsuperscript{124} The far-right and Christian groups in the country alleged that the accord had resorted to “a gender ideology” to subvert the family and traditional values that had defined and sustained the Colombian nation.\textsuperscript{125} Responding to the victory of the opposition, the

\textsuperscript{118} See, e.g., Press Release, Mujer Fariana, Comunicado: No jueguen con el honor de las farianas, supra note 108.


\textsuperscript{122} Id.


\textsuperscript{124} Id.

\textsuperscript{125} Id. See generally Lina M. Céspedes-Báez, Gender Panic and the Failure of a Peace Agreement, 110 Am. J. Int’l L. UNBOUND 183 (2016); Javier Corrales, A Perfect Marriage:
government and FARC–EP modified certain parts of the agreement to win their approbation.\textsuperscript{126} For that reason, the definition of gender was reduced to denote women, and references to diverse gender identity or sexual orientation were almost completely expunged from the document.\textsuperscript{127} In terms of specific measures for women, they were not significantly altered.\textsuperscript{128} In November 2016, the parties to the agreement published this revised version, and the Colombian Congress approved the agreement and began its implementation.\textsuperscript{129}

The agreement mostly mirrored the common understanding \textit{letradas} had strategically mainstreamed in the country and the Havana negotiation table.\textsuperscript{130} Therefore, this agreement (i) incorporated inclusive language almost only for men and women; (ii) outlined very specific measures for the investigation and prosecution of sexual violence; (iii) prohibited amnesties for this crime; (iv) established a link between drug use and trafficking and sexual violence against women; (v) acknowledged the productive role of rural women, although at the same time underscored that the reproductive role belonged exclusively to them; and (vi) sought to guarantee women access to land using prioritization in programs designed to do so, tailored legal counseling, and granted them participation in the bodies and institutional settings in charge of carrying out the integral rural development.\textsuperscript{131}

\textit{Letradas’} interest in integrating their knowledge in this peace agreement could be part of a strategy to reiterate and legitimate their narrative in one of the most important political instruments in recent Colombian history. Also, it could point to the need they have to repeat insistently their demands before a State that has been receptive to adopt their expertise as its own but has failed to turn it into effective public policies and judicial outcomes.\textsuperscript{132} For instance, a coalition of \textit{letradas} that has been following Evangelicals and Conservatives in Latin America, N.Y. TIMES (Jan. 17, 2018), https://www.nytimes.com/2018/01/17/opinion/evangelicals-politics-latin-america.html [https://perma.cc/6CAF-ERMJ].

\begin{itemize}
\item \textsuperscript{126} Lesley Gill, \textit{Another Chance for Peace in Colombia?}, 22 J. LATIN AM. & CARIBBEAN ANTHROPOLOGY 157, 157 (2017).
\item \textsuperscript{128} Céspedes-Báez & Jaramillo Ruiz, supra note 3, at 99-103.
\item \textsuperscript{129} Acuerdo Final, supra note 127.
\item \textsuperscript{130} Id.
\item \textsuperscript{131} Id. at 169, 151, 117, 11-18.
\end{itemize}
the investigation and prosecution of sexual violence found that out of 178
events of sexual violence identified in 2008 through litigation before the
Constitutional Court to protect women’s rights in conflict, only 16 have
been concluded, 14 with convictions and sentences and 2 with non-guilty
findings.133

At least since the 1980s, peasant women have been vocal about their
rights and have advocated for an effective access and control of property
rights over rural land.134 The alliances they established with women
within the government during this decade helped them to win joint titling
in the context of rural reforms and participation in key bodies related to
these policies.135 During the 2000s, letradas have contributed to their
cause, echoing their demands in their advocacy work.136 However, lack of
political will and scarce allocation of money have undermined initiatives to
promote peasant women’s well-being and productive initiatives.137 Fur-
thermore, the escalation of the armed conflict in the 1990s impacted grass-
roots organizations and movements, silencing the vindication of peasants’
land rights.138 The implementation of transitional justice schemes in the
country have revived the debate about this topic and brought back
demands minted in the last two decades of the twentieth century.139

The agreement did not show, at least explicitly, the imprint of faria-
nas.140 Maybe the fact that they did not have an outlined and honed femi-
nist agenda during the peace conversations can explain it. As Victoria
Sandino, a fariana leader and member of the Sub-Commission on Gender,
said in an interview in September 2016, they have just started creating a
feminist movement within the nascent political party into which FARC–EP
has transitioned.141 Thus, their exposure to letradas’ knowledge in the
context of the negotiation table impelled them to organize and articulate
their feminist vision and plan of action. They have been working on that
since almost the beginning of the peace talks. In September 2013, they
launched Farianas, a website to encourage the exchange of ideas on this

134. See Sañudo Pazos, supra note 75.
135. See id. at 115, 121–22.
136. See Informe III, supra note 40.
137. See La politica agraria y los derechos de las mujeres en Colombia, Comision
os/libros_e_informes/la_politica_agraria_y_losderechos_de_lasmujeres.pdf [https://
perma.cc/UKY7-ZC5T].
139. See Gabriela De Cicco, Women’s Rights and the Armed Conflict in Colombia, AWID
conflict-colombia [https://perma.cc/LY7H-9ESU]. See also LA TIERRA EN DISPUTA, supra
note 69.
140. See Acuerdo Final, supra note 121.
141. Castrillón, supra note 119.
subject and provide a space for women combatants to express their vision and experiences of war, peace, and transition. This webpage has contributed to building a narrative around women, revolution, and combat. It offers a very different picture of women than the one letradas had coined to genderize the conflict. letradas resist the identification of women in conflict as victims, defend their participation in the war, ask for revolution against capitalism, root patriarchy in that economic model, and vindicate their camaraderie with men combatants opposing their depiction as perpetrators of sexual violence. Nowhere in the agreement it is possible to track such a position, even less a direct challenge to the economic model as a mandatory step to dismantle patriarchy.

V. Feminist Clashes Endangering Lettered Understandings?

The peace agreement has simultaneously reinforced the letradas’ reading of the armed conflict and opened the door to its defiance. Initially, the accords have reiterated the Colombian will to comply with international law standards. Therefore, they endorse its particular way of framing women in war as victims and agents of peacebuilding. Echoing this body of law as well, farianas are included in this vision as long as they follow this script. The debate about sexual violence incidence within FARC–EP and how the official farianas’ narrative has tried to counteract it illustrates the conditions this discourse has imposed on demobilized women and their unwillingness to accommodate it. It is too soon to determine the outcome of this clash of visions, but it is possible to observe that letradas and farianas have changed during this peace process and tried to outline an agenda that foreshadows the challenges to come.

During the implementation process, letradas have had to diversify their traditional proposals in order to contribute meaningfully to the translation of the political agreement into public policy and regulation. To do so, some of them have formed a coalition called GPaz, comprising scholars, activists, victims, and women human rights defenders. For example, with respect to the issue of women and land, their propositions reflect the lessons they have learned in the implementation of the 2011 Victims and Land Restitution Law. Therefore, they have coupled their requirement for effective access to programs to distribute land and partici-

143. See id.
144. See id.
145. See Acuerdo Final, supra note 121.
146. Id., Preamble.
147. See Céspedes-Báez & Jaramillo Ruiz, supra note 3, at 85.
149. See Restitución de tierras para las mujeres en el marco de la Ley 1448 de 2011: Revisión desde la perspectiva del derecho sustantivo privado, CASA DE LA MUJER 2 (Oct. 31,
pation in the institutional instances in charge of the integral rural reform with demands for the recognition of reproductive and care work as the basis for occupation and possession of land. \(^{150}\) Also, they have advocated for the establishment of effective measures to solve family related litigation over the plots in the context of the formalization process included in the agreement. \(^{151}\) Furthermore, they have asked for the specific design of gender-sensitive budgets to implement the integral rural reform and proposed a change in budgeting coding to make it visible. \(^{152}\) Moreover, they have called for the integration of technology in rural areas and households to reduce and redistribute care work. \(^{153}\)

Farianas’ exposure to the peace process impelled them to draw an explicit feminist stance. Even though the peace agreement did not embrace their nascent agenda, their blogs and declarations could be read as an aspiration to sketch out their own approach to feminist issues and oppose part of the letradas’ legacy. Farianas do not fit very well into a version of womanhood in the context of conflict tied exclusively to victimization and peaceful mobilization. Their challenge is to position a feminist reading of their experience and aspirations that supports equally their years in arms and their willingness to demobilize and participate actively in politics. In June 2017, they published a six-page document outlining their main feminist thesis that will inform their actions and activities within the recently created FARC-EP political party. \(^{154}\) In this document, they criticize the false liberties women have acquired within the context of capitalism, and call for a fariana feminist movement based on class struggle and aimed at dismantling capitalism and imperialism. \(^{155}\)

The traction of farianas’ feminist agenda depends on many variables, such as the ability they have to position it at the forefront of FARC-EP political party and dispel the resistance the Colombian public opinion has against anything that resembles far-left political positions. The degradation of the political and economic situation in Venezuela during the leftist government of president Nicolás Maduro has strengthened far-right discourses in Colombia. \(^{156}\) The election of Iván Duque, a right-wing conservative, to succeed President Santos, is just one of the most visible


\(^{151}\) Id. at 3.

\(^{152}\) Id. at 8-9.

\(^{153}\) Id. at 13-14.


\(^{155}\) See Miguel Salazar, Once Again, the Right Wing Wins in Colombia, Amid Divisions on the Left, NATION (June 20, 2018), https://www.thenation.com/article/right-wing-wins-colombia-amid-divisions-left/.
consequences of the impact the situation of Venezuela is having in the country and the anxieties FARC’s political party is igniting within Colombian society.\textsuperscript{157} Farianas’ feminism could get trapped and dismantled in this adverse context even before it is introduced in the formal political arena.\textsuperscript{158} So far, even if their feminism could constitute a bottom-up contribution to the renaissance Marxist feminism is experiencing throughout the world\textsuperscript{159} and a diverse voice to counteract the hegemony of letradas’ feminism that could force them to grapple with social and economic issues more seriously, their chances of succeeding in becoming a valid voice in the feminist debate depend on how they grapple with and respond to the crimes that were committed against women and girls inside and outside the guerrilla organization.

\textit{Letradas} should keep in mind that, perhaps, in the future, farianas’ feminism could be more appealing to peasant and working-class women in the aftermath of conflict, when the incidence of massacres, selective killings, and armed conflict-related sexual violence will decrease, opening room for grassroots mobilizations and identification of local priorities and issues. Therefore, it is important for letradas to reflect on the significance of farianas’ feminism, especially on what it would mean for the Colombian women’s rights movement in terms of its supporters and dissenters around their approach to violence and discrimination against women. Also, if farianas’ feminism is able to beat all the conditions that play against it and become a contesting voice in relation to letradas, it will pose a challenge for international donors and organizations, since they have mostly endorsed an advocacy in which the economic model is not under systematic criticism. The potential for clashes and tensions depends on the level of radicalization of farianas’ agenda.

Even if revolution is not the word of choice for mainstream Colombian feminism and for Colombian women, it is important to acknowledge that the very existence of farianas points to some missing analyses and goals in letradas’ expertise. Therefore, letradas could take advantage of the very existence of feminist farianas to redefine and prepare their agenda for the post-conflict era. That would mean the inclusion and in-depth study of pressing socioeconomic issues, such as housing, pay gaps, access to credit, social mobility, poverty, and work-related discrimination, among others. So far, they have been the dominant voice, but that may be changing. The manner in which the demobilization of FARC-EP was negotiated means not only its members’ inclusion into civilian life, but also ensuring their political participation through the establishment of a political party and

\textsuperscript{157} See id.
\textsuperscript{159} See generally Silvia Federici, \textit{Marx and Feminism}, 16 \textit{Triple C} 468 (2018); SHAHRZAD MOJAB, \textit{MARXISM AND FEMINISM} (2015).
ten fixed seats in Congress for two consecutive terms starting in 2018. It is likely that *jarianas* will have a visible platform to deliver their feminist message, offering a diverse narrative of discrimination and violence against women. In this light, *letradas* must recognize that transitional justice for FARC-EP means the inclusion of diverse feminist voices. It is their decision whether to stay relevant after the arms have been laid down.

---
