

A CRITICAL SYSTEMS THINKING REFLECTION ON THE IMPACT OF THE SPECIAL JURISDICTION FOR PEACE TRIBUNAL (JEP) IN COLOMBIA

Maria C. Ortegon M.

Alvaro Carrizosa

ABSTRACT

For two months Colombia, one of the ‘strongest democracies’ in Latin America, is under national strike. The levels of violence reported are unprecedented. The initial but questioned optimism of the peace treaty signed in 2016 between the government and the largest and oldest guerrilla group, FARC-EP (Revolutionary Armed Forces of Colombia – People’s Army), is vanishing quickly. A key role in this situation is played by the Special Jurisdiction for Peace Tribunal- JEP aimed at consolidating the transition towards overcoming conflict.

This paper reflects from a Critical Systems Thinking perspective on the impact of JEP as system from which a “reverse hierarchy of oppression” emerged in Colombian society. It reveals that this special tribunal for justice involved assuming a reductionist approach that generated undesirable outcomes: (a) a weakened justice system (impunity) and (b) a cracked institutionality of the government; overall, a rationale of assuming crime as a form of social justice.

Keywords: Critical Systems Thinking; Special Jurisdiction for Peace Tribunal (JEP); Colombian Peace Process, Final Agreement

INTRODUCTION – A CRITICAL SYSTEMS THINKING REFLECTION

The reflection developed in this paper starts by describing a “real world problem situation” (Checkland and Scholes, 1999), that is, a brief **BACKGROUND TO THE COLOMBIAN PEACE PROCESS**. Then the *Final Agreement* as a ‘methodological approach’ for improving the problem situation (**TOWARDS THE ‘END OF AN ARMED CONFLICT’**) is introduced; its six chapters are listed and 7 key objectives involved are described, one of which is the creation of JEP-Special Jurisdiction for Peace Tribunal. This is followed by a brief description of the **OUTC**

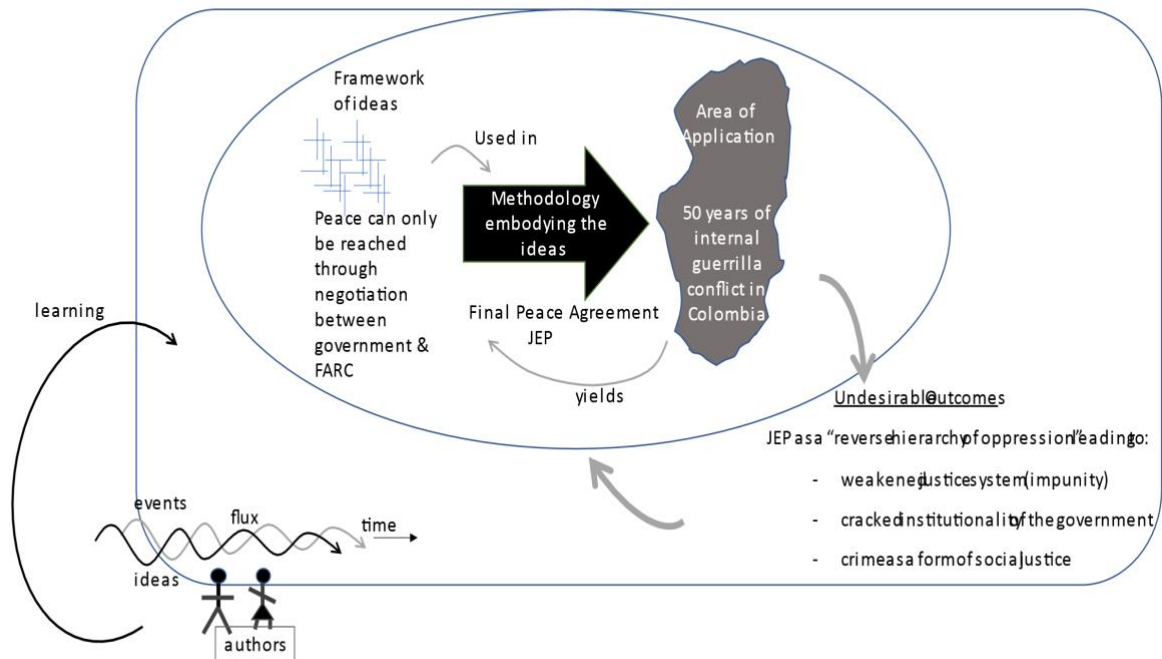
OMES OF THE ENDEAVOUR, that is, the current results of the implementation of the 6 chapters of the *Final Agreement* within a period of four years, which leads to highlight the **EMERGENT PROPERTIES** of JEP, explained as a ‘system’ from which a ‘reverse hierarchy of oppression’ is generated in Colombian society. The authors then present their **FINAL COMMENTS**, providing their insights on further outcomes of the impact of JEP in the Colombian social and political arenas. A **SECOND ORDER REFLECTION**, a brief description of the critical standpoint of the authors, completes this reflection.

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As a result of this critical reflection, which does not happen in a vacuum, but rather in an ongoing, unfolding flux of events and ideas through time (Checkland and Scholes, 1999), learning takes place. The learning process began by making sense of the endeavour, through a systems approach, which allows to determine about the emergent properties of a system, JEP, key element of the ‘methodological approach’ used. Through this conceptualization of JEP, certain methodological leaks become evident, which led to some undesirable outcomes (emergent properties), summarised as a “reverse hierarchy of oppression”, which in turn, led and re-enforced other emergent properties, namely, weakening the justice system (impunity) and cracking the institutionality of the government; and overall, assuming crime as a form of social justice.

The following figure illustrates a basic conceptualization of the reflection process involved in this document. This figure is based on the work of Checkland and Scholes (1999).

FIGURE 1. REFLECTION PROCESS: BASIC CONCEPTUALIZATION



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BACKGROUND OF THE COLOMBIAN PEACE PROCESS- Description of a 'real world problem situation'

Colombia has been a witness to what can probably be called the world's longest internal armed struggle. The fifty-year-long struggle has taken place between the state and guerrilla military factions, namely FARC-EP and ELN: (Fuerzas Armadas Revolucionarias de Colombia and Ejército de Liberación Nacional, respectively). Paradoxically, this happens in a country with extensive and long experience in peace processes and concertation mechanisms aimed at obtaining a way out of it. Colombia has pioneered the conduct of negotiation processes with guerrilla groups in the search for peace agreements since the 1990s in Latin America. However, it remains the only state in the region that still shows a large-scale armed confrontation because of manifestations of political violence permeated by drug trafficking.

The complex reality of this environment of conflict and violence has caused incalculable suffering to several generations of Colombians. In the face of this juncture, and despite the various peace-building efforts in the country, the task of an effective transition to overcome armed conflict and transform national reality into scenarios of political tolerance, peaceful coexistence and effective democratic exercise is yet to be seen.

President Juan Manuel Santos (2010-2018) believed that to end the armed conflict in the nation he had only two alternatives. On one hand, to continue the armed confrontation as he did when he was minister of defence during Alvaro Uribe's presidency (2002-2010), aiming at imposing peace through a military victory. Santos' presidential campaign promised to give continuity to this line of action. On the other hand, to use of instruments of negotiation and dialogue with subversive organizations to nurture the peace ideal. The latter became the fundamental purpose of his period as president.

Colombia finds out that President Santos was indulging in peace talks with the FARC in August 2012. Santos believed that these talks between the government and FARC would be welcomed by Colombians. However, he soon found out that the peace talks were not without opponents.

In October 2012, talks began in Oslo, Norway, where the Negotiating Agenda was signed and the initial designation of the negotiating delegates began. The delegates defined an agenda of five points: (1) ending armed conflict, (2) the rights of victims, (3) a solution to drug trafficking, (4) internal agrarian reforms and (5) guaranteeing political participation. A sixth point related to the implementation of the Peace Treaty was added to the final document. The whole process was rooted in the immovable premise that "Nothing is agreed, until everything is agreed".

After four years of dialogues in Havana, Cuba, the process reached concretion through the joint drafting of a Final Agreement, in August 24, 2016, titled: "*Final Agreement for the Termination of Conflict and the Construction of a Stable and Lasting Peace*". As it had been said countless times, this agreement had to be legitimized and approved by the citizens and was therefore subject to a Plebiscite (popular consultation mechanism) held on 3rd October

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of the same year. The results of the vote were discouraging: with 60% abstention, the "NO", which involved the rejection of the Final Agreement, won.

Thus, Santos decided that he had to go ahead with the *Final Agreement*; so he devoted efforts to renegotiate it with the "NO leaders" and two months later, on 24th November, 2016 a new *Final Agreement* was reached. The legislative transition required for the implementation of the agreement, and the adoption of new related laws was considered as a terribly slow process. Therefore the Constitutional Court approved the application of the "Fast Track" approach for the approval of laws, decrees and rules related to the peace process and the implementation of the agreements (Law 1820 of 2016).

In February 2017, a decree of amnesty was issued for political or related crimes. According to this decree, cases considered under national and international law as crimes against humanity, genocide, and war crimes, would not be subject to leniency. This new agreement was approved by the plenary in the Congress, and it is currently in the process of implementation.

TOWARDS THE 'END OF AN ARMED CONFLICT'- 'METHODOLOGICAL APPROACH': *FINAL AGREEMENT*

The Peace Treaty delegates considered a period of 180 days after the signature of the *Final Agreement* as reasonable time for FARC to conclude the process of handing over its weapons to the state. The reintegration into civilian life of guerrilla members also began that date.

The *Final Agreement*, considered here as a methodological approach for intervention, involves six chapters: (1) ending the armed conflict, (2) the rights of victims, (3) a solution to drug trafficking, (4) internal agrarian reforms and (5) guaranteeing political participation, and (6) the implementation of the *Final Agreement*, includes 578 plans for action involved in the other 5 chapters.

Some of the most relevant aspects proposed by the *Final Agreement* and involving intervention in its 6 chapters are briefly described below:

1. It was agreed to establish 22 '*Transitional Village Zones*' and 6 *Transitional Zones* to ensure ceasefire, handing over of weapons, and preparing ex-combatants for entry into civilian life under conditions of legality.
2. It was agreed to guarantee to the new political movement FARC, a minimum representation of 5 Senators and 5 Representatives to the Senate, elected from their own lists for two electoral periods regardless of the number of votes obtained.
3. It was agreed to provide financial support to the new political movement FARC and its political agenda until July 9, 2026.
4. It was agreed to develop a process of substitution of illicit crops and programs to stimulate a new collaborative economy.

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5. It was agreed to create a Commission for the Clarification of Truth, Coexistence and Non-Repetition: Aimed at clarifying the facts, recognizing victims, recognizing responsibilities, and promoting truth through dialogue.
6. It was agreed to establish measures for Comprehensive Victim Reparation for the construction of Peace, aimed at acknowledging responsibilities; promoting public acts of forgiveness; symbolic reparation; and material reparation of victims.
7. It was agreed to create a Special Jurisdiction for Peace Tribunal (JEP), a set of justice administration bodies to fulfil the duty of the state to investigate, prosecute and punish crimes committed in the context of the armed conflict, within the framework of transitional justice.

Transitional justice becomes key in this effort to overcome the contexts in which abuses, and human rights violations occurred, and the way to promote national reconciliation. The JEP, as the designated system for transitional justice, is aimed at consolidating the transition towards overcoming conflict. In this sense, its design and implementation include mechanisms such as criminal prosecutions, truth commissions, reparation measures to victims and reforms of an institutional nature, without limiting itself exclusively to them. In this context JEP weighs heavily as propeller of emergent properties. However, has been structured as a negotiated outlet that has not harmonized the legal and political needs of society.

OUTCOMES OF THE ENDEAVOUR OF ‘ENDING THE CONFLICT’

After four years period of intervention using the *Final Agreement*, it is estimated that 28% of these plans were fully implemented; 18% were at an intermediate level of progress; and 35% remain at a minimum level of implementation. The remaining 19% were not implemented at all. These results are according to the last official report (2019/2020) of the Kroc Institute¹.

The signatory parties entrusted the Kroc Institute for the design of a methodology to measure the progress of the implementation of the commitments and provide technical support to the Monitoring Committee on Implementation Promotion and Verification (CSIVI). The Institute analyzes a wide range of sources, including 1,418 reports from 173 organizations including state entities, NGOs, think tanks and international organizations, and 433 press articles from 44 media outlets. This information was triangulated through approximately 150 interviews with civil society actors, members, and representatives of FARC (in different instances created by *the Final Agreement* and its Political Dialogue Centre), the Government, among other actors of relevance.

¹ The University of Notre Dame's **Kroc Institute for International Peace Studies**, part of the [Keough School of Global Affairs](#), is one of the world's leading centers for the study of the causes of violent conflict and strategies for sustainable peace. Kroc Institute faculty and fellows conduct **interdisciplinary research** on a wide range of topics related to peace and justice.

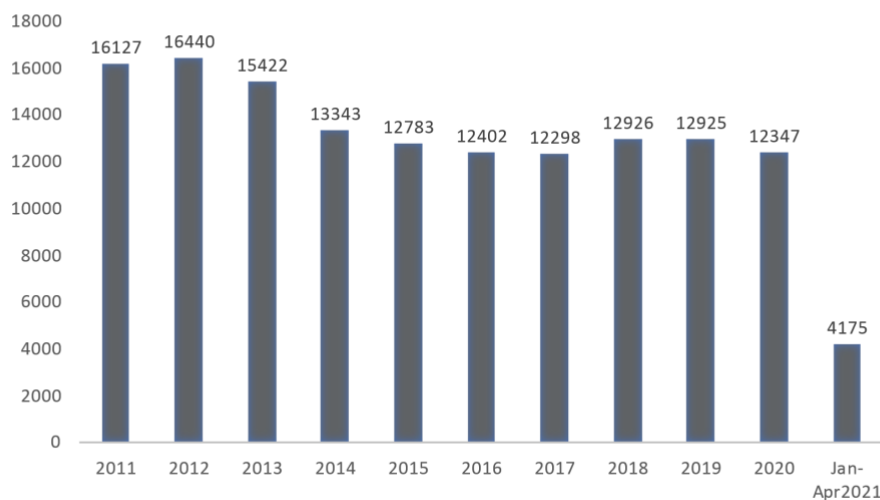
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The outcomes according to the chapters of the *Final Agreement* during its current four years of implementation, namely: (1) ending the armed conflict, (2) the rights of victims, (3) a solution to drug trafficking, (4) internal agrarian reforms and (5) guaranteeing political participation, are presented below. Evidently chapter six relates to the implementation of the 5 previous chapters and is the subject of the measurements of the Kroc Institute, based on which the following outcomes are presented.

1. Ending the Armed Conflict

According to the Colombian Penal Code a murderer is: "the one who kills another" (article 103 Law 599 of 2000), except in traffic accidents. As the following chart shows the level of homicides has improved and is stable since the agreement was signed.²

Homicides in Colombia



Source: Mindefensa

However, cases in which four (4) or more people are killed have increased to levels prior to the Peace Agreement. There are no cases in which four (4) or more criminals

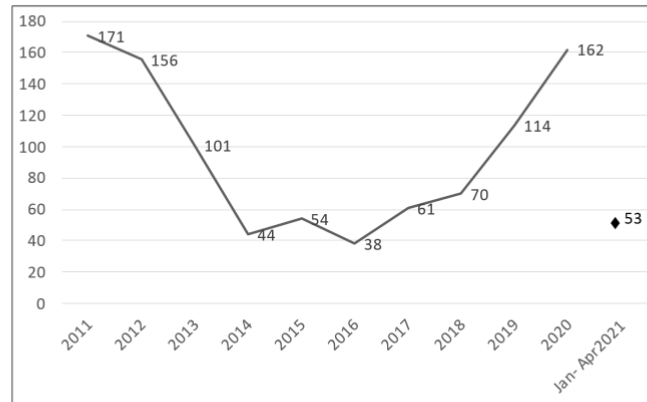
²Logros Sector Defensa (Mayo 2021) Viceministerio para las Políticas y Asuntos Internacionales. Dirección de Estudios Estratégicos - Grupo de Información Estadística. Ministerio de Defensa Nacional.

https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios_sectoriales/info_estadistica/Logros_Sector_Defensa.pdf

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are killed by the action of the public force in the performance of constitutional duty. The following chart shows the situation.

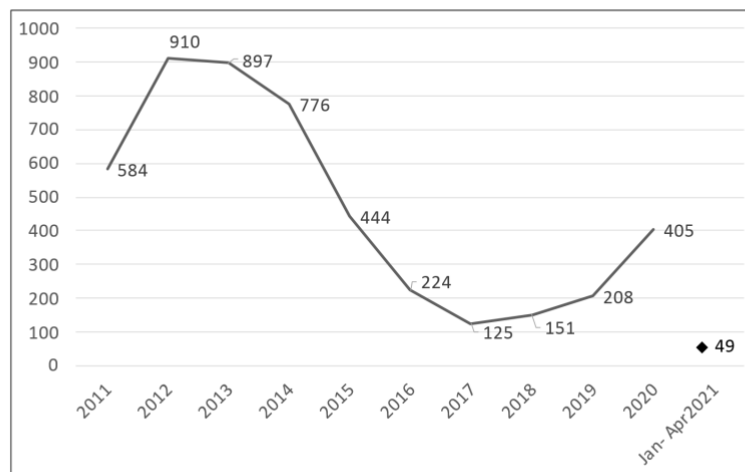
Number of Homicides in Collective Murder



Source: Mindefensa

To be classified as a collective homicide, the wrongdoing is required to be committed in the same place, at the same time, by the same perpetrators and against persons in a state of defenselessness. These facts are not counted as terrorist acts. The terrorist acts are increasing as shown below:

Number of Terrorist Acts



Source: Mindefensa

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This is creating increasing concern due to FARC dissents. This group has doubled its armed members in the last year. According to intelligence reports, there are approximately 4,600 active members of the dissident or rearmed groups of the extinct FARC.

2. The Rights of Victims

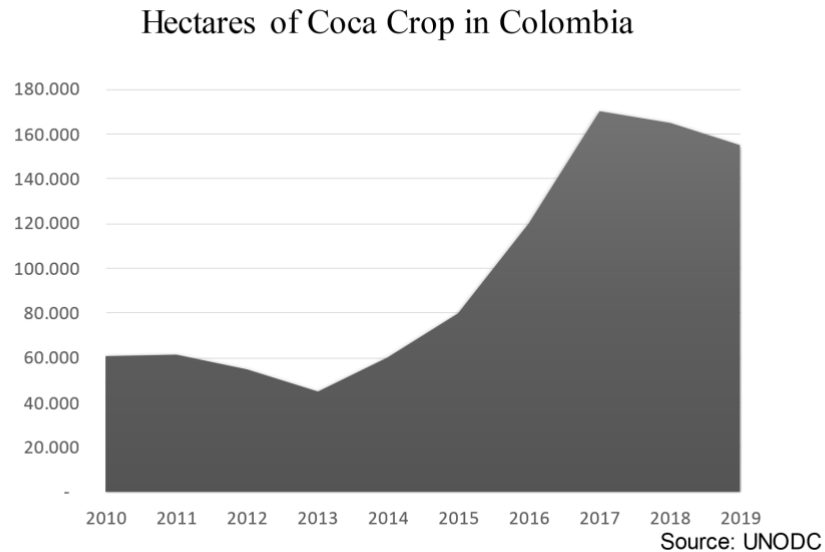
Colombian Constitutional Court made substantial alterations to the victims' agreement (Legislative Act 01 of 2017 by C-674/17 of 14 November 2017). The most important amendment to the JEP resulting from the Constitutional Court is that non-combatant "third parties" from the JEP are excluded. The Court broke one of the fundamental axes of the agreement. Its intention was to establish justice for all who might have had responsibilities during the conflict. This exclusion promotes impunity and therefore undermines the rights of victims. Paramilitary forces, which were part of the conflict and generated all sorts of victims, are left out of the JEP.

Moreover, the Kroc Institute reports that the implementation of the "Integral System of Truth, Justice, Repair and Non-Repetition", shows little progress. The progress shown in 2020 is that 57% of all action plans have not been initiated or have had little advances in terms of all its objectives: 1. Recognition of victims; 2. Recognition of responsibility; 3. Satisfaction of the rights of victims; 4. Victim participation; 5. Clarification of truth; 6. Reparation of victims; 7. Guarantees of protection and security; 8. Guarantee of non-repetition; 9. Principle of reconciliation and 10. Human Rights approach.

3. A Solution to Drug Trafficking

Likewise, as a solution to the problem of illicit drugs, the *Final Agreement*, proposes programs to replace crops of illicit use by comprehensive development plans with community participation in the design, implementation and evaluation of environmental replacement and recovery programs for areas affected by such crops. As shown in the graph below, in 2013 there were less than 50,000 hectares of Coca Crops planted in the Colombian territory. By December 2019, the area planted reached 154,000 hectares. It represents an increase of more than 200% (2013-2019). The decrease of 9% between 2018 and 2019 is due to the eradication policy of the current government and not to the program envisioned by the agreement. This reduction confirms the break in the trend to the high in the curve which had been present since 2014 and peaked in 2017 showing 171,000 hectares planted with this crop.

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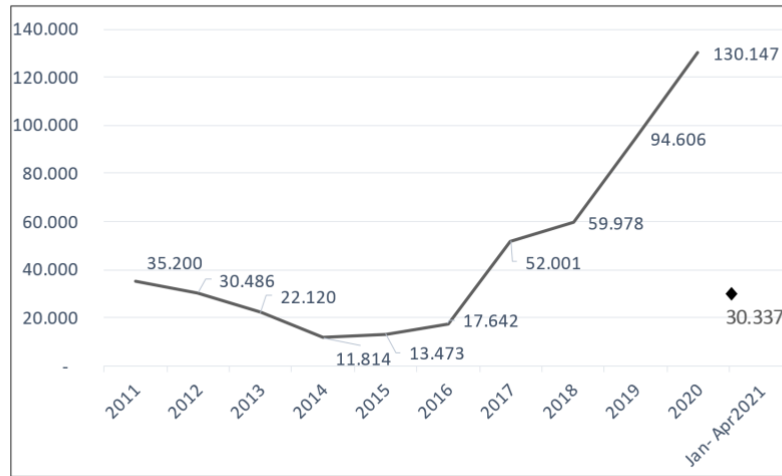


Nevertheless, the average yield of fresh coca leaf per hectare has increased from 3.000 kilograms in 2013 to 7.500 kilograms in 2019. Therefore in 2013 Colombia produced 135.000 tons of fresh coca leaves, and in 2019 produced 1.150.000 tons of fresh coca leaves, which denotes an increase of 850% in a period of 6 years (UNODC, 2020).

The current government has implemented a program for the eradication and control of illicit crops. The following graph shows the behavior of the hectares under the Eradication of Illicit Crops program, implemented in 2017.

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Hectares Eradicated of Illicit Crops



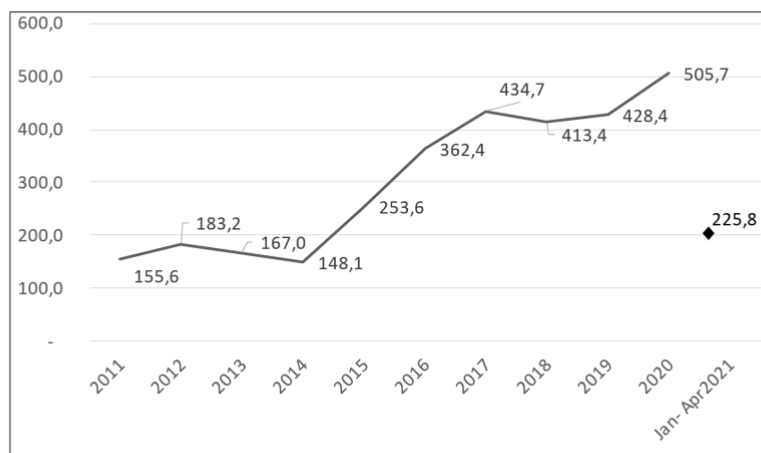
Source: Mindefensa

The increase in the confiscation of cocaine is another indicator of the difficult situation. Eradication has led farmers to unintentionally align themselves with armed groups. The government's substitution program for illicit crops has not reached the farmers. Farmers are vulnerable to the coercion of traffickers and stigmatized by the military as illegal collaborators; thus, they are victims of both, traffickers, and military.

The increase in illicit crops hence the raise on expected confiscation, is presented below.

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Tons of Cocaine Confiscated



Source: Mindefensa

Cocaine is still at the center of a fierce debate about rural security in Colombia, which tends to get worse. The leaves of the plant are the only raw material with which cocaine can be manufactured. This illegal drug generates massive profits and funds armed and criminal groups.

4. Internal Agrarian Reforms

The formulation of these plans aims at narrowing the gap between the countryside and the city and the integration of the peasant economy to the national economy. Action agreements were reached in different key areas to achieve this, namely: physical infrastructure (roads, electricity, connectivity, irrigation, etc.) and social infrastructure (health, education, housing); stimuli to production, to the solidarity and cooperative economy; plans for income generation, job formalization and social protection; and security.

In the first two years of the implementation the National Land Agency³ has managed to allocate 1,500,000 hectares to peasant communities, which represents a good achievement. By 2018, 42 thousand peasant families became legal owners of their land. Nowadays they have land possession titles which formalized their tenancy throughout the country (Agencia Nacional de Tierras, 2018).

³ On December 7, 2015, Decree 2363 “By which the National Land Agency, ANT, was established and its object and structure is established”, was issued, in an effort of the national government to consolidate the new institutional framework to respond to the challenges of the post-conflict regarding the development of the rural areas and the implementation of the agreements signed in the framework of the peace process.

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The illicit crop substitution program sought to align peasants with government's efforts to establish its authority in areas long controlled by armed groups. In partnership with the UN Office on Drugs and Crime, the program tried to persuade coca growers to sign up for it, however its impact was very insignificant. Moreover, while more forceful eradication took place, it only led to a short-term decrease in coca production. Over time those areas remain beyond the state's remit and under the influence of armed groups. The FARC and ELN are now pushing more farmers to plant coca.

5. Guaranteeing Political Participation

While the transit from a guerrilla group to a legal party has taken place for FARC, countless difficulties of legitimacy persist. The FARC submitted 23 total candidates for the House and Senate and won 52,532 Senate votes and 32,636 House votes. Neither vote is enough for a seat in either of the Houses. However, as agreed, FARC holds 5 seats in the Senate and 5 in the House of Representatives. Adding to this legitimacy issue, the case of Seuxis Pausias Hernández Solarte, best known by the alias Jesús Santrich, makes it foulest. Santrich was head of the FARC, member of the negotiating team and had a seat at the Senate. He was captured on 9th April 2018, on alleged drug trafficking charges and was released in May 2019 by the Colombian Supreme Court due to lack of evidence. In August 2019 he returned to arms, along with alias Iván Márquez, leading the dissident group of the FARC. Finally, Santrich was shot down in a clash in Venezuela on May 17, 2021.

Somehow the liability on the implementation of this issue is disappointing. FARC justified its actions by arguing that the political regime and electoral system convey no opportunities for divergent views about the government and its policies. The *Final Agreement* meant political participation for FARC: democratic openness to build peace. In general, the Colombian people understood that the increased and open political participation of FARC was a low price to pay for the termination of armed confrontation, and to lay the groundwork for solid peace. However, if this situation of legitimacy persists a vague future for peace is expected.

Evidently, despite the aims of the *Final Agreement*, progress in the implementation process has been limited so far, as described above. Such a situation is largely explained by the assumption of a limited scope in terms of disregarding the nature of the problem situation and the relationship between participants, and thus the 'appropriateness' of the approach for intervention (Jackson 2000). This is evidenced in understanding the *Final Agreement* as 'the path' defined only by the government and a guerrilla group. Other actors or "agents" (Midgley, 2000) that explained the origin and persistence of armed rebellion as a matter of unresolved agrarian reforms; or of political exclusion; or of problems of illicit drugs; or of violated rights of the victims of the conflict; were not properly involved in the definition and implementation of the *Final Agreement*.

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EMERGENT PROPERTIES OF ‘ENDING THE CONFLICT’

The introduction to the *Final Agreement* highlights that:

“the Government of Colombia and the FARC-EP, in the aim of further consolidating the foundations on which peace and national reconciliation will be built, once the endorsement procedure has been carried out, will convene all political and social parties and movements, and all living forces in the country to conclude a great NATIONAL POLITICAL AGREEMENT aimed at defining the necessary institutional reforms and adjustments to meet the challenges that peace demands, putting in place a new framework of political and social coexistence” (Colombia: Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera, 2016, p 38)⁴.

The importance of a “NATIONAL POLITICAL AGREEMENT” and its necessity for making institutional reforms and adjustments is made evident. However, as previously discussed, the *Final Agreement* does not represent a national agreement but an agreement between two “agents” involved (a president in power and the leaders of FARC). Although Santos' government signed the *Final Agreement* on behalf of the State as a counterpart, since the initial phase of implementation, its institutionality has become a disputed space in the development of this process. The agreed foundations for building a stable and lasting peace have been selectively replaced by unilateral government action where many “agents” are dissatisfied.

This leads to the instance responsible for justice and reparation, the JEP, as the ultimate containment of the *Final Agreement*. The operation and implementation of the *Final Agreement*, clearly shows that it is falling short in terms of legitimacy. In addition, JEP broke every principle of justice considered in its nature and role as the designated system for transitional justice. JEP has thus permeated the process of implementation of the *Final Agreement*, generating undesirable outcomes (emergent properties), becoming a ‘system’ from which, a “reverse hierarchy of oppression” has emerged in Colombian society. The arguments below provide enough evidence to explain this statement.

According to Kroc Institute, the JEP is amnestying faster than any other peace agreements in the world. In Colombia, after signing of the *Final Agreement*, approximately 75% of the ex-combatants of FARC who submitted to the JEP, (that is 7.400), qualified for general amnesty. Four years into its implementation, the JEP resolved 2.442 cases. This translates into an amnesties resolution rate of approximately 610 cases per year. Nonetheless, the victims and

⁴ “el Gobierno de Colombia y las FARC-EP, con el ánimo de consolidar aún más las bases sobre las que edificará la paz y la reconciliación nacional, una vez realizado el procedimiento de referendación, convocarán a todos los partidos y movimientos políticos y sociales, y a todas las fuerzas vivas del país a concertar un gran ACUERDO POLÍTICO NACIONAL encaminado a definir las reformas y ajustes institucionales necesarios para atender los retos que la paz demande, poniendo en marcha un nuevo marco de convivencia política y social”

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specially, those victims of sexual violence are requesting the opening of specific cases. Their request is for justice, prosecution, and punishment of certain conducts that are not included in the *Final Agreement*. Acknowledgment of truth and responsibility is not enough in terms of resolving crimes against humanity.

Furthermore, the plans governing the JEP were quite general in describing conduct related to the armed conflict. Thus, these plans opened the door for cases whose relationship to the conflict are not entirely clear in terms of how and why to be assumed by JEP.

The Comprehensive System of Truth, Justice, Reparation and Non-Repetition included a guarantee of non-extradition. That is why JEP has become so attractive to criminals seeking to avoid the requirements of foreign authorities. This has happened, for example, with drug traffickers who have sought the JEP to avoid extradition. For instance, the case of Santrich (already explained above), who was requested by the US Government for possible drug trafficking, and the President of JEP, Patricia Linares, blocked the extradition arguing that Santrich is a subject of JEP.

JEP has also opened the door to corrupt politicians, businessmen and others who perceive it as an opportunity for a weak justice process. Some examples of this situation where JEP is displaying its jurisdiction are ex-congress Álvaro Ashton, Musa Besaile and Bernardo Elías. In this regard, Attorney General Fernando Carrillo envision that JEP can be a "corrupt camp" and that its jurisdiction must limit to cases that are clearly linked to the armed conflict (Semana, 2020). Moreover, with at least 90 percent of re-inserted guerrilla members able to claim dispensation for all sort of crimes, a criminal class emerged that can operate with impunity. The peace treaty created a new class of "re-inserted citizens" protected from all responsibilities by the new JEP high tribunal.

Ever since peace negotiations started in Cuba in 2012, most Colombian citizens considered the whole peace effort as meaningless. The frustrating results of its evolution seem a natural consequence of the then President Juan Manuel Santos acting against the people's will by disregarding the results of the plebiscite, where Colombians voted against the peace treaty. One of the reasons for opposing it was precisely the creation of the JEP. In effect, JEP's justice dramatically reduced penalties for murder, kidnapping, child abuse, drug trafficking, theft, sexual assault, amongst other, including crimes against humanity. As a result, any observer can announce: "crime pays here."

These ideas have extended to explain what is seen nowadays during the recent strikes. An entire spectrum of misdemeanor crimes, including theft, assault, harassment, drug possession, property destruction, and indecent exposure, and street blockades, are justified as expressions and claims for social justice. Thus, it becomes clear for anti-socials and aggressors that establishing their pursue of a social issue allows them to evade justice. The impact of JEP has had this tremendous negative effect in Colombian society.

Therefore, JEP, as a tribunal to restore justice for the victims affected by the conflict, has administered justice in an autonomous way that is not fully offering truth to Colombian

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society; nor fully protecting the rights of victims; or contributing to a stable and lasting peace; and it is not taking decisions that give full legal certainty. Clearly, this is resulting in two main undesirable outcomes: (a) a weakened justice system (impunity) and (b) a cracked institutionality of the government, which in turn, enforces the idea of assuming crime as a form of social justice.

FINAL COMMENTS

The *Final Agreement* was launched based on a dangerously naive understanding of its scope. Indeed, it showed that as an approach for intervention, it was 'blind' to the social context, evidencing lack of "critical awareness" (Jackson, 2000), disregarding the evident complex and coercive nature of the conflict situation of Colombia. This not only undermined its progress but produced adverse outcomes (emergent properties) as revealed above.

In fact, administering justice and reparation for victims in this scenario is a complex undertaking that could not be performed by the creation of an alternative tribunal for justice (JEP), as determined by the *Final Agreement*. Imposing such an instance involved assuming a reductionist approach, where, in the absence of a legitimate system for justice, new and old armed criminal gangs, guerrillas, paramilitaries, and corrupt politicians, as well as anarchists and boycotters are filling the void (evidenced in the outcomes presented above) and generating undesirable outcomes: (a) a weakened justice system (impunity) and (b) a cracked institutionality of the government; and in general, a harmful rationale of assuming crime as a form of social justice.

Enough evidence has been provided to indicate that the executive branch of the government alone has no full discretion to carry out the nation's peace agenda. A political intervention requires participation of all relevant agents represented in the legislative, constitutional, judicial, and social powers, and at a national and international level. Moreover, the entire narcotics supply chain (from coca cultivation to global cocaine trafficking) is one of the main issues to address and it is the scourge behind growing massacres, forced displacement and killings of social leaders in Colombia. With coca crops reaching new heights in recent years, Colombia may enter in a down-spiral of violence. If we consider how the recent dynamics of the conflict have evolved in a country struck by COVID-19, and currently, by the worst ever strike that has paralyzed economic activity, mobility, and general rights of citizens, where all sorts of crimes are justified as an expression of social justice, it is evident that a new holistic approach to the conflict is soon required.

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SECOND ORDER REFLEXION

The reader must realize that we, the authors, do not stand in some neutral area, above or outside Colombia, outside this society, culture, and history. Such a presumed immediacy regarding the analysis above can only lead to dead ends. The first presupposition is that we, as Colombian citizens, accept the *Final Agreement* as a 'methodological approach' for intervention. In so doing, we have already chosen a place for ourselves which does not simply follow from the study of words but from the intention to improve the 'problem-situation'. We identified this *Final Agreement* as the product of a coherent story/history, and this history as the proper space for understanding an action. If we wish to be critical, we must take a further step. We must recognize peace and not repetition as outcomes of the *Final Agreement* are those forms of "improvement" without which such an agreement remains a closed book. We must come to acknowledge this paper as a hermeneutic, the space for understanding, which does not pretend to disregard the *Final Agreement*, but to allow the mere possibility for peace to be within our social and political institutionality.

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