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Negotiating with Criminal Groups: Colombia's "Total Peace"¹

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Summary

The Total Peace Policy (TPP) began as a broad, ambitious and comprehensive policy in Colombia aimed at containing and reducing violence, with the intention of encouraging armed and criminal actors, both in urban and rural areas, to lay down their arms, reduce armed confrontation, and lessen the impact of violence on the communities and civilians where they operate.⁸

The TPP is notable for its ambition, involving eight simultaneous negotiations with armed groups and rapprochements with high-impact organised crime structures. This is not the first time an effort of such magnitude has been made; between 1980 and 2016, reaching a negotiated solution to a long-running conflict and signing peace agreements with different armed groups was a priority on the public agenda of six different governments. The TPP is innovative because it marks the first attempt to also negotiate with criminal organisations, recognising their capacity to govern populations and acknowledging that the conflict has an urban component that must be addressed.

This Briefing Note summarises lessons from the TPP for negotiating with criminal groups found in research papers coming out of the SOC ACE research project "Negotiating with Criminal Groups: Colombia's Total Peace".⁹ Drawing on fieldwork in three regions – Buenaventura, Arauca and Tumaco – the note focuses on two critical issues that emerge in contexts where rebel and criminal governance coexist with formal institutions: the institutional context of the policy; and its implementation at the local level so far.

- 1 For the full research papers, see: Johnson, K., Botero, F., Botero, M., Aponte, A., & Asprilla, L. (2025). Total Peace Policy: Between light and shadow: A framework to analyse Colombia's comprehensive peacebuilding policy. SOC ACE Research Paper 34. University of Birmingham, and Durán, J., (2025) Institutional Architecture of Total Peace: A normative review studied in practice. SOC ACE Research Paper 33. University of Birmingham.
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8 GI-TOC y FIP. (2023). El camino de la Paz Total. https://storage.ideaspaz.org/documents/fip_camino_paz_total.pdf

9 SOC ACE Research Project, "Negotiating with Criminal Groups: Colombia's Total Peace", <u>https://www.socace-research.org.uk/</u> projects/32-gitoc-total-peace The TPP has yielded significant results, such as a reduction in the number of homicides, the establishment of ceasefires between the state and armed and criminal actors, and the creation of humanitarian corridors to assist vulnerable populations, among others. However, the achievements are tempered by the challenges and implications of the lack of a legal framework for the submission of criminal organisations to justice, and unintended consequences from deepening criminal and rebel governance.

"Total Peace" in Colombia

The 2016 Peace Agreement with the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia (FARC)) marked a milestone in Colombia's history. On the one hand, the largest armed group, which represented the greatest threat to the state's control, demobilised; on the other, multiple areas of the country experienced peace that had been absent for decades.¹⁰

However, shortly after the FARC demobilisation, some regions fell back into a spiral of violence (2017-2021) due to attempts by other armed and criminal actors to expand their zones of control, the emergence of dissident factions of the demobilised guerrilla group,¹¹ and the presence of criminal ecosystems and local armed actors that attempted to regulate communities and areas beyond the reach of the state, leading to the start of a new cycle of violence.¹² In 2022, Colombia elected its first left-wing president. Gustavo Petro, a former guerrilla fighter of the April 19 Movement (Movimiento 19 de Abril (M-19)), assumed the presidency with an ambitious peace proposal aimed at ending armed violence in the country through the Total Peace Policy (TPP).¹³ This policy promotes simultaneous negotiations with "political" armed groups, and rapprochements and talks with high-impact criminal organisations to establish "Paz Total" ("Total Peace").¹⁴

To implement the TPP, the government created a specific legal framework that would enable it to engage in talks with illegal armed groups and define the nature of negotiations. On the one hand, it enacted Law 2272 of 2022, which grants the government the authority to advance dialogue processes with organisations holding political status and engage in exploratory talks with criminal organisations, something that was previously banned and punishable by law.¹⁵ The law also sets guidelines for conducting these dialogues.

- 13 Ley 2272 de 2022 (Paz Total) Por medio de la cual se modifica, adiciona y prorroga la ley 418 de 1997, prorrogada, modificada y adicionada por las leyes 548 de 1999, 782 de 2002, 1106 de 2006, 1421 de 2010, 1738 de 2014 y 1941 de 2018, se define la política de paz de estado, se crea el servicio social para la paz, y se dictan otras disposiciones. Noviembre. https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=197883; Guerra, S., & Hege, S. (2022). Colombia's new administration raises hopes for 'Total Peace'. United States Institute of Peace. https://www.usip.org/publications/2022/07/colombias-new-administration-raises-hopes-total-peace
- 14 Grasa, R. (2022, December). La propuesta de Paz Total del Presidente Petro y su gobierno. Insumos para operacionalizarla e implementarla como políticas públicas. Perspectivas. Democracia y Derechos Humanos. Friedrich-Ebert-Stiftung en Colombia.
- 15 Grasa, R. (2022, December). La propuesta de Paz Total del Presidente Petro y su gobierno. Insumos para operacionalizarla e implementarla como políticas públicas. *Perspectivas. Democracia y Derechos Humanos.* Friedrich-Ebert-Stiftung en Colombia.

¹⁰ Larratt-Smith, C., Aponte, A., & Barrera, V. (2021). Entendiendo las dinámicas del tercer ciclo de la guerra en Colombia. La Silla Vacía. https://www.lasillavacia.com/red-de-expertos/red-de-la-paz/entendiendo-las-dinamicas-del-tercer-ciclo-de-la-guerra-en-colombia/; Aponte, A.F., & González, F. (Eds.). (2021). ¿Por qué es tan difícil negociar con el ELN? Un federalismo insurgente, 1964-2020. Bogotá: Centro de Investigación y Educación Popular-Diakonia.

¹¹ CORE. (2021). Las caras de las disidencias: cinco años de incertidumbre y evolución. https://www.conflictresponses.org/las-caras-de-lasdisidencias-cinco-anos-de-incertidumbre-y-evolucion/

¹² Gutiérrez, F. (2021). ¿Un nuevo ciclo de la guerra en Colombia? Bogotá: Debate.

To complement Law 2272, the government presented to Congress a law of submission to justice, defining the legal framework for processes involving organised crime structures. The bill was shelved during its progress through Congress, leaving a legal vacuum.¹⁶

The development of this policy marked a positive milestone mainly in three respects. First, it recognised the interconnection between armed organisations and crime, as well as the link between urban and rural violence. Second, it highlighted the role of criminal organisations as drivers of violence and as actors in peacebuilding. Third, the policy placed safeguarding at its core, promoting humanitarian relief efforts as part of its strategy.

Almost simultaneously, the government promoted eight negotiation and submission spaces with different armed actors and criminal groups in the country: the National Liberation Army (Ejército de Liberación Nacional (ELN)) guerrilla group; Second Marquetalia (Segunda Marquetalia (SM)), a rearmed faction of former FARC commanders led by Iván Márquez, who claimed to have been tricked during the implementation of the 2016 Peace Agreement; the Central General Staff (Estado Mayor Central (EMC)), a dissident group of the FARC; local and regional criminal gangs such as Los Shottas and Los Espartanos in Buenaventura; La Oficina del Valle de Aburrá, La Mesa y Los Triana in Medellín; and Los Zetas, Los Mexicanos and Los Locos Yam in Quibdó; and, finally, the Sierra Nevada Self-defence Forces (Autodefensas Conquistadores de la Sierra Nevada de Santa Marta (ACSNM)) and, more recently, the Gaitanist Self-defence Forces of Colombia (Autodefensas Gaitanistas de Colombia (AGC)), the

largest criminal organisation in the country, where negotiations are still in exploratory phases.

A lack of clear methods, frameworks and red lines has characterised the implementation of these various negotiations and rapprochements with armed groups and organised crime structures.¹⁷ The government's approach at the beginning of the peace talks and exploratory phases focused on de-escalating violence. To this end, ceasefires were established, but at the beginning these lacked clear verification methods and rules of engagement.¹⁸ The sequence focused first on de-escalating confrontation, and then on engaging in dialogue and forging agreements aimed at peacebuilding plans.

While confrontation between the state and criminal and rebel organisations has decreased in general,¹⁹ the TPP has not succeeded in de-escalating violent confrontations – mainly between armed actors involved in peace talks – and has sometimes had negative humanitarian impacts.²⁰ Progress in negotiations has followed an uneven trajectory. In the case of the ELN talks, these have been stalled since February 2024 due to mutual accusations of non-compliance, as well as the splintering of one faction of the guerrilla group, the Frente Comuneros del Sur, in Nariño.

Talks with the EMC faced a crisis due to internal fragmentation within the group's leadership. The SM experienced a similar situation, when the group structures in Nariño and Putumayo – the Border Command (Comandos de la Frontera) and the Pacific Guerrilla Coordinating Committee (Coordinadora Guerrillera del Pacífico, (CGP)), respectively – rejected Iván Márquez's leadership and announced their split.

¹⁶ El Tiempo. (2024a). La polémica por proyecto que abriría la puerta de justicia y paz a grupos criminales. https://www.eltiempo.com/ politica/congreso/la-polemica-por-proyecto-que-abriria-la-puerta-de-justicia-y-paz-a-grupos-criminales-858471

¹⁷ Preciado, A., Cajiao, A., Tobo, P., & López, A. (2023). El camino de la Paz Total. Balance de la estrategia de negociación en el gobierno de Gustavo Petro y oportunidades para la cooperación internacional. Global Initiative against Transnational Organized Crime. https:// globalinitiative.net/wp-content/uploads/2023/08/El-Camino-de-la-Paz-Total.pdf; La Silla Vacía. (2024). Expertos opinan sobre el mejor escenario para la 'Paz Total'. https://www.lasillavacia.com/red-de-expertos/red-de-la-paz/expertos-opinan-sobre-el-mejor-escenariopara-la-paz-total/

¹⁸ Trejos, L.F., & Badillo, R. (2023). El cese al fuego de la Paz Total: decir y luego hacer. La Silla Vacía. https://www.lasillavacia.com/red-de-expertos/red-de-la-paz/el-cese-al-fuego-de-la-paz-total-decir-y-luego-hacer/

¹⁹ GI-TOC y FIP. (2023). El camino de la Paz Total. https://storage.ideaspaz.org/documents/fip_camino_paz_total.pdf

²⁰ FIP. (2024). Paz Total: los grupos armados ganan con cara y con sello; Trejos, L.F., & Badillo, R. (2024). La Paz Total en el Caribe: gobernanzas armadas y politización acelerada del crimen organizado. Friedrich-Ebert-Stiftung en Colombia. https://library.fes.de/pdf-files/ bueros/kolumbien/21008.pdf

In the case of the rapprochements and talks with high-impact criminal organisations, nearly all have stalled, with the most advanced being those with Los Shottas and Los Espartanos, which agreed to extend a truce.

Additionally, some of the ongoing processes have sparked political and legal controversy, mainly the negotiations with the EMC and the SM; both groups are to a certain extent composed of signatories to the 2016 Peace Agreement who subsequently returned to arms and, in accordance with the agreement, should face ordinary justice.

Currently, a clear outcome is absent because many negotiating tables and rapprochements with high-impact criminal organisations are ongoing. Nevertheless, there is a growing public perception that the security situation in the country has worsened and support for a negotiated exit is decreasing,²¹ leaving the TPP, with both its strengths and shortcomings, at a crossroads.

Key findings

The three case studies analysed in the research project help to understand the trajectories and local outcomes of the TPP. The findings presented here are of considerable importance. Although we do not discuss a definitive outcome, as there is still no concrete result from the process, we identify its trajectories and impacts.

The TPP has revealed problems and unintended consequences that must be addressed and mitigated if the policy is to be successfully implemented.

1. The legal framework was not ready

An element that has caused uncertainty and affected the development of the TPP is that the regulatory framework for negotiations was hastily approved, and a framework for rapprochement with high-impact criminal organisations is still absent. Regarding the latter, since Congress shelved the proposed law of submission to justice, the government has not made any new attempts at regulation.

The absence of a legal framework for the judicial transition to peace has been an obstacle to finalising and concluding negotiations, as it has created a sort of vacuum, with both the rules of the game and the topics discussed at the negotiating tables often unclear.

To ensure the success of the TPP, future efforts must, among other things, prioritise the consolidation of a legally solid framework that balances political viability with the legal security requirements of all parties involved. Specifically, the TPP as established by Law 2272 focuses on creating tools for negotiation rather than defining the judicial treatment of those who join the processes. In the case of rebel groups, it could be expected that specific judicial conditions will form part of the negotiations. For rapprochements and talks with high-impact crime organisations, the Constitutional Court demands the creation of specific legislation or, alternatively, modification of existing laws.

2. Low national-local coordination

The implementation of the TPP has highlighted that such a large-scale effort, involving multiple negotiations and rapprochements with highimpact criminal organisations simultaneously, requires a delicate strategy to manage the interests, capacities and expectations of a wide range of legal and illegal stakeholders, at both local and national levels.

A deep understanding of the complexity of local dynamics is essential to implement differentiated actions tailored to each context, as well as a broader strategy capable of bringing everything together. So far, the implementation of the TPP has failed to achieve this. Local authorities are

²¹ Infobae. (2024, 29 November). Crece el rechazo hacia la Paz Total de Gustavo Petro: la mayoría no quiere los diálogos con el ELN, según encuesta Invamer. https://www.infobae.com/colombia/2024/11/29/crece-el-rechazo-hacia-la-paz-total-de-gustavo-petro-y-a-los-dialogoscon-grupos-armados-segun-encuesta-invamer/

not participating in any of the three case studies nor even coordinating the development of the negotiating tables or the rapprochements with organised crime groups. The TPP remains a policy monopolised by the national government's representatives; moreover, it is unclear how this policy aims to align the incentives of the various stakeholders and bring them together nationally.

3. Different types of criminal and rebel governance

The work in the three case studies demonstrates that armed and criminal governance has deepened, despite following different trajectories. The three actors analysed in the research all govern in at least three ways: they maintain or regulate an economy (and extort it), resolve disputes between local people, and impose rules and punishments for violating those rules.

For example, in the case of the SM, the group imposes norms (theft and drug use are prohibited), mediates issues related to the coca economy, and regulates prices and commercialisation: SM structures define the rules governing the sale of coca paste, including how much can be sold, at what price and to whom. The ELN taxes all economic activity in its areas of influence, including commercial establishments in the municipal capitals of Saravena and Fortul. It can even capture state rents derived from oil extraction, thanks to its embeddedness within political networks; in some cases, it receives contracts for local public works and, according to one interviewee, creates companies to sign contracts to repair oil pipelines that the ELN itself bombs. A different situation, one that shows more limited control, involves Los Shottas and Los Espartanos, which have expanded their extortion over both legal and illegal economic activities. They have also encouraged locals to explore productive, entrepreneurial and employment projects that would allow the gangs to collect more protection payments. Moreover, they provide security to drug-trafficking networks.

The groups in the three case studies also intervene in the daily lives of people in their

areas of influence. In Buenaventura, Los Shottas and Los Espartanos provide protection services against other armed groups or state security forces, and resolve conflicts over social relations, while charging for their intervention. In terms of social norms, the gangs determine who can enter neighbourhoods, participate in cultural activities and access institutional services, thanks to the corruption networks they have developed with state agents. In Arauca, control is much broader, with the ELN able to influence organisational processes in both rural and urban populations, and intervene in environmental issues that include the prohibition of logging, the definition of closed seasons for fishing and control over hunting chigüiro (or capybara, a giant rodent native to South America). In Tumaco, the SM regulates sex workers, controlling the population's mobility and prohibiting the consumption of narcotics.

Regarding punishments the groups impose to maintain order and the levels of violence they use to do so, variations were also identified. The criminal gangs in Buenaventura appear to be more violent, resorting more frequently to capital punishment, which is demonstrated in the literature on criminal governance. In contrast, rebel groups, as shown in the cases of Arauca and Tumaco, tend to follow more complex procedures, with lethal violence a last resort.

4. Ceasefires and truces deepen governance

Ceasefires, truces promoted by the TPP and the idea that political groups can achieve better results within the framework of the policy seem to have contributed to deepening governance.

In the case of Buenaventura, the truce between both Los Shottas and Los Espartanos has allowed both gangs to increase control over their respective neighbourhoods. This has facilitated additional income generation through extortion of legal and illegal business, and charging for conflict resolution between neighbours.

In Arauca, the national ceasefire with the ELN has stopped offensive actions by the army against the ELN's Domingo Laín Front (Frente Domingo Laín (FDL), which has allowed the FDL to focus its military power on confronting the EMC, while also expanding its influence over the population and increasing its resource extraction through extortion.

Finally, in Tumaco, the SM (now known as the Bolivarian Army National Coordinator (Coordinadora Nacional Ejército Bolivariano)), which recently began negotiations, appears to be pushing for recognition and legitimisation as a "political group" rather than being considered a criminal group. While this has been happening, the group has been able to increase its extortion of certain economic activities, deepen its regulation of social norms, and even develop infrastructure, such as rural roads. Roads have been built in the more marginal areas of the municipality, using both SM resources and community labour. This governance capacity occurs amid significant tensions with ethnicterritorial organisations in the region and a rise in coercive power.

Conclusions

The TPP is an innovative and ambitious policy aimed at promoting a negotiated solution to conflict with all illegal armed groups present in Colombia, regardless of their political status. In the research project, we analyse three case studies – Buenaventura, Arauca and Tumaco – in two dimensions: the institutional context of the policy and its local implementation.

In the first dimension, we identify that the absence of a comprehensive legal framework, as well as the centralisation of decision-making within the national government is creating difficulties for the policy's implementation in terms of judicial instability for negotiating groups, lack of coordination between legal institutional agents and perverse incentives for criminal groups that are trying to portray themselves as political actors.

In the second dimension, we find that in most regions of the country armed actors have

imposed governance dynamics that are not being considered in policy implementation; and that criminal and armed governance seem to have deepened as an unintended consequence of the implementation of the TPP, specifically through ceasefires and truces, and in the interest of groups achieving political status.

The existence of these types of armed and criminal governance means that the TPP is being implemented within "hybrid political orders". In the three case studies explored, the state is not the only institution providing security, order and welfare services, and therefore coexists, collaborates with or competes against other actors. In Buenaventura, Arauca and Tumaco, criminal and armed groups provide security, political representation and welfare services in various ways.

What we find in each case, according to its particularities, is the coexistence of and cooperation between different institutional mechanisms used by armed and criminal actors, communities, and traditional authorities or local leaders. Depending on the type of interaction, the armed and criminal actors influence one, two or three dimensions of security: the provision of physical security, the enforcement of social norms and the administration of justice. Due to these particularities, it is increasingly necessary to adopt a more regional approach, which is currently lacking in the TPP.

The project's findings, while not analysing an outcome but rather a trajectory, highlight three key elements to consider for better development of the TPP. First, there is an urgent need for a clear and undisputed legal framework that provides a clearer map for negotiations and a specific set of incentives for the different negotiating parties.

Second, coordination between national and local levels is crucial not only for the progress of the negotiating tables and rapprochements with organised crime groups, but also to halt the deepening of criminal and rebel governance.

Finally, the project identifies how the governance capacities of different actors vary according to

the nature of each armed group, the pre-existing conditions in each territory, and the nature of the relationship established with the local population. These factors shape the local dynamics for each negotiation and should therefore be considered in the design and implementation of the TPP.

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