

# Innovations in the Colombian peace process

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## ■ Executive summary

The Colombian government and the Revolutionary Armed Forces of Colombia insurgents are about to reach a comprehensive peace agreement after almost four years of peace negotiations in Havana. This agreement is a major milestone in the process of settling one of the world's most protracted and violent conflicts. At a time of unprecedented humanitarian crisis, Colombia is becoming a global reference for identifying political solutions to apparently intractable conflicts. In their third major attempt in five decades to reach a negotiated solution to the conflict, the parties to the conflict have taken stock of both their own past failures and lessons learned from other peace processes. In doing so they have developed innovative frameworks and approaches, e.g. a clear procedural distinction between peace negotiations and the peace process; positioning the rights of the victims at the centre of the talks; addressing the structural problem of rural development; creating a Gender Subcommission; and planning for implementation long before the agreement is signed.

This report describes these innovations and other developments leading up to the widely predicted peace agreement that might be relevant to peace processes elsewhere.

## Background to the conflict and peace process

Over the past five decades Colombia has suffered one of the world's most protracted and violent conflicts, with more than 200,000 deaths, thousands of forced disappearances and kidnappings, and almost 7 million people displaced.

Peace negotiations in the 1990s led to the demobilisation of some 5,000 combatants from five guerrilla organisations. In 2006 some 30,000 alleged members of the right-wing United Self-defence Forces of Colombia (AUC) militia agreed to cease their activities.

The list of politically motivated armed actors is currently headed by the Revolutionary Armed Forces of Colombia (FARC), with some 15,000 combatants, and the National Liberation Army, a smaller organisation initially linked to liberation theology, which has recently also agreed to enter formal negotiations with the government. At the same time, major criminal gangs (*bacrim*) largely recruited from former paramilitaries have become the main internal security threat in Colombia.

The roots to the armed conflict between the government and the FARC go back to armed peasant movements of the early 1960s that were initially linked to the Liberal Party. Following U.S.-backed military pressure from the state, in 1964 the small and scattered groups joined forces, in alliance with the Communist Party of Colombia, and started a military confrontation.

In 1984 the government and the FARC reached a ceasefire agreement that allowed the creation of a new leftist political organisation, as a first step in the guerrilla organisation's demobilisation. However, in the years that followed more than 3,000 members of this political organisation – the Patriotic Union – were killed by paramilitary organisations linked to the AUC, often in collusion with state security forces. The ceasefire broke down in 1987 and the talks collapsed in 1990.

In 1999 the government and the FARC engaged in a second major series of peace negotiations. The government agreed to demilitarise a territory the size of Switzerland in the Caguán region, south-west of Bogotá, where the peace

talks were to take place. However, the level of trust was low, the parties became bogged down in discussions around procedure, and they were consequently unable to address any of the long list of substantive issues. In 2001 the talks collapsed and in 2002 a new president, Alvaro Uribe, was voted into power in Colombia on the promise to wipe out the guerrillas through the use of military force. Eight years of high-intensity war followed during which the government increased its military capacities and created a force of some 500,000 well-trained and well-equipped police and military personnel.

## Factors triggering the current peace negotiations

Uribe's military offensive (2000-08) triggered a third attempt at peace negotiations. While the government was unable to defeat the rebels, it did severely reduce their offensive capabilities and limited their sphere of action to geographically far-flung areas. The FARC was proud of its ability to resist the formidable government offensive, but realised that it would never achieve its ultimate goal of a military victory over the state. In parallel, neighbouring countries saw leftist politicians come to lead their respective governments through the ballot instead of the bullet: Evo Morales in Bolivia, Rafael Correa in Ecuador and Hugo Chávez in Venezuela; and, more symbolically, also saw former guerrilla combatants become leaders such as José "Pepe" Mugica in Uruguay and Dilma Rousseff in Brazil. The third major factor that influenced the FARC was the death from natural causes of its historical leader, Manuel Marulanda, and the emergence of a new leadership with the vision and internal leverage to take on the challenge of a paradigm shift in the movement's thinking.

Four circumstances also influenced the government's decision to go back to the negotiating table. Despite the positive developments on the battlefield and, above all, the government's success in turning the vast majority of public opinion against the FARC, a complete military victory proved to be elusive. Moreover, the successful targeting of high-ranking guerrilla leaders could become counterproductive, because it risked leaving the FARC without the political capacity to engage in constructive peace negotiations. At the same time the government had adopted a reform and modernisation agenda that included normalising the tense relations with neighbouring Venezuela and Ecuador, addressing long-delayed structural reforms regarding rural development and political participation, and addressing the problem of illegal drugs production. Finally, there was the moral pressure to prevent further loss of lives and the suffering of thousands of victims of human rights violations by both sides to the conflict, including the state.

Once the decision to negotiate was taken, prominent figures in both the government and the FARC asserted their leadership roles and took significant political risks on multiple occasions to overcome stumbling blocks along the road to a negotiated peace.

## Structure of and developments in the peace negotiations

The government and the FARC have described the peace process as encompassing three phases: preparation, conflict termination and conflict transformation. In preliminary confidential talks (2011-12) the parties discussed the agenda and methodology for the proposed talks, which resulted in the August 2012 Global Agreement for the Termination of the Armed Conflict (Global Agreement). Formal talks began two months later. The inaugural session was held in Oslo, after which the venue moved to Havana. The Global Agreement highlighted that the purpose of the peace talks between the government and the FARC in Havana was to "terminate the armed conflict", and stated that the third phase of the peace process would take place in Colombia after the signing of the peace agreement and would involve society at large.

The negotiations were framed around five substantive issues – rural development, political participation, illicit crops, victims and conflict termination – and a procedural issue dealing with the implementation of the eventual peace agreement.

The parties further agreed on a high-intensity work schedule. Their meetings in Havana were to last for sessions of 11 days, which would be followed by short periods for internal consultations and preparations for the next round of talks. After each round the parties would issue a joint statement describing the developments that had taken place. Each side could appoint up to ten delegates (five of whom would be plenipotentiaries), assisted by a larger team of up to 20 more people.

The FARC delegation was composed entirely of combatants, led by its second-in-command, Iván Márquez. The delegation was hosted in a residential area owned by the Cuban government close to the hotel where the talks took place. As the talks progressed the FARC would rotate some of its commanders taking part in order to ensure broad ownership and the leadership's commitment, and also to provide feedback to FARC rank-and-file combatants about the developments in Havana.

Government delegates were carefully chosen to ensure the commitment of two key stakeholders: the private and security sectors. One retired general from the armed forces and one from the police, together with one prominent business leader accompanied the chief negotiator, Humberto de la Calle, and the peace commissioner, Sergio Jaramillo.

The parties adopted a common rule in negotiations by which "nothing is agreed until everything is agreed", to allow them the flexibility to adjust to changing circumstances throughout the negotiations. The most contentious provision was that peace talks would take place without a ceasefire. The government unequivocally insisted on this to demonstrate its

strength and determination both to the FARC and to public opinion and the security sector (Herbolzheimer, 2016).

The first three issues were agreed on relatively smoothly, with each taking some six months of negotiations. The agreement on victims and justice was the most complex. It took the parties 15 months to agree – under considerable pressure from public opinion in Colombia – to reject impunity for the crimes committed by both sides. Once this highly contentious item had been resolved the parties agreed to fast track the remaining two issues by working in parallel subcommissions. However, an initial deadline of March 23rd 2016 could not be met, given the complexities around weapons decommissioning and demobilisation, and the need to ensure the comprehensive implementation of a peace agreement.

### Innovations

Building peace raises more questions than answers. Every peace process learns from developments elsewhere, but also innovates to adjust to challenges present in the local context. These innovations can in turn become a reference for international peacebuilding processes. The peace negotiations between the government of Colombia and the

FARC include at least five major innovations in the field of conflict transformation.

### 1. The establishment of a solid framework that distinguishes between conflict termination and transformation

This conceptual distinction reduces the expectations of what a negotiating table can deliver and acknowledges the need for parallel, more democratic peace initiatives. Before starting their third attempt at formal talks, both parties carefully analysed the lessons from previous negotiations, both in Colombia and internationally. As a result of this analysis the Global Agreement that the parties jointly announced in August 2012 provides a major conceptual innovation in that it differentiates between the peace negotiations – which would take place in Cuba between the government and the FARC only, with a limited agenda of “putting an end to the armed conflict” – and a broader peacebuilding process that would take place in Colombia after the signing of a peace agreement, “with the participation of each and every one”.

Table 1 illustrates the development in the thinking of both parties from their previous attempt at peace negotiations.

**Table 1: Differences in the design of the two latest peace negotiations with the FARC**

	Caguán process (1999-2002)	Havana process (2012-16)
<b>Goal</b>	Political, economic and social transformations to build a new state based on social justice	To put an end to the armed conflict
<b>Assumptions</b>	Negotiations will lead to an agreement that will address all the root causes of the conflict.	Negotiations will stop the war and enable a new phase that will allow for inclusive, transparent deliberation and decision-making on the root causes of the conflict and additional challenges that have developed over the past years.
<b>Agenda</b>	Broad, including economic, legislative, justice and security reforms	Narrow, focusing on rural development and guarantees of political participation
<b>Actors</b>	The government and the FARC saw themselves as the true representatives of society.	The government and the FARC understand the need for public participation and democratic decision-making.
<b>Ceasefire</b>	Yes, but only in the demilitarised zone. Violence by all actors increased during the talks.	No. The FARC has declared unilateral ceasefires and the government has responded with conflict “de-escalation”. Battle-related deaths virtually stopped in early 2016.
<b>Public participation</b>	Symbolic. The parties organised public hearings, but people’s inputs were never seriously analysed and considered.	Fundamental, especially in the post-agreement phase. Multiple formats for direct and indirect participation
<b>Role of victims</b>	Absent in the negotiating agenda and in the peace talks	Fundamental in the negotiating agenda. The parties have jointly invited five delegations of victims (60 people in total).
<b>Role of women</b>		A Gender Subcommission has invited three delegations from women’s organisations (18 people in total).
<b>Time frame and frequency</b>	Open-ended (extending over years), with on/off talks	Urgency to complete the negotiations. Frequent and intense sessions interrupted by short periods of consultations
<b>Developments</b>	The parties became bogged down in procedural issues and never discussed the substance of the agenda.	The parties have almost completed the agenda they set out to discuss (although this has taken them longer than they initially envisioned).

Current advocacy for more democratic processes is essentially table-centric in that it suggests that for a peace process to be more inclusive, more items need to be added to the negotiating agenda and more actors to the negotiating table. The assumption nurturing this advocacy is that the negotiating table is the core place where decisions are taken.

However, the Colombian Global Agreement suggests a radically different approach that balances the power asymmetry between the negotiating table and other deliberation and decision-making processes. The conceptual differentiation between conflict *termination* (by the warring factions) and conflict *transformation* (by society at large) suggests that there are multiple paths to peace, of which the negotiations are only one (Herbolzheimer, 2015).

Demystifying the negotiating table as the core pillar of a peace process opens up a universe of options for more issues to be discussed, more actors to be involved, more processes to be initiated, and more time for transformations to take place.

## 2. Placing the victims at the centre of the talks

This is the first peace process in which negotiating panels have invited the input of and listened to victims of the armed conflict and framed the agreement on transitional justice explicitly to respond to the victims' rights to truth, justice, reparations and guarantees of non-recurrence.

Despite suffering terrible harassment, the country's human rights organisations have successfully endured in their mission to highlight the relevance of human rights as a principled response to address and prevent violence against civilians.

The level of the documentation and analysis of violence in Colombia is probably unprecedented. A law approved in 2005 under the Uribe presidency established a National Centre for Historical Memory tasked with contributing to the provision of comprehensive reparations and giving both the victims of the Colombian armed conflict and society in general the right to hear the truth.

In 2013 the centre presented the *Basta Ya! (Enough!)* report documenting fifty years of armed conflict, the various forms of violence, the responsibility of the various armed actors and the impact on society. The report (and subsequent updates) confirmed that Colombia is among the countries with the most internally displaced people (close to 7 million); kidnappings (over 30,000); forced disappearances (at least 45,000); and violence against journalists, human rights defenders, indigenous people and women. Government figures suggest at least 13,000 victims of sexual violence, some 11,000 victims of land mines and more than 10,000 victims of torture (Oficina del Alto Comisionado para la Paz, 2016).

The Law on Victims and Land Restitution (2011) provided for the creation of a Unit for Reparations for Victims. This

government body has embarked on the world's most ambitious programme to provide reparations for victims; it is also in charge of registering victims. By May 2016 the official number of victims had passed 8 million; i.e. more than 15% of the population. Another relevant feature is that the process of reparations started before the armed conflict terminated.

Despite their initial reluctance, the government and the FARC have increasingly acknowledged their responsibility for human rights violations and have publicly asked the victims for forgiveness.

In June 2014 both sides announced a Declaration of Principles outlining their commitment to ensure victims' rights to truth, justice, reparations and guarantees of non-repetition. Between August and December 2014 five batches of 12 victims, carefully chosen by the UN to represent the diversity of victimisation, travelled to Havana and met with the Peace Panels. These were tough sessions, with victims meeting face to face with some of the perpetrators of crimes against them. The impact of these visits was huge for both the negotiating teams and the victims themselves.

The agreement in Havana on a Special Jurisdiction for Peace was inspired by the South African experience in that it puts a strong emphasis on truth-telling. But unlike South Africa – where past violations were primarily addressed through the Truth and Reconciliation Commission – in Colombia a special tribunal for peace and special justice courts will deal with investigations, prosecutions and sentencing.

If offenders cooperate with the justice system they will benefit from reduced sentences and will have to serve their terms by working to assist victims and repair the damage done to society instead of sitting in prison. If they do not cooperate they can be sentenced to up to 20 years in prison. This Special Jurisdiction for Peace "requires the participation of all those who directly or indirectly took part in the armed conflict, including state agents".

The agreement has been hailed as groundbreaking. President Santos suggested that it is "something that has never been achieved in any peace negotiation". However, it has not come without controversy, essentially because perpetrators may evade prison and because state agents will receive similar benefits to insurgents. This equal consideration of state and non-state agents is progressive, because classical interpretations of human rights focus on state agents only. Discussions have triggered interesting debates on the concepts and expectations around justice and impunity.

Paradoxically, many of the direct victims of the conflict have expressed a more conciliatory approach than the fiercest political discussants. The high commissioner for peace has suggested that impunity needs to be measured by the level of fulfilment of victims' rights.

Whatever the case, the agreement has reinvigorated international debates around peace and justice. In few other peace processes have the discussions been so wide, controversial and well informed, and the Special Jurisdiction for Peace constitutes a new milestone in the field of transitional justice. The annual report of the UN high commissioner for human rights (UNHRC, 2016) notes that this new Special Jurisdiction for Peace will require more financial and human resources than any other similar transitional justice initiative in the world.

Colombia has broken the false dichotomy between peace and justice. There is no peace without human rights and there are no human rights without peace. Respect for human rights will be one of the key indicators used to measure change for the better in the post-agreement scenario.

### 3. Negotiations address rural development and drugs trafficking

Despite being one of the core root causes of multiple armed conflicts around the world, the issue of land reform and rural development is hardly ever given the attention it has received in Colombia.

Historically, agrarian reform has been a highly polarising issue. During the cold war, Latin America became a major testing site for opposing land policies, with socialist land reforms in Cuba and Nicaragua and capitalist reforms in the rest of the continent. Subsequently, neoliberal policies have advocated for market-led agrarian reforms. None of these efforts has been fully able to deliver. The commitment to poverty reduction in the Millennium Development Goals and the increased acknowledgement of food security as an essential condition both for saving lives and providing the basis for economic development have allowed new policies to emerge that simultaneously apply multiple approaches.

The relevance of these discussions for Colombia led the UN Development Programme (UNDP) to focus its *2011 National Human Development Report* on rural development (Machado, 2011) and a comprehensive diagnosis of the obstacles confronting and opportunities for an inclusive modernisation of the rural economy. The publication could not have been more timely and became a guiding reference for the Colombian government's Bill on Land and Victims' Rights (2011), and later for the agreement in Havana on rural development (May 2013).

Unlike most countries in Latin America, Colombia has never experienced a comprehensive agrarian reform process and its inequality index is among the highest in the world. It is increasingly acknowledged that violence in rural Colombia has thrived on land inequality and a failed model of rural development.

The agreement on land reform is significant beyond its content because it is the first ever agreement between the

government and the FARC on any substantial policy issue. In terms of its content it balances land distribution and the provision of technical and financial support to small-scale farmers, coupled with respect for private property and the development of large agro-industrial estates. The consensus points focus on *rural development* rather than traditional *agrarian reform* approaches, implying coexistence between peasant communities and large agribusiness.

Of course, the extent to which this coexistence will be possible remains to be seen. In early 2016 several members of Colombia's Congress and social movements filed a case in the Constitutional Court against a government bill to promote special economic and rural development zones, which they understood to conflict with the agreement reached in Havana. Another contentious issue is the conflicting land claims between *campesinos* (peasants) and the communal rights of indigenous and afrodescendant communities that are granted by the constitution.

The peace negotiations have also tackled the related issue of the production of illegal crops (mostly coca plants, but also marijuana and poppies). Colombia is the largest exporter of cocaine in the world. Over the years the illegal economy that nurtures this highly profitable business has become increasingly intertwined with the armed conflict. While the FARC admits that it protects the farmers growing coca and taxes their production, the government has accused it of being one of the main drug-dealing cartels in the country. The potential benefits from drugs production can bridge any political and institutional divide and there has been repeated evidence of collaboration among guerrillas, paramilitary groups and state agents on securing the routes to export this valuable resource.

The agreement on illegal crops might be the one that implies the most responsibility on the part of the international community, because it highlights the relevance of global policies to the solution of the drugs problem. After decades of criminalising peasants for growing coca and forcibly eradicating their crops (mainly through aerial spraying), there is a growing consensus in Colombia and other countries that the war on drugs needs a far more comprehensive and realistic approach that prioritises the reduction of demand. With the peace agreement, Colombia is taking the lead in pushing for a paradigm shift in global policy on the war on drugs. This may affect international responses to other conflicts with significant links to drugs production, most notably the one in Afghanistan.

### 4. A Gender Subcommission to oversee the agreements

Despite many years of advocacy and even a number of UN Security Council resolutions highlighting the importance of women's participation in peace negotiations, women hardly ever obtain a seat at the negotiating table.

In 2003 the government of Sri Lanka and the Tamil Tigers created the first ever Gender Subcommission in a peace

negotiating process. However, this commission only met once and did not have a major impact.

Following significant pressure from women's organisations, on September 2014 the Colombian government and the FARC agreed to create a Gender Subcommission tasked with reviewing all documents issued as part of the peace process and ensuring that they contained gender-sensitive language and provisions. The commission was composed of a varying number of women from each delegation, and three international members. Men from both delegations have also participated in its deliberations. Between December 2014 and March 2015 the commission invited three delegations from civil society organisations (comprising 18 people in total) working on gender issues, including lesbian, gay, bisexual, transexual and/or intersex (LGBTI) organisations, to present their insights regarding the gender approach in the peace negotiations and agreements. The Gender Subcommission has highlighted the gender dimension of the conflict and the need to address this dimension in the peace agreement. Colombia is probably the first country ever to address LGBTI rights in a peace negotiation.

The creation of the Gender Subcommission is one of several indicators of increased acknowledgement by the negotiating panels of the relevance of women's participation. In the negotiations in Havana men dominated both negotiating panels, and only one woman from the FARC and two from the government were appointed as plenipotentiary negotiators. However, women have led the bulk of the technical teams on both sides.

Since the peace negotiations started the FARC has made a very significant shift in its approach to women's empowerment and gender equality. From not paying much attention to this issue, it has now become a centrepiece in the organisation's communications strategy. It has created a Twitter and Facebook account dealing with FARC women, and has explicitly echoed some feminist language in some of its statements. Approximately 40% of its combat forces are women.

Colombia does not have a national action plan to implement UN Security Council resolutions on women's protection and empowerment. This has not prevented civil society organisations from achieving significant progress. After comprehensive documentation and advocacy efforts, preventing violence against women is now a mainstream concern. The main networks of women's organisations were also successful in combining their efforts in a Women's Summit in 2013, which allowed them to assess the negotiating agenda and make recommendations to the negotiating panels. Other parallel developments have been the empowerment of indigenous women, who have created the first ever National Commission of Indigenous Women. Women have also been able to create the first permanent dialogue space between civil society and the security sector.

## 5. Preparing for implementation before completing the negotiations

Discussions on implementation are taking place at multiple levels.

**Conceptual.** Long before a peace agreement has been signed, multiple social and political players have already been discussing the challenges of the post-conflict stage. These discussions have led some people to suggest the use of the term "post-agreement" instead, because lessons from previous experiences in Colombia and elsewhere suggest that violence does not necessarily stop with the signing of a peace agreement.

Given that the armed conflict has essentially taken place in rural communities, both sides have produced proposals on how to implement the peace agreement in these far-flung areas where the main state presence tends to be limited to the security forces.

In March 2014 the high commissioner for peace, Sergio Jaramillo, outlined his vision of "territorial peace", highlighting the need for strengthening state institutions in dialogue with conflict-affected communities (Jaramillo, 2013).

In November 2015 the FARC presented its concept of *terrepaz* (an abbreviation of *territorios de paz*, or peace territories), which suggests a model for rural development in the main areas where the FARC is present.

The transition to peace will be a bumpy road where the government, the FARC and other development visions will clash. Whatever the case, regional discussions on the agreement's implementation may lead to new mini-peace processes involving social, economic and institutional actors at the local level.

**Institutional.** Peace negotiations often lead to new legislative and constitutional changes. Such changes are fundamental to ensuring a comprehensive response by state bodies and to preventing Congress, the judiciary and other oversight bodies from challenging decisions taken by the executive branch (as happened in the Philippines in March 2016, when Congress did not enact the Comprehensive Agreement on the Bangsamoro of 2014).

Despite political polarisation, the Colombian Congress has been able to pass several pieces of legislation that have been fundamental to supporting the peace negotiations, notably the Law on Victims and Land Restitution (2011); two laws on an eventual referendum (2014) or plebiscite (2015) on the peace agreement; a law on public order (2016) to facilitate the demobilisation of FARC combatants; and a law that judicially shields the pending peace deal from possible changes by later administrations (June 2016). At the same time, pro-peace parties in Congress have created Peace Commissions in both houses of parliament and have promoted multiple public forums throughout the country.

The Constitutional Court has been monitoring legislation closely. In 2014 it ruled that an initial legal framework for transitional justice was unconstitutional, which led the government to introduce a new law. The Public Prosecutor's Office has been widely supportive of government action, while the attorney general has become one of the most outspoken voices warning against the government's selling out to the insurgents.

In 2014 the president appointed a minister for post-conflict to ensure a cohesive government response to the developments in Havana, to plan and oversee the implementation of the peace agreement, and to ensure early peace dividends in conflict-affected regions.

At the local and regional levels many municipalities and provincial governments have promoted their own consultations and peace initiatives. The National Federation of Local Ombudsmen has successfully positioned itself as one of the key state institutions for the implementation of the peace agreement.

**Social.** The government has also been actively mainstreaming peace education. Legislation in 2015 made it mandatory for all public and private educational institutions (from pre-school to secondary school) to adjust their curriculums "with the purpose of creating and strengthening a culture of peace in Colombia". In parallel, the government has launched a process dubbed "the largest conversation in the world" to nurture public discussions during the transition to the post-conflict scenario.

In turn, the FARC has stopped all military training as of October 2015 and instead has started preparing its combatants for the organisation's transition to a political movement. It has also been very active on Twitter and Facebook, and has a weekly television news transmission.

**International.** The process leading to the deployment of international monitors to supervise the ceasefire and the FARC decommissioning process is one of the best examples of careful planning, sequencing, and timing by the government and its international allies.

When the parties agreed in January 2016 to invite a UN mission to carry out this task, the government had already been working with the members of the UN Security Council to ensure their endorsement of this plan. Thus, only one week after the request was made the Security Council passed the supporting resolution, highlighting the bilateral dimension of the request (by the government and the FARC) and the resulting innovative agreement to create a tripartite verification mechanism involving the two parties and the UN. This was a rare occasion when all 15 Security Council member states were in full agreement and co-sponsored the resolution. Only two days later the Community of Latin American and Caribbean States (CELAC) met in Ecuador and also endorsed the agreement, committing the organisation to provide the staff needed for this special mission.

The multiple discussions on post-agreement challenges have impressed international observers. In a visit to Colombia in early 2016 the director of the World Bank, Jim Yong Kim, stated, "I have never seen anything as accurate and thoughtful as this peace process". Eamon Gilmore, a former adviser to the peace negotiations in Northern Ireland and currently the EU special envoy for the Colombian peace process has repeatedly recalled that the Good Friday Agreement in Northern Ireland was not as solid and forward-looking as the Colombian peace process.

## Other fundamental developments

Other developments in the Colombian peace negotiations may not be as innovative as those mentioned above, but are still worth highlighting, because they contribute to conflict transformation practice by complementing other efforts elsewhere.

### 1. The transformation of the parties to the conflict

It is only possible for enemies in war to make progress in a peace process if they are willing to reframe some of their fundamental perspectives. The shift from a military to a political solution to a country's problems requires a mutual acknowledgement that armed confrontation is no longer the preferred option and the development of the capacity to engage with the enemy in a constructive dialogue. This paradigm shift requires confidence-building measures (CBMs) from all sides. CBMs are cumulative and allow a transformation from a vicious to a virtuous dynamic of positive action and reaction.

Before the peace negotiations, the Colombian government publicly signalled its readiness for peace talks by acknowledging the root causes of the armed conflict and initiating a process of legislative changes to address the structural problems of land dispossession and victims. The language it used to refer to the FARC also changed. This was a radical departure from previous government policy, which focused on ostracising the insurgents.

In turn, the FARC stated its willingness to engage in the peace process by publicly committing to stop kidnapping people and recruiting children. It also reframed its discourse and adopted a pragmatic position that accepted a negotiating agenda that would not address all the core issues that motivated its struggle (most notably, the country's economic model and the future of the armed forces would not be discussed at the negotiating table).

The parties' CBMs were not only addressed to each other, but also to public opinion and, more specifically, to victims, most notably the acknowledgement by both the government and the FARC of their responsibility for gross human rights violations.

In March 2015 both sides agreed to start joint de-mining activities, more than a year before the completion of the

peace negotiations. They also created a task force to speed up the search for disappeared people.

Not all such gestures were immediately reciprocated. The FARC declared a unilateral ceasefire early on, but the government did not want to reciprocate before the issue had been formally addressed at the negotiations. However, both sides eventually agreed to de-escalate the conflict and the government stopped bombing FARC positions in August 2015, resulting in a de facto ceasefire. In October 2015 the FARC announced it had stopped all military training of its combatants and was now actively preparing them for demobilisation and legal political activity.

## 2. Mutually influencing discussions in Havana and in Colombia

Colombia has a thriving civil society that has impressive levels of experience in monitoring human rights violations and promoting peace at multiple levels. However, in terms of the peace negotiations in Havana, civil society participation has essentially been of a consultative nature.

The main channels for formal participation have been public forums in Colombia, which the government and the FARC commissioned the National University and UNDP to convene. Congress has also convened several roundtables in several regions of the country. The Peace Panels have invited people to submit written proposals (over the internet or through free-of-charge regular mail), and have invited experts or sectorial representatives to meet with them in Havana.

Both Peace Panels have regularly engaged with key social, political, economic and institutional stakeholders throughout the peace talks. This has been far easier for the government, because the FARC is still an illegal organisation and engagement with it in Colombia (and, to a certain extent, in Havana) requires government authorisation. Despite these difficulties, civil society has responded positively to the FARC's appeal to create an informal body to monitor its successive unilateral ceasefire declarations. This is a rather unique experience of civil society's participation in ceasefire monitoring.

In parallel to consultative processes designed by the Peace Panels, civil society has been leading on multiple autonomous initiatives (CINEP/Programa por la Paz, 2016). Social movements (notably of peasants and indigenous communities) have continually asserted their own agenda; universities have joined efforts in a National Network for Peace; religious leaders are promoting dialogue and reconciliation at multiple levels; and the private sector has promoted innovative processes of individual and collective commitment to peace. Many of these efforts converge in the National Peace Council, a body created by law in 1998, which in light of the peace negotiations reconvened in October 2014.

Despite the limited number of formal communication channels between the peace talks in Havana and public

participation in Colombia, in practice both types of discussions have had a strong mutual impact. Each agenda item in the Havana negotiations has led to heated discussions in Colombia, which allowed a level of maturity and sophistication of discourse and proposals rarely seen in a peace process (most notably around the issue of victims' rights, justice and impunity). In turn, these public discussions in Colombia have had a strong influence on the talks in Havana, effectively influencing the direction they were taking.

## 3. External support, but local ownership

The peace negotiations have had external support, but have been essentially driven by the parties themselves. The parties have negotiated directly, without external mediation.

Four countries were asked by the parties to play a formal role in the negotiations: Cuba and Norway were appointed "guarantor countries", while Venezuela and Chile were named "accompanying countries".

The selection of these countries indicates an emphasis on involving regional players and balancing political inclinations (Venezuela and Cuba, on the one hand, and Chile, on the other). The regional dimensions would later be further highlighted when the parties agreed that the UN Mission to Colombia would be composed of countries from CELAC. This is the first time that CELAC will take on a peace-monitoring role.

Two observers – one Cuban and one Norwegian – have attended the negotiations. Their support has been fundamental in a number of ways, including in terms of logistics, capacity-building, trust-building, and problem-solving during crises in the peace negotiations. Each country provides a different type of added value and they have complemented each other to the point of becoming the core pillars of international support for the negotiations.

Other international players have joined in by nominating special envoys to the peace process: the U.S., the UN, Germany and eventually the European Union. It is interesting to note that despite having listed the FARC as a terrorist organisation, these players were not deterred from engaging with the guerrilla movement.

International experts were also called in as advisers. The president relied significantly on the expertise of a former commander in El Salvador and a retired British senior government official, while the FARC received important legal advice from a Spanish lawyer. Both sides also jointly listened to the expertise of people involved in peace processes all over the world, from Northern Ireland to Mindanao.

Finally, Colombians living abroad have increasingly asserted their right to participate in the process and have created multiple platforms like the International Victims'



Forum and the Truth, Memory and Reconciliation Commission of Women in the Diaspora.

## Looking forward: four tests

The signing of a peace agreement between the Colombian government and the FARC will signal the completion of phase two of the peace process. Phase three will focus on the implementation of the agreement. Political discussions around implementation will inevitably expand the agenda for change to cover topics that have not been addressed in Havana, notably policies related to the extraction of natural resources and the future of the security sector.

Despite all the positive developments in the peace process, Colombian public opinion remains largely sceptical. People simply do not trust the government and the FARC to deliver on their promises. The first major test for the peace process will therefore be to widen the ownership and ensure broad public endorsement of the peace agreement in the plebiscite that will follow the signing of the agreement.

The second test will be for the parties to the conflict to prove their ability to turn words into deeds. Political will is a fundamental, but insufficient condition for building peace. Despite all their preparations, after signing the peace agreement the parties will enter uncharted territory. No peace agreement in the world has ever been fully implemented, and yet the government and the FARC will feel the national and international pressure to move forward according to the agreed road map. All sorts of contradictions will surface – between the signatories, among the signatories, and with other stakeholders. The post-agreement stage is nothing less than the continuation of the negotiations, but with much more public participation.

After two years of secret talks between the government and the National Liberation Army (ELN), in March 2016 the two sides agreed to start formal peace negotiations. This is a welcome development, because peace with only one guerrilla group would have been incomplete. However, the ELN will join the peace process at the final stage of the Havana talks, and the government has stated that it will not reopen discussions on issues already agreed with the FARC. With the ELN keen to frame and take the lead on a separate peace process, the third test will be the convergence of both peace negotiations in the broader peace process.

The most difficult test might be the cultural transformation of Colombian society. There is a need to address deep-rooted mistrust, fear, resentment and hatred created by decades of violence, as well as to effect a cultural paradigm shift to challenge violent and individualistic everyday attitudes. The rehumanisation of the “other” does not only involve combatants, but society at large. Discussions in Colombian society are dominated by confrontational attitudes where different opinions compete for supremacy. It will be difficult for Colombian society to progress until

the diversity of the perspectives present in that society is acknowledged as a value instead of a problem. As the women’s movement has suggested, building peace requires the acknowledgement that no one possesses access to the absolute truth and, therefore, that the willingness and capacity to step out of one’s comfort zone constitute an essential step towards peace (Colectivo de Mujeres, Paz y Seguridad, 2014). This cultural change will take time.

## Final thoughts

This report is an early assessment of the developments leading up to the widely predicted Colombian comprehensive peace agreement. In this peace process the government and the FARC have taken stock of and learned from previous experiences, both in Colombia and internationally. They have in turn developed and implemented new frameworks and approaches that could inspire other peace negotiations, both in Colombia and elsewhere.

A peace agreement will not be the end of the peace process in Colombia. It will be, rather, a milestone that indicates a possible end to the armed conflict and the beginning of a transitional process to address long-neglected structural problems in an inclusive and constructive way.

The post-agreement process will be at least as challenging as the peace negotiations themselves. The difficulties ahead cannot be overstated. But because the challenges are not unique to the Colombian peace process, some of the responses may thus also lead to additional innovations that can contribute to improving global policy and practice in post-agreement peacebuilding.

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