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## Designing peace: the Colombian peace process

The peace talks between the Colombian government and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) have become a global reference for negotiated solutions to armed conflicts.

The talks demonstrated how a well-prepared and robust process design can contribute significantly to the outcome of a negotiated settlement. In several ways the process broke new ground. The parties developed frameworks and established mechanisms that laid the groundwork for building legitimacy for the process and increasing confidence in it. The direct participation of victims at the negotiating table and the effective inclusion of gender in the process are examples of this.

Important elements of the process design included the following:

- a secret initial phase to establish common ground;
- a short and realistic agenda;
- a limited objective: ending the conflict;
- the principle that "incidents on the ground shall not interfere with the talks";
- the holding of talks outside Colombia to protect the process;
- rules regulating the confidentiality of the talks;
- the principle that "nothing is agreed until everything is agreed";
- a high frequency of negotiation meetings to ensure continuity;
- direct talks with no formal mediator, but with third-party support and facilitation through guarantor and accompanying countries;
- the carefully tailored involvement of international organisations, including the United Nations;
- mechanisms for involving civil society in both Colombia and at the talks in Havana;
- the direct participation of victims at the negotiating table;
- secure mechanisms for transporting FARC members

into and out of Colombia;

- gender inclusion by ensuring the participation of women and a gender focus in the peace agreement;
- broad and representative delegations;
- the extensive use of experts at the negotiating table and bilaterally with the parties; and
- the implementation of confidence-building measures.

### Introduction

The peace talks between the Government of Colombia and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) concluded with the signing of a peace agreement on November 24th 2016 after five years of negotiations. The parties had extensive experience to draw on when they opened talks for the fourth time in five decades.<sup>2</sup> Previous attempts had failed, but provided impor-

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<sup>2</sup> In 1982 President Belisario Betancur launched a peace process with the FARC (known as the "Uribe talks"), including a lengthy ceasefire, which eventually ended unsuccessfully in 1990 with air raids on the FARC headquarters. A second effort to negotiate peace (known as the "Tlaxcala and Caracas dialogues") was initiated in 1991 under President César Gaviria. The third attempt, under President Andrés Pastrana, led to the establishment of a demilitarised zone where peace talks unsuccessfully took place from 1999 to 2002 (known as the "Caguán process").

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<sup>1</sup> The views expressed are those of the authors and do not reflect those of their employers.

tant lessons and references for the parties and the international community when President Juan Manuel Santos and the FARC initiated contacts in total secrecy in 2010. For the purpose of this report the peace process is divided into three distinct phases: secret preparatory talks (2010-11); secret exploratory talks (2012); and formal, public negotiations (2012-16).

## Secret preparatory talks

Soon after the presidential inauguration of Juan Manuel Santos in August 2010 contact was established between the Government of Colombia and the FARC. An old and effective back channel was used involving a Colombian citizen<sup>3</sup> with longstanding contacts with the FARC and ties to the governing elites. In early 2011 Venezuela facilitated an initial direct meeting between envoys from the government and the FARC<sup>4</sup> in the border areas between that country and Colombia. Three subsequent meetings were held in Venezuela to prepare for the secret exploratory phase to set the agenda and ground rules for the next phase.<sup>5</sup>

Early on in the negotiations the parties decided that Cuba and Norway would act as guarantors during the preparatory and subsequent exploratory phases. Both countries had been engaged in previous efforts to bring peace to Colombia, most notably Cuba, with its particular history and standing with left-wing continental guerrillas. Venezuela would continue to play a fundamental role in the preparatory phase, as it would throughout the entire process.

Once the parties agreed that the exploratory talks would take place in Cuba, considerable time was spent on establishing a secure way of transporting the FARC delegation from Colombia to Cuba. After numerous options had been discussed, the parties decided to request the International Committee of the Red Cross (ICRC) to assist in arranging the logistics of transporting FARC members. This was not an easy decision for the FARC. Only a few years earlier, in a high-profile hostage situation, Colombian security forces had duped the FARC in an operation involving a helicopter marked with falsified ICRC logos.<sup>6</sup> This operation was a stark reminder of both the risks involved and the existing distrust towards the government. A basic level of trust had to be established

for the process to advance – between the parties themselves, but also between the parties and the guarantor countries. The FARC’s decision during the secret phase to release all hostages and end the practice of kidnapping helped to build confidence.

The peace negotiations suffered a potentially fatal blow in November 2011 when government forces killed the FARC’s leader, Alfonso Cano. The FARC’s decision not to break off the talks is telling of their commitment to continue the search for a negotiated settlement. The parties decided at an early stage to apply the principle of not letting incidents on the ground interfere with the talks. There was no agreement on when a bilateral ceasefire should come into effect and the parties only agreed to a definitive bilateral ceasefire as the last step of the six-year negotiations. Nonetheless, both parties remained committed to talks throughout the process, despite various acts of violence.

## Secret exploratory talks

In February 2012 the parties were ready to start the secret exploratory talks in Havana.<sup>7</sup>

Holding the exploratory talks in Cuba offered the seclusion and privacy required for talks that had confidentiality as one of their key principles.<sup>8</sup> The Cuban government provided excellent hospitality, support and security at all times. The two parties and the Norwegian diplomats were installed in government guesthouses in a gated area called “El Laguito”, adjacent to a small lake. The talks would generally take place in the morning, and sometimes also in the afternoon, in one of the houses inside the gated area. By living in walking distance of each other, the parties had informal access to each other outside of the scheduled meetings should the need arise, thus avoiding the requirement for complicated transportation and additional security arrangements on the spur of the moment. Being able to meet on neutral ground in the house where the Norwegian diplomats were accommodated was an additional feature of the initial talks. The “Norwegian House”, or Casa 23 as it was formally known, was a frequently used space for informal and immediate exchanges.

From February to August 2012 ten negotiating rounds were held in Havana, each lasting between four and eight days. The government delegation and the Norwegians would return to Bogotá and Oslo, respectively, in between rounds, whereas the FARC delegation was permanently

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3 Henry Acosta’s role in bringing the FARC and the Government of Colombia together for talks is described in his book *El hombre clave* (2016).

4 From the FARC: Ricardo Tellez and Andres Paris; from the government: Alejandro Eder and Jaime Avendaño. Eder was the high presidential counsellor for reintegration and Avendaño a presidential adviser.

5 Between March and October 2011, with the participation of Venezuelan, Cuban and Norwegian delegates.

6 In 2008 15 people were rescued in “Operación Jaque”, among them former presidential candidate Ingrid Betancourt and U.S. citizens Marc Gonsalves, Thomas Howes and Keith Stansell.

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7 For the FARC: Mauricio Jaramillo, Ricardo Tellez, Marco Calarca, Andrés Paris, Sandra Ramírez and Hermes Aguilar; for the government: Sergio Jaramillo, Frank Pearl, Alejandro Eder, Jaime Avendaño, Lucía Jaramillo and Elena Ambrosi. Enrique Santos, the president’s brother, joined the delegation as a personal envoy and not as a formal member of the government delegation.

8 Framework Agreement, art. VI, 4.

lodged in Laguito not only for this phase, but throughout the five years of talks.

On August 27th 2012 the parties were ready to sign the agenda for the talks.<sup>9</sup> It was a short, focused and realistic agenda that only addressed six items – five on substantive matters and one on implementation – as well as concrete rules for procedures at the negotiating table.

The fact that the parties managed to keep the initial phases secret enabled them to agree on the short and focused agenda. Had preparations and explorations taken place with the knowledge of the Colombian people, the tendency of Colombian politics to polarise would very likely have made it difficult for the parties to agree on an agenda.

### **Negotiation agenda**

Importantly, and after much discussion, the parties agreed that the overall aim of the talks was to end the armed conflict. The negotiations were not a panacea to resolve all ills, nor would they immediately bring complete peace to Colombia. Rather, the goal of the talks was to end the conflict in order to contribute to the establishment of a stable and lasting peace. This was an important distinction and allowed the parties to focus on topics that were strictly necessary to end the conflict and differentiate these topics from what would be desirable elements for building peace.

The Framework Agreement nonetheless attempted to cover both the causes and effects of the conflict. Negotiating rural reform and political participation could be seen as an attempt to resolve some of the root causes of the conflict, i.e. the unequal distribution of land and the marginalisation of some sectors of Colombian society from the country's political process. Victims' rights, on the other hand, dealt mainly with the conflict's consequences. In addition to the five-point agenda, the general agreement defined a timetable and a roadmap for the next steps, including establishing mechanisms for the implementation and verification of agreements. The agenda was not chronological in design, and the laying down of weapons, a ceasefire and victims' rights (including transitional justice) were – not surprisingly – pushed back towards the later stages of the talks, since both parties perceived them as among the most difficult issues they would have to deal with.

The parties decided that the principle “nothing is agreed until everything is agreed” would guide the talks. This implied an understanding that the final peace agreement was a comprehensive package, and that although partial agreements were concluded and the agenda items were discussed separately, many issues were interconnected.<sup>10</sup>

## **Formal public negotiations**

Shortly after the talks formally opened the parties agreed on additional procedures that set some of the ground rules for the negotiations. Importantly, these procedures were detailed enough to ensure a high degree of structure and discipline, but at the same time sufficiently flexible to accommodate necessary changes such as adapting the format of the talks according to the needs of the negotiating table.

### **Location**

Following the secret exploratory talks, the process was formally launched in Oslo on October 18th 2012. Most members of the two delegations were new to the talks, including the heads of the delegations, although both knew each other from previous peace dialogues. The FARC's head of delegation had been transported to Havana from the mainland only a few days earlier, and almost immediately onwards to Oslo. The opening in Oslo provided the first occasion for the new delegations to meet.

Launching the talks outside Colombia was useful for the process in a number of ways. It demonstrated that the peace process had international support, including from outside the region. In addition, because the guerillas were still listed on U.S. and European Union (EU) terrorist lists, bringing the FARC to Norway clearly demonstrated the seriousness of the peace talks and the commitment of the international community.

After the formal launch in Oslo, the talks moved to Havana, where they continued until their closure.

In Havana, the talks were held at a closed-off part of a conference centre just outside Laguito, where the two delegations and the Norwegian delegates continued to be lodged. The conference centre offered possibilities for plenary, breakout and working group meetings, as well as offices for the two parties and the guarantor countries. A small kitchen and an adjoining outside area served as a place where members of the delegations could mingle informally. Despite the close living and meeting arrangements, there was limited informal interaction between the two delegations during the formal phase. Inviting the parties to the Norwegian ambassador's residence therefore became a useful setting for informal exchanges and moving beyond the daily routine of the negotiations. Importantly, these social gatherings also included members of each delegation that were normally not seated at the negotiating table.

### **Delegations**

Each side could have up to ten delegates at the formal negotiating table, five of whom were appointed as plenipotentiaries, assisted by a larger team of up to 20 people. The strict rules on the size of delegations and number of plenipotentiaries would soon become obsolete, however, because both delegations grew in size as the talks became ever more complex, requiring additional personnel.

<sup>9</sup> Formally, the Framework Agreement: <<http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/acuerdo-general/Paginas/inicio.aspx>>

<sup>10</sup> Framework Agreement, art. VI, 10.

The FARC delegation was composed mainly of combatants and exclusively of members of the guerrilla organisation, many of whom were mid- and high-level commanders. The FARC's chief negotiator was initially the only known representative of the organisation's highest organ, the secretive Secretariat. It was important for the FARC to maintain a strong presence of its leadership in the field at the beginning of the process, when there was less certainty and clarity about how it would evolve. As the peace process moved forward and the most difficult issues on the agenda had to be addressed (such as victims' rights and ending the conflict), bringing in the remaining members of the Secretariat and representatives from the various FARC blocks<sup>11</sup> became important. This was also symbolically significant, because it signalled that the FARC was united behind the commitment to achieve peace. Of the nine members of the Secretariat in office towards the latter stages of the peace talks, only one<sup>12</sup> did not take part in the talks in Havana. The rotations that took place among the FARC delegation in Havana during the talks were essential. The FARC representatives who returned to their units in the field had up-to-date knowledge of the peace talks and were important peace educators within the guerrilla movement, sharing information from Havana and maintaining internal support for the peace process. As the talks approached their conclusion, the FARC also sent its legal advisers into the field to explain the agreement, in particular its legal implications.

Several members of the government delegation represented crucial sectors of Colombian society. Scepticism towards the peace talks in parts of the security and private sectors made it particularly important to include representatives that could relate to and liaise with these actors. A former minister and peace commissioner, a retired army general and a retired police general, together with the president of the National Business Council, accompanied the chief negotiator and the peace commissioner as plenipotentiaries.<sup>13</sup>

### Capacity-building

From the very start of the negotiations there was a clear asymmetry between the government and the FARC in terms of access to information and expertise. The government had extensive access to experts both within and

outside the state apparatus, whereas the FARC initially had to – and preferred to – rely on internal resources. Trust had to be built with experts in various fields. Both parties relied on third-party capacity-building and expertise throughout the process.<sup>14</sup> Norway and Cuba facilitated a substantial amount of this external support, in particular as regards the FARC.

### Transport and logistics

The fact that the FARC was defined as an illegal armed group in Colombia; was listed on the U.S. and EU terrorist lists,<sup>15</sup> among others; and that individual members were wanted for crimes in many countries around the world was a challenge throughout the process. This presented a number of legal obstacles to the participating third countries, which needed to request diplomatic and legal guarantees from the Colombian government to be able to host and transport FARC members.

The parties established an important mechanism to transport FARC members from and to Colombian territory. The ICRC organised these operations, with support from the Colombian government and with the participation of the guarantor countries. The parties, the ICRC and the guarantor countries agreed on a meticulous protocol for each transport operation to assure maximum secrecy and security. The level of detail regarding the geographic location of each extraction or insertion of FARC delegates increased as the operation approached and would culminate in the suspension of military activity in a defined geographic area and the precise coordinates of the meeting point being communicated to the pilots only when the helicopter was airborne. The operations in the field in Colombia would normally also include a corresponding international flight.

These operations were particularly sensitive and complicated at the beginning of the process, when the peace process was not yet known to the public, and also later when no ceasefire was in place. Few people were involved, and information was kept to a minimum to protect the operation and guarantee the security of those taking part. The mechanism was flexible and adaptable to circumstances. Eventually it was used to return FARC members to the field when delegations changed, thus allowing for field visits, but also as a means of resolving some of the crises encountered in the process, such as

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11 Northern or Caribbean Block, North-western Block, Middle Magdalena Block, Central Block, Southern Block, Western Block and Eastern Block.

12 Bertulfo Álvarez. The other members of the Secretariat were Timoleón Jiménez, Iván Márquez, Joaquín Gómez, Mauricio Jaramillo, Pablo Catatumbo, Pastor Alape, Carlos Antonio Lozada and Ricardo Téllez.

13 The original plenipotentiaries in the government delegation were former vice president Humberto de la Calle, High Commissioner for Peace Sergio Jaramillo, retired army general Jorge Enrique Mora, retired police general Oscar Naranjo, business leader Luis Carlos Villegas, and former minister and high commissioner for peace Frank Pearl. Later high-profile delegation members included Foreign Minister María Ángela Holguín, business leader Gonzalo Restrepo and Senator Roy Barreras.

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14 The government relied on the advice of, among others, international experts Joaquín Villalobos, William Ury, Jonathan Powell and Shlomo Ben-Ami. The FARC received substantial inputs from both Colombian and international experts and academics. Legal advisers Enrique Santiago and Diego Martínez became increasingly important to the FARC during the process, while Colombian politicians Alvaro Leyva, Piedad Córdoba and Iván Cepeda played crucial supporting roles, interacting with both parties on various topics.

15 The U.S. list of designated foreign terrorist organisations and the EU list of persons, groups, and entities involved in terrorist acts and subject to restrictive measures.

the release of individuals taken hostage by the FARC.<sup>16</sup>

During the course of the peace talks the number of such operations reached into the hundreds. They were logistically complicated, often with several operations under way simultaneously, and required substantial efforts and resources from all involved. However, they were essential to the successful functioning of the talks.

### Format of the talks

The parties themselves led and steered the meetings throughout the negotiations. The method was meticulous and, on average, each agenda item took eight months to conclude.<sup>17</sup>

The parties used the plenary format to raise cross-cutting issues and issues of particular importance or urgency; however – and as the peace talks developed – the plenary was used less frequently and 3 + 3 or 4 + 4 meeting formats became more important. The smaller meetings included a few key people from each delegation who convened in a more informal setting to discuss issues of particular difficulty.

### Sub-commissions and working groups

As the talks proceeded and came to require more time than had been anticipated, it was critical for the parties to achieve results and work more efficiently. The formation of sub-commissions created momentum in the peace process, and parallel meeting formats facilitated both political decisions and more technical negotiations.

The sub-commissions were guided by mandates, but the dynamics varied considerably depending on the urgency and sensitivity of the issues being dealt with, the personalities of those involved, and the confidence and relationship among each sub-commission's members.

The following sub-commissions and working groups were established:

- Sub-commission on Gender (September 2014);
- Sub-commission on Ending the Conflict (including a bilateral, definitive ceasefire and the laying down of weapons) (February 2015);
- Sub-commission on Security Guarantees (August

2015);

- Working Group on Prisoners (August 2015); and
- Working Group on Disappeared Persons (October 2015).
- A Commission on Justice was also created in July 2015 at the request of President Santos.

*Sub-commission on Gender:* This sub-commission was created to include the voices of women and review the peace agreement from a gender perspective. Establishing such a mechanism with the participation of the parties in peace negotiations is unprecedented, both in Colombia and internationally. The parties asked Cuba and Norway to each provide a national gender expert to accompany the sub-commission, as well as an international expert to advise the Gender Commission on request. The sub-commission could also draw on Colombian and other international experts. The sub-commission invited several delegations of women to Havana to meet with the parties and heads of delegation. The interaction with civil society organisations contributed to opening up the talks and expanding the original consultation mechanisms that the parties had established. The sub-commission had a profound impact on the gender focus in the final peace agreement and was an effective instrument for gender inclusion.

*Sub-commission on Ending the Conflict:* The meetings between military experts from the parties proved to be among the most important throughout the process in order to reach an agreement on the difficult issue of a ceasefire and the laying down of weapons. The sub-commission was composed of active-duty military and police officers from the Colombian security sector and FARC representatives with extensive military expertise. The sub-commission consulted several experts and practitioners to draw on lessons learned from other peace processes. It also invested considerable time in agreeing to a common methodology and structure before beginning to draft a text. The direct participation of the Colombian security forces in the talks was an innovative feature of this process compared to previous attempts to negotiate peace with non-state armed groups.<sup>18</sup> Their participation was controversial among many members of the armed forces, and those who participated were subjected to considerable criticism in Colombia.

The parties agreed to invite the UN to assist the sub-commission at a time when it became essential to receive input from the body that would be tasked with monitoring and verifying the laying down of weapons and the ceasefire. An experienced UN envoy<sup>19</sup> was appointed as the UN Secretary-General's delegate to the sub-commission on August 13th 2015. The UN Security Council passed

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16 Such as the release of U.S. citizen Kevin Scott Sutay on October 27th 2013 and General Ruben Alzate on November 30th 2014.

17 The following agenda items were concluded on these dates: the partial agreement on land and agricultural reform on May 26th 2013; the partial agreement on political participation on November 6th 2013; the partial agreement on combating illicit drugs on May 16th 2014; the partial agreement on a special jurisdiction for peace on September 23rd 2015; the partial agreement on victims' rights on December 15th 2015; and the partial agreements on the "end of the conflict", including a definitive bilateral ceasefire, the cessation of hostilities and the laying down of weapons, on June 23rd 2016.

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18 Norway had prepared the armed forces for their participation in the talks in a training programme stretching over more than 15 years.

19 Jean Arnault, later to be appointed special representative of the Secretary-General for Colombia.

a resolution in January 2016<sup>20</sup> establishing a political mission in Colombia tasked with monitoring and verifying the laying down of weapons. The parties designed a tripartite mechanism comprising the UN, the Colombian armed forces and the FARC to monitor and verify the definitive bilateral ceasefire and cessation of hostilities. The Community of Latin American and Caribbean States committed to providing the staff needed for the special mission, demonstrating the support of regional organisations for the peace process.

A topic that was probably given too little attention during the talks was the reintegration of former combatants. Reintegration has normally been the least successful dimension in Colombian peace processes and has resulted in fresh cycles of violence. The issue was not sufficiently defined in the peace agreement partly because of time constraints, and partly because of very different perspectives on how it should be resolved.

*Sub-commission on Security Guarantees:* Satisfactory security guarantees were an important precondition for the FARC to lay down its arms. The sub-commission discussed mechanisms to ensure security for FARC members after the signing of a peace agreement, and to ensure the safety of social movements, communities, human rights groups and political parties.

*Working Group on Prisoners:* Improving the situation of FARC prisoners was another important issue for the guerrilla organisation, which claimed to have 3,400 members in Colombian prisons (2,400 of whom the government later certified as being members of the FARC). The working group worked on a mechanism to improve the situation of FARC prisoners and prepare for future pardons and releases. At the end of 2015, as a goodwill gesture, the government pardoned 30 FARC prisoners who had been convicted of rebellion.

*Working Group on Disappeared Persons:* The parties established this working group to discuss efforts to search for and identify those who had disappeared or went missing during the conflict. An agreement was reached in October 2015 for the FARC and the government to share information in order to expedite the search for Colombia's missing and dead. The parties also announced the formation of a special search unit once a final accord was reached.

*Commission on Justice:* President Santos encouraged the establishment of this commission to help the talks to gain traction at a time when discussions in Havana on the justice issue were moving slowly and at risk of facing

an impasse.<sup>21</sup> The commission completed a proposal to establish a special jurisdiction for peace, that would be part of the agreement on victims, together with the proposal for a truth commission. The establishment of the Commission on Justice created new dynamics and momentum that helped the parties make progress on the difficult issue of transitional justice, but the commission's work was also criticised for initially not being sufficiently coordinated with the main track in Havana.

Several informal back channels were established throughout the process, some initiated by the parties, others by outsiders.<sup>22</sup> These channels were crucial parts of the talks, and provided an opportunity for the parties – often at the highest level – to communicate on the most sensitive issues when the talks had stalled.

### **Frequency and duration of rounds**

The parties agreed on the schedule for the meetings at an early stage. Negotiating rounds would last for 11 days (three rounds of three-day negotiations with one day off between the rounds). Breaks between rounds would normally last from eight to ten days. The parties largely stuck to this intense meeting schedule throughout the four years of formal public negotiations. Frequent negotiation rounds ensured momentum and that coherency was not lost between rounds. However, at times the intense schedule became somewhat exhausting and occasionally led to fatigue among those involved.

### **Confidence-building measures**

To help the peace talks achieve a sense of momentum and maintain the necessary popular support, a number of unilateral and bilateral de-escalation and confidence-building measures were incrementally introduced. These measures helped to ensure public interest in the peace process, particularly at times when progress was slow.

The FARC's declaration of a unilateral ceasefire in December 2014, followed by the government announcement in February 2015 that it would stop bombing raids on FARC positions, were examples of such measures, and

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21 The working group comprised six members: three selected by the FARC and three by the government. It included Spanish lawyer Enrique Santiago, politician Álvaro Leyva, human rights lawyer Diego Martínez, former judge Manuel José Cepeda, University of Notre Dame professor Douglass Cassel and the dean of the Universidad Externado de Colombia, Juan Carlos Henao.

22 One particular informal mechanism established with the knowledge and encouragement of the parties was the New York group", established by Norway, consisting of Colombian and international experts, in which ideas relating to justice were discussed before they formally reached the negotiating table. The guarantor countries participated in the group, and the members were Priscilla Hayner, Morten Bergsmo, Carlos Martín Beristain, Luis Guillermo Pérez Casas, Carlos Alberto Ruiz, Enrique Santiago and Rodrigo Uprimny.

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20 Security Council Resolution 2261 (2016).

also contributed to improving the humanitarian situation.

The March 2015 agreement by the parties on demining in two regions of Colombia was another example, and a public demonstration that the two parties were able to work together in the field to achieve a common purpose.<sup>23</sup>

One of the measures that had a strong impact among those involved were the ceremonies in which the FARC apologised to victims.<sup>24</sup> Similarly, a programme developed with the ICRC to help find and identify people who had disappeared in the conflict was welcomed as an important confidence-building mechanism and an important step in providing reparations for victims of the armed conflict.

### **Confidentiality and public outreach**

Holding the talks outside Colombia was intended to protect the process and distance the negotiators from the machinations of everyday politics and the armed conflict. But it also led to unavoidable criticism of the process being too “hermetic”, leaving many Colombians feeling distanced from it. The confidentiality of the talks therefore insulated them from the pressures of everyday reality, but also fueled critical voices that feared backroom deals.

The need for the parties to issue coherent messages to the public was a challenge throughout the process, because the parties had different interests and views on what should be communicated. The FARC, which for years had been deprived of the same access to media and channels of communications as the government, made daily public statements, while the government adopted a more restrained approach to the media.

To promote the peace talks and win the hearts and minds of the Colombian public, the parties needed to communicate more consistently. The lack of a ceasefire led to dual messaging as a result of the parties’ need to motivate their troops who were still fighting on the ground and simultaneously promote the ongoing peace talks. These two rationales were often difficult to reconcile and made joint communication strategies more complicated. These considerations changed later in the peace process, when the conflict de-escalated. Media campaigns to promote the peace process designed by the government with UN assistance and supported by both parties, as well as closer cooperation between the communication teams on each side, were important ways of improving the situation. An external communications expert<sup>25</sup> was used to provide the parties with suggestions on how they could create joint communication messages. An agreement between the parties to consult each other on press statements in advance also helped to improve the

communication challenges facing the process.

At the end of most rounds the parties issued a joint communiqué recounting developments of particular interest. The guarantor countries announced significant breakthroughs or partial agreements on behalf of the negotiating table, while the parties also gave periodic accounts of developments at the negotiating table.<sup>26</sup>

### **Consultation mechanisms and inclusion**

The parties decided on three formal consultation mechanisms with Colombia’s civil society.<sup>27</sup> Firstly, an internet website was established where the public could upload input and suggestions regarding the various agenda items. The negotiating table received thousands of suggestions from the public in this way.

Secondly, forums were organised in Colombia for each item on the agenda to receive input from civil society. The UN and the National University organised these six forums, each of which included thousands of key stakeholders. The FARC did not participate directly, and the government did not play a prominent role in the forums. The forums were central in domestically anchoring the discussions taking place in Havana, but would most likely have benefitted from an even stronger engagement with local authorities, businesses and grassroots organisations to generate local ownership.

Thirdly, the negotiating parties agreed that they could each invite two external experts to provide input on the agenda items. These inputs provided important contributions to the parties on all the agenda items. Experts included prominent academics, politicians, and former peacemakers from both inside and outside Colombia.

All three mechanisms provided the negotiating table with important and valuable input. There was criticism from Colombian civil society that these mechanisms were too limited, which was exacerbated by the fact that the talks took place outside Colombia. Those who complained argued that the distance between the realities on the ground in Colombia and the talks in Havana was too great and that more formal communication channels between the peace table and the Colombian public were needed. As the talks progressed and the negotiating table started to address the agenda item on victims’ rights, the parties decided to strengthen consultations with various stakeholders.

One of the most visible and impactful mechanisms proved to be the direct dialogue between victims of the conflict and the parties. The visits of victims connected the peace table with the realities on the ground in Colombia and transformed the dynamics between the parties.

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23 Led and coordinated by the non-governmental organisation Norwegian People’s Aid.

24 For example, for the massacre of civilians that took place in Bojayá in 2002.

25 Journalist and commentator Alvaro Sierra.

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26 Framework Agreement, art. VI, 4.

27 Framework Agreement, art. VI, 6, joint statement no. 5, November 25th 2012.

The UN, in collaboration with the National University and the Colombian Bishops' Conference, was given the mandate to organise visits of five 12-person victims' delegations to directly participate in the peace talks. They presented their proposals to the parties on issues that included truth and justice, reparations, reconciliation, and guarantees of non-repetition. The delegations represented victims from all sides in the Colombian conflict. They also represented communities and networks, and would, on returning to Colombia, be important advocates for a negotiated resolution of the conflict. The victims' delegations also played an important role in defending the process publicly in times of crisis and demanding that the parties should not abandon the negotiating table.

As the talks gradually opened up after the discussions on victims' rights began, envoys from the Colombian Congress, the Office of the Attorney General and other institutions visited Havana. The involvement of these key actors was crucial for discussions on implementation and ratification, and helped to provide the actors with greater insight into the process and the interests of the negotiating parties.

### **The international community**

The peace talks were led entirely by Colombians, which strengthened the process and ensured national ownership. But the support and interaction of the international community, and in particular from the countries in the region, was important throughout the whole process. The designation of special envoys, such as from the U.S. and EU, also indicated a strong international commitment to the process.

The guarantor countries – Cuba and Norway – had a flexible mandate that included capacity-building, logistics, trust-building, conflict resolution and more active mediation-like initiatives, depending on the given situation.

Chile and Venezuela served as accompanying countries to the talks and played an important role by demonstrating strong regional support for the peace process. Whereas the guarantors were permanently present in Havana during the talks, the accompanying countries normally attended the final day of each negotiation round.

International experts were widely used in the process, and former conflict parties from countries such as Guatemala, El Salvador, Northern Ireland, Nepal and South Africa were invited to the negotiating table to share their experiences. Transitional justice, ceasefire mechanisms and the laying down of weapons were among the topics that were discussed in these sessions.

The carefully phased introduction of the UN to the process seemed to deliver the desired results, with the world organisation taking on the task of monitoring and verifying the implementation of crucial parts of the peace agreement, most notably the ceasefire and the laying down of weapons.

## **Conclusion**

The peace talks between the Colombian government and the FARC-EP have become a global reference for negotiated solutions to armed conflicts. They are an example of how a well-prepared and robust process design can contribute significantly to its outcome. The process withstood unforeseen developments, and the parties were able to overcome critical situations and improvise when necessary. The process broke new ground in terms of methodology and created mechanisms that laid the groundwork for building legitimacy and increasing confidence in the Havana talks. But unfortunately this was not enough.

The implementation of the ceasefire, the concentration of combatants and the handing in of weapons were carried out in record time. But other issues relating to transitional justice, victims' rights and political participation have met broad resistance in the country's institutions and parts of society. The negative result in the October 2016 plebiscite was only the first sign of this resistance.

More emphasis could probably have been placed on anchoring the most difficult issues of the accord in Colombian society and the country's polity. In the end, implementation depends not only on levels of national consensus, but also on issues of governance. The negotiations may at times have adopted a too legalistic or formal perspective on some issues, especially with regard to government commitments, in a country where government presence and capacity are still lacking in many areas. The Colombian peace talks demonstrate that well-thought-through process design can greatly enhance the chances of reaching an agreement between two former enemies. They also illustrate, however, that while reaching a peace agreement is difficult, implementing it to the letter in a divided society is more difficult still.



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