

Negotiations and possible spoilers in the Colombian peace process

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■ Executive summary

The peace negotiations between the Colombian government and the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP) have generated considerable attention among the international community and a substantial level of domestic political support. This optimistic trend is linked to a new negotiating dynamic in which the government decided to abandon a militarised approach to the conflict and acknowledged the guerrilla movement as a legitimate political actor, while the FARC-EP opted to moderate its historical radical demands. The reasons behind this mutual moderation are both strategic and the result of a social learning process (i.e. the “prolonged” conflict). This encouraging scenario, however, faces two potential challenges, i.e. to neutralise the emergence of spoilers of the peace talks and deal with the fragmentation/criminalisation of the FARC-EP. This expert analysis analyses the new negotiating dynamic, identifies the main challenges to the peace process, and indicates how guarantor states and the international community can contribute to reducing domestic political opposition in order to reach a durable agreement.

A new negotiating dynamic

What is particularly new in the current peace negotiation process under way between the Colombian government and the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP)? In contrast to previous attempts to resolve the armed conflict in Colombia, there is now a more favourable domestic context. Both the national government and the FARC-EP appear to be less radicalised in their political actions/demands than in the past and are therefore more inclined to seal a stable and long-lasting peace agreement. The fundamental reasons behind this mutual moderation are both strategic and the result of a social learning process (i.e. the “prolonged” conflict) that helped approximate political positions on several critical issues. Furthermore, the country’s public opinion has been showing more positive attitudes towards the peace talks than in recent years.

Both the FARC-EP and the administration of President Santos have strong political incentives to negotiate a stable peace agreement. Given the credible threat of a slow but inexorable decline and the risk of internal fragmentation, the guerrilla organisation prefers to negotiate from its

current position of relative strength (the FARC-EP still has 8,000 guerrillas) rather than continue with an exhausting armed conflict. The national government has even more to gain by adopting a co-operative stand on the peace process. In the event of a negotiated agreement with the guerrillas, the Santos administration would have put an end to Colombia’s most serious unresolved problem, making the president a highly competitive (or virtually unbeatable) candidate for re-election. If the talks failed, the government would retain its current military dominance over the FARC-EP.

One may reasonably question the FARC-EP’s willingness to reach a peace agreement. Although a negative result cannot be entirely ruled out, there is empirical evidence to support a more positive view. Firstly, contacts between the guerrilla leadership and government delegates prior to peace talks announcements were not suspended after the killing of Alfonso Cano and the military offensive launched by the government. Secondly, the Santos administration imposed – and the FARC-EP accepted – the condition of no bilateral ceasefire until a final peace accord is reached. This situation prevents the negotiation process from

becoming a means to strengthen the guerrilla's military capabilities. In other words, whatever the final outcome may be, the peace talks will hardly alter the current security situation in Colombia. Thirdly, as mentioned above, the FARC-EP abandoned its radical policy of questioning the political system and altering the economic model and instead focused on historical demands such as agrarian reform and political participation.

The national government also showed a considerable level of receptivity to the guerrillas' substantive demands. This became evident in the agreement on the first – and perhaps toughest – issue of the five-point agenda: agrarian reform. The document entitled "Towards a new Colombian countryside: comprehensive rural reform" highlights the need to implement a structural transformation of the agrarian reality as the essential basis for a long-lasting peace. In signing this agreement, the Santos administration recognised that one of the main causes of the armed conflict lies in the extreme poverty and political marginalisation of vast segments of the rural population. It also admitted that land has been appropriated through illegal means such as organised violence and forced displacement.

In order to facilitate comprehensive rural reform, the agreement mandates the creation of a land fund for land redistribution that is free of charge using land that has been wrongfully and illegally acquired. This fund will be used to regularise property title rights and so promote equitable land distribution. The agreement also establishes several measures to revitalise the countryside, particularly the peasant, family and community economies. These measures include a series of side agreements, including investment in irrigation and drainage infrastructure, roads, housing, water, and basic sanitation, as well as improvements in the provision of health, education, and social security services in rural areas.

For rural reform of this magnitude and scope to be effectively implemented, considerable budgetary expenditure would be required that will not be neutral in distributive terms and will especially affect key sectors of the Colombian establishment. Similarly, the extent and origin of the lands to be redistributed among poor rural inhabitants will trigger criticism among these sectors, which could perceive the peace agreement as rewarding the guerrilla movement's decades-long insurgency.

Challenges to the peace process

There are two sets of potential challenges to the peace process: spoilers of the process and the possible fragmentation of the FARC-EP. Among the former we identify contradictory attitudes in the country's public opinion towards the process, criminal armed groups – in particular, drug traffickers and demobilised paramilitary organisations – that expect increasing pressure from the security forces to result from a peace agreement, and some conservative political sectors that have a militarised

approach to the conflict and foresee a political and electoral strengthening of the left. With regard to the FARC-EP's internal fragmentation, it should be emphasised that in the absence of extensive integration policies, a considerable portion of the guerrilla movement may decide to criminalise instead of accepting an eventual agreement.

Spoilers

Although Colombians tend to show favourable opinions towards the ongoing peace process, many of them hold inconsistent and contradictory attitudes regarding the political implications of a final peace agreement. A recent survey reported that 77% of respondents approved of the negotiations (Ipsos, 2012). However, 72% opposed the idea that former guerrilla leaders should be allowed to participate in democratic politics, while 68% rejected a pardon for crimes committed by the guerrillas. In the same vein, a survey of 200 members of the largest companies in Colombia revealed that 77% of them approved the Santos administration's peace proposals, but 65% refused to pay more taxes to fund the implementation of a peace accord (Ipsos, 2012).

Moreover, important criminal groups (especially drug traffickers and the BACRIM, or neo-paramilitary criminal gangs) may actively oppose and undermine a successful agreement because it would allow a more effective deployment of the military and security forces to combat them. It is also worth noting that the inclusion of hundreds of leftist cadres in the Colombian democratic political system would inevitably affect the electoral performance of rightist forces. Several political actors belonging to this sector of the political spectrum have publicly expressed their opposition to the peace negotiations, which they have defined as "an apology to the legalised criminals and the narco-terrorist FARC-EP". Indeed, according to a survey conducted by LAPOP, respondents who identified with *uribistas* parties (Partido de la U and Partido Conservador) are less likely to support the negotiation process (LAPOP, 2012). Therefore, a revival of a strategy to annihilate leftist militants such as the one that occurred in the mid-1980s cannot be completely discounted.

Possible FARC-EP fragmentation

The possibility that some guerrilla sectors would refuse to demobilise is perhaps one of the main obstacles to the development and implementation of a peace agreement. An almost inevitable scenario of internal fragmentation/criminalisation seems likely to occur once the agreement is reached rather than during the peace talks. In this sense, the unilateral ceasefire declared between November 2012 and January 2013 was accepted by the seven blocs that constituted the FARC-EP, thus indicating that it is under strong central control. During this period guerrilla armed actions fell by almost 80% and the practice of kidnapping was abandoned.

Paradoxically, however, the government's actions during the peace talks (i.e. the absence of a ceasefire and the continuing policy of neutralising guerrilla leaders) may contribute to the FARC-EP's internal fragmentation once a final agreement is attained. The neutralisation strategy has been primarily applied to senior guerrilla commanders, who are more ideological, but at the same time exert an effective centralised authority over the FARC-EP's members. Therefore, the physical elimination of these leaders may generate strong incentives to break with organisational discipline and encourage some guerrilla groups to criminalise their activities.¹ This is especially likely to occur among the new generation of guerrilla members, who have little military training and have not been subjected to extensive ideological indoctrination.

The challenge for the national government is not to prevent the FARC-EP's fragmentation/criminalisation, which appears to be inevitable, but to limit its scope. The extent of the guerrillas' integration into the Colombian political system will be inversely proportionate to the extent of its internal fragmentation. It is therefore necessary to establish effective rule of law in the whole territory and to design policies to integrate various sectors of the guerrilla movement into the state structure.

The role of the international community

The international community and guarantor states have an important responsibility in the peace negotiations. Beyond their classic functions, the guarantors should develop more decisive diplomatic and communicative activities especially targeted at domestic political actors who have conspired against the negotiation process. Firstly, it is critical to communicate that peace in Colombia is closer than ever. Secondly, the international community should help to install the idea that peace talks constitute a multi-issue negotiation. As such, both sides (the government and the FARC-EP) must make concessions. Peace is costly, but the costs of not reaching an agreement under current conditions may be insurmountable. Thirdly, the idea must be communicated to Colombian society that the inevitable

fragmentation of the guerrilla movement – and, therefore, the criminalisation of some groups – will not mean that the peace agreement has failed. Such fragmentation can be significantly limited by adopting measures aimed at integrating the FARC-EP into the political system.

Finally, an analysis of previous experiences of disarmament, demobilisation and reintegration (DDR) in various countries around the world is critical in order to design strategies to restrain potential spoilers of the peace process. The DDR policies in Angola, Mozambique, Namibia, South Africa and Zimbabwe are good candidates for such an analysis. Research in these countries underscores the importance of reaching a peace agreement that incorporates effective DDR measures. Such an agreement should be applied immediately, given the current optimism and predisposition manifested by the actors involved in the Colombian peace talks. Although it is vital to establish safeguard guarantees in the three phases of an ongoing DDR process, this appears to be even more important in the reintegration phase. This is because the political, economic, and social costs associated with reintegration are probably higher than those related to disarmament and demobilisation. A multidimensional approach to reintegration is needed and should consider a set of policies related to material issues (land distribution, subsidies and the integration of the armed forces), physical and mental health, gender, and the youth. Only an integral approach to reintegration will guarantee the sustainability of the peace process.

References

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¹ Arguably, some guerrilla members may opt to criminalise themselves because of their ideological resistance to a peace agreement or due to strategic considerations such as preserving a particular social or economic status.

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