

# THE COLOMBIAN PEACE AGREEMENT HOW WE GOT HERE AND WHAT COMES NEXT



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Cover photo: Strike for peace in Colombia. February 2016.

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Source: [https://www.opinion-internationale.com/2016/02/25/colombie-mecontentement-face-au-processus-de-paix\\_40969.html](https://www.opinion-internationale.com/2016/02/25/colombie-mecontentement-face-au-processus-de-paix_40969.html)

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The aim of this research is to provide background information on Colombia's armed conflict, on its key players in the aftermath of the historic peace deal signed between the parties and on the unexpected defeat of the deal in the recent referendum. This study analyses the magnitude and nature of the crimes committed, together with their consequences and impact on the civilian population. It examines what has transpired from the talks during more than four years of closed-door sessions and the details of the peace process that purported to put an end to one of the world's oldest conflicts. The objective is to evaluate the progress made so far and, most importantly, to analyze the main challenges that lie ahead. Several major constraints could have prevented the peace deal from materializing and, in spite of its rejection in the October 2<sup>nd</sup> referendum, many circumstances could have curbed its success. This report looks at the reasons behind the outcome of the vote, the implication of its results and the future prospects of the peace deal.

**Keywords:** Colombia; FARC; peace deal; negotiation; internal displacement; impunity; transitional justice; amnesty; referendum.

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## Introduction

On August 24<sup>th</sup> 2016, the Revolutionary Armed Forces of Colombia (FARC) and the delegation of the government of Colombia announced that a final and definitive peace deal had been signed in Havana, Cuba. Following years of intense negotiations, which began in 2012, this landmark event entailed an immediate cessation of hostilities and represented a fundamental step in the pursuit of peace in Colombia. The final signature triggered a roadmap for disarming and demobilizing FARC forces, which led to a solemn signing ceremony attended by international dignitaries and the end of the conflict seemed to be at hand. The war has left more than 220,000 dead – of which 70% are believed to be civilians<sup>1</sup> – since its beginnings in 1964, and driven nearly 6 million Colombians from their homes – the highest number of internally displaced people in the world after Syria, according to United Nations (UN) estimates. Even if this chapter of Colombia's history appeared to be coming to a close, questions remained about the implementation of the accord, with many critics arguing that the terms of the truce amounted to a concealed amnesty granted to those responsible for the violence. At the same time, the Colombian government had committed itself to fulfill its ambitious promises on rural development, transparency within the national army, reintegration and political participation of former combatants. In the meantime, on October 2<sup>nd</sup>, the Colombian people were called upon to decide whether or not to approve the peace deal, and they have rejected it with a razor-thin majority: 50.21% against versus 49.78% in favor.<sup>2</sup> While the deal only addresses peace between the government and the FARC, other militant, paramilitary and narco-trafficking groups are still operating in the country, and may be further advantaged by the departure of the FARC.

Some commentators insist that conditions have been “the most attractive to date for both parties to negotiate rather than continuing to fight,”<sup>3</sup> while many Colombians have expressed skepticism about negotiating with the FARC for a stable settlement: although their disbelief was considered the biggest challenge to be overcome, the result of the vote shows that this goal was not unequivocally achieved. Nevertheless, both parties have shown significant commitment and important progress has been made in many key areas. In conclusion, the achievement of a stable peace had never been nearer, Colombians have dismissed the conditions set out in the agreement already signed by the two parties and, although a resumption of hostilities does not appear imminent, the future of Colombia seems now marked by uncertainty.

## History

The FARC were established in the early 1960s by Colombian Communist Party (PCC) leaders to protect rural communities who were implementing socialism in the countryside to address the needs of the *campesinos*, neglected by the central government. After a decade of political violence known as La Violencia (1948-1958), the resulting power-sharing agreement still excluded left-wing groups from participating in national politics – partly as a result of the success of the Cuban revolution. Starting from

1964, these communities came under attack from the Colombian army and decided to establish a united front to defend themselves.<sup>4</sup> They called for land reform, better living conditions in the countryside and vowed to fight against the central government, who they accused of rural neglect that resulted in poverty and highly concentrated land ownership. In 1966 the name 'FARC' was officially adopted, and the group abandoned its exclusively defensive purpose for a more ambitious and complex agenda: supplying loyal communities with medical and educational assistance, improving militants' combat readiness and attacking state property and infrastructure. In the early 1970s the first training camps were built in the jungle, and the FARC resorted to kidnapping politicians and elites to finance training camps and social service provision.

In the late 1970s drug trafficking became the FARC's main source of wealth. With cocaine funding its activities, the group rapidly surged in numbers, as the provision of social services attracted many Colombians who struggled to survive in the countryside. The rise in profits and members partly explains the rapid growth in membership during the 1980s. However, it also attracted the attention of the United States government, which began to refer to the FARC as a drug cartel, to its leaders as drug traffickers, and actively initiated a campaign targeting FARC activities within the broader "War on Drugs". Mounting pressure brought the Colombian government and the FARC to a common table and to initiate peace talks for the first time in 1982, eventually leading to a bilateral cease-fire that lasted from 1984 to 1987.

As part of the agreement, in 1985 the FARC co-founded a political party called the UP - Unión Patriótica (Patriotic Union). The 1986 and 1988 elections saw an unprecedented success of the leftist bloc, which managed to secure 350 local council seats, 9 House seats and 6 Senate seats. However, this rapid success was quickly undermined by forced disappearances and systematic assassinations of UP leaders by the army, right-wing paramilitaries and drug gangs. "Reports show that, by 1988, between 200 and 500 UP leaders, including UP presidential candidate Jaime Pardo, were assassinated. From 1988 to 1992, between 4,000 and 6,000 UP members, including another presidential candidate, Bernardo Jaramillo, were murdered".<sup>5</sup> The murders and disappearances thwarted UP growth and, as a result, the FARC withdrew from the political process to concentrate on a military victory.<sup>6</sup> Despite the peace accords, the FARC's violent tactics resumed, in response to army violence. In retaliation, wealthy landowners, the primary target of FARC kidnappings, formed paramilitary groups, organized under an umbrella organization, the AUC - Autodefensas Unidas de Colombia (United Self-Defense Forces of Colombia). These groups had aligned with the Colombian military since the 1980s to rid the country of guerrilla presence. "The shift of cocaine production from Peru and Bolivia to Colombia in the 1980s increased drug violence and provided revenue to both guerrillas and paramilitaries, and by the late 1990s, they were all deeply involved in the illicit drug trade".<sup>7</sup>

By 1999 FARC membership had reached 18,000 and the group conducted 3,000 kidnappings in that year alone. The FARC's increased pressure in the country, its record of abductions and involvement in the drug trade elicited both a domestic and an in-





**Funeral of Jaime Pardo Leal in Plaza de Bolívar**

*Credit: Luis Miguel García, El Espectador, 1987*

*Source: "¡Basta Ya! Colombia: memorias de guerra y dignidad. Informe General. Grupo de Memoria Histórica" – Centro Nacional de Memoria Histórica*

ternational response.<sup>8</sup> Massive rallies saw the civil society protesting against the FARC and violence in the country, and peace talks with the government resumed. Regardless of such progress, in 2000 the United States inaugurated Plan Colombia, a \$10 billion US military aid program aimed at helping the Colombian government combat the drug trade, retake control of rural areas and increase its capacity throughout the country.<sup>9</sup> The success of Plan Colombia is debatable, as it did not eliminate guerrilla drug activities or violence. However, some analysts attribute the increased strength of the Colombian state and military and the beginning of FARC's decline to Plan Colombia. As a matter of fact, in 2002, the Colombian government refused to negotiate further with the FARC.

That year, Álvaro Uribe ran his presidential campaign vowing he would aggressively tackle guerrilla presence and activity in the country, and won. During the election season, the FARC kidnapped presidential candidate Ingrid Betancourt, fuelling a full-spectrum political will to combat the FARC. Uribe's anti-guerrilla program entailed professionalizing the army, embracing paramilitary assistance and securing support from Plan Colombia. His presidency lasted until 2010. Uribe's crackdown on the FARC was well received by the Colombian public and led to a decrease in violence within the country and to a dramatic drop in FARC membership.<sup>10</sup> The murder rate fell by 40% and kidnappings by 80% during Uribe's first term.<sup>11</sup> Uribe's high levels of popular support reflected the notable security gains, although his policies were criticized by human rights organizations. His military campaigns against FARC strongholds "reduced the group's ranks, recaptured land and confiscated large amounts of equipment used to process cocaine. Despite those advances, critics point to the enormous numbers of

civilians who were displaced during the operations and to the lack of strategy to hold the regained territory by establishing a permanent State presence”.<sup>12</sup> During Uribe’s crackdown, the FARC were forced to relocate and seek refuge in rural areas bordering Ecuador and Venezuela, and Colombian military incursions across those borders sparked tensions with its neighbours. In 2010, Uribe’s former Minister of National Defense, Juan Manuel Santos, was elected President. After continuing the aggressive security policies of his predecessor, and having dealt several significant blows to the FARC leadership through targeted killings, he resumed peace talks with the FARC in October 2012, initially in Oslo, Norway, and then, as planned, in Havana, Cuba. The talks began after FARC leader Rodrigo Londoño, alias Timochenko, made a public overture to the Santos government, and proceeded only once the group had released all remaining army soldiers held for ransom, and publicly renounced to kidnapping as a practice. After four years of intense negotiations, on 23 June 2016 the FARC and the Colombian government agreed to a bilateral ceasefire. The accord, which called for “A Bilateral and Definitive Ceasefire, Cessation of Hostilities, and Laying Aside of Weapons”, represented one of the main substantive items on the negotiating agenda, and paved the way for the final deal, which was signed two months later.

## Crimes committed

The armed conflict continues to have a massive impact on civilians, especially in rural areas. All parties to the conflict are responsible for crimes under national and international law – including, but not limited to, unlawful killings, forced displacement, enforced disappearances, death threats and crimes of sexual violence. Children continue to be recruited as combatants by guerrilla groups and paramilitaries – the FARC have recently announced they will cease such practice for youths under the age of 17.<sup>13</sup> According to figures from Colombian NGO Codhes, more than 204,000 people were forcibly displaced in 2014 alone, and almost 220,000 in the previous year.<sup>14</sup> The government has registered more than 70,000 as missing or disappeared,<sup>15</sup> and more than 5.7 million people have been displaced since the conflict began, creating one of the largest populations of internally displaced persons (IDPs) in the world, “greater than 10% of Colombia’s estimated 47 million inhabitants”.<sup>16</sup> According to figures published by the UN High Commissioner for Refugees, up until 2015, 7,874,201 victims have been registered, about 50% of which are women and children. The government has calculated that reparations will involve some 6,084,064 individuals, totaling 12.4% of Colombia’s population. IDPs amount to 6,897,450, the most numerous group of victims registered. In 2015, 76,017 were registered as newly displaced.<sup>17</sup> This large displacement has generated a humanitarian crisis, which has disproportionately affected women, afro-Colombians and indigenous people, and left many dispossessed and impoverished. In addition, the use of land mines laid primarily by the FARC has caused more than 10,000 deaths and injuries from 1990 to 2015. According to the government, Colombia’s casualty rate from land mines is second in the world, only to Afghanistan, with 222 victims reported in 2015 alone.<sup>18</sup> Because of the massive drug



profits, land control is a fundamental issue in the conflict, and most of the violations and crimes are connected to such interest. Fighting between the FARC and right-wing paramilitary groups over coca fields and drug smuggling corridors has been a key factor in the conflict's extreme levels of violence, forced displacement and land grabs.

### **The FARC**

In the early 1990s, the breakup of the Medellín and Cali cartels and the military campaigns against coca farming in Peru and Bolivia resulted in much of the Andean coca crop shifting to the southern Colombian jungles, “where there was scant government presence and where the FARC held sway”.<sup>19</sup> From a few thousand acres, the size of Colombia's crop jumped to more than 400,000 acres in 2000, capable of producing 680 tons of cocaine.<sup>20</sup> Control over coca fields helped the FARC to consolidate and grow, but eventually attracted right-wing paramilitary groups, which had allied with drug traffickers and large landowners who financed small private armies to counter FARC taxing, extortion and kidnappings. Paramilitaries usually targeted the rebels' civilian supporters, and became increasingly involved in drug trafficking. In the late 1990s and early 2000s, much of the fighting between the FARC and paramilitaries was for control over coca plantations and trafficking routes. Due to the growing revenues of the illegal drug trade, “the FARC initially began collecting taxes from marijuana and coca growers in areas they controlled, but their role in the drug trade expanded rapidly”.<sup>21</sup> The FARC also conducted bombings, mortar attacks, murders, kidnappings for ransom, extortions and hijackings. “Their involvement in the drug trade deepened to include all stages of drug production, including cultivation, taxation of drug crops, processing, and distribution”.<sup>22</sup> By the early 2000s, the FARC were thought to control about 60% of the cocaine departing Colombia and, some estimates say, Colombia overall supplied about 90% of the world's cocaine.<sup>23</sup> The almost 6 million Colombians forced from their homes are a direct result of battling over coca fields: paramilitaries, drug traffickers and FARC rebels are believed to have stolen millions of acres of land to intensify coca cultivation. All kinds of means have been used to force the population out, hence the diverse, extensive and grave nature of the crimes committed. Massive displacement and land grabs have contributed to one of the most disproportionate ratios of poverty distribution in Latin America: despite recent progress and stable economic growth, Colombia's poverty rate is still higher than the Latin American average, and its inequality rate is the second highest in the region, and one of the highest in the world.<sup>24</sup> Recent figures show that 44.7% of Colombia's rural population lives below the poverty line. United Nations Development Programme (UNDP) 2011 figures show that 1.15% of Colombia's population owned 52% of the country's land.<sup>25</sup> This inequality, in turn, has convinced, or forced, many peasants to join the FARC or work on their plantations.

In the late 1990s the Colombian government was near collapse. According to a poll published in July 1999, a majority of Colombians thought the FARC might someday take power by force.<sup>26</sup> In areas where the state was weak or absent, the void had been filled by armed actors. Some observers estimated that as much as 40% of Colombian



**San Vicente del Caguán, Caqueta, July 2000**

*Credit: Jesús Abad Colorado, 2000*

*Source: "¡Basta Ya! Colombia: memorias de guerra y dignidad. Informe General. Grupo de Memoria Histórica" – Centro Nacional de Memoria Histórica*

territory was controlled by FARC forces, and the state had no presence in 158 of Colombia's 1,099 Municipalities – 16% of the total territory.<sup>27</sup> "The Colombian public was totally disillusioned with the prospects for a peace deal with the leftist insurgents, and it was during this period that the FARC reached the peak of its size and power, with an estimated 16,000-20,000 fighters."<sup>28</sup> Following the severe blows dealt by the Uribe and Santos administrations, FARC fronts, which had been pushed to more remote rural areas and along the jungle borders with Venezuela and Ecuador, have diversified their income source to cattle rusting, illegal logging and illegal mining, particularly gold mining in Colombia's north and along its Pacific coast. Despite important military victories against the FARC by the Santos government, from 2011 to 2012 there was a significant increase in FARC attacks on infrastructure, such as electricity towers, trains carrying coal and oil pipelines, which often resulted in natural disasters. Some observers speculate that this upsurge in attacks was an effort by the FARC to demonstrate their strength, to gain a stronger negotiating position in peace talks which were actively sought by the group.

### **The Armed Forces of Colombia**

On March 28<sup>th</sup>, 2016, an army general was arrested for his role, a decade previously, in a scandal that saw civilians being killed and subsequently presented as guerrillas killed in combat. The Chief Prosecutor's Office also announced it would seek the detention of another general, a close ally of former president Uribe, who headed the army when the so-called "false positives" scandal broke in 2008.<sup>29</sup> The revelation that security forces killed thousands of civilians to inflate body counts on which bonuses

and vacations were based tarnished the US-backed military, damaged the perception that Uribe's aggressive campaign against the FARC was bearing fruit but so far had led to very few charges against high-ranking officers. As a deal between the FARC and the government was approaching its conclusion, human rights groups have been warning the public that the accord could have allowed top officers to escape convictions or even prosecution. Between 2002 and 2008, army brigades across Colombia systematically executed more than 4,000 civilians to make it appear they were killing more rebel fighters in action. To date, more than 800 members of Colombia's security forces have been convicted and hundreds more are still under investigation.<sup>30</sup>

Paramilitaries and army soldiers often attempted to inflate combat kills to please army commanders. They were rewarded with 4 million pesos, around €1.150, per casualty. Young *campesinos* or poor homeless people from big cities' suburbs were usually targeted. According to freelance journalist Mike Power, "in October 2008, 11 young men were enticed away from their homes in Soacha, a poor suburb of Bogotá, and offered work. A few weeks later, they were found dead near the border of Venezuela, dressed in FARC uniforms and presented as dead guerrillas".<sup>31</sup> The UN special rapporteur on extrajudicial executions condemned the crime, but, nevertheless, he admitted that it only represented the tip of the iceberg, since the practice was "carried out in a more or less systematic fashion by significant elements within the military".<sup>32</sup> The mothers of those victims have been campaigning for justice ever since, and are still receiving death threats. Claudia Ortega is still seeking justice for her mother, who was shot at her home in Vista Hermosa (Meta department). "The Army had surrounded her mother's home on 4 June 2007. That day, a group of guerrillas were seen crossing the patio of her home, and the Army, using heavy artillery [...] and helicopters, destroyed the house. A bullet blasted through her mother's neck, according to medical records".<sup>33</sup> When Claudia searched her mother's home, her body was not there. It had been taken away and buried: the army had claimed she was a guerrilla, and buried her like one in a graveyard. Locals said the army has no respect for civilians in areas where they operate. They claimed if the combat kills the army declared were actually true, there would be no guerrillas left and the war would be over. That same day, "the Army claimed it had killed 12 guerrillas [...] Locals said only 4 of those men were guerrillas, the rest were local boys who were working aside the road, but by the time the families got to the graveyard they were already buried".<sup>34</sup> In 2015 the Council of State declared that extrajudicial executions amounted to a systematic practice. However, investigations over these crimes have not proceeded with the necessary celerity. For the year 2015, the Direction of Human Rights and International Humanitarian Law, which follows a significant percentage of such cases, has registered 2,653 investigations for murder, of which 167 were closed. 7,773 army members were instigated in these cases, involving 4,392 victims, of which 183 were women and 223 were children. Up until August 2015, only 838 army members had been condemned for their participation in 210 cases. Furthermore, delaying tactics by defence attorneys and laxity of some judges have prevented the progress of many criminal proceedings for murders committed by members of the armed forces.<sup>35</sup>

The army will not readily admit that civilians have been killed in the place of guerrillas and it is rare for anyone to be punished for these crimes. Crimes committed by the army are difficult to document and to prove, especially because they occur in rural areas and during military operations. Military action is nonetheless regulated by international law and allegations are beginning to surface of severe human rights violations against combatants and civilians alike.

### **The AUC and the *BACRIM***

“The AUC have assassinated suspected insurgent supporters and directly engaged FARC [...] in military battles from the early 1980s through the 2000s. The Armed Forces of Colombia have long been accused of ignoring and at time actively collaborating with them. The AUC, like the FARC, earned much of its funding from drug trafficking and, at the time the organization disbanded in 2006, the AUC was thought to control a significant portion of cocaine production and export from Colombia”.<sup>36</sup> The AUC have often been accused of being little more than a drugs cartel, or death squad carrying out the government’s dirty work.<sup>37</sup> They exercised significant influence in the territories under their control because of links with the army and some political circles, boosted by financing from business interests and wealthy landowners.<sup>38</sup>

“In July 2003, President Uribe concluded a peace deal with the AUC in which they agreed to demobilize, and conditional amnesties were proposed for combatants under a controversial Justice and Peace Law, which also shielded top AUC leaders from extradition. AUC troop levels were estimated to be between 8,000 and 10,000, although some press reports estimated up to 20,000. The demobilization officially



**Granada’s inhabitants and NGOs marching against FARC and AUC violence in December 2000**

*Credit: Jesús Abad Colorado*

*Source: “¡Basta Ya! Colombia: memorias de guerra y dignidad. Informe General. Grupo de Memoria Historica” – Centro Nacional de Memoria Historica*



ended in April 2006: more than 31,000 AUC members demobilized and turned in more than 17,000 weapons”.<sup>39</sup> “Many observers and human rights organizations have been critical of the AUC demobilization, which is sometimes described as a partial or flawed demobilization. Many are concerned that the paramilitary were not held accountable for their crimes and adequate reparation was not provided to AUC victims [...]. There is a general consensus that not all former paramilitaries have demobilized and many have reentered criminal life by joining smaller criminal organizations, collectively called *Bacrim*”<sup>40</sup> (for *bandas criminales emergentes* – emerging criminal gangs). “The *Bacrim* – sometimes referred to as *narcoparamilitares*<sup>41</sup> –, which are involved in many types of violent crime, including drug trafficking, are considered by many observers and by the government to be the biggest security threat to Colombia today”.<sup>42</sup> In 2007, right after the AUC’s demobilization, a report by the International Crisis Group suggested that former paramilitaries were joining drug trafficking organizations.<sup>43</sup> In 2010 the NGO Indepaz reported that a dozen new narco-paramilitary groups had quickly replaced the AUC in much of Colombia and were now responsible for more violence than left-wing rebels.<sup>44</sup> In 2012, analysts estimated that the *Bacrim* had a presence in more than a third of Colombia’s Municipalities. A 2013 study found that these splinter groups were responsible for 30% of human rights violations in the country.<sup>45</sup> Progressively, these emerging gangs are becoming the new protagonists in Colombia’s criminal panorama and the biggest threat to its citizens’ security.

A dispatch by Human Rights Watch recently revealed the story of Henry Perez, a local *campesino* leader, who was reported missing in January 2016, but dozens of human rights defenders and community activists have been killed, reported missing or threatened. The UN High Commissioner on Human Rights said 41 activists or human rights defenders were killed in 2015 alone.<sup>46</sup> The number of attacks amounts to 295, against 885 human rights defenders. The same year has registered 39 different threatening leaflets against 211 women, 298 men and 47 social organizations.<sup>47</sup> This situation reflects the persistency of an insecure and hostile environment for social workers in Colombia. The NGO Somos Defensores reports that 19 human rights defenders or activists have been killed this year and over 80 had been threatened up to late March.<sup>48</sup> Between January and March 2016, 113 human rights defenders were victims of different kinds of life-threatening aggressions.<sup>49</sup> Regarding the alleged perpetrators, the same NGO declared that paramilitaries are thought to be responsible for 63% of the cases, public security forces for 4%, guerrillas for 1% and 36% were perpetrated by unknown actors.<sup>50</sup> It is hard to identify who is behind each of these incidents and if they are targeted abuses or ordinary crimes. According to UN reports, such abuses usually involve land claims and retaliations against those who seek justice for abuses. Civil society groups have rightly argued that these crimes undermine both the prospects for a just peace and also the possibility that commitments made during the peace talks, which implied improving land restitution programs for displaced families and allowing victims’ groups to report abuses, could be met.<sup>51</sup> The fragmentation of such groups that maintain control over large parts of stolen land through the use of violence or threats constitutes a permanent challenge to peace. During two weeks in December

2015, 14 citizens were assassinated in the city of Tumaco, where there is a strong state presence. In June, a member of a family who had filed a land restitution claim was killed in Ayapel (Córdoba). In Urabá a post-demobilization armed group threatened and kidnapped peasants who were dispossessed of their land. In Magdalena a judge dealing with land restitution claims was repeatedly threatened, and in Cesar computers and information on land restitution processes were stolen.<sup>52</sup>

Offences against human rights defenders usually occur in four different ways. The first one involves land disputes, especially in areas inhabited by indigenous people and afro-Colombians. Recent assassinations of indigenous leaders and threats against community councils in the Pacific region have occurred in the context of their opposition to the exploitation of land for legal and illegal mining. The second modality relates to human rights workers seeking justice: many victims have been intimidated during trials, especially in cases involving state agents; tailings, thefts of information and of photographic evidence usually coincide with key phases of judicial proceedings. The third modality targets social and political leaders, through threats and stigmatizations for allegedly siding with the guerrillas. During a popular television program, for example, an army officer publicly declared that a peasant organization had ties with the FARC, due to its declarations in favour of a ceasefire. Finally, all forms of activism supporting peace lead to persecution: people and organizations that have participated to victims' hearings in Havana have also reportedly been threatened.<sup>53</sup> Elections often coincide with peaks in violence. On 25 October 2015, date of the regional elections, the Electoral Observation Mission reported 179 acts related to political violence, in 122 Municipalities of 28 Departments: 124 threats, 29 assaults, 4 kidnappings and 2 disappeared. Victims were either candidates, public officers or political leaders.<sup>54</sup>

Now that the peace deal has reached its final phase, many NGOs and civil society organizations have started pressuring the government for a full and transparent ac-



**Carlos Castaño Gil, founder and leader of the AUC**

*Credit: Steve Salisbury*

*Source: Peace Insider, [https://www.peaceinsider.com/9-human-rights/ad\\_907\\_a07/](https://www.peaceinsider.com/9-human-rights/ad_907_a07/)*



countability process. These organizations are stepping up their efforts to make their stories and causes known. The Centro Nacional de Memoria Histórica (National Center for Historical Memory – CNMH), for example, because of the dimension and complexity of the conflict while seeking to improve the understanding of its causes, reports emblematic cases, where different and multiple processes are condensed together, and which carry an impressive explicatory strength. Through such cases, the CNMH tries to analyse the diversity of victims, who have witnessed multiple kinds of violence at the hands of different types of perpetrators within all departments of Colombia. Such reports – which represent the result of direct interaction with victims, witnesses and secondary sources, together with national and local archives of newspapers and NGOs, and with data presented by different institutions – are now part of a public database. It is hoped that such tools will not only be used in presenting stories and testimonies, but also one day in enabling the Colombian state and society to move forward together, as a whole, and deal with the past for a genuine and enduring effort to find peace. A consensual end to the war would shed light on many unanswered questions, allow for the truth about the fate of tens of thousands of victims to be unearthed, “let us access parts of the country which have been impossible to reach, hear many versions about what happened and why”.<sup>55</sup>

## The Deal: an outline

“The Colombian public’s hardened views against the FARC and the security gains made during his eight years in office helped to make President Uribe and his security policy tremendously popular. During his campaign for office, Santos pledged to continue the security policies of his predecessor”.<sup>56</sup> During his August 2010 inauguration, president Santos declared he was in favour of resuming negotiations to end the conflict, and in August 2012 he announced that exploratory peace talks with the FARC had taken place in secret in Cuba. Santos stated that “the errors of past negotiations would not be repeated and that the goal of the talks was to end the conflict”.<sup>57</sup> The announcement was widely praised, and the stance of Santos’ administration reoriented public focus towards the armed conflict – both its victims and its combatants.<sup>58</sup> “The government proposed a landmark Victims and Land Restitution Law to compensate an estimated 4-5 million victims of the conflict with economic reparations and provide land restitution to victims of forced displacement and dispossession”.<sup>59</sup> Implementation of this complex law began in early 2012, and the government estimated that over its 10-year time frame it would cost around \$32 billion to implement.<sup>60</sup> In June 2012, the Colombian Congress approved the Peace Framework Law, which provides a transitional justice structure and will provide incentives for combatants to contribute with information about their crimes and reparations to victims in exchange for reduced or alternative sentences.

The 2012 framework for the talks identified six themes to be addressed by the negotiations: (1) rural development and land policy; (2) FARC political participation; (3) the end of the armed conflict and reinsertion of rebels into civilian life; (4) illicit crops

and drug trafficking; (5) victims' reparations; and (6) the implementation of the final negotiated agreement, including its ratification and verification.<sup>61</sup>

After the launch of the negotiations, in November 2012, the FARC announced a two-month, unilateral ceasefire as a goodwill gesture. The government responded that it would continue operations against rebel forces and would not agree to a bilateral ceasefire until a final accord. The ceasefire registered numerous violations. However, the number of FARC attacks fell overall by 87% compared to the same period a year earlier, which demonstrated the group's efforts in honoring the commitment and most importantly showed the leadership's "command and control" over far-flung FARC fronts, which was crucial to the overall success of the talks.<sup>62</sup> Throughout 2013, although the FARC had called a unilateral ceasefire several times it did not abide by them absolutely. There is however a tacit awareness by both parties that a significant increase in violence could affect the peace talks or diminish public support for them. "None of the details of the reached agreements were initially disclosed, and only the most general outlines were publicized. One of the principles of the peace talks is that *nothing is agreed until everything is agreed* so that commitments made will remain tentative until a comprehensive agreement is signed [...]"<sup>63</sup> Since the final peace deal was signed on August 24<sup>th</sup>, the integral text of the deal has been published.

The first topic under discussion, land and rural development, was one of particular importance to the FARC, given its rural peasant origins and historic concern with Colombia's unequal land tenure patterns. The outline of the agreement included the redistribution of farmland through the Land for Peace Fund and a process to formalize land ownership. It provided for legal and police protection of farmers, improvement of land and infrastructure, as well as loans, technical assistance, and marketing advice to benefit small farmers and peasants. Land titling – in a country where much of the rural land is held informally by few powerful owners –<sup>64</sup> and reference to addressing poverty and inequality in rural Colombia, aggravated by decades of conflict, were alone landmark achievements. The agreement laid the foundation for the transformation of rural Colombia: it would have sought to completely remove extreme poverty from rural areas and to reduce rural poverty by 50% within 10 years.<sup>65</sup> The Fund would also have provided land to those without or with insufficient land, ensured the land use was consistent with its purpose, protected areas of particular environmental interest and created a special rural legal system to resolve land disputes. The agreement included nationwide rural development plans: large-scale projects to improve rural roads, irrigation, drainage, electricity and internet connectivity; social welfare, such as access to housing, drinking water, education and health services; incentives to productivity, facilitation in marketing farmers' products, providing technical/technological/research assistance to rural people and guaranteeing access to credit.<sup>66</sup> Most of the development plans would have concentrated on 16 zones, located in the areas most affected by the conflict.<sup>67</sup>

The joint declaration released on November 6<sup>th</sup> 2013 outlined the second point on the agenda. Agreement on this contentious issue – including the FARC's role in a

post-conflict democracy – set out to ease political participation for opposition movements, including parties that would have attracted demobilized FARC members.<sup>68</sup> A new “opposition statute” would have guaranteed the rights of political opposition within Colombia’s institutional framework, enhanced access to the media, improved processes to form new parties, citizen oversight through “Councils for Reconciliation and Coexistence”, security for opposition candidates, guarantees for women’s participation and improved election transparency. This agreement sought to strengthen the participation of all Colombians in politics, public affairs and the peace-building process, to strengthen democracy as a way of handling conflicts peacefully and completely remove any link with armed violence. The Government would have established a Comprehensive Security System to guarantee the safety of those who have laid down their weapons to participate in the political process, leaders of social organizations and movements, and human rights advocates. It also aimed at facilitating a transition to a new state embracing a culture of reconciliation, coexistence, and tolerance, free of cultural and social stigmatization.<sup>69</sup> This new “democratic opportunity” also entailed the creation of Special Transitory Peace Electoral Districts in regions more affected by the conflict: inhabitants of these regions would have had the right to elect, during the transitional phase and on a temporary basis only (for the 2018 and 2022 elections),<sup>70</sup> additional members to the House of Representatives. The idea was to guarantee these areas, which have long been at the margins of Colombia’s political life, representation in Congress, and to allow movements within these regions to present candidates that need a lower threshold to be elected to the Chamber of Representatives compared to other parties.<sup>71</sup> The deal would have also strengthened guarantees for social organizations and movements, right to social protest and demonstration, citizen participation in the development of public policies as well as citizen oversight of public administration through the promotion of public transparency committees and watchdog organizations. This issue was viewed as particularly delicate, as many Colombians think former FARC members should not be allowed to stand for political office, and it was reportedly one of the last points to be solved before the final signature.<sup>72</sup>

In May 2014, the negotiators agreed upon the third topic in the agenda: illicit crops and drug trafficking. The agreement committed the parties to work together to eradicate coca and to combat drug trafficking in the territory under guerrilla control. The agreement, titled “The Solution to the Problem of Illicit Drugs”, laid out three main points: (1) eradication of coca and crop substitution, (2) public health and drug consumption, and (3) the solution to the phenomena of drug production and trafficking.<sup>73</sup> Elements of counter-narcotics cooperation between Colombia and the United States, including coca eradication, and alternative approaches were considered, and became features of the agreement. Finding a solution to the illicit drug problem in Colombia is an essential condition to building a stable and lasting peace. The creation of a new national Program for Illicit Crop Substitution and Alternative Crop Development aimed to increase the collaboration between local communities and authorities to tackle the problem of illicit crop growth. The affected communities were called to play an



**Colombian police walk through a coca field**

*Credit: InsightCrime.org*

*Source: <http://www.insightcrime.org/news-analysis/colombia-again-world-top-cocaine-producer>*

active role in designing, implementing and monitoring the success of the program. This agreement granted special treatment to the issue of illicit crops by promoting their voluntary replacement and an agricultural transformation of the affected areas. It would have prioritized the legal use of drugs under public health policies, and intensified the fight against drug trafficking: a new strategy was to be established with the aim of dismantling and prosecuting drug-trafficking networks; efforts against money laundering in all sectors of the economy were to be strengthened and new measures to enhance the fight against corruption to be implemented.<sup>74</sup>

Shortly after president Santos's inauguration for a second term, the government and FARC negotiators announced the establishment of two new entities. A Historical Commission on the Conflict and Its Victims, composed of experts chosen by the government and the FARC, was assembled to compile a "consensus report" on the origins of the conflict and its effects on the civilian population. In addition, a subcommittee to end the conflict was convened, composed of active duty and retired Colombian military officers and prominent FARC members.<sup>75</sup> Another innovation was the inclusion of victims' perspectives at the negotiating table. "From August through December 2014, the parties have invited five delegations of victims to participate directly in the discussions, as the negotiators wrestled with the fourth topic of reparations and justice for victims. The challenge of representing more than 6.5 million victims was addressed by selecting different types of victims, from distinct regional backgrounds, representing gender and ethnic diversity".<sup>76</sup>

Peace talks were suspended in November 2014 following the capture of an army general by the FARC. With the help of mediators the general was released and in December the FARC declared a unilateral indefinite ceasefire, specifying that they would



maintain such measures as long as the Colombian security forces no longer took aggressive action against FARC troops. The government had resisted calls for a bilateral cessation of hostilities since the start of the talks, but during a surprise announcement in January 2015 president Santos stated he had given instructions to the negotiators to study the terms of a bilateral and definitive ceasefire and cessation of hostilities,<sup>77</sup> which was signed and implemented only on 23 June 2016, which has represented an enormous cornerstone in the negotiations.

The agreement regarding the victims of the conflict, made public on 15 December 2015, sought to uphold – through the mechanisms that make up the Comprehensive System for Truth, Justice, Reparations and Non-Repetition – the rights of victims, ensure accountability and help facilitate coexistence, reconciliation and guarantees of non-repetition, as essential elements of the transition to peace. The Historical Commission was tasked with establishing the facts about the patterns of violence that have occurred, thus promoting social processes of reconciliation and providing a common understanding of the magnitude and causes of the violations.<sup>78</sup> Within this agreement was the idea that those who have participated directly or indirectly in the conflict causing harm must contribute to the comprehensive reparation for victims, through concrete contributions, acts of early recognition of responsibility, collective reparation, land restitution, and by collaborating in collective processes for the return of displaced persons and psychological rehabilitation.<sup>79</sup> Acts of acknowledgement of responsibility have already taken place. On November 6<sup>th</sup>, 2015, 30 years after the deaths and disappearances during the retake of the Justice Palace by the armed forces, the state has admitted its responsibilities. On December 6<sup>th</sup>, in Bojayá (Chocó department), the FARC carried out an act of acknowledgement of responsibility and requested forgiveness for the deaths and damages caused during fighting with the paramilitaries in 2002.<sup>80</sup> The most inspiring and promising of such acknowledgements, however, was made during the signing ceremony in Cartagena, when Timochenko recognized the FARC's responsibilities in the conflict and asked, on behalf of the group, “for forgiveness to all the victims of the conflict for all the pain we may have caused in this war”.<sup>81</sup>

A key aspect for reconciliation is the acknowledgement of institutional and individual responsibility for grave human rights violations. It is essential that institutions within the security sector and their members publicly admit their responsibilities and visibly participate in the truth, justice and reparation process. This is a fundamental step, and in Havana the government had committed to rationalize, reorient and strengthen state security institutions within the respect and guarantee of human rights and of their constitutional mandates. This effort was meant to be followed by an increased oversight by civil society and by other State institutions; the creation of a Ministry for public security; increased transparency in spending within the security sector to counter corruption; the modernization of police forces to enable them to fully comply with their mandate anywhere in the country; a reform of the police code; the application of international human rights standards in every aspect of the fight against

criminality; a more robust control over private security and weapons-manufacturing companies and the removal of personnel involved in human rights violations, corruption or with criminal groups.<sup>82</sup> Finally, the Special Jurisdiction for Peace, the judicial component of the Comprehensive System, was tasked with seeking to realize the rights of the victims to justice, to fight impunity, and to comply with the duty to investigate, prosecute and punish proven criminals. In order to access the special criminal justice processes within the Special Jurisdiction, persons needed first to contribute by establishing the truth and concur to reparation towards their victims.<sup>83</sup>

The transitional justice mechanisms did not provide impunity to FARC combatants: amnesties were to be granted only to those who confessed their crimes and contributed to victims' reparations. The final accord further clarified the issue by defining three categories of crimes: the first one included crimes directly connected with being part of the guerrilla, such as the illegal possession of arms: those were to be considered as carrying a political value, and to be directly amnestied; the second one included particularly grave crimes, which were not subjected to amnesties; the third one, the largest, which included crimes such as kidnapping and narco-trafficking, had to be judged on a case-by-case basis by the Special Jurisdiction.<sup>84</sup> As a guideline, crimes that could have been amnestied were those committed "in the development of the rebellion and within the armed conflict, together with acts committed in supporting, helping and financing the development of the rebellion". The threshold was set to whether crimes were committed to support the political struggle or for personal enrichment.<sup>85</sup> For serious violations, no type of amnesty or pardon was contemplated. The agreement only outlined the general aspects, but its implementation would have required clearer definitions of certain aspects, such as the general guidelines on how to conduct trials and applicable law, but it would have had jurisdiction over those directly or indirectly involved in the conflict implicated in "serious human rights violations and breaches of international humanitarian law".<sup>86</sup> The deal had included



**Pit where the remainings of Bianca were found, following a search operation in Granada municipality**

Credit: José Luis Rodríguez, 2007

Source: "¡Basta Ya! Colombia: memorias de guerra y dignidad. Informe General. Grupo de Memoria Historica" – Centro Nacional de Memoria Historica



such provisions since its inception. Those responsible for serious violations were to be held accountable in court for their actions. If those convicted acknowledged their responsibility, compensated their victims and pledged not to recidivate, they would have obtained reduced sentences, otherwise they risked being incarcerated for up to 20 years. In addition, the agreement would have tried members of the Colombian military held responsible for serious crimes. They would have faced the courts and, if convicted, would have been given the chance to aid investigations in exchange for reduced sentences. Former Armed Forces Commander General Jorge Enrique Mora and former National Police Director General Óscar Naranjo were two of the government negotiators, and the provision gained widespread approval amongst members of the military.

The last signed agreement included provisions to ensure that FARC combatants would lay down arms after the final peace deal was signed. The agreement outlined the creation of 23 concentration zones in 12 Departments within Colombian territory, where FARC cadres should re-group to start the process of demobilization, surrendering of weapons and reintegration into society. Disarmament was to be monitored by the UN, the Community of Latin American and Caribbean States, members of the Colombian military and the FARC themselves.<sup>87</sup> The “safe zones”, officially known as “Transitory Hamlet Zones for Normalization”, plus eight FARC encampments, were established in rural areas, distant from international borders and illegal crop cultivations. Each zone was encircled by a 1-kilometer buffer area, which neither guerrillas nor security forces were allowed to enter. Rebel fighters were to spend up to 180 days in the zones, which would have witnessed a strong army presence to protect the process from breaking down and to supervise its accomplishments.<sup>88</sup> Tight control over territory is crucial in preventing the repetition of the 2006 AUC demobilization, where loose territorial oversight by the army and a poor state engagement in former AUC-held areas has enabled the rise of *Bacrim*.

At the moment the final signature occurred on the 23 September, all aspects of the timetable to implement the peace deal were launched, from FARC forces surrendering of weapons to the setup of the Land for Peace Fund. Consequently, it was agreed that FARC rebels would start moving into the Hamlet Zones on September 28<sup>th</sup>, and should complete the process by October 23<sup>rd</sup>. This meant that by March 28<sup>th</sup> 2017, the Hamlet Zones had to be abandoned and the guerrillas, completely disarmed, could have then begun their lives as civilians, unless reached by a mandate of the mechanisms of transitional justice in the meantime.<sup>89</sup>

“The closed-door meetings in Havana, whose confidentiality has been largely respected by both sides and the media, have avoided the fate of prior negotiations”,<sup>90</sup> where positions were thrown into the public and political arena. As a consequence, “there has not been a great deal of detail about what was actually being discussed, although there were regular press statements, especially at the opening and closing of each round of talks”<sup>91</sup> (since 2014 partial negotiated agreements have been published).

“Popular support for the peace talks, which is crucial to their success – since a vote of the Colombian people will eventually decide on the ratification of the deal –, has

been high despite widespread mistrust of the FARC and skepticism of its leaders' intentions".<sup>92</sup> In late 2012, more than 70% of Colombians polled said they supported the talks, although far fewer thought they were likely to succeed.<sup>93</sup> In June 2016 the figure had fallen to around 60%.<sup>94</sup> There have been many vocal opponents to the Santos peace initiative, including former president Uribe, who decried the negotiations as a concession to terrorists. Uribe has become the most outspoken critic of president Santos, and in mid-2012 he launched a conservative political movement, the Democratic Center (CD), to oppose Santos' coalition and policies.<sup>95</sup> Nevertheless, during the month of September there was much encouraging progress towards the final approval of the peace deal. The tenth FARC Conference endorsed the leadership, approved the deal and jubilantly welcomed the end of the war; the official ceremony of the signature saw Santos and Londoño shaking hands in front of representatives of foreign governments and institutions, including UN Secretary-General Ban Ki-moon, US Secretary of State John Kerry and the EU High Representative for Foreign Affairs Federica Mogherini; both parties to the deal were complying with its obligations and recent polls had shown that the majority Colombians were eager to turn over this page of their history. In the first week of September, 72% of 1,524 Colombians questioned said they would vote in favour of the deal in the October 2<sup>nd</sup> plebiscite, while 28% said they would vote against it. The same poll conducted in the last week of September saw the ones in favour declining to 66% but overall still maintaining a wide margin.<sup>96</sup>

Percentages aside, no previous peace negotiations in Colombia have ever welcomed and registered such significant participation and inclusion of civil society. "Throughout the peace process, there has been input from civil society groups by means of proposals made at public forums organized by the UN and the National University of Colombia. For example, in advance of the negotiations on the topic of illegal drugs, a forum was held in Bogotá in late September 2013 that involved some 1,200 participants representing civil society groups to suggest proposals".<sup>97</sup> Through these forums, thousands of proposals have been submitted to the negotiators.<sup>98</sup> As a result, the government has closely followed the issue of illicit crops, and some regional peasant associations have already complied with the obligation to cease coca cultivation. On the other hand, the government has significantly committed itself: the outcome of the programs of voluntary substitution will depend on technical support and on the creation of markets for alternative products, which entails, among other things, developing rural infrastructure. At the same time, changes in rural territories will promote dignified working conditions, alternative working solutions and will contribute to the disarticulation of the criminal pattern.

The current government has created spaces for dialogue at the national, regional and local levels, with different sectors of society, including those that have so far been marginalized. Dialogue with those inhabiting areas most affected by the conflict was viewed as a complementary approach towards the participation to the peace process. Along the same lines, the parties involved in the peace deal needed to take advantage



**23 June 2016: President Santos and FARC leader Timochenko sign ceasefire deal**

*Credit: La Silla Vacía*

*Source: <http://lasillavacia.com/historia/lo-que-resuelve-y-lo-que-no-el-acuerdo-sobre-el-fin-del-conflicto-56239>*

of the opportunity to open a dialogue with the indigenous people and afro-Colombians to make sure the deal and its implementation would enable them to enjoy their individual and collective rights.

Both the government and the FARC committed themselves to guaranteeing that the rights of the indigenous people and afro-Colombians, which have been constitutionally and internationally granted, would be wholly respected, after decades when these groups have been subjected to the gravest violations within the conflict. This, in turn, would have facilitated the transformation in the relations between the state and its citizens, helped to overcome the impact of fifty years of armed conflict in the institutional culture, generate a spirit of collaboration between functionaries and the weakest sectors of society, empower people and promote a culture of respect, protection and guarantee of rights.

## Challenges and opportunities

Despite the important progress towards peace, culminating in the signature of the final version of the deal, and regardless of the electoral outcome that has rejected the deal, it would be premature to declare the end of the conflict. The peace agreement has faced a number of challenges or constraints that, even if approved, may have limited the scope of its outcome. These included uncertainties on the FARC's unity of command, the existence of "spoilers" designed to derail the talks by fomenting

violence – and through other means, and speculations regarding the ongoing negotiations between the government and the ELN (National Liberation Army – the second largest guerrilla group in Colombia) along with the political deadlock resulting from the 2014 elections and exacerbated by the campaign that led to the referendum.

### **FARC unity**

The FARC leadership “made adjustments to its 30-person negotiating team at different points, most notably inviting members from the Southern Bloc, which helped to dispel rumors that this large unit, believed to be heavily involved in drug trafficking, was not represented at” – and hence not supportive of – “the peace talks”.<sup>99</sup> Nevertheless, a source of great concern has been “whether the FARC negotiating team represents and speaks for the various FARC forces dispersed around Colombia. In other words, can the FARC negotiating team ‘deliver’ the decentralized organization or at least most of the FARC fronts? Reportedly, the FARC is divided into seven regional blocs made up of 67 fighting fronts. Many fronts are deeply involved in illicit businesses, such as drug trafficking and illegal mining, and may not willingly give up these profitable ventures”.<sup>100</sup> “The talks may reveal a possible generational divide within the FARC. The older ideological members may be loyal to the Secretariat that is represented in Havana, while other younger and mid-level members may have only known life in the jungle or remote rural areas financed by drug profits or other illegal activities”.<sup>101</sup> This could have been a dangerous combination: Colombian conflict analysis centers had identified a few fronts occupying areas neighboring Panama and Venezuela as the most newly-formed, more actively involved in drug trafficking and with alleged links to transnational criminal network, hence most likely to oppose the deal. “Various commentators have speculated about which FARC fronts will turn in their arms and demobilize, and which may demobilize but return to illicit activities afterward (much like the *Bacrim*) or never accept the demobilization terms in the first place”.<sup>102</sup> On July 6<sup>th</sup>, the 1<sup>st</sup> Front had announced it would not demobilize as part of a peace deal with the Colombian government. The unit is one of the biggest and most important within the FARC, and has justified its refusal with ideological motives. Local newspapers, citing military intelligence sources, stated the unit has 100 armed men and a further 300 militia members, and has reportedly been responsible for violating unilateral FARC ceasefires in the past.<sup>103</sup>

As set by the agenda agreed upon during the signature of the deal, the FARC has convened a National Conference of the Guerrillas, the tenth (and probably last) of such conferences but surely the most important one, since it has certified the end of the FARC as an armed organization and the birth of the group as a political party. The congress has also served as a mechanism of approval of the agreements by the FARC base, like an internal plebiscite, and has gathered some 600 commanders from all ranks from September 17<sup>th</sup> to September 23<sup>rd</sup>.<sup>104</sup> In this venue, the leadership has confirmed its control over the different fronts, the event has registered significant enthusiasm and a visible shift from previous editions.<sup>105</sup> At issue were estimates of the percentage of FARC troops that would demobilize if peace accords were approved.



**Carolina, in the jungle of Putumayo on August 15<sup>th</sup> 2016. She is 18 years old, and she has been with the FARC for three. She would like to become an engineer.**

*Credit: Fernando Vergara. AP*

*Source: Liberation.fr, [http://www.liberation.fr/planete/2016/09/23/farc-avant-la-paix-le-pardon\\_1507952](http://www.liberation.fr/planete/2016/09/23/farc-avant-la-paix-le-pardon_1507952)*

While the 1<sup>st</sup> Front's may have been the first internal FARC opposition to an eventual demobilization, it may not have been the last. InSight Crime estimated that at least 30% of FARC fighters would have chosen to ignore the peace deal. Although the 1<sup>st</sup> Front gave ideological reasons for staying in the field, there may well be financial reasons behind its decision, or other units opting out to maintain lucrative criminal economies.<sup>106</sup> Money and politics aside, other factors could have pushed FARC units towards possible resistance, such as fear of social marginalization in FARC-controlled areas, mistrust towards the government or even individual security concerns. "Other observers point to the FARC's relatively successful efforts to impose ceasefires, and suggest that there is an adequate unity of command and control within the organization and loyalty to that command".<sup>107</sup> In general terms, within such complex demobilization and reintegration efforts, it is to be expected that small factions choose not to demobilize.

### **Spoilers and criminal dynamics**

During prior negotiations, spoilers – among whom were powerful businesses and political leaders sympathetic to the paramilitaries – have worked to undermine or block dealing with the insurgents. Previous efforts to initiate dialogue with the FARC were "derailed through acts of violence instigated by paramilitaries or their supporters or from rogue units within the FARC itself".<sup>108</sup> The targeted attacks against the UP party in the 1980s and the terror campaign carried out by paramilitaries during the peace talks sponsored by the Pastrana administration (1998-2002) were certainly manifestations of the damaging potential of such actors. "Exactly what the response of the numerous paramilitary successor groups will be to the peace deal between the government and the FARC remains to be seen. The *Bacrim* may calculate that the government will focus its enforcement efforts on them if the FARC agrees to demobilize. In view of the FARC demobilization, there will likely be violent competition to take



over its drug trafficking routes and mining interests as the FARC abandons these illicit enterprises”.<sup>109</sup> The neo-paramilitaries *Bacrim* would be the direct beneficiaries of the FARC withdrawing from the conflict and its strategic territory across the country. These groups were already registered as positioning themselves to take over FARC territory, and some are reportedly already clashing with FARC guerrillas. The state is putting considerable effort into dismantling these organizations and has been focusing on preventing them from disrupting the negotiations with the FARC and to weaken them in view of the deal’s implementation. The subject of the FARC’s surrendering of weapons alone may result in trouble if they enter the black market or fall into the hands of the *Bacrim*.<sup>110</sup> Nevertheless, until today these groups have not posed existential threats to the negotiating efforts between the FARC and the Colombian government.

### **Negotiations with the ELN**

On 30th March 2016, the Colombian government announced the beginning of the formal phase of peace negotiation with the ELN. This surely represented a great opportunity for the ELN, since the government’s peace deal with the FARC could have also benefitted their exit strategy. On the other hand, resisting through asymmetric warfare and illegal activities in rural areas may have proven too costly: once the FARC are out of the picture, the entire enforcement effort of the government will be focused on the group (smaller in numbers and less military effective) and, most importantly, given the more political and participatory nature of the ELN, once the “country moves forward with the FARC in a post-conflict arrangement, the ELN risks becoming politically irrelevant”.<sup>111</sup> The government had refused to negotiate with the FARC and the ELN jointly, and the two insurgent groups have a story of political and strategic enmity. Setting aside negotiations with the ELN, although the government would still be at war with other groups – rebels, paramilitaries, gangs and warlords – no other armed group has the firepower, members, wealth or hefty symbolism of the FARC. On September 25<sup>th</sup> the commander of the ELN responded positively to a request forwarded by the Electoral Observation Mission, and declared that the ELN would not commit any offensive action from September 30<sup>th</sup> to October 5<sup>th</sup>,<sup>112</sup> to facilitate the people’s participation on the October 2<sup>nd</sup> plebiscite.<sup>113</sup> As a further sign of overture, on September 27<sup>th</sup>, Santos asked the ELN to release all the kidnapped that the group still holds in custody to begin the public phase of their negotiations with the Colombian government.<sup>114</sup>

### **Impact of 2014 elections, public support and political deadlock**

A key challenge for the Santos government has been to maintain continued public support for the peace process, especially from important sectors of Colombian society. Continued engagement by key players, such as the military, the private sector, Congress, and civil society groups has been an important factor in the government’s willingness to stay at the table.<sup>115</sup> President Santos continuously needed to assess how much public support he could count on, especially because the peace deal had to be approved by a referendum. This has provided ample opportunity for congressional opponents to win support for their viewpoint and stoke doubts about a negotiated



solution that they deem too lenient on the FARC. Figures have appeared as a major hurdle since the 2014 elections, when the CD presidential candidate Oscar Ivan Zuluaga won in May's first round of elections. In June president Santos garnered 51% of the votes against Zuluaga's 45%, and won reelection to another four-year term. This result suggested a mandate to continue the peace talks, although nearly half of Colombian voters favoured Zuluaga, who was opposed to the FARC-government negotiations.

Santos has been in a very delicate position all along: the FARC remain overwhelmingly unpopular with the Colombian public, and he has tried not to be seen as a political ally of the guerrillas – even though he was, insofar as both his government and the FARC wanted the deal to be approved – while Uribe and his supporters have been using Santos' weakness to depict him as a traitor of the Colombian people. He has relied on people's enthusiasm for the imminent end of the conflict, but that has proved insufficient. Even though many polls indicated a “yes” vote was likely, many Colombians have been unhappy with Santos and thought he was giving up too much to seal the deal. There is widespread discontent with the feeling that the peace deal provided an easy way out for the FARC, in a country where so many have suffered. Santos had staked his legacy on the peace deal, and he wanted the referendum to provide Colombians with a simple choice, peace or war, which was not an entirely accurate way to explain the voting. His rivals in Congress, on the other hand, regard the deal as a slap in the face to victims of the conflict.

The Constitutional Court had ruled that the referendum would amount to a politically binding vote, hence if a “yes” vote prevailed Santos would have been obliged to implement the deal, while if a “no” vote had won he would not have been able to. Santos currently still retains his powers as president, with the choice of seeking justice through other methods – even through another deal. However, Santos' campaigning has misled voters into thinking that going back to the negotiating table in Havana was not an option, an idea alluded to by his rival Uribe. Many have interpreted the president's words as fear mongering when he declared the day after the deal was rejected that war would resume.<sup>116</sup> At this point the guerrillas, the government and Colombians are all against going back to war, and they have expressed the intention to find another way out of the conflict since the vote has sunk the current deal. Nobody can say with certainty, however, that a return to fighting is not impossible.

Had a “yes” vote won, the peace deal had to been implemented, with all its implications. First of all, the deal alone could not bring peace to Colombia. The transition would have required a strong political figure (Santos' mandate will end in 2018) actively involved in overseeing the most delicate processes of the implementation, such as the agreement on justice, truth and non-repetition – for truth to serve the cause of reconciliation, not to further polarize society. Secondly, the transitory phase may have lasted a decade – observers say it may last up to 25 years –requiring a continuous effort, at the state and local levels, within military and police institutions, and a completely reformed political process that would guarantee participation of former combatants. Additionally, many are concerned with the delicate economic situation



**Commune 13 of Medellín**

*Credit: Jesús Abad Colorado, 2002  
Source: ¡Basta Ya! Colombia: memorias de guerra y dignidad. Informe General. Grupo de Memoria Histórica" – Centro Nacional de Memoria Histórica*

Colombia is in at the moment. The peace will bring economic growth, but not immediately, while the implementation of the accords would have coincided with a cloudy year for Colombia's economy. With the economy slowing down, the price of oil plunging and inflation squeezing in, the government had to take on the financial burden of all measures regarding land, its redistribution, the substitution of illegal crops, the creation of new opportunities for rural workers and the reintegration of roughly 20,000 FARC guerrillas.<sup>117</sup> At the same time, during the official signing ceremony held in Cartagena and attended by many foreign dignitaries, the EU announced that the FARC would be removed from its list of terrorist organizations, and US Secretary of State Kerry declared Washington was also ready to review whether to proceed with such a measure and "pledged \$390 million for Colombia next year to support the peace process".<sup>118</sup> A Colombia at peace would then likely normalize its international relations, thus earning international recognition and welcome foreign aid and investments.

The deal survived countless attempts at sabotage, both legal and illegal. Political opponents have resorted to all kinds of means to discredit it – including hacking email accounts of the two negotiating teams – and the debate has reached very low points. The peace talks have remedied some weaknesses of previous attempts, and the Havana deal has advanced much farther than any previous effort to negotiate with the FARC, which alone is a significant element that needs to be considered. Furthermore, there have been significant roles assigned to international actors to facilitate these talks and monitor the implementation of the partial agreements.

Even if an agreement on the FARC demobilization was in place, its potential implementation would have been challenging. Any demobilization of members of an armed group must balance the incentives for disarming with the need for justice for the victims of crimes committed by the group. The ghost of the AUC failed demobilization has loomed in the background since the beginning of the negotiations. However, the example of the 2006 demobilization fiasco has served as an enduring reminder and benchmark for the negotiating teams, who have worked hard to avert past mistakes. The thresholds set by the Special Jurisdiction to apply to reduced sentences, the comprehensive disarmament process, the limited and fragmented size of the “safe zones”, the accountability of State agents, Santos’ decisions not to cease operations against the FARC until January 2015, *inter alia*, can certainly be read in such view.

The agreements signed so far have shown that the FARC and the Colombian government have started a transition towards a non-violent confrontation. These agreements should be seen as the outcome of a series of initiatives designed to consolidate trust among the negotiating parties – which have so far been successful – and this period has registered the lowest intensity in violence during the entire conflict. The final approval to the peace deal would not have transformed the country automatically. However, the benefits of the war ending are enormous, and the stipulated accords, if a “yes” vote had won, could have been powerful instruments of change. Colombia would acquire a new image within the international context, could focus on solving other problems the conflict has overshadowed and move on its agenda on to more contemporary issues. The deal was not perfect, and it would have been impossible to even hope for unanimity of consensus on so many and such complex issues. At the time many thought it would have been paradoxical if the Santos government had succeeded in signing an agreement with the enemy while failing to convince its citizens. The effort has been enormous, the circumstances have never been this favourable, Colombia seemed ready to break its link and history with violence and Latin America’s longest-running military conflict could have been formally over.

### **What lies ahead: Colombia after the rejection of the deal**

The defeat of the “yes” campaign and the rejection of the peace deal has been profoundly shocking, leaving the country in a limbo of uncertainty and further polarising Colombian society and politics. “No” won 50.2% of the vote. The verdict on the deal, reached after four years of intense negotiations, means it cannot be implemented. The vote does not end talks, but it binds the president not to present the deal to Congress for ratification. Polls before the vote predicted that the “yes” camp would win with a comfortable 66% majority, and Santos was too confident in the result. Uribe said a win for their side would be a mandate for the government and rebels to negotiate a “better agreement”. However, both government and rebels have repeatedly said that the deal was the best they could achieve and a renegotiation would not be possible. As of this moment it is hard to imagine the immediate consequences, and there is more than one possible scenario, hopefully including an alternative formula to peace.

The FARC are still extremely unpopular with wide sectors of the Colombian public, and the last-minute inventory of their wealth and the news of the UN-supervised destruction of 620 kilograms of explosives did not change this perception. They were deemed by many as excessively late or extremely opportunistic moves. Some have argued this show of protagonism scared and irritated Colombians even further, as the CD had been warning people about the dangers of “castrochavismo”, and recalling how recent Latin-American history saw the rise to power of former guerrilla leaders.<sup>119</sup> Fear mongering and misinformation campaign from the Uribe camp played a major role: CD supporters appealed to “the hatred that a portion of Colombian society feels for the FARC, arguing that Colombia would falsely turn into a Cuba-Venezuela like state. Also, the length and complexities of the agreement, most notably the justice section [...], allowed for those wanting to sabotage the effort to distort its contents, generating fear among voters”.<sup>120</sup>



**Supporters of the peace deal await the definitive results of the referendum**

*Credit: John Vizcaino. REUTERS 2016*

*Source: De Nederlandse Publieke Omroep, <http://nos.nl/artikel/2135641-colombianen-stemmen-tegen-vredesakkoord-met-farc.html>*

President Santos is the one that has been weakened the most by this defeat. He has committed numerous mistakes whilst conducting the campaign, including staking his legacy and political future on a plebiscite he was not legally requested to convene (some are accusing him of “taking a gamble”<sup>121</sup>), presenting the referendum as a choice between “yes” or war and admittedly not having a plan B in case the vote had rejected the deal. His government’s inability to fully communicate the benefits of peace to a particular sector of society probably contributed to polarisation. Additionally, “With Colombia’s economy slowing down and crime on the rise, Santos’s presidential approval rating has slumped below 30 percent in recent months”,<sup>122</sup> which may have transformed a plebiscite on the peace deal in a vote on the president. In a brief statement on the day of the defeat, Santos called on “all political forces” to join efforts and re-discuss the plan, forced by the vote to make space on the stage for Uribe’s initiative.

The real political winner is Uribe, who now holds a central role in shaping what will happen next, as he has maintained his popularity across wide sectors of Colombian society. “We insist that corrections need to be made”, said the former president and senator, calling for a “national pact” to rework the deal. However, the points that the conservatives want revised are a no-go for the guerrillas. The Uribistas likened the transitional justice element comprised in the deal to “total impunity” that would undermine the rule of law in Colombia, and it seems their idea of justice is far from the FARC’s. The main points of Uribe’s campaign against the deal are known, and they would also be notoriously hard to achieve. Moreover, thinking about a renegotiation is not easy in practical terms. The conservatives think FARC members should serve time in jail, and also that former FARC leaders should not be allowed to participate in politics once rehabilitated, and some even call for FARC resources – presumably hidden somewhere – to be handed over. The issue of incarceration is not negotiable: FARC fighters don’t see themselves as criminals and all rounds of talks have excluded the eventuality of all former rebels being incarcerated. The issue of political participation is more limited in scope, since not many FARC leaders will be interested in launching a political career in Congress (although the deal grants them a minimum of five seats in the House and Senate).<sup>123</sup> On the other hand, the question of FARC resources is complicated: they have agreed to participate in material reparation to victims, but so far the modalities of such participation have not been established. Furthermore, their wealth is believed to consist more of extensive plots of land rather than bank accounts.<sup>124</sup> This leaves limited ground for a renegotiation of terms, and any modification can only be marginal. On the rebel’s side, such provisions were negotiated with their base first, and giving more concessions to the government will most likely disenfranchise the leadership and strengthen hard-liners. Nevertheless, the vote has allowed Uribe to step into the game, and his claim that the agreements can be amended is now the focus of attention. In a speech following the news of the deal’s rejection, the senator talked about the necessity of building “a national pact”, whose points seem to go well beyond the immediate pursuit of peace with the FARC and the issues discussed with the group. He even made some short and unclear references to the “necessity of stimulating family values”.<sup>125</sup>

Santos has insisted he “will continue seeking peace until the last day of my presidency”,<sup>126</sup> and after the results of the vote were announced he declared that the government negotiating team would be sent back to Havana to meet the FARC leadership the following day. He also stated that the bilateral ceasefire between the guerrillas and the armed forces remained in place, and assured stability would be maintained, as both sides confront an unexpected terrain. FARC leader Timochenko commented on the vote from Havana, visibly stunned by its outcome. Reality has shown that recent efforts by the FARC to soften their image and modernize their discourse have not succeeded, and that after 52 years of war mistrust is the predominant feeling.<sup>127</sup> Londoño said the insurgent group maintains its desire for peace despite the failure of the plebiscite. “The FARC reiterates its disposition to use only words as a weapon to build toward the future [...]. To the Colombian people who dream of peace, count on



us, peace will triumph.” The fact that both the government and guerrillas reiterated their commitment to peace is a good sign, but the future is unclear. “The plebiscite laid everything out in black and white and now we’re stuck in a grey area”, said political analyst Fernando Giraldo.<sup>128</sup> The FARC will have to change their stance if they want to preserve peace. Certainly the “no” vote leaves FARC leadership with little room for maneuver. Unless a new favorable deal is sealed in a short time, more radical element of the guerrilla could return to the jungle and to their criminal activities, or even to fighting. The group’s leaders are certainly facing a major crisis and test, as rebel fronts could opt out of the talks if further concessions are demanded.

A regional analysis of the results clearly indicates that territories that have suffered the most from atrocities committed by the guerrilla have registered an incredibly strong preference for the approval of the deal. This circumstance directly contradicts one of the main points of Uribe’s campaign (which has even played it on a personal level, as he often recalls his father being a cattle rancher killed by the FARC, while Santos comes from Bogota’s wealthy elite). “The peace vote won in many of the areas where the war has taken the heaviest toll: in the country’s Amazonian lowlands and along its Atlantic and Pacific coasts, and among poorer communities of indigenous and Afro-Colombians.”<sup>129</sup> While the poor periphery of the country showed its support for the peace plan, “the economic and political elites who are not impacted by the conflict [...] voted No”.<sup>130</sup> Nevertheless, the vote has shown Colombians are ready to make no concessions to the FARC – even if this entails putting the perspectives for peace at risk – since many considered the deal’s conditions as too generous with the group (like the seats reserved in Congress and minimum salary granted to all former combatants). “The vote manifested the lack of solidarity in a country crossed by war. The areas most affected [...] opted for ‘yes’, but those municipalities brought extremely lower number of votes compared to urban areas or more populated rural settlements, where the conflict’s violence has stopped hitting a long time ago”.<sup>131</sup> One example is Bojayá, where one of the most dramatic events of the war occurred and which recently participated to a reconciliatory act with members of FARC’s Secretariat. In 2002, fighting between guerrillas and paramilitaries killed 79 civilians in a church, but on October 2<sup>nd</sup> 96% of the entire population in Bojayá voted “yes” to the deal.<sup>132</sup> Colombians overseas also voted overwhelmingly against the accord.<sup>133</sup>

When Santos’ campaigned affirming that a “no” vote would have meant that the country would have returned to urban terrorism and civil war such a statement was read as an exaggerated argument to push Colombians to vote “yes”. Many people thought going back to war would have been impossible, as none of the parties, nor Colombians, wanted to. In fact, they have all expressed their willingness to try to find alternative routes to save the deal.<sup>134</sup> As of now is hard to predict what is going to happen. Even if the forces involved may not want to precipitate things, there are many practical factors that need to be considered, as, for example, the whole UN-supervised mechanism will have to be dismantled, the guerrillas will not have to convene to the safe zones and disarmament is halted. The vote destroys an important timeline in



which the ex-guerrillas were scheduled to regroup, disarm, receive monetary benefits and start reintegration into civilian life. Some speculate that as a consequence of this disruption – and in the midst of uncertainty about the future – FARC will resume their illegal activities. As of this moment the FARC are not going to gather in the Hamlet Zones – a plan that was just getting underway – and are instead going to maintain their positions.<sup>135</sup>

Santos, as president, has the right to pursue peace with a different deal, that he may decide to submit to a popular vote or not, since that has never been a constitutional requirement. Juridically, this means Santos could modify the Havana deal even if Colombians have rejected it.<sup>136</sup> “That discussion, is now clear, will have to include Uribe and other opponents of the peace deal, though just how is uncertain”.<sup>137</sup> The profound political implications of the vote need a solution to come from the political field. Some analysts affirm that the crisis itself can generate a new opportunity, as a state solution would be preferred to a Santos government solution. One of the causes of the deal’s rejection can be found in the failure of the government and the Centro Democrático to communicate. Being both aware of the delicacy of the situation, it is auspicious that such joint effort becomes a reality. At the same time, the opposition holds an enormous responsibility. They have called on Colombians to vote against the deal in view of a better, possible deal. “They have to honour their word and make that improvement possible, with reasonable and precise proposals that would allow the country to move out of this impasse”.<sup>138</sup> In this view the demonstrations that took to the streets all over the country on October 6<sup>th</sup> addressed the same need: to push peace ahead, a message shared by the head of FARC’s delegation team, that has praised the peaceful marches. Reportedly, among the demonstrators were “many [...] remorseful ‘No’ voters”.<sup>139</sup>

Despite the narrowness of their victory, Uribe and his party have won significant leverage on the peace process, as seemed clear in his post-vote meeting with Santos, their first formal encounter in almost six years. The opposition “insists that FARC concentrate its forces as a requisite to continue negotiation; any adjustment to the constitution be dropped; the special jurisdiction for the transitional justice be scrapped; there be blanket amnesties for all who have not committed crimes against humanity; those who have committed such crimes be sentenced to jail terms and deemed permanently ineligible for political office; but also that there be special judicial treatment for members of the Armed Forces convicted of those crimes”.<sup>140</sup> It is unclear how negotiable or definitive these terms are, and the Santos government fears they may not even be part of a genuine attempt to negotiate, but only aiming at weakening the government. Uribe feels that the vote has endorsed him to be a promoter of a new agreement, but Santos and the FARC could reach peace with some key changes, without any involvement from Uribe. Again, a second plebiscite would strengthen and legitimize an eventual new deal, but it is not legally required.

Uribe claims that Colombians who voted for the deal, and those who voted against it, have in common the desire to reach peace and reject violence.<sup>141</sup> Even if this statement



**Mines. In the past 25 years, more than 11,000 people have been killed or wounded by landmines in Colombia.**

*Credit: Copyright: Paul Arboleda/AFP*

*Source: <https://www.yahoo.com/news/landmines-heavy-toll-colombian-children-112034221.html?ref=gs>*

were true, what remains to be seen is how radically different visions on such delicate matters can be reconciled. During peace talks, Santos made public overtures asking Uribe to participate in the talks, but Uribe declined. As governor of Antioquia, Uribe had supported the creation of neighborhood watch groups that were later accused of massacring suspected guerrilla sympathizers. Uribe said he had disbanded such groups as soon as their illegal activities become known. In demobilizing such groups – which eventually had become connected to the AUC – nearly a third of Colombia's Congress, most of them supporters of Uribe, were investigated or jailed for allegedly being connected to the paramilitaries and receiving campaign money. High-ranking generals under Uribe's command were implicated in the “falsos positivos” scandal.<sup>142</sup> And when Santos announced he had started talks with the FARC for a negotiated peace, Uribe accused him of selling the country to terrorists. The conservatives always appeared to have little faith in a peace deal, and have been personally battling FARC leaders for the entirety of their political careers. Additionally, some political analysts have hypothesized deeper political reasons are behind the CD's aversion for this deal: “FARC presence in Congress will bring a new element of radical politics to rural areas where property ownership is still concentrated in a few hands and land disputes stretch back decades”.<sup>143</sup> Perhaps Uribe is safeguarding his electorate's interests, rather than all Colombians'.

In the meantime, Santos has used his executive powers to extend the bilateral cease-fire until 31<sup>st</sup> October, and “On October 7<sup>th</sup> negotiators from both sides, meeting in Havana, asked the UN to continue monitoring the truce. They also said they would continue peace-building measures they had started even before the deal was signed, such as removing landmines, searching for ‘disappeared’ people and undertaking pilot projects to replace illegal coca crops. The FARC said they would continue to hand

over child combatants to family-welfare officials.”<sup>144</sup> Even if Timochenko has reiterated the FARC’s desire to end the conflict, is hard to see how FARC could accept many of the opposition demands. “Even the opposition’s preconditions for renewing talks – concentration of insurgents in cantonments – is highly problematic. Exploratory negotiations with [...] the ELN, failed in 2007 because Uribe insisted it assemble its forces ahead of talks”.<sup>145</sup> And negotiations with the ELN, still in its initial stages, may as well be another casualty of the plebiscite’s results: the “electorate’s delegitimization of the FARC agreement may strengthen hardliners within the ELN leadership who are way of peace talks.”<sup>146</sup> So far, however, no official declarations on the talks with the ELN have followed.

Surprisingly, on October 7<sup>th</sup> president Santos was awarded the Nobel Peace Prize for pursuing a peace deal with the FARC and for his efforts in ending the long internal conflict. “The award comes at a crucial moment, when the peace process hangs in the balance”.<sup>147</sup> The president has dedicated the prize to fellow Colombians, especially to the millions of civilians who suffered because of the conflict, “and called on the opponents of the peace deal to join him in securing an end to hostilities”.<sup>148</sup> “It is for the victims and so there is not one more victim, not one more death, so that we can reconcile and unite to finish this process and begin to build a stable and lasting peace”.<sup>149</sup> News of the award was greeted with mixed reactions in Colombia. “It wasn’t the first time the Nobel committee has tried to influence future events instead of merely recognize past achievement. In 1994, the committee awarded the prize to Israeli leaders Yitzhak Rabin and Shimon Peres as well as Palestinian leader Yasser Arafat for their efforts to end the Israeli-Palestinian conflict, which ultimately failed”.<sup>150</sup> Colombians are so deeply polarized over the issue, it is not clear if the prize can do much to shift public opinion. Although a stable peace was not achieved, Santos was prized for his efforts, and the only certain consequence will be lifting the morale among the deal’s supporters and legitimizing the process, apart from broadening the support from the international community. “Even some fierce critics of the accords seemed to think the prize might help the country move forward after [October 2<sup>nd</sup>]’s polarizing vote”.<sup>151</sup> Many have opined the prize’s award was premature, as it comes just as the vital but fragile relationship between Santos and Uribe is establishing itself, and that it may not enhance Santos’s prestige among ordinary voters. “Less than a third approve of his performance as president”.<sup>152</sup> Notwithstanding the widespread feeling that the prize comes at an odd timing and that it seem to incarnate the perfect reward for Santos’s personal ambition, the Norwegian Nobel Committee “said it also wished to send a message of support to the Colombian people. ‘We encourage you to go on’”.<sup>153</sup> The decision to give the prize to Santos may revive hopes for the agreement, but there is a lot more to be done, and time is an essential factor.

The bilateral ceasefire has been confirmed, but it cannot be extended while the implementation of the accords is halted, and it will be hard to sustain on the long term.<sup>154</sup> “A prolonged state of ‘limbo’ [...] may cause deterioration of FARC command and control over guerrillas in the field, even if commanders in Havana remain committed

to renegotiating”.<sup>155</sup> Right now the fate of FARC troops on the ground is the most pressing subject, as the ceasefire with the government has registered unprecedented compliance and the general levels of violence have fallen back to their 1960s’ standards. However, the extension of the ceasefire until October 31<sup>st</sup> is only a temporary solution, and it is far from clear whether and how the truce can be sustained over the long run. Until it is clear how much of the peace accord will have to be rewritten to appease its opponents, there is no guarantee that war in Colombia will not flare up again.

Santos and Uribe have already met to discuss the deal and its “corrections”, and have said they will continue to meet. Renegotiating an entire new deal would be impossible under the current stringent circumstances, and what remains to be seen is if the opposition would deem it possible to seek quick changes to the agreement or engage in a protracted renegotiation, with the implications this option entails. The two sides might find common ground, such as a way to scale back benefits granted to FARC commanders, but finding a solution that will be acceptable to both Uribe and the FARC will not be easy.

The plebiscite was supposed to set into motion a series of positive incentives for a controlled demobilization process and the beginning of a peaceful settlement. Instead, it may have crushed some of the landmark achievements reached so far and precipitated the situation, with both sides scrambling to plot their next moves, as its result has shaken the political establishment and shocked the international community, which has unanimously backed the peace process.

Although imperfect, the hard-negotiated agreement represented a concrete way forward for peace and justice, an immediate path out of the war and an opportunity for the country’s development to take off. The most important thing is that Colombia does not walk away from this project and that the country continues to move towards the long-awaited peace millions are longing for. This government has come the closest to achieving peace since fighting began in 1964, and it is vital not to ruin the progress made so far.



## Endnotes

<sup>1</sup> World Bank estimates say 81% [“Systematic Country Diagnostic: Colombia”, 22 June 2015].

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<sup>3</sup> June S. Beittel, “Peace Talks in Colombia”, Congressional Research Service, 31 March 2015, p. II. <https://www.fas.org/srg/crs/row/R42982.pdf>

<sup>4</sup> Jon Lee Anderson, “At last, a peace deal in Colombia”, The New Yorker, 25 August 2016. [http://www.newyorker.com/news/daily-comment/at-last-a-peace-deal-in-colombia?mbid=social\\_facebook](http://www.newyorker.com/news/daily-comment/at-last-a-peace-deal-in-colombia?mbid=social_facebook)

<sup>5</sup> “Revolutionary Armed Forces of Colombia – People’s Army”, Stanford University – Mapping Militant Organizations, updated 15 August 2015. <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/89>

<sup>6</sup> June S. Beittel, op. cit., p. 3.

<sup>7</sup> June S. Beittel, op. cit., p. 2.

<sup>8</sup> “Revolutionary Armed Forces of Colombia – People’s Army”, Stanford University – Mapping Militant Organizations, updated 15 August 2015. <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/89>

<sup>9</sup> Danielle Renwick et al., “FARC, ELN: Colombia’s Left-Wing Guerrillas”, Council of Foreign Relations, updated 8 July 2016. <http://www.cfr.org/colombia/farc-eln-colombias-left-wing-guerrillas/p9272>

<sup>10</sup> “Revolutionary Armed Forces of Colombia – People’s Army”, Stanford University – Mapping Militant Organizations, updated 15 August 2015. <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/89>

<sup>11</sup> Danielle Renwick et al., op. cit.

<sup>12</sup> June S. Beittel, op. cit., p. 6.

<sup>13</sup> June S. Beittel, op. cit., p. 1.

<sup>14</sup> CODHES – Consultoría para los Derechos Humanos y el Desplazamiento. [http://www.codhes.org/index.php?option=com\\_seg&templateStyle=9](http://www.codhes.org/index.php?option=com_seg&templateStyle=9)

<sup>15</sup> Informe anual del Alto Comisionado de la Naciones Unidas para los Derechos Humanos e informes de la Oficina del Alto Comisionado y del Secretario General, “Situación de los derechos humanos en Colombia”, 15 March 2016, p. 5. [http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/informe\\_anual\\_2015.pdf](http://www.hchr.org.co/documentoseinformes/informes/altocomisionado/informe_anual_2015.pdf)

<sup>16</sup> June S. Beittel, op. cit., p. 2.

<sup>17</sup> Ibid., p. 14.

<sup>18</sup> Ibid., p. 5.

<sup>19</sup> John Otis, “The FARC and Colombia’s Illegal Drug Trade”, Wilson Center – Latin American Program, November 2014, p. 4. [https://www.wilsoncenter.org/sites/default/files/Otis\\_FARCDrugTrade2014.pdf](https://www.wilsoncenter.org/sites/default/files/Otis_FARCDrugTrade2014.pdf)

<sup>20</sup> Idem.

<sup>21</sup> June S. Beittel, op. cit., p. 3.

<sup>22</sup> Idem.

<sup>23</sup> John Otis, op. cit., p. 2.

<sup>24</sup> World Bank, “Systematic Country Diagnostic: Colombia”, 22 June 2015, p. 7. <http://documents.worldbank.org/curated/en/142801468188650003/pdf/97878-CAS-P151459-R2015-0135-IFC-R2015-0201-MIGA-R2015-0053-Box391496B-OUO-9.pdf>

<sup>25</sup> Departamento Administrativo Nacional de Estadística – DANE, “Pobreza Monetaria Multidimensional en Colombia, 2011.” <http://www.dane.gov.co/index.php/esp/estadisticas-sociales/pobreza/87-sociales/calidad-de-vida/6507-pobreza-monetaria-y-multidimensional-2015>

<sup>26</sup> June S. Beittel, op. cit., p. 6.

<sup>27</sup> Idem.

<sup>28</sup> Idem.

<sup>29</sup> “Colombia arrests army general decade after killing of civilians”, The Guardian, 28 March 2016. <https://www.theguardian.com/world/2016/mar/28/colombia-arrest-army-general-henry-torres-false-positives>

<sup>30</sup> Idem.

<sup>31</sup> Mike Power, “The devastation of Colombia’s civil war”, The Guardian, 23 April 2011. <https://www.theguardian.com/lifeandstyle/2011/apr/23/colombia-farc-killed-mothers-justice>

<sup>32</sup> Idem.

<sup>33</sup> Idem.

<sup>34</sup> Idem.

<sup>35</sup> Informe anual del Alto Comisionado de la Naciones Unidas para los Derechos Humanos e informes de la Oficina del Alto Comisionado y del Secretario General, op. cit., 15 March 2016, p. 12.

<sup>36</sup> June S. Beittel, op. cit., p. 11.

<sup>37</sup> Mike Power, “The devastation of Colombia’s civil war”, The Guardian, 23 April 2011.

<sup>38</sup> “BBC Profiles: Colombia’s armed groups”, BBC, 29 August 2013. <http://www.bbc.com/news/world-latin-america-11400950>

<sup>39</sup> June S. Beittel, op. cit., p. 11.

<sup>40</sup> Ibid., p. 12.

<sup>41</sup> Jon Lee Anderson, “At last, a peace deal in Colombia,” *The New Yorker*, , 25 August 2016.

<sup>42</sup> June S. Beittel, *op. cit.*, p. 12.

<sup>43</sup> Stephanie Hanson, “Colombia’s Right-Wing Paramilitaries and Splinter Groups” Council of Foreign Relations, 11 January 2008. <http://www.cfr.org/colombia/colombia-bias-right-wing-paramilitaries-splinter-groups/p15239>

<sup>44</sup> Indepaz, “VIII Informe sobre grupos narcoparamilitares”, 2012. <http://www.indepaz.org.co/wp-content/uploads/2013/08/Informe-VIII-Indepaz-final.pdf>

<sup>45</sup> June S. Beittel, *op. cit.*, p. 12.

<sup>46</sup> Informe anual del Alto Comisionado de las Naciones Unidas para los Derechos Humanos e informe de la Oficina del Alto Comisionado y del Secretariado General, *op. cit.*, 15 March 2016, p. 17.

<sup>47</sup> *Idem.*

<sup>48</sup> Programa Somos Defensores, “Boletín Trimestral: Sistema de Información Sobre Agresiones Contra Defensores de Derechos Humanos en Colombia – SIADDHH”, April 2016, p. 4. <http://www.somosdefensores.org/attachments/article/139/boletín-enero-marzo-SIADDHH-2016.pdf>

<sup>49</sup> *Ibid.*, p. 1.

<sup>50</sup> *Ibid.*, p. 5.

<sup>51</sup> José Miguel Vivanco, “Dispatches: Investigate Killings of Activists Amid Peace Talks in Colombia”, Human Rights Watch, July 11 2016. <https://www.hrw.org/news/2016/07/11/dispatches-investigate-killings-activists-amid-peace-talks-colombia>.

<sup>52</sup> Informe anual del Alto Comisionado de las Naciones Unidas para los Derechos Humanos e informes de la Oficina del Alto Comisionado y del Secretariado General, 15 March 2016, p. 7.

<sup>53</sup> *Ibid.*, p. 17.

<sup>54</sup> Informe anual del Alto Comisionado de las Naciones Unidas para los Derechos Humanos e informes de la Oficina del Alto Comisionado y del Secretario General, *op. cit.*, 15 March 2016, p. 7.

<sup>55</sup> Sally Palomino, “La paz desenterrará mucha verdad sobre el conflicto colombiano”, *El País*, 28 September 2016. [http://internacional.elpais.com/internacional/2016/09/25/colombia/1474769111\\_537623.html](http://internacional.elpais.com/internacional/2016/09/25/colombia/1474769111_537623.html)

<sup>56</sup> June S. Beittel, *op. cit.*, p. 15.

<sup>57</sup> *Ibid.*, p. 17.

<sup>58</sup> *Ibid.*, p. 16.

<sup>59</sup> *Idem.*

<sup>60</sup> *Idem.*

<sup>61</sup> “On the Verge of Peace: Colombia Reaches Final Agreement with the FARC”, International Crisis Group, 25 August 2016. <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/verge-peace-colombia-reaches-final-agreement-farc>

<sup>62</sup> June S. Beittel, op. cit., p. 20.

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