



## DPI Briefing Note: Current Peace Process in Colombia

### **I. Context**

Colombia has found itself in the midst of a low-intensity asymmetric war between government forces and left wing paramilitary groups – namely Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN) – for over half a century. Following the uprising known as *La Violencia* during the late 1940s, a strong anti-communist repressive movement swept across Colombia, triggering the formation of FARC as a rebel group. For the past five decades guerrilla fighting, rural clashes, and insurgency have threatened Colombian order and stability, with both paramilitary and guerrilla groups accused of drug trafficking and terrorist tactics. By the 1980s FARC developed political ambitions at the national level and formed the Patriotic Union. These ambitions were short-lived. By using the revenue gained from illicit narcotics trade, extortion and kidnapping, FARC were able to gain significant swathes of territory across the south of Colombia. Facing an increasingly weak state, the government began negotiations at the turn of the century. By 1999 FARC was designated a terrorist organisation by the US, the EU followed in 2002, to be followed by Peru and Colombia.

In 2012 the Colombian Congress adopted the Legal Framework for Peace. This was a package of transitional justice mechanisms aimed to facilitate peaceful dialogue, prevent serious war crimes, and provide victim guarantees and justice. This brought about a round of criminal investigations and adequate procedures for prosecution. The Framework also makes provisions for a truth commission to investigate the grave crimes committed during the conflict. Whilst the Framework prompted criticism, it laid the foundations for a political solution to the armed conflict.

According to statistics published by the European Parliament, the conflict has created 7.6 million registered victims, 220,000 deaths, and over 6 million displaced citizens.<sup>1</sup> From former-President Uribe's time in Office from 2002-2010 the negotiations towards settlement have focused primarily on demobilisation talks with the *Autodefensas Unidas de Colombia* (United Self-Defence Forces, or

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<sup>1</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B8-2016-0042&language=EN>

AUC)<sup>2</sup>, a collaboration of different paramilitary organisations. Negotiations with FARC have stalled and recommenced frequently over the past decade, with the most recent attempt at peace occurring in Havana in 2015. The Colombian government and FARC have reached agreement on 4 key topics and have set a preliminary deadline of 23<sup>rd</sup> March 2016 to sign a final document. The topics are:

1. Land reform
2. Political participation of rebels following the deal
3. Narcotics trafficking
4. Transitional justice

The final deal will be presented to the Colombian public for a referendum.

### **Moves towards a Final Accord for the Termination of the Conflict and Construction of a Stable and Long Lasting Peace**

After fifty years of continued conflict, a peace accord between FARC-EP forces and the government of the Republic of Colombia is nascent. In February 2016 President Santos met with President Obama to promote the peace process. Obama's *Plan Colombia* – often considered a failure due to the resultant humanitarian abuses and funding of armed forces – will be replaced by *Paz Colombia*, promising \$450 million in aid to the country. The agreement seeks the demobilisation of guerrillas, mine clearance, and expansion of alternative development programmes to the areas most affected by violence. The planned peace agreement has been criticised for not seeking to take any retributive measures against FARC leaders who are known participants in drug cartels. Former President Álvaro Uribe has led the political opposition stating that granting these concessions to FARC would 'be a stimulating example of further violence, rather than a peace agreement'.<sup>3</sup>

## **II. Role of External Actors**

### **States**

Whilst there exists no official mediator, Cuba, Norway, Venezuela, and Chile were present at the Havana peace talks in 2015. Five countries – Cuba, France, Norway, Spain and Switzerland – were designated the *Grupo de Países Amigos* ("Group of Friends") during the peace talks in 2000. Spain and Germany, in particular, attempted to foster direct dialogue between the government and guerrillas. There have been targeted interventions by the UN, Red Cross, Organisation of American States, with special envoys from the UN, EU, US and Germany. In January, the UN unanimously

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<sup>2</sup> All three organisations – AUC, FARC, and ELN – have been designated Foreign Terrorist Organisations by the EU and the U.S. government.

<sup>3</sup> <http://www.alvarouribevelez.com.co/es/content/plan-colombia-comunicado>

approved UNSCR 2261 which established a UN political mission to oversee a definitive bilateral ceasefire and. Soon after, the EU pledged full commitment to the 'full and complete implementation of the peace agreement'.<sup>4</sup> February 2016 saw a marked upsurge in the international collaboration to promote peace, with Latin American and Caribbean leaders pushing for a peace deal to be signed March 23<sup>rd</sup>.

### **United Nations**

In January 2016 the negotiating parties requested oversight from the UN to form an observer mission to ensure the laying down of arms. On January 25 the UN approved a resolution adopting a 12-month political mission to '*monitor and verify the definitive bilateral ceasefire and cessation of hostilities*'. The mission is made up of unarmed international observers – namely Latin American and Caribbean representatives - and shall commence its mandate when the peace deal is signed.

### **Cuba**

Negotiations towards peace have long since been held and coordinated by Cuba. Starting in the early 2000s the then-President Uribe met with the Colombian High Commissioner for Peace, Luis Carlos Restrepo, and ELN commanders. 2005 meetings between ELN military commanders and Uribe resumed in Havana Dec 2005 where the delegates engaged on substantive moves towards negotiating areas of disagreement. Since 2012 Cuba has played host to the most significant attempts at peace dialogue in the conflict. The most recent round of negotiations in 2015 and 2016 was held in Cuba, where delegates across the globe met in Havana to discuss the future. In 2015 Cuban leader Raul Castro met with President Santos, rebel leader Jimenez and announced plans to sign a peace agreement by 23<sup>rd</sup> March 2016.

### **Norway**

Norway has been engaged in the peace process for some years, the first round of negotiations was held in Oslo in 2012 until they were transferred to Havana later that year. In 2013 dialogue had stalled and Santos withdrew the Colombian delegation. Norway cooperated with Venezuela and Cuba to facilitate these preliminary discussions. Norway's Prime Minister, Erna Solberg, has encouraged FARC and government representatives to set up negotiations supported and organised by Norway.

### **Venezuela**

President Hugo Chávez spent his third term in office (from 1999-2013) played a crucial role in persuading FARC to accept settlement. Venezuela has been embroiled in conspiracy theories relating to disappearances of Rodrigo Granda and Raúl Reyes. The countries have had various border

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<sup>4</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FTEXT%2BMOTION%2BP8-RC-2016-0041%2B0%2BDOC%2BXML%2BV0%2F%2FEN&language=GA>

disputes but Venezuela and Chile are now “accompanying” parties of the dialogue. President Nicolai Maduro has met frequently with Bernard Aronson (US Special Envoy) and has hosted meetings with ELN to formulate a long-lasting peace deal. There have, however, been cross-border disputes as recently as October 2015 that have hampered the peace process. The deepening of the political conflict in Venezuela could have spill-over effects into Colombia.

### **Chile**

Santiago de Chile hosted a round of negotiations in October 2014 bringing together Latin American diplomats and civil society organisations. Since 2014 and the presidency of Michelle Bachelet, the country has intensified its contribution by sharing its experience in transitional justice following the dictatorship of Augusto Pinochet.

### **Mexico<sup>5</sup>**

In 2004-5 Mexico was a key player in recommencing the peace talks between Uribe and the ELN. Ambassador Andrés Valencia made concerted efforts to arrange a meeting between ELN military commanders and Mexican facilitators on Mexican soil in 2005. Whilst this string of negotiations ultimately collapsed, it is generally recognised that from this point President Uribe softened several of his government’s positions and released political prisoner Francisco Galán.

### **United States**

*Plan Colombia* came into fruition in 1999 namely as a means to counter the extensive narcotics trade. The programme enabled the Colombian military to gain access to arms and intelligence, aiding the government to resist FARC and push them further into the jungle. Following reports of humanitarian abuses committed by the military, American funding declined. Obama ended the freeze by bringing about *Paz Colombia*. The country has proposed its “3 pillars” of its new security policy for Colombia:

1. Consolidating and expanding progress on security and counter narcotics while reintegrating FARC into society
2. Expanding state presence and institutions to strengthen the rule of law and rural economies especially in former conflict areas
3. Promoting justice and essential services for conflict victims<sup>6</sup>

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<sup>5</sup><https://www.wilsoncenter.org/sites/default/files/Mexico%2527s%20Role%20in%20the%20ELN%20Peace%20Process11.pdf>

<sup>6</sup><http://colombiareports.com/the-4-pillars-of-americas-new-foreign-policy-approach-to-colombia/>

The plan allocates \$450million for peace efforts, however most of this funding currently goes towards military and police assistance, and has allegedly contributed to the human rights atrocities committed in Colombia.

### **Civil society**

Participation of civil society was contingent and part of the General Agreement for an End to the Conflict and the Construction of a Stable and Long-lasting Peace signed in 2012. To date, civil society involvement has been principally advisory, with no decision-making authority delegated to the representatives.

### **Catholic Church**

The Catholic Church has long since been engaged in discussions with the ELN, especially given the nature of the victim attacks and the widespread civilian victimisation the Church has been a key stabilising support base. The Pope has played a particular role in attempting to negotiate the border disputes between Colombia and Venezuela. Pope Francis has personally expressed interest in negotiating the peace deal and has confirmed a visit to Colombia in 2017 – the first Papal visit in 30 years, since 1986. He has spoken openly appealing for peace, and following his plea in September 2015 during the peace talks in Cuba, both sides agreed to the peace deal that shall be signed in March.

Moreover, local church communities play a considerable role in protecting vulnerable groups from the effects of the conflict. The Catholic Church has a department devoted to development, human rights and social affairs – Pastoral Social – organises annual peace campaigns encouraging civilian involvement in reconciliation procedures.

### **Techo Común**

This group has worked towards tackling inequality, poverty, violence, and economic and political exclusion as a result of the conflict. Techo is formed of 4 coalitions:

1. Permanent Civil Society Assembly for Peace
2. Alliance of Social and Like-Minded Organisations
3. Coalition Colombia-Europe-United States
4. Colombian Platform for Human Rights, Democracy and Development

Colombia has an active and strong women's advocacy civil society presence. Women's groups have adopted initiatives demanding justice for the abuses committed against them, whilst also organising marches and rallies calling for peace. Victims groups have become integral, and have been invited to participate in the most recent round of negotiations to ensure justice and reparations are given.

### III. Current Situation

#### Recent Steps

In January 2016 President Santos attended a CELAC Summit in Ecuador with other regional heads of state. CELAC supported the international effort made, and urged continued cooperation with the terms of the peace deal. As mentioned above, President Santos met with President Obama in Washington in February 2016 in a public meeting sponsored by various US Think Tanks. The last forum organised by the UN was completed on February 10 2016.

The provisional Joint Communiqué announced on January 22 2016 stated FARC and government forces reiterate: *'our will and commitment to conclude these conversations, for which purpose we have made some decisions that facilitate the creation of a scenario for closure.'* The Communiqué outlined certain points for consideration:

1. Create an Executive Commission to facilitate strategic rapprochements and supervise the work of delegations.
2. Establish a work plan with a timeline discussing "completed" topics and those still under negotiation for the Executive Committee to oversee.
3. Urge those collaborating the "End of the Conflict" Agenda of the General Agreement to submit final points to the Executive Committee
4. Ensure a gender-based approach to the negotiations<sup>7</sup>

From this point the delegates hope to be able to conclude the Final Agreement for the Termination of the Conflict and the Construction of a Stable and Long Lasting Peace.

#### Continuing Issues

The ELN remains at war with the government, but it is considered they will seek to negotiate peace. Perhaps one of the biggest issues is securing public support for the deal, as this is one of the terms of peace. The majority of Colombians don't believe the talks will succeed and are sceptical about the continuing fluctuations in violence.

Under the section on transitional justice in the deal, only those who refuse to confess to their crimes shall go to prison, the others shall be subject to "alternative forms" of punishment, of which, it is believed, they will not face punitive or judicial repercussions.<sup>8</sup> As a result, public support is hampered as the release of FARC delegates from prison, despite repeated abuse of the law in drug trafficking and terrorist allegations, has made many fear their safety. In January 16 FARC prisoners

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<sup>7</sup> <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-66-la-habana-22-de-enero-de-2016?ver=in>

<sup>8</sup> <http://www.bbc.co.uk/news/world-latin-america-19875363>

were pardoned by the government in an attempt to recognise the measures FARC were taking to commit to ceasefire. Interestingly, four of the released have travelled to Havana to contribute to the peace talks.

The criticism of President Uribe has undermined the credibility of the peace process. His belief that the rebels are “getting away with murder” has infused further antagonism throughout Colombian society, and since the deal requires public approval, his vocal opposition could set the process back.<sup>9</sup>

Criminal gangs and drug trafficking remain a contentious issue in hindering the peace deal. The lucrative cocaine trade in Colombia has distracted military forces, and the hope is that a permanent settlement with FARC will permit security forces to focus on combatting the narcotics threat and protecting the civilian population.

#### **Key Discussion Points for Peace:**

The main condition for peace is the cessation of hostilities. It planned to establish a special tribunal formed of Colombian and foreign judges to consider the crimes committed by both sides.<sup>10</sup>

- Land reform
  - i. Attempts to diminish poverty in the countryside and curb land inequality (which is seen as a major trigger for the ongoing conflict)
- Political participation of rebels
  - i. FARC were born out of Marxist ideology prompting the parties to negotiate to allow for fair and safe participation in politics for FARC and other dissident movements.
- Drug trafficking
  - i. Exportation of cocaine has fuelled the conflict by financing FARC and paramilitary groups
  - ii. FARC members have frequently been accused and imprisoned for involvement in illicit drug trade; the government has made steps towards reconciliation by pardoning various members in prison.
- Transitional justice
  - i. This has been the thorniest issue and has delayed the peace process on a number of occasions. Since 2014 the rights of war victims has a key factor, resulting in delegations of victims becoming involved in the negotiation process.
  - ii. Government programs will be instituted to aid demobilisation, disarmament and FARC reintegration

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<sup>9</sup> <http://www.bbc.co.uk/news/world-latin-america-19875363>

<sup>10</sup> <http://katehon.com/article/cuba-shows-its-diplomatic-power-colombian-peace-talks>

- Reparations for victims of the armed conflict
  - i. Once a peace deal is signed the Colombian public must endorse the final agreement, therefore compensation must be addressed for those affected by the conflict. The means of public endorsement is debated – Santos is seeking a referendum, FARC prefers a national constituent assembly
  - ii. Both sides have admitted to committing atrocities as part of the conflict and are negotiating accountability. An independent truth commission was set up to determine responsibility.
  - iii. Many victims have been invited to take part in the negotiations to have a say in reparations.

### **Factors to Consider for Implementation**

While the deal may be nearing its final stages, we must bear in mind the practical solutions of implementing the conditions into civil society. What comes next? What are our preliminary goals? What are our mid-longer term goals for the region? How can we sustain peace? We also need to ensure the peace lasts through successive administrations. This includes discussions such as:

- Schedule
- Budget
- International accompaniment
- Tools of dissemination and communication
- Mechanism of countersignature of the agreement

The violence in Colombia has now stretched far beyond the binaries of rebels versus government; this is no longer a war with two defined sides. The lines and boundaries have significantly blurred with the involvement of illegal armed groups involved in narcotics, petty lawbreakers, criminal gangs and armed paramilitary groups, further complicating an already convoluted international situation. Thus any peace deal that is successfully signed and implemented must incorporate sustainable long-term strategies, and not simply focus on the laying down of weapons.

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