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What Is the Colombian Peace Process Teaching the World?

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For more than five decades Colombia has suffered a relentless and devastating war that has taken a greater toll than that of many major wars around the world. For the past four years the Colombian government and the left-wing guerrilla Revolutionary Armed Forces of Colombia–People’s Army (FARC-EP) have been engaged in peace talks with the aim of putting an end to the armed struggle. During the negotiation, the two parties have developed innovative strategies and techniques that are informing debates on security, human rights, peace making, peace building, and international law at the regional and global levels. The aim of this article is to describe and discuss three lessons from the Colombian peace process. These involve the strategic use of diplomacy, careful preparation and design of the negotiation context, and the inclusion of victims’ rights as a central issue of the talks.

Thirty years ago the Colombian war was a forgotten conflict in the eyes of the international community. It was globally neglected because of its origins in the era of the Cold War and because of its complexity and its strong relationship to the global cocaine trade. To the international community the Colombian conflict was difficult to understand and politically too sensitive to intervene in, in order to contribute to a lasting solution.

Left-wing armies, mainly the Revolutionary Armed Forces of Colombia–People’s Army (FARC-EP) and the National Liberation Army (ELN), have been waging a deadly war against the state and paramilitary forces in most parts of the country for over five decades in what is now the longest internal armed conflict in the world. The war has taken a toll that is greater than that of many major wars around the world as the following figures suggest

- By the end of 2014, armed conflict had forced 38 million people around the world to flee their homes. With about 6 million internally displaced people (IDP), Colombia exceeded only by Syria, with 7.6 million IDP. Iraq is in third place with 3.3 million. The IDP population of Colombia is equivalent to the whole population of Singapore and of Denmark.¹
- The reparations program created by the Colombian government in 2011 has registered 7.7 million victims of forced displacement, murder, torture, sexual violence, forced disappearance, and kidnapping among other grave violations of human rights. These numbers indicate that almost 14 percent of the population have suffered directly from the internal armed conflict and consider themselves victims.²
- Colombia is the third country with more land mine victims in the world, exceeded only by Afghanistan and Cambodia.³

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- During the internal armed conflict, 3 presidential candidates, 1 general attorney, 1 minister of justice, 200 judges, 175 city mayors, and 16 congressmen have been murdered. Also 220,000 killings have been registered, 80 percent of them of civilians.⁴
- Colombia registers 100,000 victims of forced disappearance. This figure is equivalent to the total number of cases reported in the dictatorships of Argentina, Chile, and Brazil put together.⁵
- During the conflict 3,000 militants of one single political party, the Unión Patriótica, were killed in a period of ten years.⁶
- Authorities have registered 39,058 kidnappings between 1970 and 2010. This figure implies that during that period, every twelve hours 1 person was abducted in Colombia for political or economic ends.⁷
- Authorities and nongovernmental organizations have registered 5,000 extrajudicial killings carried out by military forces around the country.⁸

During the past four years the Colombian government and the left-wing guerrilla organization FARC-EP have been engaged in peace talks with the aim of ending the violence. At the moment, the parties have reached unprecedented agreements on four of the six points established in the framework agenda at the beginning of the peace talks: a comprehensive agrarian development policy, political participation by the guerrillas after the peace process, a solution to the problem of illicit drugs, and victims' rights and transitional justice.⁹ It is the first time in history that the government and the FARC-EP guerrillas have reached these sorts of agreements in order to end conflict. The parties are now working on the issues of disarmament, demobilization, and reintegration (DDR) along with agreement implementation and verification mechanisms. Moreover, as part of the confidence building measures put in place, both parties are working in a small demining project in a remote rural area of Antioquia. Recently, leaders of the two parties, Colombian president Juan Manuel Santos and Rodrigo Londoño Echeverri, the leader of FARC-EP who is also known under the alias "Timochenko," jointly announced from Havana an agreement to sign a final peace deal in December 2016 and to start the DDR process two months later.

The framework agenda agreed on in the secret phase of the talks was designed to include only the points necessary to guarantee an end to the armed conflict and to lay the groundwork for the peace-building phase.

During the negotiation, the parties have deployed innovative strategies and techniques that are setting new standards in different fields. These new approaches are currently informing debates on security, human rights, peace making, peace building, and international law at the regional and global levels. The aim of this article is to describe and discuss three aspects of the Colombian peace process that have contributed to its success: the strategic use of diplomacy, careful preparation and design of the negotiation context, and the inclusion of victims' rights as a core issue of the talks.

The Role of Diplomacy in Creating a Positive International Context

The Colombian peace talks have been led entirely by the citizens and government of Colombia.¹⁰ At the same time, the process has involved interaction with external third parties and the international community. A key element in attracting this interaction has been the diplomacy of President Santos, which has helped keep the talks moving forward and reaching unprecedented agreements.

When Santos took office in 2010, he recognized that Colombia had to reboot its foreign policy in order to rebuild diplomatic ties with its neighbors Venezuela and Ecuador. The former government, led by Alvaro Uribe (2002–2010), had escalated the confrontation at the regional

level by accusing various other South American governments of harboring and supporting “terrorists.” Moreover, at the global level, the international community distrusted the Colombian government because of its corruption, its poor record on human rights, and its alignment with the administration of US president George W. Bush during the first years of the war on terror. This was not the ideal international context in which to start a negotiation to end a conflict that was heavily influenced by the international drug trade and in which the combatants—FARC-EP, the military forces, and the paramilitaries—were involved in international crimes.

The Santos government knew from the start that any peace agreement that might be reached would impact many foreign political agendas, such as the relationship of the United States with Cuba and Venezuela and the global debate over the fight against drugs. Thus, from 2010 until now the Colombian government has been very active and successful in changing the negative trend it inherited from the previous administration. At the moment, the continent fully supports the peace efforts and many countries around the world are ready to contribute to the implementation and verification of the final agreements in such areas as and victims’ rights, investment in rural infrastructure, and the reintegration of former combatants.

Diplomatic relations with Venezuela and Ecuador were reconstructed and trust was restored, in large part in order to accept the two countries’ active roles in the peace process as sponsoring parties of the talks. Colombian diplomacy was strategic enough to attract Cuba as the host country of the talks and guarantor of the process and to secure the interest of the United States, the Union of South American Nations, the European Union, Germany, the Vatican, and the United Nations. These countries have all appointed special envoys to the peace process, indicating growing interest in the issue and a strong commitment to the implementation and verification challenges in Colombia. For example, when Secretary of State John Kerry announced the appointment of Bernie Aronson as the US special envoy for the Colombian peace process, he said that, in choosing Aronson, the Obama administration recognized the need to appoint “somebody who had the ability to ensure that the United States is effectively contributing to the process and helping the parties come closer to the peace that they seek.” It was important also, he said, to appoint “someone who knows the region inside out and who has experience in negotiations like these.” He concluded: “So it is with our confidence and the confidence of the Colombian Government, and the men and women in Colombia who have been working tirelessly and for far too long for an end to this war, that I am today pleased to announce that Bernie Aronson will serve as the United States special envoy for the Colombian peace process.”¹¹

Another innovation of the Colombian peace process is the use of international advisers who take an active role. Each party has access to an advisory team of international experts. Also the framework agreement provides for the invitation of international experts in different areas to the negotiation table. During the discussions of political participation and transitional justice, these advisers have played a positive role by contributing lessons learned from other peace processes in the world and showing the parties different solutions to the tactical and strategic dilemmas of the negotiation.

An important element of the Colombian peace process is the role played by the guarantors, Norway and Cuba, and by the observing countries, Chile and Venezuela. The guarantors’ job is to ensure that the rules established in the framework agenda are abided by, since trust can wane during a process like this.¹² Should a crisis arise that leads to a misunderstanding or misinterpretation, the observers’ job is to clarify the relevant issues.¹³ There is, however, no appointed international mediator.¹⁴ These four countries have been instrumental in settling internal disputes during the negotiations, in creating trust between the parties, and in supporting many logistical matters of the day-to-day business.

The positive and supportive international context has been essential to the development of the peace process because it has given a boost to the external legitimacy of the process, and it has allowed the parties in the peace talks to learn from the experience of other countries. It has also been an important indicator of success to an often skeptical Colombian public. The discussions of many of the points in the framework agreement, especially those that involve solutions to the problems of illicit drugs and transitional justice, will have important international consequences. Furthermore, Colombia will have the help and support of the international community in dealing with these issues in a constructive and positive way.

Preparation, Structure, and Design

The peace process in Colombia is also an example of how to prepare and design a negotiation in order to reach a desired end. During the exploratory talks, or what is commonly known in the literature as the “talks about talks,” the parties agreed on three elements that have been essential for the development of the public phase of the process.

First, the Colombian government and FARC-EP agreed that the initial aim of the peace talks is to put an end to armed conflict, rather than to bring about peace in a positive way. This aim might sound obvious, but it is essential to the management of the internal and external expectations of what the process can achieve. In past peace attempts, governments in Colombia “sold” the peace talks to the public as a panacea, promising that they would bring peace and development. This promise proved to be a mistake, because the parties could not deliver and public expectations were crushed. In the current talks, this simple agreement about the desired outcome has proven effective, and from the outset the parties have shown the political will to reach common understandings. In the framework agenda the parties agreed that the cessation of political violence will give way to a peace-building phase, the stage where the agreements will be implemented in the field with the participation of the whole population.¹⁵

The parties also agreed on a shared vision of the sequencing of the whole process. Phase one involved exploratory secret talks that lasted about six months; phase two involved public talks that were announced at a public event in October 2012 in Oslo, Norway; and phase three involves the beginning of the “transition” and local implementation of the agreements, also called the territorial peace-building stage.¹⁶

Second, and against all odds, the government and FARC-EP agreed on a discussion agenda of six points. The limited agenda has helped to organize the talks taking place in Havana. It has also been valuable in separating the often technical peace talks in Cuba and the more political deliberations taking place in Colombian society. All six points are tightly related to matters outside the negotiation table (e.g., agrarian policy, the transitional justice mechanisms for state military forces, and the national policy in the fight against drugs).

Third, the framework agenda includes operational rules that regulate confidentiality, the interaction of the negotiation parties with the media, the talks’ outreach strategy, the authorized number of delegates of each party, the creation of participation mechanisms for civil society, and many other procedural matters that if not regulated could derail or obstruct the negotiation. For example, Rule VI of the framework agreement states, “A mechanism for jointly communicating progress made by the Table shall be set up. Discussions held at the Table shall not be made public and that an efficient communications strategy shall be implemented.”¹⁷

The design and preparation of the Colombian peace process is setting a new standard for future peace talks around the world. The Colombian case has shown that a well thought-out process can be advantageous to both parties. Most crises can be solved on the basis of the rules and mechanisms established in the framework agenda, because this initial agreement gives stability and provides a common ground and a sense of predictability to the whole negotiation.

Victims' Rights and Transitional Justice

In many peace processes around the world, victims' rights and grievances from the past have been neglected or poorly managed because they are complex and sensitive. Many countries have chosen to leave such matters as victims' rights to a future political debate and thus avoid "contaminating" the peace talks with issues that could potentially derail them. This decision is the result of an apparent—but misleading—assumption that justice and peace are contradictory. Many past efforts at peace making made reaching a peace agreement a priority, regardless of justice, truth, and the demands for reparations. History has shown that this approach is fundamentally flawed, because, by postponing the demands of justice and leaving the seeds of potential conflict unattended, it can achieve only a relative and short-lived peace.

The Colombian peace process has directly challenged this approach. From the start, the parties agreed that victims' rights should be a separate and central topic of the agenda. This decision is a response to the sheer magnitude of human suffering in the country; there are currently seven million victims of the different armed actors, 75 percent of whom are civilians. The government and FARC-EP recognized that an agreement that did not have victims' rights at the core of the negotiations would be not only unlawful but also immoral, illegitimate, and unstable. International law as it stands today provides for justice, truth, and reparation to the victims of international crimes. Recognizing that to initiate the peace-building phase of the talks, the parties involved in conflict and the whole population have to deal with the past in a constructive, reflexive, and comprehensive way, the negotiators in Havana are aiming for a peace deal that looks to the future but also recognizes and acknowledges what happened in the past.

To be consistent with the principle of putting victims' rights at the core, the negotiating parties created three mechanisms that offer a world-class example of how victims can participate directly in a peace negotiation. In past peace agreements around the world, victims and victims' organizations were traditionally active players only after the peace agreement was reached, participating either in truth commissions or in the trials against the perpetrators. In the Colombian process, victims have been actively participating from the outset.

The first mechanism was a direct channel of participation for victims to send proposals to both delegations through electronic and conventional mail. By October 2015, the government and FARC-EP had received 24,475 proposals that address the issue of victims' rights.¹⁸

The second mechanism was a series of events in which the victims were invited to participate. The delegations appointed a collegiate third party made up of the United Nations, the Universidad Nacional, and the Catholic Church that organized regional events at which victims from all over the country could deliver their views, expectations, and proposals. These events were attended by 3,162 victims and 4,617 victims organizations, and the parties received 22,146 proposals from them.¹⁹

The third mechanism consisted of public hearings in Havana at which victims were invited to engage directly with both delegations. These hearings took place before and during the discussion of victims' rights and transitional justice. Their purpose was to allow the victims to be heard so their expectations and demands could be taken into consideration in the ensuing discussion. During five hearings, sixty victims from different regions, who had suffered different violations of their rights at the hands of different armed actors, were able to confront the delegations and through their narratives convey their suffering and voice their needs and expectations. This unprecedented mechanism was essential to the start of the difficult discussion about how to deal with the past.

After a long year of discussion on the topic of victim's rights and transitional justice, the parties have agreed on three key elements of a broader transitional justice system. In June 2015 the delegations announced the creation of the Truth Commission. On September 23, 2015,

Santos and Timochenko announced the creation of the Special Jurisdiction for Peace. This organization will investigate, prosecute, and punish international crimes. More recently, on October 18, 2016, the delegations announced the creation of a specialized unit to search for people who are considered disappeared in the context of the conflict.

Victims' participation has been essential for the delegations and for the peace process as a whole. The views expressed by victims are currently informing many agreements about victims' rights. Putting victims' rights at the center of the peace process has been one of the main innovations of the peace talks.

Conclusion

The treatment given to diplomacy, the importance of preparation and design of the negotiation context, and the inclusion of victims' rights as a central issue of the talks are evidence that the peace process in Colombia is setting new standards in various fields and is becoming an example for other peace endeavors around the world. Colombia is developing a new model that other countries, especially in the global South, could adopt to satisfy the higher global demands for accountability while also helping nations in conflict to achieve a lasting peace.

Notes

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¹⁸ Office of the High Commissioner for Peace, Colombian Government, Bogota, October 2015. See <http://www.altocomisionadoparalapaz.gov.co/Paginas/inicio.aspx>.

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