



Lessons for Colombia's Peace Talks in Oslo and Havana

Bogotá and Washington

October 15, 2012

Lessons for Colombia's Peace Talks in Oslo and Havana¹

For several years, our institutions—the United States Institute of Peace/USIP, Georgetown University, the University of the Andes and the Center for Popular Education and Research (Centro de Investigación y Educación Popular/CINEP)--have developed an agenda for research and reflection on the history and lessons of peace processes in Colombia. Our institutions remain convinced that learning the lessons from this history of past experiences is essential for reaching peace in Colombia, and has much to teach those in other conflict zones around the world.

When we released our document, “Ten Years After Caguán: Lessons for Peace in Colombia Today,”² on February 15, 2012, the secret exploratory talks between the government of Colombia and the Revolutionary Armed Forces of Colombia (FARC-EP) in Havana were about to begin. At the time, the idea of promoting dialogue with Colombia's rebel groups remained controversial, and our insistence on revisiting the negotiating experiences of the past, particularly those that took place in the demilitarized zone of Caguán a decade earlier, also seemed to cause some distress. However, we insisted nonetheless that negotiations were necessary to end Colombia's painful, decades-long internal armed conflict and would be necessary to initiate a new era of reconciliation among Colombians.

On August 27th, President Juan Manuel Santos announced that, for six months, the government had been holding exploratory dialogues with the FARC and had reached a preliminary agreement for an agenda and framework for talks in Oslo and Havana in October 2012. His announcement generated optimism and expectation in some sectors and fear and skepticism in others.

As neither the government nor the *guerrilla* has achieved military victory after half a century of armed conflict in Colombia, both parties' decision to pursue a peace

¹ The lessons discussed here were prepared as part of a collaborative reflection led by the following institutions and individuals:

- The United States Institute of Peace (USIP): Virginia M. Bouvier (vbouvier@usip.org);
- The Center for Latin American Studies of the School of Foreign Service, Georgetown University: Marc Chernick (chernicm@georgetown.edu);
- The Research Program on Armed Conflict and Construction of Peace of the Department of Political Science of the University of the Andes
Angelika Rettberg Beil (rettberg@uniandes.edu.co), Carlos Nasi Lignarolo (cnasi@uniandes.edu.co), and María Emma Wills (mwills@uniandes.edu.co);
- The Center for Popular Research and Education/ Program for Peace: (CINEP/PPP): Mauricio García-Durán, S.J. (asistenciaapostolados@jesuitas.org.co) and Fernando Sarmiento Santander (fsarmiento@cinep.org.co).

² See document in English at <http://clas.georgetown.edu/files/10YearsAfterCaguan.pdf> or <http://www.usip.org/files/olive-branch/10YearsAfterCaguan.pdf>. The original Spanish version is available at <http://www.semana.com/nacion/lecciones-tras-diez-anos-del-caguan/172279-3.aspx> or <http://www.elespectador.com/noticias/paz/articulo-327588-diez-lecciones-del-caguan-acercarse-paz>.

agreement offers hope that this chapter of prolonged armed conflict in the history of Colombia will be closed once and for all. The country faces an historic moment. A well-structured and well-managed dialogue, together with sufficient political will on both sides and with the support of the Colombian people and the international community, could bring this prolonged conflict to an end, and could open the way to a new era of peace building in Colombia.

The talks are not going to resolve all the large-scale social conflicts in the country. However, agreeing to some key reforms that will bring about the end of the armed conflict is an important and necessary first step, and will open up political space to address a wider array of issues. It is not going to be quick or instantaneous and it will require widespread participation from all social sectors. However, a peace agreement accepted by all sides based on addressing a few of the critical factors of violence is a decisive step towards creating a new context in which it is possible to achieve social change without appealing to violence.

There are reasons to be optimistic, including concrete expressions of political will from each side, evidence of a desire to learn from the past, and already-visible incorporation of lessons learned during previous peace processes. It is also important to note that the political context in Colombia, Latin America and the world has never been more conducive to a negotiated solution in Colombia.

EXPRESSIONS OF POLITICAL WILL

Since the election of Juan Manuel Santos, leaders of both the FARC and the National Liberation Army (ELN) have expressed their willingness to dialogue in order to find a political solution to the armed conflict in Colombia. Since taking office, President Santos has insisted that the "key to peace" was well-guarded in his pocket and that he wanted to establish the conditions to "take the key to peace" out of his pocket. Today it is public knowledge that, for a year and a half, the Colombian government sought and established contact with the FARC and, during the first half of 2012, participated in secret talks with the FARC in Cuba to explore the path to a negotiated resolution to the conflict.

Colombians have witnessed a series of gestures on the part of both the government and guerrillas that can be understood as part of a process of establishing confidence between the parties. These overtures include the FARC's announcement in February, a few days into the exploratory talks in Havana, of a change of policy with respect to their practice of kidnapping, and their liberation of the last ten members of the Colombian military and police forces held in captivity.

Meanwhile, the government put in place the appropriate security measures for the FARC to be able to take part in exploratory talks in Havana and suspended detention orders to allow guerrilla negotiators to participate in the talks in Oslo. The Santos

Administration also urged the approval of the Legal Framework for Peace,³ while promoting a legislative agenda that includes agrarian reform, victim reparations, and land restitution—historically themes of central importance for the FARC.

The discretion maintained by the parties during the exploratory phase suggests their shared desire to undertake serious peace negotiations. Both parties have exercised self-restraint and resisted the impulse to negotiate through the media or in the public spotlight. In previous processes, neither the government nor the guerrilla maintained such discretion, undermining confidence.

We observe as well that the killing of FARC leader, Alfonso Cano by the Colombian Armed Forces during the exploratory phase of the talks, was not used as an excuse to interrupt the talks. This suggests that the FARC is committed to this process and have already made a decision to stay the course, despite provocations that may arise.

Finally, the fact that the parties succeeded in jointly adopting the “General Agreement for the Termination of the Conflict and the Construction of a Stable and Durable Peace,” signed on August 26, 2012 in Havana, is possibly the best indicator of the will of both parties to arrive at a negotiated solution to the conflict. The General Agreement proposes the terms of this solution, with a road map and agenda for the talks in Oslo and Havana.

LESSONS LEARNED

When President Santos announced the decision to pursue a negotiated political solution to the internal armed conflict in Colombia, he underscored that the talks in Oslo and Havana would be guided by the lessons learned from previous peace processes. Some of these lessons are clearly manifested in the structure of the new talks:

1. The location of the talks should not generate additional tensions or encourage enemies of the process. The FARC’s decision not to ask for a demilitarized zone as a pre-condition for negotiating signifies a change of position on their part and should be seen as a gesture of good will. By agreeing to negotiate abroad, in Oslo and then Havana, the two sides are allowing the negotiations to proceed without the distractions that an avalanche of media attention, including criticisms, denunciations, and misinformation can cause. Two of the previous three attempts at direct negotiations with the FARC took place in Colombia (in La Uribe and San Vicente de Caguán) and one abroad (in Caracas and Tlaxcala). Negotiations with the M-19, the Popular Liberation Army (EPL), the Quintín Lame Armed

³ Constitutional reform that establishes the conditions under which the government can negotiate with insurgents and other actors in the conflict. Many questions remain about whether the framework establishes adequate mechanisms and conditions for negotiating with the guerrillas.

Movement, the Revolutionary Workers Party (PRT), the Socialist Renewal Current (CRS) and other small fronts or dissidents that signed peace agreements in the 1990's all took place within the country. The location of the talks has never been the determining factor in the success or failure of a process. However, we believe that the decision to initiate discussions abroad, accompanied by friendly countries, is prudent and will facilitate the progress of the talks and the possibility of achieving substantial agreements.

2. Explicit recognition that agreements on key reforms and issues, as identified in the agenda, will lead to the end of the conflict. Another lesson learned concerns the need to establish a clear vision of the objectives of the negotiations, and for the parties to set explicit goals and then agree to a plan for moving towards those goals. The FARC, for the first time, has agreed that the end of conflict would entail "laying down arms." The General Agreement provides a road map that commits the parties to "uninterrupted direct talks ... with the objective of attaining a Final Agreement for termination of the conflict that contributes to building a stable and lasting peace."

3. The need for a communications strategy that seeks both to protect the process but also inform the public. During the exploratory phase in Havana, the parties protected the process. Experience has shown that the early stage of confidence building between the parties requires isolation from the media and public debate. Discretion is necessary to explore areas of key concessions for both sides and thus identify or move toward a minimum consensus that will serve as a basis for possible agreements. Given the profound interests of some who have benefited from the war and the status quo, establishing a robust process and stable relationships before exposing the process to public critique becomes even more significant. Expectations of information by the public and the media during a peace process create pressures that can sometimes disrupt or distort the discussions at the table. However, it will also be important for the government and the FARC to design a communications strategy that provides an appropriate level of information to the public so that Colombians can accompany and support the process.

4. Be prepared before sitting down to talk. The process so far has included a year and a half of preparation, as well as six additional months of intensive work during the exploratory talks. These have resulted in a work plan and a road map, and the teams are functioning. Support from the international community was sought from the start. The government team includes high profile, capable professionals, and the FARC team includes members who represent the FARC command, and who have both a political profile and experience as negotiators in prior peace processes. Also of note is the presence on the government team of two retired generals representing the public security forces, a representative of the business sector, and others with business experience. Their presence can prevent those sectors from feeling isolated from the process, and can also build confidence among the guerrillas that the whole of the State will back whatever agreements may be reached.

5. Agree on a realistic agenda. The negotiating agenda agreed to in Havana on August 26, 2012, focuses on a reduced number of issues compared to the agenda of Caguán more than a decade ago. The agenda today is limited, realistic, and manageable. The five themes chosen for the agenda –integrated agricultural development policy, political participation, the end of the conflict, illicit drugs, and the reparation of victims –represent some of the most critical issues that have fueled this conflict for decades and that have contributed to its perpetuation.

6. Start with a theme central to the conflict. In Caguán, the first agreed upon item on the agenda was the economy – an issue that proved too extensive and controversial to resolve. Today the decision has been made to start the talks in Oslo and Havana with the issue of "rural agricultural development policy." The land issue has been one of the great engines of the conflict, and has been the primary issue for the FARC since its inception. Land has also been a central part of the legislative agenda and the official and institutional policy of the Santos government. For the first time since the days of Carlos Lleras in the 60s, the government and State institutions are developing a capacity to deal with agricultural issues. The negotiations will be complex and will find many enemies whose interests will be affected. However, recognizing the need to protect the rural economy (both medium and smallholder) in order to achieve the restitution of land, ensure food security, and advance social justice levels in the countryside is a crucial step forward, and will also make possible the broader evaluation of the agro-industrial sector that has emerged in the Colombian countryside. The challenge is to find a proper balance among these agrarian interests and to confront the enemies of the process.

LESSONS TO BE LEARNED

1. Negotiations must be opened with all rebel guerrilla groups and solutions must address other critical factors of violence. Both the President and the signatories of the General Agreement have invited other guerrilla organizations to join the talks. The Caguán experience shows how the opportunity to reach an agreement with the ELN was lost by focusing exclusively on negotiations with the FARC. The new opportunity that has presented itself today must not be missed. The right mechanism must be found to integrate all guerrilla groups into the process – in joint or parallel tables, or other forms that might be determined. Moreover, the government should clearly define, *starting now*, an effective policy against groups that emerged after the demobilization of the United Self-Defense Forces of Colombia (AUC), as well as other paramilitary structures and criminal gangs. In other peace processes, paramilitary violence caused the breakdown of the talks on multiple occasions and was a contributing factor to their failure.

2. A ceasefire at the beginning of the process carries some risks. Although a ceasefire could reduce the human costs of war, due consideration must be given to how, when, and where it would take place, and with what guarantees. If one of the parties does not have strong control over its troops, or if the ceasefire gives spoilers an easy opportunity to undermine the process, it is better to wait for favorable

conditions before formalizing a ceasefire. Spoilers were a critical factor in the failure of the process in Caguán.

3. The escalation of violence does not necessarily bring advantages to the parties at the peace table. The experience of past processes is that violence often escalates as the parties seek to improve their position at the negotiation table. This was the case in Northern Ireland, South Africa, and El Salvador, where demonstrations of military power by the insurgents were intended to increase the willingness of the state to negotiate. However, in the Colombian experience, this strategy has not helped the parties in previous peace talks. To the contrary, increased violence during peace processes in Colombia has strengthened the sectors opposed to a negotiated solution, fueled public distrust in the motives of the parties, and contributed to the erosion of support for a political solution to resolve the internal armed conflict.

4. In the absence of a ceasefire, agreements that are partial, temporary, and humanitarian in nature can build and strengthen confidence in the process and bring relief to the civilian population while a final agreement is under negotiation. Even if the parties do not agree to a ceasefire early on in the negotiations, they could agree on a series of informal and formal arrangements to reduce the impact of the war on civilians. Former President Ernesto Samper has offered a proposal, “Humanizing the Conflict While Peace Comes,” that is worth considering. If the parties decide to negotiate without a ceasefire, a tacit agreement to exercise restraint would still be desirable. If the security situation deteriorates considerably and the public does not perceive the positive dividends of peace talks, there is a risk that the political climate and public opinion more broadly would become polarized in favor of war. The country is unlikely to accept an escalation of the armed conflict like that of the Caguán years.

5. Clear and viable verification and control systems must be established before formalizing any agreement. Such mechanisms will help ensure that any violation of the agreements is investigated, documented, recognized, and addressed, and that it does not derail the talks. Establishing a ceasefire before these mechanisms are in place has its risks. Likewise, the parties will need to clarify what acts are to be considered violations, and create mechanisms to process complaints.

6. Do not leave the table until a peace agreement is reached. If peace is not reached during this process the chances of achieving a political solution will be deferred for a long time to come or might disappear altogether, and the war will suffer further degradation. It is inevitable that provocations and confrontations will challenge the process. Participants at the table must be prepared to face such provocations—hopefully neutralizing them ahead of time. Above all, both sides must keep their commitment not to get up from the negotiating table --no matter what-- until all agreements are finalized.

7. Anticipate and seek to neutralize potential spoilers. This process, as in the past, will have hidden enemies. The involvement of senior (retired) officers both from the Army and the Police, as well as from the business sector on the negotiating team can help build support and trust within these sectors, which in the past have been obstacles to the peace process. In the current context, a major challenge will be the capacity that criminal gangs (BACRIM) and new paramilitary groups have to sabotage the process. The State will need to undertake a comprehensive strategy, using all available tools—including those relating to the security sector, judicial mechanisms, and even dialogue--to disrupt and dismantle these groups.

8. A peace agreement must have the backing of civil society if it is to be sustainable. The General Agreement contemplates inputs of Colombian society and recognizes that peace-building "is a matter for society as a whole that requires the participation of all without distinction." It is essential to find the mechanisms to channel the participation of different sectors of civil society, including, among others, peasants, indigenous, Afro-descendants, women, human rights defenders, displaced persons and other victims, and voices from the different regions of Colombia. These mechanisms are yet to be defined, but might include the National Peace Council, Peace Commissions of the House and Senate, territorial or municipal councils, or some other of the mechanisms provided for in the 1991 Constitution.

9. The experience in Caguán underscores that civil society must not only participate in the process, but their inputs must be synthesized and translated into a comprehensive peace policy. The organization of hundreds of thematic tables in Caguán with over 20,000 presentations, left civil society deeply frustrated. Official delegates rarely attended the presentations, much less synthesized or archived what was said. In the end, the public is a key stakeholder and will need to support any agreement in order for it to be legitimate and sustainable. Without debating and acclimatizing peace issues in the regions through regional consultation processes, it will be difficult to consolidate post-conflict dynamics emerging from a settlement reached at the national level.

10. The participation of women in peace building and consideration of gender dimensions ensure a more sustainable and equitable peace. Experiences in other conflict zones, such as Liberia, Rwanda, Northern Ireland, and South Africa, show that a greater participation of women gives better results. Beyond that, in the case of Colombia, the gender dimensions of violence have permeated the conflict and require special consideration. Either a ceasefire agreement or a final agreement will have to create mechanisms to dismantle practices of sexual violence that have been used as weapons of war. Differential approaches in agricultural policy will be needed to guarantee women equal access to land and property titles, as well as to credit, education, employment, and other benefits. DDR programs will need to address the differential needs of women and girls who have been ex-combatants or otherwise associated with the guerrillas in different roles. Other peace processes show that peace agreements offer opportunities to dismantle social inequalities and

historical discrimination. If such issues are ignored, a peace process can do the opposite and reinforce such injustices.

11. Civil society must maintain its autonomy in the peace process. One of the hard lessons to be learned from the dialogues in Caguán is that civil society must not turn over its voice or its autonomy to the parties at the table. Neither the government nor the guerrillas represent (or can speak for) all actors within civil society. The role of civil society is important but limited in the sense that a negotiated peace depends largely on a direct agreement between the government and the guerrillas. Colombian society has a responsibility to hold armed actors accountable and to not let them leave the table until reaching an agreement to end the conflict. It must therefore maintain its capacity for mobilization and advocacy, its independent and critical eye toward the process, and its defense of the rights of victims.

12. The right of victims to truth, justice, reparation, and guarantees of non-repetition should not be neglected in the determination to reach a peace agreement. The theme of the victims is one of the points of the agenda set out in the framework agreement reached between the Colombian government and the FARC in Havana on August 26. It will certainly be a point that implies great challenges given that both parties are responsible for violations of international humanitarian law and human rights during the long years of conflict. Discussions at the negotiating table on how each party can contribute to progress on the path of truth, justice, and reparation can provide a vision for how to ensure non-repetition of the violations and prevent an international body such as the International Criminal Court from having to intervene in the future.

13. The media play an important role in the construction of public opinion that is favorable or opposed to the peace process. The media must assume coverage of the peace process responsibly, aiming to reach an appropriate balance between the need for timely news about the peace process, on the one hand, and the need to cover complex, critical issues from a variety of the different perspectives at play. They must avoid simply echoing elements that can block the momentum towards a final agreement. For their part, both the government and the insurgency must have a clear communications policy that informs on the progress of negotiations and provides the necessary and relevant information, while at the same time taking care not to negotiate from the microphones

14. The role of the international community is crucial to the future of the process. The international community can play a number of roles to support the peace talks, as well as in the construction of peace. Cuba and Norway already serve as guarantors of the current process. Venezuela has played a role in the logistics and accompanied the process, and Chile will join in accompanying the process in Norway and Cuba. The international community has assumed other roles in the past related to the demobilization and disarmament of the troops. Many of the peace processes--the demobilization of the M-19, the Socialist Renewal Current, Quintín

Lame Armed Movement, part of the People's Liberation Army (EPL), Self-Defense Forces of Colombia (AUC)--have received technical assistance and support from various sectors of the international community. Other forms of collaboration may emerge. So far the parties have not determined that there is a need for an international facilitator or mediator (nor a national one, of which there are many), but there may come a time when it is deemed relevant and necessary to seek a third party to assist the parties in reconciling contradictory stances. In the implementation phase of this process, when the participation of civil society in peace building will be consolidated, the international community must not abandon Colombia, but rather it should seek to strengthen peace-building, reintegration, and reconciliation with accompaniment, technical support, and material resources.

15. Building peace will take time, but it is important that peace be sustainable. All those interested in building peace must be patient and the international community must be aware that if and when a final agreement is reached, it will be just the beginning of a long process of moving toward reconciliation, which will be the basis for a more hopeful and sustainable future for all of Colombian society.