

Formal peace processes

In search of a new model for conflict resolution

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As the oldest civil war in Latin America takes on aspects of the 'new wars' of the Post-Cold War era, the Colombian peace process and the specific form it might take in the future are a fascinating laboratory to study the 'new peaces' required for the new millennium.

The peace process has had its distinct stages and mixed results. However, the evolution, combination and interplay between government policy and insurgents' response have produced two distinct 'historical models' for conflict resolution: the first moulded during the Betancur years and co-authored by the Revolutionary Armed Forces of Colombia (FARC), while the second was the result of the Barco administration's dealings with the 19 April Movement (M-19). Even though since then there have been variations on the two and attempts at designing alternatives, the two often conflicting models have continued to predominate.

Over the years and despite the many setbacks, there have also been important elements of progress and evolution that in the future could come to constitute a 'third model' for conflict resolution, including new factors, such as a more active role for civil society, greater concern from the international community and the effects of the growing intensity of the war itself.

Historical models of conflict resolution in Colombia

The Betancur/FARC model of conflict resolution was characterized by a 'broad agenda' of social and political structural reforms and took its most concrete form in the *La Uribe Accord* in 1984. It was based on an acceptance by the Betancur administration of the 'objective causes' of the conflict such as social inequity and political exclusion, and recognition of the insurgencies as legitimate interlocutors in negotiations. The pioneering nature of Betancur's approach omitted sufficient institutionalization of his peace policy and he failed to engage important political and social actors such as the armed forces, the Catholic Church and local business elites in the process. He did however succeed in laying down three basic pillars that would somehow guide future administrations: talks with the guerrillas, political reforms and social and economic relief.

President Barco was elected largely as a reaction against the generalized perception of the failure of Betancur's approach. Barco reversed the order of priorities outlined by his predecessor, demonstrating that social and political reforms should happen independently of negotiations with the insurgents, and moving to institutionalize peace policy. Just as the FARC helped to mould Betancur's approach, the co-authors of the new Barco policy were the M-19. They quickly agreed on the



negotiation's objective: to focus on political guarantees allowing the insurgencies to disarm and transform themselves into legal democratic movements, as well as the terms for reincorporation of ex-combatants into civilian life, which took place in 1990. This was arguably a 'limited' agenda in comparison with the array of issues on the 'broad' agenda discussed between Betancur and the FARC.

The Betancur/FARC and Barco/M-19 models of negotiation remained important reference points during the subsequent administrations of Gaviria, Samper and Pastrana. While Gaviria's presidency is remembered primarily for his policy of "integral war" against the insurgency, it is noteworthy that during the first part of his term, while on one track the Barco/M19 model was being negotiated and implemented with the EPL, the PRT and the Quintín Lame, it simultaneously agreed in Caracas with the Simón Bolívar Guerrilla Coordination Body to an agenda closer to the Betancur/FARC model. Although the political crisis that dogged the Samper administration prevented any progress in peace talks, government peace policy conceptually returned to the broad agenda of the Betancur/FARC model, while continuing the process of institutionalization central

to the Barco/M19 model. New elements included the ratification of the Second Protocols to the Geneva Conventions and the recognition of a new role for civil society and the international community.

The Pastrana administration blended elements of both historical models and added new ones. Pastrana's pre-inauguration meeting with Manuel Marulanda signalled a return to direct presidential diplomacy without abandoning the formal institution of the Office of the High Commissioner. The 1999 *Agenda for Change for Peace* signed by the government and the FARC is clearly inspired in the broad agenda of the Betancur/FARC model, yet much of the administration's policies and handling of specific issues reflected otherwise. The agreements on procedures reflect an evolution with regards to past experiences with the FARC, with the Public Hearings and the Thematic Committee creating limited opportunities for broader public participation. The armed forces were also generally supportive of the process, despite the FARC's relentless pursuit of the war. And finally, although Pastrana was not fully successful in enabling other branches of his government to play a useful role, he skillfully used international concern about the effects of the war to garner support and create

awareness of the peace process around the world. If progress of the peace process could in fact be measured in its more ample dimension, including citizen awareness, ripeness of political conditions, social support and possibilities for international cooperation, there is no doubt that the Pastrana years saw unprecedented advance. However, there was never a coherent strategy for the negotiation process itself, nor did the talks produce any real progress on the substantive issues.

The Uribe interlude

There is no doubt that the collapse of talks in 2002 was directly proportionate to the success of Álvaro Uribe and his hard-line policy of 'democratic security' in the presidential elections of that year. Nevertheless, at least on paper, the Uribe administration has not closed the door completely on future talks. However both they and the insurgents trade unlikely conditions as prerequisites for talks: the FARC demand the demilitarization of two departments and the President insists on a unilateral ceasefire, the immediate release of all those kidnapped by the guerrillas and a limitation of the agenda to the terms of disarmament and reintegration, echoing a more restricted version of the limited agenda of the Barco/M19 model. In relation to the National Liberation Army (ELN), Uribe has also ratified the intermediary role being played by Cuba.

The biggest policy shift by the Uribe administration is the treatment of the paramilitary groups. Uribe secured congressional approval for a controversial legal reform removing the recognition of political status as a prerequisite for peace talks. In this new context, and under the auspices of the Catholic Church, contacts with the AUC were established and an initial deal, the *Santa Fé de Ralito Accord* was signed on 15 June 2003.

However, there are still more questions than answers, relating to the extent of paramilitary disarmament, their role in drug-trafficking, and their potential conversion into 'peasant soldiers' upon demobilization. There are also deeper questions about truth, justice and reparation for atrocities, as well as the degree of state responsibility in their creation and development.

In the meantime, the war continues, with some changes in its dynamics. There are growing signs that the conflict can shift to the cities through acts of terrorism. While some indicators of the violence, like kidnapping, have decreased, others, like forced internal displacement, are at a record high. For the first time in over a decade the FARC and the ELN issued a joint communiqué pledging to fight closer together. Although it is still

early, these factors suggest that chances for restarting peace talks in the short term are slim at best, making the current administration an interlude in Colombia's search for peaceful resolution to its internal war.

Towards a new Colombian model of conflict resolution?

The corollary of two decades of peace processes is a wealth of valuable experience. Each of the two historical models, Betancur/FARC and Barco/M19, made significant contributions, and recent years have also led to the appearance and consolidation of key, new elements. Added to a synthesis of specific aspects of the two historical models, these could be the ingredients for a future, third model for conflict resolution, building upon the lessons of the past, but adjusting to the realities of the present and the future. For this new model to evolve, unfortunately, the ongoing dynamic of escalation must reach maturity. Likewise, several additional conditions should emerge or be induced.

Civil society participation

In the Colombian conflict, the armed political actors on the left and the right, and the state itself, have precarious legitimacy. Even collectively, they do not represent the nation as a whole. For this reason a central component of the new model will have to be the active role of civil society, at different levels and at different moments of the peace process. Yet it is not simply a matter of having civil society sit at the table alongside the government and the guerrillas as a third party. For example, the most significant arena for citizen participation in the processes of the early nineties was not the peace talks with the insurgent groups that decided to demobilize, but the wider dynamics that evolved around the National Constituent Assembly. These other forums however, must be closely connected to the negotiations around the armed conflict.

In the processes with both the FARC and the ELN during the Pastrana years, there were subtle attempts to involve civil society in the negotiation process, much more pronounced and decisive in the second case. Although neither was able to adequately constitute itself in an effective and socially accepted means of citizen participation, it is significant that both processes at some point expressed the need to establish better links with society and its diverse expressions.

However, the *Los Pozos Accord* serves as an example of how often civil society participation was more rhetorical than real. There can be no more graphic expression of the archetype of bilateralism than the picture of the President and the legendary guerrilla chieftain meeting alone

under a tent, like two chivalric generals deciding the fate of an entire nation. The overwhelming political effect of the meeting, symbolized in the hugs and the handshakes indicates that even though neither the government nor the FARC can claim to represent the Colombian people, when they come together to work jointly for peace, their legitimacy, popular backing and degree of social representation takes a quantum leap. This should at least prevent us overemphasizing the magnitude and scope of civil society representation.

But what the final breakdown of the talks during the Pastrana years suggests is that the essentially bilateral nature of the negotiation model was inadequate given the levels of complexity of the national crisis. It is therefore imperative that the new model has specific objectives for social participation to be effective. It must also be remembered that civil society reflects the contradictions and conflicts that characterize a nation fractured by years of war and political violence. While it has shown enormous resilience, great ability to mobilize people power and capacity to generate new leaderships, it still reflects the many tears in the nation's social fibre. Civil society, in its diverse forms of expression, must also be able to further its organizational capacities and reach the necessary levels of commitment, decision and empowerment needed to express its will and have it respected.

The National Peace Council, although it has not been implemented nor fully developed since it was created, can be revived and reformed if necessary, as an institutional setting to articulate the diversity of representations and expressions of Colombian society. Although the ELN's National Convention has yet to be more than a vague proposal, many of its components coincide with the basic premise that civil society must play a formal and decisive role in a peace settlement. Likewise, the proposal made by the *Comisión de Personalidades* focused on linking the ceasefire with the specific objective of convening a new National Constituent Assembly as the final stage of talks with the FARC, reminiscent of the Barco/M19 model.

Broad participation must also be consolidated within the political arena. After the genocide of the Patriotic Union (UP) in the late 1980s and the frustration of the Democratic Alliance M-19 in the early 1990s, the absence of a democratic left within the legal spectrum of party politics gave credence to the insurgents' claim that it is only possible to exercise opposition through armed struggle. For this reason, the recent appearance and early success of the leftist *Polo Democrático* in the 2002 national elections and 2003 regional elections should be seen as a significant step towards reversing this historical deficit in Colombian democracy.

Unlike previous experiences, the *Polo Democrático* reflects the growing autonomy, independence and distance of social organizations, intellectuals and progressive political movements with regard to the insurgency. If it is able to continue consolidating itself as a modern and viable political alternative, the *Polo Democrático* could persuade the guerrillas that playing within legal bounds is possible in Colombia.

Institutionalizing peace policy

Another fundamental transformation required to consolidate the new model is the institutionalization of peace as a state policy rather than a presidential policy. Amongst the branches and components of the state, the armed forces are especially important. Traditionally excluded from policy-making and from the talks themselves, the military should be directly and actively involved in all phases, including and very significantly at the negotiation table. Furthermore, strategic continuity is required to bridge the gap from one administration to the next, requiring it to move beyond the category of state policy, extending the degree of consensus to the whole of society, to reach the level of public policy.

Creating and sustaining political support for the peace process is essential for its feasibility. The highly volatile nature of public opinion and the fragility of civil society were evident during the Betancur/FARC experience, as social and political support for his peace policies at the beginning fizzled into nothing. Something very similar occurred with Pastrana. In the case of the Barco/M19 process, even though civil society only played a marginal role, public support grew ostensibly as the peace agreements began to transform into tangible and visible realities, carrying over into the National Constituent Assembly.

Amidst the escalation of the war and its increasing degradation, much can be done to prepare a climate favorable to a negotiated settlement. The democratic development of the organizations of civil society on the social front, the consolidation and growth of the movements like the *Polo Democrático* on the political front, strategic thinking and planning on realistic post-conflict scenarios on the public-policy front, the building of international support networks for peace, are all vital tasks which require a long-term perspective.

Humanitarian Accords

Another key component of a new model and its political and social support base is the gradual application of the ethical values and norms of International Humanitarian Law and International Human Rights Law. The implementation of International Humanitarian Law by the way of special, *ad hoc* agreements, as a first step



towards a fuller respect for human rights, becomes a moral and political imperative. For these to be possible, they must produce benefits for all parties: for example, political recognition for the insurgency and the freeing of kidnapped victims for the government.

Shifts in guerrilla strategy

The still unknown outcome of internal processes within the insurgent groups is another key component in determining the feasibility of any future dialogue. Just as the breakdown of talks in the early nineties gave the hard-liners in the FARC the upper-hand, we will have to wait to see if this time a similar shift takes place, possibly allowing for a re-positioning of the more political wing. Within the ELN, recent experience confirms that its traditional complex decision-making by consensus within the five-man Central Command, coupled with the fact that no one has yet been able to replace Manuel Pérez at the helm, continues to often produce erratic political leadership and ever-shifting positions.

One further condition for the new model is the coordination of the processes with the FARC and the ELN. The issues to be discussed in each are the same, although with different order and emphasis. Understanding their distinct natures, sizes and conditions, their historical differences and present rivalries, and the particular

rhythms of their internal processes and of their dealings with the government, it is necessary for all the concerned parties to work towards the eventual convergence of the two into a common trajectory – or at least a coordinated one.

Social and political reforms

We should assume the basic premise that peace will entail deep structural changes in social and political terms, requiring legal and constitutional reforms that can affect society and culture as a whole. Issues at the root of the conflict, such as land ownership, macroeconomic policy, the use of natural resources and energy policy, must be seriously debated and redefined. This does not imply, as someone once put it, a “socialist revolution by decree”. But it does mean that the Colombian political system and society must do some serious upgrading to meet the standards set even by bourgeois liberal democracy. Far from the achieving the Bolshevik Revolution, Colombia needs to first think about the French Revolution.

This leads one to envision an acute redistribution of political power that will probably include formal recognition of local guerrilla control of significant portions of territory and greater regional autonomy, without ever considering the notion of a Yugoslavia-style

disintegration of national unity. On the contrary, power-sharing is much more likely than break-up.

Sensitive issues of defence and security, involving the armed forces, will also require reform. Not only will their doctrine, make-up and functions be matters of negotiation and of major redesign, but it is likely that integration of today's rebels into some form of national security force will be required. Whether that be the army, as has been suggested by ELN leaders, or separate units, or a whole new body, remains to be seen.

It will also be necessary to foresee a five to ten year process, with a probable period of adjustment of what could be called "armed peace." It is clear that from the rebels' point of view and given the long history of broken promises and political genocide, their guns are seen as their only leverage to monitor and press for the implementation of agreements, and guarantee personal safety for their members and sympathizers.

For this reason, particularly given the experience of the Barco/M19 process, it is necessary to think about and plan for the colossal task of reincorporating thousands of ex-combatants from all the armed groups into civilian life. This must take into account the human, social, regional and economic components. Rather than try to turn peasants into business people, which failed a decade ago, it will be necessary to apply different models of alternative development, and more democratic organization of production within the parameters of a free-market economy, such as cooperatives and social development zones, where tax credits and public funding create investment incentives in historically deprived areas. Opening up real equal opportunity is today far more important for furthering the democratization of Colombian society than nationalizing industry.

Addressing paramilitarism

Without a doubt, one of the major questions for the future is that of the paramilitaries. It seems obvious that for peace to be complete and lasting, it must include all those who are involved in the war. However, the way in which a process with the paramilitaries is advanced can provide important incentives or obstacles to future negotiations with the insurgencies.

This, of course, leads to further immense issues for the future: impunity, punishment, due justice. It is clear that given the unthinkable level of atrocities perpetrated by these groups, the mere discussion of possible pardons or amnesties raises some very delicate questions and matters that go far beyond the boundaries of Colombia, especially in the new context of the International Criminal Court. We too must face the dilemma that all post-conflict societies have had to confront and

design our particular way of resolving the tension between the need to forget required for reconciliation and the equally important need to punish the guilty without which peace can only become a cover-up for impunity and wounds that never heal.

But, more important than punishing paramilitary atrocities, the consolidation of a new model of conflict resolution that can lead to real and sustainable peace will require the dismantling of the logic and system of paramilitarism itself.

There is no doubt that the one key ingredient of the new model is the participation of the international community. Despite the many shortcomings faced, the Pastrana years showed, both in the cases of FARC and ELN, that the role of the international community can be multifaceted, and can include accompaniment, facilitation, mediation, cooperation and technical support.

Final thoughts

Our history shows that every time peace efforts break down, it is harder to start again and much costlier to human life and the nation as a whole. While many Colombians feel that we have touched bottom, the potential for violence to escalate further is great. However, if neither side is able to win the war, Colombia will find itself once again restarting the peace process. But in order for this current phase of increasing conflict to blossom into the final act of this seemingly endless war, a new model for conflict resolution must arise. It must be able to adjust to the burdensome and seemingly outdated need to redress historic injustices that most societies resolved decades, if not centuries ago. But it must also have the high-tech sophistication required to incorporate a diverse network of inter-related pieces, increasingly interconnected with a large variety of global concerns. Such a mammoth task can only be accomplished with the teamwork of an awful lot of people over a long period against apparently insurmountable odds. This is a challenge that only the Colombian people as a whole, with the help of their friends in the world, can meet.