

Formal peace processes

Peace processes 1990–1994

Vera Grabe

Vera Grabe was a co-founder of the M-19 and led the movement until 1990. She was subsequently an AD M-19 Senator and currently teaches peace education in communities and at university level.

The peace policy adopted by President Barco in 1988 and continued by President Gaviria resulted in successful negotiation processes with the 19 April Movement (M-19), the Revolutionary Workers Party (PRT), the Popular Liberation Army (EPL) and Quintín Lame. These processes also influenced the creation of the 1991 National Constituent Assembly, which allowed for the participation of a wide spectrum of social and political groups in order to rethink the structures of the state and to develop a new constitution for the country.

In order to explain the peace processes of 1990–94, we must bear in mind their predecessors. No peace process can be understood in isolation, and in each process the previous ones appear: as light or as shadow. Before looking more closely at these processes, it is worth noting that they had antecedents in developments earlier in the 1980s. The beginnings of the debate on a political solution to the conflict could be traced to the responses to the M-19's seizure of the Dominican Embassy in 1980, and the debate it launched on the question of guerrilla amnesties. It also had roots in a ceasefire accord signed by the Betancur administration with the M-19, EPL and Workers Self-Defence Group (ADO) in 1984, which revolved around a proposed 'National Dialogue' and gave the guerrillas more public space and sympathy. Yet the agreement generated tension within the Colombian establishment, setting a course that eventually led to the Palace of Justice tragedy in November 1985, where an M-19 initiative to take several judges hostage resulted in the bombardment of the building by the army and the deaths of 95 people. New actors and circumstances arose in the years following the Palace of Justice tragedy, not least the growing impact of the drug trade on the violence. Peace acquired new complexities and concern about politics began to grow within the guerrilla movement.



From the limits of war to an opening for peace

The M-19's response to the Palace of Justice disaster was to deepen its commitment to armed warfare. It strengthened its military units and militias, created new fronts and a battalion with recruits from the Andean region, and pushed for insurrection and unity amongst the guerrillas. Despite the military gains, however, it could not regain the political initiative in a country weary of war. It was evident that fighting for peace through war was not resulting in the swelling of the insurrection.

In an attempt to regain its political direction, the M-19 undertook some deep-seated reflection and redefined the direction of the armed conflict: with whom? against whom? and for what? Until that point they had defined annihilating the armed forces as a primary military objective, but now concluded that this strategy was not weakening the ruling oligarchy. So it redefined its struggle as war but on the oligarchy, and as life for the country (in the framework of the movement to defend life that was emerging as a response to the 'dirty war' waged by the paramilitaries). This was an attempt to present a whole vision of its struggle to a divided country.

This decision was publicly launched in a military initiative that paradoxically opened the path for a new peace process; from an action aimed at polarization, reconciliation was born. In May 1988, the M-19 kidnapped Álvaro Gómez, a conservative leader and symbol of the Colombian oligarchy. The whole of the establishment reacted against this, and the M-19 understood that unnecessarily deepening the confrontation was counter-productive. The incident led to a reconnection with the political, with communication between the M-19 commander and the kidnapped leader, and a dialogue between multiple sectors. The result was a commitment from the political leaders of the country, representatives of the business associations, union leaders, religious leaders and members of M-19 diplomatic wing to think seriously about a reconciliatory solution to the national crisis, and from the M-19 a commitment to free Gómez.

Premises for a new peace process

The issue of peace was given new life. The government – M-19 negotiation model was built on two initiatives: an M-19 peace proposal launched during a political summit that emerged from the freeing of Gómez and President

Barco's 'Peace Initiative' of September 1988, which established three phases of negotiation with the armed groups: demilitarization, transition, and incorporation into civilian life.

M-19 camps became political meeting places, providing impetus to a new peace process. It was not possible to gain the support of the Simón Bolívar Guerrilla Coordination Body (CGSB), of which the M-19 was a member, in the short time available. The opportunity had to be seized: for Carlos Pizarro, the M-19 commander, it was clear that peace needed a new model and new aims, including the possibility of demobilization.

On 10 January 1989, Pizarro and Rafael Pardo, Presidential Commissioner for Peace, signed a document committing them to peace. For the first time the guerrillas accepted the possibility of disarming, and the government the possibility of democratizing the state and society. At the time this was not an organizational decision by the M-19, but a commitment from its leadership to begin a pedagogical and dialogue process with leaders and militants. It became a democratic organizational decision to disarm in September 1989 at the 10th National Conference of the Movement, when in a secret ballot, 227 votes were cast in favour and 3 against.

Peace needs clarity: itineraries

The result of these first meetings was a negotiation model with several key features. Firstly, the main M-19 forces would be concentrated in an area in Santo Domingo, Cauca in order for negotiations between the presidential delegates and the M-19 commander to take place. The M-19 proposed this small village at the height of the central Andean mountain range, away from any urban centres, to symbolize a non-arrogant attitude, especially to the military. Secondly, participatory Working Groups on Analysis and Consensus were established for discussions with different national sectors about proposals and political, economic and social reforms. These were to be legitimized through Congress and the Presidency in a Political Pact, formalized in a ceremony. Thirdly, mechanisms were introduced to guarantee the full incorporation of combatants into civilian life, with security schemes, the application of pardons, and economic support for reintegration. Finally, a 'political favourability' scheme would be implemented, to compensate for the obvious inequalities of an organization recently incorporated into civilian political life, by enabling electoral advantage to guarantee representation in the country's legislative bodies. Various legally constituted offices were also established during the negotiations, which the M-19 called 'Peace Houses', where the organization was able to contact those who wanted to join their cause.

The people are in charge

Santo Domingo, the site for the negotiations, became a 'mini peace city' as one journalist put it, a meeting place and reference point for those hoping to join the peace process, whether union members, *campesinos*, indigenous people, students, researchers, the religious, poets, musicians, or politicians; a place for political discussion, and a place to sing, dance, study, dream, and think up projects.

People took the process to heart, warming to the personality of Pizarro, which reaffirmed the decision to make peace and confirmed that building a political option was a real possibility. For this reason the M-19 never doubted the process, despite the many uncertainties and obstacles. In the middle of the negotiations, the army attacked an M-19 camp, leaving two dead. At another stage, the police assassinated one of the most loved and respected leaders of the M-19, Afranio Parra, in Bogotá. Faced with the crisis this provoked, the government investigated and detained those responsible within a few days. Transparency and sincerity were vital for keeping the process moving forward, as was the will to deal with obstacles instead of using them as an argument for mutual recriminations.

Decision versus negotiation: a leap into the unknown

The M-19's democratic vote in favour of disarmament needed to be given substance in agreements to make it a reality. Thousands of proposals on socio-economic, political and judicial reforms resulted from the Working Groups, which were brought together in a *Political Pact for Peace and Democracy*, signed in November 1989. The Pact also included an agreement on political favourability and an Amnesty Law. However, the government, simultaneously fighting a war against drug-trafficking, merged the first part of the Pact, concerning substantive reforms, with a constitutional reform to combat drug-trafficking, including the institutionalization of extradition.

This mixture blew the reform. When the constitutional reform reached a vote in Congress in December, the political class who had kept their distance from the peace process turned the issue of extradition into the principal point of divergence between the Congress and the government and the reform was defeated. In effect, the *Political Pact* through which the M-19 agreed to disarm was rendered more a letter of intent than a firm agreement. There were plenty of arguments to justify a decision by the M-19 to return to war. However, the decision was taken to reaffirm their will for peace. Carlos Pizarro called it a "leap into the unknown".

Utilizing the State of Siege and the Amnesty Law, the government agreed to suspend the arrest warrants against the main M-19 leaders so they could travel to Bogotá to continue the demobilization process and their political development as the Democratic Alliance M-19 (AD M-19). Faced with the sinking of the reform, the M-19 sought a guaranteed commitment from all the Liberal presidential nominees (the only likely winners of the elections) to comply with the agreed accords, especially the convening of a Constituent Assembly. Similarly the National Registry agreed to include the names of demobilized M-19 members in the electoral lists in March 1990, in which all posts were contested except that of the President. An extra ballot called the *Séptima Papeleta* (seventh paper) was introduced in these elections by groups campaigning for the Constituent Assembly to give weight to the idea of an autonomous reforming body. Mass demonstrations in support of the M-19 in Bogotá removed all doubts: the decision for peace was the correct one, despite the fact that the political favourability option had not been firmed up, and despite continuing uncertainty about the reintegration process.

The country imagined lines of guerrillas surrendering their weapons, yet the M-19 always made it clear that it would never surrender its weapons, but would voluntarily disarm. This was a free and sovereign decision, one that did not mean they were abandoning the struggle, but were simply dropping weapons as an instrument that no longer served the purpose. For this reason the disarmament ceremony was not attended by government representatives, but by international observers as well as the national and international press. There was no doubt about the message when Carlos Pizarro wrapped his weapon in the Colombian flag and gave his last military order: "For Colombia, and for peace, put down your weapons."

An involving environment

A National Constituent Assembly was convened in February 1991 to create a new constitution for Colombia. It was an idea that had been presented as far back as 1984 by the EPL, resurrected on various occasions, and now gathered new strength, with impetus from the peace process, student mobilizations and support from sectors of the Gaviria government. What was originally proposed as a constitutional reform through a Supreme Court of Justice decision, turned into a mandate to bring about the formation of a fully-fledged Constituent Assembly. Its 70 delegates were appointed through public elections held in December 1990. The result was a body that reflected a new country, a shift away from the domination of public bodies by the Liberal and Conservative parties, with a few representatives of the marginalized left. Members of the traditional parties, former guerrillas,

indigenous people, sporting leaders, social leaders, and cultural and democratic figures were elected to the Constituent Assembly. The three fundamental forces were the National Salvation Movement, led by Álvaro Gómez, members of the Liberal party elected as individuals, and the AD M-19. It was an opportunity to design an institutional structure that reflected a country requiring transformation in its political culture, the recognition of fundamental rights and organs that could implement these.

The National Constituent Assembly sat in session for five months, voting on its mechanisms and decision-making processes. More than anything, it was an arena for consensus and collaboration, most specifically regarding relations with the Congress of the Republic, reluctant to accept any change. Perhaps what was most significant was the widespread enthusiasm generated by the process, seen by many as a unique opportunity for participation in the design of a new country.

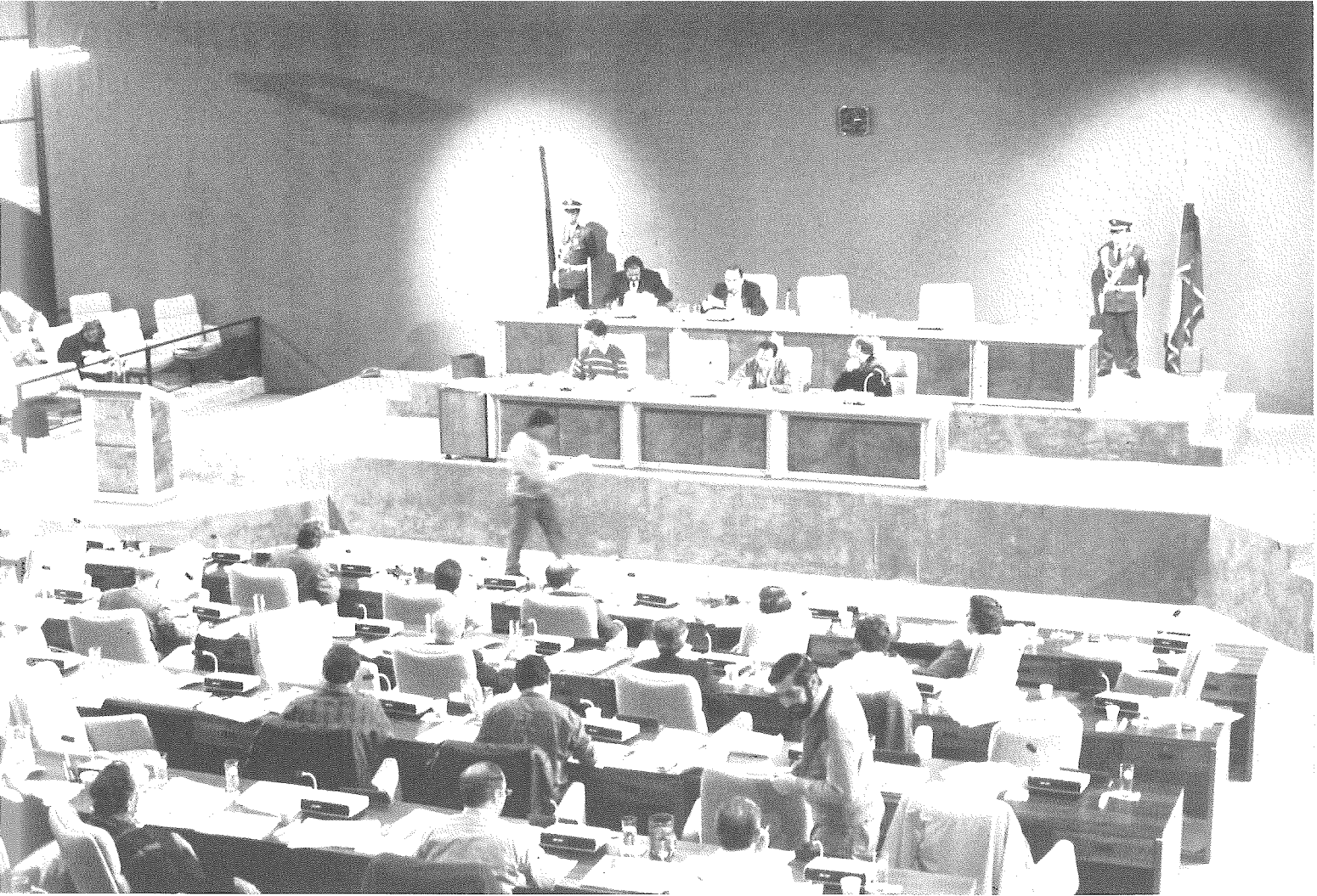
The process also stimulated movement towards peace negotiations among the rest of the insurgency. The EPL, the Quintín Lame and the PRT entered into talks with the national government, which sped up during 1991 because demobilization became a condition of their obtaining seats and participating in the Assembly. During the discussions, the CGSB also re-established contacts with the national government, which were formalized in the Caracas and Tlaxcala talks. Although these talks eventually broke down, they continued to have an effect, with an important sector of the National Liberation Army (ELN), grouped under the name of the Socialist Renewal Current (CRS) deciding to venture into peace talks in 1994, as did the militia forces in Medellín.

Every process is a learning process

Although all the accords followed the same model and are seen as being part of one process, each group learned from earlier processes, perfecting agreements according to the moment and the variations in individual emphasis.

19 April Movement (M-19)

For the M-19, seven out of the ten points in the accord were political, and as a consequence, the pace of the process was set by politics, to the detriment of more careful work on the issue of reintegration, which was in itself a learning experience given that this was an unacceptable concept up to this point. The mechanisms for political favourability did not work, but were rendered unnecessary as the electoral results were better than expected. The AD M-19 gained one million votes for the Assembly, half a million for the new Congress post-Assembly and then went through a process of political dispersion. Although it was ultimately unable



to consolidate its early successes, the majority of AD M-19 activists are still alive and actively support peace and democracy-building, both visibly, and in other less obvious civilian efforts.

Popular Liberation Army

The final accord between the National Government and the EPL stated that two EPL spokesmen could participate in the National Constituent Assembly, and facilitated the conditions for the promotion of their political project. The political development of the EPL, which was achieved through a democratic process, and led to their demobilization, was perhaps one of the most important aspects of the process. It signified a break with their orthodox political origins, with one section forming *Esperanza, Paz, y Libertad* (Hope, Peace and Liberty), and another section participating in the AD M-19. In Urabá, the EPL's historic home, antagonistic relations between the reintegrated guerrillas and the Revolutionary Armed Forces of Colombia (FARC) developed. With the paramilitary expansion in the zone, the EPL became a target in the polarization between insurgents and counter-insurgents. Amid fear and accusations of being linked to the persistent war in Urabá, Hope Peace and Liberty maintained itself as an important local force, with a continuous link to social sectors.

Workers' Revolutionary Party

Enrique Flórez, ex vice-commander of the PRT, says that "the politicization of the PRT happened during the peace process with Barco." The accord provided for a spokesman at the Constituent Assembly, and administrative, judicial, and financial facilities and guarantees, security guarantees and guarantees to allow them to campaign, so that as a central part of their transition they could become a legal party. It also included a security plan, and support for human rights work and regional development. While the PRT did not become a political party, some of its members participated in the AD M-19, joined regional politics, and are still working with social sectors on human rights and peace promotion, especially in the departments of Sucre and Bolívar.

Quintín Lame movement

In the National Constituent Assembly, there was one Quintín Lame spokesman, alongside two other representatives from the indigenous movement. Since then the indigenous movement has been present in the various levels of political representation, and the most important and unprecedented achievement has been the recognition in the Constitution of their identity, and their rights derived from their own culture. The Quintín Lame movement always defined itself as the armed wing of an indigenous social movement, and with the peace

An all-member meeting of the National Constituent Assembly, 4 July 1991

Source: Felipe Caicedo / El Espectador

process that *raison d'être* remained, as there was a need for a political force as a mechanism for developing the indigenous movement. The Indigenous Social Alliance (ASI) emerged as a result, and remains an important political and social force.

Socialist Renewal Current (CRS)

The Socialist Renewal Current (CRS), a group who split from the ELN, agreed to the establishment of a mechanism of political favourability and they nominated two representatives to the House in 1994–8. They maintained their unity during their political transition, were active participants in building alternative political forces, and of all the demobilized movements, they have been the most dedicated to civilian peace initiatives.

A mixed legacy

Taken as a whole, the process was a piecemeal one in its achievements. It did not manage to end the war because important sectors of the guerrillas did not participate. The basic commitment was to bring about change in the political regime, deepening democracy and transforming political structures, in order to improve economic and social conditions. To this end, although rights, institutions, and foundations were established in the Constitution, the priority for the National Constituent Assembly was to promote the eradication of the political practices and institutions that sustained clientelism, exclusion and political authoritarianism.

The National Constituent Assembly completed its work in June and a new Colombian constitution was promulgated on 4 July 1991. It has since been criticized for its lack of democratic coherence on themes including the media, the control of monopolies, and the armed forces. However, it is meaningless to judge things out of context, from a perspective of what should have been, rather than looking at the conditions from which they arose: the 1991 Constitution was the result of a process where there were no winners or losers, a meeting of very diverse sectors and as such cannot be anything but a hybrid product. It reflected the crisis in the regime and was, from its inception, the expression of a new country: a country that until then had not been allowed access to decision-making spaces traditionally reserved for bi-partisanship. This in itself was a revolution. Recognition of fundamental rights was born here, something that might be taken for granted elsewhere, but in the Colombian case was a huge historic advance. A new institutionality was created: to deepen democracy; to create judicial mechanisms to make rights real, with a Court and People's Ombudsman to enforce them; to widen administrative decentralization; and to create mechanisms for fiscal and political control. Perhaps the development of the content and meaning of the new

Charter has been more significant at the cultural level than in the building of a new state. While a series of new institutions were established, sectors of the old regime have since persevered in their efforts to dismantle the Constitution.

The dissolution of Congress sitting at the moment when the Assembly was approved, should have contributed to the renewal of political leadership, but was truncated when the Gaviria government, co-sponsor of political change, opted to ally itself with traditional sectors with a political majority in the Congress to push through its privatization and economic liberalization policy. This contributed to preventing the drafting of the laws required by the new Constitution. Since then the defence and development of the Constitution with regard to social and democratic guarantees has really been an exercise in resistance and perseverance by progressive sectors in Congress, and above all the people.

The obvious lesson is that redefining the foundations of the state has to be linked to a long-term political agreement in order to guarantee that a new house gets built on those foundations. The Constitution reflects a new country, but this does not mean that the traditional leadership and its political culture have been defeated.

Peace: revolution within revolution

The peace process during this period also had a number of less tangible results. It signified paradigm shifts in the ideas of revolution and peacemaking in Colombia, where before it had been considered a heresy to disarm as it was associated with surrender. This was not a product of military defeat – although it does not mean that some political and armed sectors did not see it in this way. With the decision to disarm, peace ceased to be a negotiation and became a free and sovereign decision.

This can be reaffirmed as a good and brave decision when one looks at the current panorama of the armed confrontation in Colombia in its degradation, barbarity, and established functionality. It is a question of ethics, of being able to read the historical moment, and of understanding that being a revolutionary also means being prepared to change, to adventure into unknown territory, abandon old schema, and begin to use the logic of non-violence and non-exclusion. Thus the simple fact of having taken peace as a paradigm of change is in itself an achievement and confirms that this process was worth it.

NEGOTIATING AGENDAS WITH THE DEMOBILIZED GUERRILLA GROUPS

AGENDA	Accords		
	M-19 (March 9 1990)	PRT, EPL, Quintín Lame (Jan 25, Feb 15, May 27 1991)	CRS (April 9 1994)
'Political favourability'	<p>Special peace district</p> <p>Support for electoral reform</p> <p>Reaffirmed the need to reform the Constitution and widen democratic opportunities</p>	<p>Participation in the Constituent Assembly (delegates and spokesmen)</p>	<p>2 representatives in the House</p> <p>Forum in Urabá to explain the peace process with the CRS and present their proposal for the region</p>
Justice, human rights and public order	<p>Commissions to reform the justice system, to study the drug-trade, and study the ratification of Protocol II</p> <p>Publish information on paramilitaries under the responsibility of the armed forces</p> <p>Revision of the Statute for the Defence of Democracy</p>	<p>Commission on Overcoming the Problem of Violence</p> <p>Support to victims of violence</p> <p>Governmental Commission on Human Rights and offices of the Department in some regions</p> <p>Meetings to discuss analysis and diagnosis on Human Rights</p>	<p>Forum to analyse the human rights situation in Colombia (leading to a book)</p>
Social and judicial guarantees for ex-guerrillas	<p>Amnesty</p> <p>Reintegration Programme (without detail)</p> <p>Security Plan</p>	<p>Amnesty</p> <p>Reintegration Programme, specifying types of guarantees and stages</p> <p>Security Plan</p>	<p>Judicial benefits (including amnesty)</p> <p>Reintegration Programme (more specific and widened to include the nuclear family)</p> <p>Security Plan</p>
Regional and social development	<p>National Peace Fund, to run programmes in zones of influence</p>	<p>Programmes in zones of influences</p> <p>Inclusion of municipalities in PNR and negotiation of projects with other entities</p> <p>Regional plans consulted with the community</p>	<p>Social investment programmes in conflict zones, with community participation</p> <p>Promotion of participation mechanisms for citizens</p>
Socio-economic policies	<p>Measures for participatory planning on, income, salaries, labour issues, housing, health, food security, campesino production and marketing</p>	<p>No agreement</p>	<p>No agreement</p>
Verification	<p>No agreement</p>	<p>National: the Constituent Assembly, public figures, and the Confederation of Evangelical Churches</p> <p>International: Socialist Workers Party of Spain, Socialist International, the World Council of Indian Peoples</p>	<p>A commission comprising the National Government, the CRS and international organizations</p>

Source: developed by Mauricio García-Durán based on the agreements

Personal reflections

Alice María Salazar

A former M-19 combatant, Alice is part of a Women's Collective of reintegrated guerrillas who work nation-wide to defend the rights of women who were members of insurgent groups.



The State peace processes have always had this content, a ceasefire, an end to military confrontation, but they don't create spaces for all those excluded sectors. There are many more people outside this society for whom the state never works: the street vendors in the informal sector, a large section of the population outside the education system, the health system, housing provision.

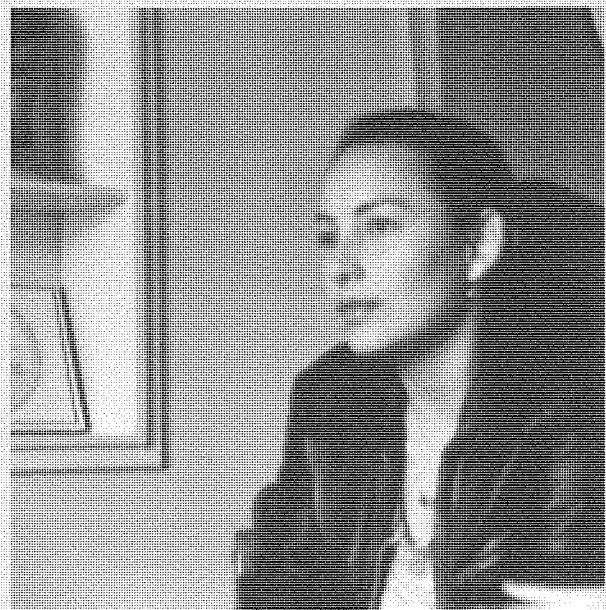
So we shouldn't be talking about reintegrating those with weapons, but we should start to reintegrate all those who don't feel the presence of the state, unless it is pursuing them, judging them, putting them in prison. There are many who don't feel the presence of the state because there is no social policy that covers them.

I don't see much peacebuilding. I see a lot of talking and not much doing. I think that peacebuilding implies working for better living conditions for all, a political environment that includes all Colombians; when I see the peace demonstrations I feel that it is more opinion that is being built, but no work that really defends rights, and includes sectors that have always been excluded, and makes democratic demands. No, all they do is recite the word peace.

Jazmin Agudelo

Jazmin works with the Horizons of Freedom Foundation, defending the rights of prisoners in various Colombian prisons.

Sometimes I want to believe in the formal peace processes, sometimes I can't let myself lose faith, sometimes I want to understand them but I am sadly confronted with the real situation, with what I live with all the time, day and night and I realize that they are not working, that they continue to be marred, that they have no aim, that the motive is more selfish than we thought. The motive is more immediate, it's more a kind of political publicity. They're not managing the root of the problem experienced by the general population, and I think we need that. Many members of civil society are going to continue to suffer just so that some of the actors and participants in these dialogues achieve their own objective, because each one will continue seeking his own objective. They are going to continue managing the negotiations and the dialogues for their own interests and the civilian population will get a raw deal for sure.



Formal peace processes

Negotiations with the FARC

1982–2002

Camilo González Posso

A former Minister of Health in the Colombian government, Camilo González Posso has participated in various peace negotiations since 1984, including the coordination of the citizen's forums for participation in the 1998–2002 negotiations with the FARC and the ELN. He is a university professor and President of the Institute of Peace and Development Studies (INDEPAZ).

In a context of spiralling internal war in Colombia, there have been three attempts at negotiations between the government and the Revolutionary Armed Forces of Colombia (FARC) during the last twenty years. The failure of these negotiations has revealed the clash between the radical demands of the FARC and the inflexibility of the sectors controlling the country's economic and political power. However, a review of these experiences suggests that possibilities for a political solution to the internal conflict continue to exist. For this to happen several minimum conditions must be met, namely: i) the emergence of a third socio-political actor who can sustain pressure for peace through dialogue; ii) the overcoming of the militaristic aspirations of both parties; iii) the critical revision and improvement of the two models of negotiations used until now, and iv) international accompaniment.

This article analyses each of the models of negotiation that have so far been tried with the FARC (the 'dialogue without negotiation' model and the 'negotiation in the midst of war' model). It highlights some of the lessons relevant for a future negotiation process and argues for the adoption of a 'national constituent pact' model.

First round of talks: 1984–89

The Belisario Betancur administration initiated the search for a negotiated solution to the internal armed conflict in 1982. It launched a peace pact addressing both "the objective and subjective factors" and declared a widespread amnesty. It created a 40-member Peace Commission representing a broad spectrum of social and political sectors, with the task of initiating contact and dialogue with diverse social sectors, including the insurgency, and presenting alternatives for examination by the executive and other public bodies. The municipality of Uribe was demilitarized and later became the meeting zone for encounters between the Central Command of the FARC, represented by Jacobo Arenas, and the Peace Commission.

In the first round of talks, the commissioners insisted that the FARC condemn the practices of kidnapping and extortion. The FARC insisted that any accord include the following commitments by the government: to modernize the political institutions, enable agrarian reform, facilitate the mobilization of *campesinos* and indigenous groups, strengthen education, health, housing and labour policy, establish a policy of public order under the sole control of the institutional forces of the state and initiate reconciliation processes. The talks resulted in the *Uribe Accord*, signed on 28 March 1984, which included initial agreements for addressing all the above issues and the establishment of a bilateral ceasefire. A National Peace and Verification Commission



was formed by presidential appointment, with nine regional commissions to support its work. Its task was to monitor the fulfilment of the commitments and to support the next steps of the peace process.

In this context and as part of a programme of democratization, the FARC concentrated its efforts on the launch of the Patriotic Union (UP) as its political wing. It aimed to boost its legislative influence and potential alliances with urban worker, middle class and 'nationalist business' sectors. At the same time the organization dedicated itself to its military consolidation within an eight-year plan. The Betancur government believed that the creation of the UP and the 'democratic opening' would serve as the most effective way to draw the FARC's interests into the legal sphere.

However, the modernizing drive of the Betancur government did not go further than the drafting and approval of legislation for the popular election of mayors and a statute on parties. The Congress, his own party, the country's important economic groups and the military failed to support the President's peace efforts. The *Uribe Accord* did not represent a national consensus on the political settlement of the conflict. Consequently, the

Peace and Verification Commission gradually became a body without real power and at best an organization for 'good offices'. The government's weakness, already exacerbated by the M-19's violent attack on the Palace of Justice, was compounded by a fiscal crisis and the adoption of IMF structural adjustment programmes. In an attempt to overcome his political isolation, Betancur accepted a new agreement with the FARC in March 1986, confirming the continuity of the *Uribe Accord* and in particular the ceasefire.

The accords were received by the administration of Virgilio Barco as an inconvenient inheritance that it was unable to advance towards strong and lasting agreements. Although neither side announced a formal end to the ceasefire, communication between the parties seriously deteriorated after a FARC ambush at Puerto Rico (Caquetá) in June 1987, in which 26 military personnel and one civilian died. Furthermore, the ceasefire was violated not only by confrontations between the guerrillas and the military but more importantly with regard to the unarmed militants of the UP. Some 3,000 of its members (including its leaders, councillors, unionists, agrarian leaders, parliamentarians and two presidential candidates) became the victims of a systematic

campaign of elimination at the hands of paramilitaries and the death squads, the objective of which was the annihilation of UP as a political force. This was a consequence of the intransigence of the reactionary right, but also the result of the combination of means of struggle (legal and armed) pursued by sectors of the left. It would have a significant impact on the dynamics of the conflict, increasing the FARC's scepticism of politics and negotiations as an alternative to the armed struggle, and resulting in a shift in the balance between the political and military wings of the organization.

The FARC responded to the Barco government's proposal of 'reintegration into legality' with further military development and with demands based on the *Uribe Accords*. It also requested initiatives such as the formation of a Commission of Notables, a 'patriotic national coalition' government, and support for citizens' initiatives for a Constituent Assembly. Ultimately, however, this dialogue of the deaf faded into the background, as the administration's attention centred on talks with other guerrilla groups.

Talks and negotiations in Caracas and Tlaxcala 1991–92

In the early 1990s, the FARC, ELN and EPL revived the Simón Bolívar Guerrilla Coordination Body (CGSB) and worked on developing a common position for negotiations. At the same time, the Gaviria government focused its efforts on reaching agreements with some of the other guerrilla groups and on the installation of the Constituent Assembly. The international context (namely the end of the Cold War and the peace processes in Guatemala and El Salvador) fed the government's belief that a strategy combining military pressure with partial democratization, including the Constituent Assembly, would force the CGSB onto the defensive and oblige it to either seek reintegration or face marginalization.

The army's unexpected bombing of the headquarters of the talks in Uribe in December 1990 illustrated and deepened the mistrust between the parties. Following the taking of the Venezuelan Embassy in Bogotá by three members of the CGSB, exploratory talks were held in Cravo Norte (Arauca). These were succeeded by meetings held for the first time outside the country, without the precondition of a ceasefire – representing a shift in the government's strategy.

Four rounds of talks were held in Caracas from June to November 1991. In the first round the parties identified the issues that would form the negotiating agenda: the relationship of the talks to the Constituent Assembly; state, democracy and conditions for political activity; the dismantling of paramilitary groups; justice and

impunity; human rights; national sovereignty and natural resources; socio-economic democratization; a ceasefire formula; and the verification of the process.

With the parties unable to reach an agreement on the conditions for a ceasefire, the second round of talks focused on ceasefire verification mechanisms, international monitoring and possible confidence-building measures. The talks were suspended to let the parties consult on the conditions necessary for a ceasefire, during which time there was an intensification of military confrontations.

The third round of talks was held from 4–30 September and was characterized by the entrenchment of the government's position. Still without consensus on the conditions for a ceasefire, the parties managed to reach an agreement on procedural issues. Both issued statements and the talks were suspended for a week of consultations. However, the government subsequently interrupted the talks in response to an assassination attempt on Aurelio Iragorri, the President of Congress before being dismissed by the Constituent Assembly.

The fourth round of Caracas talks (30 October – 10 November) focused on evaluating progress in the previous rounds and resulted in a memorandum of commitments containing the points of agreement and the remaining disagreements.

The talks recommenced in March 1992 in the holiday resort of 'La Trinidad' in Tlaxcala (Mexico) and continued until June. Initial agreements on changes to the order of the agenda were frozen following the kidnapping and murder of the former Liberal minister Argelino Durán Quintero by the EPL. In addition to this, the disappearance and death of Daniel García, diplomatic emissary for the FARC, set off a chain of mutual recriminations. These culminated in a joint declaration formally suspending the talks. There were a further two failed attempts to restart dialogue in April and May.

The breakdown of the talks was followed by the Gaviria administration's declaration of an "integral war" against the guerrillas. Paradoxically this was announced by Rafael Pardo, the first civilian Defence Minister since the period of *La Violencia* and a former government peace negotiator. During the Samper administration, initial attempts to formulate a new model of negotiations floundered due to the political crisis created by accusations that drug money had financed the president's campaign. The only negotiations that took place in 1997 were humanitarian negotiations on prisoner exchanges.

Negotiation in the midst of war and the construction of a new state: 1998–2002

The Pastrana administration's peace policy developed amid the expansion and degradation of the war. These conditions resulted in popular mobilizations, culminating in 10 million votes for the Mandate for Peace in October 1997, forcing the prioritization of a policy of peace talks.

The talks during the Pastrana administration differed from previous negotiation models. The new model could be called an 'agreement on reforms for a new state', allowing for progress "towards a new Colombia, through political, economic and social change that would create a consensus for the construction of a new state founded on social justice, conserving national unity" (La Machaca, 6 May 1999). It was accepted that dialogue and negotiation should progress in the midst of military confrontation, with the exception of a demilitarized meeting zone comprising five municipalities (42,000 km square). The model also initiated the organization of 'public hearings', transmitted by television, in which more than 25,000 delegates participated and in which proposals from the different groups and social sectors were presented. It included the participation of civil society in a Thematic Committee, created by the parties to contribute ideas to the negotiating table. It also featured the signing of an agreement supporting the process by the political parties and representatives of economic associations. Finally, it included the participation of European and American government representatives as observers or facilitators, as well as representatives of the UN Secretary General and various UN agencies.

The negotiation agenda defined in May 1999 incorporated 12 issues and 48 sub-issues. These included human rights, agrarian policy (the distribution of lands bought with drug money and the substitution of illicit crops), natural resources, the revision of the economic and social development model, reform of the Justice system and the state, accords on International Humanitarian Law (IHL), the redefinition of the peace-time role of the armed forces, and international agreements and the democratic mechanisms legitimizing these. There were dynamics that helped advance the process and build trust among the FARC and government representatives, such as the FARC ceasefire during Christmas and New Year in 1999/2000, and a visit to Europe to learn from other experiences and secure support for the peace process. One of the dynamics that weakened the process was the limitation on civil society participation, as seen in the delay in launching the 'public hearings' and the dense format used in these, as well as the belated revitalization of the National Peace Council by the government.

The protagonism of President Andrés Pastrana was central to the process, not only in his pre-election contacts that generated the dialogue and negotiation process, but also in the role he played in moments of crisis. This was the case in early May 1999 when he travelled to the demilitarized zone to meet with Manuel Marulanda and develop with him the start of formal negotiations on the basis of a common agenda. Similarly on 8–9 February 2001 he met again with Marulanda to attempt to unfreeze the talks. On this occasion the *Los Pozos Accord* was signed. It established agreements on how to advance the process, in particular through the creation of a commission of distinguished citizens (*Comisión de Personalidades*) to make recommendations to the negotiating table, agreement on a humanitarian accord, and the promotion of greater participation by the international community. On 2 June, a humanitarian accord was signed, formalizing the exchange of 42 military personnel with health problems for 15 imprisoned guerrillas also with health problems. Afterwards the FARC unilaterally released 242 soldiers and policemen.

But emerging tensions revealed the difficulty of maintaining the support of the large business groups and traditional power holders for a negotiation model that proposed commitments on changes to 'a new Colombia' and a 'new state' before dealing with the question of demobilization and disarmament, and even before agreeing on a definitive end to hostilities. This was compounded by the rejection by certain sectors of society of the existence of a large demilitarized zone, which while it might have been a neutral territory for dialogue, was also a strategic territory for the FARC. Moreover, the perception of a prolonged talks process in the middle of the cruelty of the war, without any obvious results, deepened frustrations. The disjuncture between the rhythm of the talks and the expectations of a mobilized society translated into an increasing pressure for advances on humanitarian accords and an end to hostilities. The Pastrana government lost support and the process wasted credibility with the population as military actions and violence perpetrated against the civilian population continued.

In this context, a rapid change in military relations occurred. While the guerrillas continued a slow numerical growth, the paramilitaries multiplied and achieved supremacy in important agricultural, coca and oil areas and in strategic corridors for drugs and arms trafficking, including some urban centres. At the same time, government security forces increased the number of professional soldiers and re-equipped with modern technology with US help through Plan Colombia. Moreover, international attention to the 'war against terrorism' led to the anti-drug war being placed at the



service of counter-insurgency. Within the government and the armed forces, the influence of those sectors opposed to a negotiated solution increased, and they demanded military offensives and the political isolation of the guerrillas inside and outside the country. In the eyes of those in favour of a military solution, the global anti-terrorist alliance, elevated to an international strategy for the defence of the state, seemed to be the missing factor that would force an inflexible insurgency to retreat and prevent a risky negotiation including substantial changes and subject to guerrilla approval.

Against this background, the *Comisión de Personalidades* presented its recommendations on how to continue the negotiations on 19 September. The parties signed the *San Francisco de la Sombra Accord* on 5 October, based on these recommendations. This pre-agreement constituted the most advanced progress in twenty years of searching for a peace accord with the FARC, establishing the basis for redesigning the agenda for a political solution to the conflict. Yet paradoxically it was at this moment that the negotiations had reached the lowest point in terms of political backing.

From this moment on circumstances rapidly moved towards the definitive breakdown of the talks, with the demilitarized zone constituting the central focus of

tension. The murder of the former minister Consuelo Araujo Noguera seriously increased the levels of tension between the parties, compounded by increasing pressure from the United States. The US government labelled the FARC the most dangerous terrorist group in the hemisphere and requested the extradition of some of its leaders on charges of drug trafficking.

Despite the international efforts, in particular the work of the special representative to Colombia of the United Nations Secretary General (Jan Egeland until 13 November 2001 and later James Lemoyne) the parties did not succeed in bringing their positions closer together. The decisive date emerged as 8 January 2002: the end of the extension of the demilitarized zone. Having failed to achieve an agreement, Pastrana prepared to give the order for the military to enter the zone. A dramatic intervention by James Lemoyne, representatives of the Church and the international community managed to keep the negotiations alive as the FARC declared that there existed guarantees to continue with the negotiations. Agreement was reached on a written timetable to establish a ceasefire before 7 April. However, the FARC's hijacking of a plane with Senator Jorge Gechem Turbay onboard led the government to break off the negotiations and begin the military reoccupation of the demilitarized zone.

**Manuel Marulanda, Commander of the FARC and
President Andrés Pastrana at Los Pozos, El Caguán,
8 July 2001**

Source: Gloria Castrillón / El Espectador

So the political class, with national and international support, regrouped around the formula proposed by Uribe Velez. This reintroduced the old schema of only offering to agree demobilization and reintegration based on military weakening of the insurgency, now declared to be terrorists and drug-traffickers. For their part, the FARC, faced with the crisis in the talks, were incapable of understanding the change in circumstances, and wasted opportunities to bring forward a ceasefire and end to hostilities, and with that an adjustment to the agenda and the functioning of the demilitarized zone.

The promise made by President Uribe to defeat the guerrillas and drug trafficking by 2005 on the one hand, and the demands by the FARC for two demilitarized departments as a condition for returning to the negotiation table on the other, illustrate how polarized the situation has become and highlight the difficulties involved in establishing a new round of dialogue.

Some lessons for a future round of talks

This long history of experiences suggest a number of recommendations directed at propitiating a politically negotiated solution with the FARC. Many are equally relevant to a future process with the ELN.

Firstly, it is necessary to revise and improve the models of negotiations to develop a 'national constitutional pact'. This new model would entail the adoption of an agenda of substantive reforms for the country, but overcome the bottlenecks of the previous models, in particular with regard to a ceasefire as a precondition for the negotiation of substantive issues, and the broad participation of those sectors set to benefit from the planned reforms. These reforms should then be institutionalized through a constituent congress. A constituent perspective is needed, enabling the inclusive participation of a mobilized society (which must involve amongst others the civil resistance movements, the multiple social movements and the independent political forces) and a media committed to the construction of peace.

It is also important to learn at a procedural level from the previous failed experiences. The new framework must recognize the invalidity of recreating the demilitarized zone, without clear controls and rules, and even less so in the broad terms that the FARC is now demanding. Perhaps it would be possible to try out one or more meeting zones, demilitarized for short periods of six months and including mechanisms for guaranteeing security and avoiding military advantages for either side. Similarly, the possibility of holding negotiations abroad should not be discounted, as attempted with the ELN. However, beyond the problem

of a demilitarized zone it is fundamental to address the problem of a ceasefire as a condition for negotiations. As recommended by the *Comisión de Personalidades* it is necessary to explore alternatives at this level that do not generate military advantages for either side. Furthermore, there must be consideration of incentives capable of inspiring FARC confidence in possible demobilization following the massacre of the UP. Without the de-activation of the paramilitary groups and a clear security strategy for former combatants, it will be hard to generate motivation for a peace agreement that brings with it such risks.

A future peace process would also need a clear strategy to address economic factors 'oiling' the conflict, in particular the resources from drug trafficking and external support for the conflict. Whilst both the guerrillas and the paramilitaries continue feeding the dynamic of the conflict with these resources, it is unlikely that they will be interested in a negotiation process that implies an end to this business. And whilst Colombia is considered 'centre stage' in the global war on terrorism and drugs, this will stimulate militarist positions within the establishment.

Regional and local dialogues could generate progressive special humanitarian accords for the application of the norms on IHL, the protection of the civilian population and the reduction of the conflict's intensity, and could serve as bridges on the road to re-establishing the search for a political solution to the conflict, as well as having an inherent value.

A new process must clarify and articulate the international community's role. The United Nations must confirm that it can play a real role in facilitating the return to negotiations. This should complement the initiatives undertaken by both the international 'Friends of the Process' and the neighbouring countries affected by the conflict. This international role must not undermine the good offices of the diverse sectors of Colombian society, nor prevent contacts between authorities and guerrilla spokesmen for humanitarian purposes at regional and local levels.

Finally, all these efforts should start from the premise that alternatives for confronting violence can be found in expanding democracy and solidarity, in the exercise of justice and the battle against impunity, in strengthening the mobilization and organization of the pro-peace social and political alternatives, and in the definition of a model of sustainable and inclusive development.

Formal peace processes

The government and the ELN

two discourses that don't meet

Alejo Vargas Velásquez

Alejo Vargas Velásquez is a Professor at the National University of Colombia and a member of the Civilian Facilitation Commission.

The 'entry-points' to a negotiation

Negotiations between a government and an armed guerrilla group start from a supposition of mutual recognition between the actors. This implies that the guerrillas recognize the legitimacy, albeit partial, of the government and the government accepts its opponent as an actor involved in political crimes, and thus susceptible to a negotiation process to overcome the confrontation. Nonetheless, engagement generally takes place in the context of asymmetrical relations. The state is a much stronger actor militarily, with greater political support and national legitimacy, even if this is in question. However, once convinced of the impossibility of defeating its adversary through exclusively military means, it sees negotiations as a viable path towards the resolution of the conflict, as well as an opportunity for necessary political reforms.

Some analysts believe that negotiations are only viable when one adversary has been weakened, with the stronger party imposing the conditions for talks. Others argue that if you are trying to transform a dynamic of military confrontation into a political confrontation, the military balance of power is a secondary consideration and what is fundamental is to 'politicize' the process. Without doubt, the National Liberation Army (ELN) has historically situated itself in the second perspective. However, the dynamics of the organization's engagement in negotiations have evolved considerably over its history.

Resistance to dialogue

The ELN's struggle is rooted in a revolutionary ideology that proclaims 'liberation or death' as its motto. As such, the organization has tended to hold a fundamentalist discursive position against the state, leading it to reject any possibility of conciliation with its 'class enemy'.

It was not until the beginning of the 1990s, after more than a quarter of a century of violent insurgency, that the ELN showed any interest in dialogue with the government. Prior to this, the only significant internal deviation from the path of exclusively armed struggle was that proposed by the 'Rethinking Sector', which emerged after the near-total military defeat inflicted on the organization by the army at Anorí, Antioquia, in 1973. The 'Rethinking Sector' was the first attempt by any part of any guerrilla organization in Colombia to examine political reintegration into civilian life and question the armed struggle as the only revolutionary path. However, this sector failed to manage internal tensions and ended up withdrawing from the ELN. It was similarly unsuccessful in embarking on a negotiation process with the government and only managed to achieve the reintegration of some individuals.



The experience of the Caracas and Tlaxcala talks

Subsequently, the ELN demonstrated a persistent interest in uniting the guerrilla movement, ostensibly to achieve a more consolidated position from which to challenge the government. In the 1980s, it became involved in several coordination bodies, including the 'Trilateral' between the ELN, the Workers' Revolutionary Party (PRT) and the MIR-Patria Libre in 1985, and in the subsequent creation of the National Guerrilla Coordination comprising the ELN, the PRT, 19 April Movement, the Popular Liberation Army and the Ricardo Franco Front. In June 1987, as other members of the National Guerrilla Coordination began to engage in bilateral negotiations with the government, this body disintegrated and the ELN merged with the small MIR-Patria Libre to form the Camilista Union – National Liberation Army. Finally, the ELN was instrumental in the formation of the Simón Bolívar Guerrilla Coordination body (CGSB), initially comprising all guerrilla movements including the FARC. As the other smaller guerrilla bodies reached peace agreements with the government, the CGSB was reduced to those groups who had yet to conclude comprehensive agreements, namely the ELN, the FARC and a faction of the EPL.

As a member of the CGSB, the ELN participated in talks with the Gaviria administration, firstly in Caracas, Venezuela and subsequently in Tlaxcala, Mexico. This marked a fundamental change in the ELN's position. However, although this first experience of engagement no doubt influenced the subsequent evolution of the organization's political strategies, its participation at the time had more to do with the importance the ELN placed on the unity of the guerrilla movement than its belief in a politically negotiated solution. It was more a formal presence than a real interest in the development or success of the talks, and indeed at that time the predominant idea in the ELN was probably more to obstruct the talks, than a serious belief in the possibilities of a negotiated settlement, as spokesmen later acknowledged.

The talks in Caracas and Tlaxcala happened without the suspension of military operations, based on a previous agreement between the parties involved. *[Editorial note: Additional information on the Caracas and Tlaxcala talks can be found in the article 'Negotiations with the FARC: 1982 – 2002']*. Yet in the end it was an ELN military operation against the President of the Senate at the time that caused the suspension of the Caracas round.

Five months later, after one round of talks in Tlaxcala, the process broke down again, with the Gaviria administration claiming that the National Constituent Assembly process and resulting reforms left the guerrillas without justification for armed struggle. Gaviria declared an 'integral war', with the explicit aim of inflicting a strategic defeat on the guerrillas.

The renewal of contacts under Samper's government

After this, the CGSB lost significance and eventually dissolved and the ELN underwent a period of significant military growth. As time passed, however, the organization began to incorporate dialogue and negotiation into its political thinking. It developed the central idea of a National Convention, a concept whose origin can be traced to the National Dialogues proposed in the mid-1980s by the M-19. The organization also emphasized the idea of 'Immediately Enforceable Partial Accords' especially in two fields: International Humanitarian Law (IHL), which was incorporated into the ELN discourse in the early 1980s, and mining and energy policy, especially oil policy.

The Samper government, therefore, started its term of office with an effort to re-politicize the conflict and the guerrilla actors and to rebuild trust. In the case of the ELN, the Office of the High Commissioner for Peace made crucial, informal contacts with the imprisoned guerrilla leaders named as spokesmen by the ELN, Francisco Galán and then Felipe Torres. During these contacts, developed inside the prison but with a great deal of political respect for the spokesmen, the possibilities of a talks process with the ELN on the important issue of the 'humanization of the war' were discussed.

Temporary agreements were reached about the application of IHL (with the participation of the Colombian Institute for Family Wellbeing - ICBF) and there was mutual acceptance of a Commission of Inquiry (a mechanism of Protocol I of the Geneva Conventions). There was also an informal meeting between two members of the High Commissioner for Peace's Office and two members of the ELN Central Command.

The National Convention proposal

On 2 February 1996, in the middle of the Samper government's crisis, the National Leadership of the ELN formally proposed the National Convention, in a document called 'An urgent proposal for Colombia: an initiative for participation and decision-making on the national crisis'. It suggested that:

"All sectors of national opinion should participate: social organizations, political organizations, trade associations, the church, intellectuals, the left, democrats and patriots. It should be a meeting of all those Colombians interested in a different future for the country, and of course open to the healthy participation of the international community."

The National Convention proposal progressively became a medium term negotiation strategy. In a subsequent document issued in November 1997 ('The National Convention – Let's retake the road to peace'), the ELN Central Command proposed:

"a dialogue process with the nation, without any kind of mediation, in order to remove the gag imposed by the press, radio and television on the opinions and ideas of the insurgency. We will develop this dialogue with the nation through public and secret meetings in our zone of influence. The international arena will be another space that will improve International Community efforts in this process. This great national meeting, which we are calling the National Convention, will acquire form through talking to the political movements and parties, social organizations, unions, churches, the National Conciliation Commission, the trade associations and personalities... this will provide guidelines to help overcome the crisis in the country, new approaches that will break open restricted political participation, imposed processes of disarmament and demobilization, and a system of government monopolized by the traditional machinery which excludes the majority."

Even if this public proposal went relatively unnoticed by the government and the wider public during this moment of polarization, it remains crucial because it established the basis of the future ELN script on negotiation proposals, in relation to concepts, participants, arenas and hopes.

The Palace of Viana Pre-Agreement

At the end of the Samper government, with the support of the Spanish Government and through the independent efforts of the National Conciliation Commission (CCN) and the Office of the High Commissioner, government and ELN delegates met in Madrid. Milton Hernández (in charge of the International Front) and Juan Vásquez (member of the International Front) represented the ELN and the then Coordinator of the Office of the High Commissioner for Peace, Daniel García-Peña and Presidential advisor José Noé Ríos represented the government. The CCN facilitated the talks, which resulted in the signing of the *Palace of Viana Pre-Agreement* in Madrid. This was later ratified at a meeting in the Itagüí prison between the ELN

spokesmen and the delegates of the High Commissioner's office in the presence of the CCN.

This document, and later the *Puerto del Cielo* ('Door to Heaven') Agreement, focused on an elaboration of the National Convention proposal as 'a process with various spaces for dialogue, which allows for proposals from representatives of the state, society and those guerrillas which participate.'

It outlined that 'The Convention will look to develop the basis of a political agreement on reforms and social changes, with a view to the democratization of the state and society. This will be developed through the required administrative and legislative mechanisms and through the organization of a National Constituent Assembly.'

The 'Door to Heaven' meeting with civil society

The *Palace of Viana Pre-Agreement* was leaked to the public by the Spanish newspaper ABC. With presidential campaigns in full swing, some sectors close to the future President Andrés Pastrana viewed the pre-agreement as a ploy to favour liberal candidate Horacio Serpa's campaign. As a result the ELN cancelled the initiative.

Subsequent efforts to restart talks were led by the Colombian and German Conferences of Bishops. These were preceded by some behind-the-scenes contacts established by the German private agent Werner Mauss and his Italian wife. The meetings in the German cities of Mainz and Würzburg in June and July 1998 were held without any formal representation by the Colombian and German governments. With Father Hans Langendorfer, Secretary of the German Conference of Bishops and Bishop Emil Stehle acting as moderators, the 'Door to Heaven' meeting brought together the ELN, members of Colombian civil society and the National Peace Council. The importance of the National Convention was ratified, as a procedure for social participation within a process of talks that would lead to the end of the internal armed conflict.

In the *Door to Heaven Accord* the ELN reiterated its position that agreements around the 'humanization of the war' could be the starting point for talks. In addition to the accord, the Mainz talks also began to explore the possibility of the ELN ending kidnapping, if the problem of guerrilla finances could be resolved. It was agreed that this would only be viable within the framework of a talks process.

Attempts to formalize talks during Pastrana's government

After the Mainz Meeting, the Preparatory Committee of the National Convention (formed in that meeting from a group of its members and including Francisco Galán and Felipe Torres) defined the methodological and thematic aspects of the National Convention. In agreement with a member of Central Command, they later defined the following agenda for the National Convention process: a) International Humanitarian Law, human rights, impunity, justice, insurgency and conflict; b) natural resources and energy policy; c) democracy, the state, armed forces and corruption; d) economy and social problems; e) culture and identity; nation-region; territorial reorganization; the agrarian problem and drug trafficking.

The National Convention process hit a dead-end when, during exploratory talks in Caracas in early 1999, the Pastrana government and ELN couldn't agree on a venue, or the guarantees to take it forward. After this impasse the ELN initiated a series of kidnappings and mass retentions intended to demonstrate its military capacity and respond to the idea that they could be militarily defeated or weakened. In particular, the hijacking of an airliner on 12 April 1999 and kidnapping of all its passengers brought widespread national and international attention and condemnation.

In this political climate, the ELN criticized the government's management of the peace process and condemned US interference in the conflict. It tried to justify its 'war tax' campaigns by categorically rejecting drug trafficking and proposed a National Accord document on the freeing of the first group of kidnapped aeroplane passengers. This proposal was subsequently overshadowed by the mass kidnapping of parishioners during mass at a church in Cali.

In the Pastrana period the ELN lost political support. There was a generalized public perception that it was being weakened militarily, even defeated. The Sur de Bolívar region was a symbolic case in which sectors of society, undoubtedly pressurised by paramilitaries, mobilized against the establishment of a 'meeting zone' for ELN-government talks. This was symptomatic of negative public attitudes following the experience of the FARC demilitarized zone. Incidents such as the defection of an important ELN unit, the Yarigüies Revolutionary Urban Front (FURY) to the paramilitaries in Barrancabermeja, and the military defeat inflicted on the José María Becerra Front near Cali increased perceptions of military weakness. However, it is important to observe that the ELN's growth is often compared to the growth of the FARC and from that conclusions are drawn about its real or supposed weakness.



The Civilian Facilitation Commission

It was in this context that the Civilian Facilitation Commission (CFC) was established on 30 July 1999, as an autonomous initiative by members of Colombian society, of diverse social origin, profession and political affiliation. This diversity has been its great strength and has allowed it, with the acceptance of the parties, to play a national facilitating role both with the Pastrana government and with the Uribe administration. Importantly, the CFC has been able to build trust with the parties, especially through its thoughtful and discreet search for ideas to help them to overcome difficulties and obstacles.

In practice the CFC has become the national interlocutor as a result of its good work with the ELN and its coordination with the Group of Friends of the process. Despite their efforts, contacts between the Pastrana government and the ELN were riddled with mutual distrust and could never be formalized as talks. Everything indicates that there was a government tendency from the start to consider it possible to defeat the ELN militarily, and that there was no point wasting time in talks with a guerrilla group that could be demobilized and reintegrated. There was a view that this would be a process without real political cost, allowing them to conserve energy for the real fight with the FARC. This view remained despite advances in procedural

aspects such as the meeting zone (strict regulations, national and international verification) and a timescale for the National Convention, with a defined methodology and content. In addition, agreement was secured on the ELN unilaterally freeing kidnapped members of the Security Forces.

The 'Agreement for Colombia' signed between the government and the ELN on 24 November 2001 acknowledged the non-viability of the 'meeting zone' at the time. This did not amount to a renunciation of the initiative by the ELN, just that formal talks would begin when it and the National Convention were politically viable. It set out the case for an evaluation exercise to review contacts between the ELN and the state, and following a Christmas ceasefire, ELN members travelled to Havana, Cuba, to attend a Peace Summit for this purpose. The initiative was also attended by the Colombian government, the CFC, the ambassadors of the Group of Friends, Cuban President Fidel Castro and some 100 participants representing economic associations, trade unions, the international community and humanitarian agencies. The summit concluded with humanitarian agreements, such as the suspension of crop spraying and guerrilla attacks on energy infrastructure. It also considered the possibility of linking regional peace initiatives with national policy, thus filling the void in the Pastrana government of forbidding regional talks.

First meeting between civil society and the ELN in the mountains of Colombia, 11 October 1998

Source: *El Espectador*

The period following the *Havana Declaration* was overshadowed by the breakdown of negotiations with the FARC. Finally, despite several working group sessions and some discussions on a six-month bilateral truce, Pastrana announced the collapse of negotiations with the ELN on 31 May 2002. This sparked an angry response from the ELN, who believed that the *Havana Declaration* had committed both parties to a Transition Agenda that would remain in effect until August 2002 and the new presidential administration. At the beginning of the Uribe's presidency, there were formal contacts in Havana between the High Commissioner for Peace, Luis Carlos Restrepo and a representative of the Central Command but the ELN decided at the end of 2002 to consider the contacts at an end, arguing that Uribe's Democratic Security policy was belligerent and that neo-liberal economic and social policy was contrary to popular interests. It also objected to the talks process with the paramilitaries and the removal of political status from the insurgent groups.

Unity for peace or for war?

The Colombian guerrillas have typically been opposed to acting in a unified manner. When such unifying experiences have been attempted they have not managed to go beyond coordination and there has been more unity for war than for peace. Although they have different political and military strategies and unequal development, they share a strategic objective: military and political victory to allow them to seize power. This basic shared objective means that historically there have been more aspects connecting than dividing them. It is in this context that the joint communiqué from the high commands of the FARC and the ELN issued in July 2003 should be analysed. The most noticeable aspect of the joint communiqué is that it moves toward greater political unity, not as far as a merger, but suggesting a more solid alliance. It will strengthen joint military action, which is already happening in a regionally differentiated manner. Although it is questionable whether this will consolidate a policy on ending the armed conflict, it could be the beginning, in the medium term, of a single negotiation process with the guerrilla forces and could move beyond the model of 'piecemeal peace' that characterized previous negotiations.

Lessons and possibilities for the future

The ELN concept of a negotiated political solution appears to be one of a process of participation by diverse social and political actors. It considers itself one of those actors, although one with a self-assigned authority to become the armed watchdog of the process. The ELN has a concept of negotiation as a

collective consensus-building process, while retaining the right to negotiate bilaterally with the state on strictly military issues.

The ELN sees its current National Convention proposal as a route to building consensus, and defining disagreements in the areas where consensus is not possible, in order to resolve them in the future. But there is also a vagueness with regard to the nature and reach of the National Convention, its results and whether it links in parallel or in the future with a bilateral government-ELN talks table.

Everything suggests that in a negotiation process the ELN hopes to gain political, social, economic and security reforms and not just procedures through which these can be addressed in the future. And while the process is advancing, it wants to retain its military capacity as a means of ensuring compliance, a position that reflects its lack of trust in the process to deliver the necessary changes.

The ELN has always considered a ceasefire a possibility, but it has to be connected with a resolution of the problem of guerrilla finances and without accepting their concentration in a single location – a difficult position for the state to accommodate.

The ELN seems to be at a cross-roads: either they consolidate their war strategy and postpone any possibility of negotiation, or they go down the open road of the National Convention, assuming they can reach some internal consensus about it and that they are convinced that it will offer greater political results at less social cost.

However, the principal bottleneck to a sustained peace process between the government and the ELN lies in the differences in their discourse, perspectives and logic. Successive Colombian governments tend to see the problem from a logic of 'realism', looking at the balance of power and deducing what the guerrillas would be willing to concede in negotiations. For the ELN, the National Convention and negotiations are arenas in which a diverse range of actors from Colombian society, with an important emphasis on those who have traditionally been excluded, design the changes required to address national problems. The problem of the future of the ELN itself is therefore secondary, relatively speaking, and easy to resolve, if the National Convention process has brought about the consensual changes they hope to see. Thus the balance of military power has little importance for the ELN and only features as a mechanism to press for the start of formal talks. Until this difference in perspective can be overcome, it is unlikely that a process with this guerrilla organization could have a future.

Negotiating with the paramilitaries

a minefield or a road to peace?

Mauricio Romero



Negotiations with the paramilitaries, Santa Fé de Ralito, July 2003

Source: *El Espectador*

Mauricio Romero holds a PhD in Political Science from the New School for Social Research in New York. He teaches at the National University and recently published the book *Paramilitares y Autodefensas, 1982–2003*.

Few issues have created such controversy during the past fifteen years as the paramilitary and self-defence groups, and their effect on the peace process with the guerrillas. Peacemakers have considered these groups the main spoilers of a negotiated settlement. Thus, negotiations between the government of President Álvaro Uribe (2002–2006) and the United Self-Defence Forces of Colombia (AUC), and the extent of the judicial benefits submitted for congress approval in 2003, have alarmed opposition parties, human rights organizations, sectors of the Catholic church, and even members of Uribe's coalition.

Carlos Castaño, the most outspoken leader of the AUC until 2002, defined his organization as "para-statal", alluding to the paramilitaries' support of the Colombian state in its fight against the insurgencies. However, the main targets of these groups have been unarmed civilians accused of being "guerrilla collaborators", "parasubversives", or "plainclothes guerrillas". Paramilitary groups have killed, silenced, or forced the displacement of thousands of trade unionists, social, political, or human rights activists and leaders, as well as inhabitants of the regions with social conflicts and guerrilla influence. According to the Colombian Commission of Jurists, they are responsible for two thirds of the selective killings and assassinations with known perpetrators of the past decade. The UN and international human rights organizations have also expressed their concern at the process. In late August 2003, Michel Frühling, Director of the Colombia office of the UN High Commissioner for Human Rights warned about the extent of the planned judicial benefits and called for adherence to the norms of international law.

Motivations for the negotiations

What are Uribe's motivations for engaging in such risky and criticized negotiations with the AUC? His electoral campaign emphasized the need to strengthen the state and the rule of law; having an irregular armed group accumulating political and military power and resources under the pretext of defending and assisting the state was therefore untenable. He was also elected with strong support from regional constituencies with ties to the AUC, such as cattle ranchers and agribusiness elites. Uribe is responding to their requests to provide a suitable exit for AUC leaders, powerful regional landlords, businessmen and military entrepreneurs. Finally, he is committed to defeating the insurgencies through a combination of military force and politics, and aims to isolate them from any political support. The AUC's demobilization would portray the guerrillas as recalcitrant groups insisting on armed struggle and terrorism.

The AUC leadership saw Uribe's term of office as a favourable opportunity to demobilize. His political stance gave them confidence: he has criticized any negotiation other than terms of surrender with the guerrillas, his government has continued a military build-up that seems to be containing the insurgents, and his tax-raising campaign to fund the armed forces has diminished the flow of resources to the paramilitary treasuries. As the AUC and its allies are not fighting the government or advocating social or political reforms, this combination of factors persuaded the main AUC leaders to seek an advantageous negotiation. However, not all groups under the AUC umbrella have easily accepted demobilization. Forces of up to 4,000 armed men in the middle Magdalena Valley, the department of Antioquia, the eastern plains, and Urabá have demanded separate negotiations or remained out of the talks. Disagreements between units have even led to instances of armed confrontation.

Progress in the negotiations

Soon after taking office in August 2002, Uribe outlined the conditions for negotiations: a ceasefire, an end to the killing and abduction of civilians, and the severing of links with the illegal drug business. In response, the AUC announced a "unilateral ceasefire" on 1 December 2002. However, the government failed to establish a mechanism to verify the fulfilment of the conditions for negotiations, despite public knowledge that different AUC groups have continued drug-related activities or operations against civilians. Media outlets, the military and the police – previously extremely critical of the guerrillas' misbehaviour during peace negotiations – have been particularly cautious in reporting or commenting on these activities.

The administration subsequently obtained congressional approval for a new law allowing the government to begin negotiations with an armed group without granting them political status. On 23 December, Uribe appointed a six-person exploratory commission to begin contacts with the AUC and define the conditions for negotiations. The commission includes only one government representative (Carlos Franco, a former guerrilla demobilized in the early 1990s and in charge of the Human Rights Programme of the Vice-President's office). The other five members are private citizens, whom critics claim were appointed because they hold the same political views as Uribe. Representatives of the Catholic Church agreed to facilitate the talks. After seven months of confidential negotiations at the paramilitary compounds in northwest Colombia, the commission released a public statement on 25 June 2003. It recommended that the government continue the negotiations, and enable "verifiable implementation of

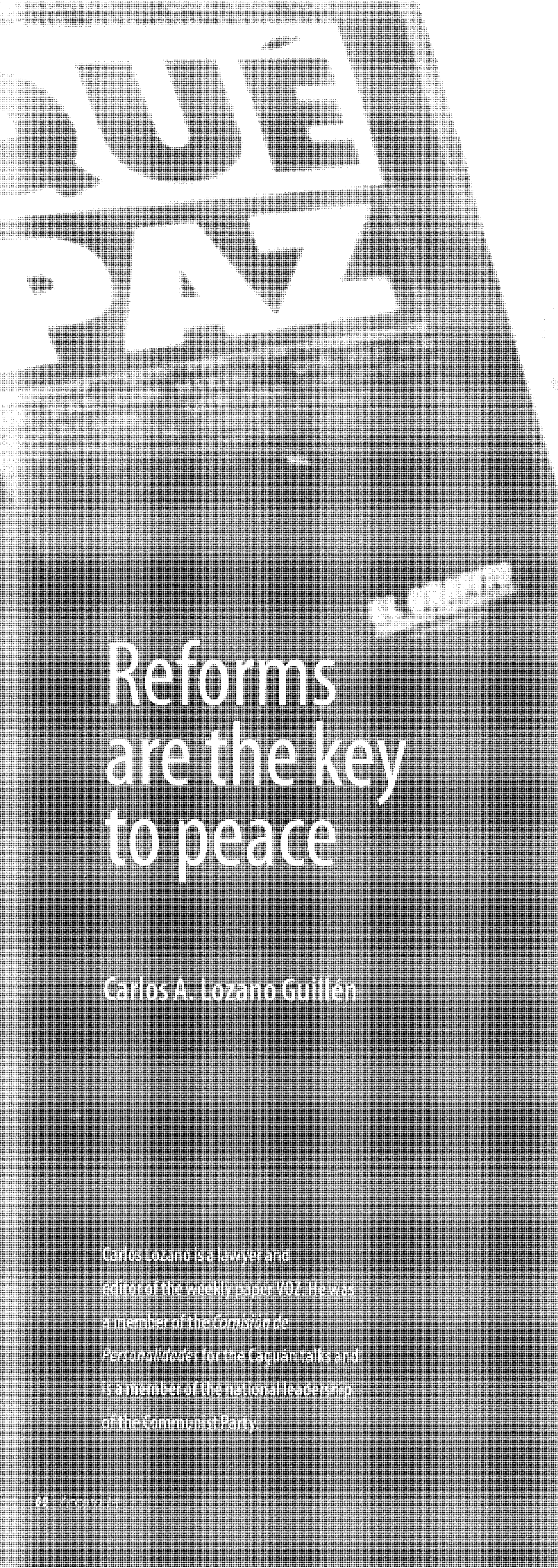
a total ceasefire", suggesting the concentration of forces as a means to fulfil this condition. The commission also demanded an end to illicit activities such as "drug trafficking, stealing of fuel, extortion and abduction". It asked the Catholic Church to continue its role as facilitator and witness of the negotiations, the international community to support the process, and the government to define judicial mechanisms to "pave the road to peace." Then on 15 July, High Commissioner for Peace Luis Carlos Restrepo and nine of the AUC leaders signed the *Santa Fé de Ralito Accord*, outlining the parties' acceptance of the commission's statement and the phases of a demobilization process to begin before the end of 2003 and be completed by the end of 2005. Towards the end of 2003, the Bloque Central Bolívar and the Bloque Aliado Vencedores de Arauca signed a similar agreement. By the end of the year, 870 paramilitaries had demobilized in Medellín, and 155 in Ortega, Cauca.

Concerns about the process

Critics of the process have two main concerns: the timing of the judicial benefits and the lack of a comprehensive peace plan that includes negotiations with the guerrillas. Human rights organizations accept that a degree of impunity is justified when a peace process includes all parties, and the likelihood of ending the confrontation is high. They claim that any concession to the AUC should be the outcome of a process in which the victims' rights have been addressed. They are also concerned that negotiations could help drug traffickers within the AUC to whitewash their police records and legalize their properties without punishment. Carlos Castaño announced that "if the alternative at the end of the road is jail, none of the AUC commanders and his troops would walk in that direction," warning about the effects of failure in the negotiations.

In May 2003, former Interior Minister Fernando Londoño submitted the government's 'alternate penal plan', which aims to 'facilitate national reconciliation and reparation for the victims'. Initial reactions suggest it will not be approved easily. The President's initiatives are likely to face difficulties in light of the failure of the government-sponsored referendum on 25 October and the recent success in the regional and local elections of the *Polo Democrático*, which has led opposition to the process.

By tackling one of the most difficult issues of the armed conflict President Uribe has demonstrated that he likes tough games. However, the negotiation could become a minefield, creating the conditions for new cycles of revenge and deepening Colombians' frustration. It could also be a first step on the road to peace. For this to happen, President Uribe needs to behave like a peace and nation builder, rather than a warmonger.



Reforms are the key to peace

Carlos A. Lozano Guillén

Carlos Lozano is a lawyer and editor of the weekly paper VOZ. He was a member of the *Comisión de Personalidades* for the Caquán talks and is a member of the national leadership of the Communist Party.

Personal perspectives

In November 2001, when the peace process between the government of Andrés Pastrana Arango and the Revolutionary Armed Forces of Colombia (FARC) was in crisis, the legendary FARC commander Manuel Marulanda Vélez spoke to the Colombian newspaper VOZ. He said that in order to provide continuity and stability in the peace talks, the Establishment needed to determine what was negotiable on the path to a political settlement of the conflict. It seems to me that this is the key to the negotiations, as was clearly stated in the report from the *Comisión de Personalidades*, presented to the Government and the FARC in September 2001.

The *Comisión de Personalidades* (Commission of Distinguished Citizens) – renamed the *Comisión de Notables* by the press – was appointed by agreement between the parties at the first summit held between Pastrana and Marulanda, and stipulated in the *Los Pozos Accord* of 9 February 2001. The Commission comprised four people, two proposed by the Government (the constitutional lawyer, Vladimiro Naranjo and the director of the national newspaper *El Colombiano* Ana Mercedes Gómez Martínez) and two by the FARC (the doctor Alberto Pinzón Sánchez and the director of the newspaper VOZ, Carlos A Lozano Guillén). Its mission was to produce a report with recommendations on how to reduce the intensity of the armed conflict and proposals on how to combat paramilitarism. The report was delivered in September 2000, although not signed by Ana Mercedes Gómez, who alleged differences with the rest of the commissioners.

The principal stumbling block for peace in Colombia, without ignoring the negative effect of the terrible acts

of war, is that the Colombian establishment has not determined how far it wants to go with negotiations with the insurgency. Its position during the talks, as a rule, is limited to descriptive issues (i.e. procedures, methodology, timetables, etc.), while the in-depth issues concerning political, economic and social reforms, which in the end will be those that resolve the conflict, are relegated to second place.

The history of peace processes between the government and the FARC or the ELN confirm that whenever the time comes to address problems at the root of the Colombian conflict (political, economic, social and historical causes) in the negotiations, pressure from the 'dominant class' is exerted to break them - in the majority of cases using the military actions of the guerrilla as a pretext. This was the case with Betancur's government in 1984, in the Caracas and Tlaxcala talks during the government of César Gaviria in 1993 and in the Caguán peace process.

While the Colombian Establishment maybe has the 'will for peace' it does not have the 'will for change'. It wants peace but without eliminating the causes of the conflict, such as the lack of democracy (or at least the restriction of democratic freedoms inherent in an exclusive bipartisan political system) and the profound disintegration of the social and economic fabric.

Throughout the Colombian conflict the dominant class has tried to defeat the guerrillas militarily in order to impose surrender, an approach some call a kind of *paz de los sepulcros* (peace of tombs). The result of similar efforts in the past has been greater escalation in the armed conflict and the strengthening of the guerrillas.

The government of Pastrana acted in this way when it broke off the peace talks. The pretext was the hijacking of the plane and the kidnapping of Senator Gechem Turbay on 20 February 2002, but there is a perception that Pastrana had taken the decision to end the peace process with the FARC as far back as October 2001, under intense pressure from the right wing sectors of the traditional parties, the majority of the business sector (in particular cattle-ranchers and large landowners), the military high-command and the Embassy of the USA. With the process in crisis and lacking concrete results, the parties would have had to begin in-depth discussion of political and social issues. Instead, there was a period of inertia from October 2001 until the incident in February 2002. Throughout three and a half years the talks were focused on issues related to the acute ongoing conflict, and with aspects of form, and never reached the Common Agenda adopted by both parties in May 1999. Yet without doubt this Common Agenda was the most important and transcendental advance in the peace process.

This was exactly what the Report of the *Comisión de Personalidades* concluded. It clearly recognized the political and social character of the conflict and recommended that the Common Agenda form the basis of the negotiations in order to arrive at concrete accords or even a 'Peace Accord'. Such an accord would need to be agreed through a National Constituent Assembly, before which the guerrillas should disarm. For the Commission this was the purpose of the negotiation process.

In this context, the report proposed that there should be a bilateral truce for six months, renewable on joint agreement by the parties, and a bilateral commitment to respect human rights and accept IHL, in order to reduce the intensity of the conflict. This would create a better environment for the parties to advance the negotiation of the in-depth issues in the presence of different sectors of Colombian society. With regard to the paramilitaries, it recommended rooting out any relations to and protection from state agents and bringing them to justice, with the understanding that there could be no level of political recognition.

The Report of the '*Personalidades*' was directed at the peace process with the FARC, although the ELN was interested in it. It was very well received by both parties and by various sectors in the country, amongst them the Congress, the Liberal Party, the parties of the left, the trade unions, the business community and the main industrial trade associations, the Catholic Church and the diplomatic corps. Although both parties agreed to adopt it as a 'route-map' in the *San Francisco de la Sombra Accord*, the report arrived at the worst moment of crisis and the largest offensive against the process by enemies of peace in Colombia. The processes with both insurgencies failed through a unilateral rupture, in both cases by President Pastrana.

In the short term it is difficult to see how the peace processes could be reconstituted under the government of Uribe Vélez. In official policy, oriented by Washington, war has the upper hand and the attitude towards even a humanitarian accord on the issue of kidnappings and retentions is negative.

Despite this, the Report of the '*Personalidades*' could be useful in future efforts towards peace. It is fully valid as a kind of route map for the political resolution of the conflict, as is the Common Agenda, which includes the in-depth issues that could clear the way for a democratic opening in Colombia. The report underlines the political origin of the conflict, the bilateral nature of agreements, the need for a reduction in intensity of the armed conflict and for advanced political and social reforms.

Alternatives for peace

The business community's
perspective

Rodrigo Gutiérrez

Rodrigo Gutiérrez is the Ex-President of the business group Organización Comunitaria Fundación Corofia and currently advises various organizations and businesses in Colombia. He is President of the Ideas para la Paz foundation.

Business organizations are responsible for the production and distribution of almost all the goods and services that satisfy human needs, and are therefore the wealth-creators and key protagonists of economic, social and cultural development of nations. The men and women who run businesses, as many experiences demonstrate, therefore become essential actors in the prevention of violence and the resolution of social, economic and political conflicts.

Because of the prominent role that society assigns to it, the private business sector has an inescapable social responsibility to protect the security of the communities it serves, not only because of ethical imperatives but because it needs propitious and stable conditions to do its job effectively.

The business sector and peace

Colombian business leaders are increasingly aware of the role they should play in the search for a resolution to our armed conflict and the consolidation of a durable peace. This can be seen in their personal, active and direct participation in negotiation, demobilization and reconciliation processes from 1982 to the present.

The Ideas for Peace Foundation (FIP) is an expression of this commitment to the country, created and backed by a group of well-known and progressive leaders of important companies. Since the end of 1999 this centre of ideas and action has been contributing to the solution of the prolonged internal conflict and its deleterious impact on Colombia's political, social and economic institutions.

Businessmen meet Manuel Marulanda, Commander of the FARC, 17 March 2000

Source: Germán Enciso / ANCOL

The FIP's input into President Pastrana's peace initiative, and now into that of President Uribe, is derived from work undertaken in three areas of activity. Firstly, the FIP informs national and international public opinion about the causes and impact of the conflict and alternatives for its resolution. Secondly, it offers critical evaluation of the talks and negotiation processes to the government, Colombian civil society and other friendly countries. Finally, the Foundation proposes post-agreement projects which include the rehabilitation of victims, reconstruction, institutional development, the reintegration of ex-combatants and income generation.

The views of the business sector

The FIP expresses and embodies the prevalent position of the most progressive and responsible section of the business community on how to achieve peace. It believes that the speediest, most desirable and least onerous option in terms of human and material cost is a politically negotiated solution. It rejects the use of violence as a political weapon and condemns human rights violations and violations of international humanitarian law. The business sector believes that the democratic principles which inspire our institutionality are valid and effective for building a just society together, and recognizes that additional institutional reforms are necessary in order to achieve it, some of which are already included in draft legislation and others are being studied and prepared. Only through strengthening our democratic institutions can we ensure viable governance, and ensure the full and essential application of basic liberties, human rights, and respect for the principles of equality and tolerance which make peaceful coexistence possible. The FIP disseminates and promotes these ideas widely through different media. In particular, it aims to engage with the rest of the national business community, who have as yet only limited awareness about social responsibility and their role in achieving peace.

Future perspectives

It will take time for peace talks with the guerrillas to be reactivated, given the precedents of the last attempt. For this to happen, some conditions need to be in place. The first is a change in the correlation of forces and military resources of the parties in conflict in favour of the state. The state is constitutionally obliged to impose law and order in the whole country, and has to commit itself wholeheartedly to stopping the violence of all illegal actors using all the legitimate methods at its disposal. We know that the probability of a conflict being solved increases substantially when one of the parties perceives that it is militarily weaker and that it could be advisable to negotiate. Another condition is that the insurgency understands they do not have the support of the

population that they claim to represent, nor the support of external allies. An entire population united around a state policy which rejects the use of violence and terror as a political weapon should induce the insurgency to negotiate. A third condition is the intervention of a neutral third party in the form of a person or entity with sufficient influence and moral stature, initially to bring the parties together and develop contacts through discreet channels, and later to mediate in a negotiation process.

To achieve progress in future talks the actual definition of peace needs to be a starting point. The maximalist version adopted during the last failed talks was unhelpful because it defined an unrealistic design for a new country. The aim should be an end to hostilities and the reintegration of the demobilized fighters into the democratic system and a normal life. This should follow accords that include 'political favourability', finally allowing the reintegrated members to gain access to the various arenas of political representation.

Other factors and circumstances can influence the achievement of a politically negotiated solution. The state has the constitutional duty to improve the capacity of the military forces to protect civilians and fight violence from illegal armed groups across the whole country. International pressure, in the current context of zero tolerance of violence and terror as political instruments, needs to continue. The sources of financial support for violence must be blocked.

On the guerrillas' side, the Revolutionary Armed Forces of Colombia's (FARC) lack of capacity to convert its military power into political advances is evident, as is its failure to shift from a guerrilla war to the more advanced stage of a war of movements. Desertions are increasing, and every day there are more obvious signs of fatigue, demoralization and logistical difficulties within the guerrilla groups. This should also lead them to negotiate.

Talks on the demobilization of the self-defence groups have begun, without first offering them political recognition, which would have been impossible. The process will be slow and full of hurdles, originating from their long history of serious human rights violations and crimes. Achieving real disarmament and reintegration, while complying with principles of truth, justice, and reparations, will be a positive step towards peace.

The business community will contribute effectively to the achievement of peace in multiple ways. It will support the necessary institutional reforms to attack exclusion, poverty and inequality, and to guarantee human rights and coexistence. It will offer solutions to post-conflict problems and inspire society to make peace the great national project.

Formal peace processes

In search of a new model for conflict resolution

Daniel García-Peña

Daniel García-Peña headed up the Office of the High Commissioner for Peace between 1995 and 1998. He also led Lucho Garzon's campaigns for the Presidency in 2002 and for mayor of Bogotá in 2003. He is currently director of Planeta Paz and professor of political science at the National University.

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.