Colombia’s Peace Talks: Sources of Optimism, Potential Pitfalls, and The Limits to a Negotiated Peace in Colombia

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Jenna Meguid

Faculty of Environmental Studies, York University

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CERLAC

8th floor, YRT
4700 Keele Street
York University
Toronto, Ontario
Canada M3J 1P3

**Phone:** (416) 736-5237
**Email:** cerlac@yorku.ca
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Introduction

This paper is an analysis of the current peace negotiations being held between the Government of Colombia and the Fuerzas Revolucionarias Armadas de Colombia, better known as the FARC. The paper consists of three parts. In the first part, I will briefly outline the history of Colombia’s armed conflict, the current peace negotiations, and public opinion surrounding the talks.

In the second part I will evaluate whether or not the current talks are likely to produce a negotiated peace treaty between the FARC and the Government of Colombia. In this section I will outline reasons for optimism regarding current peace negotiations. These include the behaviour of the warring parties, the military balance of power, and the internationalization of the conflict. I will also outline some potential spoilers to the current conflict. Among these are the FARC’s illegal revenue-generation activities, limits on potential amnesties for FARC members due to the Rome Statute of the International Criminal Court, and the current state of partisan politics in Colombia.

Even if a negotiated peace is achieved, there are major conflict dynamics that the peace process will be unable to address. The third main section of this paper will look past the issue of whether or not peace talks are likely to achieve a signed peace treaty, and will analyze the current peace process in terms of its limits. In considering whether or not a negotiated peace treaty will have a major impact on the civilian population of Colombia. I will scrutinize the history of falsos positivos, the use of sexual violence, the potential pitfalls associated with a combatant demobilization process, and the possibility that other armed actors will simply replace the FARC in perpetrating violence.

I begin by outlining the history of the FARC.

PART ONE: The Origins of the FARC, the History of Colombia’s Armed Conflict, and the Current Peace Talks

The FARC celebrated 50 years of existence in May of 2014. The FARC emerged in the context of a military government under the leadership of Gustavo Rojas, who outlawed the Colombian Communist Party and excluded and persecuted the left (Lee 30). By the 1960s the Colombian government had undertaken a military campaign against what it called “leftist subversives” (30). It was in response to this military campaign that the Second Conference of the Guerrilla Block of Southern Colombia officially formed the FARC. Documents from the Conference specifically note that the FARC was created in response to false democracy and the deteriorating conditions of the poor (Rochlin 2003). Most of the early members of the FARC were from rural parts of the
country and from *campesino* cultures (de Posada 264).

In the subsequent twenty years, the FARC focused on low-intensity guerrilla actions against the Colombian state. Initially, the FARC was motivated by a desire to address social inequality and income injustice in Colombia’s rural peasantry. A particularly important moment in the history of the FARC is its 1985 decision to form a political party, the *Union Patriótica* (UP), a moment characterized as its “first significant effort to engage in politics” (Rochlin, 2003). Thousands of UP leaders, supporters, and potential elected officials were subsequently assassinated, largely through the efforts of the right-wing paramilitaries (Lee 31). It is estimated that between 1986 to the early 1990s, between 2 and 4 thousand UP members were assassinated. These events left the FARC with a clear sense that “there was no room in the Colombian political landscape for the left”, and that the only means to achieve change was through armed struggle, not through engagement with the existing political system (31).

Starting in the 1980s and extending into the 1990s, the FARC became more connected to the drug trade, and its focus began to shift to more of a focus on profiteering from illicit activities (Ince, March 20013, 1). It was in the 1990s where the FARC’s military strength peaked, with a total force of around 20,000 soldiers (1). This period was accompanied by an escalation of attacks against national security forces and the right-wing paramilitaries that were in some cases supported by the Colombian Government.

This period of intense violence against both the civilian population of Colombia and the government and armed forces was only brought to a close by the beginning of the early 2000s. With the election of President Alvaro Uribe and significant military aid from the United States (funneled through Plan Colombia), Colombia’s military pushed the FARC out of the cities and back into the rural areas and jungle which were its traditional strongholds. While many considered the election of Juan Manuel Santos in the 2010 elections a continuation of Uribe’s hardline military approach to the FARC, Santos has subsequently broken ranks with his predecessor. Recently, he has thrown much of his political weight into pursuing a negotiated peace with the FARC.

**Current Peace Talks**

The current round of peace talks were initiated by President Santos’ government in October of 2012, in Oslo, Norway, and have subsequently been moved to Havana, Cuba. The talks are secret and high-level, and are focused on the following six mutually agreed upon issues:

1- agricultural development, land tenure and rural development

2- political participation for demobilized FARC members

3- end of the conflict

4- drug policy

5- reparations for victims of the armed conflict

6- implementation, verification and ratification of any peace deal (Isacson 2).

For any negotiated peace agreement to take place, agreement on all six of the individual issues must be achieved. In May of 2013 the FARC and the Colombian government announced agreement upon the issue of agrarian and rural
development, characterized by Ince as “arguably the most contentious agenda item and a major driver of conflict” (26-27). The two sides announced agreement upon the issue of political participation for the FARC in November of 2013. As of May 29th, news sources report that an agreement has been reached between the FARC and the government with regards to illegal drug cultivation and drug policy (Escobar, 2014).

Very little is known about the specific details of the agreements that have been made to date. The details of each agreement are being withheld from the public until a deal covering all six agenda items is signed (Freeman 2014). What is known about the structure of the peace negotiation, as well as the content of each of the six negotiation topics, is detailed here.

Structurally, the peace process is divided into three separate phases. In the first phase, already completed, initial conditions for negotiations were established, as well as a road-map for peace and rules for negotiations. An initial agreement was signed, the “General Agreement to End the Conflict and Construct a Stable and Durable Peace” (Office of the High Commission for Peace [Commission] 9). The second phase of the negotiations is the phase currently ongoing, comprising different rounds of negotiations aimed at achieving a Final Agreement between the two parties (Commission 9).

The third phase, understood as the “Constructing Peace” phase (Commission 9) will involve some sort of ratification mechanism and is the phase in which “all citizens and communities participate in the construction of peace”(Commission 9). Importantly, the High Commission for Peace claims that one feature that distinguishes this set of peace negotiations from other rounds is that the second phase of the process is governed by the principle that “nada está acordado hasta que todo esté acordado [nothing is agreed upon until everything is agreed upon]” (9). Partial agreements and agreements on particular agenda items are cause for optimism, but will not be binding until all identified issues have been resolved.

With regards to the content of specific agenda items, the Office of the High Commission for Peace is similarly vague. With regards to agricultural development, the Commission has identified a number of priority areas, including: formalizing property rights in rural areas; social development in rural areas (including education, housing, and poverty eradication); stimulating agricultural cooperatives; subsidies and credits in rural areas; and food security systems (10). With regards to political participation the High Commission has revealed that an agreement has been reached on: rights and guarantees for those in opposition to mainstream politics, particularly with a focus on the new movements anticipated to grow after the Final Agreement is signed; democratic mechanisms for citizen participation and direct citizen participation; and effective mechanisms to improve democratic participation in all sectors (11).

The High Commission has identified the following priorities which make up the content of the end of the conflict: a bilateral, final ceasefire; the laying down of arms and the reincorporation of the FARC into civilian life, including social, economic, and political life, according to their
interests; the revision of all cases of individuals suspected of being FARC combatants held in custody by the Colombian Government; an intensification of the fight against criminal organizations, particularly organizations responsible for violence against human rights defenders and organizations; and guarantees of security for the demobilized FARC—particularly important given the 1980s experience of the formation of the UP (11).

With regards to the agreement signed on drug policy, the High Commission has released the following set of priorities: the development of programs to facilitate the substitution of illicit drug cultivation; and, the development of programs to prevent illegal drug consumption and promote public health. The penultimate item, reparations to victims, is poised to be one of the most controversial items on the negotiation agenda, and has only two articulated priorities according to the High Commission: the human rights of victims of the armed conflict and the establishment of truth (11).

The final issue on the agenda for peace negotiators, peace treaty implementation, ratification and verification, also promises to be complex. As it stands, there is no clarity on how any eventual peace deal would be integrated into democratic politics in Colombia (ICC 13). The FARC argues that any peace deal must provoke the formation of a Constitutional Assembly to rewrite the constitution in line with the peace agreement. President Santos has rejected such a proposal (13-14). The government’s counter-proposal involves a national referendum to approve the peace process, a proposal which would place any peace agreement under additional scrutiny by the Colombian population.

The current peace negotiations cover a wide range of issues critical to the eventual success of a peace deal. However, without more detail regarding the substance of the agenda items and agreements already made, it is impossible to discern whether or not a peace process is likely to achieve the cessation of hostilities. Despite this, there is significant popular optimism regarding the ongoing talks.

**Public Perception of the Peace Talks**

Academic and media reports of the peace talks belie an optimism that has previously not been associated with the peace talks. Hernando Zuleta characterizes the ongoing peace negotiations in Havana as “unprecedented” (115). Marc Ince claims that “Colombia is currently closer to peace than at any other point in its recent history” (March 2013; 31). Even the negotiating parties seem both determined and optimistic; both FARC and government negotiators have been characterized as “adamant” that a negotiated peace agreement will prevail (Ince March 2013, 26).

Public support for the negotiations is higher than it has been in past peace negotiations with the FARC (of which there have been four), and polls consistently reveal that between 55 and 65% of the Colombian public approves of the current negotiations (Isacson 9). However, when asked whether or not the talks will succeed, a similar majority expresses doubt that a political instead of military solution is possible (9).

There is, then, at least some academic and popular optimism regarding the ongoing
state of peace talks. But is this public optimism founded? I now turn to the second major section of this analysis, an evaluation of the factors which may facilitate or preclude a negotiated peace treaty in the current political climate.

PART TWO: Evaluating Possibilities for Peace—Sources of Optimism and Potential Pitfalls

Behaviour of the FARC

The peace process to date has been marked by real ideological shifts in both the FARC and the Colombian Government, shifts which provide significant grounds for optimism. The FARC has, for the first time in its history as an organization, conceded that it shares responsibility for the suffering inflicted upon the Colombian civilian population during the decades-old civil war (Zuleta 115). Further, leaders within the guerrilla have publicly accepted that they may, under certain circumstances, be willing to ask victims for forgiveness for the crimes committed against them by the FARC (International Crisis Group 9). In its 50 years of waging armed conflict on behalf of and against the civilian population, the FARC has never before admitted that the atrocities committed against civilian populations are anything other than a product of state violence and atrocity (9).

This shift is an important one, both ideologically and practically. For one thing, it may signal a softening of an ideological hard-line, and a willingness on behalf of the FARC to submit to a Truth and Reconciliation Commission, an almost inevitable medium-term consequence of any peace talks. Practically, it may signal that the FARC is more preoccupied with its relationship with the civilian population than it has been in the past, and may be interested in a good-faith reconciliation process. This is a very promising sign for peace.

There are additional signs of a softening of the hard line usually characteristic of the FARC. At the beginning of the 2012 peace talks, the FARC declared its first ever unilateral ceasefire as a gesture of goodwill to jumpstart the process. Leading up to the peace talks, the FARC went so far as to participate in a release of hostages, some of which it had been holding for upwards of a decade (Muse 2012). In the period immediately leading up to the 2014 presidential elections, the FARC declared an additional unilateral ceasefire during the initial voting period of national elections, ostensibly in the hopes of achieving a negotiated peace (BBC 2014). The Center for Resources for Conflict Analysis (CERAC) has reported that in the first round of elections (held on the 25th of May, with the ceasefire being extended until Wednesday May 28th) there was a substantial decrease in violence compared to other elections (CERAC 2014).

Not only has the FARC declared these two ceasefires, it has been largely successful at ensuring that all of its military fronts—many of which are isolated in jungle conditions—respect the ceasefires. During the ceasefire declared for the recent elections, for instance, there were no injuries or deaths during voting, and only 4 actions reported which violated the decree set out by the FARC High Command (CERAC 2014). This is in stark contrast to past national elections, where the FARC has committed itself to sabotaging elections through violence at polling sites (Lee 33). Despite first-round election results which gave a slim margin to
a presidential candidate who will halt peace negotiations if elected, it seems likely that the FARC will extend the unilateral ceasefire until the second round of elections are complete on the 15th of June (CERAC 2014).

**The military balance of power**

A second source of optimism is the military balance of power between the FARC and the Colombian armed forces. A major component of this military balance of power is the leadership structure of the FARC, which has been all but decimated in recent years. Senior and infamous FARC commanders including Iván Ríos, Manuel Marulanda, Tomas Medina, Simón Trinidad, and, most recently, Alfonso Cano, have been killed or extradited to the US and sentenced to massive prison sentences since 2008 (Lee 39). In addition to the blow to morale, this shake-up of leadership has been a major disruption to what used to be extremely consistent leadership within the FARC (Lee 39).

This hollowing out of the 8-person military high command is accompanied by a major increase in combatant defection from within the ranks of the FARC in recent years (39). Though numbers are difficult if not impossible to ascertain with validity, there are reports that these defections include older, more experienced members of the FARC (39). This constitutes quite a shift, given that traditional defectors include recent recruits, young people, and the unwillingly inducted (39). Defection, from any combatant demographic, is a striking phenomenon: the penalty for attempted defection from the FARC is immediate execution. Given this risk, an increase in defections, especially amongst those with higher rank and status within the organization, likely speaks to a shift in the political and social appeal of the FARC as its numbers continue to dwindle, or a change in the individual cost-benefit analysis of fighters. It is also significant as it has reinforced the FARC’s military vulnerability, as the organization “cannot compensate for the loss of so much experience” (39).

As a result of these leadership changes, an increase in the defection rate, and the Colombian military’s increasingly effective offensives, the FARC’s troop count and military reach have diminished significantly. In 2000, for instance, the FARC was present in over 50% of Colombia’s municipalities—currently, there is a FARC presence in only 11% (Ince October 2013 27). Currently, the FARC counts among its forces 7,000 armed members, and double that number of unarmed activists and supporters, whereas at the peak of the conflict it boasted upwards of 20,000 combatants (Paige 2014). These changes are due in no small part to massive increases in military spending in the last fifteen years. Between 1999 and 2007, defense spending increased as a percentage of GDP from 3.6 to 6.1 (WHO 115). Military defense spending went from $5.7 billion in 2000 to $10.42 billion in 2010 (Ince Feb 2013, 21).

Of course, the conflict between the FARC and the Government of Colombia is not the world’s oldest civil war without reason. The FARC continues to be agile, slippery, and deeply resilient to armed forces attack. However, this has created a situation where the FARC and the Colombian armed forces are in a protracted stalemate. This may be an additional reason for optimism. Zuleta notes that one factor which often signals a real interest in negotiating in good faith is a mutually detrimental military stalemate (107). Though the FARC continues to
benefit from its illegal armed activities (discussed below), the shift in the balance of military power has created a military stalemate which may seem less attractive than a negotiated peace treaty, especially as the FARC tries to rebuild its senior leadership and faces ongoing defections from its junior ranks as well as more senior combatants.

The Internationalization of the Peace Agreement

A third source of optimism is the internationalized structure of the peace agreements. In the past the FARC has been extremely reluctant to engage in peace negotiations with international involvement, in part due to suspicion regarding US influence, which has been tailored almost exclusively at eradicating the FARC. This involvement has included billions of dollars of military assistance to the Colombian Armed Forces, as well as the orchestration of systematic eradication of coca crops throughout Colombia as part of Plan Colombia (Zuleta 109).

Current peace talks are being facilitated not only by Cuba, the site of current negotiations, but also by Norway and Venezuela. The inclusion of Venezuela in peace talks is a particularly positive sign. The FARC has long relied upon the political rhetoric of those allied with the late Chavez, and have been able to rely upon Venezuelan territory as a military refuge and smuggling and supply-line (109). Notably, Venezuela has also refused to list the FARC as a terrorist organization. Zuleta argues that the presence of Venezuela in talks is an additional incentive for both the FARC and the government to participate in good faith in negotiations (109). If the FARC fails to live up to its commitments, Venezuela is in a position to withdraw the territorial and economic supports that it has traditionally provided to the FARC (109). Additionally, given increasing displays of good will between the governments of Venezuela and Colombia in the last few years, there are significant incentives for Venezuela to ingratiate itself with the government of Colombia by supporting a negotiated peace.

Potential Spoilers—The FARC

There are a number of important potential spoilers to the peace process, and many of these revolve around the FARC and its motivation for conflict in the first place. Generally, the literature reflects two types of potential stumbling blocks. On the one hand are those that assume that the FARC is a genuinely political organization whose military campaign is in service of genuine change for rural and campesino populations. On the other hand, there are those that believe that the FARC is interested only in maintaining its own power and access to resources. I will address each set in turn, beginning with those who base their analysis on the FARC as a credible change-seeking organization.

Despite the atrocities committed against civilian populations by the FARC, there is a significant contingent of analysts who are unwilling to dismiss the FARC as thugs and terrorists. Instead, these thinkers believe that the FARC is, if not a politically credible organization, an organization informed by real ideological and political struggle. There are those that believe that the FARC refuses to give up its political struggle because it is wedded as an organization to the idea of being “a true leftist alternative to the Colombian state” (Lee 29). Petras and Harding (2000), Petras and Brescia (2000),
and Brittain (2000) are among those authors who argue that the FARC’s ongoing violence is a result of ongoing depravity, corruption, and anti-leftist and anti-rural bias on the part of the Colombian state. These authors point to longstanding grievances regarding land tenure in rural areas, private property ownership, and the retrenchment of right-wing politicians as grounds for the FARC’s continued existence.

For this group of analysts, the main obstacle to peace will be the substance of political promises and concessions made to the FARC during negotiations. If the FARC and its leadership are not satisfied that genuine progress is made on political participation, rural land tenure and other issues understood to underlie the conflict, it is unlikely that the FARC will sign the Final Agreement which will signal the beginning of the third phase of the peace process. In the case of a FARC leadership and membership motivated by genuine political change, it is difficult to anticipate whether the strength and credibility of offers made to the FARC by the Colombian Government will be sufficient. This is especially true in light of the FARC’s disastrous foray into partisan politics with the *Union Patriotica* in the 1980s.

There are, of course, also those who believe that regardless of the potential for genuine concessions on the part of the Colombian government, as long as the FARC can profit from its illegal activities, the FARC is unlikely to demobilize.

And there is no question that the FARC is benefitting from its illegal activities. Though the FARC claims that it “is not involved in drug trafficking and that it merely imposes a tax on all economic activities taking place within its territories”, the FARC is widely believed to be involved in “every link of the cocaine profit chain”, reportedly controlling up to 60% of the total drug trade within the country (Ince Oct 2013, 28).

Zuleta claims that the FARC profits to the tune of one billion dollars annually from the cultivation, production and sale of cocaine (116). Zuleta goes so far as to suggest that the FARC’s “non-appropriative illegal activities [such as cocaine production]” may impact the incentive structure for the FARC to the extent that it explains why the FARC has not yet been willing to accept a negotiated solution, whereas other armed groups have accepted such solutions (Zuleta 116). Gustavo Petro, the recently reinstated mayor of Bogota and former M-19 member, echoes this perspective and is quoted as saying:

“the FARC used to consist of legitimate peasant guerrillas with revolutionary ideals, but over time, as it grew more powerful and more immersed in the drug trade, it became an army that resembled the paramilitaries and was able to grow because it had funds to pay soldiers and mercenaries rather than its ideology”
In addition to the revenue from coca production and cocaine export, the FARC has a diverse array of additional criminal sources of revenue, including in “criminal mining, extortion, oil theft, money laundering, cattle rustling, and illegal logging” (Ince 2013, 28). The FARC is also increasingly involved in illegal gold mining, which, given the recent explosion of gold prices on international markets, is a particularly lucrative endeavour (28). Though the FARC’s reliance on kidnapping and ransom has declined, there are occasional reports of lucrative kidnappings.

That is, there is ample evidence to suggest that the FARC’s ongoing interest in armed conflict is at least partly informed by the lucrative opportunities that the conflict affords the organization. It is safe to assume that when a potential peace deal is announced, the rank and file as well as the senior commanders of the FARC will be paying close attention to the financial compensation and other opportunities associated with any demilitarization, demobilization and reintegration (DDR) program.

Striking the balance between incentives and supports for demobilized FARC members, reparations for victims of conflict, and funding for transitional justice programing will be a challenge. Designing a rehabilitation process which contains sufficient incentives for FARC members to participate will be a significant challenge to the peace process, and a potential moment of failure. If the main motivation of the FARC’s high command or its rank and file is to protect its access to illegally obtained profits, it is clear that the government will be unable to provide sufficient monetary compensation to compete with the already established sources of FARC income.

Potential Spoilers—Amnesties and the International Criminal Court

New legal norms surrounding the limits of amnesties for crimes committed by the FARC constitute a significant barrier to the success of the peace process. These limits will become relevant as negotiators move towards addressing the last two substantive issues, one of which is the issue of negotiating an end to the conflict. Past peace processes have offered sweeping, widely-criticized amnesties to combatants. In particular, the 2006 demobilization of the AUC (Autodefensas Unidas de Colombia, an umbrella organization structure for the dozens of right-wing paramilitary groups) has been criticized for failing to prosecute or even investigate crimes committed during the armed conflict.

Amnesty International notes that 90% of the tens of thousands of paramilitaries who were demobilized in the 2006 AUC demobilization have never been investigated for any human rights violations or war crimes (2012, 44). Further, these former combatants were allowed to return to their communities without any mechanism to document or hold accountable individuals for their participation in massive human rights violations (2012, 44). More specifically, of 31,849 paramilitaries who demobilized as part of the 2006 process, 4,237 faced charges, and only 19 were convicted of any crime (Ericson 9). Two hundred and sixty-eight individuals were held by the Colombian Government pending investigation of charges against them. Those who have not already been released
are due to be released soon, given the 8-year limit placed on sentences for those convicted (9). That is, there is a strong history of widespread impunity for crimes committed during wartime, and there may be the expectation on the part of the FARC that the current peace process offer similar concessions to combatants. However, the international legal context seriously limits what the Colombian Government can offer the FARC.

In particular, this is the first peace process being conducted by a country that is a signatory to the Rome Statute of the International Criminal Court (9). As such, the Colombian Government is legally constrained, and can be prosecuted by the International Criminal Court if it were to offer blanket amnesties to combatants who have committed human rights violations (9). Senior prosecutors at the International Criminal Court have gone on record as stating that even suspended sentences for those suspected of committing grave violations of human rights would not be acceptable to the Court (9). The Washington Office on Latin America describes the current peace talks as being on a “collision course” with the International Criminal Court regarding the issue of an accountability mechanism for demobilizing FARC soldiers (9).

Whether understood as motivated by greed and profiteering or by grievance and an identity which foregrounds legitimate political struggle, it is difficult to imagine a situation wherein senior FARC leaders agree to a peace process which will require significant jail sentences. This is a significant issue that negotiators will need to address, and is likely to cause fracture within either the ranks of the FARC, or the peace process itself. Especially if ongoing paramilitarism and human rights violations on the part of army officials are not dealt with in a similarly robust fashion, the issue of prosecution for FARC combatants may be a serious roadblock to a negotiated peace.

Potential Spoilers- Partisan Politics and a Peace Deal

It should come as no surprise given Colombia’s past of entrenched and highly volatile party politics, that the current peace talks are also deeply embedded in ongoing partisan politics in Colombia. President Santos has staked his political reputation on the success of the current peace talks. However, the June 15th runoff elections in Colombia will play a significant role in determining the possibilities for peace. The two main contenders for the upcoming runoff election are Juan Manuel Santos, and Oscar Ivan Zuluaga—a close ally of Alvaro Uribe, widely considered his puppet.

Uribe is credited with waging an extremely successful military battle against the FARC during his 8 years as president, and is a politically important figure within Colombia. However, he has already served his two constitutionally permitted terms as President of Colombia. Zuluaga is widely considered Uribe’s proxy or puppet, and was the winner of the first round of electoral voting in Colombia. Zuluaga has adopted Uribe’s position of vehement disagreement with the peace process, and his presidential campaign has been most marked by a firm commitment to halt the peace negotiations and pursue a military solution to Colombia’s civil war. On May 25th of this year, 29.25% of the Colombian voting population voted for Zuluaga, with 25.7% voting for Santos. Much hangs in the
balance for the runoff election to be held on the 15th of June.

One additional political figure who will wield significant influence on the issue of the ratification of a negotiated peace is Alejandro Ordoñez, the Inspector General of Colombia, and an extremely vocal critic of peace talks (13). Although not an elected congressperson, Ordoñez wields significant political influence in Colombia. Though unable to formally block a peace deal, he has the power to submit legal opinions to the Constitutional Court on the legality of any legislation being implemented, and can bring disciplinary actions against officials who undertake actions during the negotiations that he perceives to be illegal (13).

Recently, Ordoñez was brought into infamy by his recent decision to depose Bogotá’s elected mayor, Gustavo Petro, relying on what was largely considered a legal smokescreen or fabricated technicality. Though Petro has now been reinstated (much to Ordoñez’s chagrin), the incident drew significant attention to the issue of the legitimacy of former guerrillas participating in organized partisan politics. Petro was famously demobilized as a member of M-19, another guerrilla group in Colombia which went through a collective demobilization process.

The decision to depose of Petro has been widely criticized as politically motivated, undemocratic, and emblematic of a political agenda which sees even legal, transparent, and popularly supported participation in elected politics by former guerrillas as illegitimate and to be stopped at any cost. It seems clear that Ordoñez will not hesitate, if given the chance, to disrupt a peace process or eventual agreement, even in the face of massive popular support for such a process. This is a potential obstacle to the peace process that renders it a significant challenge.

To conclude, I have outlined a number of reasons for optimism regarding ongoing peace negotiations, as well as a number of factors which may destabilize the possibility of an eventual peace treaty. Though there are significant weaknesses to the current negotiations, there seems to be justified optimism that the process will yield a peace deal which will be able to bring about the cessation of hostilities between the FARC and the government forces.

PART THREE –The Limits to a Negotiated Peace

It cannot be credibly disputed that a peace agreement is in the general interests of the Colombian people. Economic and social prosperity, the revival of democratic participation in regions terrorized by FARC violence, cessation of civilian and combatant deaths, increased safety in rural and urban areas—these are significant and immutable gains that a peace process may achieve in the short and medium-term.

But to focus exclusively on a peace treaty between the FARC and the Colombian government is to render invisible other important sources of insecurity and violence for Colombia’s civilian population. These additional dynamics play a critical role in creating and propagating instability, violence and insecurity for Colombia’s civilian population, particularly its rural population. In this third section of my analysis, I identify a number of factors which have been critical in the civilian
population’s experience of violence and conflict. I establish that unless the peace process dramatically transcends its current scope and articulated priorities, it is likely to be a source of only limited gains in security for civilians, especially rural civilians, in Colombia. It is my contention in this paper that the cessation of hostilities between the two groups is neither sufficient nor necessary to the goal of achieving a meaningful reduction in violence as experienced by the primary victims of the conflict. I begin this section with an account of the armed conflict from point of view of the individuals whose voices have so far been missing from this account—the conflict’s unarmed victims.

**Colombia’s non-combatant population, victims of armed conflict**

Although major problems exist with data collection, it is clear that the toll of this conflict on the lives of Colombian citizens has been horrific. Statistics released in 2013 indicate that the civil war has left 220,000 civilians dead and 5.7 million internally displaced. The hardest-hit have been the rural poor, who have had their lands expropriated or destroyed, their family members abducted as combatants, disappeared, sexually assaulted, mutilated or murdered. In 2005, Human Rights Watch noted that there were 11 thousand child soldiers actively fighting in Colombia’s armed conflict (not exclusively within the FARC, but also within the paramilitaries and some government armed forces) (Lee 35).

The targeting of civilians is a longstanding and deliberate tactic used by the government armed forces, the FARC and other guerrilla groups, as well as by the paramilitaries. From its very inception, Colombia’s civil war has involved the rural poor as both moral smokescreen and cannon fodder. As Green notes: “Then, as now, civilians were not accidental casualties of fighting but often the actual targets” (148). Sexual violence against women and girls has been particular hallmark of Colombia’s armed conflict (discussed in detail below).

Although the FARC has been actively constructed as the main source of violence, instability and insecurity in Colombia, it is not the only actor whose actions have extremely important consequences for the civilian population, and it is not the only actor whose violence must be addressed in order to achieve meaningful peace. As a striking example of the limits of focusing exclusively on violence emergent between the FARC and government armed forces, Lee calls attention to the following fact: between 70 and 75% of non-battle civilian deaths are not carried out by the FARC, but rather by government forces or the ostensibly demobilized paramilitaries (37).

That is, though a peace deal with the FARC is critical to improvements in the security situation in rural Colombia, there are other pressing security issues which coexist with the FARC conflict, and which will need to be addressed for any meaningful improvement to security for rural populations. It is to an examination of these actors that I now turn.

**Colombia’s Human Rights Record—Falsos Positivos**

One major source of violence and instability in Colombia’s conflict zones is the Government of Colombia, specifically its armed forces. In addition to the failure of the Colombian police and army to protect its civilian population from FARC and paramilitary violence, the state’s undeniable malice towards its own citizens
plays a huge role in ongoing experiences of violence. In particular, one issue that will certainly not be put to rest at the negotiating table in Havana is the Colombian military’s strong and deeply disturbing record of human rights violations against civilians. Within this general category, the issue of the falsos positivos (false positives) serves as a shocking, yet not isolated, example of the Colombian Government’s approach to its relationship with civilian populations.

The experience of the falsos positivos remains an infamous moment in Colombia’s military history. Between 2004 and 2008 over 3,000 unarmed civilians, largely young boys from poor neighbourhoods on the outskirts of cities such as Bogotá and Medellin, were subject to extra-judicial murder by Colombia’s armed forces (Isacson 9). These boys and young men were taken away from their homes and families on the pretense of job opportunities, dressed in FARC uniforms, given unloaded guns, and many were shot in the back of the head as they fled the armed forces. These murders were perpetrated in order to access bonuses offered by the army for high FARC kill-counts: bonuses for high kill-counts included cash rewards, month-long vacations, and quicker promotions within the ranks.

There have been shockingly few prosecutions of the soldiers involved or their commanding officers. The official position of the Government of Colombia and the National Army of Colombia is that these extra-judicial killings were perpetrated by individual officers without the knowledge or consent of ranking officers. There is evidence to suggest, however, that ranking officers not only knew about these murders, but actively encouraged them in order to improve their own kill statistics.

Only three convictions have ever been obtained for the murder of innocent boys and young men by their government (United Nations High Commission for Human Rights 15). This abysmal record remains, even though at least 39 individual victims have had their identities confirmed and had their cases elevated to the status of high-profile examples. The UNHCR reports: “If so few convictions were obtained in high-profile cases where the State has already admitted wrongdoing, the challenge of obtaining convictions in lesser-known cases is even greater” (United Nations High Commission for Human Rights 15). Six years after the end of the murder of these young men, there is no evidence that the government is interested in holding the individuals and units responsible for this massacre accountable.

The falsos positivos tragedy is emblematic of a sad and important fact: the Colombian military cannot be counted upon as an unambiguous source of support and safety for the Colombian civilian population. Indeed, combined with the army’s history of sexual violence against civilian populations (detailed below), the violence perpetrated by the Colombian Armed Forces and the impunity for such crimes should be considered major dynamics of the armed conflict. So far, there is no evidence to suggest that the current peace talks will address the Colombian Armed Forces’ record of assassination and human rights violation against unarmed civilian populations. Given that a peace treaty with the FARC is unlikely to signal the end of
armed conflict and associated violence, and keeping in mind the government’s failure to hold its armed forces accountable for human rights violations against civilians, it is clear at least in one sense that a peace treaty will be unable to address an important source of violence against the civilian population.

**Sexual Violence Against Women and Girls**

Sexual violence against women and girls is a major feature of Colombia’s civil war. Sadly, given the sources of such violence and the government’s total failure to address sexual violence related to the conflict, sexual violence is unlikely to stop in the event of a negotiated peace treaty. Sexual violence against women and girls as part of Colombia’s armed conflict has been “a habitual, extensive, systematic and invisible practice in the context of the Colombian armed conflict” (Amnesty International 2012, 14). Though accurate statistics have not been gathered, it is clear that women and girls in Colombia, especially rural Colombia, have been “subjected to widespread and systematic violence by all the parties” to Colombia’s civil war (10). Sexual violence has been an explicit strategy of all three combatant groups (the Colombian Armed Forces, the paramilitaries and the guerrillas), and is used as a mechanism to establish and enforce military control, to enact revenge against political adversaries, and to provoke the abandonment of land that is useful for the combatants (10).

In addition to a mechanism to control rural campesina, indigenous and Afro-Colombian women, sexual violence has been used as a way to punish or control women who work as human rights defenders or social or community leaders (Amnesty International 2011, 11). Women who denounce previous sexual violence or the massive displacement from indigenous land are also likely subjects of additional attacks in order to silence them (11).

The FARC are neither the only nor the worst perpetrators of sexual violence in Colombia’s armed conflict. Of a sample of 183 cases highlighted by the Colombian Constitutional Court, guerrilla groups (including but not limited to the FARC) were listed as perpetrators of sexual violence in only 8.5% of cases; government forces were perpetrators in 19.4% of cases, paramilitaries for 45.8% (Amnesty International 2011, 22). As one example of the entrenched nature of sexual violence in rural Colombia, Amnesty international details a number of incidents wherein members of the armed forces allegedly raped indigenous women, only to offer sums of money as small as $50 USD to families in order to convince them to drop charges of sexual violence (Amnesty International 2011, 35).

Further, research conducted by Amnesty International has established that women who have been displaced by the armed conflict are at a particularly high risk of sexual violence or being forced into sex work due to decimated or uprooted support networks (2011, 12). Given the high rate of internal displacement due to the conflict, it is unlikely that a peace treaty will conceive of protection mechanisms for all of the displaced women and girls who will remain in situations of vulnerability for years as a peace process is implemented. The same is true for indigenous and Afro-Colombian women and girls, who are considered especially vulnerable to sexual and other types of violence due to extreme poverty...
and a history of discrimination and marginalization (Amnesty International 2011, 35).

That is, even if a peace treaty were to be signed between the FARC and other armed forces, there is little likelihood of a cessation of sexual violence against women and girls, given the high rates of sexual violence being perpetrated by the Colombian armed forces and the paramilitaries. This is especially true given that a peace treaty with the FARC is unlikely to stop the power-struggles between paramilitary, other guerrilla (such as ELN), criminal drug-runner, and government forces. Given that sexual violence has been a primary mechanism for asserting power over rural populations, and that these power struggles are unlikely to end, the epidemic of sexual violence perpetrated against civilians is unlikely to stop.

This is especially true given the widespread impunity for sexual violence committed by all parties to the conflict. One obstacle to accountability is the military justice system, which continues to hold jurisdiction in cases of human rights violations committed by security forces (Amnesty International 2011, 19). Such cases are regularly closed without any investigation whatsoever (19). Another obstacle to justice for past and ongoing sexual violence in Colombia’s armed conflict is the abysmal state of protection measures for female political and social movement leaders who are at known risk of violence. Measures, where they exist (a minority of cases) include requiring women to stay in their homes to avoid violence (29).

Second, the failure of the Colombian armed forces to protect women from sexual violence, and indeed their active participation in the rape of girls and women in conflict zones, has created a situation of deep mistrust and very real danger that women must face if they are to report sexual violence. Amnesty International reports that women who manage to overcome the obstacles to reporting sexual violence are faced with “a system that fails to investigate the crime or to provide effective and appropriate assistance, whether medical, psycho-social or financial” (2011, 20). This impunity for sexual violence all but ensures that ongoing violence in Colombia’s rural, conflict-affected, indigenous and Afro-Colombian communities, that sexual violence is likely to remain a fact of rural Colombian life in conflict-affected areas of the country.

Sexual assault of women and girls is a major factor which impacts girls and women in Colombia’s civil war. Given that sexual violence is perpetrated by government and paramilitary forces in circumstances of deplorable impunity and invisibility, it is unlikely that a negotiated peace treaty with the FARC will provide a meaningful decrease in sexual violence perpetrated against women and girls. This is especially true given the power vacuum likely to follow any demobilization of the FARC (see below) and the government’s total failure to prosecute crimes of sexual violence against women and girls by all parties to the conflict, as well as the government’s failure to protect women who are human rights leaders and outspoken critics of sexual violence. Further, given the historical incapacity of demobilization processes to (a) meaningfully disrupt armed conflict and the financial and political systems which maintain the conflict (discussed below), and (b) meaningfully prosecute demobilized combatants for any war crimes or crimes
against humanity, much less for sexual violence, there is little hope that a negotiated peace treaty will undercut motivation or opportunity for sexual violence.

**Government Capacity to Effectively Facilitate Demobilization**

Effective DDR is integral to security and public safety in the wake of civil war, as well as critical to ongoing stability and transitional justice (Denov and Ricard-Guy 480). Yet David Porch argues that the Colombian state “lacks the power and legitimacy to enforce the [peace] agreements and the resources to integrate demobilized fighters into the legitimate economy” (521). He further reminds his readers to be cautious of demobilization processes which take place in the midst of ongoing conflict (as the current negotiations with the FARC are, given continued paramilitary activities and the refusal of the ELN to enter into a peace process similar to that of the FARC). In particular, Porch argues that ongoing political conflict creates a context where the wartime skills of those that have been officially demobilized remain in high demand (522). That is: “alas, what is now called demobilization, disarmament, and reinsertion (DDR) has merely transitioned, rather than terminated, violence” in Colombia (521).

This is in no small part because negotiated peace treaties do not necessarily ensure that the state has the legitimacy politically, and the power practically, judicially, and militarily, to enforce agreements and integrate fighters into the legitimate economy (521). This has certainly been the case in Colombia. In the history of Colombia’s demobilizations, “some demobilized only to be assassinated subsequently, the demobilized were not provided with resources issues of justice remained unresolved” (524), keeping old feuds alive, or providing a context in which old groups could reorganize as new ones, as in the case of the AUC paramilitary reorganization and failed demobilization. Failed demobilization is a particular concern for female combatants, who are susceptible to violence in demobilization programming, fear of rejection as former soldiers, and a lack of facilities which are in any way reflective or geared towards the medical or social needs of women (Mckay and Mazurana 2004). Female combatants with the FARC make up approximately 30% of the FARC’s combatant force, and are known for their ferocity, are renowned fighters, have been characterized as the lynchpin of the FARC’s military organization (Herrera and Porch 612). They will face serious barriers in reintegrating into society, given that they have transgressed sacrosanct gender norms in joining the FARC, and will face both serious restrictions in their freedom relative to their time in the FARC (611) and overwhelming stigma for having transgressed gender roles.

That is, it is possible that given the FARC-shaped void (discussed below) and the barriers to reintegration, the 30% of FARC forces that are women may constitute an additional sub-group who may not be able to demobilize, even if a collective demobilization framework is agreed upon. Though the academic literature does not tend to consider female combatants a serious security risk, it is clear that the female combatants in the FARC are well trained, ferocious, and skilled in both violence and the workings of the illegal economies. The risk that such female
combatants will believe their only post-conflict option as the reenlistment with other guerrilla or armed groups is high.

The experience of demobilization of the AUC in 2003 and 2006 is an instructive account of the consequences of failed demobilization. In particular, the extremely high levels of violence against former paramilitaries is an important transitional dynamic that the Colombian state has traditionally failed to manage.

The National Commission for Reparation and Reconciliation (which supervises the ongoing DDR process for paramilitaries) characterizes violence against currently demobilized paramilitaries “a humanitarian crisis” (Nussio 584). Demobilized paramilitaries were subject to homicide, illegal detention, forced disappearance, threat, forced displacement and non-consensual recruitment (584). Strikingly, as of February 2010, 1966 of the collectively demobilized paramilitaries had been killed: professional killers are understood to be responsible for the majority of the murders (584). There is also evidence that people join the new paramilitary organizations because of a lack of government capacity to protect the demobilized from threats to their safety—many who join report doing so because they want protection, and are “confident that the state will not or cannot do so” (594).

This violence against the demobilized paramilitaries is perpetrated by community members where the demobilized return, by higher-ranking paramilitaries who are at risk of larger sentences for their crimes and are afraid that their former squadrons will reveal details about their crimes, as well as by the police (585). In the context of hostile communities and a dearth of state protection and meaningful attention to the reintegaration process and retraining individuals for civilian life, demobilized paramilitaries have few options. The demobilized look to their former colleagues, or to new criminal or violent networks in order to protect themselves.

That is, there is a significant risk that the Colombian state does not have the capacity to successfully facilitate a demobilization. The past failure to protect demobilized paramilitaries, as well as the high risk that female combatants’ needs and security considerations will be ignored, are two examples of problems with the demobilization that may not be addressed by a peace treaty. The failure of the state to effectively demobilize former combatants is a significant security risk, especially given the ease with which former combatants might reintegrate into the violent criminal economies.

**Paramilitaries: filling the FARC-shaped void**

There is one additional concern with regards to a FARC DDR process. Matt Ince has written about the possibility of a peace process creating a “FARC-shaped void” as a significant barrier to a long-term peace. That is, especially given the lucrative illegal markets that the FARC has successfully cornered, a successful demobilization of the FARC would leave a power vacuum available to be filled by the paramilitaries, the ELN, or other criminal bands and opportunistic hoodlums. The history of Colombia’s demobilization processes (discussed above) reveals that there is little cause to suggest that the state can effectively protect former combatants, provide credible integration and post-conflict economic opportunities for those willing to demobilize, and prevent other
groups from taking up the work that the FARC might leave behind if it were to demobilize.

Even if sufficient opportunities are made available for those demobilized, it is likely that, unless significant attention is paid to the security conditions in areas where the FARC has a significant presence or has invested in criminal economies, that other opportunistic organizations may hope to take up the FARC-shaped void and benefit from well-established criminal resource economies. First among the contenders for such a strategy are the paramilitary groups, who have retrenched and reorganized subsequent to their fabled demobilization, and continue to enjoy significant impunity for crimes committed.

For instance, between 2008 and 2010, starting two years after the allegedly successful DDR process, the paramilitary groups are believed to have undertaken more violent unilateral actions than the guerrilla groups, and are credited with more than 15% of the total displacement of the population of Colombia (Ince 2013, 22). The BACRIMS (or “new” paramilitaries, as Amnesty International calls them) are credited with the same behaviour and motivation as the “demobilized” paramilitaries (Amnesty International 2011, 12). According to Amnesty International:

“They control territory and use the threat of force and actual violence to further their economic and political objectives, sometimes with the support or tolerance of the security forces. Their victims are the same as in the past—human rights defenders, trade unionists and community leaders. Paramilitary groups continue to carry out “social cleansing” operations in poor urban neighbourhoods, where the victims are often young people accused of being petty criminals, drug addicts or sex workers. Lesbian, gay, bisexual and transgender people are also targeted” (2011, 12).

Amnesty International’s account is one among many reasons to believe that since the 2006 collective demobilization, the ranks of the paramilitaries are growing, that their activities are becoming increasingly violent, and that they are being consolidated to facilitate better organization between organizations (12). Recent estimates suggest that the ranks of the BACRIMS include 7,000 members, with
a non-combatant support network of between 8,200 and 14,500 (12). In January of 2011, Colombia’s Attorney General’s office reported that 174,618 homicides, and 1,614 massacres have been perpetrated by demobilized armed groups, among which the AUC are primary constituents (Dugas 205).

Therefore, the government’s total failure to demobilize the paramilitary groups in a 2006 collective demobilization process highlights additional challenges to the current peace process as well as opportunities for further violence, even if a peace treaty is signed. The paramilitaries are well-placed to fill Ince’s FARC-shaped void. This would mean further consolidation of paramilitary power in regions already ravaged by such violence. To date, there is little evidence that the scope of the peace talks has considered this dynamic, sure to be an important source of violence if a peace treaty is negotiated.

Conclusion

There is much hope and excitement regarding ongoing peace negotiations between the FARC and the Colombian Government. Understandably so: the world’s longest-running civil war has taken a devastating toll on Colombia’s civilian population. In this paper, I have outlined the current peace talks, and drawn the reader’s attention to a number of reasons for optimism and potential pitfalls. Among the reasons for optimism regarding the talks are the behaviour of the warring parties, the military balance of power, and the internationalization of the conflict. Among the potential peace treaty spoilers are: the FARC’s illegal revenue-generation activities, limits on potential amnesties for FARC members due to the Rome Statute of the International Criminal Court, and the current state of partisan politics in Colombia.

I have gone on to argue that while a peace treaty is a necessary step to addressing the violence perpetrated against the civilian population of Colombia, unless other important phenomena are taken into account, a peace deal will not be sufficient to stem the tide of violence suffered by the Colombian population. The government’s use of violence against civilian populations (as evidenced through the falsos positivos), the legacy of sexual violence and impunity for sexual violence, the risk that demobilization will be ineffective, and the presence of armed actors able to fill the power vacuum left by the FARC—if these dynamics are not addressed, I conclude that there will be, at least in the short term, few meaningful and robust gains in security for the Colombian population.

There are, of course, any number of issues that I have not been able to address here, many of which present very serious obstacles to both short and long-term prosperity in Colombia. First among these excluded issues are the politics of land distribution in rural Colombia, widely recognized as a central motivation for the inception of the FARC, as well as a central grievance for campesino, afro-Colombian, and indigenous communities. Especially for campesina women, as important as any negotiated peace treaty are the political decisions made around land distribution, restitution, and redistribution.

I have also failed to consider many of the ways that LGB and trans individuals have been disproportionally affected by armed conflict, and have thus far been ignored in the political and military solutions to the
conflict. Indigenous communities, and indigenous women in particular, have also suffered disproportionately in the armed conflict, and it is to date unclear what impact a negotiated peace treaty will have on these communities.

The impossibility of writing a comprehensive analysis of Colombia’s ongoing peace process speaks to the size of the task that the negotiators have in front of them. The current peace process is fraught, and hangs in the balance of June 15th elections, which have become a proxy for support for an eventual peace process. I have taken care here to outline the limits of a peace treaty, were it to be successful. But there remains no doubt that after four decades of civil war, a negotiated peace treaty is a critical, and potentially transformational, first step to stopping the violence that has ravaged the civilian population of Colombia.


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