

Made in Havana: How Colombia and the FARC Decided to End the War

RENATA SEGURA AND DELPHINE MECHOULAN



Cover Photo: A man holds a Colombian flag with white stripes during a demonstration in support of the peace agreement between the Colombian government and the FARC-EP, Bogotá, Colombia, November 30, 2016. Guillermo Legaria/Stringer.

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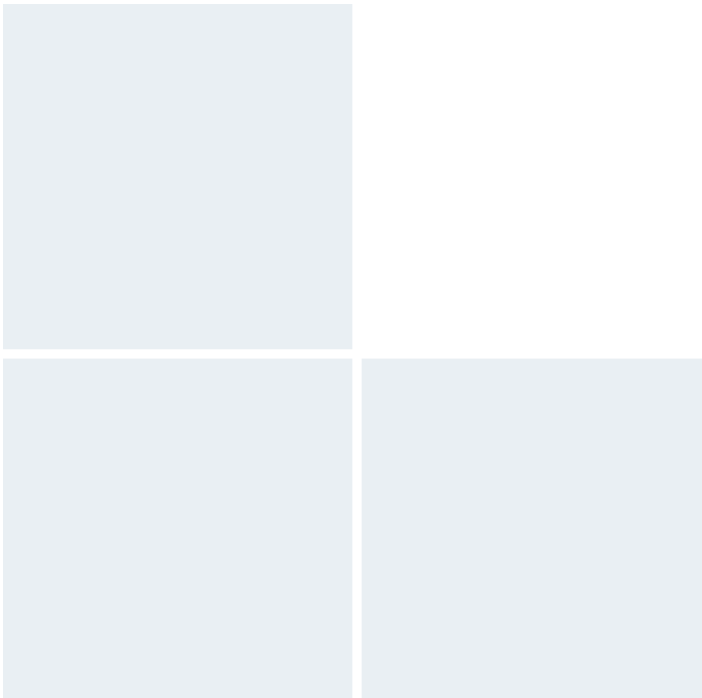
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Abbreviations

DDR	Disarmament, Demobilization, and Reintegration
DPA	UN Department of Political Affairs
DPKO	UN Department of Peacekeeping Operations
EU	European Union
FAO	UN Food and Agriculture Organization
FARC-EP	Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo
HIPPO	High-Level Independent Panel on Peace Operations
ICRC	International Committee of the Red Cross
ICTJ	International Center for Transitional Justice
IOM	International Organization for Migration
MVM	Monitoring and Verification Mechanisms
OAS	Organization of American States
OHCHR	UN Office of the High Commissioner on Human Rights
LGBT	Lesbian, Gay, Bisexual, and Transgender
UNASUR	Union of South American Nations
UNDP	UN Development Programme
UNICEF	UN Children’s Fund
UNMAS	UN Mine Action Service
UNODC	UN Office on Drugs and Crime
UP	Unión Patriótica

Executive Summary

On November 24, 2016, the government of Colombia and the biggest guerrilla group in the country, the Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo (FARC-EP), signed a final peace agreement. This accord put an end to the longest armed conflict in the Western Hemisphere and to long and convoluted peace talks. Over the course of more than four years, these talks went through ups and downs, including moments of real crisis—most profoundly when voters narrowly rejected the initial peace accord in October 2016, leading to several weeks of renegotiation.

With so many Colombians registering their disapproval and with implementation of the accord just beginning, can the peace process be considered a success? This paper argues it can be, in that it managed to achieve its main goal: to convince the FARC-EP to voluntarily set aside its weapons and start the transition to becoming a political party.

What elements of the process contributed to this success? While we believe it is too early to properly speak of “lessons learned” from the process, this paper highlights the key elements that seemed to have worked and those that made progress difficult. These elements are examined across the three distinct phases of the process: (1) initial clandestine talks at the border with Venezuela that started in the spring of 2011; (2) secret negotiations in Havana, Cuba, starting in February 2012; and (3) four years of public talks, which officially started in October 2012.

Across these three phases, the peace process involved a complex puzzle of mechanisms, advisers, facilitators, and experts, but several factors emerge as central, both to its successful resolution and to the problems likely to arise during implementation:

- **A limited agenda:** Previous talks with the FARC-EP had been burdened by an extremely long agenda that included many issues the public believed should not be settled in a negotiation with an insurgent group. Reflecting this experience, the agreed final agenda addressed just six issues.
- **A peace process removed from Colombia:** Cuba’s hosting of the negotiations buffered the talks from the daily occurrences of war and politics in Colombia and provided a controlled environment. While this proved to be essential for the parties to come to an agreement, it left many Colombians feeling removed from the process and limited their sense of ownership.
- **A strategic use of the international community:** The dialogue was guided by a central premise: this would be a process “for Colombians, by Colombians.” This meant that the government tightly controlled the process and excluded the possibility of an external mediator. Nonetheless, the Colombian government reached out to and mobilized the international community. Cuba and Norway, as guarantor countries, are credited with much of the success of the process. Venezuela and Chile, as “accompanying” countries, provided needed regional support. And the United Nations, despite initial skepticism from both parties, gradually grew into a significant role and is now at the center of the peace accord’s implementation. Although the involvement of these actors was essential to the successful outcome of the talks, it did not translate into wider legitimacy inside Colombia.
- **A complex puzzle of mechanisms:** The peace process consisted of numerous mechanisms and spaces that worked simultaneously. While the diverse channels of communication facilitated the achievement of an agreement, they also prolonged the talks, which proved to be politically costly.
- **Limited participation:** At first, the talks were not only geographically removed from Colombia but also were held with an unprecedented level of secrecy. The process slowly opened to experts, the press, and civil society, but participation remained controlled and limited. While this facilitated the negotiations themselves, it came at a huge political cost.
- **The search for legitimacy:** The Colombian government was much more effective at raising international support for the peace process than at convincing its own people about the importance of the agreement with the FARC-EP. The campaign in support of the process came late and was woefully inadequate. With many still questioning the accord’s legitimacy, it will be in the hands of the next government to make sure the Havana process is a solid foundation for a stable and long-lasting peace.

Introduction

The government of Colombia and the biggest guerrilla group in the country, the Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo (FARC-EP), signed a final peace agreement on November 24, 2016.¹ This accord put an end to the longest armed conflict in the Western Hemisphere (over fifty years) and to long and convoluted peace talks.² The process had three distinct phases: (1) initial clandestine talks between envoys of the government of President Juan Manuel Santos and FARC-EP representatives at the border with Venezuela that started in the spring of 2011; (2) secret negotiations that took place in Havana, Cuba, and started in February 2012; and (3) four years of public talks, which officially started on October 18, 2012, with a joint press conference in Hurdal, Norway (see Figure 1).

The peace process, as is frequently the case, went through ups and downs, including moments of real crisis. Yet the strongest blow was the result of the plebiscite on October 2, 2016, when voters rejected the peace accord by a margin of less than 1 percent.³ This brought preparations to start the implementation phase to a screeching halt and made evident the country's polarization. Many Colombians had been euphoric watching the (first) signing ceremony on September 26th in Cartagena, attended by the UN secretary-general, multiple international dignitaries, and almost 3,000 guests; many others, however, rejected a deal they perceived as being excessively generous to the

FARC-EP and had been displeased by what they thought was a distasteful celebration that minimized the importance of the vote that would take place a few days later.

In a statement on the evening of the plebiscite, former president (2002–2010) and current senator Álvaro Uribe, the leader of the opposition to the peace process, underscored that the victory of “no” should not be interpreted as a desire to return to war, but rather as the need to improve the accord. In the following weeks, government officials met with various representatives of the opposition, who presented a series of documents charting their desired modifications.⁴ The government went back to Havana on October 22nd after having distilled these down to 455 concrete proposals and started the renegotiation with the FARC-EP.⁵ A new accord, which, according to the government and the FARC-EP, incorporated most of the requests of the “no” vote, was announced on November 12th.⁶

Although some analysts had initially been optimistic about the possibility of having a new deal that would satisfy Uribe and other leaders of the “no” camp, it soon became clear that there would be no “national dialogue” that fully embraced the process with the FARC-EP.⁷ The government, therefore, decided to sign the new accord in a humbler ceremony at the Teatro Colón in Bogotá. The accord was then sent to Congress for approval, which happened easily: a week later, on November 30th, the Senate and the House both unanimously endorsed the agreement after those who opposed it left without voting.⁸

1 The November 24th signing ceremony was, in fact, the second that had been held. The parties had already convened on September 26th in Cartagena where they signed a first version of the agreement. This version, however, was voted down in a plebiscite, forcing the government and the FARC-EP to go back to the negotiating table.

2 The Colombian government has recently restarted dialogue with the one remaining insurgent group, the Ejército de Liberación Nacional (ELN), which is much smaller and less powerful than the FARC-EP; while the ELN has around 1,300 members, the FARC-EP has about 7,000 people in its ranks and the support of around 8,000 militia members. (Interview with Jaime Zuluaga, New York, May 2016.) There are also a number of other violent actors, including organized criminal groups and the so-called *Bandas Criminales* (BACRIM), which inherited many of the structures of the right-wing paramilitaries that demobilized in 2008. This makes it difficult to assert that the peace process with the FARC-EP will result in a cessation of violence in Colombia.

3 “Yes” received 49.78 percent of the votes, while “no” received 50.21 percent. The abstention rate was nearly 63 percent. Registraduría Nacional del Estado Civil, “Plebiscito 2 octubre 2016,” available at http://plebiscito.registraduria.gov.co/99PL/DPLZZZZZZZZZZZZZZZZZZZZ_L1.htm.

4 “Nos escuchan y los escucharemos,” pide expresidente Uribe,” *El Tiempo*, October 2, 2016, available at www.eltiempo.com/politica/proceso-de-paz/palabras-de-alvaro-uribe-en-plebiscito/16716913.

5 Vanesa Restrepo, “Gobierno recibió 455 propuestas de cambios al acuerdo de paz,” *El Colombiano*, October 23, 2016, available at www.elcolombiano.com/colombia/acuerdos-de-gobierno-y-farc/gobierno-analiza-propuestas-de-cambios-al-acuerdo-de-paz-CF5227765.

6 For the main changes in the two documents, see the official version of the government, in Spanish, available at www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Documentos%20compartidos/21-11-2016-CUADRO-Propuestas-y-Ajustes-definitivo.pdf; and the version of the Washington Office on Latin America (WOLA), in English, available at <http://colombiapeace.org/2016/11/15/key-changes-to-the-new-peace-accord/>.

7 See Cynthia J. Arnson, “Peace in Colombia: Unexpected Reasons for Hope,” *Americas Quarterly*, October 14, 2016, available at www.americasquarterly.org/content/peace-colombia-unexpected-reasons-hope; and Nick Miroff, “Colombia’s Opposition Wants to Modify Peace Deal—With a Scalpel, Not a Hammer,” *Washington Post*, October 13, 2016, available at www.washingtonpost.com/world/colombias-opposition-wants-to-modify-peace-deal--with-a-scalpel-not-a-hammer/2016/10/13/542d11d8-9157-11e6-bc00-1a9756d4111b_story.html?postshare=251476383326982&tid=ss_tw&utm_term=.fb00a8c43db6.

8 The final tally was 205 votes in favor and 0 against. “La histórica votación a la referendación del acuerdo en el Congreso,” *El Tiempo*, December 1, 2016, available at www.eltiempo.com/politica/proceso-de-paz/como-fue-la-votacion-en-congreso-para-referendar-nuevo-acuerdo-de-paz/16763644.

Figure 1. Timeline of the peace process in Colombia



In spite of its decidedly anticlimactic denouement, this peace process finally achieved what four of the last six governments had tried—and failed—to do: convince the FARC-EP to lay down its weapons and start a transition from an armed insurrection to a political movement.⁹ This paper examines what elements of the Havana process contributed to a successful result. An incisive reader might wonder, understandably, if we can in fact claim such success: not only did a sizable part of the population manifest its disagreement with the accord, but much is still pending, and the implementation of the agreement faces significant challenges. While this paper argues that the Havana process can indeed be assessed, on balance, as a success, it also examines some of the mistakes that led to such a widespread lack of support among Colombians and the difficulties that arise from this division.

The Havana peace process involved a complex puzzle of mechanisms, advisers, facilitators, and experts that we describe in the coming pages. Besides explaining the mechanics of the process, this paper highlights three issues that proved to be central:

1. **A limited agenda:** Previous negotiations with the FARC-EP had been burdened by an extremely open and general agenda.¹⁰ The problem was not only its length; by including issues such as the political or economic model that the country should have, these past agendas had given the FARC-EP a political legitimacy that many sectors in the country thought was undeserved. Including such issues also made the negotiations practically impossible; issues of this dimension could not be resolved in the time frame of a peace process. The agenda for the negotiations in Havana also represented an important innovation by making the end of the conflict the starting point for, rather than the result of, the structural reforms the FARC-EP demanded. The FARC-EP's change in position on this issue was a fundamental reason why the process in Cuba managed to arrive to an agreement.
2. **A peace process removed from Colombia:**

Cuba's hosting of the negotiations buffered the talks from the daily occurrences of war and politics in Colombia and provided the government with a controlled environment. While this proved to be essential for the parties to come to an agreement, it came at a high cost: for much of the process, many Colombians felt removed from the negotiations and had a limited sense of ownership, something shown clearly in the plebiscite results.

3. **A strategic use of the international community:** The dialogue was guided by a central premise: this would be a process “for Colombians, by Colombians.” This meant that the government tightly controlled every aspect of the process and excluded from the beginning the possibility of a third or external party acting as a traditional mediator. Nonetheless, the Colombian government reached out to and mobilized the international community, both to contribute to the success of the process and to increase its legitimacy. While the role of many international actors (such as Norway, Cuba, Venezuela, Chile, and the United Nations, among others) was essential to the successful outcome of the negotiations, this support did not translate into wider legitimacy inside Colombia. It can be argued, in fact, that the government's success in gaining wide international support might even have been counterproductive, contributing to its inability to “sell” the process to Colombian citizens.

The period studied by this document ends on November 24, 2016, the day the peace accord was signed for a second, and final, time. Space and time constraints led us to focus on the mechanics of the process, and thus we do not examine the content of the accord. Neither do we analyze in depth the institutional architecture being created to implement the accord or the challenges that implementation will face. While we believe it is too early to properly speak of “lessons learned” from the process, we do highlight the key elements that seemed to have worked and those that made progress difficult.

⁹ The FARC-EP has systematically refused to use or accept the use of the term “disarmament” when used in reference to itself, arguing that it only applies to armed groups that have been defeated militarily.

¹⁰ For the agenda brought by the FARC-EP to the previous negotiations, see http://pdba.georgetown.edu/CLAS%20RESEARCH/Library%20and%20Documents/Peace%20Processes/1998-2002/1999%20May_FARC_Agenda%20Comun%20para%20el%20Cambio.doc.

Historical Background and Past Peace Processes

Colombia has been at war since the 1940s, when the two main political parties, the Liberals and Conservatives, engaged in a civil war known as La Violencia, which resulted in 200,000 people being killed. The power struggle between these two parties intensified after the assassination of the populist leader of the Liberal Party, Jorge Eliécer Gaitán, in April 1948. While the Conservative government of the time used the state apparatus to persecute them, Liberals organized into self-defense groups.¹¹ A partisan pact known as the National Front was effective in stopping the violence by creating an extensive model of power sharing. However, this arrangement, which called for an alternation of the presidency between the two parties for sixteen years (1958–1974) and a division of all government posts between them, marginalized third parties.¹² In this context, many of the Liberal guerrillas transitioned into insurgencies with communist affiliations, including the FARC-EP.

Since the government of President Belisario Betancur (1982–1986), almost every administration has engaged in peace negotiations with the FARC-EP or other guerrilla groups. The most important of these attempts was the process led by the administration of Virgilio Barco, which resulted in the demobilization of the Movimiento 19 de Abril (M-19) in 1990 and the creation of the political movement Alianza Democrática M-19. This first agreement paved the way for accelerating talks and an eventual peace deal with the Ejército Popular de Liberación (EPL) and some smaller groups such as the Movimiento Armado Quintín Lame (MAQL) and the Partido Revolucionario de

los Trabajadores (PRT).¹³

The FARC-EP engaged in three major peace efforts after the 1980s before the one that occupies us here. First, the negotiations known as “La Uribe” (named after the municipality where they were conducted) led to an agreement signed on March 28, 1984, which included a bilateral cease-fire and truce and a commitment by the parties to negotiate an end to the armed conflict.¹⁴ The FARC-EP, in agreement with the Communist Party, then established the political party Unión Patriótica (UP), composed of former combatants and a number of social and political actors.

The Uribe Agreement, however, did not get the support it needed from key sectors of Congress, the country’s most important economic groups, and the military. As the peace process slowly faded, at least 1,598 members of UP were systematically assassinated, including two presidential candidates: Jaime Pardo Leal and Bernardo Jaramillo Ossa.¹⁵ Some counts, which include the murder of supporters of the UP, put this number at over 3,000.¹⁶ Besides the profound crisis it created for Colombia, the targeted violence toward members of the UP also set a negative precedent for a negotiated peace, as it made evident the lack of security guarantees for those willing to disarm and transition into political life. These killings fed into the FARC-EP’s skepticism, over the years, of the possibility of a negotiated end to the conflict; in the context of the latest peace process, it helps explain the request for a second UN mission with the mandate to “verify the reincorporation of the FARC-EP and the implementation of the protection measures and collective and personal security.”¹⁷

The second major peace effort, the 1991 Tlaxcala and Caracas dialogues, took place during the

11 David Bushnell, *The Making of Modern Colombia: A Nation in Spite of Itself* (Berkeley and Los Angeles, CA: University of California Press, 1993); Jonathan Hartlyn, *The Politics of Coalition Rule in Colombia* (Cambridge, UK: Cambridge University Press, 1988).

12 Eduardo Pizarro Leongómez, “La insurgencia armada: Raíces y perspectivas,” in *Al filo del caos: Crisis política en la Colombia de los años 80*, edited by Francisco Leal Buitrago and León Zamora (Bogotá: Instituto de Estudios Políticos y Relaciones Internacionales and Tercer Mundo, 1990).

13 Jesús Antonio Bejarano, *Una agenda para la paz* (Bogotá: Tercer Mundo, 1995).

14 US Institute of Peace, et al., “Lessons for Colombia’s Peace Talks in Oslo and Havana,” October 15, 2012, available at www.usip.org/sites/default/files/Colombia/LessonsForOsloHavana.pdf. For the full text of the agreement, see <http://peacemaker.un.org/colombia-acuerdouribe84>.

15 Roberto Romero Ospina, *Unión Patriótica: Expedientes contra el olvido* (Bogotá: Centro de Memoria, Paz y Reconciliación, 2012), available at <http://centromemoria.gov.co/wp-content/uploads/2015/05/Union-Patriotica-expedientes-contra-el-olvido.pdf>.

16 Steven Dudley, *Walking Ghosts: Murder and Guerrilla Politics in Colombia* (New York: Routledge, 2005).

17 Interview with Elena Ambrosi, Bogotá, September 2016. See also *Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*, November 24, 2016, Point 6.3.3, available at www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Documentos%20compuestos/24-11-2016NuevoAcuerdoFinal.pdf. The recent increase in attacks against human rights defenders and community leaders has led leftist movements and political parties to speak out against what they see as an extermination campaign against their members and those perceived to be politically close to the FARC-EP. The FARC-EP has referred to the attacks as a repetition of the systematic killings of members of the UP. Exchange with UN official, January 2017.

tenure of President César Gaviria (1990–1994). These dialogues saw the FARC-EP, Ejército de Liberación Nacional (ELN), and Ejército Popular de Liberación (EPL) collaborate under an umbrella of guerrilla groups known as the Coordinadora Guerrillera Simón Bolívar. Under this umbrella, they worked on developing a common position for negotiations. For the first time, meetings were held outside the country and without a precondition of a cease-fire, representing a shift in the government's strategy. The negotiations, which were conducted while all parties continued their military campaigns, were inconclusive. Following the end of the negotiations, the guerrillas' coordinating body disintegrated.¹⁸

The third major peace effort began after civil society mobilized in what was called the Citizens' Mandate for Peace in October 1997 and collected 10 million symbolic votes supporting re-engage-

ment in peace negotiations. This led President Andrés Pastrana's administration to start a peace process in El Caguán (1998–2002). This process with the FARC-EP included the demilitarization of 42,000 square kilometers around the Caguán River basin, a jungle area in the south of Colombia. The process started inauspiciously on January 7, 1999, with a ceremony attended by thousands of guests and led by President Pastrana but without the presence of the FARC-EP's leader Manuel Marulanda Vélez (a.k.a. "Tirofijo"). The FARC-EP argued that there was a possible threat to assassinate Tirofijo and sent Joaquín Gómez on his behalf. Although Pastrana tried to minimize the impact of this absence, that empty chair was a looming symbol of the FARC-EP's weak commitment to engage in serious dialogue. This failed attempt came to an end on February 20, 2002, when Pastrana announced (to a mostly cheering country)

Box 1. What is the FARC-EP?

The FARC-EP was born out of La Violencia and was one of several communist and peasant self-defense groups transitioning into subversive guerrilla groups in the mid-1960s. In its first decade, the FARC-EP operated as a peasant self-defense group organized in a few detachments and maintaining ties with the Communist Party. Initially, as a small rural guerrilla group, the FARC-EP lacked military capacity. In 1973, it established a secretariat and created its first five military fronts (see below), but its operations remained limited to the peripheries of the country without much national influence.

Starting in the 1980s, the FARC-EP began to strengthen and increase the number of its fronts by taking advantage of new income sources including kidnapping, extortion, and taxation of illicit crops. By the end of the decade, the FARC-EP was estimated to have forty-eight fronts. In 1990, following the death of Jacobo Arenas, one of the founding members of the FARC-EP, the intellectual and military control of the organization remained mostly in the hands of Manuel Marulanda Vélez (a.k.a. "Tirofijo") who strengthened the military component of the organization. In the late 1990s and early 2000s, the guerrillas expanded dramatically into key regions of the country, even amidst the intensification of the government's war on drugs.

The FARC-EP is organized into fronts, which are themselves divided into columns. The FARC-EP's secretariat is its highest decision-making body. The Estado Mayor Central is the leading body of the FARC-EP, chosen at the group's national conference, and has thirty-one members. The Estado Mayor Central chooses nine of its members to serve in the national secretariat, which is in charge of giving political and military direction between conferences.¹⁹

The FARC-EP's agenda has historically "reflected [its] overwhelmingly peasant origins. Since its founding, the FARC-EP has focused on issues of political exclusion, access to state resources, and national security strategies such as the role, orientation, and structures of the military and the police. Many of its critiques of the reigning political and social system denounce corruption, clientelism, poverty, and inequality."²⁰

18 "Procesos de paz en Colombia," Centro Nacional de Memoria Histórica, 2014, available at <http://centromemoria.gov.co/HechosDePaz/>.

19 FARC-EP, "¿Qué es y quiénes componen el Secretariado del Estado Mayor Central también conocido como Secretariado Nacional de las FARC-EP?" available at www.farc-ep.co/nosotros/que-es-el-secretariado-de-las-farc-ep.html.

20 Marc Chernick, "The FARC at the Negotiating Table," in *Colombia: Building Peace in a Time of War*, edited by Virginia Bouvier (Washington, DC: US Institute of Peace, 2009), pp. 66–67.

that the military forces were reentering El Caguán.²¹

There were many issues that worked against the success of El Caguán. First, the FARC-EP's proposed "Agenda Común por el Cambio hacia una Nueva Colombia" ("Shared Agenda for Change toward a New Colombia") was unwieldy; it incorporated twelve issues and forty-eight sub-issues, including the country's economic model, reforms to state institutions, and reforms to the justice and political systems.²² It proved difficult to maintain the support of national business groups and traditional power holders for a negotiation model that proposed commitments toward a "new Colombia" and a "new state" before dealing with the question of demobilization and disarmament.

Second, the talks came at a time when the FARC-EP was at the apex of its military strength and territorial presence throughout Colombia. At the same time, President Pastrana's administration was negotiating Plan Colombia, a major package of security assistance from the United States, in order to bolster the state's ability to consolidate control.

Finally, negotiations were mostly slow and plagued by incidents such as the murder of three American citizens in March 1999, challenges to the international verification of the demilitarized zone, accusations that the FARC-EP was using the zone to regroup and cultivate illicit crops, and accusations that the government was promoting the strengthening of the paramilitaries. Indeed, the period of the talks coincided with a spike in paramilitary violence.

El Caguán's legacy not only made the Colombian public skeptical of negotiations with the FARC-EP but also set a negative precedent regarding the role of international actors in peace processes in Colombia.²³ At the request of President Pastrana, in December 1999 Secretary-General Kofi Annan appointed Jan Egeland as his special adviser for international assistance to Colombia. While ambiguous and initially intended to promote

support to complement US assistance to the Colombian government, this mandate gave Egeland some space to carve out his role as a discreet facilitator. He worked closely with a group of ambassadors from twenty-six friendly countries. The United Nations supported the creation of this group, but its large number of members, the ambassadors' lack of knowledge of peace negotiations, and the ambivalence of many of the capitals toward a guerrilla group accused of committing serious human rights violations limited the constructive role it could play.²⁴ The international climate became decidedly less friendly to engagement with armed groups designated as terrorists in the aftermath of the September 11, 2001, attacks against New York and Washington, DC. Egeland left his post in November 2001 after a series of incidents on the part of both the FARC-EP and the government nearly ended the process, and was replaced by his deputy, James Lemoyne.²⁵

Lemoyne was handed a moribund peace process. On January 9, 2002, after several attacks by the FARC-EP on the country's infrastructure, Pastrana gave the group forty-eight hours to leave the demilitarized area. Lemoyne took it upon himself to try to save the process, for the first time making the UN a protagonist in Colombia. Lemoyne, together with the French ambassador to Colombia (who served as the coordinator of a "facilitating commission"), met with the FARC-EP, which, under pressure from Lemoyne, agreed to the government's terms and to initiate a cease-fire. The goodwill that this last-ditch effort to save the process might have created disappeared less than a month later when the FARC-EP hijacked a domestic flight to kidnap a senior senator. This was the last straw after three years of frustrations during which the FARC-EP took advantage of the demilitarized zone to reorganize and strengthen its forces, and during which most of the time was spent negotiating an agenda for the negotiation.

The FARC-EP's intransigence was not the only

21 Interview with UN official, Bogotá, December 2016.

22 For the full agenda, see http://pdba.georgetown.edu/CLAS%20RESEARCH/Library%20and%20Documents/Peace%20Processes/1998-2002/1999%20May_FARC_Agenda%20Comun%20para%20el%20Cambio.doc.

23 International organizations and governments have historically supported the peace efforts in Colombia in a multitude of ways and with varying degrees and rates of success. They have acted as third parties to peace talks; facilitated dialogue; helped build strategic alliances among social actors and local, regional, and national authorities; encouraged civil society to put forward proposals and agendas for action; and provided direct financial and technical support for peace and development initiatives and for human rights.

24 Teresa Whitfield, *Friends Indeed? The United Nations, Groups of Friends, and the Resolution of Conflict* (Washington, DC: US Institute of Peace, 2007).

25 Jan Egeland, *A Billion Lives: An Eyewitness Report from the Frontlines of Humanity* (New York: Simon & Schuster, 2010), p. 68.

Box 2. The paramilitaries

In addition to the government and the guerrillas, there is a third side in the Colombian conflict that, because of space limitations, we have excluded from this analysis: the paramilitaries. Although Colombia has a long history of diverse paramilitary forces, in current political discourse this refers to a group of right-wing groups that started to organize in the 1980s and became prevalent throughout the country in the 1990s.

Paramilitary formations have a long history in Colombia, but this iteration, despite some geographic variations, brought together a consistent ensemble cast: drug traffickers, wealthy landowners, business owners, regional politicians, and members of the state security forces.... Fueled by a zealous anti-Communism and ostensibly organized to fight the rebels, they more commonly massacred and terrorized innocent peasants accused of supporting the guerrillas.²⁶

Following the signing of the 2003 Santa Fe de Ralito Agreement (named after the municipality where it was negotiated), paramilitaries engaged in a disarmament, demobilization, and reintegration (DDR) process with the government of Álvaro Uribe. Many analysts, however, have described this more as a process of submission to the justice system than a peace process per se, and many of the paramilitary leaders were extradited to the US due to their drug trafficking activities before they could provide truth and reparations to their victims. Although it is difficult to ascertain with precision, many of the paramilitary structures are now used by what the government previously called *Bandas Criminales* (BACRIM).²⁷ The so-called “para-politics” scandal, which began in 2006, made evident the extent of the links between local and national politicians and these paramilitary forces; ultimately, forty-five congressmen and seven governors were convicted.

Given these links to paramilitary forces, one of the FARC-EP’s central demands during the peace process was that the state show clear signs of fighting these organizations and limiting their influence on politics. The sentencing guidelines in the Santa Fe de Ralito Agreement, which established a maximum of eight years in jail for the paramilitary leaders, also became a reference point in the creation of the transitional justice system for the FARC-EP. The continued existence of these groups, many of which have promptly started filling the void left by the FARC-EP in certain regions, is one of the most serious challenges to successful implementation of the Havana peace agreement.

reason El Caguán failed; the government’s “mistakes in the handling of negotiations, violence from spoilers, including from paramilitaries supported by rogue parts of security forces, coordination problems between politicians and the armed forces, as well as competition between different guerrilla groups have also contributed to the failure of previous talks.”²⁸ The political message sent by Pastrana’s decision to move forward with Plan Colombia, with its underlying military emphasis, also signaled a weak commitment to the peace negotiations. While few people know with certainty

whether the FARC-EP’s leadership was intentionally trying to end the peace process, by the end there was certainty that both sides lacked political will to fully commit to the negotiations. “Representatives of the international community who had played a part in exposing this hard reality were left wondering, not only whether intervening to avert the collapse of the talks in January had been the right thing to do, but also whether it might not have been a more healthy development in the long term if the Pastrana peace process had collapsed some two years earlier.”²⁹

26 Teo Ballvé, “Grassroots Masquerades: Development, Paramilitaries, and Land Laundering in Colombia,” *Geoforum* 50 (2013), p. 66.

27 The government renounced the concept of “Bandas Criminales” in April 2016 when the Ministry of Defense issued Directive 15 adopting the concept of “grupos armados organizados” (“organized armed groups”). See www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/dir_15_2016.pdf.

28 Christian Voelkel, “Five Common Misunderstandings of War and Peace in Colombia,” International Crisis Group, October 8, 2012, available at <http://blog.crisisgroup.org/latin-america/colombia/2012/10/08/five-common-misunderstandings-of-war-and-peace-in-colombia/>.

29 Cynthia J. Arnson and Teresa Whitfield, “Third Parties and Intractable Conflicts: The Case of Colombia,” in *Grasping the Nettle: Analyzing Cases of Intractable Conflict*, edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: US Institute of Peace, 2005).

The Road to Havana

It would take almost a decade after the end of the El Caguán talks for conditions to be ripe for President Santos to successfully engage with the FARC-EP in negotiations; in fact, many say it was during that decade that the necessary conditions for a peace process were created.³⁰ The first of these conditions was, in the words of Daniel García-Peña, Colombia's former high commissioner for peace, that "the dialogue in Havana took place between two losers."³¹

The debacle of El Caguán was the decisive force behind the triumph of President Uribe (2002–2010) and the immense popularity of his "democratic security" policy agenda, which aimed to "recover order and security," mostly through force.³² Uribe embraced Plan Colombia, the American aid package initiated under President Pastrana that committed \$8 billion "to seek peace, fight drugs, build the economy, and deepen democracy."³³ Plan Colombia had ambiguous results in terms of successfully curtailing the impact of drug trafficking and had a pernicious impact on human rights violations.³⁴ Nonetheless, it strengthened some sectors of the state, in particular by improving the logistical and intelligence capabilities of Colombia's security forces—something essential to creating the conditions for the FARC-EP to come to the negotiating table.³⁵

Taking advantage of the growth of the security forces (which went from having 313,406 members in 2002 to 446,638 in 2010) and the tripling of the military budget, the Uribe government dealt significant military blows to the FARC-EP, many of them while Juan Manuel Santos was minister of defense.³⁶ These notably included Operation Jaque

(July 2008), in which the military freed eleven kidnapped soldiers, three Americans, and former presidential candidate Ingrid Betancourt, who had been abducted six years before; and the attacks that resulted in the deaths of fifty-three FARC-EP leaders and three members of the secretariat: "Raúl Reyes" (March 2008), "Mono Jojoy" (September 2010), and "Alfonso Cano" (November 2011). These attacks were compounded by the natural death of Tirofijo, which significantly weakened the FARC-EP leadership.

In spite of these powerful blows, and even though its membership declined from 20,000 at the end of El Caguán to around 7,000 today, the FARC-EP has never been defeated militarily.³⁷ By the time of the Havana negotiations, the FARC-EP had increased its military effectiveness, inflicting a steadily rising number of military casualties and strengthening its presence throughout the country, particularly in the periphery. According to the analysts Ariel Ávila and León Valencia, much of this re-strengthening of the FARC-EP responded to the directives of its new leader "Alfonso Cano" in his so-called "Plan 2010." This plan restructured the military organization of the FARC-EP, creating small, decentralized tactical combat units. These units focused on methods of war that proved to be more lethal, including the widespread use of antipersonnel mines and sniper fire and, more generally, an increase in military harassment tactics against the government's armed forces.³⁸ President Santos, given his experience as minister of defense, knew that even if the FARC-EP had been weakened significantly during the Uribe administration, the Colombian conflict remained a "mutually hurting stalemate"; a military defeat of the FARC-EP would take a very long time, if it was possible at all.³⁹

30 In his book *El hombre clave*, Henry Acosta describes several attempts to start negotiations between the government of Alvaro Uribe and the FARC-EP and claims that all attempts were ended unilaterally by the Uribe administration. Henry Acosta, *El hombre clave: El secreto mejor guardado del proceso de paz de Colombia* (Aguilar, 2016), p. 172.

31 Interview with Daniel García-Peña, Bogotá, November 2016.

32 Colombian Presidency and Ministry of Defense, *Política de Defensa y Seguridad Democrática*, 2003, available at www.oas.org/csh/spanish/documentos/colombia.pdf.

33 Michael Shifter, "Plan Colombia: A Retrospective," *Americas Quarterly* (Summer 2012), available at www.americasquarterly.org/node/3787; William J. Clinton, statement, Washington, DC, July 13, 2000.

34 Adam Isacson, "Failing Grades: Evaluating the Results of Plan Colombia," *Yale Journal of International Affairs* (Summer/Fall 2005).

35 Interview with Juanita Goebertus, Bogotá, November 2016.

36 Colombian Ministry of Defense, *Logros de la Política de Consolidación de la Seguridad Democrática PCSD*, April 2010; Adam Isacson, "Don't Call It a Model," WOLA, July 14, 2010, available at www.wola.org/2010/07/colombia-dont-call-it-a-model/.

37 ¿Cuántos hombres y armas tienen las FARC? Noticias RCN, available at www.noticiasrcn.com/especialesrcn/conteo-hombres-farc/.

38 León Valencia and Ariel Ávila, "La nueva realidad de las FARC," Observatorio del Conflicto Armado, July 2011, available at www.cedema.org/uploads/Farc_analisis-2011_primer_semestre.pdf; Ariel Ávila, "Del Caguán a la Habana," Otra Mirada del Conflicto, March 9, 2013, available at [https://otramiradadelconflicto.wikispaces.com/file/view/INFORME+-+Del+Caguán+a+La+Habana+\(01\)-%C3%81vila+Mart%C3%ADnez+Ariel+Fernando.pdf](https://otramiradadelconflicto.wikispaces.com/file/view/INFORME+-+Del+Caguán+a+La+Habana+(01)-%C3%81vila+Mart%C3%ADnez+Ariel+Fernando.pdf).

39 Interview with Enrique Santos, Bogotá, November 2016; Interview with mediation expert, December 2016.

The regional context in Latin America also facilitated the move toward dialogue. The arrival to power via the popular vote of a number of leftist governments in what has been known as the “Pink Tide” weakened the FARC-EP’s case for armed revolution. Along these lines, Venezuelan president Hugo Chávez, who had a very close relationship with the FARC-EP (in fact, several members of its leadership had been living in Venezuela), pressured the guerrillas to engage in peace negotiations.⁴⁰ Moreover, through his book *Peace in Colombia*, Cuban President Fidel Castro had publicly urged the FARC-EP to disarm and become a political party, and he continued to exert pressure on them.⁴¹ Other leftist leaders such as José Mujica, former president of Uruguay and a former member of the Tupamaro rebel group, also supported peace.⁴²

Finally, political conditions in Colombia also favored the establishment of a peace process. The military advantage that Plan Colombia had brought early on seemed to have reached a plateau, and the scandal of the extrajudicial killings known as “false positives” had harmed the armed forces’ legitimacy.⁴³ There was increasing pressure from foreign governments and the business sector to start a process that would create the needed stability in the countryside for foreign and national investors to work there with confidence. There was also a growing sense among the urban elites, supported by a network of international peace activists, that the cycle of war was exhausted and that the time was right for peace negotiations.⁴⁴

It is in this context that President Santos started, in September 2010, the informal and confidential talks with the FARC-EP that would engender a secret phase of negotiations in Havana, culminating in a framework agreement signed on August 26, 2012.⁴⁵

PRELIMINARY MEETINGS

The secret phase of the peace process began with an exchange of letters between Pablo Catatumbo, a member of the FARC-EP secretariat, and Henry Acosta, a Colombian economist who had facilitated contacts between Bogotá and the FARC-EP for many years, including during the Uribe administration. After Acosta reached out to President Santos soon after his inauguration in August 2010, Santos sent a message to the FARC-EP leadership inviting two of its representatives to meet with two emissaries from his government to start confidential discussions.⁴⁶ Four preparatory meetings took place between March and October 2011, first along the border between Colombia and Venezuela and then on a Venezuelan island.⁴⁷

In these meetings, the members of the teams who would represent both sides were chosen: Mauricio Jaramillo (chief of delegation), Rodrigo Granda, Marcos Calarcá, Andrés París, and Sandra Ramírez from the FARC-EP, and Sergio Jaramillo (chief of delegation, and at the time presidential adviser on national security), Frank Pearl, Alejandro Eder, Jaime Avendaño, and Lucía Jaramillo from the government. Enrique Santos, the president’s brother, joined them not as a formal part of the delegation but as a personal representative of the president and, given that he has known many of the FARC-EP secretariat members for years, as a good faith facilitator.⁴⁸ Elena Ambrosi, who worked with Sergio Jaramillo, would later join the government team as support staff, and other members of the adviser’s staff in Bogotá would come at different times.

A crucial issue also decided by the parties was that Cuba and Norway would be the guarantor countries during the entire process. Cuba was chosen because it played a critical role in bringing the FARC-EP to the table and because its involvement heightened

40 Interview with Enrique Santos, Bogotá, November 2016.

41 Fidel Castro, *La paz en Colombia* (Havana: Editora Política, 2008).

42 Interviews with UN officials, New York and Bogotá, October–November 2016.

43 Adriaan Alsema, “False Positives,” *Colombia Reports*, August 14, 2012, available at <http://colombiareports.com/false-positives/>.

44 Interview with León Valencia and Ariel Ávila, Bogotá, November 2016.

45 Acosta, *El hombre clave*.

46 *Ibid.*

47 Exchange with ICRC official, January 2017. The FARC-EP was represented in this meeting by Ricardo Téllez and Andrés París from the Estado Mayor Central, and the government was represented by Jaime Avendaño and Alejandro Eder.

48 Acosta, *El hombre clave*; Enrique Santos, *Así empezó todo: El primer cara a cara secreto entre el gobierno y las FARC en la Habana* (Bogotá: Intermedio, 2014).

the process's credibility with the FARC-EP and neighboring countries.⁴⁹ Norway, similarly to Cuba, had a track record in supporting Colombian peace negotiations.⁵⁰ It was also selected as a guarantor based on its reputation and experience in peace processes, its neutrality (a key element for the FARC-EP), and its capacity to fund much of the process. It was also important that Norway is not part of the European Union and hence was free to provide funds to the FARC-EP delegation—something EU members could not do, as the group was listed as a terrorist organization.⁵¹ The first encounters along the border region and in Venezuela were held in the presence of a Norwegian representative, Dag Nylander, who was also present (along with Cuban representatives) from the outset of the secret talks in Havana.⁵²

The parties never agreed on the specific role the guarantors would play in the talks.⁵³ What was decided was that they would attend the entirety of the discussions but remain silent.⁵⁴ In interviews with the authors of this report, people present during the negotiations described the contributions of the guarantor countries in multiple ways. Their presence during the formal negotiations guaranteed to the parties that the accord was a faithful reflection of what was discussed. As observers, they also brought an extra layer of formality to the table, making the parties more inclined to find conciliatory language. While neither Cuba nor Norway acted as a mediator or was allowed to provide input on the substance of the negotiations, they served as a “sounding board” for the negotiating parties along the sidelines of the formal talks, in what was described as “facilitation.”⁵⁵

Both Cuba and Norway were particularly important during moments of crisis, especially when conversations seemed to be close to breaking down.⁵⁶ It was important to evaluate when there was a real possibility of one of the parties walking away from the table, as both sides used this threat as a negotiating tactic. The absence of a formal mandate for the guarantor countries worked in their favor in these crises, as there was flexibility in the way they were allowed to intervene, as long as they followed the guidelines they had established for themselves: that their efforts be transparent, that both parties know about them, and that they aim to advance the process.⁵⁷

During this exploratory phase, there were also discussions about what role Venezuela should play when the formal negotiations began. Due to its influence over the FARC-EP and its role during the secret phase, there was consensus that Caracas needed to have a role in the public phase. The government, however, did not want to give them a role as a guarantor, which would have put president Chávez at the core of the process—something unpalatable to many Colombians. The parties, therefore, created the role of an “accompanying country,” and Venezuela designated Ambassador Roy Chaderton as its envoy. The Santos administration felt the need to balance this appointment by selecting Chile as a second accompanying country, given the ideological tendencies of the center-right government of then President Sebastián Piñera. Santiago appointed Ambassador Milenko Skoknic, who was replaced by Ambassador Luis Maira when President Michelle Bachelet was elected to a second (non-

49 “Fidel Castro, pendiente de las negociaciones con las FARC,” *Nuevo Arco Iris*, August 28, 2012, available at www.arcoiris.com.co/2012/08/fidel-castro-pendiente-de-las-negociaciones-con-las-farc/.

50 During the Pastrana administration's 2002 negotiations with the FARC-EP, Norway was part of a group of friendly countries that also included Canada, Cuba, France, Italy, Mexico, Spain, Sweden, Switzerland, and Venezuela. Norway has also been involved in negotiations with the ELN for a long time.

51 Interview with Gerson Arias, Bogotá, September 2016.

52 When both delegations first met in Havana, the Norwegians organized an informal reception to “break the ice, where both delegations could get to know each other before starting the formal sessions.” Santos, *Así empezó todo*, p. 37.

53 “We have agreed...to develop the talks with the support of the governments of Cuba and Norway as guarantors and the governments of Venezuela and Chile as companions. In accordance with the needs of the process and subject to common agreement, others may be invited.” *Acuerdo General para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera*, August 26, 2012, Point 4, available at <http://peacemaker.un.org/colombia-generalaccordendconflict2012>.

54 Dag Nylander was the principal representative of Norway to the talks, and Raúl Benítez was Cuba's delegate. They were both replaced by other staff from their ministries when they needed to be absent from Havana or had personal obligations.

55 Interviews with UN officials, diplomats, and mediation experts, October–December 2016.

56 For example, Norway and Cuba undertook intense bilateral efforts after the kidnapping of General Rubén Darío Alzate on November 16th and the ensuing halt to the peace talks. Marisol Gómez Giraldo, “Noruega y Cuba, claves para sacar de la crisis proceso de paz con FARC,” *El Tiempo*, November 18, 2014, available at <http://m.eltiempo.com/politica/proceso-de-paz-noruega-y-cuba-claves-para-sacar-de-la-crisis-proceso-de-paz-con-farc/14844335>.

57 Interview with diplomat, Bogotá, November 2016.

consecutive) term in 2014.

As accompanying countries, Venezuela and Chile were not present during the negotiations but went to Havana at the end of every cycle of talks to be briefed by the parties. When possible, they would discuss the process with the parties in an informal setting. Chile was arguably more marginal, having been less involved early on in the discussions, but the parties did take advantage of its experience on transitional justice to enrich their conversations.⁵⁸ Venezuela, first through Chávez and then through President Nicolás Maduro, had open lines of communication with the FARC-EP throughout the process. The fact that Cuba and Venezuela, the two countries ideologically closest to the leftist guerrillas, had been recurrent facilitators in Colombian peace processes was also strategic in starting the talks.

Many involved in the peace process agree that it would be difficult to imagine the success of the talks without the guarantors and accompanying countries, which represented one of the primary involvements of the international community in the process. Cuba and Norway in particular were key in terms of logistics, capacity building, trust building, and problem solving during crises; President Santos, Sergio Jaramillo, and representatives of the FARC-EP have publicly acknowledged the generous support and dedication of these two countries. While neither the guarantors nor the accompanying countries had much impact on the direction and substance of the discussions, they provided technical and financial assistance, moral support, visibility, and protection for the peace initiative, complementing each other to the point of becoming the core pillars of international support for the negotiations.⁵⁹

It was also decided that the secret negotiations would take place in Havana and that the International Committee of the Red Cross (ICRC) would be in charge of coordinating the transfer of the FARC-EP to Cuba. The FARC-EP initially

wanted to have the dialogues inside Colombia, but the government, having learned from the experience of El Caguán, was firmly opposed to demilitarizing a portion of the country—an initiative that would have met with widespread popular opposition. The FARC-EP was intent on having the talks take place in Venezuela, but both Chávez and Bogotá opposed the idea. The government was also keen on limiting the number of people coming in and out of the talks, as well as access to the press. It was convinced that a certain level of isolation of the negotiating teams would shield the talks from the naturally swaying influence of national politics.

As such, Cuba was described as “the perfect host” by several members of the government team, and a diplomat who is very familiar with the process described Cuba as the “unsung stars of the peace process.” The Cuban government played a crucial role both in dealing with the constant presence of fifty to sixty people in Havana and in hosting various meetings with advisers, envoys, and diplomats at the Cuban embassy in Bogotá. Cuba managed contentious issues behind the scenes with great political dexterity. Moreover, the island provided an unparalleled level of control over participants and their interactions with the media.⁶⁰ It is important to note, too, that the talks could only have been held in a country that could safely guarantee that its judiciary would not capture the FARC-EP members, who had outstanding international warrants for their arrest.⁶¹ Cuba’s role hosting the talks was a point of pride for the country and an effort by Havana to demonstrate a key diplomatic role in helping to achieve peace.

This level of isolation came at a cost, however. The disconnect between Colombia and what was happening in Havana for such a long period of time impacted Colombians’ sense of ownership over the process and likely contributed to the result of the plebiscite. Nonetheless, several people close to the process affirmed to the authors of this report that without the distance that Cuba provided—a

58 Interview with diplomat, Bogotá, October 2016.

59 Kristian Herbolzheimer, “Innovations in the Colombian Peace Process,” Norwegian Peacebuilding Resource Centre, June 2016, p. 8, available at www.c-r.org/downloads/NOREF_CR_Report_Colombia%20Innovations_final.pdf,

60 Interview with Gerson Arias, Bogotá, September 2016.

61 When the press conference was being organized in Hurdal, the Norwegian government was worried that a judge could produce an order to detain one or more of the FARC-EP members, as there were international warrants for their arrest. Plans were therefore set in place that had them coming in and out of the country as fast as possible. Members of the Colombian government expressed their unhappiness with the fact that their delegation was received on exactly the same terms as the FARC-EP, given that many had long-standing visas or even international passports. What to some seemed to be an effort by Norway to be egalitarian in its treatment of both parties resulted in the Colombian government being reaffirmed in its conviction that using an international mediator was not to its advantage.

distance marked by kilometers and deepened by difficulties accessing the Internet and the lack of quick access to media—the accord would probably not have been possible.

THE SECRET PHASE

The secret negotiations went from February 24 to August 26, 2012. There were initial complications over how to get Mauricio Jaramillo, who had replaced Mono Jojoy as the head of the Eastern Bloc of the FARC-EP, out of Colombia and to Havana. These were compounded by the death of the FARC-EP's commander, Alfonso Cano, on November 4, 2011, in a military action by the Colombian armed forces. But the FARC-EP sent a message to President Santos two days after Cano's death asserting that everything that had been agreed upon in the preparatory meetings stood. This was read by many in the Santos administration as an unequivocal sign of the guerrillas' full commitment to the peace process.⁶²

Reassured, the government brought to Congress Legislative Act No. 1 of 2012, also known as the Judicial Framework for Peace (“Marco Jurídico para la Paz”). This constitutional reform opened the door to a transitional justice system following the disarmament, demobilization, and reintegration (DDR) of illegal armed groups. It also stated that, within the framework of a peace process, these groups might receive differentiated treatment regarding their responsibility for their participation in the conflict. This legislative act was highly symbolic because, as had the Victims and Land Restitution Law of 2011, it acknowledged the existence of an armed conflict in Colombia. This was something President Uribe had refused to do, instead describing the violence as acts of illegal “narco-terrorist” groups attacking state forces.

The purpose of the secret phase was to construct a framework agreement that would guide the negotiations proper. In the words of one govern-

ment civil servant, the greatest challenge was to build a joint agenda with the FARC-EP.⁶³ At the core of this agreement were the six issues included in the negotiation agenda: (1) a policy of comprehensive agrarian development; (2) political participation; (3) an end to the conflict; (4) a solution to the problem of illicit drugs; (5) victims' rights; and (6) implementation, verification, and endorsement of the agreement.⁶⁴ The agenda was a compromise between the core issues that interested the government—an end to the conflict and disarmament—and the twelve points of the FARC-EP's “Agenda for Change toward a New Colombia.”

The agreement on this very limited agenda was, arguably, the biggest achievement that led to a successful process.⁶⁵ After a thorough review of lessons learned from the previous peace processes, the government knew that under no circumstances could it allow an agenda as long and general as the one the FARC-EP had brought to El Caguán.⁶⁶ For its part, the government had a clear goal for the negotiation: ending the armed conflict.⁶⁷ Although this might seem obvious, it was by no means a foregone conclusion: much of the FARC-EP's identity was anchored in its status as an armed actor, and it had always been opposed to even using the traditional terms associated with DDR, which in its eyes implied the acceptance of military defeat. The issue of “laying down of weapons” (our translation for the FARC-EP's favored “dejación de armas”) was, according to several of those present, one of the hardest issues to agree upon in the secret phase—and, as is well known, in the public phase.

Closely connected to the possibility of agreeing on that common, limited agenda was the methodology that guided the process. The process was guided by a search for the middle ground between two opposite ways of understanding the conflict in Colombia: between the FARC-EP's “positive peace,” which relied on the argument that there

62 Henry Acosta argues that the killing of Cano was a serious mistake, as Cano was the political mind of the FARC-EP and had been pushing since 2010 for engagement in peace negotiations. Timoleón Jiménez, who replaced him, came from the more military wing of the FARC-EP, which Acosta argues can be seen in the nature and pace of the negotiations, which would have been more fluid and decisive if Cano had been present. (Acosta, *El hombre clave*). The absence of Manuel Marulanda Vélez (a.k.a. “Tirofijo”), however, was seen as an advantage by those who had been present in El Caguán, as he had often overturned the progress the negotiators had made there. The fact that the FARC-EP delegation in Havana had direct control over decision making was a major improvement over previous negotiations. As a result, the leadership had to convince its membership—something much easier in a highly hierarchical organization such as the FARC-EP.

63 Interview with Gerson Arias, Bogotá, September 2016.

64 See *Acuerdo General*, available at <http://peacemaker.un.org/colombia-generalaccordendconflict2012>.

65 Interview with Elena Ambrosi, Bogotá, September 2016; Interviews with Juanita Goebertus and Enrique Santos, Bogotá, November 2016.

66 Interview with Gerson Arias, Bogotá, September 2016.

67 Interview with Enrique Santos, Bogotá, November 2016.

cannot be peace until there is full and complete social justice; and the view of “negative peace” traditionally held by the state, which understands peace merely as the absence of violence.⁶⁸ This led to the proposition that it was indispensable to start a process that would end the armed conflict in a “comprehensive and simultaneous way” so that Colombia could then engage in a long-term peacebuilding phase. Only in this phase, grounded in the advantages of living in peace, could issues such as inequality be addressed properly. Sergio Jaramillo, the high commissioner for peace, is credited with convincing the FARC-EP to accept this proposition—to abandon its understanding of the structural causes of violence as necessitating the perpetuation of war and instead to perceive the cessation of the conflict as an instrumental step toward improving material conditions.⁶⁹

The two negotiating teams worked in a completely clandestine manner, almost never leaving their houses in the El Laguito sector of Havana, for fear of being discovered; at the beginning, not even the Colombian ambassador to Cuba knew the talks were happening.⁷⁰ To guarantee the complete confidentiality of the process, neither party was allowed to have computers or recording devices, and they took notes on a blackboard. Once there was agreement on a specific issue, they would go together to a nearby room that had an old computer provided by the Cuban government. Once the document was printed, they would read aloud the text to make sure it coincided with their originals.⁷¹ In spite of the close quarters and the demanding pace of work, the meetings always remained very formal, with each side sitting on one side of the meeting table,

and the Cuban and Norwegian representatives present throughout the discussions.

The parties met sixty-nine times before signing the framework agreement on August 26, 2012. The agreement stated that “nothing is agreed until everything is agreed” and committed the parties to the confidentiality of the table’s discussions and to always issuing joint and mutually agreed statements.

THE PUBLIC PHASE

The Mechanics

A day after the signing of the framework agreement in Havana, a copy leaked to the media. President Santos issued a brief statement acknowledging the talks and promising further information soon.⁷² This was followed by numerous statements of support from national and international actors (such as UN Secretary-General Ban Ki-moon,⁷³ the secretary general of the Organization of American States,⁷⁴ and the US State Department) and a few statements opposing the talks (including one by former President Uribe and one by the chairperson of the US House of Representatives Foreign Affairs Committee, Ileana Ros-Lehtinen). On September 24th both President Santos and the leader of the FARC-EP, Timoleón Jiménez, announced the formal start of negotiations,⁷⁵ and a few days later the two sides announced their lead negotiating teams, both consisting only of men.⁷⁶

While President Santos was the political force behind the peace agreement, the high commissioner for peace, Sergio Jaramillo, is credited with designing and managing this intricate network of national and international actors on which the process relied.⁷⁷ In fact, some have said that the

68 The government embraced these concepts, developed originally by John Galtung and John Paul Lederach.

69 Interviews with Manuel Ramiro Muñoz and Juanita Goebertus, Bogotá, November 2016.

70 Interview with Elena Ambrosi, Bogotá, September 2016.

71 Elena Ambrosi tells of her frustration when a FARC-EP member who had recently arrived in Havana brought to the negotiators’ attention that they could use the “compare and merge” function on their computers after they had spent numerous hours reading aloud and comparing texts. Interview with Elena Ambrosi, Bogotá, September 2016.

72 Juan Manuel Santos, declaration, Bogotá, August 27, 2012, available at http://wsp.presidencia.gov.co/Prensa/2012/Agosto/Paginas/20120827_01.aspx.

73 UN News Centre, “Colombia: Ban aplaude anuncio de conversaciones entre gobierno y FARC,” August 29, 2012, available at www.un.org/spanish/News/story.asp?NewsID=24303#.WFqxIVMrLcs.

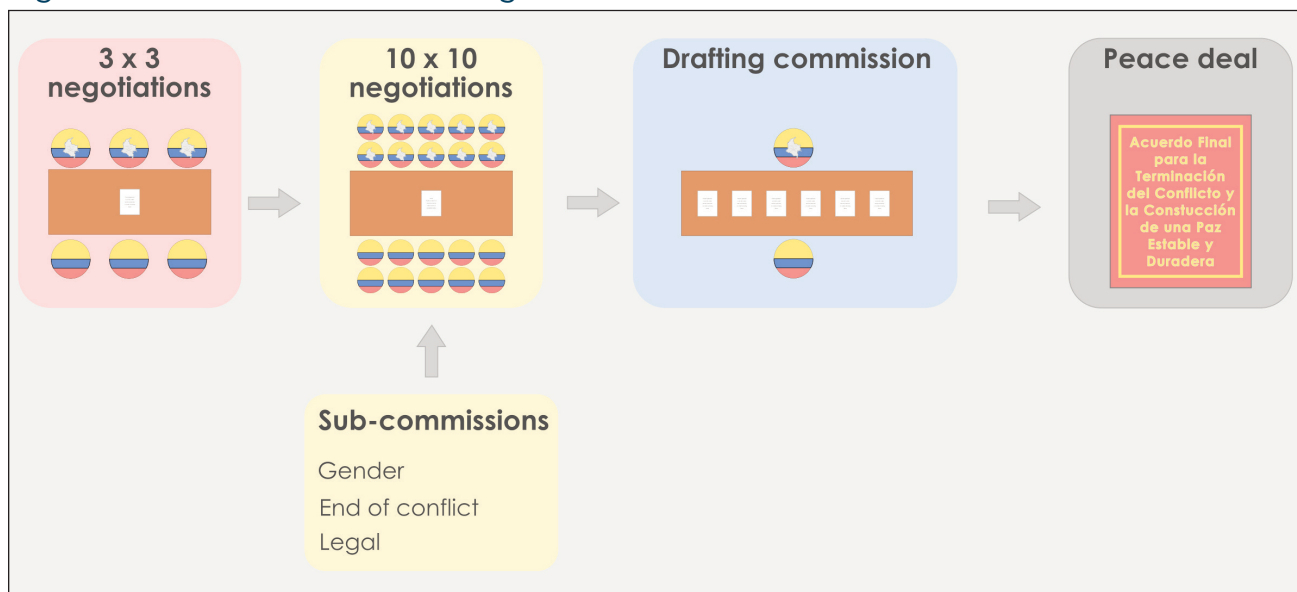
74 Organization of American States, “OAS Secretary General Welcomes Peace Efforts in Colombia,” press release, August 28, 2012, available at www.oas.org/en/media_center/press_release.asp?sCodigo=E-294/12.

75 Juan Manuel Santos, speech, Bogotá, September 4, 2012, available at http://wsp.presidencia.gov.co/Prensa/2012/Septiembre/Paginas/20120904_01.aspx; Timoleón Jiménez, speech, Havana, September 4, 2012, available at www.youtube.com/watch?v=RjvA5I8r6TU&list=UUbHFKMtqLYkIBRiPHJwxu_w&index=1&feature=plcp.

76 The government was represented by former Vice President Humberto de la Calle, business sector leader Luis Carlos Villegas, former National Police Chief General Óscar Naranjo, former Armed Forces Chief General Jorge Mora, National Security Adviser and newly named Peace Commissioner Sergio Jaramillo, and former Environment Minister Frank Pearl. The FARC-EP was represented by Iván Márquez, Ricardo Téllez (a.k.a. “Rodrigo Granda”), Andrés París, Marco León Calarcá, and Simón Trinidad (Trinidad is in a US prison serving a sixty-year term).

77 Alejandro Reyes Posada, “El estrategia de la negociación,” *El Espectador*, August 28, 2016, available at www.elespectador.com/opinion/el-estratega-de-negociacion.

Figure 2. Mechanics of Havana negotiations



process greatly resembled Jaramillo himself: judicious, well-documented, hermetic, and secretive.⁷⁸ Humberto de la Calle Lombana, the head of the government delegation, was chosen because of his great political and negotiating skills, talents that complemented well the cold intelligence of Jaramillo. According to those present at the table, on the FARC-EP side Timoleón Jiménez and Pablo Catatumbo showed more inclination toward compromise, while Iván Márquez and his adviser Jesús Santrich were much more hardline. At a press conference on October 18th in Norway, where the process was formally announced, the great distance between the two sides became evident when Iván Márquez gave a speech criticizing Colombia's economic and political system, after which De la Calle gave a strong rebuttal.

Once negotiations started in Havana, they took place in three main spaces (see Figure 2). The first, called the "3 x 3," consisted of a meeting of three plenipotentiaries from each side without the presence of any guarantor country or any other support staff. In those sessions, the hardest political struggles were fought. Once both sides had presented their "raw" political views on the topics, the discussions would move to the so-called "10 x 10 table," where each side would bring ten

representatives and where the guarantor countries were present but would never intervene. The discussions at the table centered on what would constitute the substance of the accord. When those conversations were exhausted, the issue would move to the drafting commission, which was also formed by ten representatives of each side: two plenipotentiaries and eight support staff. The guarantors were also present in this commission.

The drafting commission used the "single-text" method, where both parties build one joint document. While during the secret phase the text was written on a blackboard and then copied to a computer, at this stage Elena Ambrosi had control of the government's computer and Jesús Santrich had the FARC-EP's computer. Each side would draft a proposal (supported by the experts they each had), and they would highlight in a different color the parts they had added to their original position as an acknowledgment of the other side's preferences. After a few exchanges where suggestions were incorporated, they would read aloud the final text—a moment, we were told, when there were frequent attempts to sneak in phrases that had been previously rejected and, in a soccer reference, "goals had to be stopped." If there was a remaining issue, the commission would then jointly agree to wording that pleased both sides. The process

⁷⁸ Interview with Juanita León, Bogotá, November 2016.

worked, with some variations, in twenty-day cycles during which both parties worked together in the mornings, while the afternoons were dedicated for each side to convene and work separately, sometimes with the help of outside experts.

Subcommissions

The negotiations were sequential, with the exception of a few cases where they took place in parallel: the work of the subcommission on gender; the so-called legal subcommission, which worked out some of the details of the transitional justice chapter; and the technical subcommission on the end of the conflict. While sequential negotiation was the logical result of the precept that “nothing is agreed until everything is agreed,” mediation experts have said that a process with parallel tracks might have been more efficient and slightly alleviated the costs that such a prolonged negotiation had on its legitimacy.⁷⁹

There were two moments when the speed and dynamics of the negotiation changed dramatically: the two so-called “conclaves” mandated by President Santos to accelerate the pace of the negotiations. These conclaves (one before the plebiscite and one after) also brought new voices to the table, as participants who were not part of the delegations joined the talks in the hope that they would bring fresh air and new perspectives. While the conclaves did help to find solutions, people who were present during these two moments also noted that the newcomers, who naturally did not have the complete context of the process, were sometimes more of an obstacle than an asset. During the conclaves the traditional dynamics of the process were upended, with meetings that often went from 8am until 11pm. While this rhythm could not have

been sustained throughout the entirety of the process, some participants wondered if perhaps some changes to the dynamics of the regular negotiations could have produced results faster.

The subcommission on gender was created in September 2014 after women’s and lesbian, gay, bisexual, and transgender (LGBT) groups protested not only the absence of female plenipotentiaries at the negotiating table, but also the lack of a gender perspective in the content of the agreements that had been made public so far. Although women’s groups had been vocally demanding the inclusion of a more thorough gender perspective in the agreement, a turning point came when a staffer of the Office of the High Commissioner for Peace participated in a UN seminar on women, gender, and mediation in Finland. During the event, this civil servant expressed her concerns that five years from now the Colombia case would be used as an example of a peace accord that totally ignored gender issues, and she pledged to go back and open the necessary space for gender advocates. The international community then facilitated visits by several experts on this issue to work with the parties in Havana. UN Women, for example, was asked by the gender subcommission to select and accompany five delegations of women and LGBT representatives, as well as experts on sexual violence in the Colombian conflict, to inform the work of the commission.⁸⁰

The subcommission was led by María Paulina Riveros, director of the Human Rights Division of the Ministry of the Interior, from the government, and Victoria Sandino from the FARC-EP, together with their respective teams. The subcommission’s methodology was remarkably different from that of

Box 3. The facilitators

Throughout the process there were three men who came to be known as “the facilitators”: Henry Acosta, who was central in exchanging the first messages between the government and the FARC-EP; the president’s brother Enrique Santos; and leftist Senator Iván Cepeda. These three men advised the negotiating table and had important unilateral exchanges with each of the parties, but they mainly served a very specific purpose: they were direct channels of communication between President Santos and Timoleón Jiménez. This role, which was never formally defined and changed over time, was central to maintaining the political commitment of both sides and on occasion was indispensable to resolving issues at the table.

⁷⁹ Interview with mediation expert, December 2016.

⁸⁰ UN Women had previously played a key role in organizing the Cumbre Nacional de Mujeres y Paz in 2013, which eventually led to the inclusion of women in the government’s plenipotentiary negotiating team and to the formation of the gender subcommission.

the regular negotiations: it worked through the texts that had already been finalized by the drafting commission and introduced recommendations. These ranged from the incorporation of gender-inclusive language to substantial issues such as the creation of a group in the Special Jurisdiction for Peace to study sexual violence. While the subcommittee's recommendations were taken into consideration at the main negotiating table, there was no guarantee that they would be included (and not all were).

Beyond the specific recommendations of the subcommittee, however, experts agree that the continuous presence of women and LGBT experts and advocacy groups in Havana during the process had a significant impact on the members of both delegations. It opened their eyes to the importance both of having women present at the table and of taking gender issues seriously—particularly for the FARC-EP, which has been accused of violating women's rights both within and beyond its ranks.⁸¹

Another issue that required a parallel track of work was transitional justice. The parties faced the task of designing a transitional justice system that would comply with the needs for both justice and peace—an arrangement that was acceptable to the FARC-EP while also respecting international legal obligations. Unsurprisingly, this was one of the most difficult issues on the negotiating table.

The first mechanism created to try to move this issue forward was the so-called “New York group,” an informal group of experts convened by Norway (in consultation with the parties at the table) in early 2014.⁸² The group began as an informal, confidential space to brainstorm possible solutions to the very difficult questions facing the negotiators on transitional justice. It also allowed the FARC-EP's two legal advisers for much of the process—Enrique Santiago and Carlos Alberto Ruiz—to discuss and debate questions of transitional justice and international criminal law with other experts. The group met thirteen times over two years in

different cities; the first meeting took place in New York, hence its name.

The members of this group produced (individually) short papers and think pieces on many questions related to the challenges of transitional justice. Some of these were shared informally with the parties in Havana. The group did not have a unified or official position vis-à-vis the topics it was studying, nor did it intend to come to consensus. Rather, the purpose was to have a pluralistic group that, in the midst of a polarized environment, could interrogate many specific questions—some of them very technical and legal—in an unconstrained environment. Because of its unofficial and confidential nature, the New York group sometimes served as a *de facto* backchannel for communication and a space to provide expert feedback on proposals being discussed in Havana.⁸³ The group is credited with having come up with the idea of a special tribunal for peace, one of the cornerstones of the final accord's transitional justice model. It also played a central role in persuading the FARC-EP that the legal requirements in relation to justice for serious crimes were more than just a whim of the government and that without a serious and legally credible response to these crimes, the whole process could fail.⁸⁴

A more formal subcommittee on these same issues, which became known as the legal subcommittee, was created in July 2015 at the request of President Santos. Given the Colombian public's impatience with the slow pace of the negotiations, the subcommittee was intended to accelerate agreement on issues such as jail time for FARC-EP members and whether the military staff accused of human rights violations would be judged by the same tribunal as the FARC-EP.⁸⁵ The legal subcommittee did not have a formal connection with the New York group, but that group's prior brainstorming helped to prepare the ground for the subcommittee to advance toward a specific solution.

81 Correspondence with Catalina Ruiz-Nazarro, 2016; Virginia Bouvier, “Gender and the Role of Women in Colombia's Peace Process,” US Institute of Peace and UN Women, March 4, 2016, available at www.usip.org/sites/default/files/Gender-and-the-Role-of-Women-in-Colombia-s-Peace-Process-English.pdf.

82 This group was formed by Carlos Martín Beristain (Spain), Morten Bergsmo (Norway), Priscilla Hayner (US), Luis Guillermo Pérez Casas (Colombia), Carlos Alberto Ruiz (Colombia), Enrique Santiago (Spain), and Rodrigo Uprimny (Colombia).

83 Interview with Rodrigo Uprimny, December 2016.

84 Hugo García Segura and Juan David Laverde Palma, “Los arquitectos del acuerdo,” September 26, 2015, available at www.elespectador.com/noticias/politica/los-arquitectos-del-acuerdo-articulo-588936.

85 The three representatives of the government were Manuel José Cepeda Espinosa, Juan Carlos Henao, and the American Douglass Cassel. The three representatives of the FARC-EP were Álvaro Leyva, Enrique Santiago, and Diego Martínez.

The members of the subcommission met in Havana and in Bogotá. In their last session they worked through the night in the hope that they would have an accord they could show to the parties at the table in time for the visit of Pope Francis to Havana on September 20th, as the delegations had hoped to meet with him. Although the audience with the pope did not take place, this time pressure helped the subcommission to finally come up with the core principles that would be included in the final accord.

While the subcommission was extremely effective in breaking the impasse at the negotiating table, its relationship with some members of the negotiating team was not very good. Some members of the government teams were dubious that the agreement proposed by the subcommission, which did not include any jail time, would be palatable to the public. As time would show, this fear was well-grounded: many blame the absence of jail time as one of the reasons the accord could not gather enough support in the plebiscite.

The technical subcommission on ending the conflict was announced in a joint communiqué on February 12, 2015.⁸⁶ Its task was to present the parties at the table with a series of proposals on a bilateral cease-fire and the laying down of weapons. By mid-2015, the UN was asked to attend the sessions of the technical subcommission by sending a delegate, jointly with a representative from the Union of South American Nations (UNASUR), a demand of the FARC-EP. UNASUR appointed Uruguay's former defense minister, José Bayardi, a close friend of President Tabaré Vázquez.⁸⁷

In August 2015, a small team accompanied the UN assistant secretary-general for political affairs, Miroslav Jenča, to Havana for the first formal encounter with the two parties regarding a potentially more permanent involvement of the

UN in the process.⁸⁸ On August 13th the secretary-general appointed Jean Arnault as his delegate to the technical subcommission following the July 12th request by the parties.⁸⁹ Arnault had previously served as a special representative of the secretary-general in Georgia, Afghanistan, and Burundi and as mediator of the Guatemalan peace process and head of the UN Verification Mission in Guatemala (MINUGUA).

The Role of the United Nations

The UN team understood that its role in the technical subcommission was to provide technical support with a political vision.⁹⁰ It was also well aware that both parties had significant reservations vis-à-vis the UN; the Colombian government is no exception to the long Latin American tradition of emphasizing sovereign independence, and many still resented the UN because of its role in the El Caguán peace process. There was also still some resistance to what is perceived as international intervention after the widespread discussion in international circles (in the early 2000s) regarding whether Colombia was a “failed state.”⁹¹ The idea that Colombia would be listed next to Somalia and Haiti in terms of state capacity was deeply offensive to many Colombians and signaled a profound misunderstanding by the international community both of the nature of the Colombian state and of the conflict in the country.⁹²

These reservations were compounded by the perception of some sectors of the government that the UN was an intruder that was unfairly scrutinizing the country, in particular through the reporting of the Office of the High Commissioner on Human Rights (OHCHR) on paramilitary and army violations. Some sectors of the armed forces

86 Virginia Bouvier, “30th Cycle Begins with New Changes at the Peace Table,” *Colombia Calls*, October 27, 2014, available at <https://vbouvier.wordpress.com/2014/10/27/30th-cycle-begins-with-new-changes-at-the-peace-table/>.

87 UN officials recounted how, while both UNASUR and the UN participated at the beginning of the work of the technical subcommission, it soon became evident that the UN had much greater technical capacity and more resources to support its work. After a while, UNASUR stopped being part of these meetings, and the UN became the only international organization involved in the technical subcommission and the subsequent tripartite mechanism. Interview with UN official, New York, October 2016.

88 Adriaan Alsema, “UN Meets with FARC to Discuss Possible Bilateral Ceasefire in Colombia,” *Colombia Reports*, August 3, 2015, available at <http://colombiareports.com/un-meets-with-farc-to-discuss-possible-bilateral-ceasefire-in-colombia/>.

89 “Secretary-General Appoints Jean Arnault of France Delegate to Sub-commission on End of Conflict Issues within Colombian Peace Process,” press release, August 13, 2015, available at www.un.org/press/en/2015/sga1586.doc.htm.

90 Interview with UN official, New York, October 2016.

91 Brad Amburn, “The Failed States Index 2005,” *Foreign Policy*, October 22, 2009, available at <http://foreignpolicy.com/2009/10/22/the-failed-states-index-2005/>.

92 Interview with Daniel García-Peña, Bogotá, November 2016.

were also convinced that the UN was close to the FARC-EP and, more importantly, that if the UN were to become involved in the peace process it would promote a downsizing and ultimately a dismantling of the regular Colombian armed forces.⁹³

The FARC-EP, for its part, had little prior contact with the UN and saw it either as a proxy for the government or as an extension of US policy.⁹⁴ Colombia's long-standing unwritten policy prohibiting UN engagement with non-state armed groups hindered the FARC-EP from gaining accurate knowledge of the UN system.⁹⁵ This meant the main referent the guerrillas had for the UN was the UN Office on Drugs and Crime (UNODC), which has been at the forefront of eradicating crops of illicit use, thus directly affecting the coca growers who are a large support base for the FARC-EP. Given the UN's historical presence in the country and its history of collaboration with the Colombian state, the FARC-EP believed it would be impossible for the UN to be a neutral party.⁹⁶

Arnault and his team were very cautious and careful to respect the government and FARC-EP's desire to retain full control of the process. In order to fulfill its role in the technical subcommission, the UN quickly identified military advisers and experts in DDR who could assist Arnault in Havana and help provide substantial technical inputs into the discussions.⁹⁷ The UN's readily available technical expertise helped win the trust of both parties and ultimately led to the organization becoming more involved, to the point of helping draft parts of the final agreement on monitoring and verification.⁹⁸

UN COUNTRY TEAM SUPPORT

Participating in the technical subcommission was not the first role the UN had in the Havana peace process. The UN has had a large presence in

Colombia since the 1990s, with over 2,000 staffers.⁹⁹ After the collapse of the El Caguán negotiations, the UN system played an important role preserving space for people who wanted a negotiated peace process, in particular by supporting local peacebuilding initiatives in the regions:

A multi-donor programme named Reconciliation and Development (REDES) opened local offices in the areas hardest hit by conflict to support local communities trying to build new livelihoods. The UN system operated on a simple premise: that peace can be built locally even in the most violent scenarios, if emphasis is placed on addressing the political, social, economic and racial causes of conflict. As a result, local authorities and hundreds of civil society organizations (including women's organizations) strengthened their abilities to design social policies and advocate for their communities.¹⁰⁰

The UN has also played an important role in voicing the need to address the root causes of the conflict, in particular through two human development reports: *Callejón con Salida* ("Exiting a Dead End") and *Colombia Rural: Razones para la Esperanza* ("Rural Colombia: Reasons for Hope").¹⁰¹

While negotiations were ongoing in Havana, the UN led the formulation of an early post-signature stabilization strategy to address the immediate aftermath of conflict. This strategy aims to increase confidence in the peace process and the state, prevent new armed violence, and prevent emerging social conflicts and tensions from turning violent. Furthermore, in a partnership with the government and donors, a UN Post-conflict Multi-Partner Trust Fund for Colombia was established in February 2016 to fund projects related to post-conflict stabilization, confidence-building measures, and preparation for and implementation of the peace agreement. For the period 2016–2018, the fund has received contributions of \$55 million from eight

93 Interviews with UN officials, October and November 2016; Interview with mediation expert, December 2016.

94 Interview with UN official, November 2016.

95 The ICRC and the Catholic Church have been the only actors authorized to engage with non-state armed groups. Interview with UN official, January 2017.

96 Interview with UN official, New York, October 2016.

97 Those present at the negotiations refrained from using the term "DDR" due to reservations from the FARC-EP regarding the use of this term in reference to itself.

98 Interview with Elena Ambrosi, Bogotá, September 2016.

99 The following UN agencies have representation in Colombia: UNDP, UNHCR, UNODC, UNIC, OHCHR, FAO, ONIDO, UN Women, WHO, WFP, UNFPA, and UNICEF. The following agencies are present in Colombia but without a host agreement or representative: OCHA, UNCRD, IAEA, ILO, UN-Habitat, UNAIDS, UNEP, UNMAS, UNESCO, UNOPS, and UNV.

100 Denise Cook and Jared Kotler, "Colombia: Building Peace from the Ground Up," in *Politically Speaking: 2016 in Review*, UNDP, December 2016, available at <https://dpa-ps.atavist.com/building-peace-from-the-ground-up-in-colombia>.

101 Ibid.

donors.

Before a final agreement was reached, UN agencies were also asked to support the implementation of agreed humanitarian and confidence-building measures. The UN Children's Fund (UNICEF) and International Organization for Migration (IOM), for example, were asked to support the preparation of a protocol to release all children in the FARC-EP's ranks. Technical support was sought from the UN Mine Action Service (UNMAS) for the implementation of a humanitarian demining agreement and from the UN Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), and the Food and Agriculture Organization (FAO) for a pilot project to substitute illicit crops.¹⁰²

Through UNDP and the Office of the UN Resident Coordinator, the UN also played a key role in facilitating regional working tables and forums for citizen participation (see detailed discussion below). This role allowed the UN to start carving out some space for itself in the process, showcasing a side of its work that was non-intrusive.¹⁰³ Crucially, the forums provided an opportunity for the UN to have some of its first contacts with the FARC-EP; each time a forum ended, the resident coordinator would go to Havana to deliver the records of the conversations to the parties. Although the UN was not asked to present these records formally to the parties at the table, there were conversations on the margins with both parties. With time, this helped build trust and opened doors for the UN to become more present in activities related to the peace process.

Perhaps the most visible and complicated task the UN was assigned was, in partnership with the

Universidad Nacional and the Colombian Episcopal Conference, to select and organize visits from delegations of victims to Havana.¹⁰⁴ At a time when the talks were still very secretive, the victims were the first outsiders to come to the negotiation table.¹⁰⁵ Between August and December 2014, five delegations of twelve victims traveled to Havana and met with the parties.

Political tensions and controversies over the process for selecting the victims' representatives threatened to destabilize, and even to halt, the negotiations. The United Nations, the Catholic Church, and the Universidad Nacional received wide-ranging criticisms and accusations questioning their impartiality in this process.¹⁰⁶ For instance, there were concerns regarding whether armed actors, such as the military, could be considered victims and therefore participate. The government argued that members of the public security forces should not be excluded, because they had been directly affected by the hostilities.¹⁰⁷ Meanwhile, the FARC-EP argued that, if this were to be the case, jailed guerrillas should also be taken into account. Opposition also came from civil society, including victims of the guerrillas, who went to a national forum in Cali organized by the Office of the UN Resident Coordinator and Universidad Nacional to voice their concerns regarding perceived imbalances in the delegations to Havana in a widely publicized protest. The forum in Cali was temporarily suspended because of quarrels between groups of victims, which may have been fueled by those attempting to delegitimize the talks.¹⁰⁸

Although an agreement on who would represent the victims in Havana was eventually reached, it

102 Exchange with UN officials, January 2017.

103 Interview with UN official, New York, October 2016; Interview with Juanita Goebertus, Bogotá, November 2016.

104 Government of Colombia and FARC-EP, Joint Communiqué No. 39, July 17, 2014, available at www.mesadeconversaciones.com.co/sites/default/files/Comunicado%20Conjunto,%20La%20Habana,%2017%20de%20julio%20de%202014,%20Versi_n%20Espa_ol_0.pdf.

105 In June 2014, both sides announced a declaration of principles outlining their commitment to ensure victims' rights to truth, justice, reparations, and guarantee of non-repetition. UNDP, "Primera delegación de víctimas viaja a La Habana a encuentro con la Mesa de Conversaciones," August 15, 2014, available at www.co.undp.org/content/colombia/es/home/presscenter/articles/2014/08/15/primera-delegacion-de-victimas-viaja-a-la-habana-a-encuentro-con-la-mesa-de-conversaciones-.html.

106 The government and the FARC-EP asked those choosing the victims' representatives to be balanced and pluralist when doing so and clarified that they could make recommendations if necessary. Some therefore highlighted that the UN, Catholic Church, and Universidad Nacional did not have total freedom to define who went and who did not. "Víctimas en La Habana: Los que fueron y los que faltaron," Verdad Abierta, December 18, 2014, available at www.verdadabierta.com/procesos-de-paz/farc/5555-victimas-en-la-habana-los-que-fueron-y-los-que-faltaron.

107 Marco Alberto Velásquez Ruiz, "Víctimas en La Habana: El momento decisivo del proceso de paz," Razón Pública, August 11, 2014, available at www.razonpublica.com/index.php/politica-y-gobierno-temas-27/7811-v%C3%ADctimas-en-la-habana-el-momento-decisivo-del-proceso-de-paz.html.

108 Interviews with UN officials, New York and Bogotá, October and November 2016; "Inconformismo en primera sesión de foro de víctimas en Cali," *El Espectador*, August 3, 2014, available at www.elespectador.com/noticias/nacional/inconformismo-primera-sesion-de-foro-de-victimas-cali-articulo-508385.

was perhaps inevitable that there would be dissatisfaction with the process—something that was particularly costly in political terms for the UN. Despite these issues, the victims' visit to Havana was a watershed moment, according to those present at the table. What was described as the “overwhelming generosity of the victims” in their interactions with the delegations generated unexpectedly moving and powerful moments. In fact, many credit these visits for the FARC-EP's radical change of position on the issue of victims. When the press asked Jesús Santrich in the Hurdal conference if the FARC-EP would ask for forgiveness, he ironically sang “perhaps, perhaps, perhaps,” showing a lack of concern on this issue. By the end of the talks, the FARC-EP's position was significantly different; Timoleón Jiménez apologized to the Colombian people in his speech at the signing in Cartagena, and members of the FARC-EP's leadership have participated in a series of local acts of contrition with victims of some of their most awful crimes.

UN MISSION IN COLOMBIA

On January 19, 2016, the government of Colombia and the FARC-EP issued a joint communiqué,¹⁰⁹ and Colombia's permanent representative to the UN sent identical letters to the UN secretary-general and president of the Security Council,¹¹⁰ asking the Security Council to establish a political mission composed of unarmed international observers from the region. Just six days later, the Security Council unanimously adopted Resolution 2261 establishing the UN Mission in Colombia for a period of twelve months.¹¹¹

The political mission was mandated with two main tasks: (1) monitoring and verifying the laying down of arms; and (2) monitoring and verifying the definitive bilateral cease-fire and cessation of hostilities as the international component of the tripartite monitoring and verification mechanism (MVM). The two main responsibilities of the

mission were reaffirmed in Resolution 2307,¹¹² passed on September 13th. This resolution also accepted the recommendations put forward by the secretary-general in his report on the UN mission, including a cost-sharing agreement for the MVM's operation.¹¹³ It is important to note that while the UN is one of three components of the MVM in charge of monitoring the cease-fire—together with the Colombian government and the FARC-EP—it is solely responsible for guaranteeing the process of laying down weapons. By directly involving the mission in both of these tasks, the mandate was intended to contribute to building trust and enhancing post-conflict stability.

The UN's involvement in the MVM was an interesting illustration of its gradually deepening role in the peace process. When Arnault and his team were summoned to Havana in August 2015, the parties had already designed this mechanism. Rather than seeing this as constraining the role of the UN, Arnault welcomed it; by involving the government and FARC-EP in the monitoring and verification process, the UN could take advantage of their knowledge of the field, especially given the context of an active conflict with numerous security issues. This also allowed the extension of the “magic of cooperation that is usually created during the negotiation process” to those outside of Havana.¹¹⁴

The final agreement between the Colombian government and the FARC-EP also stated that the parties will ask the UN, through the General Assembly, to establish a second political mission to verify the reintegration of ex-combatants and ensure their protection.¹¹⁵ It stated that, given the importance of a verification mechanism during the implementation phase, this new mission should function for at least three years.

Conversations on the possibility of deploying a UN mission and the type of assistance the UN could provide had already started by the second

109 Government of Colombia and FARC-EP, Joint Communiqué No. 65, January 19, 2016, available at www.mesadeconversaciones.com.co/sites/default/files/joint-communique-65-january-19-2016-1455025799.pdf.

110 UN Security Council, *Identical Letters Dated 19 January 2016 from the Permanent Representative of Colombia to the United Nations Addressed to the Secretary-General and the President of the Security Council*, UN Doc. S/2016/53, January 22, 2016.

111 UN Security Council Resolution 2261 (January 25, 2016), UN Doc. S/RES/2261.

112 UN Security Council Resolution 2307 (September 13, 2016), UN Doc. S/RES/2307.

113 UN Security Council, *Report of the Secretary-General to the Security Council on the United Nations Mission in Colombia*, UN Doc. S/2016/729, August 18, 2016.

114 Interview with UN official, Bogotá, December 2016.

115 *Acuerdo Final*, Point 62.

half of 2013 when the high commissioner for peace, Sergio Jaramillo, initiated exploratory contacts through the Office of the Resident Coordinator in Bogotá and at UN headquarters. In the course of 2014, meetings continued discreetly, both because of internal resistance within some sectors of the government and because no formal decision had been taken as to whether the UN would be asked to participate, and under which format. Nonetheless, UN and government officials interviewed for this report believe that Sergio Jaramillo, the main architect of the process, had planned for such a role for the UN from the outset. They see him as part of a sector within the government that had “secret sympathy for the UN, but [was] worried about upsetting the hard-liners,” in particular the Ministry of Foreign Affairs, which was very skeptical about the UN’s possible role in the process.¹¹⁶

In quiet meetings with Sergio Jaramillo in New York, high-level UN officials presented options for the mission design—both orally and by producing a number of non-papers that were often informally shared with the parties.¹¹⁷ Throughout the process there were extensive interactions between UN headquarters and the Colombian government, including: a retreat in Bogotá attended by members of the Department of Political Affairs (DPA) and Department of Peacekeeping Operations (DPKO); a high-level briefing for President Santos and his team in the margins of the UN General Assembly debate; and a presentation of possible mission designs in Bogotá.

The UN and the Colombian government assessed possible models of support, ranging from a small special political mission to a larger peacekeeping operation or a hybrid mission (a UN/regional organization joint mission, or a regional organization mission supported by the UN).¹¹⁸ The primary reason for a peacekeeping

operation would have been to have uniformed and armed personnel available in the mission and to tap the UN’s peacekeeping budget. A special political mission would be mainly composed of civilians and unarmed observers and could include a smaller number of military or police advisers. It rapidly became clear that a large peacekeeping mission would be a deal breaker for the government, which was concerned about threats to its sovereignty, and thus the choice was made to request a special political mission.

Once it was clear that a special political mission was preferred, the parties explored the possibilities of having a civilian mission, an unarmed military mission, or a mixed civilian-military mission. Having a mission of unarmed observers not in uniform, in addition to moving away from peacekeeping, was preferred by the government of Colombia; on top of the sovereignty concerns already mentioned, the government wanted to send the message that it did not need to rely on international forces to fill a security vacuum.¹¹⁹ Mostly at the request of the FARC-EP, which also had reservations vis-à-vis the presence of a multinational force, the parties agreed to a UN mission composed of observers from the countries of the Community of Latin American and Caribbean States (CELAC).

There were also discussions on whether the mission should be integrated.¹²⁰ An integrated mission would present a number of advantages. The mission could, for example, tap into the existing knowledge and contacts of agencies in the field, in particular of OHCHR (which has a large presence in the field, with thirteen offices).¹²¹ In addition, similar operations have tended to include human rights issues in their mandates as a matter of course. The Colombian government was nevertheless reticent to have human rights aspects included in the mandate, instead conceiving the

116 Interviews with UN officials, New York and Bogotá, September–November 2016; Interview with Juanita León and Juanita Goebertus, Bogotá, November 2016.

117 DPA produced over a dozen non-papers on topics ranging from ways of including civil society and the private sector in the process to implementation.

118 Both Santos and the FARC-EP had supported early on the idea of a cease-fire with international monitoring. The FARC-EP was reticent to have the involvement of the OAS Mission to Support the Peace Process in Colombia (MAPP/OEA), which had been closely involved in the paramilitary demobilization process, and hence was keener on involving the UN. There were also obvious precedents of the UN working on monitoring and verification mechanisms, allowing it to bring significant experience in managing this type of operation. Interview with UN official, New York, October 2016.

119 Interview with UN official, New York, October 2016.

120 An integrated mission aims “to create greater coherence between the multiple components of the UN in a country context.” It enhances strategic interactions between all pillars of the UN systems in a mission (i.e., humanitarian, peace and security, peacebuilding, and development). On challenges of integrated missions, see Overseas Development Institute and Stimson Center, “The Search for Coherence: UN Integrated Missions and Humanitarian Space,” March 11, 2011, available at www.odi.org/sites/odi.org.uk/files/odi-assets/events-documents/4658.pdf.

121 Interview with UN official, Bogotá, November 2016.

role of the UN mission as largely limited to cease-fire and disarmament monitoring.

The government of Colombia was torn between going to the General Assembly or to the Security Council for the mission's mandate. Many in the government, particularly the minister of foreign affairs, María Ángela Holguín, strongly opposed the idea of having Colombia on the agenda of the Security Council and preferred a mandate from the General Assembly, which was perceived as less intrusive.¹²² The government, however, weighed a number of considerations, particularly the question of expediency, as a mandate from the Security Council would be processed faster and require a smaller lobbying campaign. Overall, the rapid and unanimous approval by the Security Council of Colombia's request for support sent a signal to the two parties that the UN was strongly engaged to help the peace process succeed.

The fact that the Security Council resolution gave a mandate to the Secretariat to plan a mission while waiting for the final agreement to be signed was also generally viewed as a positive step, particularly in terms of staffing and funding. This helped DPA access funds under the authority of the secretary-general despite having limited funds in general. Because of this availability of start-up funds, the Secretariat was able to establish a dedicated team to the mission and carry out essential planning functions;¹²³ it sent an initial fact-finding team to Colombia from February 3 to 6, 2016, created an interdepartmental planning team at headquarters on February 10th, and deployed the first advance team to Colombia to support planning on February 26th, all within six weeks of the resolution being approved.¹²⁴ The understanding that the special representative of the secretary-general would

report on the way forward after initial planning, as well as after the agreement had been finalized, was also important in allowing for better-phased planning, as recommended by the High-Level Independent Panel on Peace Operations (HIPPO), of which Jean Arnault was a member.¹²⁵

It remains a concern, however, that the UN's financing arrangements "reduce the flexibility to design mandates that fit the specific needs of a country or context and to transition between various mission models and sizes."¹²⁶ Usually, political missions rely on the regular budget (although they can and are supported by specific contributions by donors), while peacekeeping operations have a much larger budget. The UN Mission in Colombia, therefore, is an excellent illustration of the need for flexible peace operations responses based on needs in the field. It also illustrates the need for a single "peace operations account" to provide predictable funding for this flexible response, as HIPPO suggested. In Colombia, such an account could have supported not only the UN but also the parties through the MVM and support to cantonment.

Although the mandate greatly helped in accelerating and securing administrative processes, some UN staff worry that it also generated the impression within the Colombian government that it was receiving a "blank check," meaning that everything it asked for would be granted.¹²⁷ This became evident, for example, when, after many months of planning, in June 2016 the Colombian government asked the UN to cover all the expenses related to the upkeep of the FARC-EP members and the staff of the MVM in the transition zones¹²⁸—something the UN was not necessarily equipped, mandated, or financed to do.

122 UN political missions are generally flexible, as they can be mandated by the UN Security Council, at the initiative of the secretary-general through an exchange of letters with the president of the Security Council, or, exceptionally, by the General Assembly (a peacekeeping operation requires a Security Council mandate). There is very little precedent for missions mandated by the General Assembly. The UN General Assembly had mandated a civilian deployment to Guatemala in 1994. In 1997 there was a need for more assistance in demilitarization, but there was little precedent for military personnel—even unarmed observers—to be deployed under a General Assembly mandate. William Stanley, *Enabling Peace in Guatemala: The Story of MINUGUA*, International Peace Institute (Boulder, CO: Lynne Rienner, 2013).

123 Prior to the establishment of a mission it is normally impossible to recruit staff, or even to arrange for people to come on secondment; temporary job openings are expensive, take resources from elsewhere, and establish pervasive dynamics of instability. This decision of the Security Council allowed the mission to recruit people for longer-term positions.

124 UN Security Council, *Letter Dated 4 March 2016 from the Secretary-General to the President of the Security Council*, UN Doc. S/2016/211, March 4, 2016.

125 United Nations, *Uniting Our Strengths for Peace—Politics, Partnerships, and People: Report of the High-Level Independent Panel on United Nations Peace Operations*, 2015, available at <http://futurepeaceops.org/hippo/>.

126 Arthur Boutellis and Andrea Ó Súilleabháin, "Working Together for Peace: Synergies and Connectors for Implementing the 2015 UN Reviews," International Peace Institute, May 2016, p. 14, available at www.ipinst.org/wp-content/uploads/2016/05/IPI-Rpt-Synergies.pdf.

127 Interview with UN official, New York, November 2016.

128 The transitional zones are the points where the FARC-EP soldiers live while the process of reintegration takes place. Office of the High Commissioner for Peace, "Cómo son las zonas de ubicación de las FARC," available at www.altocomisionadopalapaz.gov.co/herramientas/Documents/Zonas-de-ubicacion.pdf.

The advantages of promptly starting the planning process for the mission were demonstrated when, after the plebiscite, all actors (including the opposition) stressed the need to maintain the cease-fire and highlighted the UN mission's role in achieving this goal. According to people familiar with the negotiations, the day after the plebiscite FARC-EP members of the MVM told their UN colleagues in private that "they better not leave" or the process would fall apart. The fact that the UN mission was already on the ground with dozens of observers helped build confidence in the cease-fire, even as the rest of the peace process seemed in doubt.

Other External Actors

Those supporting negotiation processes often contemplate bringing in external expertise to advise either both or one of the parties at the table. Norway brought around 150 advisers to the table in the course of the four years of the public negotiations. The government worked closely with international experts on peace processes from the secret phase through to the end of the process: Shlomo Ben-Ami (Israel), Dudley Ankersen (UK), Jonathan Powell (UK), William Ury (US), and Joaquín Villalobos (El Salvador). These experts initially met in Bogotá to share lessons, approaches, and experiences from other peace processes around the world. They offered the government solutions and ideas regarding the framing of the agenda, as well as tactical and strategic approaches to the formal talks before they started. Overall, their role was to help the government team in thinking strategically about a number of issues.¹²⁹ Apart from this group of advisers, other technical experts were brought in by the government team to assist on specific thematic issues.

The FARC-EP, like the government, brought in Colombian and international experts to assist them. For example, facilitated by Norway, experts came to Havana to share their direct experiences

with other peace processes. Arguably, the FARC-EP's main adviser was Enrique Santiago,¹³⁰ a Spanish lawyer and member of the Communist Party recognized in the field of human rights, who was brought in to assist the group in negotiations. In time, he became the main legal adviser of the FARC-EP and played a key role in unlocking certain issues. The other central adviser for the FARC-EP was Álvaro Leyva, a Colombian politician and member of the Conservative Party, who had been very close to Iván Márquez and others in the FARC-EP secretariat for many years and was perhaps its most trusted counselor.

In addition to experts brought in by each team, the parties jointly called on various external actors to provide services over the course of the negotiations. Many national and international advisers were brought in to give substantive input on the contents of the accord. For example, the Centro de Pensamiento y Seguimiento a los Diálogos de Paz of the Universidad Nacional in Bogotá provided the parties with technical and political expertise. Other organizations were called in to help build a climate of trust between the parties, as was the case with Norwegian People's Aid and its humanitarian demining pilot project.¹³¹

The UN also prepared a series of technical papers that it provided either directly to the parties or to the guarantors. These included a document on early implementation, a study on the impact of peace on the economy produced jointly by the UN Development Programme (UNDP) and CERAC, a Colombian think tank, and a series of brief confidential papers for the parties on human rights, transitional justice, demining, gender aspects of the talks, and children in armed conflict, among other topics.¹³² The UN also provided inputs on possible humanitarian and confidence-building measures.

Several other international organizations were central to the peace process. The International Committee of the Red Cross (ICRC), for example, played an important role as a neutral intermediary.

129 Interview with Shlomo Ben-Ami, New York, November 2016; "Santos planifica desde Cartagena los retos de la paz en el 2015," *El Tiempo*, January 4, 2015, available at www.eltiempo.com/politica/proceso-de-paz/proceso-de-paz-reunion-de-santos-con-su-equipo-negociador-para-meta-2015/15052898.

130 Javier Lafuente, "El abogado español que encarriló a las FARC," *El País*, September 27, 2016, available at http://internacional.elpais.com/internacional/2016/09/26/colombia/1474914258_788154.html.

131 Norwegian People's Aid, "Norwegian People's Aid Congratulates the Colombian People on the Peace Agreement," August 25, 2016, available at www.npaid.org/News/News-archive/2016/Norwegian-People-s-Aid-congratulates-the-Colombian-people-on-the-peace-agreement.

132 Interview with UN official, November 2016. Members from UNMAS, the UN special representative on children and armed conflict, and others also came to brief the parties. See UNDP and CERAC, "¿Qué ganará Colombia con la paz?" available at www.co.undp.org/content/dam/colombia/docs/Paz/undp-co-ganapaz-2014.pdf.

It took on this role early on, during the secret phase, when it was instrumental in getting the FARC-EP representatives to the site of the talks. The ICRC was in charge of the necessarily discreet transfers of the delegation in its helicopters, and eventually it transferred as many as fifty persons. Despite this not being a traditional task for the ICRC, it agreed to serve in this capacity as it was indispensable to have a discreet intermediary that had knowledge of the Colombian jungle and could interact with the FARC-EP. The ICRC also produced a number of policy papers for the parties at the negotiating table on issues such as partial humanitarian agreements, forced disappearances, and demobilization.¹³³

From the start of the talks between the Colombian government and the FARC-EP, US support was consistent but distant. The diplomatic opening to Cuba in December 2014 eased, both politically and diplomatically, the presence of a US government representative in Havana on a mission unrelated to the bilateral relationship with Cuba.¹³⁴ On February 20, 2015, Bernie Aronson, who had previously assisted with peace efforts in Nicaragua and El Salvador, was appointed as US special envoy to the peace process. Both President Santos—who had requested a more direct role for the US—and the FARC-EP welcomed his appointment.¹³⁵

The clear sign that the US was supporting the process was important to both parties, and Aronson provided a particularly useful channel to convey reactions Washington could have to the terms of the agreement. The accord includes some points that have a direct impact on US-Colombia relations, such as the possibility of considering drug trafficking a political crime, the possible request to

extradite FARC-EP members, and the FARC-EP's request to pardon "Simón Trinidad," one of its members who is in jail in the US.¹³⁶ Moreover, the American electoral timetable put pressure on the process, as the parties wanted to sign an agreement before the end of the Obama administration.¹³⁷

Germany and the European Union also appointed special envoys to the peace process.¹³⁸ Tom Koenigs, the German special envoy, was appointed on April 2, 2015, shortly after Berlin had implemented an important shift in its foreign policy on conflict prevention. Koenigs went to Colombia every two months and gave support especially on two issues: transitional justice and demining. He reported to the German legislature every six months to generate further support for new collaborations between Germany and Colombia.¹³⁹

The appointment of the EU's special envoy, Eamon Gilmore, on November 11, 2015, was intended to deepen EU support to Colombia, relay information, and coordinate all the EU's work in the country. The envoy's main strategic role was to prepare the terrain for EU support to the implementation of the agreement, in part by supporting the preparations of a trust fund for post-conflict implementation.¹⁴⁰ Gilmore played a central role in starting the process to delist the FARC-EP as a terrorist organization once the agreement was nearly finalized.¹⁴¹

All three of these special envoys—from the US, Germany, and the EU—were sent with the intention of supporting both the negotiation process and the implementation of the eventual peace agreement. They were yet another symbol of

133 ICRC, "¿Qué dice el DIH sobre los acuerdos especiales en el marco de un proceso de paz?" June 20, 2016, available at www.icrc.org/es/document/acuerdos-especiales-acuerdos-de-paz-dih-colombia-comentarios-convenios-de-ginebra.

134 Adam Isacson, "What Does the New U.S. Special Envoy Mean for Colombia's Peace Process?" WOLA, February 24, 2015, available at www.wola.org/analysis/what-does-the-new-us-special-envoy-mean-for-colombias-peace-process/.

135 "U.S. Special Envoy Meets Colombian Peace Teams for First Time," Reuters, March 1, 2015, available at www.reuters.com/article/us-usa-colombia-envoy-idUSKBN0LY03O20150302.

136 "Ocho grandes críticas al acuerdo de paz y la respuesta del Gobierno a ellas," *El País*, August 27, 2016, available at www.elpais.com.co/elpais/colombia/proceso-paz/noticias/ocho-grandes-criticas-acuerdo-paz-y-respuesta-gobierno-ellas; Interview with mediation expert, December 2016; Interview with Gerson Arias, Bogotá, September 2016.

137 Interview with Juanita León, Bogotá, November 2016.

138 Federal Foreign Office of Germany, "Tom Koenigs Appointed Special Envoy for the Colombian Peace Process by Foreign Minister Steinmeier," press release, February 4, 2015, available at www.auswaertiges-amt.de/EN/Infoservice/Presse/Meldungen/2015/150402_Kolumbien-Koenigs.html; European Union, "High Representative Mogherini Appoints an EU Envoy for the Peace Process in Colombia," press release, January 10, 2015, available at https://eeas.europa.eu/headquarters/headquarters-homepage/5890_en.

139 Interview with German government official, November 2016.

140 The trust fund had been under preparation since 2015, prior to Eamon Gilmore's appointment, and was officially launched on December 12, 2016. See https://ec.europa.eu/europeaid/eu-trust-fund-colombia_en.

141 Interview with EU official, November 2016.

international support. Although substantive contributions were limited, the political weight behind them (in particular the US envoy) and the promises to help during the implementation phase gave greater solidity to the process.

It is interesting to note the absence of the Organization of American States (OAS) in the process, despite the Colombian government's interest in it having a bigger role, especially given the existence of the OAS Mission to Support the Peace Process in Colombia (MAPP-OEA).¹⁴² The FARC-EP, however, was highly suspicious of the OAS, probably in line with Cuba's skepticism, given the prominent role the US plays in the organization. Nonetheless, the US Agency for International Development (USAID) has been the biggest donor supporting peace initiatives in Colombia, providing hundreds of millions of dollars to IOM and other state and civilian counterparts.¹⁴³

Other international actors played a technical role during the negotiations by providing expert advice during the talks, which resulted in them having specific roles in the implementation of the agreement. The International Center for Transitional Justice (ICTJ), for example, provided briefings to both parties in Bogotá and Havana, as well as technical publications addressing a number of key issues on the theme of victims.¹⁴⁴ It also convened forums such as a conference on truth commissions co-hosted with the Kofi Annan Foundation in Bogotá.¹⁴⁵ ICTJ was then given an implementing and monitoring role relating to transitional justice and victims in the implementation phase.

The Netherlands Institute for Multiparty Democracy (NIMD), which had been running projects in Colombia on political participation and provided direct support to political parties, was formally asked by the government and FARC-EP in July 2016 to help select experts to form the Special

Electoral Mission (alongside the Carter Center and the political science departments of the Universidad Nacional and Universidad de Los Andes). This mission was intended to study and give recommendations on electoral reforms in Colombia.¹⁴⁶ The University of Notre Dame's Kroc Institute for Peace Studies, which provided policy papers on peace agreements during the process, was also given responsibility in technical verification and monitoring of the implementation of the accord through its Peace Accords Matrix Barometer initiative.¹⁴⁷

As discussed earlier, the international community as a whole was central to the Havana peace process. It is clear, however, that the government involved the international community as part of an "à la carte" approach, parceling out or requesting specific and limited roles while retaining control over the process at all times. Overall, the wide range of individuals and organizations involved in the process enabled it to work well—it was a process with multiple actors that played different but complementary roles.

Beyond this technical and financial assistance, the international community, crucially, brought symbolic support and visibility to the peace talks. The government, which understood it would face internal resistance, may also have chosen to capitalize on international support to help convince Colombians of the validity of the process. Although it is difficult to assess whether the focus on international support diverted attention from building support in Colombia, it is certain that it was not sufficient to convince society as a whole to back the process.

Key Issues

There were three decisions made by the government that were particularly influential in the way the peace process developed and how Colombian

¹⁴² See www.mapp-oea.org/.

¹⁴³ "Colombia y USAID firman convenio por US\$636 millones para invertir en iniciativas de paz," *El Heraldo*, November 20, 2015, available at www.elheraldo.co/colombia/colombia-y-usaid-firman-convenio-por-us636-millones-para-invertir-en-iniciativas-de-paz.

¹⁴⁴ International Center for Transitional Justice, "ICTJ at 15: Highlights of Our Work," available at www.ictj.org/gallery-items/peace-processes-and-conflict-resolution.

¹⁴⁵ See <http://colombia-kaf.ictj.org/panelists>.

¹⁴⁶ Netherlands Institute for Multiparty Democracy, "NIMD Invited to Select Special Electoral Mission of Colombia," press release, July 6, 2016, available at <http://nimd.org/wp-content/uploads/2016/07/NIMD-press-release-Colombia.pdf>.

¹⁴⁷ Renée LaReau, "Kroc Institute Charged with Technical Verification and Monitoring of Historic Colombian Peace Accord," University of Notre Dame, August 31, 2016, available at <http://news.nd.edu/news/kroc-institute-charged-with-technical-verification-and-monitoring-of-historic-colombian-peace-accord/>.

society perceived it: (1) to proceed with dialogue in the midst of the war; (2) to have limited participation of civil society during the talks; and (3) to bring the result of the talks to a popular vote through a plebiscite.

CEASE-FIRE

The negotiations were conducted from the outset without a bilateral cease-fire between the government and the FARC-EP. This was a deliberate choice by the government, which had several motivations. First, it was concerned that the FARC-EP might use a cease-fire to reorganize and strengthen militarily, as it did during the El Caguán negotiations.

Second, the government was convinced of the need to show its strength and determination both to the FARC-EP and to the public. It feared that a cease-fire “would give oxygen to sectors of society who are opposed to peace negotiations.”¹⁴⁸ Because the government came into the negotiations from a position of military strength, it wanted to make sure that this would translate into a position of strength at the negotiating table.¹⁴⁹

Third, President Santos was also under pressure from those within the armed forces who were extremely reticent to the idea of a bilateral cease-fire (and indeed skeptical of the whole peace process) and keen on continuing military pressure. He therefore insisted that a bilateral cease-fire would wait until the end of the process, although the FARC-EP pushed for precisely the opposite.¹⁵⁰ It must be noted that, while sectors of the military were opposed to the peace process and exerted pressure on Santos during the negotiations, the chiefs of the armed forces played a positive role both during the talks (at the table and in the technical subcommission on ending the conflict) and in the days leading up to the plebiscite, publicly

advocating for a “yes” vote.

Faced with an increasingly skeptical audience in Colombia, the FARC-EP announced a first unilateral cease-fire in December 2014.¹⁵¹ In July 2015 the FARC-EP began a new unilateral cease-fire, and in October 2015 it announced it had stopped all military training of its combatants and was now actively preparing them for demobilization and legal political activity.

The decision to continue the war while discussing peace, though it had justifications, risked alienating Colombians further.¹⁵² Indeed, continued acts of violence undermined public support for the dialogue and affected the climate at the negotiating table. In addition to diminishing the humanitarian costs, cease-fires during peace processes can signal “the parties’ formal commitment to resolve their dispute peacefully,” help reduce uncertainty about actions and intentions, and help prevent accidents.¹⁵³ Some analysts believe that public opinion could have been much more favorable and inclined toward the talks had there been a bilateral truce earlier on and had both sides pursued de-escalation measures. This reflects the notion that a “ceasefire is not an either/or question, but rather a confidence-building process.”¹⁵⁴

INCLUSIVITY

One of the most divisive questions regarding the Havana peace process relates to how participatory it was. Interestingly, almost all of the international actors and government civil servants interviewed for this paper argued that it was “perhaps the most participatory process ever in history” and even that it had “exhausted the possibilities of participation.”¹⁵⁵ Many Colombian analysts, however, were highly critical of the efforts to bring external input into the discussions.

148 Kristian Herbolzheimer, “Ceasefire: Confidence-Building in Colombia,” Conciliation Resources, March 2013, available at www.c-r.org/news-and-views/comment/ceasefire-confidence-building-colombia.

149 Interview with Juanita Goebertus, Bogotá, November 2016.

150 “The FARC concern at the direction of the negotiations was echoed this week by a cross-party group of Northern Ireland MPs and peace agreement veterans, who have held discussions with both sides and called for a bilateral ceasefire and a more open and even-handed process.” Seumas Milne, “Colombian Peace Talks Will Fail without Government Concessions, FARC Warns,” *The Guardian*, July 30, 2014, available at www.theguardian.com/world/2014/jul/30/colombian-peace-talks-fail-farc-leaders-interview.

151 Sibylla Brodzinsky, “FARC Declares Ceasefire but Warns of Retribution if Attacked,” *The Guardian*, December 17, 2014, available at www.theguardian.com/world/2014/dec/17/farc-rebels-declare-ceasefire.

152 Interviews with mediation expert and ICRC official, December 2016.

153 Luc Chounet-Cambas, “Negotiating Ceasefires: Dilemmas and Options for Mediators,” Centre for Humanitarian Dialogue, March 2011, available at www.hdcentre.org/wp-content/uploads/2016/08/36Negotiatingceasefires-MPS-March-2011.pdf.

154 Herbolzheimer, “Ceasefire: Confidence-Building in Colombia.”

155 Interviews with members of the international community very close to the process, 2016.

Besides the online platform created by the government to receive proposals from citizens,¹⁵⁶ the most formal spaces for participation were the regional working tables and the forums for citizen participation.¹⁵⁷ In late 2012, Colombia's congressional Peace Commission, in particular Senators Iván Cepeda and Gloria Inés Ramírez, asked UNDP for help organizing local consultations in an effort to bring the conversations taking place in Cuba closer to Colombian citizens. UNDP then organized working tables in all thirty-two departments of Colombia focused on three of the six items on the peace agenda: agrarian development, political participation, and illicit crop cultivation.¹⁵⁸ UNDP then systematized the proposals resulting from all the consultations and gave them to the president of Colombia's Congress and to the Cuban and Norwegian envoys,¹⁵⁹ who submitted them to the parties for consideration.¹⁶⁰

Shortly after, the government and the FARC-EP asked the Office of the UN Resident Coordinator, Fabrizio Hochschild, to convene forums for citizen participation—essentially larger versions of the regional working tables.¹⁶¹ The UN organized these forums jointly with the Universidad Nacional's Centro de Pensamiento y Seguimiento a los Diálogos de Paz, per the request of the FARC-EP, which saw the university as an ideological counterbalance to the UN.¹⁶² The first forum, held in

December 2012, focused on agrarian development policy and brought together 1,200 participants who met over three days and produced more than 400 proposals.¹⁶³ In January 2013, the UN resident coordinator brought a synthesized conclusion from this forum to the parties in Havana, who requested that the organizers convene a second forum on political participation (starting April 2013). Forums on illegal drugs (September–October 2013) and victims (September 2014) followed a similar format.¹⁶⁴

The forums provided a space for the negotiations to include civil society inputs, but also for the talks to be better explained to civil society actors.¹⁶⁵ It is difficult to ascertain with confidence how many of the proposals that came out of the working tables and forums were discussed in Havana or incorporated into the final accord. A UN staffer who worked closely on the process affirmed that around 73 percent of the proposals were included in the final accord. Government functionaries were divided; while some who were present in the drafting commission told us the group would constantly go back to review the proposals sent to the parties, others admitted to having mostly ignored these documents as time went by and the rhythm of the negotiations became more demanding.

156 According to the sixth point of the framework agreement, "To guarantee the widest possible participation, a mechanism will be established to receive, by physical or electronic means, proposals from citizens and organizations on the points of the agenda." *Acuerdo General*, August 26, 2012, Point 6. Toward this end, the two sides jointly established a web page to gather direct public input (www.mesadeconversaciones.com.co/), and more than 3,000 proposals were received in the first several hours. The web page also in theory allowed the negotiators to inform the public of their activities and pronouncements but was not effectively used and updated. Virginia Bouvier, "Colombia's Peace Talks: How Civil Society Is Having a Say," US Institute of Peace, May 9, 2013, available at www.usip.org/olivebranch/colombia-s-peace-talks-how-civil-society-having-say.

157 Angela M. Robledo, "Mesas regionales: Un espacio para construir paz con democracia," *Razón Pública*, December 3, 2012, available at razonpublica.com/index.php/conflicto-drogas-y-paz-temas-30/3441-mesas-regionales-un-espacio-para-construir-paz-con-democracia-.html; Universidad Nacional de Colombia, "Foros de participación ciudadana mesa de conversaciones de la Habana (Cuba)," available at <http://pensamiento.unal.edu.co/cp-paz/accompanamiento-dialogos-de-paz/foros-de-participacion-ciudadana-mesa-de-conversaciones-de-la-habana-cuba/>.

158 The work of each of the nine tables (mesas) lasted for two days. On the first day, two or three thematic groups of twenty-five persons were formed, each with a relator and moderator from UNDP to facilitate the discussions. At the end of the first day, the group chose two or three individuals who would relay the discussions in the following day's plenary. These same individuals would draft a text summarizing the different interventions that would be read the following day. Members of the congressional Peace Commission attended the second day, along with members of social organizations. Interview with UN official, Bogotá, November 2016.

159 See www.youtube.com/watch?v=gFCO2vz0jM8.

160 Interview with UN official, Bogotá, November 2016.

161 Forums lasted between two and three days, with twenty-two forums in total. The idea was to bring experts and selected representatives from both the national and the local levels for all sectors. There were roughly 1,200 people in each forum, with four moderators and facilitators (from the Universidad Nacional and the UN). Following the discussions, the proposals were systematized in books (one per forum) and reports (initially one from the UN and one from the Universidad Nacional, then one per forum), which were brought to the negotiating table. Interviews with UN officials, New York and Bogotá, October and November 2016.

162 Interview with UN official, New York, October 2016.

163 "Gobierno y FARC recibirán 400 propuestas de foro sobre tierras," *El Tiempo*, December 20, 2012, available at www.eltiempo.com/archivo/documento/CMS-12466401.

164 "In meetings in Barranquilla, Bogotá, Bucaramanga, Florencia, Medellín, Pasto, Popayán, Sincelejo, and Villavicencio, some 2,990 people, representing 1,333 organizations, presented 4,000 proposals on the first three items of the Havana agenda—integral agrarian development, political participation, and illicit crops. These proposals were systematized by the United Nations." Virginia Bouvier, "Round 18 on Illicit Drugs Ends," *Colombia Calls*, December 21, 2013, available at <https://vbouvier.wordpress.com/2013/12/21/round-18-on-illicit-drugs-ends/>; UNDP, "Foro Nacional de Víctimas Cali, Agosto 2, 3 y 5 de 2014," available at www.co.undp.org/content/colombia/es/home/ourwork/news/foro-nacional-sobre-victimas.html.

165 Interview with UN official, November 2016.

Many Colombian observers, however, dismiss these forums as merely symbolic posturing. They convened actors that were already supportive of the peace process and did not include either those sectors opposing it or newer civil society actors that were not yet mobilized.¹⁶⁶ In terms of the absence of those who opposed the process, this was not for lack of trying on the part of the organizers; it is well documented that the UN and the Universidad Nacional tried to convince these (mostly right-leaning) sectors to attend the forums, but to no avail.¹⁶⁷ This was probably the first indication that a cross-sector national dialogue in support of a peace process would not be possible. In terms of who was actually present, the organizers tried to strike a balance, convening all the organizations that had a national presence and ensuring that 30 percent of participants came from rural areas.¹⁶⁸ But with extremely short time frames, the UN and Universidad Nacional ended up mobilizing sectors that were already supportive of the talks. In the end, it was difficult to gauge whether the forums helped change the views of a broader set of people than traditional supporters.

Besides the mechanisms already described, several civil society organizations had the opportunity to meet with the parties, not only to provide expert advice—as previously described—but to advocate for their constituencies or to include certain issues in the accord. For example, in May 2013, a group of civil society organizations, led by Viva la Ciudadanía, met with the high commissioner for peace, Sergio Jaramillo, and others in his staff to request that the process “continue to be confidential but stop being clandestine.”¹⁶⁹ This request to open lines of communication both ways was positively received by the government, and visits to Cuba, while still highly controlled, increased.

A particularly interesting example is the participation of the Afro-Colombian and indigenous

communities. The three biggest organizations representing these ethnic minorities came together to form the Ethnic Commission for Peace and the Defense of Territorial Rights with the sole purpose of lobbying the parties at the table for increased participation in the process.¹⁷⁰ They argued that they deserved to directly participate in the process because they had particularly suffered during the conflict and their constitutionally defended autonomy was being threatened.¹⁷¹ The Ethnic Commission’s proposal for the creation of a subcommission focused on these issues was not accepted in Havana. The government argued that there were other, already established channels where these minorities could bring their demands. Underlying this argument was the fear that the ethnic organizations, traditionally vocal actors within the left, would find an easy ally in the FARC-EP at the negotiating table.¹⁷²

Despite this reluctance, and thanks to a campaign to pressure the parties, which mobilized the Black Caucus in the US Congress and multiple actors within Colombia, the Ethnic Commission, along with a handful of other indigenous and Afro-Colombian organizations, had an audience with the parties at the table on June 27, 2016. In this meeting, the government and the FARC-EP agreed to create a space to receive input from these ethnic minorities on issues that might impact their communities.¹⁷³

Representatives from these organizations started working in Bogotá in the hope of inserting their perspective throughout all of the agreed text, as the gender subcommission had done. As this process was developing, however, President Santos decided to accelerate the negotiations, beginning the so-called conclave stage (described earlier). It was in this context that representatives from the Ethnic Commission and a few other organizations that had been working with the government ended up traveling to Havana on August 24, 2016, hours

166 Interview with Angelika Rettberg and Sandra Borda, Bogotá, November 2016.

167 Marisol Gómez Giraldo, “Ganaderos se apartan de foro sobre tierras en diálogos de paz,” *El Tiempo*, December 17, 2012, available at www.eltiempo.com/archivo/documento/CMS-12456628.

168 Interview with UN officials, November 2016.

169 Interview Fabio Velásquez, Bogotá, September 2016.

170 These organizations were the Consejo Nacional de Paz Afrocolombiano (CONPA), the Organización Nacional Indígena de Colombia (ONIC), and the Autoridades Tradicionales Indígenas de Colombia Gobierno Mayor.

171 Interview with Nelson Lemus, Cauca, February 2017.

172 Interview with Alcibiades Escué, Toribío, February 2017.

173 Interview with Andréa Viana, Bogotá, February 2017.

widowed. The campaign for “no,” which had active participation from Christian churches, took advantage of these two polarizing issues to claim that the peace agreement was attempting to alter the traditional understanding of families in Colombia. This mobilized many voters on an issue that was essentially unrelated to the content of the accord.

With the accord being over 297 pages long, it is safe to assume that only a small percentage of the population read it in its totality. In an interview, Juan Carlos Vélez, one of the coordinators of the “no” campaign, admitted to a journalist that the campaign had misrepresented some of its messages in order to mobilize voters. He described how it focused not on the contents of the agreement but instead used messages that angered voters: that Colombia would have the same fate as Venezuela if the accord was approved, that the demobilized FARC-EP members would have higher salaries than most workers, or that pensions would be reduced in order to support the demobilized insurgents.

Even if misleading, the “no” campaign was very effective, while the government’s efforts to get out the “yes” vote have been characterized as lazy, ineffective, and disconnected from the public’s perspective. Supporters of the peace process have accused the government of not having shown true political commitment to defending the negotiations inside Colombia from day one, while devoting much more attention to gaining international support. They cite, for example, the fact that Minister of Defense Juan Carlos Pinzón (2011–2015) spoke in very harsh terms (that were resonant of Uribe’s language) both of the FARC-EP and of the peace negotiations for years, while no one from the government presented a solid defense of the negotiations to Colombians. While there was certainly a political strategy behind this decision, having De la Calle as the sole spokesperson for the process for so long had a tremendous cost for its legitimacy and popular support. Journalist Juanita León joked that a sign of the “yes” campaign’s lack

of seriousness was that its main strategy was to ask Colombia, a country with a poor reading tradition, to read 300 pages.

An electoral analysis of the plebiscite vote shows some important tendencies. While the center of the country voted “no” (with the exception of some big cities such as Bogotá, Cali, and Barranquilla), the periphery—which has been more systematically affected by the war—for the most part voted “yes.” Similarly, the economists Leopoldo Fergusson and Carlos Molina found that the poorest sectors of the country (measured according to the multidimensional poverty index) overwhelmingly voted “yes,” while the richest areas mostly voted “no.”¹⁷⁹ Several analyses also indicated a relationship between the presence of the state and the vote; in those areas where the state is more absent, citizens mostly voted “yes.”¹⁸⁰

This electoral analysis strengthens the argument that, because the conflict had been relegated to the more remote areas of the country, it was not a priority concern for many Colombians.¹⁸¹ Those who supported ending the war through negotiations were not able to convince the majority of the country that this peace agreement was important enough to shake their disenchantment with politics or that the agreement would indeed usher in better times.¹⁸²

Conclusion

Was the Havana peace process successful? This paper argues that, in spite of the political blow that came with the result of the plebiscite, the process was indeed successful in that it managed to achieve its main goal: to convince the FARC-EP to voluntarily set aside its weapons and start the transition to becoming a political party. This was not a foregone conclusion: even if the FARC-EP had demonstrated strong political commitment to the negotiations—especially by continuing with the process after the armed forces killed its commander, Alfonso Cano—it was very hesitant to disarm. A long history of assassinations of demobi-

179 Fundación Ideas para la Paz, “El país que develó la ventaja del No,” October 6, 2016, available at www.ideaspaz.org/publications/posts/1411.

180 Juan Esteban Lewin, et al., “Así es el país que votó No,” *La Silla Vacía*, October 5, 2016, available at <http://lasillavacia.com/hagame-el-cruce/asi-es-el-pais-que-voto-no-58201>.

181 Interview with UN official, New York, October 2016; Interview with Juanita León, Bogotá, November 2016.

182 The low rates of participation also reflect the atypical nature of these elections; as local and regional politicians did not benefit directly from the results, they did not mobilize their clientelism machinery, which contributed to lower voter turnout.

lized ex-combatants and the close links between sectors of the state and right-wing paramilitaries were some of the reasons the FARC-EP was hesitant to lay down its weapons.

The government delegation to Havana, then, deserves much credit for placing the end of the armed conflict as the central goal to be achieved. It also convinced the FARC-EP that the end of the armed struggle was a necessary step toward resolving many of the injustices that are the root causes of the conflict. To be sure, the peace process was significantly weakened by the plebiscite result and by the impossibility of achieving a new accord that had the support of at least some of the political forces behind the “no” vote. The political costs of the last months of 2016 must not be underestimated, and the weak political mandate will be a tremendous burden for the implementation of the agreement, which unfolds, increasingly, in the run-up to presidential and legislative elections in 2018.

The process was designed after a thorough and conscientious study of the lessons learned from past Colombian peace processes, particularly the negotiations of El Caguán (1998–2002). A number of the process’s resulting characteristics helped achieve its successful resolution, although others did not.

Location: The government knew the process should be outside Colombia to avoid having to demilitarize an area inside the country (as during El Caguán). In that sense, Cuba proved to be the perfect location: far enough away to remove the negotiations from the daily occurrences of politics and war but close enough that the government delegation and others could fly back and forth with relative ease. The geographical distance, however, also meant that Colombians had little sense of ownership over the process. This, together with the fact that the violence produced by the conflict was concentrated in the periphery of the country, contributed to a lack of public engagement with the talks until very late in the process.

Agenda: The entire El Caguán process was spent negotiating the agenda. This happened, in part, because the FARC-EP’s “Shared Agenda for Change toward a New Colombia” had twelve issues and forty-eight sub-issues. This unrealistically long and ambitious agenda included many issues the public believed should not be settled in a negotia-

tion with an insurgent group, including the country’s economic model and reforms to the justice and political systems. The government knew that a successful negotiation would need to be grounded in a short, realistic list of issues. The agreed final agenda included three substantive questions of historical importance to the FARC-EP—agrarian development, political participation, and illicit drugs—and three instrumental points—victims’ rights (including transitional justice), an end to the conflict, and implementation, verification, and endorsement of the agreement.

Structure: The peace process mechanics consisted of numerous mechanisms and spaces that worked simultaneously. Many of the people interviewed for this paper credit Sergio Jaramillo with having been able to coordinate and, even more importantly, control how each of the pieces fit together to form a complete puzzle. This did not always work; a number of times, for example, President Santos intervened directly, either creating a new space (such as the legal subcommission) or altering the process dynamics (such as during the conclaves) to accelerate the resolution of some issue. Overall, the diverse channels of communication facilitated achieving an agreement, but they often made some of the parties or actors involved uncomfortable. One of the issues that had negative repercussions on the talks was how long they took. The FARC-EP often said it was in no rush, while the government was often pressuring for a faster pace and announced several deadlines that were not met. Having sequential rather than parallel negotiations contributed to the delay, which came at high political costs for the process.

Limited participation: El Caguán saw a continuous parade of journalists, experts, and sympathizers coming in and out of the talks, and the Santos administration wanted to avoid this at all costs. Cuba provided not only the geographical distance that would discourage many from coming but also tight control over who came and went. To this, the parties added an unprecedented level of secrecy during the initial year of the negotiations. With time, and under pressure from the public, the process slowly opened to the participation of experts and welcomed members of the press and civil society. Even then, however, participation was controlled and limited. While this facilitated the negotiations themselves, it came at a huge political

cost: most Colombians felt removed from the process and were not invested in its fate. Even more seriously, the closed nature of the process allowed the opposition to create a false narrative (“the country was being given to the FARC-EP”; “the accords turned Colombia into a communist country”) that took hold among wide sectors of the public.

International actors in a process “for Colombians, by Colombians”: The government tightly controlled the role that international actors played in the peace process.¹⁸³ While it went out of its way to involve many international institutions and to gather support from the international community, the government parceled out the roles they would play. It was clear from the beginning that the Santos administration did not want external actors playing the traditional role of mediators. This was, in part, a reaction to what it saw as the disastrous intervention of the UN during El Caguán. It also wanted to make sure that the government’s military advantage translated into strength at the negotiating table and was convinced that a neutral mediator would try to erase that advantage by treating the two parties as equals.

There are five international actors that played a central role in the process. Cuba and Norway, as the guarantor countries, are credited with much of the success of the process. Cuba was not only an excellent host, dealing with the complicated logistics of the talks, but was also essential in pressuring the FARC-EP to sit at the table. Norway funded much of the process and brought to the table its extensive experience in peace diplomacy. The presence at the table of Norway and Cuba ensured that the parties were held to their commitments, helped foster confidence, and contributed to solving serious crises that brought the process to the brink of collapse.

Venezuela and Chile, as accompanying countries, had a less central role in the substance of the negotiations but provided a much needed show of regional support to the talks. Venezuela was particularly important because of the close links between Caracas and the FARC-EP. President

Chávez and, to a lesser extent, his successor President Maduro are credited with convincing the FARC-EP to negotiate and with providing indispensable support from the exploratory talks through to the end of the process.

The United Nations also played a significant role in the talks. Colombia has what can be described as a “love-hate” relationship with the UN. On the one hand, the UN system has a significant presence throughout the country, with more than 2,000 staffers and a history of important programs and contributions to the understanding of the conflict. Many UN agencies are also funded in part by the Colombian government and are often partners with national and local authorities in a range of projects. On the other hand, Colombia has also been resistant to what is perceived as the “interventionist” side of the UN. Colombia shares with the rest of Latin America a strong appreciation of its sovereignty and still resents the sense that the international community increasingly viewed the country as a failed state in the early 2000s. In fact, Colombian diplomats had until last year a long history of refusing to see the country on the agenda of the Security Council because of the perceived invitation for international scrutiny.¹⁸⁴

This thorny relationship between the government and the UN was complicated even further by the FARC-EP’s own suspicions regarding the international organization, which it initially saw as an ally of the government and a tool of imperialism. It is in this context that the participation of the UN increased gradually. It began with very specific requests to the Office of the Resident Coordinator (such as to organize regional working tables and forums), then an invitation to participate in the subcommission on ending the conflict. Eventually, the UN was asked to create a special political mission to monitor and verify the laying down of arms, to be part of the tripartite monitoring and verification mechanism, and to send a second mission to verify the reintegration of ex-combatants and ensure their protection. This places the UN at the center of the implementation of the peace accord for years to come.

183 It is also relevant to note that this process was a good example of the potential positive impact of international actors working collaboratively and complementing one another in their contributions to a peace process. Although this is in large part credited to the government, international actors increasingly have to act together in the crowded field of peace negotiations and mediation.

184 Foreign Minister María Ángela Holguín was reportedly very upset by Santos’s decision to go to the Security Council to ask for the mission.

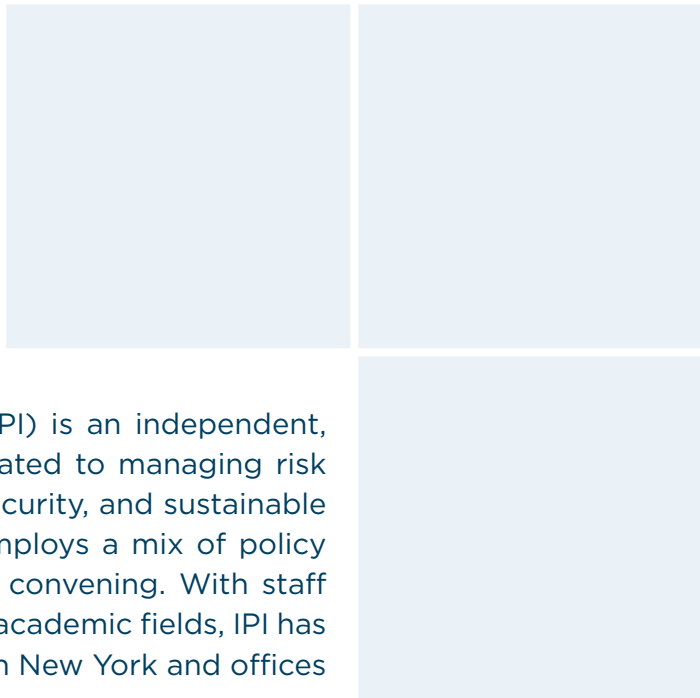
The final peace agreement between the government and the FARC-EP explicitly requests the support of various UN agencies during the implementation phase: the FAO and UNDP on rural land reform; UNDP and the UN Educational, Scientific and Cultural Organization (UNESCO) on reintegration of ex-combatants; OHCHR on security guarantees for former combatants, victims' rights (together with the UN Refugee Agency), and the situation of FARC-EP members in jail; UNODC on the dismantling of criminal organizations and illicit drugs; and UN Women on gender mainstreaming across the implementation of the agreement. These requests do not necessarily reflect the full potential of UN support for the implementation phase.

The search for legitimacy: The Colombian government was much more effective at raising international support for the peace process than at convincing its own people about the importance of the agreement with the FARC-EP. There is no clearer sign of this than the announcement of President Santos's Nobel Peace Prize just five days after the accord was rejected in the polls. The campaign in support of the process came late and was woefully inadequate. It relied on people reading a 300-page long, very complex agreement

and was unable to undo the successful efforts of the opposition to turn the plebiscite into a vote on Santos's popularity. It was also unable to humanize the FARC-EP, which previous governments, the US, and even sectors of the Santos administration had portrayed as evil terrorists. In the words of a diplomat very familiar with the case, "There were eight years of demonization, three years of ambiguity, and six months of outreach."

The signing of the peace agreement between the government of Colombia and the FARC-EP already has led to a reduction in violence. The homicide rate in 2016 was the lowest in forty-two years.¹⁸⁵ The challenges, however, are immense, from concrete issues such as making sure Congress approves the laws necessary to properly start the implementation process to huge tasks such as finding roads to reconciliation after a conflict that has left 220,000 dead, 80,000 missing, and more than 7 million displaced. The support of the international community will be indispensable in the years to come, but it will not suffice on its own. It will be in the hands of the next government (elected in 2018) to make sure the Havana process is a solid foundation for a stable and long-lasting peace.

185 Sally Palomino, "Colombia cierra 2016 con la cifra más baja de homicidios en 42 años," *El País*, December 31, 2016, available at http://internacional.elpais.com/internacional/2016/12/31/colombia/1483187941_964829.html.



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