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Colombia and the FARC: Peace and Amnesty

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This policy brief takes a look at the issue of the 50-year war that has been ongoing between the Government of Colombia and the FARC-EP (Revolutionary Armed Forces of Colombia - People's Army). It is "written" by Colombia's chief of the government's negotiating team at the peace talks in Havana, and is to be "presented" to the President of Colombia, Juan Manuel Santos. It looks at the background of the conflict, as well as efforts to end it. The brief highlights 3 pieces of proposed ways in which the conflict could be ended. It looks at strict government guidelines, all-out war, and amnesty. It specifically highlights amnesty as the most effective method that should be pursued by the government. (Between the time when this brief was written in March 2016 and the present, the peace talks were concluded, brought to a referendum on October 2nd that would fully accept the agreements, and failed to pass.)

Issue

The Revolutionary Armed Forces of Colombia—People's Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejercito del Pueblo —FARC—EP*) are a Colombian insurgency group that has been engaged in constant conflict with the Colombian Government since its creation in 1964. Since then, around **222,000 deaths (176,000 of which were civilian) can be attributed to the conflict**. In addition, **the conflict has also displaced around 6,000,000 Colombians internally** (Hataway, 1). These displacements have disproportionately affected indigenous peoples and afro-descendant peoples of the country. This is largely due to the fact that rebel groups tend to set their bases in the rural areas that are often also occupied by indigenous and afro-descendant settlements. All of the harm, however, cannot be attributed to the FARC. Many problems have also been perpetrated by other guerrilla forces (such as M19 and ELN), the Colombian military, as well as right-wing paramilitary sources (Murillo, 3). Apart from the large amounts of murder attributable to these groups, many other sorts of human rights violations have been perpetrated by these groups. Among many of the crimes committed by the FARC, many are drug-related and many are related to civilian and public official kidnappings. In

the 30-year span before 2010, FARC allegedly **kidnapped 9,447 people. 3,325 of these have been confirmed** (Manrique, 5).

Background

FARC was born out of a violent era in Colombian named *La Violencia* that lasted from 1948-1957, and claimed the lives of 300,000 Colombians (Molano, 2). This era was defined by endless violence between Colombian Liberals and Conservatives. Fuelled by Marxist ideals in a bipartisan state, FARC claimed its fight to be against the oligarchic state of the country. It was created by rural workers and peasants mostly in need for legitimate advocacy for rural needs, instead of elite needs (Hataway, 5). Soon after, it began to receive claims of legitimacy and funds from the Soviet Union. Apart from these, the group, as well as other guerrilla groups, started to take more charge of their own funding in the 1970's through the heavy production and distribution of cocaine, marijuana, and heroin. Large amounts of these funds were allocated towards more weapons, as well as the resources to recruit more troops (Hataway, 6).

Throughout FARC's history, there have been many attempts at peace. However, many of these attempts fell through after complications from the government or from FARC leaders and members. The largest faltering points for peace have generally been a lack of trust in the government or a FARC inability to recognize their crimes as anything other than political crimes. Many also saw peace as a way to delegitimize their struggle (Hataway, 5).

Shortly after taking office in 2010, President Juan Manuel Santos secretly organized various meetings with FARC, to discuss the renewal of peace talks. In 2012, Santos also set up meetings with the Governments of Venezuela and Cuba, with which the FARC shares similar communist ideologies (Hataway, 8). After various meetings in Havana, these

parties and more came upon an agreement to have proper participation towards an agreement of peace. This initial agreement came to be known as the Havana Accord (Government of Colombia, 1).

Recommendation 1: Strict government guidelines

In the early 80's, a committee for peace was created by then president Belisario Betancur. Part of this peace included legitimizing the FARC's political attempts and giving them political power. The FARC renounced kidnapping and effectively created a political party named the *Unión Patriótica* (Patriotic Union — UP), which succeeded to some degree in the elections. However, any sort of future growth was stunted by further acts of guerrilla violence, including the taking of the Palace of Justice by the M19 on November 6, 1985 (Molano, 5). To make things worse, constant assassinations throughout the decade had left around 3,000 UP ex-FARC members dead, mostly at the hands of the paramilitaries, who had been receiving large sums of money from Pablo Escobar (Manrique, 6; Molano, 5). While many FARC members lay down their weapons, many others returned to violence, and attempts at peace fell through (Molano, 5).

Another attempt at peace began in 1998 under Andrés Pastrana and failed in 2002. Again, recurring themes to this failure revolved around the inability to compromise, inability to claim responsibility, and fragmentation within the government and within FARC. Again, a huge barrier to proper agreement was the inability on either side to have a proper ceasefire, as well as unexpected paramilitary actions (Harvey, 112).

A main barrier to proper compromise remains the inability of the Colombian people to see FARC in the way that FARC wants to be seen. (This will further be developed in recommendation 3.) Without this consensus from the people, it would seem that the Colombian people would demand similar processes to previous ones. **The Colombian people do not want to cede the FARC the image that it wants to project onto itself, and as long as this remains the status quo, new peace talks can easily be doomed to play out like their predecessors.** Under strict government guidelines that lack the ability to compromise, FARC will never be willing to go through on talks. As an insurgent group, FARC still has an agenda and it will not give it up easily.

Following strict government guidelines would give the people of Colombia what they want, if it were to work. There would be large demilitarization of these groups, as well as a full range of punishment for their crimes. Through Colombia's extradition laws, many of these criminals would also face extradition to the United States, because their crimes would likely fail to be described as political (Hataway 3). Generally, these are the expectations of the Colombian people, but there is no consensus on this from guerrillas, and guidelines like this would cause talks to fail once again, as they have many times before under similar

situations. Even worse, **it would also create distrust within FARC ranks, where these tensions have been hugely decreased in the past few years.**

Recommendation 2: All-out war

The second recommendation bases itself on much more theoretical views of the Colombian conflict, as explained by Andres Fabio Diaz and Syed Mansoob Murshed (281). It calls for all-out war to defeat insurgency groups in Colombia, not just FARC. Essentially, **this recommendation calls for Colombia to grasp a monopoly on the use of force within the country.** In doing so, Colombia would find peace and properly build a state which is built on this peace. It observes a country with a monopoly on force also being a state that can effectively put in institutions that properly preserve this monopoly. As shown in the first recommendation, all past peace processes to deal with guerrillas in Colombia have failed, and have seen a return to war. Through a decisive military victory, **Colombia would properly ensure that these groups would have an incredibly decreased ability to have strong returns to violence.** In the end, war would be seen as beneficial for the sake of the country. It is also pointed out that around 37% of peace treaties fail within 5 years (Diaz and Murshed, 283). In their theory, they see war as having a longer-lasting effect on the country than a seemingly dubious treaty in terms of effectiveness.

One of Colombia's strongest allies in its fight against the FARC and other guerrillas has been the United States. In 2000, it began Plan Colombia, an increased tactic in fighting against guerrillas, as well as against narco-trafficking. The United States invested \$1.2 billion into the training the Colombian army, as well as equipping it to fight against traffickers, more so than against insurgents (Dube & Naidu, 4). However, seeing as most insurgent groups were also tied to drugs, this training hit both. **Plan Colombia did however work into driving FARC farther more into the jungle** (Hataway, 6). Colombia seeking war with its insurgent groups would greatly be backed up by the US government, who would continue to serve as an ally and help Colombia in the war.

Many problems arise with the idea of Colombia pursuing a war against FARC, ELN and M19. The main one comes at the sake of the people of Colombia. Diaz and Murshed (281) give us perhaps the "easier" and shortest attempt at fixing the problem, yet we see a complete disregard for civilians and victims of the war that would further be entrenched as this war develops around them, as well as the accelerating death toll that goes hand in hand with these policies. Furthermore, **there are large issues with completely getting rid of a problem while not getting rid of the factors that bred the issue in the first place.** Diaz and Murshed also tell us this, saying that the problems regarding inequality in the country would remain untouched, and would offer great risk to the longevity of this peace (282). By eradicating guerrilla forces, the government could also effectively create a vacuum for newer groups to emerge.

Risks from US aid are also prevalent with this solution. The paramilitary has often been very tied to the Colombian Military, and giving more resources to the latter would see an echo of resources from within paramilitary ranks (Dube & Naidu, 2). **There is no benefit**

in giving this sort of aid to paramilitary groups that have a very notorious record of human rights abuses. Furthermore, observing the US' actions through realist theory, we can see that a lot of the reasons for which the United States gave much of its aid to Colombia was to curb drug trafficking, an issue that greatly plagued the US. In this self-serving nature, we realize that Plan Colombia effectively dealt more with drugs than with guerrillas, a problem that didn't directly threaten the United States, as opposed to the distribution of drugs. The US showed that it cared more about problems that affected it most. (Dube & Naidu, 2).

Recommendation 3: Amnesty

On August 26, 2012, after months of conversation, the Government of Colombia and FARC-EP agreed upon an agenda for the process of peace in Havana, Cuba. Cuba, and specifically Fidel Castro, were crucial in ensuring the initiation of these talks (Hataway, 19). In a document released by the Government titled "*General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace*" (Now known as the Havana Accord), the two sides defined what was to come out of the talks, setting six main resolutions. On September 23 2015, the promise that peace would be complete in 6 months was sealed by President Juan Manuel Santos, in a historic handshake with FARC leader 'Timochenko'. These talks were overseen by the Governments of Cuba, Norway and Venezuela. This process has as a final objective, the goal of amnesty towards members of the FARC. The following are the six resolutions proposed by the Accord and what they generally comprise.

- a. Integrated agricultural development policy — Rural reform**
- Safe access to the use of productive land
 - Development programs with territorial focuses

- Proper infrastructure surrounding land
- Social programs that seek to ameliorate quality of life and the eradication of poverty
- **This resolution deals with many of the problems that led to the creation of the FARC**
- The negotiations for this resolution reached an agreement on May 26 2013 (Hataway, 10)

b. Political participation

- The ability to be a participating part of the Colombian democratic system
- The ability to work on a political system that can be accessible to everyone regardless of where they live
- A huge factor in this part of the resolution is the ability to recognize the FARC's crimes as political, which are defined as crimes committed in relation to their insurgency. **This would give them and their struggle governmental legitimacy, and would recognize the government's immense harms in the conflict.** In regards to how this affects the Colombian people, this would take away much of the legitimacy of the crimes that it committed against the Colombian people. Furthermore, this would not allow extradition to the US, as political crimes in Colombia do not warrant extradition, by law (Hataway, 16).
- An agreement was reached on November 6 2013 (Hataway, 11)

c. Solution to the problem of illicit drugs

- Solution to the production and sale of narcotics
- Programs set into place to deal with consumption and addiction
- Programs set in place to have stronger transitions towards legal crops
- Perhaps the most important resolution in respect to the international community, negotiators reached an agreement on May 16, 2014 (Hataway, 12)

d. Victims

- This resolution seemed to have stronger discussions about truth and the nature of the conflict
- It also sought the truth about victims and the human rights violations that came with the conflict
- The UN-Colombia, along with the National University brought together a group of victims from throughout Colombia to speak to negotiators. They discussed the circumstances surrounding the talks and the process with which the guerrillas should be treated. While negotiators came to an agreement on September 23 2016, **many victims do not see the guidelines chosen as true justice** (Hataway, 15).

e. End of the conflict

- A definitive bilateral ceasefire
- Disarmament and demobilization
- Reincorporation of the FARC into civil life
- A guarantee of security

- Stronger attempts to decrease the issues of corruption within the country, as well as human rights abuses
- As of March 29 2016, the conflict has still not reached an end. This means that the deadline set in September was not met. This now greatly damages ties and can potentially be fatal to the talks. President Santos said earlier in February that if this could not be met, it would show that perhaps the FARC was not ready for peace, as the Washington Office on Latin America reports.
- Throughout the duration of the talks, the FARC have not pushed for their own cessation of their actions. In late 2014, talks had to be suspended when a General in the Colombian army was kidnapped by the FARC (Barbari). Smaller events of violence and other kidnappings, as well as continuous trafficking of drugs did not help in decreasing suspicions of the FARC's sincerity.
- Part of the ceasefire would **include creating demilitarized concentration zones for FARC members**. These zones will be crucial to ensuring that the FARC demobilizes and disarms properly (Isacson). The government must ensure that these areas are as respected and as effective as possible, as a large stake of successful peace rests on this. **International verification and oversight must also be allowed**. The United Nations will also take a large part of ensuring this process goes through efficiently.
- Despite missing the deadline for a ceasefire, it still seems as if officials and guerrillas are closing in on a final agreement, signifying the end of the conflict with the FARC (Ayuso and Hansen).

f. Implementation, verification and ratification

- Through several mechanisms, the negotiators call for proper implementations of the agreements reached. However, without having met the demand for a proper ceasefire and the end of FARC activities, this resolution is not yet on the horizon.
- Despite agreements on most resolutions, the peace talks fail to garner support from a large amount of Colombians. For many, the actions of the FARC have had direct impacts on their lives, and giving amnesty to these people is not a popular solution.
- Researchers from the Universidad Javeriana in Bogota interviewed around 400 people from the city, and found varying results regarding whether certain groups deserved forgiveness in varying scenarios.

	Never	Hesitant	Depending	Always	Total (Means)
Condition					
• Paramilitary	14	31	35	20	100
• Guerrillas	43	31	12	14	100
• Military	49	27	12	12	100

• Drug Dealers	48	27	12	13	100
Participants					
• Female	70 (36%)	60 (31%)	39 (20%)	26 (13%)	195
• Male	84 (41%)	56 (27%)	32 (16%)	33 (16%)	205
• Mean Age	32	35	34	36	34
• Very Poor Class	43 (29%)	40 (27%)	35 (24%)	29 (20%)	147
• Poor Class	67 (41%)	46 (28%)	25 (15%)	25 (15%)	163
• Lower-Middle Class	23 (46%)	17 (34%)	8 (16%)	2 (4%)	50
• Upper-Middle Class	12 (48%)	10 (40%)	2 (8%)	1 (4%)	25
• Wealthy Class	9 (60%)	3 (20%)	1 (7%)	2 (13%)	15
Total	154 (38%)	116 (29%)	71 (18%)	59 (15%)	400

Table 1: (Lopez-Lopez, W et al. 293)

- While this study showcases well the general attitudes regarding the process, it still has its limitations. The small sample size has fault in not representing Colombia's 48 million people as effectively. The people chosen for the study, from the capital, also show a great bias, as many of them may not have had to have direct experience with paramilitaries, who have had greater presence in rural parts of the country. (Lopez-Lopez, 13)
- In regards to the United States, it is likely that if extradition is avoided, the US could demand for FARC leaders to be tried and punished in Colombia. The US still sees the effects of the Colombian drug trade in the US, and will unlikely be lenient on the leaders and their actions. Clearly, the Colombian people will demand the same. **This however will not be enough to greatly affect Colombian relations with the United States, as refusal to follow extradition orders have not damaged the relation before** (Hataway, 26). **The Colombian government must choose the option that effectively balances justice and reconciliation.**
- It is imperative for Colombians to understand the process. Colombians need to understand the precedents that have been set in regards to peace talks. **While it may not be what most Colombians want, amnesty is the only viable option to peace.** In order to get the best outcome for the country in the long run, **the most pragmatic option is the one that must be taken.** While victims may not get full justice, ensuring that the FARC disassembles also ensures that they will not have any more victims. However, the suspicion felt towards FARC by Colombians is not

something that will go away easily. **It is clear that the path towards reconciliation is one that every Colombian must walk.**

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