

Considerations Regarding Peace Negotiations in Colombia: 1990-2014

Otty Patiño and Vera Grabe

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Abstract

All instances of violence are to some extent caused by some form of political, cultural, economic or social exclusion. Consequently, demands for inclusivity lie at the heart of most peace negotiations between guerrilla groups and governments. Two cases in point are the peace talks engaged by the M-19 at the end of the 1980s and the ongoing negotiations between the FARC-EP and the government in Havana. How did these two processes address the need for inclusivity, both in the set up and in the content of the peace talks? What additional parallels can one draw between these two negotiation processes? Can lessons learned from the M-19 peace negotiations help to better understand the dynamics of the current peace talks? This report addresses these questions from the perspective of two ex-commanders of the M-19, Otty Patiño and Vera Grabe.

About the Publication

This paper is one of four case study reports on Colombia produced in the course of the collaborative research project ‘Avoiding Conflict Relapse through Inclusive Political Settlements and State-building after Intra-State War’, running from February 2013 to February 2015. This project aims to examine the conditions for inclusive political settlements following protracted armed conflicts, with a specific focus on former armed power contenders turned state actors. It also aims to inform national and international practitioners and policy-makers on effective practices for enhancing participation, representation, and responsiveness in post-war state-building and governance. It is carried out in cooperation with the partner institutions CINEP/PPP (Colombia, Project Coordinators), Berghof Foundation (Germany, Project Research Coordinators), FLACSO (El Salvador), In Transformation Initiative (South Africa), Sudd Institute (South Sudan), Aceh Policy Institute (Aceh/Indonesia), and Friends for Peace (Nepal). The views expressed in this paper are those of the authors and do not necessarily reflect the views and opinions of the Berghof Foundation, CINEP/PPP, or their project partners. To find more publications for this project please visit www.berghof-foundation.com. For further information, please contact the project research coordinator, Dr. Véronique Dudouet, at v.dudouet@berghof-foundation.org.

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List of Acronyms

ADM-19	<i>Alianza Democrática M-19 / Democratic Alliance M-19</i>
ANAPO	<i>Alianza Nacional Popular / National Popular Alliance or</i>
ELN	<i>Ejército de Liberación Nacional / National Liberation Army</i>
EPL	<i>Ejército Popular de Liberación / Popular Liberation Army</i>
FARC	<i>Fuerzas Armadas Revolucionarias de Colombia / Revolutionary Armed Forces of Colombia</i>
FUN	<i>Federación Universitaria Nacional / National University Federation</i>
FARC-EP	<i>Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo / Revolutionary Armed Forces of Colombia—People's Army</i>
M-19	<i>Movimiento 19 de Abril / 19th of April Movement</i>
MANE	<i>Mesa Amplia Nacional Estudiantil / Comprehensive National Student Board</i>
PCC-ML	<i>Partido Comunista de Colombia – Marxista Leninista / Colombian Communist Party – Marxist Leninist</i>
PRT	<i>Partido Revolucionario de los Trabajadores / Workers' Revolutionary Party</i>
UP	<i>Union Patriótica / Patriotic Union</i>

1 Introduction

These reflections on peace negotiations in Colombia between 1990 and 2014, with an emphasis on participation of citizens and guerrilla troops alike, were written at the request of CINEP and as guest participants in the Berghof Foundation's research program on successful peace processes around the world, with which we have collaborated from the start. A large part of this essay recalls the experience lived by two former 19th of April Movement (M-19 – *Movimiento 19 de Abril*) combatants during the past 24 years – a period that reflects what the country has done and still has to do in order to achieve a stable, inclusive, and lasting peace.

Our reflections arise in a context that fluctuates between critical moments for the ongoing peace process between the National Government and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* – FARC) and moments marked by a greater credibility and certainty. During the final months of 2013, the level of trust reflected in national public opinion was not strong enough to withstand an electoral dynamics whose central element was the re-election of the current President of the Republic, Juan Manuel Santos. On the other hand, the progress of the peace process made it impossible to hope for its successful culmination before the presidential elections in May. To further complicate the situation, a resolution issued by the Office of the Nation's Inspector-General ordered that Gustavo Petro, Mayor of Bogotá, elected for the 2012-2015 period, be removed from office and disqualified from public office for 15 years. Although the Inspector-General's resolution has not yet gone into effect, it is impossible to ignore this situation under the current circumstances. Gustavo Petro came to be recognized as one of the best congressmen due to his courageous debates regarding "parapolitics" in Colombia and against corruption, particularly in Bogotá. His election was surprising and his government program clashed with the interests of many sectors that profited from lucrative businesses in the capital city. Furthermore, his status as a former guerrilla combatant became a critical point in the controversy and in the opposition to his administration. For this reason, many people, including the recently appointed US Ambassador to Colombia, have seen his removal from office and political demise as harmful to the ongoing peace process.

2 Background to the Negotiated Peace in the 1980s

Negotiated peace is paradoxical because it contradicts the logic of war, in which the parties involved emerge either victorious or defeated. If war were a game, then it would be possible to speak of a tie. In this sense, negotiated peace also contradicts the logic of war, since war is not a game and a negotiated peace is not a tie. Rather, it is a possible solution to an armed conflict in which two (or more) parties reach an agreement that makes them both feel that they have won. For this reason, in order to achieve a negotiated peace it is necessary for at least one of the parties to show strong political will and intelligence, concentrated in a personal or collective type of leadership.

The possibility of a negotiated peace was first envisaged in Colombia during the siege of the Embassy of the Dominican Republic by a commando of the M-19, carried out in order to achieve the liberation of two hundred political prisoners, many of which were leaders of this guerrilla movement.

Jaime Bateman, commander in chief of the M-19, knew that liberating those prisoners would be an act of political suicide for the Colombian Government and President Julio César Turbay, and clearly understood that the objective of the operation would not be achieved. Nevertheless, he found a political solution that would resolve the complex situation peacefully. Thus, the interview Bateman granted to Germán Castro Caycedo on 18 April 1980, in the midst of the siege, showed his conviction that the Government was not going to liberate the prisoners, and, at the same time, his awareness of the fact that a bloodless solution to the siege would carve a new and important path in Colombia. At the time, most members of the M-19 did not immediately understand Bateman's decision, although he tried to show us, with his persuasive rhetoric, that it had been not only a victory but a great victory.

And so it was. Before the Embassy siege, the Turbay administration had mocked the allegations made by democrats and revolutionaries of curtailed freedom, torture, and constant violations of human rights. A few months earlier, when an international journal questioned Turbay about acts of torture of revolutionary militants carried out at the National Army's Cavalry School in Usaquén, he had declared: "I am the only political prisoner in Colombia". The Embassy siege brought about a visit to Colombia by the Inter-American Commission on Human Rights, which dissipated the smokescreen created by the Turbay administration to cover up an aberrant repression that knew no ethical or legal boundaries.

The unprecedented 1980 dialogue between the Government and the guerrillas, which took place in a yellow van, before the whole country, the media, and the international community, went beyond the humanitarian issue of protecting the life of the ambassadors held hostage: it radically changed the political agenda in Colombia from that moment on.

After the peaceful solution to the Embassy siege, Jacobo Arenas, the FARC's main ideologue, also understood clearly that the status of armed rebels had undergone a transformation in Colombia. Armed insurgency had acquired a legitimacy it lacked before, and rebel men and women gained a prominence heretofore reserved for politicians. Arenas' political sagacity was reflected in his complacent attitude toward both the amnesty proposal made by the Turbay administration in order to calm the turmoil caused by the Embassy siege and the creation of the first peace commission, headed briefly by former President Carlos Lleras Restrepo and later by John Agudelo Ríos. The importance of this event was also understood by significant sectors of the university student population, which mobilized, waving the banners of peace.

By the time the next president, Belisario Betancur, took office, a negotiated solution was already a platform for political action used by all guerrilla groups except the National Liberation Army (*Ejército de Liberación Nacional* – ELN). Faithful to the romantic fundamentalism of the 1960s, this guerrilla group believed literally in the "victory or death" mentality. For many years this ideological blindness exonerated ELN commanders from responsibility in the premature death of Father Camilo Torres, who was considered a martyr to the revolutionary cause. It also made them indifferent to the many victims of the megalomania of the group's first commander, Fabio Vázquez Castaño, who, after vile verbal courts-martial, ordered the assassination of the best student leaders that the National University Federation (*Federación Universitaria Nacional* – FUN) produced at the time.

The FARC opted for another path. With a great pragmatism and an also great patience, its founders turned guerrilla warfare into a form of survival and not of dying. They specialized in building comfortable camps and a strong rearguard. The word *resistance* became sacred in FARC jargon.

Jacobo Arenas understood that the new political situation could mean the expansion of spaces for a communist project in which the members of the FARC would not merely be the armed wing of a strategy that included a combination of forms of struggle, with different instruments, but rather, a fundamental part of the political component of such strategy. Thus, in March 1984, the idea of the Patriotic Union (*Union Patriótica* – UP) was born in a FARC camp located in the municipality of La Uribe, province of Meta, and became a national reality in May 1985.

Belisario Betancur's announcement that he intended to make peace, made on the very day of his Presidential inauguration, 7 August 1982, surprised the M-19 during their Eighth Conference, dedicated fundamentally to the creation of a revolutionary army. Serious tensions ensued within the M-19, tensions that were exacerbated by the liberation of guerrilla prisoners thanks to the unconditional amnesty proposed by President Betancur and rapidly approved by the Congress of the Republic. Some of those freed by virtue of the amnesty law thought that it was time to engage in conventional politics and say farewell to arms. The strength of the Betancur administration's political strategy thus threatened to destroy the M-19's military strategy. Bateman then ordered his fellow commanders to leave the country and meet in Panama, where they decided to continue with the military strategy (creation of the guerrilla army) and assume the political aspect (the "broad front") as a tactic.

By that time, the FARC had already held their Seventh Conference, in which, like the M-19, they defined their strategy in terms of the creation of a guerrilla army, the Revolutionary Armed Forces of Colombia—People's Army

(Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo – FARC-EP) . Like Bateman, Jacobo Arenas saw in Belisario Betancur's opening both a great risk and a great opportunity. However, it is necessary to acknowledge the great organizational differences between the FARC and the M-19 in order to understand the fundamental role that, despite the many similarities, those differences played in the decisions that those two guerrilla groups made during that period.

Since its foundation in Marquetalia, the FARC saw themselves as the armed wing of a political project, that of the socialist revolution. Their Leninist preparation gave great relevance to the Party as the guiding instrument of insurgent struggle. But since, according to their analysts, there was no revolutionary or even pre-revolutionary situation in Colombia, a third instrument was required, the Political Front, which became active and changed allies and name depending on the different electoral contexts. This was so because the FARC did not emerge in Colombia as part of the communist project; they were the legacy of the liberal resistance to the conservative dictatorship of the 1950s.

Jacobo Arenas believed that the events deriving from the Dominican Embassy siege opened up a pre-revolutionary situation in Colombia and that it was necessary to create a more stable political front that did not revolve exclusively around electoral issues. In that way he justified to the guerrilla and the Communist Party the creation of the UP.

Bateman, on the other hand, after the blows suffered by the M-19 in 1979 due to the quick and aggressive reaction of the state in response to the theft of over 5,000 weapons that the guerrillas removed from a National Army depot in the Cantón Norte, felt that the political period of armed propaganda was exhausted and that it was necessary to build a rural guerrilla rearguard in order to guarantee the life of the organization and of its strategic cadres under the worst circumstances. Unlike the FARC, the M-19 was an urban movement driven and led by a clandestine organization of political-military cadres.

The Embassy siege and Bateman's political solution to this event, that is, a peace proposal that included the suppression of the Security Statute, amnesty for political prisoners, and a National Dialogue, opened up a path that gave political meaning to armed actions, in what we called “the wars for peace”, whose result was the 1984 Ceasefire and National Dialogue Agreement. What the M-19 hoped for was broader spaces for political mobilization in favour of its democratic project. The Popular Liberation Army (*Ejército Popular de Liberación* – EPL) backed this agreement.

Both the FARC's UP and the National Dialogue supported by the M-19 and the EPL were initially successful. As a political phenomenon, the UP achieved the greatest degree of support for the Socialist project and of representation in legislative bodies, especially in the municipal councils in the FARC's zones of influence. On the other hand, the National Dialogue promoted by the M-19 and the EPL filled the public squares of the country's main cities. Thus, negotiated peace became a clearly legitimate popular agenda. However, this rise of the masses also generated a marked political, military, and social polarization. To this must be added the conflict between the Government, which demanded that guerrillas surrender their arms, and the masses supporting the process, whose response was “no” to the surrender of weapons. Intimidated, the Betancur administration suspended dialogue with the insurgent groups, closing off all peaceful avenues for the political process.

Both strategies had disastrous outcomes. The prevailing regime quashed insurgency during that period by ferociously combining the most cruel forms of repression: the genocide of the UP; the assassination of the Calvo brothers, the main EPL leaders; and the Palace of Justice Holocaust in November 1985, in response to the M-19's armed siege of the facility, carried out to denounce the Government's noncompliance with the agreements. These actions also suppressed popular participation in the peace movement.

3 Negotiation Processes during the 1990s and the Institutional Failure to Protect Peace

On 29 May 1988, the M-19 kidnapped Álvaro Gómez Hurtado. The manner in which this event developed, ending up with the safe liberation of Gómez, ordered by Carlos Pizarro, commander in chief of the M-19, reopened the doors for a new process of dialogue and negotiation with the guerrilla group. Putting his security at risk in a location near Bogotá and protected only by a small commando, Carlos Pizarro contacted all the guerrilla commanders in order to design a joint peace strategy. On that occasion, only Jacobo Arenas understood that this was an excellent opportunity for the guerrilla movement and contributed by offering the zone of La Uribe as meeting site. Nevertheless, the other guerrilla organizations were in the process of serious internal discussions that thwarted any decision regarding joint action. Consequently, the guerrilla summit, held in December 1988, only achieved a bilateral agreement between Pizarro and Arenas to jointly carry on talks with the National Government.

The President at the time was Virgilio Barco, who faced advanced Alzheimer's, as well as a precarious governance situation due to the penetration of institutions by the Cali drug cartel and the harsh confrontations with the Medellín cartel. Because the team closest to the Barco administration saw in the new negotiation with the guerrillas a valuable breath of life for a dying government, they pressured Pizarro to initiate the talks.

Rafael Pardo, the Government's Peace Commissioner, and Carlos Pizarro met for the first time on 10 January 1989, in the province of Tolima. Also present at the meeting were Andrés París and his partner, the daughter of Jacobo Arenas, delegated by the latter to accompany and advise Pizarro in his first dealings with the National Government.

Given the aforementioned circumstances, it was not easy for the Barco administration to initiate a new peace process. The process had to be speedy and the initial declarations had to be forceful in order to generate a climate of trust within the Government and on the part of public opinion. A single wrong step could deepen the government crisis. The declaration signed by Pardo and Pizarro on 10 January, announcing the beginning of a peace process that, if successful, would bring about the demobilization of the M-19, had a positive impact on public opinion, but it also meant the breakup of the incipient alliance between the M-19 and the FARC. It also rocked the M-19, whose militants had not considered disarming as a short-term possibility. Only the authority and leadership of Carlos Pizarro made possible the gradual acceptance of the fact during that year and the development of the guerrilla's transition to legal and open politics, endorsed by the M-19's Tenth and final Conference held in September of 1989, when the process of negotiation and peace agreements was well under way.

The design of the process, which began shortly after that declaration of January 1989, was preceded by the concentration of the guerrilla forces in Santo Domingo, a hamlet in the rural settlement of Tacueyó, a subdivision of the municipality of Toribío, province of Cauca. Access by land was via a secondary road that branched off the main highway connecting the municipal capitals of Caloto and Corinto. That secondary road ran parallel to the Palo River until Tacueyó, and from there to the hamlet of Santo Domingo, there was only an unpaved path. Despite the difficult almost three-hour journey from Cali, along bad roads and a rugged terrain, with strict Government and Army controls, the flow of visitors to the guerrilla camp never ceased during the year of negotiations. The helicopters transporting Government delegates landed on the Santo Domingo soccer field.

The negotiation scheme agreed upon by the M-19 commanders and the National Government's Peace Advisors included several key issues:

	Issue	Participants
a)	Political and social reforms: The issue was dealt with through the mechanism of thematic tables, with the participation of civil society, the Government, and M-19 spokespersons. The package of agreements reached at those thematic tables was then submitted to a political table made up of the political parties, the M-19, and the Government. The table discussed which agreements required enactment of new laws and which could be decided on directly by the Executive.	Close to 1000 citizens, male and female, of diverse provenance participated in the analysis and consensus-building tables held in Bogotá.
b)	Political favourability: This was a special point of the reforms, which the M-19 commanders did not delegate to the spokespersons. A system for the participation of the political movement arising from the agreements was discussed, in order that they could compete in equal conditions.	M-19 command, National Government Peace Advisors, and spokespersons of the political parties with representation in Congress.
c)	Regularization of legal status: Measures aimed at facilitating the political participation of demobilized combatants with legal problems, whether due to ongoing legal proceedings or enforced sentences.	National Government, Congress of the Republic, groups of lawyers specialized in the defence of political prisoners, and M-19 command.
d)	Rehabilitation of zones affected by the conflict. A Peace Fund was created to that effect, which operated similarly to the pre-existing National Rehabilitation Plan (PNR).	Peace Advisors.
e)	Freedom: Warrants for the arrest of all demobilized individuals were suspended, and an extraordinary process for the issuance of citizenship cards and military passbooks was organized in order to guarantee the free passage of former combatants throughout the national territory.	Criminal Procedure authorities (later on, Office of the Attorney General), National Police, National Civil Registry Office, and National Army.
f)	Reinsertion: A program aimed at supporting the reinsertion of demobilized combatants was agreed upon.	Presidency of the Republic and demobilized combatants.
g)	Signature of agreements: 1. Internal M-19 agreement to demobilize. 2. Political Agreement to develop and legitimize the political and social reforms.	Presidency of the Republic, M-19 leadership and troops, Liberal Party, Socialist International, Catholic Church.

	3. Final Agreement.	
h)	Monitoring: By decree, the National Government created the National Normalization Council for monitoring purposes, after the signature on 9 March of the agreements between the Government and the 19th of April Movement, M-19.	M-19 spokespersons, Peace Advisors, Army, Police, Criminal Procedure authorities, Office of the Ombudsman, political parties, media, Catholic Church.

The elements listed above can be grouped into three fundamental issues:

- 1) Political legitimacy of the peace agreement through citizen participation in order to generate institutional reforms that discourage violence. This was the main point.
- 2) Legal, political, organizational, and economic conditions that allow former guerrilla members to participate in politics, without weapons.
- 3) Protecting the life of the demobilized individuals.

The institutional framework in which the process was developed made it impossible to achieve all those points. In the case of the first one, it was necessary to resort to an extraordinary mechanism, that of a Constituent Assembly, in order to carry out the reforms aimed at overcoming the conditions of violence generated by political exclusion, the lack of guarantees for the exercise of rights, and the state's inability to deal with crime. Although a pardon law, Law 77 of 1989, was approved in order to make the second point possible, the favourability needed to compensate for the former combatants' disadvantages when competing in the traditional political arena was not achieved. The newly demobilized combatants were forced to compete in harsh conditions of inequality with experienced politicians backed by political machines designed specifically for electoral purposes. With respect to the third issue, although protection schemes were put in place, sophisticated paramilitary organizations were able to assassinate Carlos Pizarro, main architect of the peace process and presidential candidate for the nascent political party. Only the will of the demobilized combatants and their conviction that the only way to defeat the reactionary sectors was to persevere along the path of peace was able to overcome the state's evident inability to protect the lives of former guerrilla members.

4 Negotiation Models: Comparing the M-19 and the FARC

After the second point of the Havana agreements was signed by the FARC and the National Government in early November of 2013, some have asked whether the FARC are merely reediting the 1990 peace process with the M-19. The second point includes the "surrender of arms" as one of the commitments of the guerrilla group in case of a successful process. It also includes the issue of political favourability, which would be achieved by means of a special electoral district for marginal zones affected by the violence, where the FARC surely have a clear influence.

These two commitments provide a glimpse of something unthinkable in a guerrilla organization that had made arms its main *raison d'être*, the guarantee of its resistance, and the emblem of its rebellion. Besides disarmament and the transition of the guerrilla and its grassroots organizations to electoral politics, there is another element that coincides with the M-19 process: an upcoming, important electoral event marked by contradictions within the establishment's forces, regarding whether the solution should be the negotiation proposed by President Santos or the continuation of the war defended by former President Uribe. The following comparative table makes it possible to get a general idea of the similarities and differences between the two peace processes.

Negotiation Scheme with the M-19	Negotiation Scheme with the FARC
Peace negotiations were carried out in Colombia. There was assistance from the international community only at the end.	Negotiations are being conducted outside the country, with ample support of the international community.
Negotiations were carried out after a ceasefire, according to a scheme of guerrilla concentration and separation of forces.	Negotiations are being carried out without cessation of hostilities.
The agreement process was conceived at different levels: agreements with civil society, agreements with political parties, and agreements with the different institutions.	The agreement process follows a linear agenda, under the general condition that “nothing is agreed upon until everything is agreed upon.”
The agreement process deepened the institutional crisis, for which reason it was necessary to resort to an extraordinary mechanism: the Constituent Assembly.	The agreement process must strengthen institutions by integrating regions and persons into the social state, subject to the rule of law.
One of the terms of the initial agreement was the surrender of arms by the M-19; the weapons were melted down and all of the guerrilla's war materials were destroyed.	One of the terms of the second point of the agreements is the guerrilla groups' surrender of arms.
The elections in 1990 contributed to speeding up the signature of the final agreement.	The elections in 2014 are speeding up negotiations.
The National Government fostered the inclusion of a seventh ballot paper in the 1990 elections for legislative bodies in order to legitimize the summoning of a Constituent Assembly.	The National Government wants to hold a referendum for peace, linking it to the electoral process.
The pardon law was passed quickly with no political opposition in Congress.	The mechanisms to resolve the legal situation of those members of the FARC convicted for heinous crimes and drug trafficking are not clear and are fiercely opposed by Uribe's movement and sectors of the international community.
A special electoral peace district was agreed upon in order to facilitate the transition of guerrilla members to peaceful political competition. However, it was not implemented since the reform package agreed upon in 1989 failed to pass in Congress. Consequently, the demobilized members of the M-19 had to compete in the same conditions as the traditional forces.	A special electoral district for marginal regions was agreed upon. It remains to be seen whether said district will be approved or not by the planned referendum, or directly by the Congress of the Republic.

5 Inclusive Participation in the Negotiations between the Government and the M-19

Thanks to the high level of popular mobilization after the experience of the Betancur administration between 1984 and 1985, new participation mechanisms were generated in 1989: 12 M-19 delegates with no pending criminal proceedings against them were mandated to represent the organization in order to reinvigorate the negotiation process, and "Peace Houses" were established in the cities so that the M-19 could use the symbolism of the process to relate directly to those wishing to embrace its cause. The Barco administration preferred an isolated location, with difficult and controlled access by the population, as the venue for negotiations with the M-19: the small hamlet of Santo Domingo, high up in the central mountain range, far away from any of the country's urban centres, and posing no challenge for the military. Nevertheless, Santo Domingo was more than the negotiations site; it became "a citadel of peace", as a journalist called it, a pilgrimage destination and a meeting and reference point for many sectors who sought to join the peace process: trade unionists, peasants, the indigenous population, students, researchers, clergymen, poets, musicians, and politicians who came together to discuss politics, sing, party, study, dream, and design projects. The Analysis and Consensus-Building Tables were created as participation mechanisms and spaces for the discussion and collection of proposals for political, economic, and social reforms from different national sectors. The legitimacy of these proposals was to be confirmed by the prevailing power mechanisms, basically Congress and the Presidency, in a Pact for Peace and Democracy. For the current negotiations with the FARC, however, the Government has selected a foreign country, a decision preceded by the bad experience of the Caguán peace talks.

However, it is neither possible nor convenient to isolate a negotiation process, limiting the negotiating table to the Government and guerrilla representatives, because a peace process has a political content that affects the entire population. Furthermore, in order to be legitimate, a peace process has to be endorsed by the population and, once demobilized, the guerrilla members will need social spaces and political support in order to compete in the political arena, without weapons. This is why analysis and consensus-building tables were established in the 1989 peace process, and also why the Government is allowing thematic forums in the current process.

With respect to the Left, its participation in the M-19 peace process was fragmented due to the absence of the FARC. Communists saw the peace process with the M-19 as a government strategy to combat the FARC and had strong reservations about the process. In contrast, the democratic Left showed great interest and sympathy for the process with the M-19, and supported it with increasing decision, until it joined the political option that emerged out of the negotiation and the constitutional process.

This constitutional process undermined the unity of the FARC's Simón Bolívar Coordinating Body, which, commanded by Jacobo Arenas, had decided not to join the M-19 peace process. Bernardo Gutiérrez, a former FARC commander in Urabá, who had abandoned his organization years before to join the EPL, began having contacts with the Government, specifically with Rafael Pardo, to explore the possibility of a peace process. At that moment, Bernardo Gutiérrez was the most prominent representative of the line led by Ernesto Rojas and William Calvo, very close to the M-19, and who had dared to suggest a Constituent Assembly during the Betancur process in order to settle and agree on a lasting and inclusive peace process. Gutiérrez's peace efforts bore fruit: most of the EPL, as well as the Colombian Communist Party – Marxist Leninist (*Partido Comunista de Colombia – Marxista Leninista – PCC-ML*), a Maoist-oriented party, opted for the path of peace. However, the pressing political temporalities trampled the organic temporalities of this insurgent expression. Before an internal consensus was reached, they were forced to sign an agreement that excluded the faction to which Francisco Caraballo, renowned leader and founder of Maoism, belonged.

Other guerrilla groups followed the path opened up by the EPL: the Workers' Revolutionary Party (*Partido Revolucionario de los Trabajadores – PRT*), a Marxist-Leninist organization with a small armed command, operating in the province of Sucre and the south of the province of Bolívar, and the Quintín Lame Armed Group, an insurgent

group representing the Nasa or Páez indigenous population and operating in the province of Cauca, whose centuries-old struggles, first during the Conquest and Spanish domination and then against the landowners who took over the region, had allowed the Nasas or Paeces to maintain their autonomy and community life.

During the final stages of the Constituent Assembly, the FARC decided to show their willingness to participate in the nation that was emerging out of this process. The absence of Jacobo Arenas, who had died of natural causes in August 1990, and the military attack on the facilities of the FARC command in the municipality of La Uribe, province of Meta, when participation in the Constituent Assembly was being voted on in December 1990, threatened to marginalize the FARC politically. The siege of the Spanish Embassy by a FARC commando and the pressure exerted from within the Constituent Assembly forced the President of the Republic, César Gaviria, to initiate a new process in Caracas (Venezuela). The greatest novelty of this new rapprochement was the first-time presence of the ELN and of the Caraballo faction of the EPL.

But neither the Government nor the FARC felt at ease in this new space. On the one hand, the Government felt that it was dealing with representatives of guerrilla strongholds that did not deserve to sit at a negotiating table and that it was possible to destroy or defeat them on the battlefield. On the international front, the fall of state socialism in the countries of Eastern Europe and the collapse of the Soviet Union were quite unfavourable for Colombian guerrillas. Furthermore, the recent guerrilla demobilizations and the renewed legitimacy of the Colombian state, on the domestic front, generated an exaggerated optimism in the Government team. The FARC, on the other hand, felt that this process lacked grandeur and that it was simply an extension of what other guerrillas had already done. The only group who seemed to be comfortable was the ELN, who began lifting the veil of its guerrilla fundamentalism with this experience of dialogue.

The death of Argelino Durán, an important Conservative politician from the province of Norte de Santander, who had been kidnapped by a commando of the Caraballo faction of the EPL, precipitated the suspension of the talks, which had relocated from Caracas to Tlaxcala (Mexico). This suspension became a breakdown and the breakdown led to a relapse into war.

6 Legitimation of Peace Agreements from the 1990s to the Present

As we saw above, the peace process between the Barco administration and the M-19 commanders was saved thanks to popular support, the demobilized guerrillas' desire for peace, and the Constituent Assembly. The enactment of the new Constitution began to definitely undermine the bipartisan regime that had prevailed for over 140 years.

The design of the new political force that emerged in the electoral process following demobilization in March 1990 also contributed to the deepening of democracy. That force expanded during the elections to the Constituent Assembly with the creation of the M-19 Democratic Alliance (*Alianza Democrática – ADM-19*), which continued to develop after the enactment of the new Constitution and the electoral processes deriving from it. The ADM-19 was an attempt to overcome party positions and generate a pluralist force in which people from the traditional parties, the guerrilla groups, the Left, the unionist movement, private business, academia, the arts, the world of sports, indigenous communities, and people without a party could rally around the objective of peace and democracy. In a country used to arguing from radically opposed positions, this effort provoked criticism since it was believed to lack an ideology and political grounds. However, it obtained positive results in broad sectors of the population who had a different interpretation. After obtaining one third of the votes for the Constituent Assembly, the ADM-19 won 10% of the votes, or 22 congressmen, in the elections held after the mandate of Congress was revoked. This was a significant figure, considering that it was the result of popular and nonpartisan votes, which challenged the political machines of the traditional forces that began operating once again. Nevertheless, as a result of the expectations generated by the numerous votes obtained in the elections to the Constituent Assembly, the ADM-19

was not very happy with these results. Efforts were made to build a modern political organization, but attention was focused on the subsequent electoral campaigns, which had positive results in some municipalities, and on legislative actions. Thus, the results were poor in terms of building and consolidating a political and citizen force capable of channelling and giving life to the enthusiastic and positive reception of an alternative project in the small municipalities and regions of the country. On the other hand, those of us who sought to develop the Constitution in the legislative bodies were a clear minority in Congress, since the Government, who had just signed the new Constitution, established an alliance with the traditional political majorities, which opposed the renovation, in order to push forward its economic liberalization project.

The pluralist nature of the ADM-19 was never an obstacle to the consolidation of a new political force, since those individuals coming from different sectors of the Left were willing to contribute to the consolidation of the movement, though an increasingly inclusive political and organizational dynamics would have been desirable. Rather, the difficulties encountered in attempting to consolidate this force arose from the necessary learning process entailed by the transition from fighting the regime from the outside, as a force of change and renovation regarding objectives and behaviours, to acting in settings controlled by the traditional forces. And perhaps the possibilities offered by having an active minority in Congress, possibilities that had to be enhanced and projected, were underestimated. Only time and experience made it possible to fully appreciate the meaning of each seat in Congress, in terms of the construction of an organization that would take on the development and defence of the Constitution as a whole.

It would also be worthwhile to assess the results and contributions made at the local level, where former combatants or members of the new forces showed successful performances as Mayors, as well as the emergence of new civil society expressions and citizens' movements in favour of peace, which were only made possible by the peace process and its effects.

The boom of the drug-trafficking business, fostered by the corruption of traditional politicians, and the beginning of a new war prevented the democratic opening from consolidating the regime proposed by the new Constitution. However, in cities like Bogotá, the effects of the democratization facilitated by the new Constitution were felt strongly. New political options and civil society expressions arose, and entities such as the Constitutional Court prevented those projects that radically opposed the reforms from prevailing, thus allowing for the development of the Constitution.

Public opinion in favor of peace also played an important role during this period. Even in those moments of greatest anger against illegal armed actors, whether paramilitaries or guerrillas, and in those of the greatest optimism on the part of state regarding its possibility of achieving an absolute victory, the good judgment of public opinion managed to prevail and focus the peace policy on a negotiated solution.

All of these events, and the attitude of the Colombian population, exhausted by the decades-long violence gave great legitimacy to the peace process with the M-19, which was endorsed by other guerrilla movements and the constitutional agreement of 1991.

However, the situation has changed significantly in 20 years. The popularity of the FARC is almost nil, and the conviction that it is impossible to win the war and defeat the insurgents has broken down due to the strategic victories obtained by the Colombian state in 2008, when the rearguard of the FARC suffered severe blows, despite the fact that its main strength was the ability to build solid rearguards in rugged and isolated locations. Subsequently, the death in 2010 of Mono Jojoy, the main military leader of the FARC, during a surprise attack to a bunker close to the Serranía de la Macarena, a mountainous area controlled by the guerrilla, and that of new FARC commander Alfonso Cano and a small group of combatants in November 2011, provided clear evidence that the FARC's armed power and military initiative were debilitated.

The international situation has also become unfavourable for Colombian insurgency. The successes of the new Latin American Left show that it is possible to come to power and maintain it without resorting to arms. Even the most radical Left, such as that represented by leaders like Chávez in Venezuela, understood that friendship with the FARC could become a threat and a pretext for intervention by the United States, instead of benefiting their political

projects. To this must be added the emergence of justice as an autonomous actor, represented by entities such as the International Criminal Court at the international level, and, in Colombia, by spaces that did not exist prior to the enactment of the Constitution of 1991, such as the Constitutional Court and the Office of the Attorney-General of the Nation. Given this situation, the space for legitimacy of a possible agreement with the FARC is much more precarious than the one faced by guerrilla groups in the 1990s. Only the sound judgment of the FARC's leadership, their sense of reality, will make this peace agreement and its legitimacy possible. The leadership of Timochenko, who continued with the exploratory talks with the National Government despite Cano's death, is a reason to hope that such sound judgment does exist.

The FARC have proposed and insisted on the fact that the way to legitimize the potential agreements reached at the negotiating table in Havana is a Constituent Assembly. The National Government, however, has emphatically reiterated that there shall be no such Assembly, and it has proposed the referendum mechanism, which has already been approved by Congress and is awaiting the ruling of the Constitutional Court. In September 2013, Iván Márquez officially voiced the FARC's dissatisfaction with the unilateral manner in which the referendum issue was handled, without its having been agreed upon at the table. They are also dissatisfied with the issue of the Legal Framework for Peace, a law that has already received the blessing of the Constitutional Court, and which partially resolves the issue of the application of transitional justice mechanisms for those who demobilize as a result of the possible peace agreement. The fundamental critique to this legal framework is that it exonerates state perpetrators of crimes against the population from all responsibility, and places all responsibility for violence on the members of the guerrilla groups. The most substantial critique to the referendum was voiced by the Uribe movement's belief that if the referendum is held when the FARC have not yet disarmed, the mechanism could be challenged through the coercion the latter could exert on the voters, particularly in those zones where the FARC have direct influence.

7 Internal Inclusivity: Guerrilla Structures within the M-19 and the FARC

Every guerrilla structure has a vertical organization, as is the case with all organized armed forces, whether state or anti-state. Experience, commitment, loyalty, courage, knowledge, charisma, and need are the factors that determine promotions within the guerrilla structure, and they are acknowledged by means of the different ranks granted, which highlight capacity, responsibility, or status.

Guerrilla troops are constantly changing, by nature. Guerrilla foot soldiers cease to be so through promotion, voluntary and accepted withdrawal, expulsion, desertion, or death, whether in combat or, more exceptionally, as punishment for very serious transgressions. This happened within the M-19 and it is currently happening within the FARC and the ELN. Thus, guerrillas are not organizations of equals. Inequality is, of course, qualified by codes that defend the rights of all guerrilla members, and by collective spaces, such as guerrilla assemblies, where combatants may voice their problems, situations, and even complaints and accusations against their direct commanders or their superiors.

However, politics is not actually practiced that way within guerrilla groups. In the case of the M-19, a political and military movement, substantial political issues were designed and decided on in the Conferences and then refined at smaller collective levels: the National Directorate, the High Command, and the different Commanders. In difficult consultation situations, the guerrilla's power was concentrated in the General Commander.

That is what happened with the initial peace decision, which was in the hands of the General Commander of the M-19 in January 1989, Carlos Pizarro. The decision was then gradually endorsed, first in a national leadership meeting held a few days after the signature of the initial agreement, and later, in August of the same year, in an extended Conference that included all guerrilla officers, that is, from regional leaders and squadron commanders or lieutenants on up. It is also important to point out that in 1989, not everything was militarized within the M-19;

there were cadres that worked exclusively in politics, and others that combined politics with military activity, as well as clandestine cadres dedicated to special intelligence or logistics tasks, which did not belong to the identified structure. The National Conferences brought practically all those cadres together.

The decision in favour of peace was almost unanimous in the August 1989 Conference. Only two officials (two lieutenants who belonged to the guerrilla army and the militias) opposed the peace process. By consent, they were removed from the M-19, and they joined the ELN. They were later expelled from that organization and joined a drug-trafficking sector in Valle del Cauca, where they created a movement named after the M-19's first commander, Jaime Bateman Cayón. The movement had a brief period of success but then declined, and its members ended up joining the Sixth Front of the FARC, with they who had been in the kidnapping business. Some of them are still there.

With respect to the creation of a political movement for the practice of politics during the post-conflict period, the M-19, conceived itself, from the start, as the armed wing of a popular movement whose articulation with the guerrilla movement was sometimes explicit, through clear organic channels, and sometimes not. This was so from the moment of its birth with the The National Popular Alliance or (*Alianza Nacional Popular – ANAPO*), and then with ANAPO SOCIALISTA, FIRMES, the Broad Front during the Betancur amnesty, until the creation of the M-19 Democratic Alliance, which was the name adopted by the coalition of forces that arose after the peace agreements. There were also countless regional movements, such as *Inconformes* in Nariño, or the citizen movements in Yumbo and Zipaquirá, in which most of the dissatisfied population participated under the leadership of the M-19. Thus, different types of leadership instances arose, both within and outside the M-19's organic structures, which were activated openly by the demobilization process.

The M-19 also established connections with social movements, especially with the student and worker movements. Later on, in the early 1980s, it established relations with the peasant and indigenous population movements, as well as with the intellectuals, that is, journalists, artists, and professors who identified with the M-19's democratic project although they did not belong to a structured militancy. However, they were willing to participate freely and sporadically in different tasks. And, of course, the M-19 had connections to other political organizations besides the other guerrillas, as well as to some traditional party leaders and unarmed Leftist organizations.

Furthermore, the M-19 gave weight to public opinion. As opposed to the FARC, who thought that public opinion was a creation of the hegemonic power sectors, operating through the media and other ideological domination mechanisms, the M-19 always believed that despite the manipulation of conscience by the governing power, human beings maintain a critical capacity that allows for the exercise of freedom and the capacity for change, even in the worst conditions of subjection.

All of this explains why, despite the errors made, the greatest of which was the Palace of Justice siege, the margin of acceptance and sympathy for the M-19 in 1990 was still large enough to allow it to contribute strongly to the construction of a movement that offered an alternative to the traditional parties. It also explains why its decision to demobilize, though made on its own, independently of other guerrilla groups, contributed to the rapid recovery and expansion of that acceptance and sympathy.

On the other hand, the ideology of the M-19 was never dogmatic; rather it was a marked by constant searches and findings. Since its foundation, when it recognized that Colombian national history featured a tradition of struggle that could serve as the basis for current struggles, without subordinating them to international movements, until it reached maturity as a movement and found the essence of the revolution that Colombia needed (and needs) in peace and democracy, the leaders of the M-19 kept an open mind with respect to options beyond the Socialist field. This openness and freedom of thought generated a strong leadership that did not fade, but rather became stronger.

The same could occur in the case of the FARC. In fact, during the past 30 years, the FARC have carried out an important inquiry into their identity as political actors. From the agreements of La Uribe, to the creation of the UP, the Bolivarian Movement, and the Clandestine Communist Party, they have conducted a search, legitimized by their

need to adjust efficiently to the evolving context and to the basic sense of political survival. Along this path, they have encountered unexpected phenomena, such as the Patriotic March (*Marcha Patriótica*), whose emergence was not a deliberate creation of the Secretariat, but rather the initially spontaneous expression of a marginalized peasant movement that originated in the zones most recently subject to colonization.

Also part of this context are mass expressions such as the Comprehensive National Student Board (*Mesa Amplia Nacional Estudiantil* – MANE), which managed to defeat the Government's proposal aimed at strengthening the privatization of higher education even more, and the 2013 farmers' strike. These new realities are showing the insurgent movement that it is not possible to generate broad, vigorous movements if they are bound to the strategies of armed organizations. They are proof that mass movements should be free and that arms do not guarantee the protection of these movements. All of these lessons learned make possible the sound judgment of the FARC leaders in the context of the possible peace process.

These reflections have not yet addressed the issue of the fate of guerrilla troops in demobilization processes, since the fact is that, with a few exceptions, it is the leaders that have greater possibilities of political activity, whether they come from mid-level or higher structures. For this reason, the reinsertion, or reintegration, or whatever one might choose to call the former combatants' process of return to civilian life has to be addressed as a special dimension of peace. While the political option is a possibility, it is not the only one. Another option is for those former combatants who are at greater risk to continue armed activity as members of protection schemes (bodyguards). In processes such as that of El Salvador, the reconstruction of the armed forces opened up the possibility of continuing to bear arms within a legal institution. This does not seem to be a possibility in Colombia, where the end of the conflict will most probably entail the downsizing of the National Army. However, it might be possible to think about new armed institutions that contribute to citizen safety in some zones.

Ever since the 1990s, the National Government has insisted on generating productive projects by providing loans, advisories, market searches, and capacity-building for demobilized individuals. Despite the failures of this line of action during reinsertion processes, the National Government insists on it, on the basis of the few, exceptional success stories.

Although we do not radically oppose that option, we believe that one of the best investments that can be made during the reinsertion or reintegration of former combatants (and of entire regions) is in education. In this respect, it is important to highlight Colombia's successful experiences with high school programs associated with peaceful conflict resolution and the generation of a culture of peace. Worth mentioning are also higher education programs, such as the Universidad del Valle's undergraduate program in political studies and conflict resolution, or the experience with the Escuela Superior de Administración Pública (ESAP), which facilitated the admission of former combatants to public administration programs.

8 Peace Processes as Opportunities for Political and Social Inclusion: Lessons from the 1990s and Current Challenges

Given that the ultimate cause of any situation of violence is exclusion from political, cultural, economic, or social life, all peace processes should expand the levels of inclusion in those spheres. However, this does not occur spontaneously. We have already seen how the peace achieved in the 1990s found in the drug-trafficking phenomenon a fierce enemy of the expansion of democracy. The oligarchic domination structures were rocked by the appearance of emergent sectors strongly linked to the drug economy. The mutations of that economy are amazing and have adapted easily to the Colombian political regime, which is driven by what is known in popular jargon as *roscas* or cliques, which Álvaro Gómez Hurtado defined very aptly as the way in which complicities with mafia structures are created, maintained and perpetuated.

The belief that drug trafficking has been a channel for democratization in Colombia because it allowed hitherto excluded sectors to climb socially is belied by wealth concentration indexes, especially those regarding land ownership. In those territories where drug trafficking thrives, state presence is fragile and the mechanisms for regulating economic relations are characterized by a strong component of violence. There may have been shifts in power and properties may have changed hands, but the concentration of wealth and social and political exclusion have increased steadily.

This happens not only in isolated regions. Cities like Medellín and Cali, the second and third largest cities in the country, still have been unable to consolidate institutions strong enough to overcome territorial hierarchies based on force rather than on law. The Center for the Study of Law, Justice, and Society published in 2012 an interesting article titled "Crime, Armed Conflict, and state in Colombia, Mexico, and Guatemala".¹ The authors show clearly how the democratic state has gradually deteriorated due to mafia structures in countries where there has been no armed conflict, for example, Mexico, or where the insurgent armed conflict has been resolved like in Guatemala:

In Colombia —which is simultaneously experiencing conflict and post-conflict — violence has begun to transform itself, becoming similar to the criminality found in Mexico and during the aftermath of the war in Guatemala. Thus, it is not possible to talk about the 'Colombianization of Mexico (or Guatemala)'; perhaps what is actually happening is the 'Mexicanization of Colombia'. This does not mean that the drug-trafficking phenomenon is exactly the same in both countries (as shown by the differences in the production chain), but it does mean that the impact of the drug-trafficking phenomenon on common crime is increasingly similar.

The comparisons drawn among these three countries are heavily influenced by the terrorist acts that have been perpetrated over the past few years in some parts of northern Mexico, and to a lesser extent, in Guatemala. Journalists concentrate on these facts; they observe that such attacks were frequent in Colombia in the past and then infer that Colombia is overcoming the drug-trafficking problem, while Mexico and Guatemala are not. However, this reading of the situation only indicates, at most, that the Colombian State has been successful in reducing the large-scale terrorism of the cartels, but not that it has managed to reduce drug trafficking or its social and institutional effects.

Fully aware of the fact that defeating drug trafficking was an essential aspect for the consolidation of democracy, the M-19 managed to introduce the issue in the political agreement that put an end to the confrontation 23 years ago. Point six of the agreement included the creation of a study commission to this effect, but that commitment was never complied with.

The ongoing negotiation process with the FARC creates a new opportunity to address the issue, which goes beyond the connection between mafia structures and guerrilla structures. The legal proceedings against "narcopolitics" and "parapolitics" show that this is a structural obstacle to the establishment of democracy in the entire Colombian territory, including the big cities, and not merely a marginal problem of marginal regions. These structural difficulties do not refute the progress achieved. The current political crisis of democracy is not the same as the crisis that gave rise to the bipartisan model. While it is true that the two traditional parties have not disappeared, they are no longer hegemonic political institutions. New political options, of which the strongest are situated on the right of the political spectrum, have begun to sketch a new map. The case of Bogotá deserves special attention, not only because it is unique, but also because of the fact that it is the country's capital. Leftist options were able to show their validity, despite the manifest corruption scandal that the administration of the capital city suffered due to the "contracting cartel" during the administration of Samuel Moreno. It is very likely that these options will become stronger when the FARC and the ELN surrender their arms.

¹ www.dejusticia.org/bodega/files/r2_actividades_recursos/fi_name_recurso.243.pdf [accessed 5 May 2014]. Original quote translated from Spanish.

9 Expansion of Local Democracy: A Necessary Integration of Marginalized Regions and Zones

In a lecture given at the *Universidad Externado de Colombia* on May 14, 2013, Sergio Jaramillo, High Commissioner for Peace of the Juan Manuel Santos administration, stated that peace would not be signed in Havana, but rather an agreement to transition to peace, and that the central issue of that transition would be the territorial problem.

The truth is that neither the Constitution of 1991 nor the Commission created for that purpose were able to envisage a new territorial ordering aimed at regional development. Today, it is clear that those territorial developments must be strongly linked to the consolidation of a stable and lasting peace.

Of course it will be difficult to separate the territorial problem from issues such as drug trafficking and rural development. As we stated above, the power of drug trafficking is still enormous and it affects the state, the economy, politics, and society of those regions as a whole. However, the definition of territorial areas is not limited to Arauca, Catatumbo or Putumayo. The epicentre of the Pacific region, from the San Juan River basin to the Mataje River, is the city of Cali and the entire province of Valle del Cauca. The epicentre of the Atrato, Sinú, San Jorge, and Lower Cauca River basins is Medellín. Would it be possible in the current circumstances to think of these vast marginal territories without thinking of the urban areas where there are strong expressions of violence, with increasingly powerful and sophisticated ways of masking their methods and actors?

Of course it is necessary to begin with the traditional marginal areas of our national border regions, the Amazon and Orinoco regions, the Pacific coast, and the jungles of Catatumbo, as well as the internal borders separating regions, such as the zone between the savannahs of the Caribbean coast and the Andean region, known as "the south" of the provinces located on the Atlantic coast.

This is the only way to address those structural problems that will not be solved exclusively through a peace agreement. If peace is to be possible, it must be a modest peace that does not claim to be able to solve inherent or structural problems – not even in 10 years of transition. Yet it cannot be blind. It must be firmly rooted in its context, because even if it is true that the armed conflict has only two groups with whom it is currently possible to enter into dialogue and agreements, the ELN and the FARC, the situation of violence that nurtures, explains, and sometimes justifies the perpetuation of the armed conflict, cannot be ignored during the transition process.

Those who oppose the peace process with the FARC have enormous political and economic power, efficient means of communication, presence in the regions, and national leaders such as former President Uribe. Therefore, the extreme right no longer expresses itself through criminal organizations. Their strongest expression lies in the borderline between legality and illegality, between institutionalism and marginality, from which the leaders of the Uribe movement draw their support and where they move with the greatest ease. This political option is firmly anchored in important social, political, and institutional power sectors. Thus, it is also necessary to generate a process for the reintegration of those sectors into institutional life. It is essential for those sectors, whose interests are currently voiced by the extreme right or by powerful business groups, to reveal themselves and set forth their proposals, aspirations, and fears directly and openly. But they must also have some guarantees so that they may abandon their clandestine activities and never-ending violence.