



# Colombia: Nobel present, uncertain future

by Lorena Ruano

On 2 October, Colombians narrowly voted against the peace agreement that the government and the FARC had reached on 24 August to end the country's civil war. The conflict has lasted half a century, led to more than 220,000 casualties and 6-8 million internally displaced people, increased inequality and hindered development. After four years of protracted negotiations to end the longest armed conflict in Latin America, the final deal was put to a referendum as a way to overcome intense opposition led by former president Álvaro Uribe.

Its rejection by the narrowest of margins (50.2% to 49.8%) throws the country and its peace process into a state of uncertainty because, as President Juan Manuel Santos had warned, there is no 'Plan B'. The international community (including the EU), which had supported the process and championed the peace agreement, had to put on hold their plans for assisting in its implementation.

Nevertheless, on 7 October President Santos was awarded the Nobel Peace Prize. For their part, the government and the FARC issued a joint statement stressing their commitment to continue with the peace plan and maintain the bilateral ceasefire. It is unclear, however, how far they can go without wider political support. They have signalled their intention to listen to opposing voices to improve on the deal – but in what format and under what new conditions?

## Where from

The conflict in Colombia dates back to the 1960s when the FARC, a Marxist rural guerrilla organisation, challenged the government with demands for land reform, wealth redistribution and a revolutionary agenda that echoed other guerrilla movements in Latin America. By the end of the Cold War, most revolutionary guerrillas in the region had disappeared. In Colombia, however, the FARC and other armed groups like the ELN remained formidable opponents, as they controlled a sizeable amount of territory and diversified their sources of income by turning to organised crime, extortion and drug trafficking (Colombia became the main supplier of cocaine to the US). The weakness of the state led rural communities and landowners to create paramilitary forces in order to defend themselves, which, in turn, also committed serious crimes against civilians and engaged in extortion. During the 1980s, the conflict entered an acute phase, as violence – including acts of terrorism and high-profile kidnappings – spread from the remote sierras to Bogotá, Medellín and other major urban centres.

It was in this context that the US put in place Plan Colombia in 1999: a massive injection of money, armaments and intelligence to build up state capacity in order to fight the guerrillas and the *narcos*. The last attempt at peace negotiation – under Carlos Pastrana in 1998-2002 – only

produced a limited ceasefire and ultimately gave breathing space to the FARC and the ELN, which allowed them to regroup and resume fighting. As a result, in 2002, Colombians elected Álvaro Uribe, who promised a hard-line approach towards the guerrillas. Together with Santos, then his defence minister, Uribe relentlessly fought the FARC for nearly a decade and came close to defeating them militarily. In 2012, knowing they could no longer win the war, the FARC agreed to the negotiations proposed by the newly-elected President Santos.

## Un-done deal?

Last month's peace agreement was widely acclaimed internationally. It consists of a detailed document of nearly 300 pages with four main points.

First, it addresses the FARC's longest standing demand: a government plan for land reform and rural development. The second point, on demobilisation and disarmament, commits the FARC to cease involvement in drug trafficking. Although many questions remain about their feasibility, these two points were relatively well accepted by the entire population and are also likely to generate financial support from the international community. The third point, regarding transitional justice, and the fourth, about incorporating the FARC into the political system, were highly controversial and strongly opposed by a vocal section of the public, which regarded them as a form of 'impunity for the FARC'.

With regard to transitional justice, 74 judges (15 of them from international institutions) were to constitute a Special Peace Tribunal that would be provided evidence from the attorney general's office. Defendants who confessed to crimes – not just the FARC, but also the armed forces and the paramilitaries – were to face a maximum of eight years of 'effective restriction to liberty', while those who refused to confess but were found guilty would go to jail. With regard to political participation, FARC leaders might – if allowed by the Tribunal after their confession of guilt – run for office: in fact, ten seats were set aside in the next two legislatures for their future political party, while 16 seats in areas affected by the conflict were reserved for local candidates.

The prospect of allowing, at least in theory, FARC leaders found guilty of crimes against humanity to stay out of jail and even hold seats in parliament was deemed unacceptable to those who opposed the peace deal. It is, however, hard to see how the FARC leadership would have agreed to a deal that would send them to prison. Although Santos insisted that this was the best deal that was politically possible, the opposition's views prevailed in a referendum

characterised by low turnout (less than 40%), a wafer-thin margin (less than 54,000 votes) and a sharply divided electorate.

## Where to

What comes next is anybody's guess. Although the referendum is not constitutionally binding, it would be hard to implement key parts of the agreement against the will of half of the country. So far, both the government and the FARC have issued statements showing restraint and stressing their commitment to further pursuing peace with the support of the international community (the ceasefire itself has been provisionally extended until the end of this year). The negotiating *process* seems indeed to have produced a new dynamic, and fighting does not appear as a viable option now for the FARC. Still, without a comprehensive deal, the group's disarmament is not going to materialise quickly or easily. What was supposed to be the final stage of the peace negotiations has now become just one additional step in a longer process that must now accommodate the critics.

The EU, just like other international partners, has been taken aback by the referendum's result but maintains its support of President Santos and his pursuit of peace. Colombia shares the Union's positions on many regional and global issues, from free trade to climate change, and it is the EU's fourth biggest economic partner in Latin America. A Multi-Party Free Trade Agreement between the EU and Colombia and Peru (Ecuador is to join soon) has been in force since 2013, further boosting trade and investment.

The bilateral political dialogue is wide-ranging, and Colombia is also a partner in CSDP through the 2014 Framework Participation Agreement. EU development aid is focused on issues related to overcoming the armed conflict (human rights and rural development), with a budget of €67 million for 2014-2017. And the EU has already pledged financial assistance for peace implementation through a trust fund that brings together resources from the EU and willing member states.

On 4 October, the EU chose to maintain the suspension of sanctions against FARC to support the peace process, and while the possibility of putting the trust fund on hold is being discussed, there is still hope that the deal can be salvaged. The Nobel prize may potentially act as an incentive to perfect the deal and finally give peace a chance.

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