

# Peace Processes in Colombia: International Third-Party Interventions

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## Abstract

*This article aims to further understand conflict resolution in Colombia by analysing a topic that has thus far been largely neglected in scholarly analysis: international mediation. It explains that third parties have been involved for three decades, given different roles, and have been more or less accepted by both non-state armed groups and the government. The paper focuses on peace processes between the Colombian government and the oldest and largest guerrilla groups: the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP, hereafter FARC) and National Liberation Army (ELN). Understanding past initiatives is necessary in order to comprehend and support the current peace talks between the government and the FARC, in which third states are involved. Employing Carl von Clausewitz's conception of the relationship between the "aim", the "ultimate objective" and the "means" helps to assess the international contribution to peace negotiations. On the one hand, the article examines the interests of the parties to the conflict, as these are the factors that define foreign intervention. On the other hand, it studies the approach and methods of mediators to assess their strengths and weaknesses. It concludes that the interest of the parties to the conflict was often to have an international presence and ongoing negotiations for the sake of legitimacy, rather than to reach a final peace agreement. This resulted in serious limitations to the third parties' mandate.*

**Keywords:** Colombia; FARC; ELN; mediation; conflict resolution; Clausewitz; interest-based action; rational actor approach

## Introduction<sup>1</sup>

While the Colombian armed conflict has been ongoing for nearly fifty years, and has witnessed numerous peace processes, no peaceful and sustainable solution with the oldest and largest illegal armed groups opposed to the government - the FARC and ELN<sup>2</sup> - has been found. The Colombian

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<sup>2</sup> United Nations (UN) (n.d.) (2011). United Nations Resident Coordinator's Annual Report. Available at: [http://nacionesunidas.org.co/img\\_upload/8a78f0253b88804293c37ee3c3e85737/transparencia/Resident%20Coordinator%20Annual%20Report%202011.pdf](http://nacionesunidas.org.co/img_upload/8a78f0253b88804293c37ee3c3e85737/transparencia/Resident%20Coordinator%20Annual%20Report%202011.pdf) [accessed 24 May 12].

United Self-Defence (AUC) paramilitary group is not discussed here, because it was created to defend the status quo and support the state's structures, rather than being revolutionary.<sup>3</sup>

The annual report from the United Nations (UN) Resident Coordinator and the International Committee of the Red Cross (ICRC) recall that violence and human rights violations continue in Colombia.<sup>4</sup> Several attempts to negotiate with the different groups were supported by external mediators, but few studies have focused on this angle.<sup>5</sup>

The aim of this article is to assess whether the role given to international mediators was successfully carried out and to discern whether the mandate would have enabled external actors to go further and to reach a peace agreement, which was the officially stated objective. To do so, it looks at the interests of the different actors and identifies strengths and weaknesses of international support, using Clausewitz's theory of corresponding means and aim(s). The time frame starts with Belisario Betancur's presidency in 1982 and closes with the end of Álvaro Uribe's presidency in 2010. The analytical framework is, however, used to reflect on the peace talks started in 2012.

Many definitions of mediation exist, and various methods, with differing intensity, have been used. Its character seems to be like war for Clausewitz: chameleon-like owing to its changing appearance, but also due to its internal dynamics.<sup>6</sup> Different forms of mediation related to distinct functions, more or less intrusive for the parties, have been identified. However, this article focuses on a broad understanding of "intervention".<sup>7</sup> The United Nations defines mediation as "a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements".<sup>8</sup>

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ICRC (n.d.). Humanitarian Action in Colombia: Activity Report 2011. Available at:

<http://www.icrc.org/fre/assets/files/2012/t0059-colombia-report-2011-eng.pdf> [accessed 18 Aug. 12].

<sup>3</sup> It was officially demobilised in 2003. However, one of the former group's leaders declared in 2011 that it was only a "fictitious demobilisation", agreed between the group and the government for their own interests. What is more, the uncovering of collusion between some politicians and paramilitaries from 2006 on, "para-politics", confirmed that the AUC are a different category than the leftist guerrillas. El Tiempo (n.d.) (2011). 'La Buena Fe no se Discute': Uribe sobre Declaraciones de 'El Alemán'. Available at: [http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW\\_NOTA\\_INTERIOR-8963323.html](http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-8963323.html) [accessed 23 May 12].

<sup>4</sup> UN (n.d.) (2011).

<sup>5</sup> Fundación Ideas para la Paz (FIP) has gathered together documents from 1982 until 2006, but has not analysed or discussed them. FIP (n.d.). Las Propuestas y Acciones más Relevantes de la Comunidad Internacional en el Conflicto Armado en Colombia. Available at: [http://www.ideaspaz.org/secciones/publicaciones/download\\_boletines/boletin\\_observatorio.htm](http://www.ideaspaz.org/secciones/publicaciones/download_boletines/boletin_observatorio.htm) [accessed 19 May 12].

<sup>6</sup> von Clausewitz, Carl (2006). *On War*. Translated by The Project Gutenberg (n.d.). Book I, Chapter 1, p. 27. Available at: <http://www.gutenberg.org/files/1946/1946-h/1946-h.htm> [accessed 23 Aug 12].

<sup>7</sup> Fisher, Ronald & Keashly, Loreleigh (1990). Third party consultation as a method of intergroup and international conflict resolution. In: Fisher, Ronald (1990). *The Social Psychology of Intergroup and International Conflict Resolution*. New York: Springer-Verlag, pp. 211-38. In: Fisher, Ronald (2011). *Methods of Third-Party Intervention*. *Berghof Handbook for Conflict Transformation*, p. 10. Available at: [http://www.berghof-handbook.net/documents/publications/fisher\\_hb.pdf](http://www.berghof-handbook.net/documents/publications/fisher_hb.pdf) [accessed 03 Dec. 12].

<sup>8</sup> United Nations (n.d.) (2012). *Guidance for Effective Mediation*, p. 4. Available at: <http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/UN%20Guidance%20for%20Effective%20Mediation.pdf> [accessed 30 Nov. 12].

## Theoretical Framework

Clausewitz's work "On War" proposes a methodology applicable to any strategic analysis. While he proposes a theory and strategy of war, the scope of application has already been extended. Various authors have emphasized the need to apply this methodology to the economy, for example.<sup>9</sup> The three core elements of his theory are the "ultimate object", or objective, the "real aim" and the "means" with which to reach the objective.<sup>10</sup> These elements support his definition of war: "war [...] is an act of violence to compel our opponent to fulfil our will"<sup>11</sup>, the latter being the objective, violence the means and the aim disarmament of the enemy.

This article focuses on external mediators. For the purpose of analysis, it is assumed that the aim of foreign intervention is a peace agreement. Access to diplomatic sources that could provide proof of their real ultimate objective is not possible. However, it is likely that they intervened due to a tangible security or economic interest. It might also have been because of an intangible interest, such as improved status in international relations or securing alliances. Accordingly, Clausewitz's formula within the context of this paper might be to "reach a peace agreement (aim) through a mediation process (means) to increase and secure their prestige (objective)". While William Zartman, Saadia Touval<sup>12</sup> and Ronald Fisher<sup>13</sup> assume that there is always some kind of interest involved in mediation processes, the absence of personal or professional conflicts of interest is theoretically a precondition for securing the trust of the parties to the conflict.<sup>14</sup>

According to Clausewitz, the condition for success is that the means are sufficient and relevant to reach the aim.<sup>15</sup> In his words, "[...] the political view is the object, war is the means [which] must always include the object in our conception".<sup>16</sup> Understanding the ultimate objective is crucial to explain third parties' engagement in a conflict. However, to assess if they were successful, their means - here the mediation process and their mandate - must be analysed. These are determined by the parties to the conflict, on the one hand, and by the "power" of the mediators, on the other hand. Zartman and Touval identify five sources of power, or leverage: persuasion of a positive alternative; extraction of an attractive position from each party; possibility of ending support; deprivation of resources; or gratification with "side payments". While they describe persuasion as the most important factor, they underline that it must be combined with the feeling of "need" from the parties for a solution that cannot

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<sup>9</sup> Von Eickemeyer, Ludwig (2010). Was die Ökonomie "vom Kriege" lernen kann. *Adlas-Magazin für Außen- und Sicherheitspolitik*, No. 3, pp.9-13. Available at: <http://adlasmagazin.files.wordpress.com/2010/10/adlas-03-20102.pdf> [accessed 21 Aug. 12].

<sup>10</sup> "Ziel, Zweck, Mittel" in the original German version. von Clausewitz, Carl (1980). *Vom Kriege: Hinterlassenes Werk des Generals Carl von Clausewitz*. Bonn: Dümmler, p. 210.

<sup>11</sup> von Clausewitz (2006), p. 16.

<sup>12</sup> Zartman, William & Touval, Saadia (2007). International Mediation. In: Crocker, Chester; Hampson, Fen Osler; Aall, Pamela (eds.) (2007). *Leashing the Dogs of War*. Washington, DC: United States Institute of Peace Press, p. 440-1.

<sup>13</sup> Fisher (2011), p. 7.

<sup>14</sup> Slim, Hugo (2007). *A Guide to Mediation, Enabling Peace Processes in Violent Conflicts*. HD Centre for Humanitarian Dialogue, p. 19. Available at: <http://www.hdcentre.org/publications/guide-mediation-enabling-peace-processes-violent-conflicts> [accessed 23 Aug. 12].

<sup>15</sup> von Clausewitz (2006), p. 16.

<sup>16</sup> von Clausewitz (2006), p. 26.

be achieved by them alone.<sup>17</sup> Given the evolving dynamics of the different actors, a constructive understanding is necessary. As the historical overview shows, complete and partial failures affected the general atmosphere in relation to the peace talks and public opinion, resulting in a diminished readiness to negotiate and reduced mutual trust. This, in turn, led to changes in tactics that eventually resulted in limiting the mediator's mandate or simply bringing an end to the negotiation process.

Assuming that the parties to the conflict are more or less rational actors, their ultimate objective in ceasing hostilities is to increase and maximize their gains with the help of international intervention. Hans Giessmann and Oliver Wils underline three core motivations,<sup>18</sup> or ultimate objectives, in Clausewitzian terms. The first is the "strategic policy option", employed when a conflict seems to be in a deadlocked situation, when a crisis has just occurred or is imminent. The issue of timing refers to Zartman's concept of "mutually hurting stalemate", or "ripeness" theory.<sup>19</sup> Mediation, then, offers an opportunity to take the lead or strengthen one's own position in the peace process. Parties to the conflict may also be motivated by the fact that foreign intervention represents a "multiple communication strategy". It may enhance the conflict party's legitimacy, thereby increasing sympathy for its cause. Giessmann and Wils also highlight that it may increase pressure on the opponent to react positively and serve as a message to its own constituency to avoid internal fragmentation. Finally, mediation may be a way of "improving the general conflict environment" by demonstrating a constructive attitude, which, in turn, may generate political, technical or financial support from foreign actors. For illegal armed groups, it is also a means of attaining international legitimacy *vis-à-vis* the government.

In assessing international support, analysis of the context, as well as the means and aim(s) of the parties to the conflict, is necessary in order to understand the limitations and obstacles that mediators face. Indeed, the willingness of both the Colombian government and the guerrillas to grant some degree of responsibility to an outside player is crucial for the latter's capacity to act. As analysed here, this precondition was not met from the creation of the Colombian Revolutionary Armed Forces (FARC) and the National Liberation Army (ELN) in 1964 until the government of Belisario Betancur (1982-6). Betancur was the first president to become involved in political negotiations with the guerrillas and to accept some foreign assistance. Even after his presidency, the Colombian government was often reluctant to discuss the matter with foreign actors as the armed conflict was considered as an internal conflict. International support was, therefore, neither needed nor wanted.<sup>20</sup> The likelihood of being successful in imposing one's will by force, either partially or fully, was undoubtedly perceived as too high

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<sup>17</sup> Zartman & Touval (2007), p. 447-8.

<sup>18</sup> Giessmann, Hans & Wils, Oliver (2011). Seeking Compromise? Mediation Through the Eyes of Conflict Parties. *Berghof Handbook for Conflict Transformation*, pp. 190-1. Available at: [http://www.berghof-handbook.net/documents/publications/giessmann\\_wils\\_handbook.pdf](http://www.berghof-handbook.net/documents/publications/giessmann_wils_handbook.pdf) [accessed 25 Aug. 12].

<sup>19</sup> Zartman, William (2003). The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments. In: Darby, John; Mac Ginty, Roger (eds.) (2003). *Contemporary Peacemaking: Conflict, Violence and Peace Processes*. New York, NY: Palgrave Macmillan, pp. 19-29.

<sup>20</sup> Ramírez Ocampo, Augusto (2003). Comunidad Internacional y Paz. In: United Nations Development Programme (UNDP) (n.d.) (2003). *El Conflicto, Callejón con Salida*. Informe Nacional de Desarrollo Humano para Colombia, p. 465. Available at: [http://hdr.undp.org/en/reports/national/latinamericathecaribbean/colombia/colombia\\_2003\\_sp.pdf](http://hdr.undp.org/en/reports/national/latinamericathecaribbean/colombia/colombia_2003_sp.pdf) [accessed 10 May 10].

to provide any interest or incentive for international negotiations until Betancur came to power.<sup>21</sup> The Colombian government and the guerrillas only conceded substantial tasks to outside players within the framework of the Caguán process in 2001.

Research undertaken for the purpose of this article has been carried out with the assumption that the engagement of a third party is important in order to resolve the conflict on a sustainable basis. Peacebuilding by a third party reduces the risk of renewed violence and its credibility encourages the parties to sign a peace agreement.<sup>22</sup> In Colombia, the humanitarian crisis, co-responsibility with respect to drug trafficking, and individual interests, are further reasons to intervene.<sup>23</sup> Moreover, since 2001, the guerrillas have reiterated on several occasions their willingness to involve the international community. In the past, processes with the FARC and the ELN went through serious crises. Nevertheless, they lasted for four and two years, respectively, demonstrating the effectiveness of a third party's intervention in the Colombian conflict.<sup>24</sup> Finally, in the absence of an internal resolution to the conflict, there is a growing risk that violence could spread to neighbouring countries, as it has already begun to do.

### Third Parties Involved in Peace Negotiations

One of the historically dominant actors in the region is the United States (US), which has fostered a militaristic and counter drugs-oriented approach from 2001 until recently. Latin American and European countries have, by contrast, had a less direct influence on the Colombian government, but have been important players in the promotion of peace in Colombia for decades.

In South America, Mexico, Cuba and Venezuela have facilitated and mediated various peace talks. Yet, the processes were interrupted. The official reason given for this was a lack of impartiality. Other South American states have offered to facilitate talks, but their offer was either rejected or ignored by the Colombian government. The two countries ideologically the closest to the leftist guerrillas, namely Cuba and Venezuela, have been recurrent facilitators in Colombian peace processes. It seems that a sense of "shared history", in addition to political convictions, has pushed them to get involved. The ELN was, indeed, created in Cuba in 1962, three years after the Cuban revolution. Cuba supported the ELN directly and the FARC through the Colombian Communist Party until the mid-1990s,<sup>25</sup> when the Soviet Union collapsed, hurting the Cuban economy. This, in turn, substantially

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<sup>21</sup> Arias, Gerson (2008). *Una Mirada Atrás: Procesos de Paz y Dispositivos de Negociación del Gobierno Colombiano*. FIP, Working Paper, No. 4, p. 10. Available at: [http://www.ideaspaz.org/secciones/publicaciones/download\\_papers\\_fip/mirada\\_atras\\_web.pdf](http://www.ideaspaz.org/secciones/publicaciones/download_papers_fip/mirada_atras_web.pdf) [accessed 14 Apr. 12].

<sup>22</sup> Wall, Kristen & Cortright, David (2012). *Keeping the Peace: Lessons from Data for Peacebuilding*. *Peace Policy, Peace Accords Category*. Available at: <http://peacepolicy.nd.edu/2012/05/01/keeping-the-peace-lessons-from-data-for-peacebuilding/>. Accessed 14.04.2012.

<sup>23</sup> Restrepo, Jorge (26 Jul. 10). Centre for Conflict Analysis Resources (CERAC), Director. Interview.

<sup>24</sup> Ramírez Ocampo, Augusto (28 Jul. 10). Republic of Colombia, Former Foreign Minister and Professor. Interview.

<sup>25</sup> Corporación Nuevo Arco Iris (n.d.) (2012). *Fidel Castro, Pendiente de la Negociaciones con las FARC*. Available at: <http://www.arcoiris.com.co/2012/08/fidel-castro-pendiente-de-las-negociaciones-con-las-farc/> (accessed 29 Aug. 12).

changed Cuban foreign policy and it prevented it from supporting revolutionary movements.<sup>26</sup> From then on, the Cuban government repeatedly stressed the need for a political solution to the Colombian conflict.<sup>27</sup> It would, therefore, be in Cuba's interest to encourage the Colombian government to negotiate with the guerrillas as reforms would promote ideas ideologically closer to those of Cuba. Since both Venezuela and Cuba have been placed under international pressure for being socialist states, they would benefit from an improved international status were they able to foster peace in Colombia. Moreover, Venezuela has a direct interest in limiting violence, since the head of the guerrillas, as well as their training camps, have been (unofficially) stationed on its territory. Venezuela and Colombia seek cooperation on the same issues, the "means", such as trade and "humanitarian exchanges". Their ultimate objectives, however, are distinct. Venezuela is driven by its ideology and policy of extending "21<sup>st</sup> century socialism", with hostage releases being a step towards a peace process that would entail deep reforms in the state structure. Whereas the Colombian government tries to foster economic growth and considers "humanitarian exchanges" as a step towards demobilisation of the guerrillas, without questioning the state's policies, at least under Álvaro Uribe's presidency.<sup>28</sup> This discrepancy in aims is a major factor in explaining why Hugo Chávez was unable to do more than facilitate hostage liberations until more recently. After his death in March 2013, his designated successor, Nicolás Maduro, should continue to follow the same policy. Was his opponent, Enrique Capriles, to win the April 2013 elections, it could have a destabilizing effect on the Colombian peace process as the latter does not share the leftist ideology of the guerrillas, as Hugo Chávez did.

Many authors argue that impartiality and neutrality of mediators are conditions that should be met in order for mediators to be acceptable for both parties to the conflict.<sup>29</sup> The UN mediation guidance highlights impartiality as a condition, but adds that it "is not synonymous with neutrality", which means that the mediator will come with certain values and principles and thus not be "neutral", but that he or she should treat all actors in a balanced and fair way.<sup>30</sup> Touval and Zartman argue that impartiality is not as important as the decision to accept or reject mediation. They maintain that because actors are rational, they base their acceptance on a cost-benefit calculation: "[the partial] mediator is more likely to be able to extract concessions from its friend than an impartial mediator who carries no particular influence with the adversary [...]".<sup>31</sup> However, as Fisher underlines, this seems to contradict the very nature of mediation that is voluntary and non-coercive.<sup>32</sup> Still, facts tend to illustrate that impartiality was not the first consideration for the government, which eventually accepted contributions by partial mediators, notably Venezuela and Cuba. The FARC and ELN appear to be more sensitive to this issue and have rejected the involvement of states, which had gone against their

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<sup>26</sup> Domínguez, Jorge (2001). Cuban Foreign Policy and the International System. In: Tulchin, Joseph; Espach, Ralph (eds.) (2001). *Latin America in the New International System*. Woodrow Wilson international Center for Scholars, Boulder: Lynne Rienner Publishers, p. 187.

<sup>27</sup> Corporación Nuevo Arco Iris (n.d.) (2012).

<sup>28</sup> Ortiz, Roman (2008). The Sources of Chávez's Conduct. *FIP, Siguiendo el Conflicto: Hechos y Análisis de la Semana*, No. 53, p. 3. Available at: [http://www.ideaspaz.org/portal/images/siguiendo\\_el\\_conflicto\\_num\\_53\\_ingles.pdf](http://www.ideaspaz.org/portal/images/siguiendo_el_conflicto_num_53_ingles.pdf) [accessed 02 Dec. 12].

<sup>29</sup> Fisher (2011), pp. 19-20.

<sup>30</sup> United Nations (n.d.) (2012), p. 10.

<sup>31</sup> Zartman & Touval (2007), p. 443.

<sup>32</sup> Fisher (2011), p. 20.

ideology in some way, such as Mexico, when voting against Cuba at the UN.

Other important contributions to peace negotiations in Colombia have come from Norway, Switzerland and Spain, as well as France and Germany to a lesser extent. These various actors have not had any close relation with the guerrillas or the government. Yet their interventions also failed to bring about a final peace agreement. Adopting a rational actor approach highlights the fact that the cost-benefit analysis did not provide a significant enough incentive to become involved. In terms of costs, the Colombian armed conflict has not had spill-over effects to Europe, and no South American state has had a nuclear weapons capacity. Moreover, cocaine traffic originating from the Andean region has mostly affected the US, although it is now impacting European countries.<sup>33</sup> Most migration flows stem from countries that are geographically closer to Europe, with less than 20 per cent coming from Latin America.<sup>34</sup> In addition, the alliance with the US was crucial during the Cold War and the whole American continent was for a long time considered as the "sphere of interest" of the US as per its "Monroe Doctrine".<sup>35</sup> Questioning it was not an option for Europeans, since they already had their historical "zone of influence" in the Mediterranean, Africa and the Middle-East. Relations between the European countries and Colombia were, thus, mostly economic, rather than political. While some states repeatedly offered their mediation support, their role was always limited in terms of time and means. The only lasting cooperation around the armed conflict – recognised and named as such only since the beginning of Juan Manuel Santos' Presidency in 2010 – concerned humanitarian aid and human rights training, and sometimes military aid.<sup>36</sup> While limited respective national interests have contributed to European states' widely acknowledged impartiality, they have also resulted in few incentives to engage in the resolution of the conflict. International and regional organizations, such as the UN, the Organization of American States (OAS), the Union of South American Nations (UNASUR) and the Group of 24 (G24), have also supported initiatives at a lower level, with varying degrees of success.

The September 2012 pre-agreement, concluding the exploratory phase of the current peace process, reaffirms the need for international accompaniment.<sup>37</sup> The process includes countries that have previously been involved, namely Cuba, Norway and Venezuela. Chile is a newcomer. As President Santos stated, Cuba and Norway already played a critical role in the preparation work and will be "guarantors" in further steps.<sup>38</sup> These two countries have a considerable track record in supporting the Colombian peace negotiations and, as such, a clear role to play in bringing about the

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<sup>33</sup> United Nations Office on Drugs and Crime (n.d.) (2011). *World Drug Report*. Available at: <http://www.unodc.org/unodc/en/data-and-analysis/WDR-2011.html> [accessed 19 May 12].

<sup>34</sup> European Commission, Eurostat (n.d.) (2010). *Citizens of Non-Member Countries Resident in the EU-27 by Continent of Origin*. Available at: [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php?title=File:Citizens\\_of\\_non-member\\_countries\\_resident\\_in\\_the\\_EU-27\\_by\\_continent\\_of\\_origin\\_2010\\_\(%25\).png&filetimestamp=20111125175215](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php?title=File:Citizens_of_non-member_countries_resident_in_the_EU-27_by_continent_of_origin_2010_(%25).png&filetimestamp=20111125175215) [accessed 19 May 12].

<sup>35</sup> Our Documents (n.d.) (1995). *Monroe Doctrine 1823*. (N.d.) (1995), *Milestone Documents*. Washington, DC: The National Archives and Records Administration, pp. 26–29. Available at: <http://www.ourdocuments.gov/doc.php?doc=23> [accessed 19 May 12].

<sup>36</sup> Brodzinsky, Sibylla (2009). UK Ends Bilateral Military Aid to Colombia. *The Guardian*. Available at: <http://www.guardian.co.uk/world/2009/apr/29/colombia-uk-military-aid> [accessed 10 Nov. 12].

<sup>37</sup> Rebelión (n.d.) (2012). *Acuerdo General para la terminación del conflicto y la construcción de una paz estable y duradera*. Available at: <http://www.rebelion.org/noticia.php?id=155378> [accessed 10 Nov. 12].

<sup>38</sup> Youtube (2012). *Allocución del Presidente Santos sobre el "Acuerdo General para la Terminación del Conflicto"*. Available at: <http://www.youtube.com/watch?v=wfTRuuT9-cU> [accessed 10 Nov. 12].

eventual success of the current process. Norway has built itself a solid reputation in mediation worldwide and constantly needs successes to maintain its status. Peace promotion is also an efficient means for it to ensure security, as it has a small population and is rich in resources but has limited other foreign policy interests.<sup>39</sup> This is "the invention of peace as a foreign policy goal" by Robert Cooper.<sup>40</sup> With regard to Havana, numerous rounds of negotiation have taken place there but all have failed. Former President Fidel Castro's personal and long-term involvement makes it an issue of personal prestige. Given the deterioration of his health, it might be the last opportunity for him to support Colombian peace negotiations. The FARC and government delegations agreed to request Cuba's support in hosting and "guaranteeing" the process. Venezuela and Chile have officially only been involved since November 2012, from the beginning of the negotiations in Havana, which are supposed to lead the parties to the final agreement. The UN is discreetly supporting the process through the organisation of public forums around the peace table.<sup>41</sup> Still, the pre-agreement mentions the possibility of inviting other states, which could also play a role in capacity-building training or verification at a later stage.

While Venezuela has a security, as well as an ideological interest, the position of Chile is less clear. It has neither been involved in peace talks in Colombia nor has it a record in mediation, but its economic and logistical resources could be useful. Moreover, as a government, it might counterbalance the role of Venezuela, which is ideologically closer to the guerrillas. Chilean interest may be to enhance its political position on the continent, perhaps secure economic investment and to develop international prestige vis-à-vis its imposing neighbours, Brazil and Argentina. The latter will probably be involved should a parallel process be initiated between the government and the ELN.<sup>42</sup>

Former peace processes in Colombia have shown that a lack of clarity regarding the third-party's mandate can affect the process. Criticism in the past about mediators' mandates, in fact, often reflected a lack of political will on the part of the negotiating parties to make genuine progress. While the third parties seem to have clear incentives to support a successful peace process, it is too early to assess the interest of the government and the FARC. While there are numerous positive indicators, it is still not clear how the inclusion of civil society and the ELN, which is fundamental to the mediation,<sup>43</sup> will be realised.

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<sup>39</sup> Aguirre, Mariano (2012). *Noruega y la Diplomacia de la Paz*. Corporación Nuevo Arco Iris. Available at: <http://www.arcoiris.com.co/2012/10/noruega-y-la-diplomacia-de-la-paz/> [accessed 19 Oct. 12]

<sup>40</sup> Cooper, Robert (2003). *The Breaking of Nations: Order and Chaos in the Twenty-First Century*. New-York: Atlantic Monthly Press, p. 3. In: Whitfield, Teresa (2005). *A Crowded Field: Groups of Friends, The United Nations and the Resolution of Conflict*. Center on International Cooperation: Studies in Security Institutions, *Occasional Paper*, No. 1, p. 8.

<sup>41</sup> Agencia de Noticias Nueva Colombia (ANNCOL) (n.d.) (2012). *Comunicado Conjunto # 6 Gobierno-FARC*. Available at: <http://anncol.eu/index.php/colombia/insurgencia/farc-ep/comunicados-de-las-farc-ep/871-comunicado-conjunto-6-gobierno-farc> [accessed 03 Dec. 12].

<sup>42</sup> Marín, Emilio, ANNCOL (2012). *Proceso de Paz: ELN Pide la Intervención de Cristina Kirchner*. Available at: <https://www.anncol.eu/index.php/opinion/emilio-marin-argentina/237-emilio-marin-argentina-archivo/883-proceso-de-paz-eln-pide-la-intervencion-de-cristina-kirchner> [accessed 03 Dec. 12].

<sup>43</sup> United Nations (n.d.) (2012), pp. 11-3.



## First Peace Attempts: From 1982 to 1998<sup>44</sup>

Until the government of Andrés Pastrana in 1998, only restricted space was given to the international community. Under Betancur's presidency, the first to undertake political negotiations with the armed groups, third parties were allowed to host meetings. They took place in Mexico and Spain, but the means of these governments were extremely limited, and they were not allowed to intervene in the process itself. Both governments had direct interests, "ultimate objectives". Mexico had (and still has) a security interest in finding a solution that would have enabled the Colombian government to re-establish its sovereignty over the whole of its territory, thereby reducing illegal drug production and drug trafficking through Mexico. Spain, the former colonial power, had economic and historical interests, and improved reputation would have been rewarding. Moreover, it would have prolonged the success and prestige linked to the Contadora Group, of which both states were members.<sup>45</sup>

The next president, Virgilio Barco (1986-90), refused facilitation from the US and Venezuela, as a coalition of several armed groups, named the Coordinadora Guerrillera Simón Bolívar (CGSB), had requested. The situation evolved a little under President César Gaviria (1990-4), with verification of the disarmament process of parts of different guerrillas by the ruling Spanish Socialist Party and Socialist International. Their participation was a way of increasing legitimacy at a period when socialism and communism were hit by the collapse of the Soviet Union. Venezuela, at that time governed by centre-left Democratic Action Party, also offered its territory for negotiations with the CGSB and the ELN in 1991. While some degree of partiality was accepted for the verification process, Gaviria rejected substantial intervention by Venezuela.

The following president, Ernesto Samper (1994-8), turned to the UN, with no success. Only in June 1997 did an international commission, constituted by the ICRC, a former President of Costa Rica and representatives of the Central American Parliament support the liberation of soldiers taken hostage by the guerrilla groups.

Simultaneously, Costa Rica and Guatemala proposed to act as facilitators and hosts, but were ignored by the Colombian government. In addition, when Spain, Mexico, Costa Rica and Venezuela offered their assistance as group of friendly states, Samper limited their role to good offices. What materialised were the good offices of Spain and Germany in 1998. They organised discussions with the ELN and Colombian civil society, first in Madrid, then in Mainz, Germany, and with the Catholic Church later. The agreement "Puerta del Cielo"<sup>46</sup> was signed on 15 July 1998 in Germany. It planned for the start of negotiations between the ELN and civil society to determine the required deep reforms, before negotiating with the government. It was the first time that foreign countries were allowed to play a substantial role by facilitating pre-talks. Negotiations were, however, at an unofficial level and all actors

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<sup>44</sup> For a detailed list of negotiations and agreements, see FIP (n.d.). This section is based on this article.

<sup>45</sup> The Contadora Group was founded by Colombia, Mexico, Venezuela and Panama in 1983 to resolve the conflicts in Central America. United Nations Educational, Scientific and Cultural Organisation (UNESCO) (n.d.). *1985 - El Grupo de Contadora*. Available at: [http://portal.unesco.org/culture/es/ev.php-URL\\_ID=9374&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/culture/es/ev.php-URL_ID=9374&URL_DO=DO_TOPIC&URL_SECTION=201.html). Accessed May 19, 2012.

<sup>46</sup> It literally means the "heaven's gateway".

could maximise their gains: Spain, Germany and the Catholic Church increased their international prestige; the ELN demonstrated a constructive approach and was recognised on the international scene, thereby improving its position vis-à-vis the Colombian government; and, finally, representatives of Colombian civil society were given a real say in designing the draft of a peace agreement. As benefits accruing to all were high, at least for a pre-agreement, outside mediators were able to employ more "means" than they had been able to previously.

## Pastrana and the Groups of Friendly States

### The ELN

Peace negotiations with the ELN were quite advanced when Andrés Pastrana (1998-2002) became President. The Barrancabermeja massacre by the paramilitary groups, in the historical heartland of the ELN, and the Machuca massacre at the end of 1998 committed by the ELN itself blocked this process. The latter provoked the generalised refusal to negotiate with this guerrilla group, which, at the same time, prevented further international support.

The ELN went on committing visible actions, such as kidnappings, and, by so doing, undermined former advances in the peace process. This continued until mid-2000 and the creation of a group of friendly states, constituted by France, Switzerland, Spain, Norway and Cuba. When mediation support is given by different states, organisations and/or persons, a unified approach is needed. Participation should then be coherent, complementary, transparent, and the leadership of one mediator accepted and respected.<sup>47</sup> Groups of friendly states, however, run the risk of fundamental differences of interest that increase proportionally with the group size<sup>48</sup> especially when, as in this case, there is no clear leadership.

Discussions were organised in Switzerland between the illegal armed group and Colombian civil society groups, at which time a national convention was, once again, convened. When meeting again in Cuba, this time with the Colombian government, agreement was reached in what would become the Havana Agreement to define a "clearance area" - as would be done in parallel with the FARC - and to establish an international verification commission. However, ignoring the request of both the FARC and the ELN, the Colombian government failed to take measures against the paramilitaries, at this time organised under the umbrella organisation AUC. The latter was relentlessly attacking both guerrilla groups, including in the "ELN clearance area". It is hard to determine whether the government's failure to act was due to lack of resources and capacities, or if it was done voluntarily because it feared weakening its position at the negotiation table vis-à-vis the guerrillas, should the latter not be attacked by the AUC anymore. As a result of its laxity, the government lost its credibility with the guerrillas, forcing them into a defensive position and weakening their already low level of trust. This made it even harder

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<sup>47</sup> Slim (2007), p. 29.

<sup>48</sup> Whitfield, Teresa (2012). *Le Rôle des Acteurs Externes dans la Médiation: Défis et Options pour les Médiateurs*. HD Centre for Humanitarian Dialogue, *Pratique de la Médiation*, No. 1, pp. 18-9. Available at: [http://www.humansecuritygateway.com/documents/CHD\\_LeRoleDesActeursExternesDanslaMediation.pdf](http://www.humansecuritygateway.com/documents/CHD_LeRoleDesActeursExternesDanslaMediation.pdf) [accessed 25 Aug. 12].

for the third parties to maintain the momentum for negotiations. The ELN eventually withdrew from the negotiation process in March 2001. Thanks to the group of friendly states, negotiations resumed in Havana and resulted in a truce. Negotiation of a National Convention was also planned. However, the steady reinforcement of the AUC and the increased level of tension in the country, due to the collapse of negotiations between the FARC and the government at the beginning of 2002, again diverted the attention from the peace talks. Moreover, the ELN's recurrent actions against civilians<sup>49</sup> heavily influenced the general ambiance and dramatically reduced the level of trust between the government, the guerrillas and civil society, and proportionally affected the willingness to negotiate.

The evolution of this process illustrates the limitations of foreign actors' leverage in a changing context, where no action is taken against the spoilers, the AUC, and with a parallel process failing. Even if foreign actors had a strong incentive to become involved in a mediation process, this failure highlights their dependence on the will and the perception of parties to the conflict that a peaceful solution would benefit them more than continuing with the armed conflict.

## The FARC

Negotiations with the FARC were central to Pastrana's presidential campaign, partly explaining the limited attention given to the ELN. Discussions started rapidly between the new President and the FARC's leader, Manuel Marulanda Vélez. They agreed in November 1998 on a temporary "demilitarised zone", the Caguán. A common agenda was intended, without an agreed ceasefire.<sup>50</sup> Numerous crises arose and Pastrana requested international verification of the zone, which was rejected by the FARC. It was finally agreed in the Caquetania Agreement of May 1999 to establish an International Support Commission for verification, which would have given third parties a clear mandate. The same year, the UN appointed Jan Egeland as the Secretary-General's Special Adviser on Colombia.

The FARC visited some European countries in early 2000 to study different economic models. Inviting the guerrilla group to discuss different state organisation models contributed to enhancing the group's position *vis-à-vis* the government, due to the indirect international recognition it received. When representatives of the group returned home, they requested a meeting with the international community, which led to the constitution of a group of ten friendly states, including France, Switzerland, Norway and Cuba – these states were already members of the group created for the process with the ELN approximately a year before – as well as Mexico, Venezuela, Canada, Germany and Spain. The problem of this approach was the high number of participating countries, representing equally numerous opinions and interests. However, Egeland was quite successful in coordinating it, despite the little power, or "means", that he was given. It is hard to assess the exact space and position he was given. Yet generating ideas, unifying the parties' positions,<sup>51</sup> and even protection, may have been elements proposed to the parties to the conflict at this time.

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<sup>49</sup> Including bombings, anti-personnel mines, extortions and kidnappings.

<sup>50</sup> Echavarría, Carlos Franco (2012). *La Verificación en un Eventual Proceso de Paz*. Fundación Ideas para la Paz, Working Paper, No. 10, p. 24. Available at: <http://www.ideaspaz.org/portal/images/wp-10.pdf> [accessed 30 May 12].

<sup>51</sup> Fisas, Vicenç (2012). *Roles de un Proceso de Paz*. *Semana*. Available at: <http://www.semana.com/opinion/articulo/roles-proceso-paz/264160-3> [accessed 22 Aug. 12].

When Pastrana realised that the Caguán had been used by the armed group to reinforce its capacities, he broke off the negotiation process. Third parties again were successful in resuming the peace talks: it was agreed that their "means" would be increased to participating in the negotiations between the government and the FARC through an International Commission of Accompaniment, while Egeland would be directly involved in the process.<sup>52</sup> On 20 February 2002, the FARC hijacked a commercial plane and a Colombian Senator: the "friendly" states were this time unable to bring the parties back to the negotiating table. Again the conflict structure had changed, as had the strategy of the different players. The aim, a militant strategy of intensified violence, seems to have taken precedence at that time. Reasons for this shift in strategy could include successful tactics by "spoilers" or deep internal divisions within the guerrilla group. It is also possible that the FARC only engaged in peace talks to give it respite from combat against the government and thereby consolidate its military capacity.<sup>53</sup>

The latter may also have been the case for the government. In 2000, it accepted the US "Plan Colombia". Three quarters of the funding - \$1.6 billion from 2000 to 2002 - were dedicated to operations linked to eradication of coca plantations.<sup>54</sup> This modified in theory the balance of power between the opponents and improved the government's best alternative to a negotiated agreement (BATNA).<sup>55</sup> A possibility of complementing the plan was presented to the European countries at a donor meeting in Madrid the same year. All states rejected it, except the United Kingdom (UK) and Spain. Indeed, the way that various European states characterised the conflict differed fundamentally. The European Union (EU) finally decided not to participate in this plan, which appeared too militaristic, and preferred instead to invest in social and economic development, promote alternative agriculture, stimulate administrative and justice reforms and foster human rights.<sup>56</sup> The EU invested around €105 million from 2001 to 2006, an amount disproportionate to that of the US. The primary objective stated by the Commission was to target the root causes of the conflict and to provide humanitarian assistance to the victims of the conflict.<sup>57</sup>

Former Foreign Minister Augusto Ramírez Ocampo assesses the role of the international community as very positive and active, with different foreign states and non-state actors facilitating communication at various stages of the process. In his view, Jan Egeland's successor, James Lemoyne, exceeded his mandate, which explains why he was rejected by the government. Consequently, the UN

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<sup>52</sup> Echavarría (2012), p. 25.

<sup>53</sup> Conciliation Resources (n.d.) (2009). Choosing to engage: Armed Groups and Peace Processes. *Accord Policy Brief*, No. 16, p. 3. Available at: [http://www.c-r.org/sites/c-r.org/files/Accord16\\_Choosingtoengage\\_policybrief\\_2009\\_ENG.pdf](http://www.c-r.org/sites/c-r.org/files/Accord16_Choosingtoengage_policybrief_2009_ENG.pdf) [accessed 10 Nov. 12].

<sup>54</sup> United States Support for Colombia (n.d.) (2000). *Fact Sheet released by the Bureau of Western Hemisphere Affairs*. Available at: [http://www.state.gov/www/regions/wha/colombia/fs\\_000328\\_plancolombia.html](http://www.state.gov/www/regions/wha/colombia/fs_000328_plancolombia.html) [accessed 20 May 12].

<sup>55</sup> Kriesberg, Louis (2007). Contemporary Conflict Resolution Applications. In: Crocker; Hampson; Aall (eds.) (2007), p. 461.

<sup>56</sup> Ramírez Ocampo, Augusto (2004). The Role of the International Community in Colombia. *Conciliation Resources, Accord Policy Brief*, No. 14, pp. 77-8. Available at: [http://www.c-r.org/sites/c-r.org/files/Accord%2014\\_15The%20role%20of%20the%20international%20community%20in%20Colombia\\_2004\\_ENG.pdf](http://www.c-r.org/sites/c-r.org/files/Accord%2014_15The%20role%20of%20the%20international%20community%20in%20Colombia_2004_ENG.pdf) [accessed 03 Dec. 12].

<sup>57</sup> European External Action Service (n.d.). *Country Strategy Paper Colombia*, p. 3. Available at: [http://eeas.europa.eu/colombia/csp/02\\_06\\_en.pdf](http://eeas.europa.eu/colombia/csp/02_06_en.pdf) [accessed 20 May 12].

distanced itself from the conflict resolution processes after the failure of the "Caguán Process".<sup>58</sup> Criticisms about too intrusive or sometimes too inactive and innovative support are, nevertheless, frequent<sup>59</sup> and an easy way of explaining failure. This is mainly due to a lack of analysis of what the "real" mandate was and what was to be expected, i.e. the ends. Still, Gerson Arias argues that the time when Lemoyne acted was dramatically different from when Egeland was in office, and that it was his task to make proposals in order to advance negotiations. Instead, he regrets the lack of support from the UN suffered by Lemoyne.<sup>60</sup> It seems that a kind of "loneliness" of non-state third parties, compared to states and state-led organisations involved, is a characteristic that can prove deadly for a peace process, insofar as the guarantees and leverage that they can exert are insufficient.<sup>61</sup> Beyond that, other substantial problems blurred the means-aim relationship. A definition of the international community's mandate was missing and the incentives of each actor, including of the group of friendly states, to participate in negotiations were too fuzzy to bring about appropriate actions.<sup>62</sup> Indeed, some conditions have to be met for successful mediation support by friendly states, namely: common aims for a just peace, despite their own interests; commitment to serve the process rather than a favourable outcome for themselves; measures fitting the purpose rather than what supporters are willing to do; and a unified approach. The latter is critical to the clarity, coherence and complementary nature of support by third parties.<sup>63</sup> Even if it is complex to assess the effectiveness of the outside players because of confidential details, their means were also limited by the government and the FARC. Ocampo explains that the international community was impeded from doing more than simply witnessing the talks and it was only when the process was already close to failure that it was allowed to act as a facilitator. He adds that supporters should have been given a greater role from the beginning of the Caguán Process.<sup>64</sup> Indeed, studies show that early mediation has a better chance of success than later attempts.<sup>65</sup> Arias similarly criticises the shaky mandate granted by the government, which seems only to have been willing to legitimate the process by the international community's presence, without giving it the necessary tools to exert influence.<sup>66</sup> Luis Eduardo Celis also considers the role of foreign countries very positive and adds that they succeeded in placing issues such as human rights and freedom(s) on the national agenda.<sup>67</sup>

However, the role of third parties may also be criticised. Analysts underline the desire of some of the third parties to become protagonists, instead of remaining discrete. They also mention the defence of national interest on the part of most countries, as well as numerous different points of view.<sup>68</sup> This makes it impossible to coordinate support and, in turn, enables "forum shopping" by the conflict parties,

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<sup>58</sup> Ramírez Ocampo (28 Jul. 10).

<sup>59</sup> The same situation happened to Norway in Sri Lanka, for instance. Giessmann and Wils (2011), p. 198.

<sup>60</sup> Arias, Gerson (28 Jul. 10). FIP, Coordinator Conflict Dynamics and Peace Negotiations. Interview.

<sup>61</sup> Zartman & Touval (2007), p. 450.

<sup>62</sup> Arias (28 Jul. 10).

<sup>63</sup> Slim (2007), p. 27-9.

<sup>64</sup> Ramírez Ocampo (28 Jul. 10).

<sup>65</sup> Bercovitch, Jacob & Derouen, Karl (2005). *Managing Ethnic Civil Wars: Assessing the Determinants of Successful Mediation*. *Civil Wars*, Vol. 7, Iss. 1, pp. 98-116. In: Fisher (2011), p. 22.

<sup>66</sup> Arias (28 Jul. 10).

<sup>67</sup> Celis, Luis Eduardo (16 Jul. 10). Corporación Nuevo Arco Iris, Coordinator of the former Peace Public Policy Programme. Interview.

<sup>68</sup> Arias (28 Jul. 10).

increasing the risk of being manipulated.<sup>69</sup> Given the sensitivity of the issue, it is difficult to precisely define what the exact interest(s) and points of view of third parties were. However, some tendencies can be identified. Cuba and Venezuela may have tried to promote substantial reforms towards a (more) socialist system; Venezuela and Mexico would certainly have had a security-oriented approach; others would have emphasized neo-liberal views in order to improve the access of their companies to the Colombian market. Only a few of the third parties would have entered the peace process to promote Colombian interests over their own interests - Norway in particular, Switzerland and Germany probably too. Entering the process with different, and often hidden, objectives, makes it difficult to propose complementary and effective support to the parties to the conflict, as well as for the mediator to coordinate the process.

According to Jorge Restrepo, third parties also misunderstood the Colombian situation. For this reason, he argues that the international community was unable to see that capacity-building in the field of monitoring, verification and methodology was needed, as well as support for local non-governmental organisations (NGOs) and the creation of complementary organisations. Ignorance is, indeed, the first of the "seven deadly sins of mediation" described by Lakhdar Brahimi and Salman Ahmed.<sup>70</sup> In addition, it seems that the international community ought to have insisted more on the government's recognition of the social, political and economic roots of the conflict. Finally, Restrepo observes that, in the case of the FARC in particular, having ten countries at the negotiation table would have required strong coordination, clear leadership and a strategy.<sup>71</sup> Yet it also appears possible that foreign actors realised they were not given a concrete role to play and that the Caguán had quickly entered a dead end,<sup>72</sup> but were not willing to pay the political price for it. They therefore attended and supported the process for the sake of their public image.<sup>73</sup> Another explanatory factor for limited external engagement could be the perception of the conflict. While the government argued it was fighting criminal armed groups<sup>74</sup>, European countries took into account these groups' grievances and the long-term structural problems in the countries, as mentioned above.<sup>75</sup> These arguments, added to the pressure of the US on the Colombian government to focus on military and counter-drugs strategies, and the uncertain willingness of the conflict parties to involve the international community, are perhaps insufficient to entirely explain why negotiations came to an end, but they do at least go some way to accounting for why they dragged on without much success.

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<sup>69</sup> Crocker, Chester (2007). *Peacemaking and Mediation: Dynamics of a Changing Field. Coping with Crisis Working Paper Series*, pp. 6-7. Available at: [http://208.43.245.180/asset/file/153/CWC\\_Working\\_Paper\\_PEACEMAKING\\_CC.pdf](http://208.43.245.180/asset/file/153/CWC_Working_Paper_PEACEMAKING_CC.pdf) [accessed 02 Dec. 12].

<sup>70</sup> Brahimi, Lakhdar & Ahmed, Salman (2008). *In Pursuit of Sustainable Peace: The Seven Deadly Sins of Mediation. Center on International Cooperation (CIC)*. New York University, p. 5. Available at: [http://peacemaker.un.org/sites/peacemaker.un.org/files/SevenDeadlySinsofMediation\\_BrahimiAhmed2008.pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/SevenDeadlySinsofMediation_BrahimiAhmed2008.pdf) [accessed 07 Apr. 13].

<sup>71</sup> Restrepo (26 Jul. 10) and United nations (n.d.) (2012), p. 19.

<sup>72</sup> Both the government and the guerrilla armed themselves while negotiations were ongoing: the government, with US support from Plan Colombia, and the FARC by taking advantage of the territory granted without verification.

<sup>73</sup> Arias (28 Jul. 10).

<sup>74</sup> The government named them "terrorists" after 9/11 and the end of the peace negotiations.

<sup>75</sup> Restrepo (26 Jul. 10).

## Uribe and the Military Approach

### The FARC

President Uribe (2002-10) was elected on the basis of his "Democratic Security" programme, which promised to militarily defeat the guerrillas, especially the FARC. This hard-line policy was actually the continuation of Pastrana's strategy after the failure of the "Caguán process" in February 2002. The new government, thus, officially rejected the former aim of a peace agreement. Still, the FARC put forward its proposal to find a peaceful solution to the conflict to the Río Group<sup>76</sup> and to the UN, but also insisted on resolving it among the Colombians themselves. The UN repeated its offer of good offices.<sup>77</sup> However, the FARC, in conjunction with the ELN, stated two months later that the president was the "enemy of peace" and that they would never negotiate with him, again rapidly changing the dynamic of the conflict. After refusing Nobel Prize winner Archbishop Desmond Tutu's suggestion of learning from the South African experience, the FARC requested the establishment of a new group of friendly states. The US rejected the proposal, arguing that it was not possible to negotiate with terrorist groups. After the 9/11 attacks, the US, the EU and other states passed strict anti-terrorist laws that prohibited any transactions with groups listed as such. Any such contact has, therefore, become a real risk for mediators who are US citizens or falling under US and European jurisdiction.<sup>78</sup> Later, the FARC declined pre-dialogue offers from the Catholic Church and the Exploratory Technical Mission constituted by France, Switzerland and Spain.<sup>79</sup>

A slight change of tone characterized the beginning of Uribe's second mandate, when he stated his openness to talk with this armed group.<sup>80</sup> The FARC again requested that they be removed from the list of terrorist groups<sup>81</sup> and that the EU support negotiations. Before a minimal agreement could be met, a car bomb exploded in the Military School, ending this process. Thereafter, the government limited discussions with the international community to humanitarian issues. However, France succeeded in influencing Uribe to free one of the former leaders of the FARC, Rodrigo Granada, in the hope that he would help liberate the Franco-Colombian hostage, Ingrid Betancourt. Thereafter, the Bolivarian Venezuelan President, Hugo Chávez, proposed his good offices with the support of the Non-Aligned Countries. In a period of booming trade exchange between Venezuela and Colombia, Chávez was allowed to facilitate the liberation of FARC hostages, which he saw as a first step towards greater involvement.<sup>82</sup> After weeks of talks, Chávez contacted directly a Colombian military General to plan a

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<sup>76</sup> This group was created in 1986 in Rio de Janeiro, Brazil, by South American and Caribbean states to expand political cooperation, foster dialogue and regional integration. For more details, see Coalition for the International Criminal Court (n.d.). *Río Group*. Available at: [www.iccnw.org/?mod=riogroup](http://www.iccnw.org/?mod=riogroup) [accessed 20 May 12].

<sup>77</sup> FIP (n.d.).

<sup>78</sup> Wils, Oliver & Dudouet, Véronique (2010). *Berghof: Challenges Facing Peacebuilders Engaging with Listed Groups*. Available at: [www.charityandsecurity.org/print/395](http://www.charityandsecurity.org/print/395) [accessed 21 Aug.12].

<sup>79</sup> Fisas, Vicenç (2010). *Anuario Procesos de Paz 2010*. Barcelona: Icaria editorial/Escola de Cultura de Pau, p. 90. Available at: [escolapau.uab.cat/img/programas/procesos/10anuarie.pdf](http://escolapau.uab.cat/img/programas/procesos/10anuarie.pdf) [accessed 31 May 12].

<sup>80</sup> Fisas (2010), p. 89.

<sup>81</sup> Official Journal of the European Union (n.d.) (2009). *Council Decision 2009/1004/CFSP*. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:346:0058:0060:EN:PDF> [accessed 21 May 12].

<sup>82</sup> Ortiz (2008), p. 1.

demilitarised zone and Uribe ended his involvement because of this protocol violation. After re-entering the "humanitarian exchange" processes, two other crises eventually led to a one of the most severe diplomatic and economic crises among the neighbouring countries,<sup>83</sup> even if facilitation by Chávez and the Colombian Catholic Church had helped liberate numerous hostages.<sup>84</sup> This might either have been an excess of partiality, or simply an excuse to stop discussions. Uribe could also have had as an undisclosed aim the continuation of fighting and the military alternative before the end of his presidential mandate, instead of the publicly stated aim of negotiating.

With the attack on a FARC camp by the Colombian Army over the Ecuadorian border in early 2008, Colombian public opinion started to support the idea that it was possible to defeat the guerrilla group militarily.<sup>85</sup> At the same time, the High Commissioner for Peace, Luis Carlos Restrepo, declared that the government would seek peace directly with the FARC, without external mediation.<sup>86</sup> In parallel, both the French and the Swiss mediators, Noel Sáez and Jean-Pierre Gontard, were dismissed. Yet again, at the end of 2008, the FARC stated that international mediation was an underlying condition for the resumption of talks for a humanitarian agreement. The aim and interest of the government and population had shifted away from a peaceful solution and international mediation, whereas the armed group went on insisting on the international community's involvement. It is, however, difficult to assess whether this was designed to serve functional interests or to reinstate negotiations.

## The ELN

While Uribe's focus was on the FARC, some attempts were made by Mexico to initiate talks with the ELN in 2004 and 2005. The group finally rejected Mexico after its vote against Cuba in the UN, but announced that it kept the door open for a group of friendly states. To resume peace talks, the government granted house arrest in September 2005 to the imprisoned guerrilla leader Francisco Galán, as ELN representative.<sup>87</sup> The meetings were supported by the European states and first took place with civil society only and then with the government, in the "Casa de Paz" (Peace House) in Medellín. They continued in Cuba, accompanied by Norway, Spain and Switzerland, who all had their own interest in resuming talks and achieving an agreement.

As Arias notes, these countries were active and discrete at the same time. Moreover, the number of actors was limited as the group first met representatives of the most important sectors of civil society and then the government. Owing to limited differences of interest and, thus, coordination problems, the means were rendered more effective. Crucial to the peacebuilding efforts, the political and economic credibility of the states involved was also assured.<sup>88</sup> However, these talks never brought more than a draft agreement. The main obstacle was the guerrilla group's request for foreign states'

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<sup>83</sup> Ortiz (2008), pp. 1-2.

<sup>84</sup> Fisas (2010), p. 90.

<sup>85</sup> Ávila Martínez, Ariel Fernando (2010). *La Guerra Contra las FARC y la Guerra De las FARC*. In: Corporación Nuevo Arco Iris (n.d.) (2010). *El Declive de la Seguridad Democrática*, *Revista Arcanos*, No. 15, p. 7.

<sup>86</sup> Fisas (2010), p. 92.

<sup>87</sup> The government renewed this liberation until 2007, when Galán was liberated conditionally in 2007. That year, he renounced violence and could, therefore, no longer represent the group.

<sup>88</sup> Arias (28 Jul. 10).



financial support from the outset. Financial reward could have been used as a “carrot” during the negotiations, as it is one of the sources of power of the mediators.<sup>89</sup> Yet, it would have been counter-productive to use it without any prior commitment of the ELN to become involved and be ready for compromise. By proceeding that way, the illegal armed group seemed more interested in financial considerations than in conflict resolution. Moreover, civil society actors, such as the Court of Justice, parliamentarians or political parties neither backed the process nor proposed solutions, again leaving the mediators to work alone.<sup>90</sup> Experts from International Crisis Group also remark that the international community adopted, at that time, a very discrete role, which was appropriate. Nevertheless, the real advances in the negotiations failed to keep up momentum.<sup>91</sup> External actors might have better employed their sources of leverage. In addition, Ocampo notes the limited initiative foreign states took at that time.<sup>92</sup>

This time the problem was due to the conditions for the agreement demanded by the government. The government changed its position and requested ELN members to be identified and located in a list to be held by an international verification commission, which was unacceptable to the group.<sup>93</sup> The government's change of attitude can be explained by lasting disagreements and the increase in tensions in the country. Once more, the means and aims changed. Globally, opinion turned against a peaceful solution with the guerrillas, mainly due to intensive and repeated attacks by the FARC. Uribe also suspected the ELN of using the international community's presence solely to legitimate itself and thus he eventually requested that foreign states leave the negotiating table. The government also declined the UN's offer to act as a facilitator.<sup>94</sup> New talks were held in Cuba in August 2007. However, the atmosphere of mistrust was not favourable to negotiations, leaving the “Basic Agreement” unsigned.

Being already involved in the process with the FARC, President Chávez proposed his mediation and initially succeeded in re-establishing dialogue.<sup>95</sup> His involvement was, however, variable and eventually damaged relations between both countries in the coming years, as mentioned above.<sup>96</sup>

Aldo Civico argues that the Colombian government had an important timeline problem and missed numerous opportunities. He also highlights the increasing internal divisions within the ELN that left

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<sup>89</sup> Zartman & Touval (2007), pp. 448-9.

<sup>90</sup> Arias (28 Jul. 10).

<sup>91</sup> Pfeiffer, Silke & Letts, Nicolás (27 Jul. 10). International Crisis Group (ICG) for Colombia and the Andean Region, Director and Analyst. Interview.

<sup>92</sup> Ramírez Ocampo (28 Jul. 10).

<sup>93</sup> Civico, Aldo (2009). Las Negociaciones con el ELN, Oportunidad Perdida?. In: Arnsón, Cynthia; Llorente, María Victoria (eds.) (2009). Conflicto Armado e Iniciativas de Paz en Colombia. FIP and Woodrow Wilson International Center for Scholars, *Cuadernos del Conflicto*, p. 24. Available at: [http://www.ideaspaz.org/secciones/publicaciones/download\\_publicaciones/Washington\\_WEB\\_es.pdf](http://www.ideaspaz.org/secciones/publicaciones/download_publicaciones/Washington_WEB_es.pdf) [accessed 5 Dec. 12].

<sup>94</sup> Civico, Aldo (2009). The Negotiation with the ELN. Missed Opportunity?. *Center for International Conflict Resolution*, Columbia University, pp. 2-3. Available at: <http://www.cicr-columbia.org/wp-content/uploads/2009/11/OnTheELN.pdf> [accessed 22 May 12].

<sup>95</sup> Civico (2009). Las Negociaciones con el ELN ¿Oportunidad Perdida?, pp. 25-7.

<sup>96</sup> Civico (2009). The negotiation with the ELN. Missed opportunity?, pp. 2-3.

room for hard-liners to influence the process.<sup>97</sup> Fragmentation is one of the important challenges that must be taken into account by mediators.<sup>98</sup> He also highlights the absence of a reliable and credible third party and the error of the government in dismissing Chávez, a move which he claims radicalised the insurgents.<sup>99</sup> Uribe's criticisms of the French and Swiss mediators, as well as the attacks on respected NGOs, namely International Crisis Group and Amnesty International, confirmed his reticence towards international engagement and alternative solutions to the US-supported military approach .

## Conditions for International Support in Peace Negotiations in Colombia

To reduce potential criticism over the role of outside players for doing too much or not enough, the mandate given to foreign actors should be as clear and robust as possible to enable them reach this aim. To be able to use the most appropriate leverage and methods, a sound understanding of the context, dynamics, history and actors should be one of the top priorities of the mediators.<sup>100</sup> An insider mediator could be a precious asset given his or her in-depth knowledge and understanding of the conflict, as well as reputation and established network.<sup>101</sup> Still, a successful peace process would need to be supported by other structures and the "power" of foreign states.<sup>102</sup> Piedad Córdoba has been active in keeping contact between the guerrillas and the government, but the latter has remained suspicious about her links to the FARC over the years and this has limited her role to supporting numerous hostage liberations. She is notably not involved in the current peace negotiations.

Different forms of mediation have been used so far and the group of friendly states seems to have been quite successful to date. It includes the advantages of official and institutional actors, namely power and influence as well as resources and guarantees on the one hand, and the UN's legitimacy, experience and operational capacities, on the other hand, when the organisation supervises the process.<sup>103</sup> However, for this approach to be effective, a clear leader<sup>104</sup> and the involvement of partners with complementary competencies and contributions are essential.<sup>105</sup> Different actors that complement each other are, indeed, of additional value as it will prevent the principal mediator from the criticism of being "biased".<sup>106</sup> Furthermore, it seems that participation of an unofficial actor is positive, because of its greater flexibility.<sup>107</sup>

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<sup>97</sup> Whitfield, Theresa (2010). *Engaging with Armed Groups: Dilemmas & Options for Mediators*. Centre for Humanitarian Dialogue, *Mediation Practice Series*, No. 2, p. 24. Available at: <http://www.isn.ethz.ch/isn/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=123064> [accessed on 21 Aug. 12].

<sup>98</sup> Conciliation Resources (2009), p. 3.

<sup>99</sup> Civico (2009). *The negotiation with the ELN. Missed opportunity?*, p. 7.

<sup>100</sup> Brahimi & Ahmed (2008), p. 5.

<sup>101</sup> Giessmann and Wils (2011), p. 198.

<sup>102</sup> Whitfield (2012), p. 11.

<sup>103</sup> Whitfield (2012), pp. 9-10.

<sup>104</sup> Llorente, María Victoria (22 Jul. 10). FIP, Director. Interview.

<sup>105</sup> Giessmann and Wils (2011), p. 197.

<sup>106</sup> Giessmann and Wils (2011), p. 201.

<sup>107</sup> Giessmann and Wils (2011), p. 188.

While single countries could also have played a role, the choice was actually limited by the anti-terrorism laws adopted in the US, the UK and other states that impede any contact between listed groups and their citizens and people or institutions under their jurisdiction.<sup>108</sup> In addition, states should have strong financial and political means to be able to exert pressure, if permitted by their mandate and when necessary, as well as logistical capacity and experience in conflict resolution in order to be credible. These conditions already exclude the US and most members of the EU. Norway, Sweden, Switzerland, Chile, Argentina and Brazil are the only remaining states, as Asian and African countries do not seem to be interested in an international reputation as mediators. Norway, Chile, Cuba and Venezuela are, indeed, involved in the current process with the FARC, and the ELN requested the support of the Argentinian President, Cristina Kirchner.<sup>109</sup> While no lead mediator has been designated in the process that is underway, the role of these four states, has already been slightly better defined, and the number of states involved more limited than in prior processes. Moreover, the third parties involved complement each other in terms of mediation experience, political, financial and logistical capacity as well as credibility. Finally, third and conflict parties have, in this instance, an ultimate objective that can be achieved by a mediation process leading to a peace agreement.

While regional organisations usually have an interest in participating for prestige and international status, member states also try to foster their own interests and slow its functioning. Experts do not agree on which organisation should get involved, however they do at least agree on the fact that any talks should be officially supported by both regional organisations, the OAS and UNASUR, in order to legitimise and reinforce negotiations, even if these organisations do not have any specific role.<sup>110</sup> Similar conclusions with regards to obstacles, and the possible role of such organisations, can be drawn in relation to the G24, even if the group does not have the regional legitimacy of OAS and UNASUR. Currently, none of these international organisations is directly involved in the process. However, while the OAS “welcomed” the process, UNASUR offered its support<sup>111</sup> and officially backed it.<sup>112</sup> The G24 has so far kept a low profile.

While the UN is the victim of the same internal divergences and the multitude of national interests as regional organisations, its legitimacy and impartiality are rooted in its Charter.<sup>113</sup> The UN currently has no Special Representative to the Secretary General, as it has in the past, but provides logistical support as mentioned earlier.<sup>114</sup>

Being a historical partner of Colombia, it was critical that the US government approved the

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<sup>108</sup> Wils and Dudouet (2010).

<sup>109</sup> Marín (2012).

<sup>110</sup> Llorente (22 Jul. 10); Arias (28 Jul. 10); Restrepo (26 Jul. 10).

<sup>111</sup> Agencia Venezolana de Noticias (AVN) (n.d.) (2012). *UNASUR offers collaboration in Colombia peace process*. Available at: <http://www.avn.info.ve/contenido/unasur-offers-collaboration-colombia-peace-process> [accessed 02 Dec. 12].

<sup>112</sup> Presidencia de la República (n.d.) (2012). *Unasur respalda el proceso de paz en Colombia*. Available at: [http://wsp.presidencia.gov.co/Prensa/2012/Noviembre/Paginas/20121130\\_05-propaz.aspx](http://wsp.presidencia.gov.co/Prensa/2012/Noviembre/Paginas/20121130_05-propaz.aspx). Accessed 02.12.2012.

<sup>113</sup> Whitfield (2010), p. 17.

<sup>114</sup> Alsema, Adriaan (2012). *Colombia Government, FARC Rebels Announce Forum on Agricultural Reform*. Available at: <http://colombiareports.com/colombia-news/peace-talks/27155-colombia-govt-farc-rebels-announce-forum-on-agricultural-reform.html> [accessed 02 Dec. 12].

process, which it did, despite the aforementioned law.<sup>115</sup> Moreover, no guidelines to resolve the ethical dilemma of extraditions to the US of former combatants and drug dealers exist to date.<sup>116</sup> This issue should, therefore, be debated across Colombian society.<sup>117</sup>

Despite severe limitations imposed by the parties to the conflict, it seems that international mediators were unsuccessful in reaching the aim that fitted their means in past processes. As this analysis highlights, mediators were often too dependent on the good will of the parties to the conflict and did not have enough "power". They might have put their sources of leverage and diplomatic skills to better use. Yet this is a sensitive issue, as demonstrated by the Colombian governments' criticism of Lemoyne's initiative. As this analysis has shown, the mandate was too restricted to enable them to reach the official aim of a peace agreement. Foreign mediators should, however, strive to promote the perception of gains maximised for all with an agreement, including Colombian society and of all illegal armed groups.<sup>118</sup>

Cuba, Norway, Venezuela and Chile have the necessary means and willingness to effectively assist the parties to the conflict in the current peace process. The Colombian government, the FARC, and probably the ELN, also have substantial interests in finding a peaceful solution. This is why, if third parties coordinate their interests and complement their action, use their leverage when necessary and do not exceed their mandate, they have a chance to succeed in reaching their aim and help the parties to the conflict bring an end to the nearly half-century-long armed conflict.

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<sup>115</sup> The White House (n.d.) (2012). *Statement by the Press Secretary on the Government of Colombia's Peace Negotiations with the Revolutionary Armed Forces of Colombia*. Available at: <http://www.whitehouse.gov/the-press-office/2012/09/04/statement-press-secretary-government-colombia-s-peace-negotiations-revo> [accessed 03 Dec. 12].

<sup>116</sup> Zartman & Touval (2007), p. 452.

<sup>117</sup> Arias (28 Jul. 10).

<sup>118</sup> Whitfield (2010), p. 24.