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■ AQ FEATURE

The Obstacles to Political Integration Post-Peace

BY [Juanita León](#)

The obstacles to political integration.

After three years of negotiations with the *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia—FARC) Colombian President Juan Manuel Santos has decided to go all-in on securing peace for his country. His political and personal commitment became clear earlier this year when he staked his entire campaign for his second term in office on being the candidate of peace. His inauguration, and inaugural speech, drew heavily on the rhetoric and symbols of peace, with multiple images of white doves, including dove lapel pins for the guests.

But beyond all the apparent optimism, the path to peace is strewn with pitfalls. Even if there is an agreement between the government and the FARC—and for that alone there are numerous obstacles—long-term peaceful political and economic integration of combatants is by no means guaranteed.

Here are the challenges and obstacles on that long path.

1. Two Different, Clashing Views of the Peace Process and its Meaning

The Colombian establishment and the FARC inhabit parallel realities. The establishment considers the events in Havana to be a negotiation of respectable conditions under which a nearly defeated guerrilla group is to accept its crimes and reintegrate into society. In contrast, the FARC considers the process a negotiation between equals that seeks to transform Colombian society to overcome what it considers the objective roots of violence, such as rural marginalization and the political exclusion of the left. Although both sides in the negotiations believe the effort is addressing these factors and that they are negotiating as equals, most Colombians neither perceive that to be the case nor want it to be.

The difference in perception between a large segment of Colombian society and the guerrilla group makes the negotiation politically difficult. In particular, there is a wide divergence between the two sides over what steps the guerrilla group and its leaders will have to take, and the concessions they will have to make, for Colombians to endorse any future agreement. The views collide on almost every item on the discussion agenda, from laying down arms—which would be fundamental in assuring Colombian society that they will not be used again, but to the FARC would be the equivalent of surrendering to an enemy that did not defeat it—to issues of transitional justice and responsibility.

For example, Iván Márquez, chief negotiator for the FARC, said in early August that the group rejected the Legal Framework for Peace. That law, which the Colombian Constitutional Court declared constitutional in August 2013, creates the framework for transitional justice if there is a peace agreement.

The framework had originally been put forward by Santos when the negotiations with the FARC first started and were still secret. The framework grants the Colombian Congress the power to determine which of the crimes committed during the conflict can be waived by the courts, and grants the *fiscal general* (attorney general) the authority to not prosecute the others. The legal document also opens the door for the political participation of the heads of the armed groups who negotiate peace and who have not committed crimes against humanity.

This reform is at the heart of the split between Santos and former president Álvaro Uribe, who—as the tight, second-round election between Santos and Uribe’s handpicked candidate showed—still commands a great deal of popularity in the Colombian electorate. The former president has denounced the framework as surrendering the nation to terrorists.

Meanwhile, the FARC has rejected the law, maintaining that the guerrilla force will not subject itself to unilateral treatment by a state that it despises.



Peace looms in the background: Iván Márquez, commander of the FARC-EP, reads a statement during the peace talks in Havana. Photo: YAMIL LAGE/AFP/GETTY

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In every survey carried out in the past two years, three out of every four Colombians support the negotiations in Havana; but among those that do, the same proportion opposes giving the guerrilla fighters the chance to participate in politics. For the majority of Colombians, the only goal of the negotiations in Havana should be the demobilization of the FARC.

2. Determining Who Are the Victims and Accepting Responsibility

One of the great achievements of the negotiations so far is that both the FARC and the government acknowledged at the table in Havana that the negotiations will not consist of “an exchange of impunities.” Both said that they would be prepared to acknowledge their victims. This is a great step forward from the original remarks by the guerrilla chief Márquez, who said at the start of the dialogues in Oslo in October 2012 that the FARC “was the victim and not the perpetrator.”

But how this acknowledgement will play out in practice is one of the great challenges facing the negotiators. The more honest and forthright both sides are about the crimes they committed, the more

tolerant victims and international justice and human rights organizations will be of reducing punishment or granting pardons to former combatants in the name of reconciliation.

For example, within the framework of transitional justice, the FARC's acknowledgement of its role in drug trafficking will help facilitate the acceptance of these crimes as connected to their rebellion. In fact, the FARC confirmed for the first time that drug trafficking—more than the *gramaje* or “tax” that it charges the *cocaleros* (coca leaf growers) in its areas of influence—has financed the conflict. For anyone who knows the FARC, this was a truly radical admission, and a giant step forward after it presented itself at the start of the peace talks as “representatives of the *cocaleros*” rather than as participants in the drug trade.

There is a parallel for the military. The more the armed forces recognize the crimes they committed in nearly 50 years of conflict, the greater their chances will be of obtaining the same legal benefits—reduced sentences—as the guerrilla fighters.

Nevertheless, for both parties, recognizing these crimes in a way that is acceptable to their victims will be very difficult.

The FARC aspires to participate in politics, but acknowledging the atrocities it has committed will cost it future votes. In addition, because guerrilla leaders have sold its foot soldiers and supporters on the idea that the FARC has been the “people's army,” the rebel group will not want to go down in history as the abuser who victimized the humble *campesinos* it claimed to represent.

For this reason, rebel leaders sought the creation of a commission to investigate the conflict, called the *Comisión Histórica del Conflicto Armado y sus Víctimas* (Historical Commission on the Armed Conflict and Its Victims), comprising 12 recognized intellectuals who have written extensively about the war, who come from the left and the right and who are charged with providing an independent analysis of the genesis and evolution of the conflict. The commission will deliver its conclusions in December, and the guerrilla group hopes the findings will reduce the stigma that the war began and will end with the FARC. The nearly 50-year war has, according to data from the *Centro Nacional de Memoria Histórica* (National Center for Historical Memory), resulted in 220,000 deaths, 5.7 million displacements, 27,000 kidnappings, and some 25,000 disappearances, in addition to some 2,000 massacres.

On the other side, the armed forces still have to address and accept responsibility for the “false positives” scandal and their own acts of terror and human rights violations. In 2008, after the bodies of 22 workers were found outside the town of Soacha, it was revealed that under a program that rewarded soldiers for killing guerrillas, more than 1,000 youths from impoverished backgrounds had been murdered in cold blood by members of the military—who later presented them as FARC combatants in order to receive perks such as a weekend furlough or congratulations from then-President Uribe. In addition, during the near half-century of conflict, the military participated in political assassinations, the murder of journalists, disappearances, and drug trafficking. And yet throughout this, the armed forces remain one of the most trusted institutions in the country. As in the case of the FARC believing itself to be a people's army, the commanders of the armed forces will be loath to sully that image and betray that trust by admitting to wrongdoings.

Further complicating the process is the joint statement by both sides at the negotiations that the

acknowledgement of responsibilities in the conflict cannot be limited to the armed groups, but must also include businesspeople, the media, politicians, and even the Catholic Church. The majority of Colombian society would perhaps opt for silence. But only the truth can prevent the repetition of the conflict. For this reason, the High Commissioner for Peace, Sergio Jaramillo, has made determining the truth of the conflict one of the central pillars of his concept of transitional justice.

3. Justice and Reconciliation

The chosen instrument of transitional justice requires the punishment of those who committed crimes against humanity and systematic war crimes, a position supported by the Constitutional Court.

There is some debate over whether the FARC can be charged with crimes against humanity; but for war crimes, there is no doubt. In 2000, the FARC ordered the guerrilla fighters to kidnap the wealthy. During the conflict it also indiscriminately used anti-personnel mines—in violation of international bans on their use—resulting in the injury and death of innocent civilians. And almost 30 percent of its ranks are filled by children. These are just some of its crimes, many of which have been well documented by Human Rights Watch and the United Nations, as well as Colombia's own judicial system.

For these acts, some FARC commanders will have to accept criminal responsibility. Admitting guilt may reduce their punishment and help them avoid traditional prison sentences. But since the FARC does not recognize the legitimacy of the state, it has refused to accept a state-imposed punishment, raising doubts about the political sustainability of any peace agreement. Any resolution that allowed FARC leaders to avoid punishment for war crimes would be rejected by the international community, and by large segments of Colombian society, making it politically unsustainable.

The challenge, then, is to find a formula of transitional justice that is acceptable to the international community, but that at the same time does not jettison the possibility of a negotiated, consensual settlement.

4. Popular Approval and Acceptance of the Peace

It is written in the negotiation's framework that the Colombian people will have to endorse any final agreement before it can be implemented.

On the one hand, this arrangement is an incentive for the FARC to be realistic in the negotiations. As previously mentioned, although the majority of Colombians support a negotiated solution to the armed conflict, they are not prepared to make broad concessions to achieve the FARC's demobilization. According to a Gallup Poll in June 2014, 75 percent oppose political participation by the guerrilla fighters and oppose them avoiding prison time.

As such, the first challenge is how to help Colombians understand that this negotiation, in contrast to past peace processes, is not just demobilization. They must recognize that the path to long-term peace means creating the conditions for the FARC to be able to reach its political objectives via ballots, not bullets.

The government trusts, perhaps with reason, that when Colombians see "the complete package" they

will be willing to support the final agreement. But at least until now, Santos and his government team have not been particularly agile or effective in framing the negotiation—as the president’s close second-round election victory and survey results have shown.

Meanwhile, former president Uribe declares regularly that the FARC remains a terrorist organization and that the true objective of the peace process is to facilitate the arrival of a *Castro-chavista* regime.

In short, popular approval is by no means a given.

But there is also the challenge of the mechanism the government will choose to seek popular approval. A referendum, which would best formalize the agreements because it could reform the constitution, must first be approved by Congress and supported by the Constitutional Court.

Assuming that Santos maintains his majority coalition in Congress—that, in other words, the Conservative Party and Uribe’s Democratic Center have not by then forged a coalition to block approval of the agreement—and that the court subsequently declares it constitutional, this entire process will take at least six months.

During this time, the FARC would be in limbo, waiting for the government to set up the process and for citizens to endorse the plan by which they would lay down their arms and join Colombian society. During that long wait, opponents of the peace process could boycott the effort or undermine the unsecured peace, either by engaging in terrorist attacks and attributing them to the FARC, or through other, more political, means.

5. Implementation

The government has been clear that while it is one thing to end the armed conflict, building peace is quite different. And what has been agreed to so far in Havana is quite ambitious. The first point of agreement, on comprehensive rural development, would reintegrate rural Colombia into the modern political and economic structure of the nation. It would also include the formalization of land ownership in a country in which more than 50 percent of the land lacks legal titles.

The second point, on political participation, would create “peace districts” in which social movements in the areas hit hardest by the conflict could elect candidates to Congress with a lower vote threshold than the rest of the country. In practice—unless traditional politicians find a way to sabotage it—this would not only bring legislative representation to the most remote and marginalized regions, but would also bring new and much more radical voices into national politics.

The third point, on drug trafficking, commits the FARC to abandon the business, after having controlled all of Colombia’s coca production.

All of these transformations require an institutionality that is not evident today. The system for measuring, recording and tracking land tenure and ownership, for example, is extremely weak, both technically and in terms of data and information capacity. At the same time, Santos, far from investing in the modernization of institutions involved with the rural and agricultural sectors, has turned these ministries and offices over to political cronies as a means to build political support.

This also assumes that politicians—and Colombians in general—will stop viewing the guerrilla fighters as enemies once they lay down their arms, and start to see them as political adversaries.

Beyond this, there is a budgetary issue as well. The implementation of the agreements will require a multimillion-dollar investment just when the government has imposed upon itself “fiscal restrictions” that are intended to secure its membership in the Organisation for Economic Co-operation and Development (OECD).

6. Who Lays Down Their Arms First?

The government and the FARC have agreed that the implementation of the agreements will be carried out simultaneously. This means that FARC combatants disarm as the government makes the agreed-upon reforms. But since these reforms, which are territorial at their core, will be done with the FARC, few citizens will understand why the FARC retains its arms as the government implements its side of the bargain.

It is also reasonable to expect that, given the guerrillas’ mistrust of the state and the establishment, the FARC will want to keep its weapons. Precedents such as the extradition of paramilitary leaders to the U.S. for crimes committed after the Ralito negotiation that demobilized the paramilitaries in 2003–2005, or the extermination of the *Unión Patriótica* (Patriotic Union) party—the FARC political party that emerged during the peace negotiations of the mid-1980s—have only fed this mistrust.

The obstacles that must be surmounted are immense and deeply entrenched. But Colombians’ awareness of what their country would gain if it manages to put an end to the armed conflict could help overcome them. For the first time in recent history, the conditions are in place for Colombians to finally achieve a civilized resolution of their differences. Will that be enough?

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