The FARC-Colombian Peace Deal: No Better Option

On August 24, the Republic of Colombia announced that it had reached an agreement to end the world’s current longest-running civil war. Since 1964, the Colombian government has been fighting a Marxist guerrilla group known as the Revolutionary Armed Forces of Colombia, or better known by their Spanish acronym: FARC. Two-hundred twenty thousand people (mostly civilians) have died, 45,000 individuals have disappeared, and 7 million persons have been displaced as a result of this conflict.[1] This peace deal is not the first one that Bogotá has negotiated with the FARC, but, after four years of negotiating in Havana, Cuba, it should be the one to permanently end the decades-long conflict.

The message of congratulations from the Washington Office on Latin America (WOLA), “a research and advocacy organization that has been closely following Colombia’s peace process since its inception,”[2] highlighted the broad array of parties involved: the Colombian government (including Colombian President Juan Manuel Santos), “the FARC, Colombia’s military and the ‘guarantor’ countries (Cuba and Norway), the ‘accompanying’ countries (Chile and Venezuela), as well as the special envoys sent by the governments of the United States, Germany, and the European Union.”[3] Pope Francis blessed the accord, and United Nations Secretary General Ban-Ki Moon endorsed it. A United Nations commission will be put in charge of the demobilization: actually taking the weapons from the fighters.

A referendum is scheduled for October 2, 2016 where the people of Colombia will decide the fate of the peace accord. The new peace accord is designed to move Colombia away from a long tradition of “private justice,” to the usual process of transnational justice into what the government promises will be “restorative justice.” However, not everyone is convinced. In 2013, I traveled to Colombia and Cuba to meet with colleagues who were involved in this negotiation. We had first met when I traveled throughout Colombia in 2009 and 2010 to see the implementation of the previous peace process: the reintegration of the right-wing paramilitaries under the Justice and Peace Law, which was passed in 2005. This new FARC deal, modeled on the 2005 paramilitary one, bears the hallmarks of a good settlement: no one is fully happy with it, but no one thinks that they can do any better. In game theory, this phenomenon is called an “equilibrium” solution.

This widespread violence has touched just about every family in Colombia, and many families of victims feel that the amnesty leaves too many crimes unpunished. The truth-and-reconciliation process (one of the most controversial elements of the peace deal)
crimes, they will be eligible for alternative sentences and ‘restorative’ justice aimed at making amends to victims, which could just be community service. If they don’t tell the truth, they will be vulnerable to criminal prosecution for up to 20 years behind bars.[4]

Former Colombian President Álvaro Uribe considers these punishments a slap on the wrist for FARC “terrorists” guilty of war crimes and is leading the fray in lobbying against the deal reached by his successor.[5] The irony that it should be Santos, who served as Uribe’s Defense Minister and is renowned for his brutality in fighting the FARC, to reach a peace deal is lost on no one in Colombia.

The demobilized paramilitaries are angry that the FARC guerrillas are receiving more amnesty than they did, especially because the paramilitaries formed (in their view) to defend the Colombian institutions the FARC sought to overthrow. However, some of the “reintegrated” paramilitaries have taken up weapons and drug trafficking again as “mini-cartels,” so most Colombians are not too concerned by their professed grievances. At the 2016 Cartagena Dialogue of the International Institute of Strategic Studies (IISS), then Defense Minister (now Ambassador to the U.S.) Juan Carlos Pinzón gave a very odd and rambling keynote address that bemused my American colleagues less acquainted with Colombia’s long history of political violence. I explained to them that the speech was directed at his military to quell growing dissent in the ranks with the government’s ongoing peace negotiation with the FARC. Up until the final announcement, the Colombian military officers feared that they might be punished more harshly than the FARC even though they started the war and provided the bulk of the world’s cocaine, and, in exchange for all that, FARC have received the greatest leniency in any of Colombia’s peace negotiations.

Key Parts of the Peace Deal

The upcoming October 2 referendum is set to be a political circus rivaling Brexit. Political parties are allowed to advocate “yes” or “no” to their followers using their party logos. Despite the heated polarized rhetoric typical of Colombian politics, I would bet money on its passage. As I learned in my travels around the contentious DDR (disarm, demobilize, reintegrate) programs in diverse parts of the country in 2009 and 2010, Colombians are tired of the violence, and most of them advocate a deal that brings real peace; the central contention is often whether the deal will actually work, which only time will tell. Frankly, there is no other decent option. With over half a century of dealing with both insurgents and paramilitaries, the key points to this peace deal are designed to address the fundamental causes of the violence for both sides: the FARC’s grievances against the government and the drugs and illegal activities that have funded the FARC. The deal encompasses provisions for long-term stability: political inclusion, agrarian reform with rural development, and the replacement of illicit economic activity with a legal one.

Under the accord, the 7,000 demobilized FARC fighters will turn in their weapons at various centers around the country run by a United Nations commission. Some leaders will be tried and punished. Most of the rank-and-file will be granted amnesty and enter a program to reintegrate into their communities. The FARC will become a political party and be able to gain seats in Colombia’s legislature by the creation of electoral districts from areas that were previously under FARC rule. Also, it has guarantees for the security of the government’s political opposition (on which the Colombian government has a poor record), and it will seek to increase citizen participation generally. The aim is to encourage citizens to express their dissent with the ballot not an AK-47. “Through the Victims’ and Land Restitution law of 2011, people who suffered violence are eligible for reparations,
and those who were forced from their land by any armed group or the military are entitled to have their property restored or to receive compensation for it.”[6] Under the new deal, land ownership registries will need to be centralized and updated to reflect the restoration of property rights. The government will assist small-share landholders who now have trouble getting formal title to the land that they have been farming. Rural investments will offer crop replacement incentives (away from growing coca and poppies) and anti-corruption programs.

Colombia’s history of violence is complicated. It has been a country riven by the intertwining forces of narcoterrorism and Conservative-versus-Marxist violence. If we use “narcoterrorists” to designate those who are simultaneously involved in drug trafficking and terrorism and used the profits to fund terrorist acts (such as ambush, bombing government buildings, or killing civilians with bombs strapped on motorcycles, airplanes, and horses, or worn as a necklace, a collar bomba), then Colombia has combated two types of narcoterrorism: terrorist groups directly involved in the drug trade, and drug cartels responsible for terrorist acts, including the blowing up of an airliner, as Pablo Escobar (the original King of Cocaine) did to protest his possible extradition to the United States.

From La Violencia to “Low-Intensity Conflict”

Cocaine and heroin have fueled the longest-running, low-intensity conflict in the world, but the incubator for the terrorist and paramilitary groups that have torn Colombia apart since the mid-1960s is the ten-year (1948–58) period of civil war in Colombia known simply as La Violencia (The Violence), which was unleashed when the Colombian Liberal Party and the Colombian Conservative Party established their own paramilitary forces and fought most battles guerrilla-style in the rural countryside. While the Liberals and Conservatives constantly fought each other, they sometimes joined forces to fight against the paramilitary forces of the Colombian Communist Party (CCP), while maintaining constant aggressions against each other. La Violencia killed at least 200,000 people, and that is before the FARC conflict got started.[7]

There are two interpretations of the start of La Violencia. The proximate cause is generally considered to be the April 9, 1948 assassination of the popular politician Jorge Elícer Gaitán, a Liberal Party presidential candidate in the November 1949 election. Bogotá exploded into riots known as the Bogotazo. The rioting lasted for ten hours, and 5,000 people died.[8] Also, a broader interpretation of causation traces the start of the violence to 1946, the year when the Conservatives returned to government power and when rural town police and political leaders encouraged Conservative-supporting peasants to seize the agricultural lands of Liberal-supporting peasants. As a result, peasant-on-peasant violence erupted throughout Colombia in the form of a civil war for control of the country’s agricultural land,[9] which is still the core of the FARC’s purported cause.

In the 1960s, the Colombian government made the fateful mistake of abrogating its responsibility to protect its people: Congress passed legislation allowing citizens to form local self-defense organizations in response to the FARC, the National Liberation Army (ELN), and myriad other left-wing guerrilla terrorist organizations. That is the “private justice” to which the peace deal announcement refers. As narco power and money grew over the next 20 years, they heavily influenced and abetted the growth of paramilitarism eventually organizing under the umbrella of the Auto-Defensas Unidas de Colombia (AUC), United Self-Defense Forces of Colombia. Although the AUC formally demobilized in 2006 under the Peace and Justice Law, splinter groups remain, functioning mainly as criminal gangs (bandas criminales or bacrim) and small drug cartels, cartelitos.

The FARC are not alone either. The second-largest left-wing insurgent group is the ELN. The FARC was composed of militant communists and peasant self-defense groups, while the ELN’s ranks were dominated by students, Catholic radicals, and left-wing intellectuals who hoped to replicate Fidel Castro’s communist revolution in Cuba.[10] It is still currently negotiating with the Colombian government. Analysts think some committed ideologues from the FARC may continue with that embattled group.
The Colombian terrorist insurgency with the most panache and flair for publicity was the 19th of April Movement (M-19), a group of highly-educated urban guerrillas inspired by other South American guerrilla groups like the Tupamaros in Uruguay and the Montoneros in Argentina. M-19 gained notoriety for two spectacular operations: in April 1976, they kidnapped and murdered José Raquel Mercado, the leader of the Confederation of Workers of Colombia (CTC), whom they accused of taking bribes and collaborating with the CIA; in November 1985, they laid siege to the Palace of Justice, took over 300 hostages, and demanded the trial of President Belisario Betancur for betraying the country’s desire for peace. The Palace of Justice siege ended in massive bloodshed, and M-19 lost a lot of support. It was, however, allegedly supported by drug kingpin Pablo Escobar: there are credible claims that Escobar funded M-19’s Palace of Justice siege in exchange for its torching of the room full of prosecutorial evidence against him. In the late 1980s, the group demobilized and became a political party, the M-19 Democratic Alliance. In 1990, their former commander, Carlos Pizarro Leongómez, ran for the presidency, but was murdered aboard a flight on the orders of a drug cartel and Carlos Castaño, the commander of the AUC. Castaño admitted his culpability in a 2002 interview for a book. Unfortunately, the Pizarro assassination was one of the justifiable reasons for the FARC’s deep reluctance to put down their weapons and become a political party this time. The last time that the FARC did so, they were systematically slaughtered.[11]

Future Prospects

The FARC will hold a conference on September 17 – 23, in which “the rebel leadership will explain the contents of the accords to hundreds of rebel commanders”[12] and (hopefully) get their ratification. “President Juan Manuel Santos and long-time foe FARC leader Rodrigo Londoño, known by his nom de guerre Timochenko, will then sign the final peace accord on Sept. 26 in Cartagena. Colombians will vote on whether they approve of the accords in a referendum on October 2.”[13] Predata, a digital metadata analysis company, predicts that the Colombian Peace Process will advance with support growing over the next 30 days.

Frankly, despite the discontent, Colombians of either political persuasion have no better option, but the world will wait to see how they vote on October 2. The FARC will likely join the Patriotic Union and form another political party as well. They will undoubtedly struggle with the responsibilities of governing as most demobilized insurgencies do. Colombia will not attain full peace, however. Even if the FARC end the cocaine trade, as agreed (which is doubtful), their absence would create a vacuum that will be filled by a brutal battle for control of the drug supply. Only time will show what groups and violent rivalries emerge. Unfortunately, until people stop using drugs, source countries like Colombia will always have a battle on their hands.
