International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

The Day after Tomorrow: Colombia's FARC and the End of the Conflict

Latin America Report N°53 | 11 December 2014

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Executive Summary

As a final peace accord with the Revolutionary Armed Forces of Colombia (FARC) nears, negotiators face an elaborate juggling act to lay out a sustainable path for guerrilla fighters to disarm and reintegrate into civilian life. A viable transition architecture not only needs to be credible in the eyes of FARC but must also reassure a society that remains deeply unconvinced of the group's willingness to lay down its arms, cut its links with organised crime and play by the rules of democracy. The failure of disarmament and reintegration would at best delay the implementation of reforms already agreed at the Havana talks. At worst, it could plunge the entire agreement into a downward spiral of renewed violence. Strong internal and external guarantees are needed to carry the process through a probably tumultuous and volatile period ahead.

There is a lot that can go wrong. Most of the 7,000 or so combatants, and three times that number in support networks, are concentrated in peripheral zones with little civilian state presence and infrastructure. Some guerrilla fronts are involved in the drug economy and illegal mining. In most regions FARC operates in proximity to the National Liberation Army (ELN), Colombia's second guerrilla group, or other illegal armed groups, exposing its members to security threats and an array of options for rearmament. Major doubts linger about the military's commitment to the peace process, and its readiness to take the steps necessary to end the conflict. Political violence has subsided from the paramilitary heyday, but could grow again. FARC has not forgotten the thousands of killings that decimated the Patriotic Union (UP), a party it created as part of peace talks in the 1980s. And after decades of conflict with a rising civilian toll and negotiation efforts that ended in bitter failure, the parties are feeling their way forward amid deep mutual distrust and strong political opposition.

None of these problems has a perfect short-term fix. But the starting position is not all bad. Colombia can tap into three decades of experience in reintegrating members of illegal armed groups and it has more financial and human resources than most post-conflict countries. FARC's command and control structures are in decent shape and guerrilla leaders have a strong interest in a successful transition. The Havana agenda, which alongside the "end of the conflict" includes rural development, political reintegration, transitional justice and the fight against illicit drugs, is, at least on paper, broad enough to embed a long-term peacebuilding strategy, particularly focused on the most affected territories. Finally, in sharp contrast to the paramilitary demobilisation, the region and the wider international community are strongly supportive.

Negotiators need to agree on a reintegration offer that allows FARC to close the ranks behind a transition process riddled with uncertainty and ambiguity. Given its deep-seated distrust toward the state, the best way to achieve this is, probably, to give FARC a stake in reintegration, capitalising on its cohesion. This would minimise risks that FARC could split over the transition. But the parties must also be aware of and carefully manage the drawbacks of such a solution. To make a collective reintegration model palatable to a society disinclined to be generous to FARC and sceptical of its true intentions, negotiators should agree on strong measures of accountabil-

ity, oversight and transparency. They also need to promote local transitional justice to avoid an intensification of communal tensions following the arrival of FARC combatants.

Such a long-term reintegration offer would probably facilitate the fraught negotiations over the conditions under which FARC is willing to abandon the conflict early on in the transition. A bilateral ceasefire needs to go into effect immediately after a final accord has been ratified. This will require military de-escalation well ahead of that, but a formal ceasefire will only be sustainable once FARC's forces have been concentrated. After the agreement has been ratified, measures for "leaving weapons behind" (or disarmament) should begin, though convincing the guerrillas to take such irreversible, risky steps will not be made easier by the government's refusal to negotiate broader changes to the security forces. But the shared interest in a stable post-conflict period should provide sufficient space to hammer out a workable solution. Alongside security safeguards and interim measures to stabilise territories with FARC presence, this should include early progress in implementing key elements of the peace agreement and the establishment of a joint follow-up committee to ensure that the accords will be honoured after disarmament has been completed.

Implementing the agreements will largely be the responsibility of the government and FARC. But in Colombia's sharply polarised environment, international actors will have to play a crucial role. An international, civilian-led mission should be invited to monitor and verify the ceasefire and disarmament. For such monitoring to be successful, the mission needs to have the necessary autonomy from the parties and the technical as well as political capacity to deal with the predictable setbacks and disputes. Beyond that, international actors should remain engaged by providing high-level implementation guarantees, political support for contentious reforms, including of the security sector, and long-term financial commitment.

None of the elements needed to stabilise the immediate post-conflict period is new in the Colombian context, but jointly they will break the mould of previous disarmament and reintegration programs. Flexibility and determination from the negotiators will be needed, alongside renewed government efforts to boost social ownership of the peace process, in particular in conflict regions. Previous transitions have faltered over high levels of violence, public indifference and timid international involvement. A bolder and faster response is needed this time to set Colombia on an irreversible path toward peace.

Recommendations

To stabilise the immediate aftermath of a peace agreement

To the parties:

1. Implement a plan to de-escalate the conflict and build mutual confidence, preparing for experimental truces and demining in final stages of the talks as well as a durable ceasefire. This plan should include:
   a) a halt in attacks on civilian infrastructure;
   b) termination of child recruitment; and
   c) humanitarian measures to improve the situation of jailed FARC members or collaborators.
2. Agree on moving FARC troops into broader buffer zones following the signature of a final deal; full cantonment should begin immediately after ratification, as implementation of other aspects of the peace agreement advances.
3. Consult with, and respect the preferences of local communities, in particular indigenous and Afro-Colombians, regarding the location of assembly sites.
4. Agree on an internationally monitored mechanism for disarmament and storage of weapons that avoids a surrender of arms to the state but guarantees that the guerrillas cannot unilaterally access their weapons.
5. Invite jointly an international, civilian-led mission to verify the ceasefire and disarmament. Consultations with possible partners, including interested states as well as regional and international organisations, should begin as soon possible so as to ensure earliest possible deployment. The mission should have:
   a) the full trust of both parties, but also the autonomy it needs to fulfil its mandate;
   b) adequate technical and political capacity, including military skills and substantial knowledge of the Colombian context;
   c) permanent territorial presence in the zones with FARC presence; and
   d) mechanisms that allow for joint monitoring by the parties themselves, as well as by representatives of the mission.
6. Set out a comprehensive schedule for the first phase of the transition that sequences disarmament with broader violence reduction measures and implementation of key aspects of the peace agreement.
7. Establish a joint committee to oversee the implementation of the peace agreements as a whole; and invite trusted third parties, both domestic and international, to participate as guarantors and mediators.
8. Prepare to extend territorial control by the state over zones from which the guerrillas will retreat by strengthening rural police and exploring options for the participation of FARC members in interim stabilisation measures, such as road construction, demining or joint unarmed police patrols.

To the parties and ELN:

9. Explore possibilities that the ELN can immediately join a ceasefire between the state and FARC, even if separate talks with the ELN on other issues are not completed by the time an agreement with FARC is signed.

To help the transition of FARC members to civilian life

To the parties:

10. Design a credible and balanced long-term reintegration plan that:
    a) is based on a collective reintegration scheme with optional membership, giving FARC members who want to opt out the possibility of participating in an individual reintegration program, similar to the one currently offered by the Colombian Agency for Reintegration (ACR);
    b) gives FARC co-responsibility for running its reintegration programs, conditional upon meeting strict standards of financial transparency, accountability and internal democracy;
    c) addresses the diversity of FARC combatants, including through a robust gender and ethnic focus, and recognises fully the rights of child combatants; and
    d) sets out specific programs for mid-level commanders, militias and support networks.
11. Ensure that transitional justice mechanisms are compatible with reintegration incentives for rank-and-file members, while providing accountability for serious international crimes. Wherever possible, reintegration and transitional justice should help local reconciliation by generating benefits for communities.

To the international community:

12. React swiftly to a possible request of the parties to establish a ceasefire and disarmament verification mission by mobilising the necessary resources, even before the final agreement.
13. Be ready to lend long-term high-level support both through participation in a joint implementation committee (should the parties so wish) and confidential political dialogue with all stakeholders.
14. Pledge multi-year support for reintegration focusing particularly on its linkages with transitional justice.
15. Resist pressures to immediately and completely shift to a post-conflict agenda and maintain resources as well as political support for human rights work and organisations, with a particular focus on the humanitarian impact of criminal violence in urban areas.

To prepare the territories with FARC presence for the end of the conflict

To the government of Colombia:

16. Increase engagement with local authorities, businesses and grassroots organisations ahead of the signature of a deal to generate ownership and dissipate uncertainty over the changes that FARC disarmament and reintegration will bring.
17. Start implementing measures to strengthen the administrative and political capacities of local authorities.
18. Ensure that government and justice institutions begin budget, program and investment planning for extension of economic infrastructure, justice and social services into the former conflict areas once the final agreement is ratified.

To avoid that a peace agreement with FARC has negative consequences for participants in current government reintegration programs

To the government of Colombia and the ACR:

19. Make sure that current reintegration programs serving former paramilitaries and individually demobilised guerrilla members remain adequately financed, staffed and equipped to fully comply with their mission.

Bogotá/Brussels, 11 December 2014

International Crisis Group

Latin America Report N°53 **11 December 2014**

The Day after Tomorrow: Colombia's FARC and the End of the Conflict

I. Introduction

Ending Colombia's conflict is no longer a distant hope. New peace talks that started in October 2012 with the Revolutionary Armed Forces of Colombia (FARC), the largest guerrilla group, have led to outline agreements on rural development, political participation and illicit drugs. In July 2014, the parties have started discussing transitional justice and, in August, a working group was established to begin looking at the "end of the conflict", the last of five substantive agenda points. However, success cannot be taken for granted. Several particularly contentious issues have been postponed, the negotiations remain politically divisive and ongoing hostilities could still derail the process, a risk that came to the fore in November 2014 when the kidnapping by FARC of an army general led to a temporary suspension of the talks. It is also unclear whether the parallel process with the smaller National Liberation Army (ELN) will be synchronised with the Havana talks.[1] But the odds are now that Colombia is about to turn the page on five decades of bloodshed.

This would be a historic achievement, but hardly the end of Colombia's problems. This report analyses some of the challenges linked to the "end of the conflict", including a bilateral ceasefire, the conditions for "leaving behind" the weapons (*dejación de armas*) and the "reincorporation", or reintegration, of FARC members. Many of these issues (but not all) are habitually discussed under the heading of disarmament, demobilisation and reintegration (DDR). Over time, DDR has moved from relatively narrow, short-term security concerns to address broader questions of social reconciliation, economic development and state reform. Programs, including in Colombia, have been increasingly implemented even before the fighting has stopped; and flexibility over the sequencing of steps has grown.[2]

However, this report deliberately does not use the language of DDR, in line with the Havana agenda, which pointedly avoids the term. This reflects FARC's outright rejection of DDR, which it appears to think would be tantamount to military defeat and the dismantlement of its political project.[3] This is nothing unusual. Precisely because DDR was deemed inappropriate by the armed groups concerned, other peace agreements have for instance referred to "decommissioning" of weapons (Aceh, North-

[1] For our previous work on the peace process, see Crisis Group Reports N°51, *Left in the Cold? The ELN and Colombia's Peace Talks*, 26 February 2014; N°49, *Transitional Justice and Colombia's Peace Talks*, 29 August 2013; N°45, *Colombia: Peace at Last?*, 25 September 2012.

[2] See the UN's Integrated DDR Standards; the "Stockholm Initiative on Disarmament, Demobilisation and Reintegration", February 2006; or the "Cartagena Contribution to Disarmament, Demobilization and Reintegration", June 2009. The latter has been sponsored by the Colombian government.

[3] For instance, the late FARC leader Alfonso Cano rejected demobilisation arguing that this would be "treason against the popular cause". Alfonso Cano, "Pautas para la negociación con el gobierno de Juan Manuel Santos", in FARC, *FARC: Porqué nos rebelamos contra el estado colombiano* (Bogotá, 2013), p. 51.

ern Ireland and the Philippines) or the "management of arms and armies" (Nepal).[4] This of course does not mean that Colombia's post agreement phase will bear no resemblance to what has otherwise been called DDR. But language matters. Convincing FARC to end the conflict is likely to be much easier without anchoring the effort in experiences and concepts that the guerrillas reject.

This report focuses on the core of FARC's transition to civilian life. It does not discuss in detail the adjustments to citizen security, the fight against organised crime or the broader changes to security forces that should be part of the post-conflict reform agenda and without which the peace process will be difficult to sustain. The focus of this report is narrower. It analyses and recommends solutions to the dilemmas that, to a great extent, will determine whether both sides can trust the agreements they reach and whether the disarmament and reintegration of FARC can generate the legitimacy with all stakeholders, including the private sector and mainstream political forces, as well as the local ownership that are needed for their sustainability. If the political process breaks down, the most technically sophisticated, best-funded or most meticulously planned transition program will struggle to fulfil its potential.

This report begins by analysing the main challenges for FARC's transition stemming from conflict dynamics, the unconsolidated security environment and deep political divisions. Tackling these challenges will require negotiating a credible and balanced long-term reintegration plan as well as a series of measures to stabilise the first steps of the transition, including a ceasefire, the disarmament of FARC and the implementation of key elements of the peace agreement. The report closes by examining how international actors can support this post-agreement phase, both over the short term and in the long run. The research for this report is based on field visits to Tumaco (Nariño), Medellín and the Catatumbo region, as well as over 80 interviews with central and local government officials, active and retired members of the security forces, community and NGO leaders, human rights defenders, academics, diplomats, national and international DDR experts, former guerrilla members and negotiators involved in previous peace talks.

[4] See Robert Muggah, "Negotiating Disarmament and Demobilisation: A Descriptive Review of the Evidence", *Colombia Internacional*, no. 77 (2013), p. 23.

II. Challenges for FARC's Transition

The administration of President Juan Manuel Santos has billed the Havana talks as an opportunity for the definitive end of Colombia's armed conflict. But a future peace agreement will need time to trickle down. In the meanwhile, the transition of FARC members to civilian life will face serious challenges. Even though the guerrillas maintain solid control over their structures, the deterioration of the conflict since the 1990s, their growing marginalisation and the strong influence of criminal networks will test FARC's cohesion and complicate reintegration. Despite some real gains brought by the controversial demobilisation of right-wing paramilitaries a decade ago, dangers of political violence persist and spoiler acts cannot be dismissed. Lack of progress in opening talks with the ELN adds to that vulnerability. Protecting the transition against such threats is not made easier by low mutual trust and sharp political polarisation.

A. *Conflict Dynamics*

The future disarmament and reintegration program with FARC has its perhaps closest historical antecedents in the early 1990s when Colombia clinched deals with five guerrilla forces. The 1990 agreement with the M19 paved the way for accelerating talks and eventual peace deals with the Revolutionary Workers Party (PRT), the Popular Liberation Army (EPL) and the Quintín Lame Armed Movement (MAQL), signed between January and May 1991. Some three years later, the Socialist Renovation Current (CRS), a dissident ELN group, followed their steps. On the margins of this cycle, Medellín-based urban militia groups also agreed to give up arms in 1994 and 1998.[5]

Despite differences stemming from group size, organisation and political outlook, the ensuing transitions shared a number of similarities. The peace accords combined political participation incentives with judicial benefits under broad, but not total, amnesties. Alongside programs for social and economic reintegration of combatants, the agreements also tried to improve livelihoods in regions with guerrilla presence and they contained (limited) provisions for broader state reform.[6] With their emphasis on political reintegration and social transformations, the Havana talks echo these processes. But the evolution of the conflict since that period has altered the environment in which these talks took place in three significant ways. Each raises new challenges for "leaving weapons behind" and the reincorporation of the FARC.[7]

First, the conflict has become increasingly permeated by criminal networks. The irruption of drug trafficking and the resulting violence and institutional crisis were among the driving forces for the successful peace processes of the 1990s. Those who

[5] These negotiations are documented in detail in Álvaro Villarraga Sarmiento (ed.), *Se inician acuerdos parciales. Pacto Político con el M-19* (Bogotá, 2009), *Acuerdos con el EPL*, *PRT*, *MAQL y CRS. Diálogos con la CGSB* (Bogotá, 2009) and *En ausencia de un proceso de paz: Acuerdos Parciales y Mandato Ciudadano por la Paz* (Bogotá, 2009).

[6] Crisis Group interviews, members of the PRT and EPL negotiating teams, Bogotá, 21 May 2014; former guerrilla leaders, Barranquilla, 22 November 2014. For details see Álvaro Villarraga Sarmiento, "Experiencias históricas recientes de reintegración de excombatientes en Colombia", *Colombia Internacional*, vol. 77 (2013), pp. 116-124; Ministerio del Interior and Instituto Luis Carlos Galán (eds.), *De las Armas a la Democracia* (Bogotá, 2000).

[7] For more extensive background on recent conflict dynamics see Crisis Group Report, *Colombia: Peace at Last?*, op. cit., pp. 2-16.

remained in the conflict, including FARC, were exposed to growing criminal dynamics. Links to the drug-economy have been critical for keeping FARC afloat, following the decline of kidnapping revenues in the early 2000s. The guerrillas have long admitted to playing a role regulating coca cultivation and the sale of coca leaf to drug traffickers, but the true involvement has stretched along the entire production chain, including cocaine trafficking. Meanwhile, with aggressive counter-narcotics policies increasing the risks associated with the drug economy, involvement in illegal mining of gold and other metals has grown in importance. In some regions, it has replaced drugs as the main revenue source.[8] FARC is also running extortion rackets, targeting both local business and larger corporations, in particular in the mining and oil sectors.

Participation in such activities has not transformed FARC into yet another criminal group. The guerrillas have drawn on these resources to finance an insurgent campaign. But as even they now acknowledge, the organisation has struggled to remain in full control.[9] Although FARC is a hierarchical organisation with far-reaching control over its structures,[10] its deep links to the illegal economy suggest that there is a significant risk that dissident factions emerge or ex-combatants abandon the peace process to join criminal groups. Areas of particular concern include the Antioquia's Lower Cauca region, the Pacific coast, parts of the department of Meta and the Lower Putumayo region.[11]

Secondly, the conflict has undergone an unprecedented deterioration. After decades of low intensity, things began to get out of hand in the 1980s with the emergence of the first generation of paramilitaries and a strong growth of guerrilla activities. But the bulk of kidnappings, massacres and displacements occurred between 1990 and 2008; the early 2000s also saw a dramatic rise of land mine victims and extrajudicial executions.[12] With the number of victims swelling to over seven million by 2014, trust has frayed. As communities have borne the brunt of the escalating competition for loyalty and cooperation, the guerrillas are no longer seen as defenders of legitimate interests and there is little faith in the capacity or willingness of the state to solve pressing social and economic problems.

[8] Crisis Group interview, counter-narcotics police, Bogotá, 6 June 2014.

[9] FARC's comment on the capture of the alleged leader of drug operations on the Pacific coast is revealing: "The mentioned Richard is a traitor of the revolutionary principles (...). His ideological decomposition and his personal maliciousness led to his desertion from our ranks some time ago and he took with him goods of the movement and resources destined for the revolutionary struggle". "Aclaración a la opinión pública", Estado Mayor Bloque Occidental Comandante Alfonso Cano, 31 July 2014. Earlier FARC leader Timochenko had already recognised that "the internal fight ... that our guerrilla fighters are not being absorbed by the values ... that drug-trafficking promotes is huge, and with some of our leaders, some guerrillas, we lose it and these are guerrillas that are lost for the struggle". "Entrevista al Cdte. Timoleón Jiménez. Sobre el acuerdo en el tema drogas ilícitas", video, YouTube, 1 June 2014.

[10] This is clear from the four relatively well respected unilateral, temporary ceasefires that FARC has declared since the start of the Havana talks. Ariel Ávila, "Farc culmina con balance positivo segunda tregua del año", Fundación Paz y Reconciliación, 1 July 2014.

[11] Crisis Group email correspondence, conflict analyst, 5 December 2014. See also Jeremy McDermott, "Criminal Activities of the FARC and Rebel Earnings", *Insight Crime*, 20 May 2013; "Las Farc, detrás de la tierra y el oro en El Bagre, Bajo Cauca antioqueño", *Verdad Abierta*, 13 November 2014.

[12] For a detailed overview, see "¡Basta Ya! Colombia: Memorias de guerra y dignidad", Grupo de Memoria Histórica, 2013, pp. 31-109.

In some regions, the guerrillas can draw upon a reservoir of political capital, in particular where they have for decades played a role in structuring social and economic life and have pressured an often only intermittently present state into improving social services. Yet this stock of capital is running low. Under Alfonso Cano's 2008 "Rebirth Plan", FARC has intensified its political work.[13] But in many cases this was not enough to mend ties with communities. The state will face similar problems. Reflecting their experience with the paramilitary process, many communities are sceptical of the peace process and refuse to invest much hope in that it will result in less violence and socio-economic improvements.[14]

Thirdly, an unprecedented military offensive – first under President Álvaro Uribe (2002-2010) and continued with minor adjustments under Santos – has reduced FARC's total strength to under 7,000 combatants, a far cry from the over 20,000 fighters that it was thought to muster in the early 2000s.[15] It has also dramatically reduced FARC's territorial control, pushing the guerrillas into ever more remote and sparsely populated hideouts, often close to territorial or internal border regions.[16]

Incentivising the predominantly rural FARC members to stay in the territories where they operate is a sound option. But their return to civilian life will remain beset with difficulties. Despite the longstanding links with communities, the guerrillas will not simply return home. Some have been in FARC for decades. Many conflict zones have undergone significant social and economic change driven by both violence and government policies, for instance regarding the promotion of industrial agriculture.[17] Civilian state presence remains intermittent or dysfunctional and security forces are often not trusted, while local labour markets might struggle to absorb former combatants. Indeed their arrival could stoke new tensions or exacerbate existing ones.

B. *Unconsolidated Security Environment*

Risks of spoiler violence have subsided since the 1990s, when the last successful peace processes with guerrilla groups took place. This reflects above all the demobilisation of the right-wing paramilitaries organised under the United Self Defence Forces of Colombia (AUC). This process began early in the first Uribe administration (2002-2006) with the December 2002 unilateral AUC ceasefire. Until August 2006, when the process ended, 31,671 paramilitaries demobilised in 38 collective ceremonies, handing over 18,051 weapons;[18] some 4,200 paramilitaries are eligible for tran-

[13] Crisis Group email correspondence, conflict analyst, 5 December 2014; Crisis Group interview, NGO leader, Bogotá, 16 September 2014.
[14] Crisis Group interviews, community members, Tumaco and Quibdó, 2014.
[15] Juan Carlos Monroy, "Farc no tienen más de 7 mil hombres: Mora", *El Colombiano*, 28 August 2014.
[16] Crisis Group Latin America Report N°40, *Moving Beyond Easy Wins: Colombia's Borders*, 31 October 2011, pp. 2-4.
[17] See Alejandro Reyes, *Guerreros y campesinos. El despojo de la tierra en Colombia* (Bogotá, 2009); "Tres agroindustrias de los Llanos compraron tierras con líos y violencia", *Verdad Abierta*, 22 April 2013.
[18] "Proceso de Paz con las Autodefensas: Informe Ejecutivo", Oficina Alto Comisionado para la Paz, December 2006, p. 8. For further background see Crisis Group Latin America Reports N°5, *Colombia: Negotiating with the Paramilitaries*, 16 September 2003; N°8, *Demobilising the Paramilitaries in Colombia: An Achievable Goal?*, 5 August 2004; Cynthia Arnson (ed.), *The Peace Process in Colombia with the Autodefensas Unidas de Colombia-AUC* (Washington, 2005); Elvira María Restrepo and Bruce Bagley (eds.), *La desmovilización de los paramilitares en Colombia. Entre el es-*

sitional justice benefits under the 2005 Justice and Peace Law, provided they effectively collaborate with truth, justice and reparation.[19] The risks from a still unconsolidated security environment nonetheless remain tangible.

This starts with the shortcomings of the paramilitary process, which initially led to a decline in violence.[20] Yet demobilisation remained partial, as some stayed outside the process or went on to rearm, strongly contributing to the emergence of successor groups known as New Illegal Armed Groups (NIAGs).[21] Their number has fallen from 32 in 2006 to three, but they still muster some 3,000 members often concentrated in regions with a strong paramilitary legacy such as Urabá, the Eastern Plains, the south-western departments or the Caribbean coast.[22] Nor have the AUC's enabling networks been fully dismantled. Information provided by the paramilitaries under the Justice and Peace Law has played an important role in identifying their political connections, triggering judicial actions against a significant number of Congressmen and local politicians. But the failure to follow up decisively on the thousands of politicians, businessmen or officials named in hearings suggests that a substantial part of paramilitary networks is intact.

This poses anything but an abstract threat for FARC. The guerrillas remain deeply marked by the fate of the Patriotic Union (UP), a political party created by FARC in the context of peace talks with the administration of Belisario Betancur (1982-1986). After some initial electoral successes, party activists, many of whom were not guerrilla members, became the target of an unprecedented wave of violence, despite explicit government pledges to provide effective protection. Through the late 1990s, paramilitaries, drug traffickers and rogue state forces killed an estimated 4,000 UP members, including two presidential candidates.[23]

With old paramilitary networks at least partially intact, political violence could intensify in the aftermath of a settlement. Spoiler action could grow as regional political and economic elites with a historical proclivity for resorting to violence feel their interests threatened by a peace agreement. This risk is clear from the accelerating violence against land restitution activists, human rights defenders and social leaders. The left-wing Patriotic March has claimed that 29 of its activists were murdered and a further three disappeared between April 2012, when the movement was founded, and January 2014.[24] Murders of human rights defenders increased from 49 in 2011 to 78 in 2013. Between July and September 2014, observers registered 186

cepticismo y la esperanza (Bogota, 2011); Enzo Nussio, *La vida después de la desmovilización. Percepciones, emociones y estrategias de exparamilitares en Colombia* (Bogotá, 2012).

[19] "Informe de gestión, 2012-2013", Fiscalía General de la Nación, March 2013, p. 31. For more in-depth analysis of the Justice and Peace Law see Crisis Group Report, *Transitional Justice and Colombia's Peace Talks*, op. cit., pp. 4-6; Rodrigo Uprimny, "Las leyes de Justicia y Paz", in Restrepo and Bagley (eds.), op. cit, pp. 91-123; "Diagnóstico de Justicia y Paz en el marco de la justicia transicional en Colombia", Misión de Apoyo al Proceso de Paz de la Organización de los Estados Americanos, October 2011.

[20] Jorge A. Restrepo and Robert Muggah, "Colombia's quiet demobilization: A security dividend?" in Robert Muggah (ed.), *Security and Post-Conflict Reconstruction. Dealing with Fighters in the Aftermath of War* (London, 2009), pp. 30-46.

[21] See Crisis Group Latin America Report N°20, *Colombia's New Armed Groups*, 10 May 2007.

[22] Crisis Group interview, police intelligence, Bogotá, 25 September 2014. According to the Ombudsman's Office, NIAGs are present in 168 municipalities spread across 27 departments. "Defensoría del Pueblo advierte presencia de bacrim en 27 departamentos", *El Tiempo*, 4 November 2014.

[23] See Steven Dudley, *Walking Ghosts. Murder and Guerrilla Politics in Colombia* (New York, 2004).

[24] "Marcha Patriótica se torna mortal", *Semana*, 18 January 2014.

cases of aggressions, ie, murders, threats and attacks, against these defenders, a 170 per cent increase year-on-year.[25]

Such violence is, however, not likely to reach the proportion seen during the time of the paramilitaries. Santos has been far more responsive to threats against social leaders than the preceding Uribe administration. He has also more decisively combated the NIAGs, which are behind at least a portion of the threats and violence against human rights defenders and social leaders. And the political context has changed too. Mainstream political forces no longer think that private security or proclaimed self-defence movements are legitimate.[26] But even a far lower level of political violence than during the AUC heyday could seriously threaten the transition.

Risks posed by such spoilers are compounded by the continuing uncertainty over the commitment of the armed forces. In December, President Santos threatened that officers acting with disloyalty and lack of discipline would be immediately removed from the armed forces.[27] This came after chief negotiator Humberto de la Calle had alleged in September that there had been at least seventeen attempts to hack his computer and personal communication.[28] Earlier, weekly magazine *Semana* had broken the scandal of a covert military intelligence centre operating, inter alia, against members of the government's negotiation team.[29]

These are strong indications that the participation of a highly recognised former army general and the direct involvement of active senior military officers in negotiations over the "end of the conflict" have not been enough to calm the discontent within the forces. The idea of negotiating with guerrillas the military has been trained to defeat in combat has been met with resistance in some parts; and even as talks have progressed, many in the military still believe that the negotiations will fail or have very limited success.[30] Alongside there are also concerns over job security as well as fears relating to accountability for crimes committed during the conflict or the prospects of losing lucrative defence procurement contracts.[31]

How deep such resistance goes among the armed forces is difficult to assess. Members of the military on active service are barred from commenting on politics and the views of retired officers do not necessarily reflect their concerns.[32] Hence the magnitude of the threat is not entirely clear. While civilian control over the armed forces is not entirely consolidated, the Colombian military lacks a tradition of openly challenging political leadership. Concerns over job stability and social security – probably prevalent among active troops – are arguably the easiest to deal with.[33] Colombia's increasing involvement in training military and police in the region, in particular in Central America, and an August 2014 accord with the European Union

[25] "Agresiones contra Defensores y Defensoras de Derechos Humanos en Colombia, Julio-Septiembre 2014", Programa Somos Defensores, October 2014.
[26] Crisis Group interview, academic, Medellín, 5 November 2014.
[27] "Cualquier militar que muestre deslealtad, se va de las fuerzas militares: Santos", *El Espectador*, 2 December 2014
[28] "¿Quién 'chuzó' las comunicaciones de De la Calle?", *Semana*, 27 September 2014.
[29] "¿Alguien espió a los negociadores de La Habana?", *Semana*, 3 February 2014.
[30] Crisis Group interview, conflict analyst, Bogotá, 5 December 2014.
[31] Crisis Group interview, former high-ranking military, Bogotá, 9 April 2014; Juanita León, "Los cuatro temores de los militares frente al proceso de paz", *La silla vacía*, 29 October 2014. See also Crisis Group Report, *Colombia: Peace at Last?*, op. cit., pp. 18-21 for a more in-depth discussion of the military's role in previous peace talks.
[32] Crisis Group interview, former high-ranking military, Bogotá, 9 April 2014.
[33] Crisis Group interview, former high-ranking military, Bogotá, 9 April 2014.

(EU) to facilitate the participation in European-led crisis management operations can provide post-conflict employment for at least some in the security forces.[34] But risks of politicisation, which could trigger more ideologically motivated resistance, including through spoiler violence, cannot be discarded, as opponents of the peace talks attempt to exploit the uncertainty in the troops.

Finally, there are risks stemming from the existence of groups that remain outside the negotiations. Exploratory talks with the ELN are underway. In June, both parties presented a first preliminary agreement on a future peace agenda, but this has not yet led to formal talks. Even if the ELN joined quickly, there is now an increasing risk that the two processes (with FARC and ELN) will not be concluded at the same time. Apart from the ELN, a remnant of the EPL that continues to operate in Norte de Santander's Catatumbo region has said it is interested in a settlement with the government.[35] Some civil society groups support the idea of negotiating with the EPL, but this will unlikely be conceded by the government, given the small size of the group and its strong involvement in drug trafficking.

This could complicate FARC's transition in a number of ways. There are doubts about how a bilateral ceasefire with FARC could be sustained in the regions in which it operates alongside the ELN. Joining the ELN, or in Catatumbo the EPL, might become an alternative for those who are not in line with the talks. Risks of renewed violence, though much lower than in the past given the vastly improved relations between FARC and ELN, cannot be completely ruled out. It is for instance unclear how the ELN would react to demobilised FARC members carrying out political activities in its strongholds.[36] Tensions between the two movements could also increase if FARC were to provide intelligence for military operations against the ELN, in an effort to remove a potential obstacle to its peace process.[37] Whether such dangers will materialise will largely depend on when and whether the ELN formally joins the peace talks. Risks would be highest in the (still unlikely) event of a failure to bring the second guerrilla to the negotiation table.

C. *Low Trust and Fraught Politics*

Trust between the parties is low. This goes well beyond the inevitable suspicion between ideological and military antagonists. A long series of failures, both perceived and real, to deal honestly with the other has deepened the distrust. This includes the UP tragedy and bitter breakdown of the preceding Caguán peace talks (1999-2002),

[34] See "Colombia and the EU sign Framework Agreement on participation in EU crisis management operations", press release, Delegation of the European Commission in Colombia, Bogotá, 5 August 2014. This has raised eyebrows among the left-wing opposition, which is demanding the accord be approved by Congress. "Tratado con la Unión Europea firmado por el Presidente Santos, debe pasar por el Congreso", Polo Democrático Alternativo, 26 November 2014. Colombia's increasing training activities have also triggered human rights concerns. Arlene B. Tickner, "Colombia, the United States, and Security Cooperation by Proxy", Washington Office on Latin America, March 2014.

[35] "Megateo: el capo del Catatumbo", *Semana*, 20 July 2013 and "Carta del EPL a Clamor por la Paz", *Anncol*, 24 Julio 2014.

[36] Crisis Group interview, conflict analyst, Bogotá, 20 February 2014.

[37] Crisis Group interview, DDR specialist, Medellín, 6 November 2014.

which crumbled not least under the mutual perception that both parties were negotiating to buy time.[38]

The substantial progress in the talks should have reduced that distrust. It also is increasingly clear that each side is committed to successfully concluding the talks. But a lot still separates the parties. In particular, neither side may yet fully believe that the other is also committed to ending the conflict.[39] Although it ended with a relatively swift liberation, the kidnapping of General Rubén Darío Alzate in November 2014 has made this visible. For the government, the military and many Colombians this demonstrated yet again FARC's supposed lack of interest in a settlement. For FARC, the ensuing unilateral suspension of the talks, which violated the underlying principle of "uninterrupted" negotiations, confirmed that the government and the military still harbour doubts about the Havana process.[40] Paradoxically, overcoming this impasse could have strengthened trust. Cuba and Norway, the two "guarantor" countries, quickly brokered the release of the general. And following Alzate's liberation, the two parties agreed on resuming the talks and pledged to negotiate an agreement to de-escalate the conflict.[41]

Still, reaching a mutually acceptable agreement on the "end of the conflict" is made more difficult by the government's restricted margin of manoeuver to make concessions to the guerrillas. Security threats not linked to the negotiations mean the government can ill afford to lose further support in the armed forces. The increasing marginalisation of the conflict, both in social and geographic terms, and its decreasing direct impact on major urban areas have reduced the price many Colombians are willing to pay for peace.[42] This is skilfully exploited by the political opponents of the talks, led by former President Álvaro Uribe, who came close to defeating the incumbent Santos in the bitterly fought 2014 presidential election. The government cannot disregard this opposition, not least because it has promised to give voters "the last word" on any peace deal, possibly through a referendum in which issues such as disarmament look set to be among the most contested.[43]

Still, the boundaries of both what is needed to reassure all sides and what is politically acceptable are not fixed. The peace process has already begun to transform Co-

[38] This problem also affected talks with the ELN. As a former ELN negotiator said, "we negotiated, but we always felt this was never going to work". Crisis Group interview, former ELN leader, Bogotá, 13 June 2014.

[39] Crisis Group telephone interview, peacebuilding specialist, 1 October 2014.

[40] "The president employs in a thousand ways the banner of the civilised solution to the armed conflict .... Yet his attitude and his acts turn out to be much more revealing than his words. He appears to be obsessed with a single idea, defeating the insurgency and forcing it to disarm .... With the suspension, the president has knocked over the board on which we were playing the game, destroyed the confidence". Timoleón Jiménez, "Seamos serios, Santos", pazfarc-ep.org, 24 November 2014.

[41] "Declaración Conjunta de las delegaciones del Gobierno de Colombia y las FARC-EP", pazfarc-ep.org, 3 December 2014.

[42] Polls suggest for instance that over 70 per cent of Colombians do not agree with the idea of FARC participating in politics after an agreement has been reached; over 50 per cent nationwide and over 45 per cent in conflict zones would not accept a hypothetical victory of a former FARC member in local elections. Miguel García Sánchez, Juan Carlos Rodríguez Raga and Mitchell A. Seligson, *Cultura política de la democracia en Colombia*, *2013* (Vanderbilt University, 2014), pp. 100, 106.

[43] The referendum apart, the constitution also offers the options of a popular enquiry or a plebiscite. See for details "Rutas Jurídicas: Refrendación ciudadana de acuerdos de paz", Misión de Observación Electoral, August 2013. FARC has long argued that a peace agreement should be ratified through a Constituent Assembly, an option that the government has categorically ruled out. "De la Calle le dice NO a las Farc. ¿Por qué?", *Semana*, 15 June 2013.

lombian politics. It has been a shot in the arm for left-wing social movements and umbrella groups such as the Patriotic March, the Agrarian Summit or, most recently, the Broad Front for Peace.[44] The emergence of these groups and movements has reassured FARC over the viability of its political project and has boosted the overall support for the talks. At the same time, relations between Santos and the public prosecutor, Alejandro Ordóñez, an ultra-conservative sceptic, have started to improve in October when both agreed on three conditions for a valid peace agreement, including the "dissolution" of FARC.[45] This opens the perspective of a more substantial and rational dialogue on the grievances of the sceptics that does not carry the burden of Santos' toxic relations with his former mentor and predecessor.

If sustained, such openings will facilitate the negotiations over the "end of the conflict". But they will unlikely neutralise the decades-old distrust between all involved. A balanced set of credible and enforceable guarantees will therefore be needed to stabilise disarmament and reintegration measures. The following chapters outline what such a transition model could look like.

[44] The Patriotic March emerged in 2012, the Agrarian Summit in early 2014, and the Broad Front for Peace held its first gathering in November 2014. Membership is often overlapping, with all three marked by a strong participation of grassroots organisations from conflict zones and peripheral rural areas.

[45] "Las tres condiciones para la paz que acercan a Santos y a Ordóñez", *El Tiempo*, 23 October 2014.

III. A Credible Long-Term Perspective

The Havana agenda contains most of the elements needed to address the many challenges. This will be no easy task, however, as some agenda items, including rural development, are pull factors for giving up weapons, while others, such as transitional justice, could end up discouraging it. But, if successful, this balancing process will produce the robust mutual guarantees that are the bedrock for a stable post-conflict. Yet the negotiation dynamics also bear latent risks. The parties need to ensure that a final agreement responds to the needs and interests of its highly diverse members, rather than just reflecting the concerns of high-ranking leaders. They must also withstand the temptation to reinvent the wheel. FARC is likely to insist on assuming the lead on "reincorporating" its members, but this should not mean throwing over board all the standards, practices and technical capacity of existing state reintegration programs.

A. *From the End of the Conflict to Building Peace*

Under the heading "end of the conflict", the parties are scheduled to discuss, inter alia, a "definitive bilateral ceasefire and end of hostilities", "leaving behind weapons", the "reincorporation of FARC into civilian life" and "security guarantees". This agenda item also contains a government pledge to "intensify the combat to finish off criminal organisations and their support networks" as well as a mandate to clarify the "phenomenon of paramilitarism". Finally, the last agenda point makes explicit reference to implementation and verification mechanisms.[46]

The one notable gap in the agenda concerns the security forces. In exchange for ending its insurgency, FARC has long pushed for a reduction of the Colombian military, a cut in spending as well as a review of its doctrine. It may use the vagueness of the government's pledge in the negotiation agenda to "make the reforms and institutional adjustments necessary to address the challenges of constructing peace" to renew such demands. This would partially echo what happened in El Salvador and Guatemala, where security sector reform was an essential element in each country's final peace agreement.[47] But this is not likely to happen in Colombia, at least in the short term. The government has ruled out negotiating security sector reform and, with a superior balance of forces and the support of the military partly hinging, as a retired general put it, on the promise that there will be no "alarming surprises", it is unlikely to change its position.[48]

This presages difficult, yet perhaps not impossible negotiations. The parties need to find the flexibility necessary to agree on measures that provide FARC with sufficient security guarantees, yet leave the reform of security forces, whose failings have been well documented, to be tackled through a more broadly based political process. Postponing change need not be a bad option. A successful transition out of the armed conflict would further undermine the case for the status quo and lower internal resistance to reform. But the conscious decision not to capitalise on the momentum created by the negotiations could also enable a powerful military to stall indefinitely

[46] An English version of the agenda can be found in Crisis Group Report, *Colombia: Peace at Last?*, op. cit., p. 35.
[47] See Markus Schultze Kraft, *Pacificación y poder civil en Centroamérica. Las relaciones cívico-militares en El Salvador*, *Guatemala y Nicaragua en el posconflicto* (Bogotá, 2005).
[48] Crisis Group interview, retired general, Bogotá, 13 May 2014.

on undesired change. To minimise that risk the government could commit to an inclusive and encompassing debate on reforming the security forces, entrusting it for instance to the future truth commission or a similar body.[49]

Beyond the "end of the conflict" implementation of other points on the agenda can potentially contribute to the long-term success of FARC's transition to civilian life. Rural development, the solution to the problem of illegal drugs and the political participation of FARC are mutually reinforcing pull factors incentivising the exit from the war. The transformation of Colombia's countryside should extend economic opportunities for FARC's mostly rural members and help convince those still doubting the virtues of peace that reintegration offers a real alternative to warfare. The substitution of coca crops should, over the long run, strengthen local economies and reduce security threats associated with the drug-economy. And political participation will give at least some FARC members an alternative reintegration perspective as well as a collective stake in implementing the peace accord. Showing that they are capable of delivering benefits to its social base should, in turn, help the organisation rebuild its depleted political capital.

However, this virtuous cycle of rural development, political participation and reintegration will require additional guarantees – even if this comes at the price of weakening the incentives for laying down weapons over the short run. The first problem is that FARC faces considerable uncertainty over the future of its political project. In many conflict regions, an increasingly organised base is sympathetic to its ideas. But given the legacy of violence and FARC's often authoritarian social control, the group cannot assume it will win local power through the ballot box.[50] This suggests that it has an incentive to maintain reserve capabilities to exercise social and political control. But this could easily threaten the legitimacy of FARC's political participation in the local arena.[51] Furthermore, it risks triggering a wider political backlash, as opponents already rail against what they fear will amount to an "institutionalisation of the status quo" in FARC strongholds.[52]

Quelling such concerns will probably require offering FARC strong guarantees for its political participation, an issue that negotiators are slated to discuss under the "end of the conflict" item.[53] This could for instance include minimal national and regional political representation independent of electoral results. Such guarantees would need to be stronger than the political favourability measures of past processes to allow the new movement to consolidate itself. This might not be popular, but giving FARC a fair shot at entering the political system is the best way to induce it to play by the rules and dismantle its capabilities to maintain social control through coercion.

[49] This would echo regional precedents. In Peru, for example, the Truth and Reconciliation Commission recommended a review of military doctrine and methods to improve the protection of human rights and to increase transparency as well as accountability.

[50] Crisis Group interviews, NGO representative, Bogotá, 16 September 2014; social worker, Tumaco, 2014. See also León Valencia, "El manual de convivencia de las Farc", *Semana*, 15 February 2014.

[51] As a local leader asked rhetorically: "The question will be whether they give us back the institutions they control?" Crisis Group interview, Afro-Colombian leader, Lower Atrato region, 2013.

[52] Crisis Group interview, peace talk critic, Bogotá, 29 April 2014.

[53] The discussion on conditions for FARC's political party to enter the competition is different from the accords already reached on political participation. See "Comunicado Conjunto", Delegaciones del Gobierno y de las FARC-EP, 6 November 2013.

Such incentives also provide the base upon which an agreement on financial transparency could be reached. Any indication that FARC would fund political activity through illegally acquired assets or – as has happened in other conflicts – that it would syphon off reintegration payments or continue extortion to raise political funds would spark controversy.[54] The agreement already reached in Havana on an eight-year "transitory regime" is a step in the right direction. This would, inter alia, provide financing for new political movements.[55] In return for such funding, FARC should be convinced to declare its assets. These should then be used to fund development projects in conflict areas and reparations for victims.[56] This makes sense even though it is unclear how much assets FARC has accumulated and the process with paramilitaries has shown how hard it is for the state to lay hands upon illegally acquired assets.

The second big challenge will be addressing communal tensions. As has happened elsewhere, frictions could grow as ex-combatants return to their communities.[57] Add to that the potential impact of increased political competition in regions that often have a legacy of political violence. Stabilising such fragile local contexts will require a set of instruments. The parties have already agreed on a mechanism to peacefully manage conflicts over access to land and land use.[58] Transitional justice measures, which are currently under discussion in Havana, could either help or have a detrimental impact on the incentives to lay down weapons if they focus too much on judicial accountability. However, simply favouring the necessity to end the armed confrontation over justice would risk making the entire peace accord politically and legally vulnerable, given the strong social aversion against impunity in Colombia and the restrictions imposed by international and domestic legal standards.

To balance these partially competing agendas, the parties should emphasise truth-telling and reparations over prosecutions, which need to focus on those most responsible for the most serious international crimes.[59] This would leave incentives to lay down weapons intact for the vast majority of combatants, while setting out a path for communities to peacefully handle the deep rifts caused by the conflict. Victims and former combatants will each require specific attention tailored to their needs, but beyond that, both reintegration and local transitional justice programs should aim at benefiting communities in an effort to minimise the risks that new social conflicts emerge.

While the agenda allows for designing a strategy in which the reintegration of FARC members is part and parcel of a broader peacebuilding effort, the true challenge will come afterwards. Colombia's rich experience in transitional justice and local peacebuilding will provide a head start for what the government has called the construction of "territorial peace".[60] Some local governments, including Nariño and

[54] Crisis Group telephone interview, international DDR expert, 7 October 2014.
[55] "Participación política: Apertura democrática para construir paz", Joint Draft Government – FARC, 6 November 2013, para. 2.3.1.1.
[56] See Crisis Group Report, *Transitional Justice and Colombia's Peace Talks*, op. cit., p. 41.
[57] Crisis Group interview, humanitarian worker, Bogotá, 26 September 2014.
[58] "Hacia un Nuevo Campo Colombiano: Reforma Rural Integral", Joint Draft Government – FARC, 6 June 2014, para 1.8.
[59] For more details on such a model see Crisis Group Report, *Transitional Justice and Colombia's Peace Talks*, op. cit.
[60] "'No va a haber otra oportunidad para la paz': Sergio Jaramillo", *El Tiempo*, 7 April 2014. See also Roddy Brett, "Lessons Learned Paper: Local Peacebuilding in Colombia", UN Development

Antioquia, have already elaborated broad regional peacebuilding agendas. But with local elections scheduled for October 2015, it will likely be only the next local and regional political leaders who will assume the challenges of the post-conflict period. A strong political dialogue, including with regional governments held by the opposition, will be needed, alongside a concerted effort to boost accountability and institutional capacities of weak municipalities and departmental governments.

Still, however strengthened, local authorities will not be able to manage reintegration and peacebuilding without the support of national agencies. The latter should now begin budget, program and investment planning for extension of economic infrastructure, justice and social services into conflict areas.

B. *Core and Margin*

With their focus on political participation and rural development, the peace talks are geared toward the core of FARC members. These have a strong ideological background, boast longstanding links with peasant communities and are part of a hierarchical structure. But not all FARC members fit this description. It may correspond well to how the guerrillas operate in regions such as Putumayo or Caquetá. But given the links with organised crime, the strong centrifugal tendencies of the peace process and FARC's substantial internal diversity this may not be enough. In many respects, the critical question will be what the talks can offer for those at the margins of the organisation, not just in terms of geography, but also with regard to rank, education, ethnicity, age, gender or motivation.

FARC appears to be aware of this. The rotation of members of the negotiating team has made the talks more representative and should have improved ownership, even though it has created risks of losing control and command on the ground. Since the last extended reshuffle in October, four of the seven Secretariat members are in Havana, as are leaders from the Southern Block, which was often rumoured to be against the talks. Contrary to AUC negotiators, who had little incentive to care for their rank and file, the future of FARC leaders depends in no small measure on a successful reintegration of their members. A botched transition including the emergence of dissidences comparable to the NIAGs would inevitably weigh down the guerrillas' political project, reduce the appetite for implementation of the peace agreement and shatter FARC's credibility.

Yet despite such incentives, differentiated reintegration routes that cater for the vastly diverging needs and interests of FARC members will not automatically emerge from the talks. To strengthen the credibility of the reintegration offer – not just toward FARC's own troops, but also toward communities and society at large – the negotiators should explicitly agree on specific paths for at least the following groups.

Mid-level commanders. Lack of attention to the interests and incentives of mid-level AUC members greatly contributed to the emergence of NIAGs in the aftermath of the paramilitaries' demobilisation. Unsatisfied with the outcome of the talks, a number of mid-level commanders used their contacts and knowledge about drug routes to remobilise.[61] Given FARC's implication in organised crime, this would be a particularly dangerous mistake to repeat.

Programme (UNDP), January 2014; Grupo de Memoria Histórica, *Memorias en tiempo de guerra: repertorio de iniciativas* (Bogotá, 2009).

[61] Crisis Group interview, DDR specialist, Medellín, 6 November 2014.

But keeping them on board will be challenging. The importance of many mid-level FARC commanders is likely to decline, as the peace process will favour the emergence of new leaders with political skills, rather than military or combat know-how.[62] They are also in a particularly difficult position regarding transitional justice. The entire set of their judicial problems cannot be solved through a possible amnesty, since they are likely to have committed more than just political crimes, which, in the Colombian context, could be amnestied. But many of them will not be prosecuted because they are not likely to be the most responsible for the most serious international crimes, on which prosecutorial efforts will probably focus. This middle position leaves them particularity vulnerable if, in the future, additional prosecutions for serious international crimes beyond the most responsible were to be undertaken.

Incentivising mid-level commanders to remain part of the process will thus require a transitional justice model that gives them certainty regarding their judicial situation.[63] It will also require special security guarantees, given the risks that many of them will face when they leave behind the conflict and illegal businesses.[64] More broadly, the accords should set out ways to offset their potentially significant status loss. Reintegration programs could for instance draw upon their leadership and often considerable sway over subordinates.

Militias and support networks. Previous peace processes have been focused mainly on rural combatants, neglecting militias and support networks. This has had problematic consequences. For instance, some EPL militias, which were not covered by the 1991 peace agreement, were subsequently recruited by criminal gangs and other guerrilla groups.[65] Repeating this error with FARC could significantly damage the process. The strength of its networks in major urban centres, such as Medellín, has declined substantially since the mid-1990s. But as pressure on combatants has strongly grown in recent years, militias in smaller towns in conflict regions have gained in importance. Alongside providing intelligence, they are involved in carrying out small attacks or kidnappings and in running extortion schemes. They are also key for maintaining social control in marginal neighbourhoods.[66] Colombian officials estimate that for every combatant there are three members in support networks.[67]

Strong political participation guarantees should help ensure the cooperation of FARC's leadership in dismantling these networks, but integrating the militias into the process will also require specific measures. This includes putting in place the appropriate infrastructure for the disarmament and reintegration of urban guerrilla members. The parties should also offer tailored benefits to families of FARC members, which are often part of informal support networks.[68] Meanwhile, given FARC's struggle to fully control their militias, the state should elaborate contingency plans in case militias do not abide by agreed procedures for their disarmament. These net-

[62] See Enrique Flórez R, "La dimensión psicosocial de la reinserción", in María Clemencia Castro and Carmen Lucia Díaz (eds.), *Guerrilla, reinserción y lazo social* (Bogotá, 1997), pp. 158-159.
[63] For a proposal see Crisis Group Report, *Transitional Justice and Colombia's Peace Talks*, op. cit., pp. 24-27.
[64] Crisis Group interview, conflict analyst, Bogotá, 5 December 2014.
[65] See Comisión de Superación de la Violencia, *Pacificar la paz. Lo que no se ha negociado en los acuerdos de paz* (Bogotá, 1992), p. 124.
[66] Crisis Group interviews, security forces and community members, Tumaco, 2014.
[67] Crisis Group interview, senior Colombian government official, Washington DC, 14 November 2013.
[68] Crisis Group interview, DDR specialist, Medellín, 6 November 2014.

works are already under scrutiny by military and police intelligence, but stronger capacities of the attorney general's office would be needed to prosecute them.

Women. In sharp contrast to the male-dominated paramilitaries, FARC claims that women make up some 40 per cent of the organisation.[69] The establishment of a joint working group aimed at ensuring an "adequate gender focus" in the agreement is therefore a positive step.[70] In addition to ensuring that the specific needs of women combatants and members of FARC support structures are reflected in the agreements, this group now needs to make sure that women are not stereotyped in specific roles, as in previous peace processes with guerrilla groups. Instead, female combatants should be encouraged to take up political or community-related activities, if they wish to do so. FARC has an ideology of no gender discrimination and strict equal treatment in its ranks.[71] Such claims remain controversial. Reintegration policies should offer space for female combatants to ventilate grievances regarding possible gender based violence including sexual abuse suffered during membership to the group.

Children. There are no reliable figures for the number of child combatants in FARC, but in the early 2000s, their proportion was estimated at between 20 to 30 per cent.[72] With escalating military pressure and accelerating desertion driving demand for recruitment, this share has probably not changed much. Separating these children from FARC will be delicate. As recruitment of minors constitutes a war crime, guerrilla leaders have every incentive to minimise evidence. In the past, both the AUC and the Popular Revolutionary Anti-Terrorist Army of Colombia (ERPAC), a paramilitary successor group, have opted for the informal demobilisation of children in their ranks.[73] This has diminished their exposition to criminal charges, but violated the children's entitlement to a complete restitution of their rights.

FARC leaders should not be able to avoid accountability for a serious international crime, but negotiators could strike a deal under which children are separated from FARC in a discreet but strictly monitored process that upholds their rights. However, handing over these children to the Colombian Family Welfare Institute (ICBF) would

[69] "Por una Nueva Colombia sin discriminación de género", Delegación de Paz de las FARC-EP, farcpaz-ep.org, 7 September 2014. Demobilisation statistics support this claim. Some 18.5 per cent of the 23,400 individually demobilised (mostly guerrillas) are women, compared to less than 6 per cent of the collectively demobilised (almost exclusively paramilitaries). "Desmovilización, desvinculación y reintegración de mujeres en Colombia, 2002-2011", Observatorio de Procesos de Desarme, Desmovilización y Reintegración de la Universidad Nacional, May 2011, pp. 5 and 9. See also Francisco Gutiérrez Sanín, "Telling the Difference: Guerrillas and Paramilitaries in the Colombian War", *Politics & Society*, vol. 36, no. 1 (2008), pp. 10-11.

[70] "Declaración de la Alta Consejera para la Equidad de la Mujer, Nigeria Rentería, al instalar la subcomisión de Género en la Mesa de Conversaciones de La Habana", Sistema Informativo del Gobierno, 7 September 2014.

[71] See for instance "Las mujeres en las Fuerzas Especiales de las FARC-EP", video, YouTube, 4 September 2014.

[72] "You'll learn not to cry. Child Combatants in Colombia", Human Rights Watch, September 2003, p. 24. See also "Children and armed conflict", UN General Assembly, A/68/878–S/2014/339, 15 May 2014, para. 165. FARC's internal rules allow membership from the age of fifteen; since 2005, Colombia has been party to the Optional Protocol to the Convention on the Rights of the Child, which sets the minimum recruitment age at eighteen, a (binding) standard that FARC does not even purport to meet.

[73] Crisis Group Latin America Report N°41, *Dismantling Colombia's New Illegal Armed Groups: Lessons from a Surrender*, 8 June 2012, p. 9.

risk overstretching the limited capacities of an institution that currently handles annually some 200-300 cases of children separated from the conflict. This suggests that, in addition to strengthening the existing institutions, the parties will need to lay out rural and community-driven reintegration and reparation routes that correspond to the profile of FARC child members; precedents for such models include the "Returning Home" program run by the Nasa indigenous community in Cauca.[74] Children would also need a specific truth-telling mechanism.

Indigenous and Afro-Colombians. An unknown but significant number of FARC members also have an ethnic background. While an imperfect estimate, over 6 per cent of individually demobilised FARC members are Afro-Colombian and some 3 per cent are indigenous.[75] Reintegrating combatants with an ethnic background will require specific and highly localised strategies, depending on the exact relations of the local population with the guerrillas.[76] But many communities, with the possible exception of the strongly organised indigenous communities in Cauca, lack the capacities to design such strategies and many feel still disconnected from the peace process. Efforts to better engage those communities and help them prepare for the return of former combatants must accelerate in the run-up to a definitive peace agreement.

C. *New and Existing Institutions*

In some respects the simplest solution for implementing reintegration would be to hand over responsibility for it to the Colombian Agency for Reintegration (ACR). It first emerged to handle the reintegration of the paramilitaries, but it also takes care of guerrilla fighters who have individually abandoned the war. Their number has strongly increased since Uribe, who made incentivising deserting a cornerstone of his security policy.[77] Based on the experience of running increasingly sophisticated reintegration programs for a high number of participants, the agency's former director, Alejandro Eder, has actively pushed for the ACR to take the lead on FARC's reintegration.[78] The ACR has also strengthened its presence in traditional FARC strongholds such as Caquetá. This is partly because of the growing number of individually demobilised FARC members among the ACR's participants, but this has also positioned the agency for a future reintegration process with the guerrillas. However, FARC is unlikely to accept that the ACR runs its reintegration scheme.

The guerrillas harbour a strong distrust toward the agency, which they identify with the reintegration of their paramilitary foes and the counter-insurgent logic be-

[74] Crisis Group interview, child protection specialist, Bogotá, 21 November 2014.
[75] ACR statistics, provided to Crisis Group, October 2014.
[76] Crisis Group interview, NGO leader, Bogotá, 9 December 2014.
[77] Since 2002, almost 28,000 combatants have laid down weapons individually. Combatants are given short-term support and shelter in one of the five peace houses managed by the defence ministry's Humanitarian Attention Programme for the Demobilised (PAHD). Once membership in an illegal armed group and willingness to demobilise has been certified by the Operative Disarmament Committee (CODA), the person enters the ACR program. "Politica nacional de reintegración social y económica para personas y grupos armados ilegales", Consejo Nacional de Política Económica y Social, no. 3554, 1 December 2008, pp. 31-32. The former combatants can receive further economic benefits if they provide useful intelligence; officials consider CODA interviews "extremely valuable". Crisis Group interview, former defence ministry official, Bogotá, 29 April 2014.
[78] "Colombian government 'ready to reintegrate rebels'", BBC, 3 October 2013.

hind the individual demobilisation.[79] There are also deep ideological tensions. ACR's programs are based on a philosophy of transforming the values and experiences of former combatants. This runs counter to FARC's determination to maintain its ideas and its political struggle after the end of the armed conflict.[80] And instead of reintegrating combatants into a society of which FARC fighters would claim they were never full members in the first place, the talks are explicitly based on an agenda that requires changes from the guerrillas, the state and society. The guerrillas are thus recognised as agents of transformation.[81].

Rather than putting ACR in charge, FARC will probably demand far-reaching control over the process, using its existing structures as a vehicle for the gradual reintegration of their members.[82] This could help avoid the dispersion and atomisation of combatants that have plagued previous guerrilla reintegration processes. Negotiators of the peace agreements in the 1990s now reckon that the rapid dissolution of their structures was a key mistake, leading to a traumatic loss of orientation and provoking a deep feeling of abandonment and loneliness.[83] Maintaining the guerrillas' cohesion and collective identity would also allow monitoring individual combatants more closely and would make it easier for FARC leaders to convince sceptics in their own ranks to remain part of the process. The organisational design to this aim remains unclear. One option would be to create combatant organisations, similar to, but stronger than, those set up in the wake of the negotiations in the 1990s.[84] At any rate, the reintegration mechanism would need to remain separate from the political movement that FARC intends to establish.

Such a solution would not be without risks. The experience with paramilitary combatant organisations, such as the controversial Democracy Corporation (CD), was one of the factors that prompted ACR to develop a strongly individual reintegration model. CD emerged in Medellín to support the reintegration of the AUC's Cacique Nutibara Block and, later, of the Granada Heroes Block, but it quickly became apparent that it was little other than a front structure to capture public resources, maintain neighbourhood control and cover up ongoing illegal activities.[85] More broadly, maintaining parallel networks can increase the probability of relapsing into crime or illegality.[86] Yet such risks appear manageable. In return for their stake in running

[79] "La criminal política de Reintegración", FARC-EP, 13 December 2013.
[80] As an officer in charge of individual demobilisation said: "First we decontaminate participants and then we recuperate them as useful members for society." Crisis Group interview, military officer, Villavicencio, 20 May 2014. Crisis Group interview, DDR expert, Bogotá, 21 April 2014.
[81] For instance, FARC is given an explicit role in implementing the agreement on illegal drugs. "Solución al Problema de las Drogas Ilícitas", Joint Draft Government-FARC, 16 May 2014, para. 4.1.
[82] Crisis Group interview, DDR expert, Bogotá, 28 April 2014.
[83] Crisis Group interviews, former EPL and PRT leaders, Bogotá, 21 May 2014. Ildefonso Henao, "Reconstrucción del imaginario de proyecto de vida en la reincorporación social del guerrillero: el poder de lo simbólico", in María Clemencia Castro and Carmen Lucía Díaz (eds.), *Guerrilla, reinserción y lazo social* (Bogotá, 1997), pp. 125-127.
[84] Organisations such as Progresar, which gathered former EPL members, played important roles in the reintegration of guerrilla groups in the 1990s. However, they emerged as a response to administrative problems, such as cash disbursements to fighters, rather than being part of a collective reintegration model. They also sometimes lacked representativeness. Crisis Group interviews, former EPL leader, Bogotá, 25 November 2014; former PRT leader, Bogotá, 28 November 2014.
[85] Crisis Group interview, human rights defender, Medellín, 5 November 2014. "El ocaso de la Corporación Democracia", *Verdad Abierta*, 13 March 2011.
[86] "Retorno a la legalidad o reincidencia de excombatientes en Colombia: Dimensión del fenómeno y factores de riesgo", Fundación Ideas para la Paz, June 2014, p. 49.

reintegration, the guerrillas will need to accept the accountability that comes with such a responsibility. At a minimum, this would include measures to guarantee financial transparency and strong safeguards of internal democracy.

Accommodating FARC demands is justified, but negotiators should be careful not to overshoot the mark and duplicate reintegration structures for at least two reasons. First, ACR is an asset to the process, not a liability. Its vast experience in dealing with former combatants and its contacts with training institutions, schools, universities as well as the private sector should be preserved, adapted and put to use in the guerrilla context.[87] Secondly, while a collective approach to reintegration makes sense in the context of the Havana talks, the guerrillas are not likely to be able to maintain perfect cohesion. For a variety of reasons at least some members may want to terminate their association with FARC. And once a deal has been struck, there will be no valid reason to force former combatants to maintain links with the organisation against their will. Individual reintegration routes, similar to the ACR program, should be available for those who opt out of the negotiated framework.[88] A careful information policy is needed so that combatants are aware of the available choices.

Independent of its possible support role in FARC reintegration, the agency should be guaranteed the financial, human and institutional resources to fulfil its commitments to the almost 30,000 former combatants from both AUC and the guerrillas currently enrolled in the reintegration program.[89] Given their risks of sliding back into crime, the successful reintegration of current ACR participants needs to remain a high public policy priority. This would include making sure that programs for individually demobilised FARC members remain separate, at least initially, from those designed in Havana, so as to minimise tensions and risks of possible revenge acts.[90]

A successful conclusion of the Havana talks will inevitably have long-term repercussions for ACR. Paramilitaries will graduate from the program over the coming years and the flow of individual demobilisations will dry up once a peace deal with ELN and FARC has been signed. This should spur a re-think of its mission. One possible way forward would be to open its mandate to include reintegration programs for members of NIAGs and of urban youth gangs, subjected to strict criteria of eligibility, judicial records and ulterior behaviour.[91] As Colombia faces an already severe organised crime problem that could well intensify in the post-conflict period, the country should not discard the option to draw on the ACR's knowledge and experience to improve the effectiveness of its anti-crime policies.

[87] Crisis Group interviews, DDR experts, Bogotá, 30 April and 7 May 2014.
[88] Crisis Group interviews, DDR experts, Bogotá, 30 April and 7 May 2014.
[89] Crisis Group interview, DDR specialist, 28 April 2014.
[90] As a freshly demobilised FARC member put it: "If FARC finds us, they will kill us". Crisis Group interview, demobilised FARC member, 2014.
[91] Crisis Group interview, political analyst, 8 May 2014. See also Crisis Group Report, *Dismantling Colombia's New Illegal Armed Groups*, op. cit., p. 15.

IV. The Early Transition Phase

A coherent and balanced reintegration plan is important for incentivising the guerrillas to end the conflict and boosting wider support for the peace process. But its success will depend on the management of the early transition phase. The commitment and the shared interests of the parties will likely be enough to hammer out a deal on a ceasefire and disarmament program, arguably the two most important steps to get the transition off the ground. Before that point, measures to de-escalate the conflict, already under discussion in Havana, may pave the way for building further trust and support for the peace deal. Yet amid an unsettled political context, which might include a referendum on the final peace accord, this will not be sufficient. A realistic and comprehensive timeframe, credible internal and external guarantees as well as territorial stabilisation measures are needed if the deal is to be strong enough to carry the process through its most vulnerable phase.

A. *Ceasefire*

Following the signature of a final peace agreement, both sides will be under significant pressure to produce tangible results to roll back the scepticism, indifference and disengagement in urban centres and many conflict zones. The "bilateral and definitive cessation of fire and hostilities" will almost certainly mark the first step of the transition. This will probably cover not only the confrontation between FARC and state forces, but also all guerrilla operations affecting civilians, including, for instance, extortion.[92]

While a political necessity for both, negotiations over the terms of the ceasefire will be difficult. The easiest solution would be a pledge from both sides to abstain from attacking each other, but this could be hard to sustain. Monitoring would be complicated. With the conflict affecting often inaccessible zones, it would in particular be hard to check whether FARC has effectively halted all its operations against civilians. The difficulty in knowing what is happening on the ground would in turn strengthen the incentives for spoiler acts. There would also be substantial risks of clashes between the guerrillas and other illegal armed groups. Though they might not technically violate the ceasefire, such clashes can have severe repercussions on nearby communities.[93] A ceasefire that fails to mitigate local conflict and risks spurring political controversy over compliance would hardly be the appropriate first step for a transition that needs to make quick legitimacy gains.

[92] The 1984 La Uribe accord between the Barco administration and FARC contained, inter alia, a pledge that guerrillas would "condemn and prohibit anew kidnapping, extortion and terrorism in all its forms". A 1986 agreement to extend this deal included for the first time also drug trafficking and recruitment. During the (failed) negotiations in 1991 and 1992 with the Simón Bolívar Guerrilla Coordinating Group, a short-lived umbrella group that included FARC and ELN, the government specifically defined the "cessation of hostilities" as a halt in kidnappings, attacks against oil pipelines and infrastructure as well as extortion. The texts of the agreements are reprinted in Álvaro Villarraga Sarmiento (ed.), *Tregua y cese al fuego bilateral. FARC*, *EPL*, *M-19 y ADO* (Bogotá, 2008), p. 185 and p. 407; Villarraga Sarmiento (ed.), *Acuerdos con el EPL*, *PRT*, *MAQL y CRS. Diálogos con la CGSB*, op. cit., p. 256.

[93] This is clear for instance from displacement in Chocó by fights between the ELN and Urabeños. See "Colombia – Desplazamiento masivo en Alto Baudó (Chocó)", Flash Update No. 1, UN Office for the Coordination of Humanitarian Affairs (OCHA), 13 May 2014.

This suggests that deliberate measures are needed to improve the odds of a successful ceasefire. Withdrawing the military entirely from zones with guerrilla presence is probably out of question, given the guerrilla's fragile legitimacy, its territorial dispersion and the strongly negative associations with the failed Caguán negotiations, which took place in a 42,000-sq km demilitarised zone.[94] Another option would be to gather FARC in cantonment zones, echoing previous practices.[95] Imposing the same restriction on the armed forces would be difficult. It would meet stiff resistance from the military, which insists on its status and the centrality of its institutional mission.[96] It would also be practically difficult, as some military operations, for instance against some drug-trafficking targets, would need to continue in the post-conflict period. To minimise the risks stemming from this situation, the ceasefire agreement will need to carefully delimit which type of military activities would remain permitted and put in place stringent protocols to guide decision-making on the ground.

Cantonment of FARC would reduce monitoring and verification problems. But as is clear from the failed peace talks between the Uribe administration and the ELN, this model tends to run into problems when trust is low. These collapsed, inter alia, because parties could not agree on the concentration and identification of fighters – two core government demands – and whether the ceasefire should cover urban structures.[97] There are, of course, differences between the Havana process and the failed ELN talks, including whether a concentration of forces comes at the beginning of a still uncertain peace process or at the end of an already successful negotiation. But FARC still faces a strategic dilemma comparable to that of the ELN. Cantonment would be tantamount to giving up mobility and territorial control, arguably its most important strategic assets, without having lost them on the battlefield.[98] And with the balance of forces tilted strongly toward the state, this move would likely be irreversible; while in the past, guerrillas could reasonably hope to escape a cantonment site if negotiations broke down.[99]

This dilemma for FARC is arguably even stronger because of promised popular ratification. Under a 2013 constitutional reform, the government could hold a referendum jointly with the local election in October 2015;[100] if negotiations are not wrapped

[94] President Andrés Pastrana (1998-2002) ordered the demilitarisation of the five municipalities in Meta and Caquetá departments originally for a period of 90 days, starting in November 1998. The zone was subsequently extended several times to remain in place until February 2002. The management of the zone was a matter of constant dispute between the parties. See Crisis Group Latin America Report N°1, *Colombia's Elusive Quest for Peace*, 26 March 2002, pp. 20-24 and Édgar Téllez, Óscar Montes, Jorge Lesmes, *Diario íntimo de un fracaso. Historia no contada del proceso de paz con las FARC* (Bogotá, 2002).

[95] A unilateral "cessation of subversive operations" and the concentration of guerrillas in "temporary location zones" were part of President Barco's 1988 Peace Initiative that provided the blueprint for the peace processes with the M19, PRT, EPL and MAQL. Gabriel Turriago Piñeros and José María Bustamante Mora, *Estudio de los procesos de reinserción para un análisis del postconflicto en Colombia*, *1991-1998* (Bogotá, 2003), pp. 35-37 and 51.

[96] Crisis Group interview, retired general, Bogotá, 13 May 2014.

[97] Crisis Group Latin America Briefing N°16, *Colombia: Moving Forward with the ELN?*, 11 October 2007, pp. 12-13.

[98] Crisis Group telephone interview, former FARC leader, 14 May 2014.

[99] See the comment of an EPL leader cited in Alvaro Villarraga S. and Nelson R. Plazas N., *Para reconstruir los sueños. Una historia del EPL* (Bogotá, 1995), p. 327.

[100] See "Proyecto de Ley Estatutaria 063 de 2013 Senado- 073 de 2013 de Cámara, Radicado 22 Agosto 2013" and "Sentencia C-784 de 2014", Constitutional Court, 21 October 2014. According to

up on time, they could organise a stand-alone vote or they could agree on an alternative instrument. Independently of the final mechanism, this leaves open the issue of what happens with the guerrillas after the signature and before ratification. Since a peace agreement can be rejected, FARC could well hesitate to move one inch before the vote.[101] Concentrating fighters before ratification could even become a perverse incentive to vote against the settlement, as it would de facto remove FARC as a military threat.

This appears to put the parties between a rock and a hard place. Maintain mobility, and risk a troubled ceasefire that opponents could easily exploit as supposed evidence for FARC's unwillingness for peace; or insist on cantonment, and ask something that the FARC might be in no position to concede. In reality, however, the dilemma might be milder. To start with, cantonment or the gathering in "assembly points" of some kind, could take place in multiple locations within FARC's areas of operation. It would also bring with it some short-term benefits for FARC. Concentrating forces would allow the leadership to retake contact with units in far-flung regions.[102] As combatants probably do not fully understand the process as well as its costs and benefits, this could help swing the decisions of at least some members who still have doubts about taking the steps necessary to secure the end of the conflict. It would also allow FARC to better plan and prepare its political project.

Moreover, FARC and the government have a common interest in a successful ratification and a stable transition. This provides the basis for a gradual approach that could help take the sting out of their strategic dilemmas. Ahead of ratification, FARC could start moving combatants to intermediary zones, small enough to minimise armed pressure on the political process and to guarantee a meaningful monitoring of the ceasefire, but large enough to allow for a degree of mobility that reassures FARC. After ratification, the concentration of fighters should immediately proceed.[103]

The location of such zones will depend on strategic, military and logistical aspects. But the parties should take measures to prevent the presence of FARC fighters from triggering new local tensions, as has happened in the past.[104] This is a particularly sensitive issue for Afro-Colombian and indigenous communities, which enjoy special constitutional protection and have often had tense relations with FARC. Formal consultation mechanisms might prove too time-consuming and incompatible with the need for discretion, but negotiators should make sure communities in or close to assembly points or cantonment sites do not suffer from re-victimisation, stigmatisation or even violence.[105]

some calculations, a peace agreement would need to be signed by 22 February 2015 for a referendum to be held jointly with the local elections, a deadline that appears to be out of reach. Natalia Arenas, "El (apretado) calendario para la paz", *La silla vacía*, 29 October 2014. However, legislative procedures to pass the necessary law calling the referendum could be accelerated to buy time. Crisis Group interview, constitutional lawyer, Bogotá, 25 November 2014.

[101] Crisis Group interviews, peacebuilding expert, Bogotá, 6 May 2014; telephone interview, peacebuilding expert, 1 October 2014.

[102] Crisis Group telephone interview, former FARC leader, 14 May 2014.

[103] Crisis Group interview, DDR expert, Bogotá, 15 July 2014.

[104] See for instance Comisión de Superación de la Violencia, op. cit., p. 63.

[105] Crisis Group interviews, community members, Flor del Monte, April 2014; San Vicente del Caguán, 2013.

For similar reasons, Peasant Reserve Zones (ZRC) should not be considered for cantonment sites, as has been suggested.[106] ZRC, which the parties have hailed as a contribution to constructing peace, largely overlap with areas under guerrilla influence.[107] But linking them formally to the process would undermine the peasant movement's carefully constructed discourse of independence from the guerrillas, giving critics an easy charge for their allegations that ZRC are nothing more than FARC rear guards.[108] Moreover, the ZRC are themselves no homogenous territories. There are serious tensions both within peasant communities and with adjacent indigenous and afro-Colombian communities which often see the territorial ambitions linked to the zones as a threat to their rights.

Cantonment might be a necessary condition for a successful ceasefire, but it is not sufficient to sustain it. To reduce its vulnerability, in particular ahead of the ratification, the parties should take three additional measures. Firstly, they should reach an agreement on conflict de-escalation as soon as possible. This would not just help building confidence and recovering public faith in the process, both shaken by the November kidnapping of General Alzate and the subsequent temporary suspension of the talks. It is also necessary to pave the way for a successful bilateral ceasefire. Military disengagement is not a switch that can be simply flipped, but a complex process that is more likely to succeed the higher mutual trust is and the clearer the parties signal their resolve to end the conflict.[109]

Measures to de-escalate the conflict should be centred around the obligations under international humanitarian law, a normative framework of mandatory compliance that both sides already recognise. This should lead to a stop of child recruitment, as well as the strict protection of civilian infrastructure and facilities, such as schools or hospitals.[110] Alongside, the government should take measures to improve the humanitarian conditions of imprisoned FARC members and collaborators.[111] If this is successful, the parties would have a strong base to take additional steps in the final stages of the talks, including progress on long-stalled demining and localised truces without concentration. The latter could then be scaled up to a full-blown bilateral ceasefire in the direct aftermath of a final agreement. Importantly, several communities in conflict zones have offered their territories to participate in such a ceasefire scheme.[112]

Secondly, negotiators should explore the possibilities of including the ELN in a joint ceasefire. Just as FARC, Colombia's second guerrilla is sceptic toward the idea

[106] Crisis Group interviews, conflict specialist, Bogotá, 14 August 2014; former FARC leader, telephone interview, 14 May 2014; political analyst, Bogotá, 21 May 2014

[107] "Hacia un Nuevo Campo Colombiano: Reforma Rural Integral", Joint Draft Government – FARC 6 June 2014, para 1.10.5. There are currently six ZRC operating and further zones are under study. Paradoxically, the peace process appears to have slowed down decisions on the establishment of additional zones, thus creating new tensions with communities. Andrés Bermúdez Liévano, "Las zonas de reserva campesinas desafían al Gobierno", *La silla vacía*, 21 September 2014.

[108] Salud Hernández-Mora, "Gracias, Presidente", *El Tiempo*, 12 September 2014.

[109] Crisis Group telephone interview, peacebuilding specialist, 1 October 2014.

[110] In 2013, the International Committee of the Red Cross registered 100 violations of rules of protected civilian goods, down from 193 a year earlier. "Colombia: Situación Humanitaria", Comité Internacional de la Cruz Roja, March 2014, p. 28.

[111] See Juanita León, "Desde la cárcel se reconstruye la confianza en el proceso de paz", *La silla vacía*, 1 December 2014.

[112] "Carta abierta de CONPAZ sobre el derecho de las víctimas", Comunidades Construyendo Paz en los Territorios, justiciaypazcolombia.com, Barranquilla, 16 July 2014.

of holding peace talks amid ongoing hostilities.[113] A joint ceasefire would not just boost the still fragile rapprochement with the ELN, it would also facilitate monitoring in zones where the two groups overlap or operate in close proximity. Moreover, it would reduce the risk of re-recruitment or emergence of FARC dissident movements in these regions, thus strengthening the positive impact of a ceasefire. The much improved relations between the two guerrillas and their increasingly close coordination over the path to exit the conflict suggest a joint ceasefire could be viable, on condition that the terms are the same for both groups, notwithstanding differences in the progress of the respective talks.

Thirdly, the parties should invite an internationally-led observer mission to monitor compliance and verify alleged violations by both sides, not just the guerrillas. This will be unpopular with the military, but necessary to minimise the risks of spoiler violence and to boost confidence that continuing operations of security forces against targets other than FARC do not violate the ceasefire. It would also shift some of the political costs of the transition on the state, thus increasing the possibility that FARC might agree to costly moves, such as concentrating forces. The mission would need to have fluent high-level political dialogue with both parties, strong technical capacities and an extensive territorial presence in the regions where cantonment zones will be located (see Section V).

B. *"Leaving Weapons Behind"*

The implementation of the ceasefire, including the eventual full cantonment of FARC after ratification, should be followed by a swift but not rash move toward "leaving weapons behind". This takes up the terminology used in past peace agreements with the guerrillas where it has covered a variety of practices. In the case of M19, it meant handing weapons over under the supervision of Socialist International; the EPL "left behind" weapons by symbolically surrendering them to the 1991 Constituent Assembly.

Despite the familiar language, FARC's disarmament will likely be substantially different. In contrast to past processes, the guerrillas have repeatedly stressed it will not involve a public handover, prompting opponents to claim that FARC are unwilling to disarm.[114] But the dichotomy of "handing over" versus "leaving behind" weapons, which, paradoxically, both the guerrillas and their critics invoke, is probably sharper in rhetoric than in reality. Ensuring that FARC does not have unilateral access to its weapons after signing an agreement could be achieved by handing them over to, or securing them to the satisfaction of, a third party– preferably international – that could verify and monitor that weapons are secured and put beyond use. Such a compromise would spare FARC the outright surrender of its weapons to the enemy, while addressing the concerns of the critics of the talks over the guerrillas using their arms as political leverage after an agreement.[115] Crucially, it could be acceptable to the military, which reportedly has inched closer toward embracing the idea that weapons might not be handed over to the state.[116]

[113] Crisis Group Report, *Left in the Cold?*, op. cit., p. 16.
[114] Hugo Mario Cárdenas López, "'Gobierno no tendrá foto de entrega de armas': Andrés París, vocero de las Farc", *El País*, 16 June 2013.
[115] Crisis Group interviews, retired general, Bogotá, 13 May 2014; critic of the peace talks, Bogotá, 9 June 2014.
[116] Crisis Group interview, senior diplomat, Bogotá, September 2014.

For such an arrangement to work, the parties would need to make sure that international monitors are highly credible and have the resources, information and skills to rigorously assess FARC's commitment to disarm. The parties themselves should be actively engaged in the disarmament process through a joint monitoring committee, which would also serve as a platform for settling the unavoidable disputes. In cases of persisting disagreement between the parties, the international monitors would have the final say. As the Nepalese experience suggests, such joint monitoring exercises can also have wider positive effects on the peace process, as working together can foster trust between the parties.[117] Given FARC's high percentage of women, there should be a sufficient number of female arms monitors.

The mechanics of disarmament are, however, only part of the solution. Arguably even more important will be striking a deal on the conditions under which the guerrillas will accept being separated from their weapons. For FARC, disarmament raises three thorny issues: security, reciprocity and implementation of the agreements. Alongside a convincing reintegration offer, answering these concerns will largely determine the success of disarmament. Without strong credibility in the ranks of the guerrilla, the "leaving behind of weapons" risks being incomplete or merely cosmetic in a country where the high number of illegal weapons circulating poses few barriers for abandoning the process and rearming.

As the UP tragedy still looms large and risks of renewed political violence are real, security is likely FARC's foremost concern.[118] The parties have already addressed this issue in the outline of the political participation agreement, which lays out the basics of a "comprehensive security system" to protect the "rights and liberties" of all democratic political actors. This scheme, which will depend directly on the presidency, will have a prevention and a protection mechanism. The latter will in particular cover the members of FARC's future political party, but also other political leaders, pending a risk assessment. FARC will have a voice in the evaluation of risk.[119]

The reach of any personalised protection scheme will, however, inevitably remain limited. Broader security will ultimately hinge on creating a political environment in which spoiler violence is prohibitively costly. This will not emerge overnight, however. As the parties recognise, both a crackdown on regional elites that promote political violence and the dismantling of criminal networks through judicial actions will also be necessary. In the meantime, the government, the attorney general and the judicial system should convey their unequivocal intention to discourage political violence. As a first priority, this would imply taking much more decisive action on the escalating threats and attacks against social leaders and human rights defenders, which still remain far too often in impunity.

On the second issue, reciprocity, FARC has insisted that disarmament needs to be part of a broader process involving the "demilitarisation" of the state and society, the democratisation of the armed forces and police reform.[120] The government is unlike-

[117] Teresa Whitfield, "Focused Mission: Not so Limited Duration. Identifying Lessons from the United Nations Mission in Nepal (UNMIN)", February 2010, p. 10.

[118] See Andrei Gómez-Suarez and Jonathan Newman, "Safeguarding Political Guarantees in the Colombian Peace Process: Have Santos and FARC Learnt the Lessons from the Past?", *Third World Quarterly*, vol. 34 no. 5 (2013), pp. 819-837.

[119] "Participación política: Apertura democrática para construir paz", Joint Draft Government – FARC, 6 November 2013, para 2.1.2.1.

[120] "The agreement on leaving behind weapons, like all other agreements, is grounded in a bilateral principle, accompanied by preceding steps such as the abandonment of political habits that stimu-

ly to concede FARC demands such as substantial reforms of the security forces. But it could take measures to reduce the number of small arms and light weapons in the hands of civilians. Such steps would recognise that the disarmament of FARC will on its own not be enough to improve citizen security. In a country awash with illegal weapons and where an estimated 80 per cent of homicides are committed with firearms, a failure to reduce their numbers could lead to a surge in post-conflict violence, a risk familiar from other conflicts.[121] This approach would place disarmament into a wider violence reduction dynamic and move it away from being centred exclusively on FARC, thus increasing its acceptability for the group.

On the third issue, implementation guarantees, FARC has on some occasions suggested the accords would need to be implemented before disarmament.[122] This would not be in FARC's interest. Keeping the weapons for a potentially prolonged period would not just delay transitional justice measures, which are conditioned upon disarmament.[123] It would also stymie FARC's transition to a political movement as the government has explicitly ruled out the possibility of an "armed peace", ie, political participation while the guerrillas are still in control of arms.[124] That said, given the territorial spread of FARC and the need for verification of a possibly high number of weapons, "leaving weapons behind" will inevitably be a relatively lengthy process rather than a one-off event as in previous peace processes with guerrilla groups.[125]

In line with the principle of a "comprehensive and simultaneous process" set out in the Havana agenda, the implementation of the peace agreement will need to begin in earnest directly after ratification, and thus at the same time as disarmament. Priorities in this initial phase would include passing laws to implement key provisions of the agreement such as transitional justice or rural development. Early passage of crucial implementing laws would allay FARC concerns about whether the government will comply with a future agreement and foster its confidence in the process. However, this will most likely not be enough to fully reassure the guerrillas, given the deep distrust toward the government and the extended time needed to achieve the transformations that the outline agreements promise.

Yet long-term implementation guarantees are hard to come by. Radical options, such as power sharing, which was used to settle Colombia's bloody partisan conflict

late war against the people, the demilitarisation of society and the State, the dismantlement of paramilitarism, the democratisation of the armed forces, the transition of the national police to its appropriate mission as well as other effective measures promoting a political culture of democracy, reconciliation and peace". Fabián Ramírez, "Desmovilicemos los odios", farcpaz-ep.org, 19 September 2014. See also "No estamos en la recta final", Delegación de Paz de las FARC-EP, farcpaz-ep.org, 1 September 2014.

[121] See "Small Arms Survey 2005: Weapons at War", Small Arms Survey, 2005, p. 268 and Katherine Aguirre and Jorge Restrepo, "El control de armas como estrategia de reducción de la violencia en Colombia: pertinencia, estado y desafíos", *Revista Criminalidad*, vol. 52, no. 1 (June 2010), pp. 265-284.

[122] "In our perspective, this issue (disarmament), which will require a long truce and the implementation of the agreements, means the non-use of arms to do politics". "Cdte. Pastor Alape presenta Comando Guerrillero de Normalización", Delegación de Paz de las FARC-EP, 24 October 2014.

[123] See "Acto Legislativo 01 de 2012", 31 July 2012, article 1. This conditionality has been reaffirmed in a 2013 Constitutional Court sentence ("Sentencia C-579/13").

[124] "Las respuestas del Gobierno a reparos del uribismo al proceso de paz", *El Tiempo*, 22 October 2014; "'Una vez firmemos un acuerdo final, las Farc deberán iniciar el proceso de dejar de tener armas en su poder': Humberto de la Calle", Sistema Informativo del Gobierno, 2 November 2014.

[125] For instance, the disarmament of the M19 took place on 9 March 1990, and the PRT handed over weapons on 26 January 1991. The EPL did so simultaneously in various camps in March 1991.

of the 1940s and 1950s, are not on the table.[126] FARC does not have the necessary legitimacy and support, and, more importantly, it would go against the spirit of the talks to deepen democracy. In the absence of such measures, FARC's best guarantee will arguably be its own political participation and the empowerment of territorial social movements, as called for in the outline agreement on this subject. But this will face limitations stemming both from FARC's lack of national political clout and the fact that Colombia is a democracy in which policymaking is, however imperfectly, shaped by a multiplicity of actors, including Congress, civil society and the courts.

To fill this gap the parties should set up a joint follow-up committee to monitor compliance with the agreements as a whole. It should not just assess the establishment of the post-conflict institutions or the formal passage of laws or decrees, but also their on-the-ground compliance, a problem that has beset Colombian public policy. Such a platform would provide long-term guarantees that are not dependent on the balance of political forces, and would reduce the dangers that implementation slows down once the initial enthusiasm fades, a risk that would almost certainly have negative effects on reintegration and the dynamics of local violence. To give the joint commission more teeth, trusted third parties, including international representatives, could serve as guarantors and help settle the likely unavoidable disputes over the interpretation of the agreements. Such a committee would need to be separate from ceasefire and disarmament monitors.

C. *Territorial Stabilisation*

If such a sequence provides a solid base for the early transition, it will come at a price beyond the compromises that each party will need to accept in return for viable ceasefire and disarmament mechanisms. The cantonment of FARC and its eventual disarmament will diminish its control over territories where it has long assumed state-like functions, such as enforcing social rules, regulating (illegal) markets and delivering rudimentary justice. This could create potentially dangerous power vacuums that in some regions could be filled by other illegal armed actors or emerging FARC dissidents, triggering new security risks for rank-and-file demobilised combatants and local communities alike. The dangers are clear from both the peace processes in the 1990s when FARC, ELN and the paramilitaries moved into the territories left by the EPL and the PRT, and also from the paramilitary demobilisation a decade later when the state failed to fill the gaps left by the AUC.[127] While such a struggle for territory will not necessarily lead to a resumption of conflict, it could seriously disrupt the transition.

Over the medium term, maintaining or restoring order in these zones will require a series of measures, beginning with structural adjustments in the security forces. This will include retrenching the military's role, divorcing the police from the defence ministry and creating a strong civilian rural police. Such reforms should be high up on the post-conflict agenda, but their implementation will take time. Fully establish-

[126] See Jonathan Hartlyn, *The Politics of Coalition Rule in Colombia* (Cambridge, 1988).
[127] Crisis Group interviews, former guerrilla leaders, Barranquilla, 22 November 2014. See also Enzo Nussio and Kimberly Howe, "When Protection Collapses: Post-Demobilization Trajectories of Violence", *Terrorism and Political Violence*, online first October 2014, pp. 1-20; Matt Ince, "Filling the FARC-Shaped Void", *The Rusi Journal*, vol. 158, no.5 (2013), pp. 26-34.

ing a rural guard is estimated to take three to four years.[128] Similarly, results from a program to vet security forces and state officials, which should be part of a transitional justice deal, will only become effective over the medium term.[129] Finally, stabilising vulnerable peripheral zones will require better governance and stronger civilian institutions, in particular regarding the provision of public services and the administration of justice – another area where quick progress is hard to achieve.[130]

The true problem is in the short term. Filling the void left by FARC and eventually the ELN will be anything but easy for the security forces. The military does not have the adequate training for extending territorial control and assuming law enforcement tasks. Some military operations will continue, but combatting NIAGs or other forms of organised crime is above all a police task, and policymakers should withstand the temptation to extend the military's role beyond its current support function in this area for the sake of creating new tasks for the troops. Both military and police forces might also face legitimacy problems. Past human rights violations, ongoing links to illegal armed actors and a vertical relation with communities suggest that the population in some areas might well hesitate to embrace a stronger presence of the security forces.[131]

This is not to suggest the military will have no important role to play. A successful ceasefire will free up resources, as tasks such as the protection of energy and transport infrastructure, which can consume up to 90 per cent of capacity in some regions, will drop in importance. Likewise, the halt of offensive operations against the guerrillas will generate cost savings.[132] The military should then have enough headroom to lend logistical support, for instance with transport in remote regions. But the onus will probably remain on the police. Their presence in conflict zones needs to be strengthened. This could happen through redeployment of existing forces, but room for this might be restricted, given the strong demand for better and more intense policing throughout the country, including in major urban centres. Given the time needed to train police, such bottlenecks are not easy to overcome, but policymakers should start preparing now for the post-conflict period by strengthening the existing rural police forces.

All this could help, but with structural solutions years away and security forces facing limitations, the parties will need to venture into unchartered territory when it comes to territorial stabilisation. This could and should involve FARC, taking advantage of its organisational cohesion, presence and territorial knowledge. But the political space to provide so-called interim stabilisation is tight.[133] Converting FARC

[128] Crisis Group interviews, retired high-ranking military, Bogotá, 9 April 2014 and military specialist, Bogotá, 23 April 2014.
[129] See Crisis Group Report, *Transitional Justice and Colombia's Peace Talks*, op. cit., pp. 48-49.
[130] Extending state presence in conflict regions has proven elusive over the last decades. The latest and most sophisticated effort has come under Uribe's and Santos' Consolidation Policy, but results have remained mixed. See Claudia López, "Tras medio siglo de intentos por 'llevar al Estado a las regiones', ¿qué deberíamos preguntarnos?, ¿cómo deberíamos avanzar?", *Arcanos*, no. 18 (2013), pp. 20-45.
[131] As a social leader said bluntly, "our enemy is the state". Crisis Group interview, Catatumbo, 2014.
[132] These would come from, inter alia, savings on ammunition and transport for counter-insurgency operations; reduced spending on evacuation and attention for wounded soldiers; and lower risk premiums. Crisis Group interviews, retired high-ranking military officers, Bogotá, 9 and 28 April 2014.
[133] See Nat J. Colletta, Jens Samuelsson Schjørlien, Hannes Berts, "Interim Stabilization. Balancing Security and Development in Post-Conflict Peacebuilding", Folke Bernadotte Academy (2008).

into transitional security forces would evoke the disastrous experience of the Security and Community Service Cooperative (Coosercom). Made up of urban militias, which demobilised in 1994, it took charge of policing Medellín neighbourhoods but was dissolved two years later amid violence and complaints about abuses.[134] Integrating some rebels in the regular forces to provide law enforcement in their strongholds would risk severe resistance, not just among the security apparatus but also among a significant share of the local population in conflict regions.

More realistically, there could be joint (unarmed) police patrols, even if this would require a degree of confidence between FARC and the security forces that might not necessarily exist right at the beginning of the transition. FARC might also contribute to kick-starting demining, a high priority for the post-conflict period. It could also help with public works such as tertiary road construction, which the rural development agreement calls for. Such visible and active involvement of FARC in stabilisation could be useful for broader security, trust and the long-term prospects for implementing the peace agreement.

[134] See Jorge Giraldo Ramírez and Juan Pablo Mesa Mejía, "Reintegración sin desmovilización: el caso de las milicias populares de Medellín", *Colombia Internacional*, no. 77 (2013), pp. 217-239.

V. The Role of the International Community

With decades of experience in managing increasingly sophisticated reintegration programs, a self-image as an aspiring regional power and a peace process that has been largely bilateral, the government and FARC will be in the driver's seat on implementing the agreements reached between them. But given the challenges ahead, bilateral solutions alone will not be sufficient, as both parties recognise. Domestic and international third parties will have important monitoring and verification roles to play. They can also lend crucial long-term support. Negotiation dynamics and political sensitivities will determine the scale, depth and composition of the international actors most closely involved. If they learn from the past, the parties have a significant opportunity to buttress the transition to the end of the conflict with practical, viable and useful outside assistance.

A. *Ceasefire and Disarmament Monitoring*

The international community has long been involved in efforts to resolve the armed conflict in Colombia, in line with its increasing regional and international repercussions. Since the 1990s, almost all American, Western European and even some Asian countries as well as an array of international organisations and other actors have played some, albeit often tightly circumscribed, role in the country's quest for peace.[135] Four countries support the Havana talks: alongside Cuba and Norway, the two "guarantors", Chile and Venezuela are "accompanying" the process.

The parties, in principle, acknowledge the need for international verification. In his 2014 inauguration speech, Santos for the first time publicly expressed support for the idea.[136] FARC, which appears generally more open to involving third actors, had already reacted positively to a ceasefire proposal with international monitoring.[137] Demands for support will not fall on deaf ears. In contrast to the paramilitary demobilisation, which most donors were at least initially very reluctant to support,[138] the region and the wider international community have closed the ranks behind the Havana talks. In addition to the benefits to Colombia and the region that a sustainable peace agreement would bring, many donors see the process as a rare opportunity to promote and support conflict resolution in an otherwise adverse international context.[139]

The mandate of a possible international mission to monitor the ceasefire and the disarmament process will be negotiated in Havana. However, this will not lead to a robust and classic peacekeeping mission. Colombia has problems of territorial control, but there is no need for peacekeepers to maintain public order or security

[135] See Anna-Karina Bayer, "Peace Processes in Colombia: International Third-Party Interventions", *Journal of Peace, Conflict and Development*, no. 20 (2013), pp. 61-80; Sandra Borda and Fernando Cepeda Ulloa (eds.), *Proceso de paz en Colombia: Participación de actores internacionales* (Bogotá, 2012); Virginia Bouvier (ed.), *Colombia: Building Peace in a Time of War* (Washington, 2009).
[136] "Palabras del Presidente Juan Manuel Santos en su posesión para el período presidencial 2014-2018", Sistema Informativo del Gobierno, 7 August 2014.
[137] "Farc apoya propuesta de Álvaro Leyva de una tregua bilateral verificada", *El Espectador*, 19 February 2013.
[138] The U.S., which has been supporting the paramilitary demobilisation since 2006, was the notable exception. Crisis Group interview, DDR program official, Bogotá, 13 May 2014.
[139] Crisis Group interviews, senior diplomat, Bogotá, 30 September 2014; EU senior official, Brussels, 29 October 2014.

throughout the country.[140] Given the dispersion of FARC fronts, such a mission would need to be of a considerable size. Moreover, while a peacekeeping mission would provide strong safeguards against military attacks on FARC camps, there would be questions about how international peacekeepers would engage with other threats, such as drug traffickers, NIAGs or regional spoiler networks.[141] Most important, the deployment of such a force would not be acceptable to Colombians. Across the political spectrum, including among supporters of the peace talks, peacekeeping missions are seen as the hallmark of poor, collapsing states, and thus incompatible with Colombia's aspiration to join the Organisation for Economic Co-operation and Development (OECD), a rich country club.[142]

A more likely outcome would be a civilian-led mission with ample territorial presence, similar to the already existing Mission to Support the Peace Process of the Organisation of American States (MAPP/OEA). Set up in 2004 in the context of the paramilitary demobilisation, it has stayed on under evolving mandates.[143] The mission has been tasked, inter alia, with verifying ceasefires and DDR processes with all illegal groups, including the guerrillas.[144] The MAPP has closely followed the implementation of the Justice and Peace Law and, since 2011, it has also worked on land restitution.[145] It currently has some 80 staff across ten offices in the country.[146] Yet despite its broad mandate and long experience in peace missions, the OAS is unlikely to be called upon. An OAS-led mission could probably not establish the necessary trust with FARC, which has long seen the hemispheric organisation as an instrument of U.S. imperialism. Some of that scepticism appears to have subsided.[147] But the association with the paramilitary process and the deep distrust toward the U.S. look set to prevent a leading role for this organisation.

With its already extended presence in the country and vast experience in post-conflict missions, the UN would appear as the logical candidate to lead a possible verification mission. But despite generally good relations under Santos it remains unclear whether either the government or the FARC would be comfortable with a strong UN role. An ad hoc involvement of regional states seems preferable. And if the parties in Havana were to bring in another third actor, it could be the Union of

[140] Crisis Group interview, senior diplomat, Bogotá, 30 September 2014.

[141] Crisis Group interview, military specialist, Bogotá, 23 April 2014. See also Oliver Kaplan, "On Keeping a Colombian Peace", Political Violence @ a Glance, 17 October 2012 and Page Fortna, "Lasting Peace in Colombia: Pipe Dream or Possible?", Political Violence @ a Glance, 15 October 2012.

[142] The reaction of a senior politician close to President Santos when asked about the prospects of deploying blue helmets is telling: "We are not in Africa!" and "Who would protect the peacekeepers?" Crisis Group interview, senior politician, Bogotá, September 2013.

[143] For background on the establishment of MAPP/OEA, see Sandra Borda, *The Internationalization of Domestic Conflicts: A Comparative Study of Colombia*, *El Salvador and Guatemala* (Ph.D. thesis University of Minnesota, 2009), pp. 141-145 and Fernando Cepeda Ulloa, "La comunidad internacional y el proceso de paz", in Sandra Borda and Fernando Cepeda Ulloa (eds.), *Proceso de paz en Colombia: Participación de actores internacionales* (Bogotá, 2012), pp. 19-23.

[144] "Support to the Peace Process in Colombia", OEA/Ser.G, CP/RES. 859 (1397/04), 6 February 2004. In 2008, the MAPP/OEA monitored the demobilisation of the Guevarista Revolutionary Army (ERG), a small ELN dissidence.

[145] "Décimo quinto informe trimestral", OEA/Ser.G, CP/INF 6225/11, 15 April 2011.

[146] Crisis Group interview, OAS official, Bogotá, 9 October 2014.

[147] Ibid. In June, FARC included the OAS in a list of international actors deserving thanks for their contribution to the peace process. "Rueda de prensa FARC-EP – Una Nueva Colombia, sí es posible", video, YouTube, 7 June 2014.

South American Nations (UNASUR), a fledgling sub-regional body that has already expressed an interest in supporting the Colombian peace process.[148]

Involvement of UNASUR, which is currently chaired by former Colombian President Ernesto Samper (1994-1998), could facilitate political dialogue. The regional body played a role in mediating between Venezuela and Colombia during the 2010 political crisis. And it would probably also be an acceptable interlocutor for FARC, which has repeatedly called for involving the region. There would be broader benefits as well. Involvement by UNSASUR would consolidate its role in conflict resolution in a region that remains marked by ideological rifts, latent territorial disputes and weak inter-country cooperation. In particular, it could empower UNASUR on its pending work in Venezuela, where it has been involved in facilitating dialogue between the government and the opposition.[149]

A lead role for UNASUR would, however, raise concerns over capabilities and funding.[150] Founded in 2008, its Quito-based headquarters are thinly staffed with officials seconded by member states.[151] UNASUR has been involved in observing elections in the region, but it has never conducted any verification mission in a post-conflict context. To remedy this weakness, the parties could consider a hybrid coalition of UNASUR, the UN, the OAS and/or other interested states, capitalising on the particular strength of each actor. Importantly, there appears to be sufficient political space to explore any of these options. Such talks should closely involve the states and institutions concerned to ensure the necessary funding and logistical arrangements for the mission's prompt deployment.

Independent of institutional arrangements, negotiators should ensure that the mission is endowed with clear and credible political leadership, and that it can fulfil its tasks and cope with predictable setbacks, such as ceasefire violations or incomplete disarmament. Three priorities stand out. First, the mission should have the autonomy it needs to generate leverage vis-à-vis the parties and to establish broader credibility. The early difficulties faced by MAPP/OEA are instructive. It came quickly under fire for alleged gaps in monitoring the ceasefire and its supposed failure to ring the alarm bells over paramilitary rearmament. Civil society criticised the mission as a government tool, rather than a neutral third party, to legitimise a controversial process.[152] The future mission will not have to battle the initial legitimacy deficit that beset the AUC process, and relations with the government will be different, given that its mandate will stem from a joint decision of both parties. But the experience suggests that, when confidential discussions fail to make headway, the

[148] Crisis Group interview, Ernesto Samper, UNASUR secretary general, Quito, 23 September 2014. Alongside participation in a verification mission, UNASUR has also offered support in transitional justice, including a truth commission.

[149] Crisis Group Latin America Briefing N°31, *Venezuela: Dangerous Inertia*, 23 September 2014, pp. 10-11.

[150] Crisis Group interviews, senior diplomats, Bogotá, 30 September 2014 and 9 October 2014; telephone interview, peacebuilding expert, 1 October 2014.

[151] UNASUR works through consultative councils and has a staff of 24 at its secretariat. The secretary general plans to propose an increase of its staff and the establishment of a political unit during the next summit. Crisis Group interview, UNASUR official, Quito, 23 September 2014.

[152] See for instance the criticism reported in Kimberly Stanton, "The Colombian Conflict: Regional Impact and Policy Responses", Washington Office on Latin America, August 2005, p. 19 and the discussion in "Hashtag Internacional: misión de la OEA en Colombia que le apunta a la paz", video, YouTube, 26 July 2012.

mission should be able to voice concerns over compliance in a timely and public manner.[153]

Secondly, the mission needs to hit the ground running. The early travails of the MAPP/OEA should again serve as a warning. The mission only arrived after some 1,000 paramilitary fighters had already demobilised. Deployed in a rush, its first monitors lacked infrastructure, communication equipment and basic items, such as identification. Its subsequent failure to attract a sufficient level of financing further compounded its difficulties in fulfilling its mandate, as the mission itself recognised.[154] Repeating this experience could prove to be a costly error in an environment in which the initial stability of the transition will, in no small measure, depend on the capacity and credibility of international monitors to enforce the ceasefire and reassure sceptics over the progress of disarmament.

This suggests that the parties should present a sufficiently detailed plan for the mission as early as possible and substantially ahead of its planned deployment so as to allow for adequate preparation. This should include the detailed analysis of possible regional post-conflict scenarios, the location of territorial offices, and logistical aspects such as mobility and communication. This might not be beyond reach, as the parties appear to be aware of the risks of delaying discussions on international involvement. To maximise the available time, independent experts and representatives of international organisations and/or states should be involved once formal negotiations on the verification mission begin.

Thirdly, negotiators should provide sufficient flexibility for the mission to adapt to changing demands and requirements as the transition evolves. The overall civilian leadership of the mission notwithstanding, the ceasefire monitoring and disarmament will require strong military know-how to handle and assess FARC's makeshift weapons and improvised explosive devises. The composition of the mission would need to change over time, as demand for military expertise will gradually diminish and tasks such as monitoring the impact of reintegration on communities or accompanying reconciliation initiatives will become more important. Such a second phase of international verification would likely take much longer than the early core tasks and require monitors with a broader skill set.

B. *Long-Term Commitment*

International actors will likely be required to remain engaged in FARC's transition well beyond the immediate post-agreement stabilisation. This should involve active political support for the implementation of peace accords. Multilateral organisations and countries should be receptive to invitations they might receive to participate in a joint mechanism to oversee the implementation of the peace agreements as a whole. Continuous high-level political dialogue outside such formal settings can also play a crucial role in keeping the transition on track. In particular, countries with longstanding links to the security forces, such as the U.S. or the UK, should use their leverage in confidential discussions to minimise resistance and strengthen reformers within the military and the police.

[153] Adam Isaacson, "Is the International Community Ready for Post-Conflict Colombia?", Washington Office on Latin America, 22 July 2014.
[154] See, for instance, "Primer informe trimestral", OEA/Ser. G, CP/doc. 3894/04, 11 May 2004, "Tercer informe trimestral", OEA/Ser. G, CP/doc. 3978/05, 31 January 2005.

Colombia, unlike many other post-conflict countries, can mobilise significant resources on its own. Some 95 per cent of current ACR programs are for instance funded through the national budget.[155] However, the ambitious reform agenda underlying the Havana talks and a weakening economic outlook mean that national resources will be stretched thinly. Long-term financial support will therefore also be needed. International support for reintegration should focus on its intersection with transitional justice and community reconstruction. In conflict zones, where neither the state nor FARC has full legitimacy, communal tensions are most likely to occur and ongoing impartial mediation will likely be needed. Such support would need to be closely coordinated with the wider international aid for the implementation of the peace agreement so as to avoid duplication.

More broadly, the transition will be an opportunity for Colombia's international partners to review and re-think their engagement in the country. This could well lead to redirecting resources toward a broader development and sustainability agenda. This would reflect the country's overall positive trajectory, but donors should take care not to abandon human rights and humanitarian activities hitherto mostly associated with the conflict too soon. Some sources of violence, in particular in urban areas, are only loosely connected to the conflict with the guerrillas, and the end of the conflict with FARC might well create new dynamics of violence. Given such risks, the international community should maintain its active support to human rights and social organisations even in a post-conflict environment.

[155] "Reintegración en Colombia. Hechos & Datos", ACR, June 2014.

VI. Conclusion

Distrust and disbelief are rife over the prospects of ending the conflict and reintegrating members of FARC, and eventually, the ELN. Communities in many conflict regions are unenthusiastic. They fear a rerun of the botched demobilisation of right-wing paramilitaries that failed to dismantle enabling networks and triggered a new wave of violence. Powerful critics of the talks allege that FARC is unwilling to give up weapons, renounce drug trafficking links and face normal political competition. Much of the rest of society is demanding accountability for human rights violations and resists political participation by FARC. As for the guerrillas, they are deeply sceptical of whether the government will honour its obligations under a future peace agreement and whether it will be willing and able to guarantee the security of their members, in particular of those entering the political fray.

This is perhaps not the most promising context for the end of the conflict to take root. But the foundations of the peace process are solid. FARC has tight, if not perfect, control over its troops. And contrary to AUC commanders, its leaders have every interest in a successful transition to a political movement and the peaceful reintegration of its members. The negotiating agenda contains the outlines of an encompassing peacebuilding strategy that would benefit victims, marginalised communities and former combatants alike, thus reducing communal tensions. Finally, the government has accumulated substantial experience when it comes to reintegrating former combatants that should stand this process in good stead.

Negotiators should capitalise on such assets, but on their own they will not be sufficient. The parties will need to agree on bold and credible guarantees to reassure everybody that the deal will be enforced. These should include inviting a strong international verification commission to monitor compliance with the ceasefire, the disarmament of FARC and the reintegration of its fighters. Securing peace will also require exploring innovative mechanisms for the short-term stabilisation of conflict-affected territories. These are politically sensitive issues in a country that remains deeply divided and time for preparation is already running short. But with international support, the parties have the opportunity to prove sceptics wrong and lay the foundations for the construction of a durable peace in Colombia.

Bogotá/Brussels, 11 December 2014

Appendix A: Map of Colombia

Appendix B: Glossary

ACR – Colombian Agency for Reintegration (Agencia Colombiana para la Reintegración), office in charge of implementing the government's reintegration program for demobilised guerrillas and paramilitaries; until 2011 called Office of the High Councillor for Reintegration (Alta Consejeria para la Reintegración).

AD-M19 – Democratic Alliance – 19 April Movement (Alianza Democratica – Movimiento 19 de Abril), political party formed by M19 after its demobilisation.

AUC – United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia), umbrella body of paramilitary groups whose demobilisation started in 2003 and officially ended in 2006.

CD – Democracy Corporation (Corporación Democracia), organisation run by ex-combatants to support the reintegration of paramilitaries in Medellín.

CODA – Operative Disarmament Committee (Comité Operativo para la Dejación de Armas), defence ministry body that is part of the individual demobilisation program.

CRS – Socialist Renovation Current (Corriente de Renovación Socialista), ELN dissidence, demobilised in 1994.

DDR – Disarmament, Demobilisation and Reintegration.

ELN – National Liberation Army (Ejército de Liberación Nacional), Colombia's second largest guerrilla group.

EPL – Popular Liberation Army (Ejército Popular de Liberación), one of Colombia's main guerrilla groups until its demobilisation in 1991. Small group of dissidents refused to demobilise and continues operating.

ERPAC – Anti-Terrorist Popular Revolutionary Army of Colombia (Ejército Revolucionario Popular Antiterrorista de Colombia), a NIAG operating in the Eastern Plains that partially surrendered to justice in December 2011.

FARC – Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia), Colombia's largest guerrilla group.

ICBF – Colombian Institute for Family Welfare (Instituto Colombiano de Bienestar Familiar), government agency tasked with promoting child, youth and family protection.

JPL – Justice and Peace Law (Ley de Justicia y Paz), legal framework for transitional justice in Colombia.

M19 – 19 April Movement (Movimiento 19 de Abril), Colombian guerrilla group that demobilised in 1991 and that became the driving force behind political party AD-M19.

MAPP/OEA – Mission to Support the Peace Process in Colombia of the Organisation of American States (Misión de Apoyo al Proceso de Paz en Colombia de la Organización de los Estados Americanos), international mission originally tasked with verifying the AUC unilateral ceasefire and the subsequent paramilitary demobilisation.

MAQL – Quintín Lame Armed Movement (Movimiento Armado Quintín Lame), small Colombian guerrilla and self-defence force formed by indigenous groups in the Cauca region. Demobilised in 1991.

NIAGs – New Illegal Armed Groups; generic term to describe illegal armed groups that have emerged after the end of paramilitary demobilisation in 2006.

PAHD – Humanitarian Attention Program for the Demobilised (Programa de Atención Humanitaria al Desmovilizado), defence ministry body responsible for covering the short-term needs of individual combatants immediately after demobilisation.

PRT – Revolutionary Workers Party (Partido Revolucionary de los Trabajadores), a small guerrilla group that demobilised in 1991.

UNASUR – Union of South American Nations (Unión de Naciones Suramericanas), regional inter-governmental organisation established in 2008, includes all South American nations.

UP – Patriotic Union (Unión Patriótica), political party founded by FARC during peace negotiations with Betancur government.

ZRC – Peasant Reserve Zones (Zonas de Reserva Campesina), areas with special legal status aimed at protecting the interests of small farmers.

Appendix C: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 125 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord Mark Malloch-Brown, and Dean of Paris School of International Affairs (Sciences Po), Ghassan Salamé.

Crisis Group's President & CEO, Jean-Marie Guéhenno, assumed his role on 1 September 2014. Mr. Guéhenno served as the United Nations Under-Secretary-General for Peacekeeping Operations from 2000-2008, and in 2012, as Deputy Joint Special Envoy of the United Nations and the League of Arab States on Syria. He left his post as Deputy Joint Special Envoy to chair the commission that prepared the white paper on French defence and national security in 2013.

Crisis Group's international headquarters is in Brussels, and the organisation has offices or representation in 26 locations: Baghdad/Suleimaniya, Bangkok, Beijing, Beirut, Bishkek, Bogotá, Cairo, Dakar, Dubai, Gaza City, Islamabad, Istanbul, Jerusalem, Johannesburg, Kabul, London, Mexico City, Moscow, Nairobi, New York, Seoul, Toronto, Tripoli, Tunis, Washington DC. Crisis Group currently covers some 70 areas of actual or potential conflict across four continents. In Africa, this includes, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Sierra Leone, Somalia, South Sudan, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Malaysia, Myanmar, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, North Caucasus, Serbia and Turkey; in the Middle East and North Africa, Algeria, Bahrain, Egypt, Iran, Iraq, Israel-Palestine, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, Western Sahara and Yemen; and in Latin America and the Caribbean, Colombia, Guatemala, Mexico and Venezuela.

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December 2014

Appendix D: Reports and Briefings on Latin America and the Caribbean since 2011

Learning to Walk without a Crutch: The International Commission Against Impunity in Guatemala, Latin America Report N°36, 31 May 2011 (also available in Spanish).

Guatemala's Elections: Clean Polls, Dirty Politics, Latin America Briefing N°24, 17 June 2011 (also available in Spanish).

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