



Münchener Beiträge zur Politikwissenschaft

herausgegeben vom
Geschwister-Scholl-Institut
für Politikwissenschaft

2019

Beatriz Garabosky

THE COLOMBIAN PEACE AGREEMENT WITH THE FARC- EP:

**An Analysis of the Negotiation
Process under the Santos
Administration and its
Outcome.**

Bachelorarbeit bei
Dr. Lars Colschen
2017

Table of Content

1. The Puzzling Case of the Negotiations with the FARC-EP	4
2. New Challenges for Conflict Resolution	7
2.1 Intrastate Conflicts	7
2.2 Negotiations	8
2.3 Getting to the Negotiation Table	9
2.4 The Analytical Framework by Sawyer and Guetzkow	10
<i>2.4.1 Background Factors</i>	11
<i>2.4.2 Preconditions</i>	12
<i>2.4.3 Conditions</i>	13
<i>2.4.4 Process</i>	14
<i>2.4.5 Outcome</i>	15
3. The Previous Interactions between the FARC-EP and the Colombian Government	16
3.1 The Inaccessibility of Politics and the Birth of the FARC-EP	16
3.2 The Negotiation Process under President Betancur	17
<i>3.2.1 Background Factors</i>	17
<i>3.2.2 The Proper Negotiations</i>	18
<i>3.2.3 Outcome: La Uribe Agreement</i>	18
3.3 The Negotiation Process under President Pastrana	20
<i>3.4.1 Background Factors</i>	20
<i>3.4.2 The Proper Negotiations</i>	21
<i>3.4.3 Outcome: Breaking Down of Negotiations</i>	22
3.3 A Stop in Negotiations under President Uribe	23
4. The Negotiation Process under President Santos	24
4.1 Background Factors	25
<i>4.1.1 Ideological Factors</i>	25
<i>4.1.2 Relationship between and within the Parties</i>	26
<i>4.1.3 Military Strength</i>	26
<i>4.1.4 Alternatives and Bargaining Orientation</i>	27
4.2 Preconditions	27
<i>4.2.1 Preparation for Negotiations</i>	27
<i>4.2.2 Goals</i>	28

4.2.3 <i>Issue Structure</i>	28
4.3 Conditions	29
4.3.1 <i>Physical Components</i>	29
4.3.2 <i>Social Components</i>	29
4.3.3 <i>Participation of Third Parties</i>	30
4.3.4 <i>Openness of Proceedings</i>	31
4.3.5 <i>Constituent Accountability</i>	31
4.3.6 <i>External Context</i>	32
4.4 The Proper Negotiations	32
4.5 Outcome: The Final Agreement of November 24th	34
4.5.1 <i>A new Colombian Rural Area</i>	35
4.5.2 <i>Democratic Opening</i>	36
4.5.3 <i>An End to the Conflict</i>	36
4.5.4 <i>Solution to the Problem of Illicit Drugs</i>	39
4.5.5 <i>Agreement on the Situation of the Victims</i>	39
5. Achieving Peace in Colombia	41
Literature	47
Annexes	52
<i>Annex 1: Eigenständigkeitserklärung</i>	52

1. The Puzzling Case of the Negotiations with the FARC-EP

On the 7th of October 2016, the Nobel Committee announced that the Colombian president, Juan Manuel Santos, was awarded the Nobel Peace Prize for “his resolute efforts to bring the country's more than 50-year-long civil war to an end” (Nobel Prize 2016). This was a surprise since the first peace agreement that was signed between the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC-EP) and the Colombian government on the 24th of August was actually rejected by the population in a referendum. However, both the FARC-EP and the government did not give up, went back to the negotiation table and improved the agreement, which was then signed again on November 24th and adopted by Congress on November 30th, thereby officially marking the end of the conflict with the FARC-EP.

Colombia is characterized by a long history of violence. It is estimated that between 1958 and 2002 over 220,000 people were killed and over two million were displaced due to the armed conflict (Buitrago B. and Valencia A. 2013, 120; Murcia 2017, 213). Active in the country are not only leftist guerilla groups, like the FARC-EP, but also paramilitaries and drug cartels, which creates a delicate security situation. Because of that, there have also been “repeated attempts and failures at conflict management” (Zartman 2001, 297). Several presidents have tried to find an agreement with the guerillas and failed. With the FARC-EP, especially, they were very unsuccessful, which reinforces the magnitude of Santos’ achievement.

Furthermore, during the presidency of Alvaro Uribe Veléz, Santos’ predecessor, Plan Colombia was implemented, an American multi-billion military program that has been transforming Colombian military and weakening the insurgent groups (Rochlin 2010), which has lead Hugo Chávez, the Venezuelan president, to call Colombia “the Israel of Latin America” (from Aló Presidente of 2nd March 2008 cited in Ibid., 715). As a consequence, it was not expected that negotiations with the guerilla would reopen so soon (Batlle and Duncan 2013, 115).

However, for the fourth time in the history of the country, a president decided to try to find a negotiated solution with the guerilla. In doing so, President Santos changed the negotiation process in several aspects, when compared to the previous attempts, going even against some common practices for negotiations in asymmetric conflicts, which makes his attempt even more puzzling. He had a defined and limited agenda, which included the main cause of the problem, the rural question, and thus goes against findings by Waldmann (2007), who believed that in Colombia only negotiations that had small agendas, meaning that they did not deal with the systemic problems of the country, would be able to lead to abandonment of weapons and could

thus be considered successful¹. The process was also mainly owned nationally, without the participation of mediators, which is also something that most scholars believe to be a necessary condition for achieving an agreement in internal conflicts (Zartman and Faure 2011, 23). Santos also removed the negotiations from Colombia and kept the talks under extreme secrecy, with low media coverage, including the population through the referendum, workshops and the possibility to send direct proposals for the negotiation teams, which were very innovative mechanisms (Haspeslagh 2015, 2) that helped reframe the conflict. All of these innovations make the negotiation process under the Santos administration an interesting case of a successful negotiation between a state and a non-state actor, which as indicated by the award of the Nobel Peace Prize, is believed to finally be able to create the conditions in Colombia, so that the FARC-EP can surrender its weapons and start defending its cause in a political, non-violent way (Segura and Mechoulan 2017).

Therefore, the aim of this thesis is to understand how the recent peace agreement between the FARC-EP and the Colombian government came to be, especially in light of the fact that previous attempts failed. The objective is to discover how did the Santos administration proceed, which mechanisms lead to the signing of the agreement and how did he manage to be successful, when many others failed. Success here meaning that he was able to create an agreement with the FARC-EP that was accepted by both parties². An analysis of the conditions in which the negotiations were conducted and how they lead to an agreement might deliver interesting insights on how non-state armed groups should be engaged. The field of internal conflicts is very new and there have been only a few cases that ended through an agreement and could be analyzed from that perspective, so that the analysis of the Colombian case should be able to advance a little the case literature of Conflict Resolution (CR), more specifically internal conflicts, between state and non-state actors, an academic field still in development.

Since the main interest of this thesis is to analyze the peace negotiations that lead to the signature of the agreement in the especial case of Colombia, it is going to be an idiographic case analysis (Levy 2009, 73). As a tool to help better understand the case, I am going to lean

¹ In this decision, President Santos did not go against all theoretical beliefs, since peacebuilding scholars believe that including the main factors that cause a conflict in the negotiations is of extreme importance to achieving and maintaining peace (Buitrago B. and Valencia A. 2013, 115). Waldmann (2007) only claimed that a smaller agenda strategy, focusing on achieving a cease-fire and the laying down weapons, is more successful, because in his analysis, the only successful negotiation was conducted by President Barco, who in the 80s used such a small agenda strategy and managed to convince four small guerilla groups to abandon their violent fight.

² “[The] signature of an agreement is a prima facie or nominal sign of success because it indicates a judgement by the parties that they expect to be better off with the agreement than without it, and that they can do no better by either continuing negotiations or choosing an alternative outcome” (Zartman 2010, 155).

on principles of CR, social psychology and negotiation theory, so that it is going to be an analytical description of the process and its outcome using the framework developed by Sawyer and Guetzkow (1965) and adapted by Druckman (2003). The framework will allow me to track the process that lead to the creation of the peace agreement, discovering which mechanisms made its existence and signing possible. I will then analyze the content of the final agreement in order to see how the conditions, the dynamics between the parties during the negotiations and the bargaining strategies are reflected in the final text.

The objective is to understand how the parties got to the point of signature, when the previous attempts did not manage to achieve significant results³. By briefly describing the previous negotiation attempts, the dissertation is also going to contain a longitudinal analysis, taking different points in time where an apparently similar situation delivered different results (Levy 2009, 75-76). By describing the previous attempts⁴ (the one by President Betancur and the one by President Pastrana), it will be possible to identify the change in tactics, the lessons that were learned by the parties from the previous interactions and the effects that these had on the negotiations and on the text of the agreement.

Furthermore, this thesis will only encompass the period of time until the signing of the Final Agreement and its adoption by Congress. The implementation will not be part of the time frame of this dissertation. This is going to be left out since the process is just starting (it has been merely seven months) and it will last approximately ten years, which makes an analysis of the implementation at this point senseless. It is also outside of the scope of my inquiry since I am interested in how the agreement was reached and not how it is going to be implemented.

Important to mention is also that my analysis will be based on two different documental sources: the text of the agreement and secondary literature. Since the recent negotiations were carried out under extreme secrecy, the only way to get data on the process is through the use of secondary literature. Here my main source is going to be the paper published by the International Peace Institute (Segura and Mechoulam 2017), written by a Colombian scholar, who conducted interviews with several of the participants at the negotiation table, thus being able to deliver interesting insights about the process. I recognize that this means that I cannot analyze all the moves that each party did at the negotiation table directly, but since the objective

³ President Betancur in the 80s also signed an agreement with the FARC-EP, but this agreement was not able to bring peace to Colombia. For more details, see Section 3.2.

⁴ The attempt by President Gaviria will not be analyzed since it failed already at the beginning of the talks, not being so relevant for the current relationship between the FARC-EP and the government and will because of that be left out of this thesis.

of this thesis is to relate the conditions and how they interacted to lead to the signing of the peace agreement, it should also be possible to identify the relevant demands and concessions through the analysis of the text of the final agreement. Thus, the problem of data availability should not be a factor that will affect the reliability of the analysis or of its findings.

2. New Challenges for Conflict Resolution

During the Cold War, conflicts around the world were characterized by the confrontation between the two superpowers. This provided some predictability, simplicity and constancy for scholars of International Relations (IR) (Rasmussen 1997, 23) and CR. These conflicts were not difficult to explain, since they were between two sovereign states. However, since the end of the Cold War, scholars of IR and CR have been encountering several difficulties to explain and create solutions to the so called “new wars”, which are mainly internal, characterized by high asymmetry between the conflict parties. They are also characterized by repeated escalation before a settlement (Druckman 2007, 122). Comparing intrastate and interstate conflicts, the more complex nature of the internal ones becomes evident: while half of interstate conflicts are solved by negotiation, only one third of intrastate conflicts get solved by this technique, and while two thirds of intrastate conflicts end in surrender, this only happens to one quarter of the interstate cases (Zartman 1995a, 3). These differences pose a challenge to IR and CR scholars, who have started to pay such asymmetrical conflicts more attention.

2.1 Intrastate Conflicts

Intrastate conflicts are the result of the “breakdown of normal politics” (Zartman 1995b, 333): they usually involve two groups in a society, one that wants to keep the status quo, which is usually the government, and one that wants to change it, but does not see the possibility to do so through the existing institutions (Mitchell 1995, 25).

“[A] rebellion is a dual protracted struggle, striving for both ends and means: a struggle for attention, redress, and legitimacy, inseparably interwoven with a struggle for the power to pursue those ends” (Zartman 1995a, 7).

Consequently, this means that insurgents make use of violence as a last resort and a temporary strategy against an opponent that is threatening their existence (Dudouet 2012, 98). Internal conflicts are thus driven by collective needs and fears: the need for political participation and the fear of not existing as a movement (Kelman 2007, 64-69). The conflict norms that are in place both at the level of the political leadership and at the level of the public allow the conflict parties to build images of each other, the opposition always being the violent and aggressive party, while one's own party is the victim, who just have to escalate the conflict in the specific situation as a reaction to the enemy's behavior (Ibid., 82-84). This creates a self-fulfilling prophecy, in which all actions by the opposing party are seen as being the result of his bad nature and with the intention of destroying one's own party. These images that are built throughout the conflict are very resistant to contradictory and new information, so that a self-perpetuating dynamic is created (Ibid., 91-100).

Because of that, internal conflicts are very difficult to solve, being considered the "largest sub-category of intractable conflicts" (Zartman 2001, 297). Their asymmetric⁵ and self-perpetuating nature are two of the causes that lead to this difficulty in resolution. The insurgents only exist in opposition to the government, this being how they define themselves, so that to equalize their status with that of the government, they must show strong commitment (Zartman 1995a, 9). Resultantly, there is not much room for compromise or trade-offs, because what the rebels can offer represents their whole existence: thus "the guerilla wins if he does not lose; (while) the conventional army loses if it does not win" (Ibid., 9). This way, internal conflicts have structural characteristics like asymmetry and compensating commitment by the rebels that lead to a certain stability and to narrowed possibilities for the start of negotiations (Ibid., 11). Moreover, since the state does not recognize the insurgency as a valid movement and political actor, there is also not a valid spokesperson to negotiate with (Ibid., 10).

2.2 Negotiations

"Negotiation is a process of combining conflicting positions into a common position, under a decision rule of unanimity, a phenomenon in which the outcome is determined by the process" (Zartman 2010, 147).

In order to achieve a successful outcome, negotiations have to be characterized by a rule of

⁵ Asymmetry relates to the "differential distribution of relevant resources and salient characteristics between adversaries in a conflict system" (Mitchell 1995, 26).

unanimity (Zartman 2009, 324), where the parties have a veto power over the outcome (Zartman 1995a, 8). This ensures that a positive-sum outcome is achieved: the parties would not agree if they did not feel that they are better off with the agreement than without it (Zartman 2009, 324). A positive-sum outcome becomes possible when the parties have an integrative attitude, so that throughout the negotiations, they share information that helps find a solution that is good for both of them (Druckman 2007, 147). Consequently, the advantage in the negotiations lies with the party that perceives more alternatives to be acceptable as the outcome of the process (Zartman 2009, 324).

Negotiations are further described by two types of events. The first are turning points, which are critical points where the parties see negotiations as a way out. This can happen through redefined goals, new political space, new basis for agreement or due to the environmental conditions (Ramsbotham, Woodhouse and Miall 2005, 172). The second are sticking points, which happen when parties defect, when important actors or groups are against a negotiated solution or when there are unfavorable conditions for an agreement (Ibid., 172).

2.3 Getting to the Negotiation Table

One concept that is established in the literature is that for a negotiation to start, there is a certain ripeness of the conflict that is needed (Donohue and Cristal 2011; Druckman 2007; Rasmussen 1997; Zartman 1995a, 2001, 2009). This means that the conflict should be on a mutually hurting stalemate: “both sides must realize that they cannot achieve their aims by further violence and that it is costly to go on” (Ramsbotham, Woodhouse and Miall 2005, 166). Therefore, a mutually hurting stalemate is achieved when there is an “equalization of coercive potential” (Mitchell 1995, 37), so that none of the parties see a unilateral solution as possible at an acceptable cost⁶.

However, a mutually hurting stalemate is an insufficient condition for staying at the negotiation table. For the conflict parties to want to voluntarily find an agreement, the stalemate needs to be transformed into a mutually enticing opportunity. This is the “pull factor that draws the parties to a conclusion” (Zartman 2009, 329) and that keeps them at the negotiation table (Donohue and Cristal 2011, 70). Ripe moments, thus, need not only a mutually hurting

⁶ This can be caused by fatigue, pain, boredom, security-building measures, reaffirmed relationships, changes in stakes, attitudes or values (Druckman 2007, 124; Zartman 2001, 297).

stalemate, but also an attractive, mutually beneficial alternative for a way out (Zartman 1995a, 18; Zartman 2009, 329).

However, lack of trust remains the biggest obstacle (Zartman 2009, 334). As conflicts are a process of mutual influence, with a self-perpetuating nature, the parties need not only negative incentives, like threats, but also positive ones (Kelman 2007, 71-78). Positive incentives are achieved through reassurance, acknowledgements, symbolic gestures or confidence-building measures. Another possibility is external intervention through mediation by a third party.

Appart from that, equals make peace more easily than unequals (Mitchell 1995, 36), so that only when asymmetry is reduced, is it possible to negotiate. As a consequence, the most urgent reassurance that is needed in internal conflicts is recognition (Ramsbotham, Woodhouse and Miall 2005, 166; Zartman 2009, 334). This makes it possible for a recognized leader or spokesperson to speak for the insurgency and to be able to make an agreement hold (Zartman 1995a, 20). Yet, at the same time that it is a necessary condition for dialogue, it represents a win for the rebels (Zartman and Faure 2011, 5-6), before they even had to agree on any concessions. Nevertheless, the same is valid for the government, since the rebels, by accepting to negotiate, are also accepting it as a valid and legitimate party.

2.4 The Analytical Framework by Sawyer and Guetzkow

There are a variety of approaches and methods⁷ to analyze negotiations that have emerged with the study of international and internal conflicts. These methods are mainly complimentary rather than exclusionary (Druckman 2007, 150). For the analysis of the negotiations between President Santos and the FARC-EP, I will lean on the social-psychological approach, which sees negotiations as bargaining, where the outcome is the product of personal, role, situational, interactional and impeding factors (Bercovitch and Jackson 2009, 24) and where the aim is to analyze the forces that promote or impede agreements and the conditions that lead to concessions (Druckman 2007, 117-118).

⁷ The structural analysis sees negotiations as a distribution of power, in which the weaker side will concede until the relationship inverts and then the other party will concede, with power being the comparison between offers and security points (Zartman 2010, 148-150). The process analysis explains the result of negotiations through the concessions that each side makes, aiming at the end for a mutually fair and maximizing agreement (Ibid., 151-152). The behavioral analysis puts the negotiators at the center of the process (Ibid., 152-153). Game theorists do a strategic analysis that focus on the moves of each player, thus seeing the negotiations as a game, where players rank their outcomes in the form of preferences and maximize their wins based on the future choices of the game partners, solving the negotiations' puzzle (Druckman 2007, 113-117).

Sawyer and Guetzkow (1965) developed the first model based on such an approach. In it, there are five aspects that have to be considered about the negotiation process: the goals that motivate parties to enter and stay in the negotiations; the process of negotiating; the outcomes; the background factors that influence the outcome; and the situational conditions of the talks. Druckman (2003) adapted the model based on Randolph (1966) and extended the goals to preconditions, including further aspects that influence the negotiations prior to its start. He also added implementation as a stage in the process. Resultantly, the model has three time dimensions: antecedent factors, hence before the start of the process; concurrent factors, relating to conditions and processes during the talks; and consequent factors, meaning the outcomes and the implementation, the last being outside of the scope of the inquiry of this thesis.

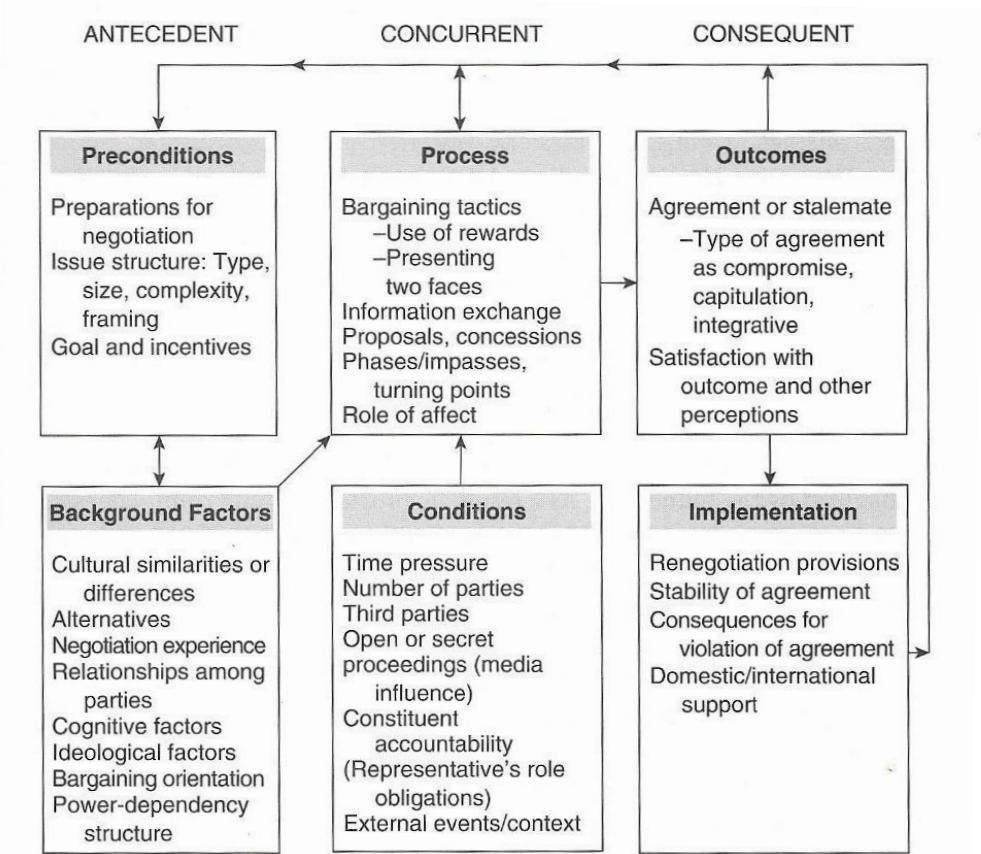


Figure 1: The Framework for the Analysis of Negotiation Processes (Druckman 2005, 31)

2.4.1 Background Factors

Background factors, as explained by Sawyer and Guetzkow (1965, 501-511), belong to the antecedent factors that influence the parties' perception of each other. Since they have interacted in the past, they have created images of each other that influence their attitude in the present. The person of the negotiator also plays an important role in this regard. Their status inside their party, their background and their personality directly affect the outcome and the

chance of achieving an agreement, since they are the ones at the negotiation table.

Furthermore, the relations and possible conflicts within each party are also factors that influence the attitudes at the negotiation table. The negotiator, by representing a group of the population, is accountable to it, what influences directly how much he or she can concede. Consequently, another important aspect that affects the success of negotiations is the degree of group cohesion inside the conflict parties. Many believe that a strategy of dividing and conquering is effective, but they do not take into account that in order to be able to successfully settle a conflict, the groups need to be internally united⁸ (Mitchell 1995, 38), so that a more advisable approach is actually to harness internal group cohesion (Berghof Foundation and UNDP 2016, 22).

2.4.2 Preconditions

Preconditions include the preparation for the negotiations, meaning the pre-negotiation phase⁹, the goals of the parties and the issues of the conflict. The pre-negotiations are the first stage in the actual process, where parties define the conditions of the talks (Zartman 2009, 330) and thus pave the way for a possible agreement (Druckman 2007, 127). The type of the preparation is very important for the success of bargaining, since at this stage the parties can address the issues in open exploratory talks that are not binding, correcting different expectations and achieving “more satisfactory settlements and improved relationships” (Ibid., 147). The fact that they usually happen in informal or unofficial environments is important for exploring fears, grievances and demands (Rasmussen 1997, 44), which can be very beneficial for the success of the official talks.

For effective bargaining, it is also important to consider the symmetry between the goals of the two conflict parties. If both parties have symmetrical commitments to their goals and these commitments are very strong and their goals are not complimentary, it is going to be very difficult for them to find a middle ground (Mitchell 1995, 38-39).

As a consequence, the most difficult decision that is made in this phase is the agenda (Zartman 2009, 330). This directly affects the outcome, since by defining what is going to be discussed,

⁸ When the group's leadership is not being questioned and when the group has a structured hierarchy, the chances that an agreement that is made by the leadership will stick, are much higher, because the commitment of the leader is perceived as binding for the whole group (Waldmann 2007, 247-248; Mitchell 1995, 45). The role of the leadership is, thus, very important, especially for the success of the post-conflict phase and for the transformation of violent movements into peaceful ones, because the legitimacy of the leadership directly influences the chance of dissident groups being created (Dudouet 2012, 97, 105) and thus affects the long-term success of peace processes.

⁹ The inclusion of pre-negotiations was an addition by Druckman (2003) based on the model by Randolph (1966).

the parties narrow the number of possible solutions that result from the process. At this point, they have to choose between “a minimal agreeing formula that ends or suspends the violence without touching the basic conflict issues, and a resolving formula that takes on the more difficult challenge of managing both the original issues, the complications that have arisen during the conflict, and mechanisms for dealing with old conflict that may reemerge and new conflict that may arise” (Ibid., 331), hence a narrow or a large agenda, respectively (Waldmann 2007). When actors address the underlying political issues, a resolution is more likely and post-agreement relations can improve, while only solving the issue of violence through a cease-fire will less likely do so (Druckman 2007, 140). However, as mentioned in section 1, when analyzing the Colombian case, Waldmann (2007, 240-242) found that using a large agenda strategy was actually what prevented a settlement, so that he perceived a narrow agenda strategy as more effective.

With the agenda defined, the parties can decide if they will enter the official dialogue. For that, the insurgents have to overcome a security dilemma, in which they “regard the possession and use of arms as an indispensable prerequisite for the security of the people they represent. As a result, they will hesitate to abandon their militarised status before they are convinced that their political status and legitimacy is fully recognized by the government, that their wartime grievances will be addressed through comprehensive reforms, and that a backlash of force against them or the people for whom they stand can be ruled out” (Dudouet 2012, 104).

2.4.3 Conditions

Conditions are the situational factors involved in the negotiations (Bercovitch and Jackson 2009, 26; Sawyer and Guetzkow 1965, 490-501). They are usually defined in the pre-negotiation phase. There are physical conditions, such as the location of the talks; social components, like the number of parties involved and the number of participants from each party; issue components, meaning the conflict issues to be discussed; and components of interpersonal orientation, like the communication channels being used and the openness or secrecy of the meetings. All of these can both encourage or hinder an agreement.

Time is one example of a physical, impeding factor: “the delay provides time for accommodation (even if only of thought rather than through interaction) that would otherwise be prevented” (Sawyer and Guetzkow 1965, 500). The amount of time is critical since it can change the stress level of the dialogue and the amount of information available, hence an agreement can be hindered if the parties are under extreme time pressure.

The number of parties involved is also a significant aspect. When more parties are involved, the complexity of the negotiations increases. Bigger groups raise the tension levels, since there are more people and more relationships to keep track of (Ibid., 492). Smaller groups, on the contrary, allow more contact between negotiators and create a more private structure, where the result is more likely to hold (Druckman 2007, 138).

One further important condition that the parties need to consider in pre-negotiations is the location of the talks and the degree of media exposure. When the media has only limited access, the parties have more flexibility to make concessions, so that an agreement can be reached more easily (Ibid., 137). The same is valid for the location: when talks happen in a central location, the attention will be heightened, while when talks happen far away, the attention given to them will be smaller and thus the parties will have more freedom to negotiate, without the constraint of the public opinion.

2.4.4 Process

After the parties negotiated the conditions, the substantive negotiation can start. At this stage, there are four elements that need to be taken into account: the negotiating parties, the alternative actions taken by each party, the expected outcomes of the combined action and the utility that each party assigns to each possible outcome (Sawyer and Guetzkow 1965, 471-479). Hence, the preferences of each party are the ranking of the possible outcomes by their utilities. Thus, the negotiation is a game, restricted to Pareto optimal points, which means that the negotiation can only deliver alternatives that at least have the same utility as the status quo (Ibid., 473-479). However, utilities and outcomes are constantly changing, so that for effective bargaining, one must exploit this dynamic nature. There are three possible ways to make this: through direct benefits, through second party effects caused by threats or promises or through third party effects (Ibid., 480-486).

In order to appeal to one's intrinsic interests, the negotiators need to reframe the conflict issues. They need to change the perception of a win-lose situation, so that the attitude of the other party becomes more open and an integrative rather than a distributive agreement can be achieved (Bercovitch and Jackson 2009, 27-28). This is possible through the construction of different options (Ibid., 27-28), which can generate a solution that is beneficial to both sides (Zartman 2009, 332) and can resultantly enhance the chances of an agreement (Druckman 2007, 131).

To appeal to one's perception through second party effects, trust between the parties must be established first. Through public commitments, the signature of contracts, the use of a mediator

and the agreement on formal frameworks such as timetables and procedures (Zartman 2009, 327; Ramsbotham, Woodhouse and Miall 2005, 173), it is possible to grant threats and promises more credibility. Here, it is important that such positive and negative incentives be used in a sequential approach, allowing parties to test each other (Ramsbotham, Woodhouse and Miall 2005, 172). Sequencing also allows simpler issues to be solved first (Bercovitch and Jackson 2009, 30-31), so that the parties only move to more contentious issues, when there is a more trusting atmosphere between them.

“While ripeness theory provides an important key to the decision to negotiate, it is dependent on perception, a condition that parties often cannot achieve alone” (Zartman 2009, 335).

Resultantly, the last strategy to appeal to conflict perceptions and change the utilities of the alternatives is through third-party intervention. They provide credibility to the incentives, contributing to the equalization of asymmetries (Mitchell 1995, 40), to bringing the parties to the negotiation table and to facilitating meetings by providing the venues (Ramsbotham, Woodhouse and Miall 2005, 168). Because of that, “non-mediated examples, especially of integrative strategies, are harder to find” (Zartman 2009, 329) and mediators are believed to be an indispensable condition for the success of negotiations in asymmetrical conflicts (Zartman and Faure 2011, 23). However, the participation of third parties creates the possibility for proposals to not be perceived as belonging to any of the conflict parties and consequently makes it easier for the parties to agree on them (Haspeslagh 2015, 2-3).

2.4.5 Outcome

“Outcomes are determined by the interaction of antecedent factors mediated through the structure and actual situation [...] of negotiations” (Bercovitch and Jackson 2009, 24).

Outcomes are the result of the negotiation process and they show the magnitude of the achievement, hence whether an agreement was met in all issues, whether the distribution is equal between the parties and if not, which side has the advantage and in which aspects, and whether the parties are satisfied with what was agreed (Rubin and Brown 1975, 32-35). Outcomes can also be distinguished by their clarity (Sawyer and Guetzkow 1965, 487-488): whether they are formal treaties with detailed specifications or informal understandings between the two parties, without a written document, they are the product of the bargaining and thus reflect how hard it was for the parties to agree on specific phrases and next steps.

3. The Previous Interactions between the FARC-EP and the Colombian Government

The FARC-EP was born as a movement against the government, so that throughout the guerilla's existence, its relation to the Colombian state has defined its status as an insurgent group. In order to analyze how the relationship between the two conflict parties evolved, this section will analyze how the state arrangements created the conditions for the birth of the organization and how the presidents before Santos handled the group.

3.1 The Inaccessibility of Politics and the Birth of the FARC-EP

After the period known as *La Violencia*¹⁰, the National Front was installed: a power-sharing arrangement between the Conservative and the Liberal Party. Due to the conservative oppression of this arrangement, there was no room for other parties or ideologies to participate in politics (Ramírez 2013, 58). In response to that, leftist movements moved to more reclusive areas and founded a communist government known as the Republic of Marquetalia (Post 2009, 236). However, on May 18th 1964, Colombian forces, supported by American soldiers, made an operation to block the entrance of food and medicine in the region, which led to various deaths (Ibid., 236). The operation was the igniting factor for the creation of several movements in opposition to the government, among them the FARC. In 1964¹¹ the *Fuerzas Armadas Revolucionarias de Colombia* was born as a peasant self-defense group¹² (Sánchez, Solimano and Formisano 2005, 123), with two goals: to overthrow the government and to establish a communist-agrarian state in its place (Post 2009, 237).

In 1973, a Secretariat was established and the group's first five fronts were put in place, but the movement was still very restricted to rural areas (Segura and Mechoulam 2017, 6). By 1978, they had 1,000 men (Sánchez, Solimano and Formisano 2005, 123) and had built their own schools, judicial system, health care and agrarian economy (Post 2009, 238). In 1982, the Seventh Guerilla Conference took place and the group added EP (*Ejército del Pueblo*) to its

¹⁰ *La Violencia* is the period in Colombian history between 1948 and 1958, when a bloody war between the two leading parties, the Conservative and the Liberal Party, took place, killing over 300,000 people (Van Engeland 2008, 136).

¹¹ The exact year of the birth of the FARC is a disputed issue in the literature, with some authors (Post 2009, 237) claiming that it was only officially announced in the annual conference of 1966.

¹² With the modernization of the country, many citizens from the rural areas emigrated to the cities. However, these were then rapidly saturated, so that many decided to go back to the countryside. When they came back, their land was already under control of big landowners and the low presence of the state in those areas did not offer them any protection against exploitation. The only solution that they saw was to arm themselves. The FARC was born in order to protect these forgotten citizens, so that the conflict has a clearly rural origin (Buitrago B. and Valencia A. 2013, 116).

name, signaling their wish to expand their territorial presence to cities (Sánchez, Solimano and Formisano 2005, 123). This demanded more funds, so that the organization also decided to get involved with drug trafficking and to start using kidnappings and extortion as a source of income¹³ (Post 2009, 238). Because of these decisions, the Seventh Conference is considered the turning point, where the movement “underwent a major transformation from a small, beleaguered, Cuban-styled guerrilla movement on the run, to a major belligerent force bankrolled by transnational crime” (Rochlin 2011, 720). By 1990, they had 5,000 fighters and 43 active fronts, what when compared to the 2,000 men and the 15 fronts in 1982, shows the significant expansion of the group’s military ability and presence in Colombia (Post 2009, 239).

3.2 The Negotiation Process under President Betancur

President Belisario Betancur, in office from 1982 to 1986, in recognizing that the government was no longer able to contain the guerillas and maintain public order¹⁴ (Chernick 1988, 53), decided to try a different approach than the military solution used by previous presidents¹⁵. He was the first to adopt a policy of peace (Villaraga 2015, 15) and to bring the FARC-EP to the negotiation table, recognizing the group as an insurgency movement (Ibid., 20).

3.2.1 Background Factors

What Betancur was proposing was a democratic opening of the political system. This meant that he was not only negotiating with the FARC-EP, but also with other guerilla groups, which increased the complexity of his attempt¹⁶. To start the negotiations, President Betancur passed an amnesty law through Congress in 1982, which meant unconditional amnesty for political prisoners and armed insurgents until November 21st (Chernick 1988, 54). However, the

¹³ The fact that the funding of the guerilla was mainly from drug-related business transactions becomes evident, when at the end of the Cold War, the guerilla stopped receiving funds from the Soviet Union, but its territorial presence and military ability were not affected (Ramírez 2013, 63).

¹⁴ The country was in a precarious situation, with the multiplication of guerilla groups and paramilitaries, with an increase in violence and civil disobedience in cities and with a massive disregard for human rights by the military, with rumors of it being involved with the paramilitary organizations (Chernick 1988, 56).

¹⁵ The president before him, President Julio César Turbay Ayala, who was in office from 1978 to 1982, was a hard-liner in regards to the guerillas and used only repression as a strategy to fight them. This was counterproductive, since it only led to an increase in guerilla membership (Waldmann 2007, 233), so that all presidents after him tried to use military action combined with negotiations (Segura and Mechoulam 2017, 5).

¹⁶ As explained in section 2.4.3, when there are more conflict parties involved, finding an agreement becomes more difficult. However, since the attempt to unite the guerillas only led to a very general statement and they could not agree on several issues, like how the population should participate and what criteria and methods should be used for the negotiations (Chernick 1988, 66-67), the government was actually negotiating in various, but separate fronts, which mildly decreased the complexity.

“amnesty proved to be an incomplete step as a policy for ending national insurgency in Colombia [...] since the general position was that amnesty did not mean surrender” (Ibid., 61).

3.2.2 *The Proper Negotiations*

The contact with the FARC-EP started in 1983 through the Peace Commission¹⁷ (Villaraga 2015, 21), and not with the president directly, unlike other insurgent groups. At the beginning of the negotiations, the parties did not set an agenda nor the scope of the negotiations, which contributed to a “lack of clarity over what was negotiable and what was not” (Chernick 1988, 55). This also contributed to a less trusting atmosphere, since it led to misperceptions and false expectations (Ibid., 70).

The first main concession in the negotiation process was the government agreeing to negotiate with the armed group (Ibid., 70). The second concession, also from the government, was when the parties decided to limit the talks to cease-fire and political reform, which left out the question of abandoning weapons (Ibid., 55). With that, in June 1983, the FARC-EP was able to submit a draft proposal to the Peace Commission that prescribed a cease-fire that meant that state forces would go back to their headquarters and that FARC-EP forces would restrict their role to agrarian self-defense movements (Villaraga 2015, 24). However, for the cease-fire to start, the FARC-EP demanded that the government first started the process of democratic opening¹⁸.

3.2.3 *Outcome: La Uribe Agreement*

On the 28th of March 1984, the *La Uribe* agreement was signed between the Colombian government and the FARC-EP, which included a bilateral cease-fire, a truce and a commitment to end the conflict¹⁹ (Segura and Mechoulan 2017, 5; Villaraga 2015, 21), representing a “token of peace” (Van Engeland 2008, 141) for the country. Three other guerillas²⁰ followed, so that

¹⁷ The Peace Commission’s role was to be an intermediary (Villaraga 2015, 16) that acted in “good faith” (Chernick 1988, 67). As a consequence, it was not an official governmental body. Its members were named by the president and its task was to give him advice, but it was an autonomous organ (Villaraga 2015, 16). Because of that some insurgent groups felt that negotiating with the commission and not with the president directly was undermining their recognition and status and criticized the FARC-EP for accepting this (Chernick 1988, 68).

¹⁸ This included measures such as the guarantee that the vice-president in all legislative bodies would not be from the two major parties, that governors and mayors would be elected through direct votes, that there would be an agrarian reform to assure landless peasants access to land, that there would be an urban reform to provide housing for the poorer part of the population living in those areas and that banks and companies would be nationalized (Chernick 1988, 71-72).

¹⁹ In the agreement, there was also included that the FARC-EP recognized the prohibition to kidnap, extort and commit acts of terror (Villaraga 2015, 24). However, as the verification commission observed, this acknowledgement was not held by the group (Ibid., 37).

²⁰ The presidency of Betancur also signed peace agreements with the M-19 (*Movimiento 19 de Abril*), the EPL

the government managed to secure agreements with four of the five major insurgent groups in Colombia at the time (Chernick 1988, 59, 65). In 1985, the National Dialogue was implemented, allowing the opposition to participate in national politics (Ibid., 54). On the next year, the FARC-EP made use of the possibility to seize power legally and founded its official political wing, a new party named Unión Patriótica (UP) (Segura and Mechoulan 2017, 5; Chernick 1988, 75). The UP was considered the “main product of the peace process” (own translation from Villaraga 2015, 39). In the 1986 elections, the party secured 5 Senate seats, 20 seats at the House of Representatives, 353 seats at the municipal level and over 350,000 votes for their presidential candidate (Rochlin 2011, 720; Villaraga 2015, 23).

Despite the apparent success, the party went through a “political genocide” (Gomez-Suarez and Newman 2013, 825) through its existence. Already during the electoral campaigns in 1986, 165 UP members were assassinated (Chernick 1988, 76). By 1988 the number was already 450, including a presidential candidate and elected congressmen (Ibid., 76), so that between 1986 and 1992 between 3,000 and 4,000 members and supporters of the UP were killed (Rochlin 2011, 721; Van Engeland 2008, 143). To blame were the right-wing paramilitary groups, which were also found to be linked to the military (Chernick 1988, 76). The Colombian state was considered “complicit” (Rochlin 2011, 721) by allowing these groups to commit such crimes with impunity: “with each new assassination, the erosion of the state's capacity to uphold public order and render justice was confirmed, and democratic participation was made less possible” (Chernick 1988, 76).

However, the FARC-EP, reaffirming its interest in a peaceful solution, proposed an extension of the cease-fire²¹, with measures to include ministers and the military in the process. A new agreement was signed on March 2nd 1986 (Villaraga 2015, 31-32). However, the agreement seems to have been the “product of an improvised and rushed negotiation between the parties to sign off a truce” (Gomez-Suarez and Newman 2013, 824).

“The peace process was undermined in the middle of oppositions and lack of results and before a junction of factors like the economic crisis, the social deterioration and the violence” (own translation from Villaraga 2015, 22).

(*Ejército Popular de Liberación*) and ADO (*Movimiento de Autodefensa Obrera*).

²¹ This was especially necessary, since on November 6th 1985, the M-19 guerrilla took over the Palace of Justice in Bogotá, taking hundreds of civilians hostage (Chernick 1988, 74), which “symbolized the end to the strategy of negotiated settlement to armed conflict” (Ibid., 75), so that a confirmation of commitment by the FARC-EP was needed.

President Betancur wanted to present the cease-fire as a “fait accompli” (Chernick 1988, 64), disregarding several important aspects. He did not manage to include and convince significant key players like the military²² and Congress²³ (Chernick 1988, 64; Segura and Mechoulan 2017, 5), which contributed to his isolation (Villaraga 2015, 35-36). The implementation was faulty, because it did not monitor the political participation and did not ensure protection for disarmed members (Gomez-Suarez and Newman 2013, 824). The agreed reforms for rehabilitation and development were not implemented due to the economic situation of the country (Villaraga 2015, 20, 22). At the end, the process was an exclusive presidential initiative (Ramírez, 2003, 283 cited in *Ibid.*, 42) and the only possibility that the FARC-EP saw was continuing with the armed conflict²⁴ (Lee 2012, 31; Van Engeland 2008, 143).

3.3 The Negotiation Process under President Pastrana

After the failed attempts of the 80s and early 90s²⁵ and after five years of the FARC-EP refusing to negotiate with the government, only a symbolic plea, signed by over 10 million Colombians and handed in to the government in October 1997, could convince the new president, Andrés Pastrana, to reengage in negotiations with the guerilla (Segura and Mechoulan 2017, 6).

3.4.1 Background Factors

In order to guarantee the non-repetition of the fiasco with the creation of the UP, the FARC-EP was following a strategy of enlargement and strengthening. By the year 2000, the organization was constituted of 16,000 men in 66 different fronts throughout the country (Sánchez, Solimano and Formisano 2005, 123). The group was therefore at “the apex of its military strength and territorial presence” (Segura and Mechoulan 2017, 7). At the same time, President Pastrana recognized that the conflict with the guerillas was different than the war against narcotraffic

²² The military did not want to accept an agreement without first the surrender of weapons (Chernick 1988, 75) and did not recognize the Peace Commission as a legitimate actor (Villaraga 2015, 38).

²³ They did not agree to the incorporation of the insurgents as part of Colombia’s political system and thus boycotted the National Dialogue as a forum (Chernick 1988, 69).

²⁴ With the “violent democratization” (Gomez-Suarez and Newman 2013, 824) that Colombia went through, the experiment failed. By 1987 several demobilized FARC-EP members had already left politics and gone back to the battlefield (*Ibid.*, 825).

²⁵ President César Gaviria, who was in office from 1990 to 1994, also tried to negotiate with the FARC-EP. The negotiations took place from 1991 to 1992 (Ramírez 2013, 60) and it was the first time that the dialogue happened outside of Colombia (in Tlaxcala in Mexico and in Caracas in Venezuela) and that no cease-fire was imposed as a necessary precondition (Segura and Mechoulan 2017, 6). However, due to the experience with the UP and the military offensive that Gaviria was conducting against the guerilla, which led to the death of Jacobo Arenas, one of FARC-EP’s most important leaders, the moment turned out to be insufficiently ripe for a solution (Rochlin 2011, 721).

(Villaraga 2015, 146), which also enhanced the bargaining power of the FARC-EP. However, the president was also negotiating with the United States a security assistance plan to enhance Colombia's military abilities and control over the country (Segura and Mechoulan 2017, 7).

3.4.2 *The Proper Negotiations*

The FARC-EP's first demand was that the talks happen in a demilitarized zone, where its members could negotiate safely and the precedent of the UP would not repeat itself. Thus, the government established a "laboratory for peace" (own translation from Villaraga 2015, 142): a zone of 42,000 square kilometers near the *Caguán* River (Segura and Mechoulan 2017, 6; Gomez-Suarez and Newman 2013, 820; CEDE 2016, 5). This represented the FARC-EP's "zenith of power" (Rochlin 2011, 722), because the fact that they were granted such a big territory made them believe that they could overthrow the government and that no negotiations were needed to achieve their goals (Lee 2012, 31). As a consequence, when President Pastrana organized a ceremony to officially open the negotiations on January 7th 1999, the FARC-EP's leader, Manuel Marulanda, did not show up²⁶ (Villaraga 2015, 153).

Without pre-negotiations, there was not a defined agenda. So, the FARC-EP, showing its further unwillingness to find an agreement, proposed an agenda that contained twelve issues and forty-eight items, such as reforms to the economic model, to state institutions and to the political and judicial system (Segura and Mechoulan, 7). This were radical requests that made it very difficult for the government to have the support from the traditional parties and the business class (Ibid., 7), so that despite making the peace process the central issue of his political agenda, Pastrana was politically isolated (Villaraga 2015, 142), a condition that only deteriorated with the persistence of violence during the process (Ibid., 167).

The negotiations started with the issue of prisoners' exchange. The FARC-EP wanted a permanent mechanism in the form of a law that would allow *guerilleros* in prison to be exchanged for hostages under their control (Ibid., 152). But the government did not want to accept such proposal, especially considering that many prisoners were convicted for crimes against humanity. But the guerilla did not let go and threatened to kidnap key political actors as a pressure tactic to convince the government. This resulted in the signing of a humanitarian agreement on June 2nd 2001, which resulted in the release of over 300 soldiers and policemen that were being held by the FARC-EP (Ibid., 153).

²⁶ He claimed that he did not appear for safety reasons, since there were threats of a plot by the paramilitaries to assassinate him and the president (Villaraga 2015, 153).

Meanwhile, in response to the negotiations, the paramilitaries were committing an impressive number of massacres against the peasant population²⁷, which made the FARC-EP demand more action and results from the government as a condition to continue the talks (Ibid., 166). The dead-lock was only solved when Pastrana and Marulanda met and signed a symbolic agreement on May 2nd 1999, in which they stated their commitment to the process (Ibid., 155). However, additionally to it, the government wanted to implement an international commission to oversee the demilitarized zone, a proposal that the FARC-EP perceived as inappropriate, especially because they had not achieved any substantive agreements yet (Ibid., 156-157). A middle ground was found by allowing the negotiation table to monitor the complex, which led to the official start of negotiations on October 24th (Ibid., 157). This was followed by the first turning point, in which the FARC-EP unilaterally declared a cease-fire at the end of 1999 (Ibid., 158).

Nevertheless, when a plane was hijacked in 2000, the government accused the FARC-EP of being involved²⁸, which again provoked a freeze in the talks (Ibid., 159). Again, the situation was solved through a meeting between the president and Marulanda, which originated a new agreement (Ibid., 162). The same process repeated itself in 2001, leading to the signature of another agreement, in which the parties only symbolically reaffirmed their interest in continuing the talks (Ibid., 164).

3.4.3 Outcome: Breaking Down of Negotiations

On the one side, the FARC-EP was being accused of using the demilitarized zone “as a command and control centre for operations [...] and for stationing thousands of troops, as well as for industrial-scale coca production and as a holding point for kidnapping victims” (DeShazo, Meldenson Forman & McLean 2009, 11, cited in Gomez-Suarez and Newman 2013, 820), which was not acceptable to the government²⁹. On the other side, the government was also being accused by the FARC-EP of sponsoring the right-wing paramilitary attacks against them (Segura and Mechoulam 2017, 7). Moreover, after the 9/11 attacks in New York, the general climate for actions by non-state armed groups became less friendly (Ibid., 7) and the government started to see the guerilla as a terrorist group (Villaraga 2015, 167-168). When an

²⁷ At the same that the FARC-EP was becoming stronger, the right-wing paramilitary groups under the umbrella of the AUC (United Self-Defense Forces of Colombia) were also gaining on importance and members (Gomez-Suarez and Newman 2013, 825).

²⁸ This proved to be a misstep by the government, since after a thorough investigation, no connections to the guerilla were found.

²⁹ This was mainly the government’s own fault, since it did not set rules for the guerilla at the time of the establishment of the demilitarized zone, which made it very difficult to negotiate rules after the FARC-EP was already using the complex (Villaraga 2015, 151).

airplane was hijacked on February 20th 2002 to take a congressman hostage and direct links to the FARC-EP's Secretariat were found (Ramírez 2013, 60; Van Engeland 2008, 145; Villaraga 2015, 167), President Pastrana decided to unilaterally end the negotiations. On the same day, he commanded the armed forces to enter the *El Caguán* complex and take control of the territory (Segura and Mechoulán 2017, 6).

“[T]he process was permanently interrupted by acts of violence, confrontation and violations, which entangled suspensions, the deterioration of the substantive agenda and progressive damage to the possibilities” (own translation from Villaraga 2015, 142).

The result were discussions that only solved the critical impasses of the different moments, so that the parties could go back to the negotiation table, but never reaching the substantive issues (Ibid., 179-180). As a consequence, the dialogue mainly focused on agenda setting (Segura and Mechoulán 2017, 7). This is evident in the number of symbolic treaties signed between the parties, treaties that did not really implement any measures in regards to achieving peace and only regulated the interest in engaging in dialogue.

The negotiations, however, did not only end due to the FARC's abuse of the demilitarized zone or its involvement in the hijacking, but also due to the repeated government's tactical inability to coordinate with the military, to include other political parties and to fight the paramilitary groups (Ibid., 7-8). Moreover, President Pastrana sent ambiguous signs to the guerilla, offering “a stick in the form of a carrot”³⁰ (Zartman 2001, 301). As a consequence, a middle ground could not be found (CEDE 2016, 6) and the consequence was a sense of skepticism in regards to negotiating with the guerilla being established among the Colombian population (Segura and Mechoulán 2017, 7).

3.3 A Stop in Negotiations under President Uribe

Following the failure of the *El Caguán* negotiations, the new president, Álvaro Uribe Veléz, took on a stricter attitude in regards to the FARC-EP, classifying them as narcoterrorists and denying the existence of an internal conflict in the country³¹ (Ramírez 2013, 65). So, he created

³⁰ While at the same time that he provided a safe area, he also brought the US into the conflict, who offered to intervene if the FARC-EP did not accept the offers of the government.

³¹ When President Uribe assumed his presidency in 2002, the FARC-EP, besides from the hijacking that ended the negotiations with President Pastrana, executed several terrorist operations and high-profile kidnappings (Lee 2012, 37). One example of such operation is the attack in Bogotá, where several bicycles exploded throughout the city, killing and injuring civilians. After that more attacks followed, like the attack of September 2003, where a bomb

a policy of “democratic security” that was supported by the United States through Plan Colombia (Post 2009, 242). The plan was an inheritance from President Pastrana, who started negotiations mainly as an anti-narcotics campaign, but after the 9/11 attacks and with the FARC-EP being perceived as a terrorist group, the plan’s scope enlarged (Rochlin 2010, 733). Plan Colombia is the result of the acknowledgement of “the banality of violence” (Ibid., 719) in Colombia, which was further highlighted by the kidnapping of Colombia’s presidential candidate, Ingrid Betancourt, in February 2002. With Plan Colombia, the Colombian military was converted from “an immobile, vulnerable and predictable force into a rapid, all-terrain military machine” (Ibid., 730). This improvement combined with the presence of paramilitaries in the 2000s had a strong negative effect on the FARC-EP, limiting its ability to move, communicate and attack (Ibid., 729). This was evidenced by the several losses³² that the guerilla went through during Uribe’s presidency. However, these were still not enough to make the guerilla surrender.

4. The Negotiation Process under President Santos

In this section, I will analyze in depth the negotiations conducted by President Santos with the FARC-EP since 2011. Here, the framework by Sawyer and Guetzkow (1965) will be used for a complete analysis of the process, so that at the end we can understand what factors contributed to the signing of the peace agreement.

carried by a horse exploded and killed eight people, including a two-year-old child. All of these attacks lead President Uribe to perceive the FARC-EP as a terrorist organization.

³² The guerilla suffered several losses from the year 2006 until 2008. In December 2006 an important prisoner, Fernando Araújo, the former development minister, escaped (Lee 2012, 38). In an attack by Colombian and American forces in a base in Ecuador, Raúl Reyes, the second in command of the FARC-EP, was killed (Rochlin 2010, 738). In September 2007 Tomas Medina, a FARC-EP commander, supposedly responsible for cocaine-related business transactions inside the group, was also killed (Lee 2012, 39). In January 2008 Simón Trinidad, another FARC-EP commander, was sentenced to 60 years in prison (Ibid., 39). On February 24, massive protests happened throughout the country against the guerilla and the kidnappings and violence it brought, with the one in Bogotá being the biggest one, with between 500,000 and two million people present (Ibid., 28). In March the leader of the guerilla, Manuel Marulanda, died from natural causes (Post 2009, 241; Rochlin 2011, 719). Also in March, a FARC-EP’s Secretariat member, Ivan Rios, was killed by his bodyguard in exchange for a payment by the Colombian government (Rochlin 2011, 738). One of the female commanders of the FARC-EP surrendered her front in May (Ibid., 738) and on July 2nd 2008, 15 hostages, including former presidential candidate Ingrid Betancourt and three US contractors, were rescued by a joint operation of Colombian and American forces (Lee 2012, 38; Rochlin 2011, 738).

4.1 Background Factors

Background factors are part of the antecedent factors that affect negotiation processes. This means that they are important issues that already exist before the talks start. For the case of the FARC-EP and the Colombian government, the analysis will include ideological factors, the relationship between and within the parties, the military aspect and the possible alternatives that lead to the start of the process.

4.1.1 Ideological Factors

The FARC-EP was founded to represent the poor against the wealthy (Van Engeland 2008, 140-141) and its objective is to “influence politics through their actions” (Ibid., 146). The US and the EU, however, classify it as a terrorist group (Ibid., 137), claiming that its members are “better known for drug trade and massacres rather than political discourse” (Ibid., 145). The Colombian government itself has had an ambiguous relation with the group³³. However, as cited by Raúl Reyes, a FARC-EP commander, the “FARC does not engage in war for the sake of war, but... engages in war in search of peace” (Post 2009, 235). Donohue (2009, 438) also shares this opinion, classifying the FARC-EP as a social revolutionist group, that only uses terror as a means to pressure the authorities to change the social and economic order. Their violent tactics being justifiable by the impossibility of using the institutional and legal way (Ramírez 2013, 58) and by the several human rights’ abuses committed by the authorities against them (Dudouet 2012, 99).

“[A] group like the FARC, which is supposed to be committed to social justice, to be entangled with a large portion of the world’s most infamous criminal industry may represent a fundamental contradiction that erodes its legitimacy and distracts people from their valid grievances” (Lee 2012, 35).

So, although the guerilla defends a part of the population that seems to have been forgotten by the state, it is still not perceived as a political option (Lee 2012, 32), being constantly depicted as a criminal organization (Ibid., 38). Its links to drug trafficking continue to provoke distrust and skepticism, also in regards to the Santos’ peace attempt (Villaraga 2015, 211). Consequently, in spite of having a big territorial presence, the guerilla has been distancing itself from the Colombian society (Ibid., 34), especially from the urban population, as evidenced in

³³ The different presidents have taken very different approaches towards the group, from offering them legal and social benefits for demobilization (Betancur) to denying the existence of an armed conflict and their character as insurgent groups (Uribe) (Ramírez 2013, 61-62).

the result of the plebiscite (for more details see section 4.4).

4.1.2 Relationship between and within the Parties

Due to their previous peace negotiations, there is a historical skepticism from both sides in regards to each other that represents a big challenge to dialogue. The government was afraid that the intentions of the FARC-EP were, like during the Pastrana administration, not genuine and that they just wanted to use the peace talks in order to get a break from direct combat and regroup (Gomez-Suarez and Newman 2013, 820). At the same time, the FARC-EP was skeptical about the ability of the government to ensure the safety of its demobilized members. They claimed that their movement would “remain clandestine, until conditions exist” (Van Engeland 2008, 149) and they had seen “a negative precedent” (Segura and Mechoulan 2017, 5) with the UP.

In spite of that, one factor that could have a positive effect is the high degree of cohesion inside the FARC-EP. The guerilla is known for having internal rules and regulations and for being very disciplined and army-like organized (Van Engeland 2008, 137), with low level fighters used to following orders. This makes an agreement made by the leadership likelier to be perceived as legitimate by the whole group and thus avoid dissidents (Nussio and Howe 2012, 63).

Furthermore, since the Constitution of 1991, Colombian politics is no longer a monopoly of the two traditional parties, counting with the participation of new political forces (Batlle and Duncan 2013, 103), so that there are already some opportunities for the participation of the opposition.

4.1.3 Military Strength

Since the start of Plan Colombia, the country’s military has gone through a decade of structural reform, in which its operations have been strengthened³⁴ (Gomez-Suarez and Newman 2013, 829). At the same time, however, the military was also losing legitimacy, since there were some scandals about extrajudicial killings being used as an off-the-books method to fight insurgents (Segura and Mechoulan 2017, 10).

Meanwhile, the FARC’s strength was decreasing, especially in regards to manpower³⁵.

³⁴ The security forces grew from 313,406 soldiers in 2002 to 446,638 in 2010 under Uribe, with President Santos as his Minister of Defense (Segura and Mechoulan 2017, 9).

³⁵ Since the *El Caguán* negotiations, the FARC-EP lost 13,000 of its members, reducing its manpower to only 7,000 men (Segura and Mechoulan 2017, 9).

However, one must add to that the fact that it was never militarily defeated and was still very effective and present, especially in the country's rural areas (Van Engeland 2008, 137).

4.1.4 Alternatives and Bargaining Orientation

In 2005, Colombia signed a peace agreement with the AUC³⁶, so that by the time that Santos was elected, only the FARC-EP and the ELN remained as active insurgent groups. Different than Uribe, Santos recognized the existence of the internal armed conflict and changed radically the government's position in regards to the guerillas, dismantling the policy of "democratic security" (Villaraga 2015, 213). He recognized that after so many years of conflict, a military defeat would be almost impossible (Segura and Mechoulan 2017, 9) and that the costs to do so would be many more years of war and violence. The fact that Santos chose the FARC-EP to negotiate with first, as the oldest guerilla in the country, with the most tangible aspiration to national politics and the highest military capacity (Batlle and Duncan 2013, 112), shows his genuine interest in changing the country³⁷. The same is valid for the FARC-EP, since due to its loss of manpower and popular support, it was beginning to see continuing with a military strategy as no longer its best option.

4.2 Preconditions

The preconditions also belong to the antecedent factors, influencing the process before the official talks start. They include the pre-negotiations, the agenda setting and the goals that the parties want to achieve through bargaining.

4.2.1 Preparation for Negotiations

The pre-negotiations lasted around one and half years and included two phases: exploratory talks and proper pre-negotiation talks, both carried out under extreme secrecy (Haspeslagh 2015, 2). Four exploratory talks happened in 2011 at the border with Venezuela, where the conflict parties chose the members of each negotiation's team and the guarantor countries (Segura and Mechoulan 2017, 10). During these talks, it also became clear that both parties wanted to negotiate: the FARC-EP's commander at the time, Alfonso Cano, was killed on

³⁶ The Agreement with the AUC opened the doors for transitional justice in Colombia. With Law 975, known as Law of Justice and Peace, the basis for investigations and trials for demobilized members of armed groups was created (Murcia 2017, 216; Ramírez 2013, 61).

³⁷ This has been confirmed by both parties, since both President Santos and Timoleón Jiménez, the FARC-EP's leader, have acknowledged the disposition of the other to negotiate (Gomez-Suarez and Newman 2013, 827) and the positive working atmosphere at the negotiation table (Villaraga 2015, 218).

November 4th 2011 (Gomez-Suarez and Newman 2013, 819), but still two days later the FARC-EP wrote to president Santos confirming that the agreements made would hold. This represented an “unequivocal sign of the guerrilla’s full commitment to the peace process” (Segura and Mechoulan 2017, 13).

The official pre-negotiations started in Havana and went from February until August 2012 (Ibid., 13). There were sixty-nine meetings before the General Agreement was accepted by both sides, with the decision about the agenda being the most difficult one (Ibid., 13-14). Still, at the end, the parties managed to define the rules of procedure for the talks³⁸ and set an agenda of six items, which was much more concise than the one proposed in the Pastrana negotiations, showing the FARC-EP’s genuine willingness to find a solution (Maldonado 2016, 7).

4.2.2 Goals

“Between the FARC-EP’s ‘positive peace’, which relied on the argument that there cannot be peace until there is full and complete social justice; and the view of ‘negative peace’ traditionally held by the state, which understands peace merely as the absence of violence” (Segura and Mechoulan 2017, 13-14), the divergence in the goals of the parties is clear. The government was sure about its objective, but the FARC-EP needed some convincing. The High Commissioner for Peace, Sergio Jaramillo, was the one, who managed to show to the FARC-EP that ending the conflict was the first step to achieving equality (Ibid., 14) and a “place in the political spectrum” (Nussio and Howe 2012, 61). Resultantly, both parties agreed on the focus being the end of the political violence (Maldonado 2016, 7).

4.2.3 Issue Structure

The “General Agreement for the Ending of Conflict and the Construction of a Stable and Durable Peace” (Colombian Government and FARC-EP 2012) was signed on August 26th 2012. In it, the parties agreed that the topics to be discussed would be limited to: rural reform, political participation, the end of the conflict, the problem of illicit drugs, victims and implementation (Ibid.). The agreement shows the first compromise between the parties, in which the government had its main issues of disarmament and end of the conflict included, hence the FARC-EP accepted the “military defeat [...], [t]he issue of ‘laying down of weapons’” (Segura and Mechoulan 2017, 13), while the guerilla did not get all the issues it wanted included, but

³⁸ The rules of procedure included arrangements for confidentiality, for the interaction with the media, for the talk’s strategy, for the number of delegates from each side and for the participation of the Colombian society, among others (Maldonado 2016, 8).

was able to have the agrarian reform, its most important issue, discussed first (Colombian Government and FARC-EP 2012).

4.3 Conditions

The conditions represent all the factors that shape the proper negotiations and influence its progress. These include the location of the talks, the procedure for the negotiation, the participation of external parties, as well as the openness of the debates.

4.3.1 Physical Components

In the pre-negotiation phase, it was decided that the talks would not happen in Colombia³⁹ (Gomez-Suarez and Newman 2013, 826). Cuba seemed the obvious choice (Segura and Mechoulam 2017, 32): it offered a controlled environment (Ibid., 4), but it was also not that far away so that the logistics of the meeting were feasible.

Another important aspect was the constraint of time. President Santos was elected at first only until 2014, so that this had to be taken into account by his negotiation team. However, with his reelection, this time pressure component was removed and only in two other moments did he push for faster results: before and after the referendum (Ibid., 16).

4.3.2 Social Components

The General Agreement defined that from each party a maximum of ten delegates would be present at the table, with five of them being the official spokespersons, while each delegation could be composed of thirty members in total (Colombian Government and FARC-EP 2012, 4). The procedure of the negotiations was also divided in three steps (Ibid., 14-16): first, the parties would present their main positions in a six-people constellation (three from each side), without the guarantor countries and without support staff; second, they would move the discussions to the table, with ten people from each side, plus the guarantor countries; and third, when there was nothing further to be discussed, the proposals would move to drafting, which was done by ten delegates from each of the parties. They wrote the texts together, which reflects the lack of time pressure and the high regard for each party's position, since there was only one version of the proposals and both sides had to agree on the wording of it (Ibid., 15).

³⁹ To avoid the fiasco of the Pastrana attempt with the *El Caguán* complex, this was a necessary condition for the government.

Additionally, there were some sub-commissions⁴⁰ that were introduced in order to expedite the process (Villaraga 2015, 220) and help ensure that the parties had access to the necessary expertise. Especially the gender sub-commission⁴¹ was considered a very innovative idea (Haspesslagh 2015, 2). Apart from that, there were also three individuals that were called “facilitators” (Segura and Mechoulan 2017, 16), who were mainly responsible for a direct exchange between the president and Timoleón Jiménez, the FARC-EP’s leader, and who helped keep both parties at the table.

4.3.3 Participation of Third Parties

“[T]he government involved the international community as part of an “à la carte” approach, parceling out or requesting specific and limited roles while retaining control over the process at all times” (Ibid., 26).

Both the FARC-EP and the Colombian government wanted a process exclusively led by Colombians (Haspesslagh 2015, 2). As a consequence, there was no external mediator (Maldonado 2016, 6). Cuba and Norway played the role of guarantor countries (Segura and Mechoulan 2017, 10-11): Cuba, besides from providing the location for the talks, was able to pressure the FARC-EP into getting to the negotiation table and was able to offer credibility to the process for the guerrilla; Norway had a reputation for neutrality and expertise in conflict resolution and by not being an EU-member, it was also able to offer funding. Their role as guarantors was never officially defined by the conflict parties and they were allowed to attend all meetings, but not participate (Ibid., 11). Their unofficial role ended up being watching over the parties and making sure that what was discussed was held, so that their role was important when the parties threatened to leave the process (Ibid., 11). Furthermore, Venezuela and Chile⁴² acted as accompanying countries: they were not present during the talks, but they were briefed

⁴⁰ Among these sub-commissions are the technical sub-commission, the legal sub-commission and the expert group in transitional justice. The technical sub-commission was created in February 2015 and its aim was to help produce the part of the agreement regarding the cease-fire and the abandonment of arms (Segura and Mechoulan 2017, 18). The legal sub-commission, created in July 2015, was tasked with expediting the proposals in regards to more pragmatic regulatory issues such as jail time for FARC-EP ex-combatants and for military soldiers that disregarded human rights in their duties (Ibid., 17). The last external group, the expert group in transitional justice, called the “New York group”, whose creation was proposed by Norway in 2014, delivered several papers about the issues that were being discussed in order to help the parties make informed decisions (Ibid., 17). This group is considered to have been responsible for the decision to establish a especial tribunal for peace, which was a concession from the FARC-EP by accepting that accountability and justice were important aspects for the peace process (Ibid., 17).

⁴¹ The gender sub-commission only worked on the phrasing of already finalized texts, proposing new formulations (Segura and Mechoulan 2017, 17), but contributed to making the agreement more inclusive.

⁴² The decision to include Chile happened after the FARC-EP decided to include Venezuela and was a countermeasure of the government to ideologically balance the international presence (Segura and Mechoulan 2017, 11).

after an agreement was made in each of the six sections (Ibid., 12). As a result, these countries did not contribute to the content of the agreement, but their presence gave the process and its outcome more credibility (Gomez-Suarez and Newman 2013, 826).

4.3.4 Openness of Proceedings

The choice of the location directly affected the level of secrecy. The pre-negotiations took place without much public or even governmental knowledge: “at the beginning, not even the Colombian ambassador to Cuba knew the talks were happening” (Segura and Mechoulan 2017, 14). Cuba was not only geographically far away, but also its difficult access to the internet and high control over the media provided the conditions for a contained negotiation process (Ibid., 12-13), which significantly contributed to its success (Ibid., 32-33). The negotiations, in spite of being public talks, were still carried out with some secrecy, with the only external participants being the victims’ delegations.

4.3.5 Constituent Accountability

The distance and secrecy of the talks were certainly important factors that contributed to the signature of the agreement. However, at the same time, they also provoked the alienation of the population (Ibid., 12-13). They made it possible for the opposition, with ex-president Uribe as the main speaker, to boycott the process by focusing on the misdeeds of the guerilla and by defending a military strategy instead (Villaraga 2015, 212), polarizing the Colombian society, which explains the negative result of the referendum (Gomez-Suarez and Newman 2013, 826-829; Segura and Mechoulan 2017, 33).

However, the process is still considered one of the “most participatory process[es] ever in history” (Ibid., 27). Among the possibilities to participate was an online platform, created as a direct channel to the negotiation’s teams, where citizens could send their proposals, which generated more than 24,000 of them (Maldonado 2016, 9). One further possibility to participate was through working tables and forums, organized regionally in the country, where over 3,000 victims (Colombian Government and FARC-EP 2016, 126) and 4,500 victims’ organizations (Maldonado 2016, 9) participated. All the proposals from the victims were considered fundamental for the agreement (Colombian Government and FARC-EP 2016, 126) and it is believed that 73% of them were included in it (Segura and Mechoulan 2017, 28). Furthermore, the victims’ delegations⁴³ were also considered a participatory mechanism that included

⁴³ During the negotiations, the parties were visited by five delegations of twelve diverse victims, who reported on their experience during the conflict (Segura and Mechoulan 2017, 20).

especially the part of the population most affected by the conflict (Haspeslagh 2015, 2). Additionally, there was also the plebiscite, which was conducted with the aim of giving the process a “stamp of legitimacy” (Segura and Mechoulan 2017, 30).

4.3.6 External Context

Since the turning of the century, the political context of Latin America, and especially South America, had become friendlier to leftist political leaders. With the election of several left-wing presidents, like Hugo Chavéz and Nicolas Maduro in Venezuela, Evo Morales in Bolivia, the Workers’ Party with Lula and Dilma Rousseff in Brazil, Rafael Correa in Ecuador, among others, the legitimacy for a leftist armed struggle in the region was no longer given (Ibid., 10).

4.4 The Proper Negotiations

The Colombian president and the FARC-EP’s leadership announced in Norway on October 18th 2012 that they had decided to officially start negotiations (Ibid., 2). The talks started with the agrarian issue and took on a sequential approach⁴⁴, which was a tactic to concede to the FARC its main issue first⁴⁵. It was one of the most difficult issues to agree on, so that it was believed that it would be easier to find consensus after an agreement on this topic was finalized (Gomez-Suarez and Newman 2013, 828). However, the concession was weakened by the decision to have a package deal, with the Final Agreement being “a compound of a series of agreements” (own translation from Colombian Government and FARC-EP 2016, 6), in which the parties only had a final settlement, when everything was agreed (Colombian Government and FARC-EP 2012, 5).

Appart from that, the parties also decided to have the cease-fire as one of the items in the agenda and not as a prerequisite for the talks⁴⁶. As a consequence, the negotiations were held in the middle of an ongoing war, as was evidenced with the death of Alfonso Cano. Thus the first big turning point in the process were the unilateral cease-fires, voluntarily announced by the FARC-

⁴⁴ It is believed that the fact that a sequential approach was chosen caused long-lasting talks (over four years), what could have been avoided through the use of parallel discussions (Segura and Mechoulan 2017, 16).

⁴⁵ The FARC-EP has always claimed that the rural issue was the main cause of its fight (Buitrago B. and Valencia A. 2013, 132).

⁴⁶ The government, afraid of the negative precedent created by the peace talks in the Pastrana administration with the *El Caguán* complex, decided that it did not want to risk it happening again. It was also a strategic decision, in order to not show weakness, so that the opposition could not use the fact that the government was no longer fighting the insurgents as a reason to boycott the peace attempt (Segura and Mechoulan 2017, 27). However, it did send ambivalent signs to the guerilla (Villaraga 2015, 213), so that at first, the FARC-EP did also not want to abandon the military strategy (Gomez-Suarez and Newman 2013, 828).

EP. This happened in December 2014, in July 2015 and in October 2015 (Segura and Mechoulan 2017, 27) and was accompanied by other confidence-building measures, such as the joint work with the government in demining the regions of Antioquia and Meta (Maldonado 2016, 3). This underlines the change to a non-violent strategy, indicating that the guerilla was starting to view military and territorial control as less important (CEDE 2016, 4) and working together as a more relevant aspect in its relationship with the government.

Furthermore, the government used the victim's delegations and their narratives as a framing tool to change the guerilla's perception. The victims "generated unexpectedly moving and powerful moments" (Segura and Mechoulan 2017, 21) that changed the guerilla's view of the conflict. It changed so much that at the signing of the agreement, the guerilla's leader even apologized to the Colombian people (Ibid., 21), recognizing the group's responsibility towards the victims (Villaraga 2015, 227).

"This unprecedented mechanism was pivotal for starting the difficult negotiations about how to deal with the past in Colombia" (Maldonado 2016, 9).

Nevertheless, there were not only turning points, but also sticking points in the process. The first was when the government wanted to pass through Congress a bill that declared that the agreement would only be valid after a popular referendum, when the issue was not yet being discussed at the negotiation table, so that the FARC-EP perceived the move as a unilateral and arbitrary decision of the government and stopped the talks (Villaraga 2015, 222). The second was when the government threatened to end the negotiations because there were several attacks damaging the country's infrastructure and using terrorist tactics (Ibid., 222), which already went mildly against the arrangement of negotiating without an official cease-fire. The third sticking point did also go against this accord, because the government suspended the talks after one general, one soldier and one envoy of the Colombian army were kidnapped by the FARC-EP⁴⁷ (Ibid., 222-223). The impasses were, however, always solved and the parties went back to the negotiation table.

The last sticking point was when the result of the referendum was announced. It was "the strongest blow" (Segura and Mechoulan 2017, 2) to the process: the vote for no agreement received 50,2% of the votes, while the yes-vote received 49,8% (Registraduría Nacional del

⁴⁷ The specific case of the kidnapping of state forces was solved, when the FARC-EP, in good faith to keep the talks flowing, freed the captives after an agreement was signed between the conflict parties (Villara 2015, 223).

Estado Civil 2016). In the aftermath, this was considered a poor strategy of President Santos⁴⁸ and was the result of “eight years of demonization, three years of ambiguity, and six months of outreach” (Segura and Mechoulan 2017, 34). Interestingly, the results also show that urban areas had a stronger no-vote tendency, while the rural population, which is the most affected by the conflict, significantly voted for the agreement (Ibid., 31). Despite the blow to the process, the parties decided to go back to the negotiation table in Havana on October 22nd with 455 new proposals to discuss (Ibid., 2).

4.5 Outcome: The Final Agreement of November 24th

On November 24th 2016, both parties signed a second and Final Agreement (Colombian Government and FARC-EP 2016). It was also approved unanimously⁴⁹ by the Colombian Congress on the 30th of the same month (Segura and Mechoulan 2017, 2). The aim of the agreement, apart from ending the armed conflict, is to “start a transition phase that shall contribute to more territorial integration, to more social inclusion – especially of those who have lived at the margin of development and have suffered because of the conflict – and to strengthen our democracy, so that it unfolds in the whole national territory and warrants that social conflicts get processed in the institutional paths, with full guarantees for those wishing to participate in politics” (own translation from Colombian Government and FARC-EP 2016, 6). It is clear that the FARC-EP influenced strongly the agreement, not only accepting to put down its weapons, but also being able to impose its demands of social inclusion, development assistance and political reassurance.

Moreover, the quote also indirectly mentions the precedent of the UP, when it included the importance of guaranteeing the safety of FARC-EP demobilized members throughout the implementation and their political and civilian lives. This is clearly further emphasized in Article 71 of the Agreement creating the Especial Jurisdiction for Peace (JES), where it says that the Colombian state is responsible for ensuring the non-repetition of the conflict, including acts such as the ones committed against the UP (Ibid., 170) and that the government should take all the necessary measures to prevent new political movements of being victimized (Ibid., 187).

⁴⁸ The president relied on the assumption that the population would read a 300-page document and that the referendum would be only about the agreement, even though it was conducted at a time in which his popularity was very low (Segura and Mechoulan 2017, 34).

⁴⁹ Unanimity was achieved because the deputies and senators that were against the agreement left the room when the voting took place (Segura and Mechoulan 2017, 2).

Throughout the Final Agreement it also becomes evident that the FARC-EP was granted equality with the government. This is underlined in the fact that in all organs being created for the implementation of the various programmes and plans, both the government and the FARC-EP (or the party coming out of it) will have equal participation. Furthermore, in the already existing councils, such as the National Electoral Council, members of the new party will also be included (Ibid., 72).

4.5.1 A new Colombian Rural Area

On November 17th 2012 the negotiation table was established and the conversations about the first issue, the agrarian reform, started. An agreement on this item was met on the 15th of June 2013, after seven months of bargaining (Buitrago B. and Valencia A. 2013, 132). The Integral Rural Reform (RRI) will focus on protecting and supporting the rural economy, giving especial treatment to the population in situations of more poverty and abandonment, the population that was affected the most by the conflict, the more vulnerable territories as well as areas where illicit drugs were cultivated (Colombian Government and FARC-EP 2016, 12).

The idea of the RRI is to “achieve the big transformation of the Colombian rural area, which should integrate the regions, end poverty, promote equality, ensure the enjoyment of citizens’ rights and as a consequence guarantee the non-repetition of the conflict” (own translation from Ibid., 10). The parties decided to create a permanent land fund for that purpose: a mechanism to give the rural population access to land, distributing it in a free manner (Ibid., 14). However, its establishment will not “affect the constitutional right to private property” (own translation from Ibid., 13), which represents an acknowledgement by both parties of the right of land owners and a significant concession by the FARC-EP.

Furthermore, the Final Agreement also recognizes that only granting access to the land is not enough (Ibid., 11) and that this access has to be integral, meaning that the conditions for the successful development of the land should also be provided for. As a consequence, probably as a demand of the FARC-EP, since it will entail high implementation costs for the government, the parties decided to create several national plans⁵⁰. These plans are going to be in place for

⁵⁰ Examples of these national plans are a plan to build more highways, a plan for building irrigation and drainage systems, a plan for the electrification of rural areas, a plan for better rural health system, for better education in rural areas with the inclusion of technical agropecuary topics at high schools, a plan for the improvement of rural housing with access to potable water and sewer systems, a plan to incentivate solidary economy and cooperatives, a plan for technical assistance, a plan for subsidies with credit lines for small farmers, a plan for the promotion of commercialization so that familiar rural farmers can sell their crops and a plan for social protection and rural workers’ rights (Colombian Government and FARC-EP 2016, 24-32).

fifteen years and the aim is to reduce half of the poverty of rural areas, so as to promote a convergence of life qualities between cities and the countryside⁵¹ (Ibid., 24).

4.5.2 Democratic Opening

The first item agreed in this topic were guarantees for political mobilization and social protest, so that the opposition could fully express itself and participate in politics, without having to resort to violence⁵² (Ibid., 45). Also in order to ensure the public's participation, they decided, as is clear in several parts of the agreement, that the communities and the citizens will play an important role, being consulted and having a saying in the new projects being implemented in their regions. This is evidenced in their central role in the RRI of deciding which projects are going to be implemented in the national plans (Ibid., 11) and by validating the information of who should be granted access to the land fund (Ibid., 15).

Appart from that, the parties also decided that there would be sixteen transitory constituents for peace, each representing one constituency affected by the conflict for two electoral periods (Ibid., 54). They will get especial funding and especial access to the media and will be elected by the citizens of each region, with the only condition being that they cannot be associated with the parties in Congress, including the party that will originate from the FARC-EP (Ibid., 54). This was probably a condition that the Colombian government made to the guerilla in order to accept this measure.

4.5.3 An End to the Conflict⁵³

The agreement on the cease-fire was signed on June 23rd 2016 (Ibid., 4), with it being planned to start on day D. In the day after the official start of the cease-fire (day D+1), the process of control of weapons will start with delegates from the FARC-EP and the government informing

⁵¹ The rural part of Colombia is very different than its cities. It has a smaller rate of growth, higher illiteracy rates, less health and education coverage, decreasing production and employment and delays in competitiveness and development (Buitrago B. and Valencia A. 2013, 121). These are caused by the high concentration of land, the conflicts and violence, the missing transportation and logistics infrastructure and the lack of funding opportunities (Buitrago B. and Valencia A. 2013, 128-129), which are all characteristics that the RRI and the requests of the FARC-EP try to solve.

⁵² With that purpose in mind, the parties decided to create a National Council for Reconciliation and Coexistence, whose role is to advise the state in its reforms to ensure political participation (Colombian Government and FARC-EP 2016, 46-47). This will be accompanied by an Especial Electoral Mission that will deliver suggestions by Colombian and international experts on how to improve the electoral system (Ibid., 53) and also by democratic opening measures such as the creation of a TV channel, where the political parties and movements can promote their ideas (Ibid., 55).

⁵³ Important is that this section will not make a description of what is happening in the country at the moment, but rather a description of how it is regulated in the Final Agreement. For a brief outlook on what has already been achieved regarding the implementation, check section 5.

to the international component⁵⁴ of the Monitoring and Verification Mechanism (MM&V) the location of their troops. The MM&V is going to oversee the bilateral cease-fire and the process of abandonment of weapons (Ibid., 60-61). Here again the equal participation of both conflict parties in the bodies of the peace process is stressed⁵⁵.

This way, on day D+1, the government forces will start reorganizing, so that FARC-EP members can on day D+5 start moving to the twenty Transitory Block Zones of Normalization (ZVTNs) and to the seven Transitory Points of Normalization (PTNs)⁵⁶ (Ibid., 61). Interestingly, government forces will be the ones to start returning to their bases first and not guerilla forces, so that the FARC-EP, when negotiating the agreement, made sure that its surrender would not be right away. Here they also negotiated a lagged abandonment of weapons⁵⁷, so that if something went wrong in the process, the guerilla would still have arms to fight and protect its members. With the finalization of the cease-fire, the “exit of FARC-EP combatants from the camps will be done without arms and as civilians” (own translation from Ibid., 62).

The agreement also recognizes the importance of transforming the FARC-EP into a political party for the success of the peace process. Thus, it provides the future party with some priviledges. It will have the same rights and obligations as other parties, but will not have to fulfill the standards of a minimal quota of affiliated members and votes in order to be officially considered a political party, an exception valid until July 2026 (Ibid., 69-70) and which will ensure the party’s ability to enter a system of already established parties. The new party will

⁵⁴ The international component of the MM&V will be a UN observation mission mainly composed of countries of the Community of Latin American and Caribbean States (CELAC) (Colombian Government and FARC-EP 2016, 60-61).

⁵⁵ The MM&V will be constituted by 35 members, 10 from the FARC-EP, 10 from the Colombian government and 15 international members (Colombian Government and FARC-EP 2016, 227).

⁵⁶ These zones are delimited, temporary territorial areas, previously agreed by the conflict parties, where the MM&V has the legitimacy and power to monitor (Colombian Government and FARC-EP 2016, 62). Around these zones there are also going to be security zones of 1 km radius, where no FARC-EP nor government forces will be allowed (Ibid., 64). The difference between ZVTNs and PTNs is the size, since PTNs are only allowed to accommodate one FARC-EP camp (Ibid., 250-251).

⁵⁷ Regarding the procedure for the cease-fire, the abandonment of weapons will start on day D+5, when the FARC-EP will share relevant information with the international component of the MM&V, so that they can fulfill their role of transportation, registration, collection and storage of weapons (Colombian Government and FARC-EP 2016, 67). As of day D+7, the transportation of weapons to the ZVTNs will start and it should be finished until day D+30 (Ibid., 67). The weapons will stay under control of the FARC-EP until day D+60, when then they will start being stored by the UN mission (Ibid., 67-68). All weapons should be handed to the UN until day D+150. Until day D+90, 30% of the weapons should be under UN control, further 30% shall be surrendered until day D+120 and the remaining 40% shall be handed in until day D+150 (Ibid., 68). The UN shall then until day D+180 have reallocated all the weapons, so that the cease-fire should be finished in six months. The stored weapons are going to be used for the construction of three monuments: one in the UN headquarters, one in Colombia and one in Cuba (Ibid., 271).

also receive an annual financial assistance from the Colombian state⁵⁸. Additionally, the funding for the presidential and Senate campaigns⁵⁹ will also be financed by the state until the election of 2022 (Ibid., 70-71). Moreover, the party will have an assured quota of at least five representatives in each House of Congress (Ibid., 71). This will be in addition to the three spokesmen or spokeswoman⁶⁰, who will be nominated by the FARC-EP and will be in each House, participating in the debates about constitutional reforms.

In order to integrate economically FARC-EP members, each of them will also be warranted the right to a monthly rent for two years if they have no job (Ibid., 75), the right to a unique normalization fee in the height of two million *pesos* (Ibid., 76), the right to social security guaranteed by the state for two years (Ibid., 76), the right to form economic, social and solidary organizations (Ibid., 75) and the right to a one-time financial support in order to entrepreneur (Ibid., 75).

Adding to the political and economic provisions, the new party members shall also have especial guarantees in regards to safety, a demand that can be traced back to the UP precedent. This will be ensured through an integral system of security, which will include specialized protection for members of the new party originating from the FARC-EP, as well as for old members that join civilian life, which are all going to be assumed to be under an extraordinary level of risk (Ibid., 88). The highest decision-making instance in the system will also always count with the participation of at least one member of the new party (Ibid., 87), showing again the importance of the recognition of the FARC-EP's equal status in comparison to that of the government. Therefore, the protection will be executed by a mixed body, composed of entrusted personnel of the FARC-EP and members of the police force, with the latter having to go through extensive inspections to become part of the especial protection force (Ibid., 90-91).

Furthermore, the Final Agreement also regulates that the government is responsible for fighting and investigating crimes perpetrated by criminal organizations and by the successors of paramilitaries (Ibid., 78, 80), which reflects one of the guerilla's main demands to the process (Segura and Mechoulán 2017, 8). With that purpose, a review in regards to public servants'

⁵⁸ This will contain two payments: one being a financial help on an annual basis until 2026 in the size of the average sum received by political parties for their functioning in the elections before the agreement; and the other will be the equivalent to 7% of the budgetary appropriations for the functioning of political parties, which is going to be paid to the new party until 2022 (Colombian Government and FARC-EP 2016, 70).

⁵⁹ Senate campaigns will, however, only maximally receive funding in the sum of 10% of the planned expenditures by electoral authorities (Colombian Government and FARC-EP 2016, 70).

⁶⁰ They are allowed to be present and participate in the discussions, but they do not have the right to vote as the elected Senators and Deputies do (Colombian Government and FARC-EP 2016, 71).

involvement with such criminal and paramilitary organizations will also take place (Colombian Government and FARC-EP 2016, 82) and there is also going to be a especial unit of investigation, tasked with dismantling the paramilitaries (Ibid., 82-83).

Appart from that, the agreement on this topic of the agenda, also entailed that only the government will own the legitimate monopoly to use force and that the FARC-EP acknowledges this monopoly (Ibid., 94). Complimentarily, this will be ensured by the prohibition to privatize military, police or inteliegence functions (Ibid., 95), which was probably a condition imposed by the FARC-EP in order to accept the state's legitimacy to the use of force and to avoid corruption and the intervention of external parties, such as the one by the US occasioned through Plan Colombia.

4.5.4 Solution to the Problem of Illicit Drugs

In order to solve the issue of cultivation of illicit drugs, the parties decided to implement a program of voluntary substitution of crops. It is part of the RRI and is going to be accompanied by alternative development plans, so that the economic and social sustainability of the communities is not put at risk (Ibid., 102-103, 106). The development plans⁶¹ will be created based on proposals and ideas generated at the community assemblies in the affected regions (Ibid., 109-110), which is one further example of the population's direct participation in the peace process.

Additionally, the government will strengthen its presence in the affected regions in order to protect the communities (Ibid., 106). There should also be governmental strategies to fight corruption and thus avoid that the new institutional presence be weakened by links to criminal organizations (Ibid., 120). Both measures were probably proposed by the FARC-EP, in order to ensure that the peasant population be protected against drug cartels, whose presence in these state-abandoned areas is extensive.

4.5.5 Agreement on the Situation of the Victims

Before they even started negotiating this item, the parties agreed on a "Declaration of Principles" on June 7th 2014, in which they set the criteria that would guide the discussions⁶²

⁶¹ The development plans will, additionally to the suggestions by the population, also include the prioritization of local farmers for supplying markets, the delivery of species and technical assistance in their cultivation, as well as projects of fast entrance in the market such as pisciculture and poultry farming (Colombian Government and FARC-EP 2016, 112).

⁶² Among these principles are the recognition of the victims not only as victims but also as citizens, the recognition of responsibility from both sides, the satisfaction of victims' rights, their participation, the clarification of the truth,

(Ibid., 124-125). Based on these principles, on September 23rd 2015, the parties were able to finalize an agreement (Wills-Otero and Hoyos 2016, 76). They agreed on the creation of a Truth, Reparation and Coexistence Commission, an Especial Unit for the search of missing people, a Especial Jurisdiction for Peace (JES), measures of reparation and guarantees of non-repetition⁶³ (Colombian Government and FARC-EP 2016, 129-130).

The Agreement on the creation of the JES was signed on December 15th 2015⁶⁴ (Ibid., 176) and it established a timeline of ten years for the conclusion of its functions (Ibid., 145). In that, the JES should provide the broadest amnesty possible for the people involved in the conflict⁶⁵ (Ibid., 147-148), probably a demand of the FARC-EP. Complimentarily, all sanctions imposed by the JES will not affect one's right to political participation, so that the person will still be allowed to vote and run for office (Ibid., 150), probably also a provision suggested by the FARC-EP. All guerilla members will also be guaranteed a trial in Colombia, without the possibility of extradition (Ibid., 170), so as to ensure again that the process be done and implemented by Colombians, without the possibility of external intervention.

However, the government also had demands regarding the amnesty provisions. Crimes against humanity, genocide, serious war crimes as well as all violations of the Statute of Rome are not going to be amnestiable (Ibid., 148, 151), which will exclude several FARC-EP members from its provisions⁶⁶. One further important demand by the government was that the amnesty does not exempt the parties from their duties to the clarification of the truth⁶⁷ (Ibid., 148). Moreover,

the victims' right to reparations, the guarantee of protection, the guarantee of non-repetition and the principle of reconciliation.

⁶³ In an attempt by the FARC-EP to make sure that the provisions regarding transicional justice remain what they agreed to in the Final Agreement for the whole functioning of the JES, an article was included that regulates that any changes to Colombian laws after the signature of the Final Agreement cannot change the functions nor the scope of the JES, especially in regards to how participants of the conflict are going to be handled (Colombian Government and FARC-EP 2016, 146).

⁶⁴ According to Murcia (2017, 216-217), a system of transitional justice was only possible due to the Law 975 of 2005, the Law 1448 of 2011 and the Legislative Act 1 of 2012. The Law 1148 complemented Law 975 by including the victims in the transitional justice provisions and moving the focus away from the armed groups. The Legislative Act 1 of 2012 established the legal instruments for transicional justice in Article 22 of the Constitution (Ramírez 2013, 64), finally making such a solution constitutionally viable. Thus, the Amnesty Law and the creation of the JES could be concluded in the Agreement of November 7th 2016 (Colombian Government and FARC-EP 2016, 202).

⁶⁵ Only acts committed because of the conflict are going to be investigated and judged by the JES. Acts committed in order to enhance one's own wealth or without the aim of affecting the conflict are not going to be judged by the JES (Colombian Government and FARC-EP 2016, 149). The Amnesty Law will also only be valid for FARC-EP members, as contained in the list that will be delivered to the government to check until day D+180 (Ibid., 73).

⁶⁶ Violations of the Statute of Rome include deprivation of freedom, torture, extrajudicial killings, acts of sexual violence, forced displacement, kidnapping and recruitment of minors (Colombian Government and FARC-EP 2016, 151), which are all acts that the FARC-EP committed with frequency and that are not going to be granted amnesty by the JES, showing the strong demands of the government and how the FARC-EP was unable to oppose them.

⁶⁷ For the purpose of granting amnesty, the parties agreed on a form of prisoner's dilemma, in which the sanctions

the JES, in judging state agents that committed crimes during the conflict, will do so in a different manner, which will still have to be equivalent to how FARC-EP members and other actors are handled (Ibid., 149-150), but the differences will exist⁶⁸.

5. Achieving Peace in Colombia

This thesis had as its main inquiry the question of how the Santos administration managed to secure an agreement with the FARC-EP and what differed his approach to the negotiations from the ones done by President Betancur in the 80s and President Pastrana in the late 90s. For that purpose, this thesis delivered a descriptive analysis of the previous attempts, analyzing separately the background factors, the conditions, the proper negotiations and the outcomes of the different attempts. The analysis of the recent attempt under President Santos, as the main focus of this thesis, was done with more depth, using all parts of the analytical framework by Sawyer and Guetzkow (1965), thus including background factors such as the relationship between the parties and their previous experiences, preconditions including the pre-negotiation phase, the conditions of the talks such as the decision to hold them in Cuba, the process itself with its positive and negative moments and the outcome. The analysis of the Final Agreement, as the concluding document of the process, allowed me to recognize the bargaining dynamics between the parties, showing in which parts and by which party concessions were made.

“Betancur and Pastrana failed their efforts to end the conflict because they neglected important questions of technical, tactical and political nature, pinning their hopes entirely on the dynamics of the peace process itself” (Waldmann 2007, 240).

Both Betancur and Pastrana made promises of achieving peace in their electoral campaigns, so that they had the time of their mandate as a constraining factor against them (Ibid., 241), which

enhance when the person does not tell the truth. So, for members who commit amnestiable crimes and who come forward and tell the truth, the only sanction will be compulsory work in the sense of participating in projects that are part of the peace process and the deprivation of freedom of residence and movement for a determined period of time (Colombian Government and FARC-EP 2016, 172-174). These deprivation of freedom means that people will have to report to the JES changes in their address and that they are not allowed to leave Colombia without the explicit permission from the JES (Ibid., 300). For the ones that admit the truth only at the first instance of the Tribunal for Peace before their sentencing, they will receive between five and eight years of prison time (Ibid., 174-175). And the ones, who never admit the truth and are deemed guilty, will receive between fifteen and twenty years of prison time (Ibid., 175).

⁶⁸ Also relevant here as a win for the FARC-EP is that all members of the public force that will not be granted complete absolution for their crimes will not be allowed to reintegrate the state forces (Colombian Government and FARC-EP 2016, 306).

only added to the fact that they were conducting exclusively political negotiations, leaving out legal mechanisms such as transicional justice provisions (Ramírez 2013, 64). Betancur used the amnesty law as a mechanism to bring the FARC-EP to the negotiation table, but at the same he forgot to ensure that justice be provided for the victims and even after he was able to secure an agreement, he did not provide the necessary environmental conditions for a transition of the conflict into politics. President Pastrana chose the wrong time to negotiate, since the FARC-EP was at the apice of its power, and therefore he conceded too much when he permitted the creation of the demilitarized zone. At the end, it only made it possible for the guerilla to further enhance its capacities and humiliate the state, since even though several agreements were signed, they did not accomplish anything significant in regards to demobilization.

However, both presidents did only fail in all aspects of their attempts. President Betancur changed the relationship with the FARC-EP, in which he was the first to recognize the guerilla as a political actor and to see that the conflict originated from economic and social injustices (Villaraga 2015, 34-36). Complimentarily, President Pastrana managed to set an agenda, to include the population through public audiences⁶⁹, to exchange prisoners and to recover the support of the international community through its participation in the monitoring commission (Villaraga 2015, 179-180).

Santos learned from their attempts and integrated come of the best practices that they used. The timing of the negotiations, with the state's military strengthened and the FARC-EP weakened through a massive loss of combatants, was the first good choice that President Santos made. In his negotiations, he also used legal mechanisms, such as the transitional justice system and a clearly defined cease-fire agreement, to guarantee that justice is given to the victims and that the truth about the conflict is registered. Additionally, the Final Agreement also regulates specific provisions for ensuring political participation and safety for demobilized combatants. It institutionalizes a strengthened right to political participation, in which the opposition will also be able to express its concerns in the political institutions and the Colombian people, especially the most affected by the conflict, will have especial representation in Congress and the right to participate directly in decision-making. Furthermore, the political openness is going to be supported by "positive discrimination measures" (Bergohof Foundation and UNDP 2016, 14) for the party emerging from the FARC-EP. These are "necessary to compensate for the imbalance between those surrendering their arms and dissolving their armed organizations and

⁶⁹ The public audiences were broadcasted in national television and watched by more than 24,000 people (Villaraga 2015, 179).

the existing political parties – in terms of access to a legal political apparatus for campaigning” (Ibid., 14-15). Such provisions were, for example, not included in the *La Uribe* Agreement that was signed between the FARC-EP and the Betancur administration in 1984. Thus, the Final Agreement clearly regulates post-conflict relations in terms of demobilization, reincorporation, justice and political participation (Ibid., 66).

Furthermore, Santos’ innovative negotiation tactics were essential for the success of his attempt. The triangle of a limited agenda (learned from Pastrana), talks outside of Colombia with limited popular participation and the decision to negotiate without a cease-fire were imperative for the signing of the agreement (Gomez-Suarez and Newman 2013, 826). These are all conditions that were already used before at some point to negotiate with the guerilla, but never in this constellation, only separately. Further innovative mechanisms were the high degree of public participation in the process through unconventional ways, such as the victims’ delegations, the regional workshops and the tool for sending direct proposals via internet. These were important mechanisms to get ideas to include in the agreement and to be able to change the FARC-EP’s perception of the conflict.

On the topic of international involvement, the process had an equilibrium between no intervention, as was the case in the Betancur negotiations, and too much participation, as was the case in the Pastrana negotiations with the inclusion of the United States in the process through Plan Colombia and the pressure from the government to have international monitoring. As a consequence, President Santos made sure to have some international involvement in order to legitimize the process in the eyes of the international community, but at the same time the FARC-EP ensured that the negotiations were made by Colombians for Colombians, with only some support from guarantor and accompanying countries, mainly in the form of funds, the location for the talks, expertise and credibility, but without influencing the substantive compromises on the single conflict issues.

Successful agreements are characterized by: the inclusion of the affected parties, with a higher chance of it being accepted, if they were directly involved in the process; precise formulations, so that a clear commitment is recorded; incentives to stay in the process; domestic support and support from external actors; and the fact that they deal with the core issues of the conflict (Ramsbotham, Woodhouse and Miall 2005, 172-174). As a consequence, the case of the negotiations between the FARC-EP and President Santos can be considered a success. The FARC-EP, as well as the party coming out of it, will, as is evidenced in section 4.5, directly

participate in the implementation through the diverse bodies that are going to be established and count with equal participation in them when compared to the government. The Final Agreement is also precise enough in its provisions, so that the cease-fire and the laying down of weapons are clearly regulated. Moreover, the FARC-EP's main cause for existence is also depicted in the agreement, in the form of the provisions for rural development, with the RRI, the land fund and the various national plans, all created in order to bring a balance between the urban and rural areas of Colombia. The government's goal of achieving a cease-fire and being accepted as the only legitimate actor allowed to use force in the country are also fulfilled in the agreement. This means that the main objective of both conflict parties is contained and solved through the agreement.

However, “[e]verything that contributed to the advancement of the process was lethal for the result of the plebiscite” (Juanita León, as cited in Segura and Mechoulan 2017, 30), evidencing the lack of domestic support. With more than half of Colombia voting against the agreement and feeling excluded from the process, it might be a challenge for the president to successfully implement the agreement. This is further highlighted by the results of the elections of 2015, in which the departments most affected by the conflict elected politicians that do not support the peace process (Wills-Otero and Hoyos 2016, 83).

The success of any peace agreement will further depend on the integration of the FARC-EP into politics (Van Engeland 2008, 147), so that as long as the government is not able to protect its members that wish to follow this path and ensure the right to political participation, the success of the peace agreement is at risk (Gomez-Suarez and Newman 2013, 821; Nussio and Howe 2012, 64). Even after the agreement with the AUC in 2005, the paramilitaries continue to be a relevant actor in the country, an actor that is easily capable of filling the gaps that will be left by the FARC-EP's demobilization (Segura and Mechoulan 2017, 8) and that will pose a second challenge for the implementation.

The economy poses another difficulty for the implementation, since until now the economic policy has focused on big industries and productions of scale, which goes against the provisions of the agreement about the RRI that focus on encouraging familiar and communitarian businesses (Villaraga 2015, 214).

Still, since the final signing of the agreement until now, there has been over six months and several of the measures contained in the agreement have been put in place (Oficina del Alto Comisionado para la Paz). The cease-fire officially started on December 1st, already yielding

results, with 6,934 members of the FARC-EP entering the ZVTNs and PTNs until the end of February. However, the abandonment of weapons started with a delay, only beginning on March 1st, which represents the day D+90 and not the day D+60 as prescribed in the Final Agreement. Still, on June 8th (Day D+158), 30% of the weapons were handed in to the UN mission and the reincorporation of FARC-EP combatants started. This is still a delay, since actually by day D+150 all the weapons should have already been under UN control and on the way to storage. Yet, the process is proceeding, with several of the bodies having already been established, such as the National Council for Reincorporation and the Verification Commission that were created in December and the Especial Electoral Mission, put together in January, already having delivered its report on the reforms of the electoral system. The Congress is also contributing to the progress of the implementation, approving in December the Amnesty Law, in February the participation of the three nominated FARC-EP spokespersons in the Houses of Congress, in March the creation of the JES and in April the statute on the political rights of the opposition and the political reincorporation of the FARC-EP. Thus, in spite of the several delays the fact there is still a long way ahead, the progress is noticeable.

With that, it can be observed that the agreement is already delivering results, contributing to peace in Colombia. The fact that it was only possible because lessons were learned from the previous attempts and new negotiation tactics were tested underlines the unpredictability of negotiating the end of asymmetric conflicts. In this sense, the analysis of the Colombian case shows that in such negotiations it is important to consider relevant aspects of the previous interactions and to create countermeasures against prior negative precedents, like it was the case with the unprovided safety for UP members or the fiasco of the demilitarized zone. The pre-negotiations with a resultingly limited agenda also helped ensure that the talks focused on the main issues, without going off-topic, so that an agreement was possible. The role of external parties is also important to be considered in such negotiations, the belief that their involvement is imperative having been contested in this case, because even if the guarantor countries provided financial and logistical support, they never interfered in the content of the discussions. It also emerges as a finding from the negotiation process that indeed warranting some secrecy and distance from the public is a good technique to allow the parties to be more integrative and concede more easily. The participation of the public, however, is still important. Their acceptance of the outcome is what is going to make the implementation possible, so that involving them also matters. This will, however, remain to be seen about the Colombian case, since the negative result of the referendum could mean that this will represent the biggest

challenge for its implementation. Still, all in all, the Colombian case delivers interesting findings on how peace agreements can be achieved through negotiations and what one should pay attention to when deciding on the conditions of such talks. Thus, it contributes to the case studies of conflict resolution of internal, asymmetrical conflicts, which is the new reality and the new challenge for conflicts around the world.

Literature

Battle, Margarita and Gustavo Duncan (2013) “Colombia: A clearer scenery”, *Revista de Ciencia Política* 33 (1): 101 – 116.

Bercovitch, Jacob and Richard Jackson (2009) “International Negotiation”, in *Conflict Resolution in the Twenty-first Century* ed. by Jacob Bercovitch and Richard Jackson, 19-31. Ann Arbor: The University of Michigan Press.

Berghof Foundation and United Nations Development Programme (UNDP) (2016) “The Political Transformation of Armed and Banned Groups: Lessons Learned and Implications for International Support”. Available at: http://www.berghof-foundation.org/fileadmin/redaktion/Publications/Other_Resources/UNDP-Berghof_PoliticalTransformation-BannedGroups_2016.pdf [Accessed 11th May 2017].

Buitrago B., Olga Roció and Germán Darío Valencia A. (2013) “El proceso de paz con las Farc y la cuestión rural en Antioquia”, *Perfil de Coyuntura Económica* 22: 113-140.

Centro de Estudios sobre Desarrollo Economico (CEDE) (2016) “Revealing the preferences of the FARC”. Document 12. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2782161 [Accessed 20th April 2017].

Colombian Government and FARC-EP (2012) “Acuerdo General para la terminación del conflicto y la construcción de una paz estable y duradera (General Agreement for the Ending of Conflict and the Construction of a Stable and Durable Peace)”. Signed 26th August 2012 in Havana, Cuba. Available at: <http://peacemaker.un.org/colombia-generalaccordendconflict2012> [Accessed 24th April 2017].

Colombian Government and FARC-EP (2016) “Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera (Final Agreement for the Ending of Conflict and the Construction of a Stable and Durable Peace)”. Signed November 24th 2016 in Bogotá, Colombia. Available at: <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/Documentos%20compartidos/24-11-2016NuevoAcuerdoFinal.pdf> [Accessed 24th April 2017].

Chernick, Marc W. (1988) “Negotiated Settlement to Armed Conflict: Lessons from the Colombian Peace Process”, *Journal of Interamerican Studies and World Affairs* 30 (4): 53-88.

Donohue, William A. (2009) “Terrorism and Conflict Resolution”, in *The SAGE Handbook of*

Conflict Resolution ed. by Jacob Bercovitch, Victor Kremenyuk and Willian Zartman. London: SAGE Publications.

Donohue, William and Moty Cristal (2011) “Growing Out in Organization”, *Engaging Extremists* ed. by I. William Zartman and Guy Olivier Faure, 57-80. Washington DC: United States Institute of Peace.

Druckman, Daniel (2003) “Negotiation”, in *Conflict: From Analysis to Intervention* ed. by Sandra Cheldelin, Daniel Druckman and Larissa Fast, 193-209. London: Continuum.

Druckman, Daniel (2005) “Getting Started to Do Research”, in *Doing Research* ed. by Daniel Druckman, 23-51. California: SAGE Publications.

Druckman, Daniel (2007) “Negotiating in the International Context”, in *Peacemaking in International Conflict* ed. by I. William Zartman, 111-162. Washington DC: United States Institute of Peace. Revised Edition.

Dudouet, Véronique (2012) “Intra-Party Dynamics and the Political Transformation of Non-State Armed Groups”, *International Journal of Conflict and Violence* 6 (1): 96 – 108.

Gomez-Suarez, Andrei and Jonathan Newman (2013) “Safeguarding Political Guarantees in the Colombian Peace Process: have Santos and FARC learnt the lessons from the past?”, *Third World Quarterly* 34(5): 819–837.

Haspeslagh, Sophie (2015) “What next for the peace negotiation between the Colombian government and the FARC?”, *LSE Global South Unit*, Policy Brief No.1/2015. Available at: <http://eprints.lse.ac.uk/65198/1/LSE-GSU-Policy-Brief-1-2015-%28Haspeslagh%29.pdf> [Accessed 10th March 2017].

Kelman, Herbert C. (2007) “Social-Psychological Dimensions of International Conflict”, in *Peacemaking in International Conflict* ed. by William Zartman, 61-107. Washington DC: United States Institute of Peace. Revised Edition.

Lee, Chris (2012) “The FARC and the Colombian Left – Time for a Political Solution?”, *Latin American Perspectives* 39 (1): 28-42.

Levy, Jack S. (2009) “Case Studies and Conflict Resolution”, in *The SAGE Handbook of Conflict Resolution* ed. by Jacob Bercovitch, Victor Kremenyuk and I. Willian Zartman, 72-85. London: SAGE Publications.

- Maldonado, Andrés Ucrós (2016) “Early lessons from the Colombian Peace Process”, *LSE Global South Unit*, Working Paper No. 1/2016. Available at: [http://www.lse.ac.uk/internationalRelations/centresandunits/globalsouth/documents/GSU-Working-Paper-1-2016-\(Ucros\).pdf](http://www.lse.ac.uk/internationalRelations/centresandunits/globalsouth/documents/GSU-Working-Paper-1-2016-(Ucros).pdf) [Accessed 10th March 2017].
- Mitchell, Christopher R. (1995) “Asymmetry and Strategies of Regional Conflict Reduction”, in *Cooperative Security* ed. by I. William Zartman and Victor A. Kremenjuk, 25-57. New York: Syracuse University Press.
- Murcia, Leonardo Sabogal (2017) “The Significance of the Political Power and the Action in the Colombian. Transitional Justice: The Search for Peace in Colombia”, *El Ágora USB* 17 (1): 211-224.
- Nobel Prize (2016) “The Nobel Peace Prize 2016 - Press Release”. Available at: http://www.nobelprize.org/nobel_prizes/peace/laureates/2016/press.html [Accessed 22nd June 2017].
- Nussio, Enzo and Kimberly Howe (2012) “What if the FARC Demobilizes?”, *Stability: Int. Journal of Security and Development* 1(1): 58-67.
- Oficina del Alto Comisionado para la Paz (2017) “Así Marcha el Acuerdo”. Available at: <http://www.altocomisionadoparalapaz.gov.co/Documents/informes-especiales/asi-marcha-acuerdo-paz/index.html> [Accessed 6th July 2017].
- Post, Jerrold M. (2009) “Revolutionary Armed Forces of Colombia (FARC)”, in *The World's Most Threatening Terrorist Networks and Criminal Gangs* ed. by Michael T. Kindt, Jerrold M. Post and Barry R. Schneider, 235-245. New York: Palgrave Macmillan.
- Ramírez, Paulo Bernardo Arboleda (2013) “La Violencia Política em Colombia: Justicia Transicional em el Marco del Proceso de Paz entre el Gobierno Santos y las FARC-EP”, *Revista Prolegómenos - Derechos y Valores* 26 (32): 49-68.
- Ramsbotham, Oliver, Tom Woodhouse and Hugh Miall (2005) “Ending Violent Conflict: Peacemaking”, in *Contemporary Conflict Resolution* ed. by Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, 159-184. Cambridge/Malden: Polity Press. Second Edition.
- Rasmussen, J. Lewis (1997) “Peacemaking in the Twenty-first Century”, in *Peacemaking in International Conflict* ed. by I. William Zartman and J. Lewis Rasmussen, 23-50. Washington DC: United States Institute of Peace Press.

Zartman, I. William (1995a) “Dynamics and Constraints in Negotiations in Internal Conflicts”, in *Elusive Peace: Negotiating and End to Civil Wars* ed. by I. William Zartman, 3-30. Washington DC: The Brookings Institution.

Zartman, I. William (1995b) “Conclusions: The Last Mile”, in *Elusive Peace: Negotiating and End to Civil Wars* ed. by I. William Zartman, 332-346. Washington DC: The Brookings Institution.

Zartman, I. William (2001) “Negotiating Internal Conflict: Incentives and Intractability”, in *International Negotiation* 6(3): 297-302.

Zartman, I. William (2009) “Conflict Resolution and Negotiation”, in *The SAGE Handbook of Conflict Resolution* ed. by Jacob Bercovitch, Victor Kremenyuk and I. William Zartman, 322-339. London: SAGE Publications.

Zartman, I. William (2010) “Common Elements in the Analysis of the Negotiation Process”, in *Negotiation Theory and Practice* ed. by J. William Breslin and Jeffrey Z. Rubin, 147-159. Cambridge: Program on Negotiation at Harvard Law School. Sixth Edition.

Zartman, I. William and Guy Olivier Faure (2011) “Introduction: Why Engage. And Why Not?”, in *Engaging Extremists* ed. by I. William Zartman and Guy Olivier Faure, 1-19. Washington DC: United States Institute of Peace.

Annexes

Annex 1: Eigenständigkeitserklärung

Ich versichere, dass ich die vorgelegte Seminararbeit eigenständig und ohne fremde Hilfe verfasst, keine anderen als die angegebenen Quellen verwendet und die den benutzten Quellen entnommenen Passagen als solche kenntlich gemacht habe. Diese Seminararbeit ist in dieser oder einer ähnlichen Form in keinem anderen Kurs vorgelegt worden.

Name, Vorname: Osorio Garabosky, Beatriz

München, den 11.07.2017

Unterschrift: _____