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Colombia's Peace Process Through 2016

(name redacted)

Analyst in Latin American Affairs

December 31, 2016

Congressional Research Service

7-....

www.crs.gov

R42982

Summary

In August 2012, Colombian President Juan Manuel Santos announced that the government was engaged in exploratory peace talks with the violent leftist insurgent group, the Revolutionary Armed Forces of Colombia (FARC), in a bid to resolve a nearly 50-year internal armed conflict. The secret, initial dialogue between the Santos government and the FARC's leadership led to the opening of formal peace talks with the FARC—the oldest, largest, and best-financed guerrilla organization in Latin America. Formal talks began in Oslo, Norway, in October 2012 and then, as planned, moved to Havana, Cuba, where they continued for more than 50 rounds.

Despite more than three years of negotiations, the leader of the FARC, Rodrigo Londoño, alias “Timochenko,” had not met publicly with President Santos. In September 2015, the two leaders shook hands in a televised meeting and announced that the negotiating parties would reach a final accord no later than March 23, 2016. However, that deadline, as many others before it, went unmet. By the end of 2015, the most difficult issue in the peace talks' agenda, outlined in a framework agreement, was resolved. Government and FARC negotiators reached a partial agreement on victims of the conflict, providing a comprehensive system for reparations, justice, truth and guarantees for non-repetition and outlining a transitional justice system.

In late January 2016, the United Nations (U.N.) Security Council adopted Resolution 2261, stating that a U.N. mission would monitor and verify a definitive bilateral cease-fire and cessation of hostilities between the parties, following the signing of the final peace agreement. Terms for operationalizing the accord were announced in June 2016, when the Santos government and the FARC agreed to a bilateral cease-fire, security guarantees for demobilized guerrillas, mechanisms for dismantling paramilitaries, and the location of demobilization zones. On July 18, 2016, the Colombian Constitutional Court approved a peace plebiscite as the appropriate mechanism for the public to endorse or reject the final agreement arrived at in Havana. The court also determined that the plebiscite vote would be binding for Colombia's executive branch.

In a surprise loss, on October 2, 2016, the first accord—known as the Cartagena Agreement—was rejected in a peace plebiscite, defeated by 54,000 votes out of 13 million ballots cast. In November 2016, the government and the FARC signed a second accord, which the government maintained responded to criticisms of the “No” campaign leaders, who objected to the first accord. The Colombian Congress approved the second accord, and the Colombian Constitutional Court upheld the fast-track mechanism that would have allowed rapid implementation of the Cartagena Agreement was upheld to apply to the second accord on December 13, 2016.

The Santos Administration had anticipated the peace process with the FARC by proposing several legislative reforms that were enacted in the first years of Santos's first term (2010-2012), including a law to restitute victims of the conflict and a “peace framework” law. In addition, the warming of relations with neighboring countries, such as Ecuador and Venezuela, helped to lay the groundwork for the peace process. Venezuela, Chile, Cuba, and Norway also actively supported the process, which most countries in the region have lauded.

The U.S. Congress remains deeply interested in Colombia's political future, as the country has become one of the United States' closest allies in Latin America. Congress has expressed that interest by its continued investment in Colombia's security and stability. Over the years, the U.S.-Colombian relationship has broadened from counternarcotics to include humanitarian concerns; justice reform and human rights; and economic development, investment, and trade. Peace Colombia, the assistance program proposed by the Obama Administration, foresaw a peace accord with the insurgents building on many gestures of support made by the Administration. The initiative was designed to help Colombia secure peace with \$450 million of support, \$391 million

of which was requested in the FY2017 congressional budget justification. A continuing resolution passed by Congress on December 9, 2016, funds assistance programs to Colombia at slightly below the FY2016 level (\$300 million) through April 28, 2017, after the 115th Congress takes office.

This report provides background on Colombia's armed conflict and describes its key players. The report briefly analyzes prior negotiations with the FARC and the lessons learned from those efforts. It examines what transpired during the preparatory negotiations and four years of formal talks that led to the final accord with the FARC. The report also examines some of the constraints that could limit the success of the peace accord's implementation and the possible influence of implementation on future U.S.-Colombian relations.

Contents

Recent Developments	1
Colombia's Internal Armed Conflict and Key Players	1
Revolutionary Armed Forces of Colombia (FARC).....	2
From the 1940s to the Early 2000s	2
The FARC Under the Uribe Administration (2002-2010)	5
The FARC Under the Santos Administration.....	6
National Liberation Army (ELN).....	9
Paramilitaries and Their Successors.....	10
Evolution of the Colombian Government Response.....	12
Prior Peace Negotiations: Precedents and Implications	13
Peace Process Under the Santos Administration	15
Precursors.....	15
Announcement of Exploratory Talks	17
Formal Peace Talks in Norway and Cuba	18
Developments in 2013	20
Developments in 2014	22
Developments in 2015	25
Developments in 2016	27
Challenges to and Prospects for Peace.....	30
Public Opinion	30
Spoilers	30
FARC Unity	31
Outlook: Prospects for Peace and Future Role of U.S. Assistance	31

Figures

Figure 1. Map of Colombia Showing Departments and Capital	4
Figure 2. Presence of Terrorist Groups in Colombia 2002, 2012	8
Figure 3. FARC Demobilization Encampments and Hamlet Zones.....	33

Appendixes

Appendix. Text of the General Agreement Signed by the FARC and the Colombian Government.....	34
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Contacts

Author Contact Information	37
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Recent Developments

On August 24, 2016, Colombian government negotiators and the negotiating team for the Revolutionary Armed Forces of Colombia (FARC) signed a final peace agreement in Havana, Cuba, after almost four years of formal peace talks.

On September 17, 2016, the FARC began their 10th National Guerrilla Conference, which lasted for five days. At the conference's conclusion, 200 FARC delegates present at the event gave unanimous support to the peace agreement.

On September 26, 2016, Colombian President Juan Manuel Santos and the head of the FARC—Rodrigo Londoño, alias “Timochenko”—signed the final agreement in a ceremony held in the port city of Cartagena, henceforth known as the Cartagena Agreement.

On October 2, 2016, a peace plebiscite vote was held. The measure was narrowly rejected by 50.21% compared to 49.78% of the vote, with departments (or states) and municipalities most affected by the conflict generally voting in favor of the accord.

On October 7, 2016, the Norwegian Nobel Peace Prize Committee awarded President Santos the Nobel Peace Prize for his “tenacious effort to put an end to the civil war that has ravaged his country for more than 50 years.”

On November 12, 2016, the FARC and government negotiators concluded a revised accord that the Santos Administration maintained had modifications and adjustments based on consulting the opposition.

On November 30, 2016, the Colombian Congress ratified the new accord with unanimous votes in both chambers. Members who were in opposition (largely the Democratic Center Party headed by former President Álvaro Uribe) walked out and did not vote.

On December 13, 2016, the Colombian Constitutional Court approved the fast-track mechanism for swift implementation of the peace accord between the Colombian government and the FARC.

On December 28, 2016, the Colombian Congress unanimously approved a law with conditions to benefit rank-and-file FARC. Its passage was seen as a precondition for the FARC's demobilization process to be carried out in different concentration zones around the country.

Colombia's Internal Armed Conflict and Key Players

Colombia, a longtime U.S. ally, has long been riven by internal conflict. Its legacy of political violence has roots in the late 19th century. Despite its long history of democracy, Colombia's lack of a strong central government with presence across the country left room for an insurgency. In the 1960s, numerous leftist groups inspired by the Cuban Revolution accused the Colombian central government of rural neglect that resulted in poverty and highly concentrated land ownership. These groups formed guerrilla organizations to challenge the state. The ensuing internal civil conflict between violent, leftist guerrilla groups and the government continued unabated for half a century.

The two main leftist groups are the FARC and the smaller National Liberation Army (ELN). Since the mid-1960s, both rebel groups have conducted terrorist attacks, destroyed infrastructure, and engaged in kidnapping and extortion and other criminal profiteering. Right-wing paramilitaries arose in the 1980s, when wealthy landowners organized to protect themselves from

the leftist guerrillas and their kidnapping and extortion schemes. Most of the paramilitary groups organized under an umbrella organization, the United Self Defense Forces of Colombia (AUC).

Intertwined with this legacy of conflict is Colombia's predominant role in the illicit international drug economy. Colombia has been a source country for both cocaine and heroin for more than four decades. Drug trafficking has helped to perpetuate Colombia's internal conflict by funding both left-wing and right-wing armed groups. The shift of cocaine production from Peru and Bolivia to Colombia in the 1980s increased drug violence and provided revenue to both guerrillas and paramilitaries. By the late 1990s, the FARC, the ELN, and the AUC were all deeply involved in the illicit drug trade. The U.S. government designated all three violent groups as Foreign Terrorist Organizations (FTOs).¹

Armed conflict in Colombia over the past five decades has taken a huge toll. Tens of thousands of Colombians have died in the conflict, and the government has registered more than 25,000 as missing or disappeared.² According to government figures, more than 6 million people have been displaced, creating one of the largest populations of internally displaced persons in the world (greater than 10% of Colombia's estimated 48 million inhabitants). This large displacement has generated a humanitarian crisis, which has disproportionately affected women, Afro-Colombians, and indigenous populations, and left many dispossessed and impoverished.³ In addition, the use of land mines laid primarily by the FARC has caused more than 11,000 deaths and injuries since 1990. According to the government, Colombia's casualty rate from land mines is second in the world, behind only Afghanistan.⁴

Revolutionary Armed Forces of Colombia (FARC)

From the 1940s to the Early 2000s

The armed group that came to be known as the FARC began as a rural peasant movement that traced its roots to Colombia's armed peasant self-defense groups that emerged in the 1940s and 1950s. It grew from largely a regional guerrilla movement based in the mountainous region between Bogotá and Cali in a period called "*la violencia*" to become the armed wing of the Colombian Communist Party. In 1964, the guerrillas announced the formation of the FARC, a group dedicated to rural insurgency and intent on overturning what it perceived as Colombia's

¹ The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) were designated foreign terrorist organizations (FTOs) by the United States in 1997, and the United Self Defense Forces of Colombia (AUC) was designated an FTO in 2001.

² Estimates of the number of disappeared in Colombia vary widely. While the Center for Historical Memory in its July 2013 report *Basta Ya! Colombia: Memorias de Guerra y Dignidad* estimates there are about 25,000 disappearances related to the five-decade internal conflict, other groups have higher estimates. For example, the following report cites more than 32,000 forced disappearances in Colombia. Lisa Haugaard and Kelly Nicholls, *Breaking the Silence: In Search of Colombia's Disappeared*, Latin America Working Group Education Fund and U.S. Office on Colombia, December 2010. Adrian Edwards, Office of the United Nations High Commissioner for Refugees (UNHCR), "Global Forced Displacement Hits Record High: UNHCR Global Trends Report Finds 65.3 Million People, or One Person in 113, Were Displaced from Their Homes by Conflict and Persecution in 2015," June 20, 2016, at <http://www.unhcr.org/en-us/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>.

³ According to the UNHCR, Colombia had the largest internally displaced persons (IDP) population in the world in 2015.

⁴ Anastasia Moloney, "Will 2013 Be Colombia's Landmark Year?," *AlertNet*, January 17, 2013; "Colombia Peace Negotiators Take a Holiday Break," *Agence France Presse*, December 21, 2012.

systemic social inequality.⁵ Working to take power militarily, the FARC grew steadily over the decades and drew resources from criminal activity to better equip and expand its forces.

Observing the growing revenues of the illegal drug trade, the FARC initially began collecting taxes from marijuana and coca growers in areas that they controlled, but their role in the drug trade expanded rapidly. The FARC also conducted bombings, mortar attacks, murders, kidnapping for ransom, extortion, and hijackings, mainly against Colombian targets. The FARC's involvement in the drug trade deepened to include all stages of drug processing, including cultivation, taxation of drug crops, processing, and distribution. By the early 2000s, the FARC was thought to control about 60% of the cocaine departing Colombia.⁶

During the 1980s, under Colombian President Belisario Bentancur, the FARC attempted to enter politics by establishing a political party, the Patriotic Union (*Union Patriótica* [UP]) as part of the peace process then underway with the government. While scores of UP officials won office in the 1986 and 1988 elections, the group was targeted for assassination, and the UP was soon wiped out by its enemies, mainly paramilitary forces, collaborating Colombian security forces, and, to a much lesser extent, rogue elements of the FARC.⁷ As a result, the FARC withdrew from the political process to concentrate on a military victory.

Between 1998 and 2002, the Administration of President Andrés Pastrana attempted new negotiations with the FARC and granted a large demilitarized zone (approximately 42,000 square mile area, about the size of Switzerland) within which negotiations could take place. The FARC was widely perceived to have used the demilitarized zone as a “safe haven” to regroup, re-arm, and rebuild its forces. With continued FARC military activity, including the hijacking of a commercial airliner and the kidnapping of a Colombian senator, President Pastrana halted the peace negotiations in early 2002 and ordered the military to retake control of the designated territory.⁸ At the same time, President Pastrana began to develop Plan Colombia—a strategy to end the country's armed conflict, eliminate drug trafficking, and promote development. Introduced in 1999, Plan Colombia was originally conceived as a \$7.5 billion, six-year plan, with Colombia providing \$4 billion and requesting the rest from the international community. In June 2000, the U.S. Congress approved legislation in support of Plan Colombia, providing \$1.3 billion for counternarcotics and related efforts in Colombia and neighboring countries, which began a multi-year effort with the United States as the major international funder.

⁵ Peter DeShazo, Johanna Mendelson Forman, and Phillip McLean, *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*, Center for Strategic & International Studies, Washington, DC, September 2009.

⁶ In an update of this calculation in October 2012, Colombian Defense Minister Juan Carlos Pinzon stated that the FARC makes an estimated \$2.4 billion-\$3.5 billion per year from the drug trade. He said: “Of the 350 tons of cocaine that is [sic] produced in Colombia, around 200 tons are related to the FARC.” Quoted from IHS Jane's “Fuerzas Armadas Revolucionarias de Colombia (FARC): Key Facts,” *Jane's World Insurgency and Terrorism*, January 3, 2013.

⁷ By the late 1990s, an estimated 3,000 members of the UP party were assassinated. According to analyst and author Steven Dudley, most of the UP members were assassinated by paramilitaries and collaborating Colombian security forces, and only a small percentage were possibly victims of FARC infighting. CRS communication with Steven Dudley, February 13, 2013. For more, see Steven S. Dudley, *Walking Ghosts: Murder and Guerrilla Politics in Colombia*.

⁸ Marc Chernick, “The FARC at the Negotiating Table,” in *Colombia: Building Peace in a Time of War*, ed. Virginia M. Bouvier (Washington, DC: United States Institute of Peace, 2009).

Figure I. Map of Colombia Showing Departments and Capital



Source: CRS.

In the late 1990s, partly due to the drug profit-fueled FARC insurgency, the Colombian government was near collapse. According to a poll published in July 1999, a majority of Colombians thought the FARC might someday take power by force.⁹ In areas where the state was weak or absent, the void had been filled by armed actors. Some observers estimated as much as

⁹ Op cit. *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*, CSIS, September 2009.

40% of Colombian territory was controlled by the FARC forces and the state had no presence in 158 (16%) of Colombia's 1,099 municipalities (counties). By the time the faltering negotiations between the FARC and the Pastrana government broke off in 2002, the Colombian public was totally disillusioned with the prospects for a peace deal with the leftist insurgents. It was during this period of the early 2000s that the FARC reached the peak of its size and power, with an estimated 16,000-20,000 fighters.

The FARC Under the Uribe Administration (2002-2010)

In 2002, independent candidate Álvaro Uribe was elected president upon assurances that he would take a hard line against the FARC and the ELN and reverse their military gains. President Uribe served for two terms (2002-2010), during which time he reversed Colombia's security decline and made headway against the illicit drug trade. His high levels of popular support reflected the notable security gains and accompanying improvements in economic stability during his tenure, although his policies were criticized by human rights organizations. President Uribe's "democratic security" policy made citizen security the preeminent concern of state action. It combined counterterrorism and counternarcotics efforts in a coordinated approach with the goal to assert state control over the entire national territory.

In late 2003, the Uribe Administration began a new offensive against guerrilla forces known as Plan Patriota. In this U.S.-supported effort, Colombian ground troops were sent into rural southern Colombia to retake territory that had been ceded to the FARC. Between 2003 and 2006, the government deployed 18,000 troops in the departments (states) of Caquetá, Meta, Putumayo, and Guaviare against the FARC's most powerful structures—its eastern and southern blocs (see **Figure 1** for map of the departments). Plan Patriota reduced FARC ranks, recaptured land held by the FARC, and confiscated large amounts of equipment used to process cocaine. Despite those advances, critics point to the enormous number of civilians who were displaced during the campaign and the lack of a strategy to hold the territory taken from the FARC by establishing a permanent state presence.

During President Uribe's second term, considerable headway was made in further reducing the strength of the FARC. Several events in 2008 considerably weakened the guerrilla group. On March 1, 2008, the Colombian military bombed the camp of FARC's second in command, Raúl Reyes, killing him and 25 others. But the bombing created a major controversy because the camp was located in Ecuador, a short distance over the border. The Reyes bombing raid in Ecuador, conducted when Juan Manuel Santos was serving as defense minister under President Uribe, was the first time the Colombian government had succeeded in killing a member of the FARC's ruling seven-member secretariat. In May, the FARC announced that their supreme leader and founder, Manuel Marulanda, had died of a heart attack in March. Also in March 2008, a third member of the ruling secretariat was murdered by his own security guard. These three deaths were a significant blow to the organization. In July 2008, the Colombian government dramatically rescued 15 long-time FARC hostages, including three U.S. defense contractors who had been held since 2003—Thomas Howes, Keith Stansell, and Marc Gonsalves—and French Colombian presidential candidate Ingrid Bentancourt and other Colombians. The widely acclaimed, bloodless rescue further undermined FARC morale.¹⁰

¹⁰ The rescue operation received U.S. assistance and support. See, Juan Forero, "In Colombia Jungle Ruse, U.S. Played A Quiet Role; Ambassador Spotlights Years of Aid, Training," *Washington Post*, July 9, 2008.

The FARC Under the Santos Administration

Following the August 2010 inauguration of President Juan Manuel Santos, who had pledged in his electoral campaign to continue the aggressive security policies of his predecessor, the campaign against the FARC's leadership (as well as mid-level commanders) continued. The Colombian government dealt a significant blow to the guerrilla group by killing the FARC's top military commander, Victor Julio Suárez (better known as "Mono Jojoy") in September 2010 in a raid on his compound in central Colombia. A year later, in November 2011, the Colombian military located and killed the FARC's top leader, Alfonso Cano, who had replaced founder Manuel Marulanda in 2008. A week later, the FARC announced that their new leader would be Rodrigo Londoño Echeverri (known as "Timoleón Jiménez" or "Timochenko"), who quickly made a public overture to the Santos government to open a political dialogue. In an announcement in February 2012, the FARC said it would release all its "exchangeable hostages" (security personnel who FARC forces had captured or kidnapped) and stop its practice of kidnapping for ransom. In April 2012, the FARC released what it claimed were its last 10 police and military hostages.¹¹

The government estimated in 2012 that the FARC had 8,000-9,000 fighters.¹² The FARC fronts—which have been pushed back to more remote rural areas, including along the jungle borders with Venezuela and Ecuador (see map contrasting 2002 presence with 2012 presence in **Figure 2**)—had diversified their income sources from drug trafficking, extortion, and kidnapping to cattle rustling, illegal logging, and illegal mining, particularly gold mining in Colombia's north and along its Pacific Coast.¹³ Despite important military victories against the FARC by the Santos government, there was a gradual increase in both FARC and ELN attacks.¹⁴ This increase was especially notable in 2011 and early 2012, with the largest jump in rebel attacks on infrastructure such as electricity towers, trains carrying coal, and oil pipelines.¹⁵ Some observers speculate that this upswing in violence was an effort to demonstrate their strength to position themselves more strongly in peace talks that both the FARC and ELN actively sought.

Despite public overtures by FARC leader Timochenko to engage with the Santos Administration in a political dialogue in late 2011 and early 2012, the Colombian government stated that the FARC was not meeting their minimum criteria to engage in peace discussions. The government

¹¹ "FARC Vow to Free Military, Police Hostages, Halt Kidnappings," Reuters, February 27, 2012; "Colombian Politics: FARC Concession Spurs Scepticism," *Economist Intelligence Unit: ViewsWire*, February 29, 2012.

¹² "El Gobierno Calcula que las FARC Tienen 9,000 Integrantes," *Semana*, September 7, 2012.

¹³ Jim Wyss, "As Colombia Aims for Peace, Some See the Guerrillas Diversifying; as Colombia and the FARC Guerrillas Negotiate Peace in Havana Some Fear the Rebel Group Is Diversifying Beyond the Drug Trade," *Miami Herald*, January 18, 2013; Heather Walsh, "Colombia's Rebels Catch the Gold Bug," *Bloomberg Businessweek*, July 12, 2012; Elyssa Pachico, "Mining and Crime Intersect in Colombia Gold Rush Town," *Insight Crime: Organized Crime in the Americas*, January 12, 2012, at <http://insightcrime.org>.

¹⁴ The Colombian think tank Corporación Nuevo Arco Iris has tracked the increase in FARC actions over the last decade and estimates there has been approximately a 10% increase in attacks for each year between 2009 and 2011. See Ariel Ávila, "Las FARC: La Guerra que el País No Quiere Ver," *Arcanos*, Corporación Nuevo Arco Iris, Number 17, January 2012. Another think tank, Centro Seguridad y Democracia (CSD), also reported an increase of attacks by 24% (against the military) and 32% (against the country's infrastructure) comparing data between January and November of 2010 and 2011. See, *Economist Intelligence Unit, Country Report: Colombia*, January 2012.

¹⁵ Attacks on oil pipelines, for example, increased by 250% between the first half of 2011 and the first half of 2012. See Vivian Sequera, "Colombian Rebels Increase Attacks on Oil Pipelines, Energy Towers as County Ramps up Industry," Associated Press, September 16, 2012.

suggested such criteria might include a release of all hostages (not just security force members), a cease-fire, an end to the use of land mines, and a halt in recruitment of children soldiers.¹⁶

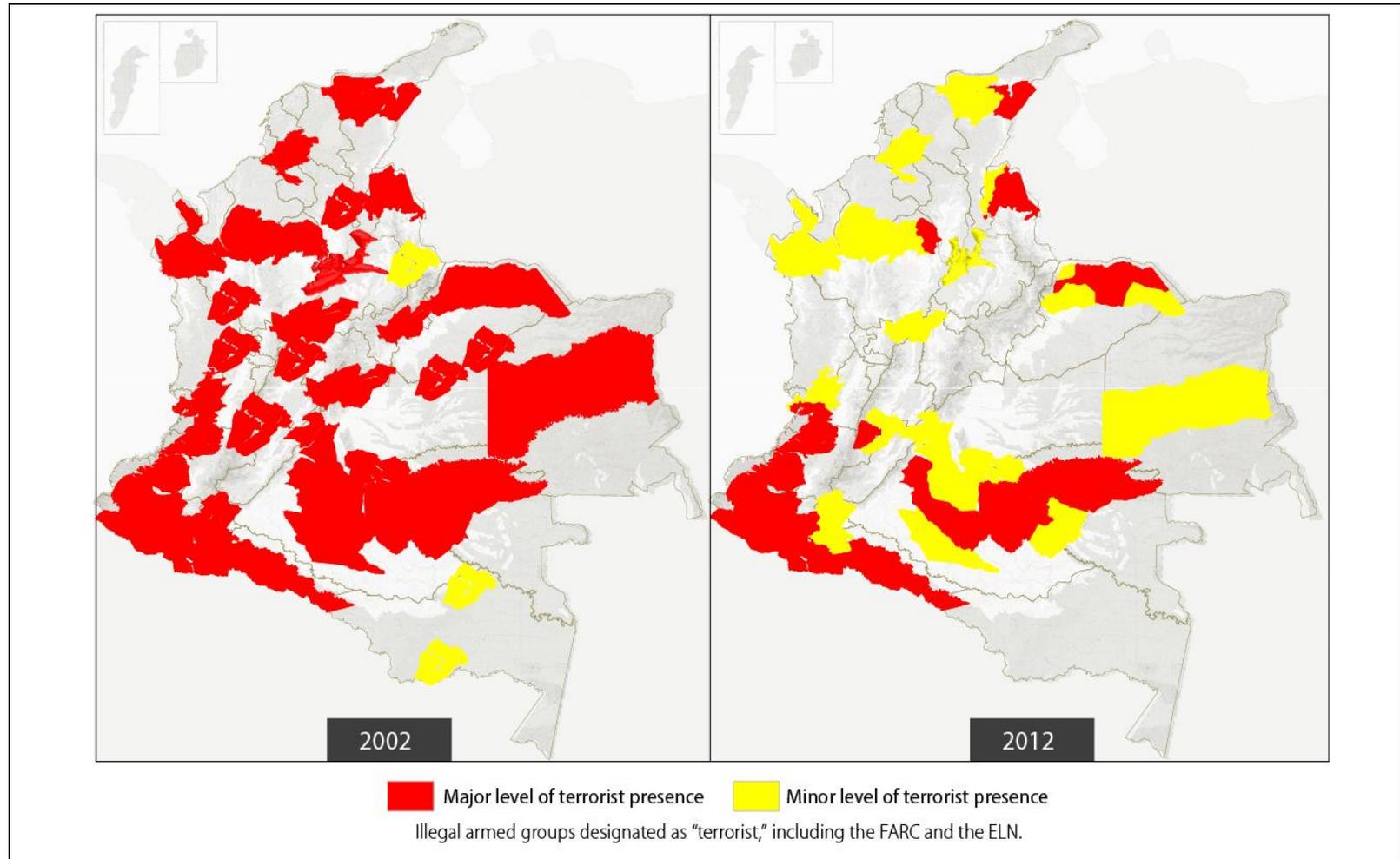
The FARC's capability to revive itself and continue to threaten Colombia was considerable. The guerrilla organization had repeatedly proven itself capable of adaptation. Although the Uribe strategy made significant military gains, and President Santos's changes did not significantly alter the security policy's direction, the FARC demonstrated that it could not be readily overcome through military victory.¹⁷ Even after the Santos government in early 2012 shifted the focus of action from taking down high-value individual targets to dismantling the FARC's most important military and financial units, a clear end-game was not, in the view of many observers, in sight. Some observers suggested that the FARC's relative weakness and the government's military superiority engendered conditions favorable for a negotiated conclusion.¹⁸ Others questioned whether, after decades of conflict, both sides had arrived at a "hurting stalemate" in which each side viewed negotiations as more attractive than continuing to fight an unwinnable war. Several observers believed that the FARC's military capacity, if negotiations failed, would have allowed the FARC to fight on for another 10-15 years. The FARC, though clearly weakened, was spread out in difficult terrain, making detection and targeting by the security forces extremely challenging.

¹⁶ Grant Hurst, "Colombian President Reaffirms FARC Must Halt Violence As Precondition to Talks," *IHS Global Insight Daily Analysis*, February 10, 2012; Grant Hurst, "Colombian FARC Vows to Release 10 Hostages and Stop Civilian Kidnappings," *IHS Global Insight Daily Analysis*, February 27, 2012; "Deliverance?," *Economist*, March 3, 2012.

¹⁷ International Crisis Group, *Colombia: Peace at Last?*, Latin America Report, Number 45, September 25, 2012, at [http://www.crisisgroup.org/~media/Files/latin-america/colombia/045-colombia-peace-at-last.pdf](http://www.crisisgroup.org/~/media/Files/latin-america/colombia/045-colombia-peace-at-last.pdf).

¹⁸ *Ibid.*

Figure 2. Presence of Terrorist Groups in Colombia 2002, 2012



Source: Government of Colombia, 2013. Edited by CRS.

Notes: FARC = Revolutionary Armed Forces of Colombia; ELN = National Liberation Army. In the 2002 map on the left, the terrorist groups whose level of presence is depicted include the right-wing United Self Defense Forces of Colombia (AUC).

National Liberation Army (ELN)

The smaller ELN was formed in 1965, inspired by the ideas of Fidel Castro and Ché Guevara. The membership of this insurgent group was initially left-wing intellectuals, students, and Catholic radicals. Some observers maintain this organization is more ideologically motivated than the FARC, and stayed out of the drug trade for a longer period because of its political principles.

Like the FARC, however, the ELN has long funded itself through extortion and kidnapping ransoms. In addition to terrorizing rural civilian populations, the ELN has especially targeted the country's infrastructure, particularly the oil sector (frequently hitting the Caño-Limón pipeline) and electricity sector. In the 1990s, the ELN turned to the illegal drug trade that began with the taxation of illegal crops. The ELN's size and strength have been dramatically reduced since that time, when its membership reportedly reached 5,000, although there have been periodic revivals. Advances by paramilitary groups, a consistent campaign against the rebel group by the Colombian government, and frequent competition and clashes with the FARC all contributed to its weakening. The ELN is now largely based in the northeastern part of the country and operates near the Venezuelan border.¹⁹ The ELN today is estimated to have fewer than 2,000 fighters, but the group remains capable of carrying out high-profile kidnappings and bombings.²⁰

Over the years, the ELN has periodically engaged in peace discussions with the Colombian government, including attempts held both inside and outside the country to open a peace dialogue with the Uribe Administration. The last round of talks, which ended in June 2008, was followed by the government's stepped up operations against the insurgent group.²¹ During the first two years of the Santos Administration, ELN supreme leader Nicolas Rodriguez Bautista (known as "Gabino") made several overtures to find a "political solution" to the conflict.²² When the exploratory talks between the FARC and the government were announced by President Santos in late August 2012, the ELN leader expressed an interest in joining the process that was acknowledged by the President.²³

After the FARC-government talks moved to Cuba in November 2012, the ELN leadership expressed again its interest in participating and reportedly started back-channel discussions with the Colombian government. The Santos Administration expressed a willingness to engage with the ELN, but indicated that the ELN would not be invited to join the peace talks with the FARC. If any formal talks were to commence, the government believed that the talks would be independent, at least initially. In June 2014, the Santos Administration announced that it had begun preliminary talks with the ELN's leadership, and agreement on a framework for formal talks and terms or conditions for initiating formal negotiations were under discussion. The framework for separate talks with the ELN may differ in some significant ways from the FARC-

¹⁹ IHS Jane's, "Ejército de Liberación Nacional (ELN)," *Jane's World Insurgency and Terrorism*, January 8, 2013.

²⁰ In January 2013, for example, the ELN reportedly kidnapped five workers at a Canadian-owned gold mine in northern Colombia. At various times, ELN forces have stepped up their actions to push the Colombian government to enter peace negotiations. Campbell Clark and Pav Jordan, "Canadian Among Terrorist Group's Hostages," *The Globe and Mail*, January 19, 2013.

²¹ "Closing the Net on the FARC, Striking at the ELN," *Latin American Security and Strategy Review*, July 2008.

²² Elyssa Pachico, "Brief: ELN Talks Peace," *Insight: Organized Crime in the Americas*, April 17, 2011, at <http://insightcrime.org>.

²³ Helen Murphy and Luis Jaime Acosta, "Colombia's ELN Rebels Offer Peace Talks," *Chicago Tribune*, August 28, 2012.

government agenda because the two leftist guerrilla groups have different concerns and ideologies.²⁴

As mentioned above, recent evidence indicates that the ELN has raised its level of violence. Some analysts believe that the ELN has been able to build up its forces because a truce between the ELN and the FARC agreed to in December 2009 may have finally gone into effect in 2011 following years of clashes and competition.²⁵ The ELN has also reportedly made pacts with some of the criminal bands (or *Bacrim*, see below) that pursue drug trafficking and other illicit activities.²⁶ The modest “comeback” of the ELN and increased attacks by the FARC on infrastructure in recent years come at a time when there is a growing threat from former rightist paramilitaries (see below).

In March 2016, the ELN and the Santos government said they would begin formal peace talks, but that deadline was never met.²⁷ Later in the year, after a peace plebiscite vote was held on October 2, 2016, that rejected the FARC-government accord by a narrow margin, the Santos Administration said that talks would formally begin with the ELN in late October 2016. However, the deadline was not met because the ELN failed to release kidnap victims it had held for some time and negotiations were again delayed.²⁸

Paramilitaries and Their Successors

Paramilitary groups originated in the 1980s when wealthy ranchers and farmers, including drug traffickers, organized armed groups to protect themselves from kidnappings and extortion plots by the FARC and ELN. In 1997, local and regional paramilitary groups formed an umbrella organization that joined them together under the banner of the United Self Defense Forces of Colombia (AUC). The AUC massacred and assassinated suspected insurgent supporters and directly engaged the FARC and ELN in military battles. The Armed Forces of Colombia have long been accused of ignoring and at times actively collaborating with these activities. The AUC, like the FARC, earned much of its funding from drug trafficking, and, at the time the organization disbanded in 2006, AUC paramilitaries were thought to control a significant portion of cocaine production in Colombia.²⁹

In July 2003, President Uribe concluded a peace deal with the rightist AUC in which the AUC agreed to demobilize its troops and conditional amnesties were proposed for combatants under a controversial Justice and Peace Law (JPL).³⁰ At the time the demobilization began in 2004, the

²⁴ For a detailed discussion of the ELN entering into peace negotiations with the Colombian government, see Virginia M. Bouvier, “Peace Talks with the ELN?,” *Colombia Calls*, January 12, 2015, at <https://vbouvier.wordpress.com/2015/01/12/peace-talks-with-the-eln/>.

²⁵ Jeremy McDermott, “Colombia ELN Rebels Climb Back Into the Fray,” *Insight: Organized Crime in the Americas*, June 26, 2011, at <http://insightcrime.org>; Elyssa Pachico, “Rebels Step Up Actions as Colombian Conflict Enters 48th Year,” *Insight: Organized Crime in the Americas*, February 9, 2012, at <http://insightcrime.org>.

²⁶ Christopher Looft, “Arrests Highlight ELN-Rastrojos Alliance in Southwest Colombia,” *Insight: Organized Crime in the Americas*, January 27, 2012, at <http://insightcrime.org>.

²⁷ “Colombia’s ELN Rebels Ready to Start Peace Talks with Government,” *The Guardian*, September 28, 2016, at <https://www.theguardian.com/world/2016/sep/28/colombia-eln-rebels-peace-talks-farc>.

²⁸ Mike LaSusa, “Colombia Peace Process Delayed Again After ELN Fail to Release Hostage,” *InSight Crime*, October 27, 2016, at <http://www.insightcrime.org/news-briefs/colombia-peace-process-delayed-again-after-eln-fail-to-release-hostage>.

²⁹ See U.S. Department of State, *Country Reports on Terrorism 2005*, and “Autodefensas Unidas de Colombia,” *Jane’s World Insurgency and Terrorism*, August 10, 2006.

³⁰ The JPL and the demobilization law provided a “two-track” process or legal framework for demobilizing. All (continued...)

State Department estimated AUC troop levels between 8,000 and 10,000 members, although some press reports estimated up to 20,000. When the demobilization officially ended in April 2006, more than 31,000 AUC members had demobilized and turned in more than 17,000 weapons. Despite the demobilization, many AUC leaders remained at large until August 2006, when President Uribe ordered them to surrender to the government to benefit from the provisions of the Justice and Peace Law. By October 2006, all but 11 paramilitary leaders had complied with the presidential order.³¹

Many observers, including human rights organizations, have been critical of the demobilization of the AUC, which is sometimes described as a partial or flawed demobilization.³² Some critics are concerned that paramilitaries were not held accountable for their crimes and adequate reparation has not been provided to AUC victims, among other concerns. There is a general consensus that not all former paramilitaries demobilized and many who did have reentered criminal life by joining smaller criminal organizations, collectively called *Bacrim* (for *bandas criminales emergentes*, “emerging criminal bands”) by the Colombian government and some analysts.³³ The U.S. government did not remove the AUC’s designation as an FTO until July 2014.

The Bacrim—which carry out many types of violent crime, including drug trafficking and political killings—are considered by many observers and the Colombian government to be the biggest security threat to Colombia today. Some analysts contend that these powerful groups, successors to the paramilitaries, are tolerated by corrupt officials, and prosecution of their crimes has proceeded slowly. As noted above, the Bacrim both compete with and cooperate with the FARC and the ELN. In 2012, some analysts estimated that Bacrim groups had a presence in more than a third of Colombia’s 1,100 municipalities. A 2013 study by Colombia’s National Federation of Ombudsmen found that the Bacrim are responsible for 30% of human rights violations in the country, and that percentage has reportedly increased over the course of negotiations with the FARC.³⁴

(...continued)

members of foreign terrorist organizations (FTOs)—including the FARC, ELN, or AUC—could demobilize collectively or individually under Law 782/2002 (which was extended and modified in December 2006). This law established programs to assist deserters with their reintegration into civil society. The JPL (Law 975/2005), on the other hand, offered an alternative sentence with reduced penalties to demobilized FTO members who confessed to major crimes committed while a member of an FTO. In July 2006, Colombia’s Constitutional Court upheld the constitutionality of the JPL but limited the scope under which demobilizing paramilitaries could benefit from reduced sentences. For more background on the JPL and the AUC demobilization, see CRS Report RL32250, *Colombia: Background, U.S. Relations, and Congressional Interest*, by (name redacted)

³¹ Human Rights Watch, “Colombia: Court’s Demobilization Ruling Thwarts Future Abuses,” July 19, 2006; “Gobierno Colombiano Abrirá Debate Público sobre Decretos Reglamentarios de Ley de Justicia y Paz,” *El Tiempo*, August 29, 2006.

³² See, for example, Lisa Haugaard, et. al, *A Compass for Colombia Policy*, Latin America Working Group Education Fund, Center for International Policy, Washington Office on Latin America, U.S. Office on Colombia, October 2008.

³³ Some analysts consider these groups to be primarily made up of and led by former paramilitaries and therefore not simply criminal in nature. The United Nations and other humanitarian and nongovernmental organizations refer to them as “new illegal armed groups.” See, for example, International Crisis Group, *Colombia’s New Armed Groups*, Latin America Report No. 20, May 10, 2007; *Dismantling Colombia’s New Illegal Armed Groups: Lessons from a Surrender*, Latin America Report No. 41, June 8, 2012.

³⁴ Christopher Looft, “Study: BACRIMs Continue Steady Expansion Across Colombia,” *Insight Crime: Organized Crime in the Americas*, February 22, 2012, at <http://insightcrime.org>; Marguerite Cawley, “BACRIM Responsible for 30% of Human Rights Violations in Colombia,” *Insight Crime: Organized Crime in the Americas*, April 16, 2013, at <http://insightcrime.org>.

The Bacrim are primarily involved in drug trafficking but also engage in extortion and other violent crimes. A group known as Los Urabeños emerged in 2013 as the dominant Bacrim (sometimes referred to as the Clan Úsuga), gaining nearly 3,000 members by 2015.³⁵ A Colombian nongovernmental organization (NGO), Indepaz, has anticipated that there could be a territorial reorganization of the “narco-paramilitary groups” in the aftermath of the peace accord with the FARC, with Bacrim groups vying to take over FARC drug and illegal mining businesses.³⁶

Evolution of the Colombian Government Response

In the 1990s, the illegal armed groups and powerful drug trafficking organizations (sometimes working together) noted above threatened to overpower Colombia's police and weak justice system. At the time, the commission of human rights abuses was also rampant in the relatively weak and undertrained Colombian military. Accepting these harsh realities, President Pastrana began to expand both the Colombian National Police and the military, recognizing that a much larger, more professional, and better-equipped military and police would be required to regain state control over Colombia's territory.

Between 1998 and 2002, the armed forces in Colombia grew by 60% to 132,000. Before the Uribe Administration took over in 2002, Colombian administrations had generally treated the growth of the FARC and drug trafficking as separate issues. After negotiations between the Pastrana government and the FARC failed, the government abandoned its strategy of attempting to negotiate with the guerrilla insurgents. President Uribe refocused efforts on defeating the guerrillas, which became the primary thrust of his government's “democratic security policy.” An early element of the strategy was the invasion launched in 2003 against FARC strongholds in southern Colombia called Plan Patriota. By the end of Uribe's second term in August 2010, the Colombian military numbered 283,000 and the national police numbered 159,000. Along with new personnel (roughly a doubling between 1998 and 2010), the Pastrana and Uribe governments reformed the military's command and control structures, upgraded equipment, and extensively increased training, partly funded by the United States under Plan Colombia.³⁷

Some analysts maintain that the U.S. support to Plan Colombia was a “robust but not massive” amount of assistance. They estimate that the United States provided approximately 10% of Colombia's total expenditures on security between 2000 and 2009.³⁸ As noted earlier, Plan Colombia, a multi-faceted program first conceived under the government of President Pastrana but reinforced and refocused under President Uribe, was designed to strengthen democratic institutions, combat drug trafficking and terrorism, promote human rights and the rule of law, and foster economic development. The majority of U.S. funding, which began in 2000, was originally for counternarcotics support. Because narcotics trafficking and the insurgency had become intertwined, in 2002 the U.S. Congress granted the State Department and the Department of Defense flexibility to use U.S. counterdrug funds for a unified campaign to fight drug trafficking and terrorist groups.³⁹

³⁵ The group members sometimes refer to themselves by an old name, Autodefensas Gaitanistas de Colombia (AGC), or as part of the umbrella organization of paramilitaries, the AUC, that demobilized formally between 2003 and 2006.

³⁶ Indepaz, *XI Informe de Presencia de Grupos Narcoparamilitares en 2014*, December 8, 2015.

³⁷ *Colombia: Peace at Last?*

³⁸ *Countering Threats to Security and Stability in a Failing State*.

³⁹ The State Department and the Department of Defense explain that expanded authority provided them with flexibility in situations where there was no clear line between drug and terrorist activity.

U.S. assistance was critical to improve the mobility of both the armed forces and the national police by providing helicopters and other aircraft. U.S. support under Plan Colombia also provided assistance in training, logistics, planning support, and intelligence to the Colombian security forces.⁴⁰ Other important programs supported rule of law and human rights, alternative development efforts, assistance to internally displaced persons and refugees, and the demobilization of illegally armed groups.

Since 2008, as Colombia's security and development conditions improved, former U.S.-supported programs have been nationalized to Colombian control and Plan Colombia funding has gradually declined. U.S. assistance provided through State Department and Department of Defense accounts declined to less than \$500 million in FY2012.⁴¹ Plan Colombia's follow-on strategy, the National Consolidation Plan (PNC), formally launched in Colombia in 2009, was a whole-of-government effort that integrated security, development, and counternarcotics by consolidating state presence in previously ungoverned or weakly governed areas. The PNC aimed to reestablish state control and legitimacy in strategic "consolidation zones" where illegal armed groups operate through a phased approach that combines security, counternarcotics, and economic and social development initiatives. The consolidation strategy in Colombia that replaced Plan Colombia was reorganized several times under the Santos Administration.⁴²

Prior Peace Negotiations: Precedents and Implications

The peace negotiations with the FARC initiated by the Santos government were the fourth attempt in 30 years to engage in formal talks to end that insurgency. In announcing exploratory peace talks in August 2012, President Santos said that the errors of past negotiations with the guerrilla organization would not be repeated.⁴³ He said that the talks would be prudent and pragmatic and that they would learn from the past. Two key precedents weighed most heavily on the talks launched in 2012—negotiations that took place during the Administrations of President Betancur (1982-1986) and President Pastrana (1998-2002).

President Betancur reached out to the guerrillas in his inauguration in August 1982 with an offer to pursue peace talks. His first substantive move in that direction was a broad amnesty law that did not require disarmament for its implementation and included various other guerrilla groups, many of whom took advantage of the sweeping amnesty to demobilize.⁴⁴ The negotiations with the FARC began following the government and FARC's agreement to a bilateral cease-fire, with a small demilitarized zone established in the municipality of La Uribe in the Meta department, long

⁴⁰ One feature of U.S. assistance was to put human rights requirements on U.S. military assistance provided under Plan Colombia, and to restrict Colombian security units from receiving U.S. aid or military training if members of the unit were known to have committed a "gross violation of human rights" under a provision known as the Leahy amendment.

⁴¹ For more on U.S. assistance to Colombia, see CRS Report R43813, *Colombia: Background and U.S. Relations*, by (name redacted)

⁴² For an analysis of this strategy, some of its limitations, and the changing U.S. government's perspectives on it, see Adam Isacson, *Consolidating "Consolidation,"* Washington Office on Latin America, December 2012.

⁴³ Grant Hurst, "Landmark Peace Talks Broached with Colombia's FARC," *IHS Global Insight Daily Analysis*, August 28, 2012; Presidencia de la República, "Declaración del Presidente de la República, Juan Manuel Santos," August 27, 2012, at http://wsp.presidencia.gov.co/Prensa/2012/Agosto/Paginas/20120827_01.aspx.

⁴⁴ The 1982 amnesty was unconditional and covered almost all guerrillas and prisoners. For more background, see Marc Chernick, "The FARC at the Negotiating Table," in *Colombia: Building Peace in a Time of War*, ed. Virginia M. Bouvier (Washington, DC: United States Institute of Peace, 2009).

a FARC stronghold. Under the terms of the cease-fire, FARC forces would simply retain their locations where they were operating before the cease-fire. The cease-fire lasted from May 1984 to June 1987, although disarmament remained a major sticking point.⁴⁵

During this period, the FARC announced they were going to establish a political party to compete in the mainstream political system. The party, Unión Patriótica (UP), founded in May 1985, contemplated the idea that the FARC would bring some of its reform ideas into the political sphere. However, the formation of the UP was not predicated on a disarmament (the FARC were allowed to keep their arms as a guarantee, without demobilizing). The UP party won national and local seats. For example, in the 1986 elections the UP won eight congressional seats and six Senate seats in Colombia's bicameral Congress. In municipal elections held in 1988, it won hundreds of city council seats and several mayorships. But the UP was soon decimated by its enemies, which according to some sources were largely paramilitaries or drug traffickers. Reportedly, more than 3,000 UP members were killed, including its presidential candidates, who were assassinated in 1986 and 1990, with few suspects ever prosecuted.⁴⁶ As a result of the violence against the UP, the FARC withdrew from politics to concentrate on a military victory.

The major lesson learned from this experience was that the integration of insurgent groups into the democratic political process is precarious and requires effective guarantees. The UP's historical experience was (and is) one that many in the FARC are wary not to repeat. The FARC's leaders have sought to ensure that adequate conditions for their participation in the political arena, which had not existed earlier, and particularly their security, would be ensured. In the talks that began in 2012, one of the main topics negotiated concerning the political participation of the FARC "and new movements that may emerge" was their security and viability after the signing of a final agreement.⁴⁷

The second precedent involved negotiations under President Pastrana that began in 1998, shortly after his inauguration. Again, the then-President ceded to a FARC demand that negotiations must take place within a demilitarized zone inside Colombia.⁴⁸ The large demilitarized zone or "despeje" was established in five municipalities in the south-central departments (states) of Meta and Caquetá (as mentioned earlier often compared to the size of Switzerland). The Pastrana government pursued negotiations with the FARC in a period when FARC power was ascendant, and many had fears that the Colombian state was weak and might even fail as a result of pressure from insurgents.⁴⁹ The FARC demonstrated its lack of commitment to the peace process by using the demilitarized zone to regroup militarily, launch violent attacks, grow coca on a large scale, and hold hostages. Peace negotiations with the FARC were ongoing for most of Pastrana's single term in office until he closed them down and asked the military to retake the demilitarized zone in

⁴⁵ Russell Crandall, *Driven by Drugs: U.S. Policy Toward Colombia*, 2nd ed. (Boulder, CO: Lynne Rienner Publishers, 2008).

⁴⁶ "The FARC at the Negotiating Table," in *Colombia: Building Peace in a Time of War; Driven by Drugs: U.S. Policy Toward Colombia*; Cynthia J. Arnson and Teresa Whitfield, "Third Parties and Intractable Conflicts: The Case of Colombia," in *Grasping the Nettle: Analyzing Cases of Intractable Conflict*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2005).

⁴⁷ *Colombia: Peace at Last?*.

⁴⁸ The talks, which took place in the large demilitarized zone including the municipality of San Vicente del Caguán, are sometimes referred to as the "El Caguán talks."

⁴⁹ The environment in which some saw the possibility for state failure in Colombia in the late 1990s is aptly described as follows: "Under the combination of a weak central government, an army incapable of standing up to insurgents, a police force unable to effectively maintain order, even in many urban environments, and the ability of the insurgents and paramilitaries to access supplies and weapons from abroad, legitimate state authority imploded." See Executive Summary in *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*.

February 2002. The failed negotiations severely disillusioned the Colombian public and generated widespread support for adopting a hardline approach to security embodied in the presidential campaign of Álvaro Uribe, who took office in August 2002. During Uribe's inauguration, the FARC launched a mortar attack at the ceremony (an apparent assassination attempt), which killed 21 and injured many more.⁵⁰

Peace Process Under the Santos Administration

The Colombian public's hardened views against the FARC and the security gains made during his eight years in office helped to make President Uribe and his democratic security policy tremendously popular. During his campaign for office, Juan Manuel Santos, who had served as defense minister in Uribe's second term, pledged to continue the security and trade policies of his predecessor, while pursuing a reform agenda in a program he called "democratic prosperity." In remarks at his August 2010 inauguration, President Santos stated that the door to negotiate an end to the five-decade armed conflict was not closed.⁵¹

In his first two years in office, President Santos launched a number of reforms and achieved some legislative victories. In late August 2012, he announced that exploratory peace talks with the FARC had taken place in secret in Cuba, to the surprise of many. Out of these preliminary discussions, the government and the FARC leadership agreed to a framework for formal peace talks that began in Norway in October 2012.⁵²

Precursors

A number of the reforms promoted by the Santos Administration reoriented the government's stance toward the internal armed conflict—both its victims and its combatants. The government proposed a landmark Victims and Land Restitution Law ("Victims' Law") to compensate an estimated 4 million-5 million victims of the conflict with economic reparations and provide land restitution to victims of forced displacement and dispossession. Implementation of this complex law began in early 2012, and the government estimates over its 10-year time frame the Victims' Law will cost about \$32 billion to implement.⁵³ The Victims' Law, which committed the Colombian government to restituting victims and returning stolen land to former owners, was not a land reform measure. It did, however, tackle the issue of land distribution, which is a core concern of the FARC.

In June 2012, the Colombian Congress approved another government initiative—the Peace Framework Law. This constitutional amendment provided a transitional justice structure for an eventual peace process if the Congress passed enacting legislation.⁵⁴ When implemented, the law

⁵⁰ "Third Parties and Intractable Conflicts: The Case of Colombia," in *Grasping the Nettle: Analyzing Cases of Intractable Conflict*.

⁵¹ The text of inaugural speech given August 7, 2010, is available in Spanish and English at the presidential website at http://wsp.presidencia.gov.co/Prensa/2010/Agosto/Paginas/20100807_27.aspx.

⁵² For additional information about the 2012-2014 peace negotiations between the Colombian government and the FARC, see the annotated timeline provided at <http://thisisadamsblog.com>, which tracks all peace process-related events in English. The information is posted by Adam Isacson, Senior Associate for Regional Security Policy at the Washington Office on Latin America.

⁵³ Embassy of Colombia, "Victims and Land Restitution Law: Addressing the Impact of Colombia's Internal Armed Conflict," fact sheet, January 2013.

⁵⁴ Leftist rebels under the framework who demobilize could become eligible for reduced sentences for crimes committed during the course of the conflict, although perpetrators of the most serious crimes would be fully (continued...)

gave incentives for combatants to provide information about their crimes and reparations to victims in exchange for reduced or alternative sentences. In late August 2013, Colombia's Constitutional Court upheld this law. Later, in June 2016, the Colombian lower house approved the Legislative Act for Peace, granting an accord arrived at in Havana special judicial standing.⁵⁵

Another constitutional reform bill, which passed the Colombian Congress in late December 2012 by a wide margin despite controversy, expanded the jurisdiction of military courts. Human rights groups criticized several of the bill's provisions for shifting jurisdiction of serious human rights crimes allegedly committed by Colombia's public security forces from the civilian courts back to military courts, increasing the likelihood of impunity (a lack of prosecution) for such crimes.⁵⁶ While not technically a "precursor" because its passage took place after announcement of the exploratory talks, the military justice reform could also have had implications for the future treatment of members of the Colombian Armed Forces who have fought the FARC. However, in October 2013, Colombia's Constitutional Court ruled the law expanding military jurisdiction was unconstitutional.

Since that time, the Santos Administration has introduced legislation (including one bill that was a constitutional amendment) that would again expand military jurisdiction. According to Human Rights Watch, as of early 2015, the constitutional amendment had passed through several of the needed debates in the Colombian Congress to ensure the legislation's passage.⁵⁷ Ultimately, the law was not approved. The Ministry of Defense retracted the controversial piece of legislation and replaced it with another that limited the adjudicating powers of Colombia's military tribunals to only cases associated with military service. As a result, all extrajudicial execution cases labeled "false positives" by Colombian journalists, involving hundreds of civilian murders allegedly carried out by Colombian security forces to gain benefits by falsely dressing victims as guerilla fighters, would come under the purview of the civilian court system.⁵⁸

Colombia's warming relations with neighboring Ecuador and Venezuela also seemed to have laid the groundwork for the peace talks. Shortly after Santos was inaugurated in 2010, diplomatic relations between Colombia and the two countries were reestablished, having been broken off under former President Uribe. Improved ties with both left-leaning governments led to greater cooperation on trade, counternarcotics, and security. Moreover, Venezuela's former President Hugo Chávez played an important role in facilitating the FARC's participation in the exploratory peace talk phase beginning in early 2012 (described below). Initial contacts between the FARC leadership and the Santos government in late 2010 reportedly involved Chávez's support.

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prosecuted. The passage of this controversial legislation, which took place before peace talks were announced, signaled that there was political support for a future peace process.

⁵⁵ Within the approved measure, a transitory article designated the final text a Special Agreement, in accordance with the terms of the Geneva Convention of 1949. This designation would grant the final accord signed in September 2016 constitutionality; however, that accord was rejected in a razor-thin popular vote in early October 2016.

⁵⁶ See, for example, letters by Human Rights Watch articulating objections to different versions of the bill, such as Jose Miguel Vivanco, "Colombia: Letter to President Santos Criticizing the Expansion of Military Jurisdiction," October 25, 2012, and Washington Office on Latin America (WOLA), "Expansión del Fuero Militar en Colombia: Un Gran Receso de Justicia/Expanding Military Jurisdiction in Colombian: A Major Setback for Justice," January 28, 2013.

⁵⁷ José Miguel Vivanco and Max Schoening, "Colombia's Compromise with Murder," *New York Times*, November 12, 2014; CRS communication with Human Rights Watch staff, December 22, 2014.

⁵⁸ Sergio Gómez Maseri, "Así Ganó Human Rights Watch el Pulso por el Fuero Militar en Colombia: ONG y Comunidad Internacional Libraron un Largo Debate para Modificar Delitos de las FF.MM.," *El Tiempo*, April 15, 2015, at <http://www.eltiempo.com/mundo/ee-uu-y-canada/fuero-penal-militar-asi-gano-human-rights-watch-el-pulso-por-el-fuero-penal-militar-en-colombia/15575037>.

Announcement of Exploratory Talks

As noted above, in late August 2012, President Santos announced that secret “exploratory” talks between his government and the FARC had taken place over several months in Cuba. In his announcement, the President made clear that the errors of past negotiation efforts would not be repeated, that the goal of the talks was to end the conflict, and that the Colombian military would not cede any territory for a demilitarized zone nor roll back its operations against illegal armed groups. He also said the second-largest insurgent group in the country, the ELN, had expressed interest in joining the negotiations.⁵⁹

On September 4, 2012, the surprise announcement⁶⁰ was followed by more detailed information from the government and the FARC’s supreme leader Timochenko, who said that formal talks would begin in October in Oslo, Norway, and continue afterwards in Cuba. Subsequently, both sides announced their negotiating teams (5 lead negotiators representing a team of up to 30). The government team as it was originally composed had a cross-section of influential actors within Colombian society, including Humberto de la Calle, a former vice president, as lead negotiator; General Jorge Enrique Mora, former commander of the Army, and a prominent spokesperson for retired military personnel; Luis Carlos Villegas, former president of the National Association of Business Leaders; retired General Oscar Naranjo, former head of the Colombian National Police; Frank Pearl, former minister of environment and former high commissioner of peace under Uribe; and Sergio Jaramillo, former top security advisor in the Santos Administration and now its high commissioner of peace.⁶¹

The FARC team was led by Luciano Marín Arango (known as “Iván Márquez”); member of the FARC’s ruling seven-person secretariat and a veteran of prior negotiations. Others named initially to the FARC team included Seuxis Paucias Hernández (alias “Jesús Santrich”), Ricardo Tillez (alias “Rodrigo Granda”), Jesús Carvajalino (alias “Andrés Paris”), and Luis Alberto Albán (alias “Marco León Calarcá”). The FARC requested in 2012 that Ricardo Palmer (alias “Simón Trinidad”) be freed from prison in the United States to join their negotiating team.⁶² Trinidad is serving a 60-year sentence in a Colorado Supermax prison for “hostage-taking conspiracy,” and he was not released.⁶³ Some observers maintained that the FARC would repeatedly request his presence, but the requests were never granted.⁶⁴

⁵⁹ “Colombia and the FARC: Talking about Talks,” *Economist*, September 1, 2012; Andrea Peña, “Colombian President Confirms Dialogue Has Been Opened with the FARC,” *El País*, August 30, 2012.

⁶⁰ The August announcement was actually preceded by rumors published in the media and reports by former President Uribe over Twitter that secret meetings with the FARC were going on in Cuba.

⁶¹ Presidencia para la República, “Presidente Santos Anunció Equipo para Negociaciones de Paz,” September 5, 2012, at “Assessing Santos’ Peace Team Picks,” *Pan American Post*, September 6, 2012, at <http://panamericanpost.blogspot.com/2012/09/assessing-santos-peace-team-picks.html>.

⁶² “FARC Rebels Hope US Will Release Top Guerilla,” *Agence France Presse*, September 21, 2012.

⁶³ In July 2007, Simon Trinidad was found guilty in a federal court in the District of Columbia for engaging in the hostage-taking of three U.S. contractors, Marc Gonsalves, Keith Stansell, and Thomas Howes. (These three were among those rescued by the Colombian government in July 2008 described above in “The FARC Under the Uribe Administration (2002-2010)” section.) See U.S. Department of Justice, press release, “Senior Member of FARC Narco-Terrorist Organization Found Guilty of Hostage-Taking Conspiracy,” July 11, 2007.

⁶⁴ “Colombian Commentator Views U.S. Perspective on FARC Talks,” *BBC Monitoring Americas*, December 7, 2012, (translation of an opinion piece by Aldo Civico, “In Washington: Scattered Conversations About Colombia,” *El Espectador*, December 4, 2012); “FARC Negotiators ‘Confident’ Washington Will Pardon Top Colombian Insurgent Rebel,” *El País*, November 29, 2012.

The August 2012 framework for the talks, signed by both parties, identified six principal themes to be addressed during the negotiations: (1) rural development and land policy; (2) political participation of the FARC; (3) ending the armed conflict including reinsertion into civilian life of rebel forces; (4) illicit crops and illegal drug trafficking; (5) victims' reparations; and (6) the implementation of the final negotiated agreement, including its ratification and verification. (For an English translation of the framework agreement text, see **Appendix**). The first topic under discussion, land and rural development, was one of particular importance to the FARC given its rural peasant origins and historic concern with Colombia's unequal land tenure patterns. The framework agreement also identified roles for Cuba, Norway, Venezuela, and Chile to support the negotiation process.⁶⁵

The announcement of the talks was widely praised from within and outside of the region. The White House and the U.S. State Department,⁶⁶ the Secretary General of the Organization of American States (OAS), and U.N. General Secretary Ban Ki-moon all expressed their support for the peace initiative in Colombia soon after it was announced. Many nations in the region expressed support, with Brazil and others offering to assist in the mediation effort.⁶⁷

Formal Peace Talks in Norway and Cuba

The formal launch of the peace talks took place in Oslo, Norway, in mid-October 2012. The opening ceremony was punctuated by a joint news conference in which the FARC's lead negotiator, Iván Márquez, made some strident remarks about the guerrilla organization's many grievances against the Colombian government beyond the scope of the negotiated framework, dimming the hopes of some optimists.⁶⁸ The FARC team also pushed for a bilateral cease-fire. The brief opening ceremonies held in Norway were followed by a month interlude as the talks moved to Cuba. On November 19, 2012, as the substantive phase of the peace talks opened in Cuba, the FARC announced a two-month, unilateral cease-fire they described as a goodwill gesture.⁶⁹ The Colombian government responded that it would continue normal operations against rebel forces and would not agree to a bilateral cease-fire until there was a final accord.⁷⁰

The peace talks in Havana, Cuba, were sometimes described as the second phase of the peace process, following the first phase of exploratory talks and initial contacts. The substantive discussions held in Cuba began with the weighty topic of rural development and land policy, the

⁶⁵ The framework document, see **Appendix** for an English translation, identifies Norway and Cuba as "guarantors" of the talks (as well as the host countries where the talks will transpire), and Chile and Venezuela "to accompany" the talks. The importance of this international support was expressed in a joint statement issued by both negotiating parties following the opening of the talks in Norway: "We appreciate the hospitality of the guarantor countries of the process, Norway and Cuba, and the generous support of escort countries, Venezuela and Chile." See "Colombian Peace Talks Get Underway," *LatinNews Daily Report*, October 19, 2012.

⁶⁶ White House, press release, "Statement by the Press Secretary on the Government of Colombia's Peace Negotiations with the Revolutionary Armed Forces of Colombia (FARC)," September 4, 2012; Victoria Nuland, U.S. Department of State, *Daily Press Briefing*, August 28, 2012.

⁶⁷ See, for example, "Brazil's Rouseff Offers to Assist in Colombian Peace Talks," *Dow Jones Business News*, October 9, 2012.

⁶⁸ Vivian Sequera, "Radically Divergent Visions on Display as Colombian Peace Talks Launch in Norway," Associated Press, October 18, 2012; Darcy Crowe and Kjetil Malkenes Hovland, "Colombian Rebels Slam Government Policies," *Wall Street Journal*, October 19, 2012.

⁶⁹ The unilateral cease-fire lasted from November 20, 2012, to January 20, 2013.

⁷⁰ William Neuman, "Rebel Group in Colombia Announces Ceasefire," *New York Times*, November 19, 2012; Hannah Stone, "What Is Behind the FARC's Ceasefire?," *Insight Crime: Organized Crime in the Americas*, November 20, 2012, at <http://insightcrime.org>.

first on the six-point agenda articulated in the framework agreement. The closed-door meetings in Havana, whose confidentiality had been largely respected by both sides and the media, avoided the fate of prior negotiations, where positions were thrashed out in the media and tentative areas of agreement overcome by public posturing. Since the talks were essentially shielded from the media in Havana, there was not a great deal of detail about what the teams actually discussed, although regular press statements were posted on a government website, especially at the opening and closing of each round of talks.⁷¹ (This changed in 2014 with the publishing of the partial agreements negotiated to date. See “Developments in 2014,” below.)

At the outset, President Santos pledged the talks would not drag on indefinitely, and that he foresaw an end point in November 2013, although the FARC remained wary of any deadline.⁷² Coincidentally, November was when President Santos had to declare his run for reelection to a second term. Many observers contend that the Santos government gambled that the FARC would negotiate in good faith, and that the peace talks were likely to be the most significant political development of the Santos term in office.

Popular support for the peace talks between the FARC and the government, which was crucial for their success, was at times high despite widespread mistrust of the FARC and deep skepticism of its leaders' intentions. In both September and December 2012, more than 70% of Colombians polled said they supported the talks, although far fewer thought the peace talks were likely to succeed.⁷³ There were many vocal opponents to the Santos peace initiative, including former President Uribe, who decried the negotiations as a concession to terrorists. The former president was to become the most outspoken critic of President Santos and the negotiations, opposing many of his reform measures, his appointments, and especially his security policy, embodying what Uribe maintained was a conciliatory approach to the FARC and the leftist government of Venezuela.⁷⁴ In mid-2012, Uribe launched a conservative political movement, the Democratic Center, to oppose the Santos government's coalition in Congress and Santos's policies. In September 2013, the former president announced his campaign to run for senator in the March 2014 congressional elections. (For further discussion of the elections, see below).

The two-month unilateral cease-fire implemented by the FARC from November 20, 2012, to January 20, 2013, had numerous violations including aggressions by both sides. However, the number of FARC attacks fell overall by 87% compared to the equivalent period a year earlier, according to one think tank that monitors FARC activities, which demonstrated what some analysts saw as the leadership's “command and control” over far-flung FARC fronts.⁷⁵ In addition, during the unilateral cease-fire, the closed door talks in Cuba took place without interruption except for agreed upon breaks between sessions. Immediately after the cease-fire ended in January 2013, attacks and kidnappings increased, such as the FARC's kidnapping of

⁷¹ Adam Isacson, “Colombia Peace Process Update,” Just the Facts Blog, January 26, 2013.

⁷² “Colombian Rebels Face Deadline for Peace Deal,” Agence France Presse, December 3, 2012; Paul Haven, “Behind the Scenes, Trust Grows Between Mortal Foes at Colombia Peace Talks,” Associated Press, December 16, 2012.

⁷³ “El 77% de los Colombianos Aprueba Inicio de Dialogos de Paz,” *Semana.com*, September 11, 2012; Luis Jaime Acosta, “Popularidad Presidente de Colombia Baja, Se Mantiene Apoyo a Negociación Paz,” Reuters News, December 19, 2012.

⁷⁴ Andrea Peña, “Fight Between Uribe and Santos Splits Colombia's Conservatives,” *El País*, July 19, 2012; Grant Hurst, “Former Colombian President Accuses Incumbent of Talking to Insurgents,” *IHS Global Insight Daily Analysis*, August 20, 2012; Libardo Cardona, “Colombian Armed Forces, Vital to Any Peace Deal with Guerrillas, Given a Say in Talks,” Associated Press, October 12, 2012; Gregory Wilpert, “Presidential Change May Lead to Ceasefire; Colombia Gives Peace a Genuine Chance,” *Le Monde Diplomatique*, November 1, 2012.

⁷⁵ Libardo Cardona, “FARC Cease-Fire Lapses, Deemed Success,” Associated Press, January 21, 2013.

three oil engineers (who were subsequently released unharmed) and the kidnapping of two policemen and an army officer in the departments of Valle Del Cauca and Nariño. The government reiterated that it would not participate in a cease-fire. In early February 2013, the Colombian military killed a FARC military commander close to the FARC's lead negotiator, Iván Márquez.⁷⁶ Such developments on the battlefield raised the issue of what influence the violence would have on the talks in Cuba. Public support continued to fluctuate as the military situation on the ground evolved and the talks traversed difficult issues.

Developments in 2013

Unilateral Cease-Fires

Violence levels periodically spiked during 2013, with FARC and government forces each suffering significant casualties at different points. Much of the violence by the insurgents was focused on infrastructure sabotage. Throughout the year, the FARC-government peace talks proceeded without a cease-fire honored by both sides. The Santos government continued its vow to not roll back its operations against illegal armed groups, including the FARC, during the peace negotiations, and said they would not agree to a bilateral cease-fire until there was a final accord. Although the FARC has called a unilateral cease-fire several times, including in mid-November 2012 through mid-January 2013 and mid-December 2013 through mid-January 2014, it did not abide by them absolutely.⁷⁷ The talks in 2013 were bookended by unilateral cease-fires with a tacit awareness by both parties that a significant increase in violence could affect the peace talks or diminish public support for them.

Agreements Reached in 2013

The negotiating teams announced that the complex issue of land and rural development in Colombia,⁷⁸ the first topic on the agenda, was resolved in late May 2013, following six months of talks. In November 2013, the controversial issue of the FARC's political participation following disarmament was reported to be resolved. None of the details of those agreements were initially disclosed, and only the most general outlines were publicized. One of the principles of the peace talks in the framework agreement was *nothing is agreed until everything is agreed*, so that commitments made by the government and the FARC remained tentative until a comprehensive agreement was signed by both parties. (The partial agreements, however, were made public in September 2014. For more, see "Milestones at the Peace Talks During 2014," below.)

Agreement on the issue of land and rural development, critical to the mostly peasant-based FARC, appeared to involve significant compromise. The broad outline of the agreement when announced in May 2013 alluded to the redistribution of farmland through a land bank (the Land for Peace Fund) and a process to formalize land ownership. The accord seemed to provide legal

⁷⁶ William Neuman, "Kidnappings Imperil Talks with Rebels in Colombia," *New York Times*, February 3, 2012; "Colombia: Kidnapping Belies FARC Denial of Divisions," *Latin America Weekly Report*, January 31, 2013.

⁷⁷ See for example, Trent Boultinghouse, *Five Issues Troubling the Ongoing Colombia-FARC Peace Talks*, Council on Hemispheric Affairs, February 15, 2013. For information about the most recent truce ending in January 2014, see Jeremy McDermott, "What Did the FARC Truce Tell Us?," *In SightCrime: Organized Crime in the Americas*, January 17, 2014.

⁷⁸ Colombia, which never underwent a land reform as in other Latin American countries, has one of the most unequal land tenure patterns in the region, with 1.15% of Colombia's population owning 52.2% of the land, according to a recent U.N. Development Program (UNDP) report. See UNDP, *Colombia Rural: Razones para la Esperanza*, Informe Nacional de Desarrollo Humano 2011, Bogotá, Colombia, September 2011.

and police protection for farmers, infrastructure, and land improvement, as well as loans, technical assistance, and marketing advice to benefit small farmers and peasants, and other measures to alleviate rural poverty. The FARC's demand for as many as 9 million hectares of land in autonomous "peasant reserve zones" was rejected. However, the number of peasant reserve zones likely would increase and become the focus of rural development programs. Some observers noted that the mention of land titling—in a country where much rural land is held informally—and references to address both poverty and inequality in rural Colombia, following decades of conflict, signaled important advances of the land and rural development partial agreement.⁷⁹

The joint declaration released on November 6, 2013, outlined the second issue of agreement, political participation. Agreement on this contentious issue—including the FARC's role in a post-conflict democracy—set out to ease political participation for opposition movements including parties that attracted demobilized FARC. It envisions a new "opposition statute" guaranteeing the rights of the political opposition within Colombia's institutional framework; enhanced access to the media; improved processes to form new political parties; citizen oversight through "Councils for Reconciliation and Coexistence;" security for opposition political candidates, especially for FARC-organized parties; guarantees for women's participation; and improved election transparency. The most controversial element was the establishment of special temporary districts for historically conflictive areas to elect legislators to Colombia's Chamber of Representatives, the lower house of Colombia's bicameral legislature. The temporary congressional districts fell short of FARC demands for guaranteed congressional seats or the formation of a new chamber in Congress, but were nevertheless controversial as many Colombians thought former FARC members should not be allowed to stand for political office.⁸⁰

Late in 2013, the FARC-government negotiations took up the third topic in the six-point agenda—illicit drug crops and drug trafficking.⁸¹ Elements of the close counternarcotics cooperation between Colombia and the United States, including coca eradication (especially aerial spraying) and alternative development were considered and became features of the final partial agreement signed in May 2014. (For more, see "Developments in 2014.")

Role of Civil Society

Throughout the peace process, there has been input from civil society groups by means of proposals made at public forums organized by the United Nations and the National University of Colombia. For example, in advance of the negotiations on the topic of illegal drugs, a forum was held in Bogotá in late September 2013 that involved some 1,200 participants representing civil society groups to suggest proposals. One of the most common issues of concern was reported to be coca eradication, with many advocating for an end to aerial fumigation or spraying of illegal

⁷⁹ Virginia Bouvier, "Agreement Reached on Rural Reforms," *Colombia Calls*, May 27, 2013, at <https://vbouvier.wordpress.com/2013/05/27/agreement-reached-on-rural-reforms/>; Grant Hurst, "Colombian Peace Talks Reach First Accord," *IHS Global Insight Daily Analysis*, May 27, 2013; Sibylla Brodzinsky, "Farc Peace Talks: Colombia Unveils Major Breakthrough," *The Guardian*, May 28, 2013; Carmen-Cristina Cirliq, "Colombia: New Momentum for Peace," Library Briefing, Library of the European Parliament, July 15, 2013.

⁸⁰ Presidencia de la República, "Acuerdo sobre Participación Política, La Habana, (Cuba), November 6, 2013; WOLA, "Colombia Peace Process Update," November 15, 2013, at http://www.wola.org/commentary/colombia_peace_process_update_november_15_2013.

⁸¹ The topic of illegal drugs is listed as the fourth topic in the framework agreement but was moved up in the talks to the third position, possibly because it was perceived to be an issue where there is more common ground. The difficult topic of "ending the conflict," which has the inherently charged issues of transitional justice, was skipped over.

crops (a practice used only in Colombia) and for compensation for victims of spraying who reportedly suffered physical side effects, the loss of food crops, or the contamination of water resources. Through these forums, thousands of proposals were submitted to the negotiators.⁸²

The pace and timing of the talks remained an issue since the throughout formal talks. At the outset, President Santos urged the negotiators to only take “months rather than years” to reach an agreement, but his target date of November 2013 to complete the negotiations soon passed. Campaigns for congressional and presidential elections in March and May 2014 as the talks continued allowed the election to be viewed as a referendum on the peace process. Polls continued to indicate that a majority of Colombians viewed the Santos peace initiative favorably, but a much smaller portion of the public expressed optimism about the likelihood of a successful outcome.

Changes to the Negotiating Teams

During 2013, there were changes to the FARC and government's negotiating teams. Notably, in November 2013, President Santos appointed one of the lead government negotiators, Luis Carlos Villegas, to be the Colombian Ambassador to the United States. On November 26, 2013, President Santos announced that two women would join the government's negotiating team: María Paulina Riveros, a noted lawyer and human rights advocate who had been in the Ministry of the Interior, and Nigeria Renteria, previously the High Presidential Adviser on Women's Equality. Riveros would become one of the five lead negotiators, replacing Villegas, and would be the first woman serving in that position, and Renteria would be in the larger 30-person team of alternates. In President Santos's announcement, he said that Renteria would coordinate with victims groups and be in communication with women's organizations, noting that more than half the victims of the conflict had been women.⁸³ The FARC made adjustments to its 30-person negotiating team at different points, including fighters from the FARC's southern bloc, which helped to dispel rumors that this large unit of FARC combatants, known to be heavily involved in drug trafficking, was not represented at the peace talks.⁸⁴

Developments in 2014

Elections

In a historic first, national elections were held during an extended peace negotiation with the FARC. On March 9, 2014 candidates, including those supporting and opposing the peace talks, competed for seats in the 102-member Senate and the 166-member Chamber of Representatives. Of note, former President Uribe, barred from seeking a third presidential term, ran for the Senate and won. In the Senate and over social media, Uribe became an ardent opponent of the peace talks. His party, the Democratic Center, was launched to defeat President Santos and his policies, especially the peace negotiations. Uribe's frequent criticism of the peace process, largely

⁸² WOLA, “Colombia Peace Process Update,” November 15, 2013, at http://www.wola.org/commentary/colombia_peace_process_update_november_15_2013.

⁸³ Taran Volkhausen, “Santos Appoints Women as Negotiators in Colombia Peace Talks,” *Colombia Reports*, November 26, 2013; Presidencia de la República, “Declaración del President Juan Manuel Santos sobre los Nuevos Miembros del Equipo Negociador del Gobierno en La Habana,” November 26, 2013.

⁸⁴ “Farc Reshuffles Negotiating Team,” *Latin News Weekly Report*, March 6, 2014.

disseminated over Twitter, also was broadcast via debate in the Colombian Senate and the lower chamber, where the Democratic Center also won seats.⁸⁵

The results of the March legislative elections recalibrated expectations for the first round of the presidential election held on May 25, 2014. (To win in the first round, a candidate must receive at least 50% of the votes cast, or a second round is held between the two highest vote getters three weeks later.) President Santos announced that his bid for reelection to a second term was to “finish the job” of concluding a peace agreement. He campaigned almost exclusively on a peace platform. As noted above, former President Uribe, who once considered President Santos his protégé, had in Santos’s first presidential term become his most vocal critic.⁸⁶ Óscar Iván Zuluaga, who was nominated by the Democratic Center to become the party’s presidential nominee, opposed Santos’s call for a continuation of the peace talks. Like Santos, Zuluaga was a former finance minister and had served under President Uribe. Zuluaga held similar center-right views on the economy as President Santos, but he took a hard line on security and threatened to suspend the peace talks if he was elected.

In the May first-round elections, Zuluaga came in first, finishing almost 4 percentage points above Santos with 29.4% of the vote. Zuluaga and Santos, as the two top vote getters, competed in the June 15, 2014, runoff. President Santos won reelection to another four-year term by winning 51% of the vote to Zuluaga’s 45%, suggesting a mandate to continue the peace talks, although nearly half of Colombian voters favored Zuluaga, who was opposed to the FARC-government negotiations. The FARC declared a unilateral cease-fire during and between the presidential elections, making them the most peaceful in recent times.

Milestones at the Peace Talks During 2014

On May 16, 2014, the peace talks reached another breakthrough just days before the first-round presidential vote, when the FARC and government negotiators announced a third partial agreement on the topic of illicit drugs. The agreement on drugs to be enacted if a final agreement were signed by both parties committed them to work together to eradicate coca and to combat drug trafficking in the territory under guerrilla control. The partial agreement, titled “The Solution to the Problem of Illicit Drugs,” laid out three main points: (1) eradication of coca and crop substitution, (2) public health and drug consumption, and (3) the solution to the phenomena of drug production and trafficking.⁸⁷

⁸⁵ Following extensive challenges, the national electoral authority announced the March legislative results. The opposition Democratic Center party won 20 seats in the Colombian Senate and 19 seats in the Chamber of Representatives. The Santos Administration’s ruling coalition held onto a majority of seats in the lower house but had less than a majority in the Senate (47 of 102), requiring that the new Santos Administration build coalitions to achieve a working majority. For more background on the 2014 legislative and presidential elections, see CRS Report R43813, *Colombia: Background and U.S. Relations*, by (name redacted)

⁸⁶ For an English version of Uribe’s view, see Álvaro Uribe, “In Colombia, Don’t Cave to Terrorists,” Blogpost, *The Hill*, September 10, 2013, at <http://thehill.com/blogs/congress-blog/foreign-policy/321145-in-colombia-dont-cave-in-to-terrorists>.

⁸⁷ For more background on the agreement on illicit drugs, see John Otis, *The FARC and Colombia’s Illegal Drug Trade*, Woodrow Wilson International Center for Scholars, November 2014. Washington Office on Latin America (WOLA) drug policy analyst Coletta Youngers describes the agreement as taking an economic development approach, with local decisionmaking, participation, and planning to develop locally appropriate crop substitution or alternative livelihoods programs. While highlighting that the framework outlined in the agreement is positive, she notes that the failure to recognize the need to allow some coca cultivation until alternative sources of income are put in place and the very short time frame contemplated in the accord are unrealistic. She also cites the agreement’s endorsement of voluntary eradication over forced eradication and aerial spraying of drug crops as positive elements that, if the accord is implemented, will represent a significant shift in the government’s current drug control strategy.

Just before the presidential-second round vote in mid-June 2014, the Santos government announced that it had launched secret exploratory peace talks early in the year with Colombia's smaller insurgent group, the ELN.⁸⁸ The government indicated that it was negotiating with the ELN to develop a framework agreement to launch formal talks on a parallel basis to the talks in Cuba, also likely to be held outside Colombia.⁸⁹ The joint statement made with the leadership of the ELN did not specify the timing of the formal talks, which ultimately did not get under way.

Shortly after President Santos's inauguration to a second term on August 7, 2014, at which he stated "our first pillar will be peace," the 27th round of talks opened. At the end of the round, the government and FARC negotiators announced the establishment of two new entities. A 14-member Historical Commission on the Conflict and Its Victims, made up of experts chosen by the government and the FARC, was assembled to spend four months writing and compiling a "consensus report" on the origins of the conflict and its effects on the civilian population. (The report was scheduled for release in February 2015.) In addition, a subcommittee to end the conflict was convened, made up of active duty and retired Colombian military officers and prominent FARC members. On September 7, 2014, a subcommittee on gender was also seated with the purpose of including the perspectives of women on the peace accords and negotiations.

According to some analysts, another innovation in the FARC-government peace talks was the inclusion of victims' perspectives at the peace table. From August through December 2014, the parties to the talks invited five delegations of victims (usually made up of 12 members each) to participate directly in the peace discussions as the negotiators wrestled with the fourth topic of reparations and justice for victims. The challenge of representing more than 6.5 million conflict victims was addressed by selecting different types of victims (who had been victimized by different actors), from distinct regional backgrounds, and representing gender and ethnic diversity.⁹⁰

Also in September 2014, the full texts of the three partial agreements on land, political participation, and drug trafficking were made public on the government's peace talks website. The previously undisclosed accords were published to increase transparency according to the announcements made by the Colombian government and FARC negotiators.

On November 16, 2014, the FARC captured and detained Brigadier General Rubén Darío Alzate and two companions, an army corporal and a civilian lawyer who advised the Colombian Army. The three had travelled upriver through a remote area to visit a civilian energy project in the Colombian department of Chocó. President Santos immediately suspended the peace talks over the incident. The general was the highest level military officer ever captured by the FARC. The FARC, in light of the ongoing hostilities, said that they viewed those captured as "prisoners of war" and not kidnap victims. The break in the talks was unprecedented. Mediators from Cuba and Norway, who served as "guarantors" of the peace process, successfully negotiated the release of the three captives and also of two soldiers who had been seized by the FARC earlier in

⁸⁸ Dan Molinski and Sara Schaefer Munoz, "Colombia Widens Peace Talks Before Vote—Days Before a Tightly Contested Election, President Santos Says His Government Is Negotiating with a Second Guerrilla Group," *Wall Street Journal*, June 11, 2014; William Neuman, "Colombia Says It Has Begun Peace Talks with Rebels," *New York Times*, June 11, 2014.

⁸⁹ The peace talks of the two insurgent groups are likely to be separate initially, but may merge into "a single peace process" at some point in the future. Op. cit. Virginia M. Bouvier, "Peace Talks with the ELN?"

⁹⁰ Virginia M. Bouvier, "Mediation Perspectives: Innovative Approaches in the Colombian Peace Process," *The International Relations and Security Network*, August 27, 2014, at <http://isnblog.ethz.ch/security/mediation-perspectives-innovative-approaches-in-the-colombian-peace-process>.

November. The FARC released all the captives on November 30, 2014, and the President announced the talks could resume.⁹¹

Restart of the Peace Talks

Some analysts maintained that the General's abduction, which temporarily threatened the future of the talks, ultimately strengthened the process, while others contended it indicated their fragility. The talks resumed in their 31st round on December 10, 2014. Ten days later the FARC declared an indefinite, unilateral cease-fire. They said they would maintain the cease-fire as long as the Colombian security forces no longer took aggressive action against FARC troops.⁹² The FARC urged the Colombian government to undertake a bilateral cease-fire that the Santos Administration at first rejected, as the government had resisted the calls for a bilateral cessation of hostilities since the beginning of the peace talks. However, in a surprise announcement on January 14, 2015, President Santos stated that he had "given instructions to the negotiators that they start, as soon as possible, the discussion on the point of the bilateral and definitive cease-fire and cessation of hostilities."⁹³

Developments in 2015

When the talks resumed after a lengthy holiday break in early February 2015, it remained unclear how the bilateral cease-fire proposal might progress. At the end of the negotiating session, on February 12, 2015, the FARC announced it would cease recruiting youth under age 17. The government welcomed this development as another sign of a willingness to de-escalate the conflict, but noted it did not make clear what would happen to underage members of the FARC who had been previously recruited.

The FARC and Santos government negotiators received a report prepared by the Historical Commission on the Conflict and Its Victims, authored by 12 Colombian historians (half selected by the FARC and half by the government), and compiled by two rapporteurs. The 800-page report discussed the origins, causes, and consequences of the Colombian armed conflict. The report was intended to assist the negotiators to construct better agreements to meet the needs of the conflict's victims. Shortly after the report was released, Senator Uribe traveled to Washington, DC, to meet with Members of the U.S. Congress to discuss his opposition to the peace process.⁹⁴

On February 20, 2015, President Obama named veteran U.S. diplomat, Bernard ("Bernie") Aronson as U.S. Special Envoy to the FARC-government peace talks. Aronson had previously assisted with the peace efforts in Nicaragua and El Salvador and both the Santos government and FARC negotiators welcomed his appointment. Soon after his appointment, Aronson met with each negotiating team separately and in private on his first trip (and subsequent trips) to Havana.⁹⁵

⁹¹ Nelson Acosta and Helen Murphy, "Colombia Rebels to Free General, Opening Door to Resume Peace Talks," Reuters, November 20, 2014; "Colombia Kidnap: Farc to Release Gen Alzate 'Next Week,'" *BBC News*, November 22, 2014; Andres Schipani, "Farc's Release of Kidnapped General Raises Colombia Peace Hopes," *Financial Times*, November 30, 2014.

⁹² "Farc's Unilateral Ceasefire and De-escalation," *Latin American Security & Strategic Review*, December 2014.

⁹³ Adam Isacson, "A Bilateral Cease-Fire in Colombia: What Must Be Negotiated," WOLA, January 16, 2015, at http://www.wola.org/commentary/bilateral_ceil_fire_what_must_be_negotiated.

⁹⁴ Adriann Alselman, "Uribe Meets with U.S. Congressmen to Seek Support for Colombia Opposition," *Colombia Reports*, February 13, 2015.

⁹⁵ "U.S. Special Envoy Meets Colombian Peace Teams for First Time," Reuters, March 1, 2015; Sara Schaefer Muñoz, (continued...)

In March 2015, two new developments to de-escalate the conflict appeared to some to be government concessions, but others viewed these developments as significant confidence-building measures. On March 7, 2015, the Colombian government and the FARC announced that they would initiate a pilot program to remove land mines, improvised explosive devices, and unexploded ordnance. More than 11,000 Colombians have been injured or killed by land mines since 1990, according to government estimates, and approximately half of Colombia's 32 departments (states) have existing mined areas. A team that included members of the FARC, the government, and representatives from affected communities oversaw the work of an army battalion that specialized in mine removal starting in May 2015 in the departments of Meta and Antioquia. The effort was coordinated by the Norwegian People's Aid organization.⁹⁶ The mine removal pilot was followed by an announcement that the Colombian military would temporarily cease bombing FARC encampments for a month. The suspension of air strikes would be evaluated at the end of the period.

The next development at the peace talks came slowly and was not finalized until late in 2015. President Santos formed an Advisory Commission of Peace that included prominent leaders who supported and opposed the peace talks. Former President Uribe was invited to participate, but he declined. Although the negotiators from the other insurgent group, the ELN, and the Santos government continued their "preparatory" talks for formal negotiations in parallel with the FARC-government peace talks, nothing was announced during the year.

In September 2015, President Santos met with FARC chief Timochenko in Havana. Santos and Timochenko publicly shook hands and announced that a final agreement would be signed not later than March 23, 2016. On December 15, 2015, the FARC and government negotiating teams signed a partial agreement on victims of the conflict, providing a comprehensive system for reparation, justice, truth, and guarantees for non-repetition and outlining a transitional justice system. By end of 2015, four partial agreements had been concluded during more than 45 negotiation rounds, leaving only two of the original six topics to be discussed.

(...continued)

"U.S. Names Aronson Special Envoy to Colombia; Former Assistant Secretary of State will help Colombian Government and FARC in Negotiations," *Wall Street Journal* (Online), February 20, 2015.

⁹⁶ "Treading Carefully: A Landmine-Clearance Deal Brings Colombia a Step Closer to Ending 50 Years of War," *Economist*, March 28, 2015; "34th Round of Peace Talks Ends in Havana; Demining to Begin in Meta and Antioquia," from *Colombia Calls*, March 30, 2015, at <https://vbouvier.wordpress.com/2015/03/30/34th-round-of-peace-talks-ends-in-havana-de-mining-to-begin-in-meta-and-antioquia/>.

Demining and Alternative Development Pilot Programs⁹⁷

The Colombian Government and the FARC have worked to implement measures that demonstrate political will and commitment to the draft agreements settled during the negotiations. For example, on March 7, 2015, both sides agreed to pilot a landmine, improvised explosive device, and unexploded ordinance removal program in El Orejón, Antioquia. This program constitutes the first jointly run effort by the Colombian government and the FARC. Nearly 13,000 acres of land are contaminated with landmines in Colombia, located in about half the departments. Although many experts maintain that clearing all explosives could take decades, the government announced it would attempt to clear all contaminated zones within five years, or by 2021. According to the Colombian National Landmine Authority (Daicma), of the country's 1,122 *municipios* (the equivalent of counties), 199 are considered high risk, 291 medium risk, and 18 low risk for mine contamination. In Antioquia, 86 out of 125 *municipios* in the department are contaminated with landmines.

On June 10, 2016, the Colombian Government and the FARC announced a voluntary crop substitution pilot that would be jointly managed by the FARC, the Colombian government, and the U.N.'s Office of Drugs and Crime (UNODC). The community of El Orejón, located in the Briceño *municipio*, was 1 of the 10 hamlets in which the demining pilot and alternative development pilots overlapped. The framework for this pilot was to consult with the local population on the community's crop-substitution program, directly involving residents in shaping the program. Colombia has experience with alternative development that has attempted to incorporate local input into design and implementation, with mixed success. Previous attempts included crop-substitution programs to change from coca to cacao crops, coffee, or other agricultural products and retraining efforts to prepare small farmers for licit employment. Colombia's new counternarcotics strategy, launched in September 2015, gave significant attention to expanding alternative development and licit crop substitution to combat drug production while decreasing the use of forced eradication of illegal crops.

(For more on alternative development in Colombia, see CRS Report R43813, *Colombia: Background and U.S. Relations*.)

Developments in 2016

In January 2016, the negotiating parties set up a commission to begin work on a bilateral cease-fire. On January 25th, the U.N. Security Council adopted Resolution 2261, which committed a U.N. mission to monitor and verify a definitive bilateral cease-fire, once it was negotiated. The U.N. mission also would monitor the cessation of hostilities and disarmament following the signing of a final peace accord. In early February, President Obama and Colombian President Santos met at the White House to celebrate the 15-year anniversary of Plan Colombia.⁹⁸ The Colombian-written Plan Colombia received the backing of three U.S. presidential administrations and garnered \$10 billion in support from the U.S. Congress. In addition to celebrating the gains of Plan Colombia, President Obama proposed a new "post-peace accord" approach to U.S.-Colombian cooperation, a program called Peace Colombia (sometimes referred to by its name in Spanish, *Paz Colombia*).

The proposed funding for the Obama Administration's initiative was \$450 million, \$391 million of which was requested in the FY2017 congressional budget justification for foreign operations. Funding for FY2017 and the Peace Colombia request, however, was not completed in 2016. A continuing resolution passed by Congress on December 9, 2016, funds assistance programs to Colombia at slightly below the FY2016 level (\$300 million) through April 28, 2017, with the balance of FY2017 assistance levels to be determined after the 115th Congress takes office.

⁹⁷ Research for this text box provided by Edward Gracia.

⁹⁸ Former President Pastrana also attended the ceremony in Washington, DC, but former President Uribe did not. Both former presidents objected to the peace agreement President Santos signed with the FARC later in 2016. See "Era Importante que Uribe Fuera al Aniversario del Plan Colombia?," *El Tiempo*, February 4, 2016.

In mid-February, several of the FARC negotiators, including lead FARC negotiator Iván Márquez (Luciano Marin Arango), led a rally in La Guajira, the far northern department of Colombia. The FARC negotiators were allowed by the Santos government to travel from Cuba to visit their forces in the northern part of the country as part of an effort to educate their rank-and-file about the prospective peace agreement, which was nearing completion. However, Marquez and others led a political rally in the village of Conejo on February 18, 2016, which was protected by a reported 500 armed FARC guerrillas and involved local townspeople. According to press accounts, the five-hour armed gathering violated the government's understanding of the visit and led to a crisis and a temporary stoppage of the peace talks until Norwegian and Cuban mediators helped to cajole the FARC leaders to return to the negotiations in Cuba.

By early July 2016, the Colombian government and the FARC negotiators had resolved most topics on the six-point negotiating agenda after more than 50 rounds of peace talks. In Washington, DC, on a trip in mid-July, Colombia's Post-Conflict Minister Rafael Pardo suggested that a final accord would be signed by the end of August 2016 (having missed two earlier deadlines: March 23, 2016 and July 20, 2016). The U.S. Congress continued to express bipartisan support for the peace process at various points. The Senate passed a resolution (S.Res. 368) by unanimous consent on April 27, 2016, in support of the peace talks, and a similar resolution was introduced in the House but never made it to the floor.

On July 18, 2016, the Colombian Constitutional Court approved a peace plebiscite that would allow Colombians to vote on the agreement. The court also ruled that the vote would be binding on the executive branch. On August 24, 2016, the two sides reached the long-awaited final accord. Two events underscored the expectations of a successful referendum or plebiscite to approve that accord by the Santos government. In mid-September 2016, the FARC held its 10th National Guerrilla Conference, which lasted five days and brought together 200 FARC delegates. Those present voted unanimously to accept the accord. On September 26, 2016, the Santos government invited world leaders to a ceremony for officially signing the peace accord in Cartagena, Colombia.

Peace Pedagogy, Defeat, and a Revised Accord

To educate the citizenry across Colombia, the Santos Administration traveled to different parts of the country to instruct community members and leaders on the merits of the peace accord negotiated with the FARC. For instance, at an event on July 6, 2016, in the department of Guaviare, one of the hardest hit by the violence, President Santos explained the economic, political, and social benefits offered in the peace accord.⁹⁹ Critics, however, led by popular former President (now Senator) Uribe, mobilized a campaign to reject the accord. The "No" campaign leaders highlighted many perceived weaknesses, such as inadequate punishment for FARC violations of legal and human rights, lack of an appropriate appeal for forgiveness from FARC leaders, and, overly generous guarantees for FARC's future political role, including 10 guaranteed seats in the Colombian Congress following the 2018 elections.

Colombian voters surprised many on October 2, 2016, when, by a margin of 54,000 votes (out of 13 million cast) they rejected the original peace accord negotiated by the Santos government and the FARC. The razor-thin margin revealed polarization over how to resolve the decades-long violent insurgency, fueled by the drug trade and other illicit businesses. Several issues caused the peace accord to be defeated, including perceptions of inadequate punishment for FARC

⁹⁹ "Palabras del Presidente Juan Manuel Santos en el evento de pedagogía de paz en El Retorno, Guaviare," *Presidencia de la Republica*, July 6, 2016.

violations, lack of contrition or appropriate apologies, and the prospects of no jail time for FARC leaders. Some observers maintain that the accord's merits were not the cause of its defeat but that the No campaign focused instead on discontent with President Santos and his administration or unrelated policies. An organizer of the No campaign, Juan Carlos Velez, noted after the vote was held that he purposely steered voters away from the accord's content and subsequently stepped down from the Democratic Center party.

After the agreement was rejected, the Santos government met with opposition leaders to discuss changes that might address their objections. The government's negotiators then worked with the FARC team to hammer out a revised accord over 41 days. Although the No campaign leaders largely rejected the changes agreed to by the FARC, the Colombian government asserted that the modifications they made were significant, touching 56 of 57 categories of changes that opponents set forth. (Opponents provided some 500 proposals critical of the earlier accord that were divided into 57 chapters by the Santos government). On November 30, 2016, the new accord—after debate lasting more than 10 hours in each chamber—was “ratified” by the Colombian Congress, first by the Colombian Senate by a vote of 75-0 (out of 101 Senators) and a day later by the lower house by a vote of 130-0 (out of 166). Congressional opponents either did not vote or walked out.

A vexing issue for supporters of the peace deal was the timing of the demobilization and disarmament of the FARC. The Colombian Congress needed to enact a series of laws to implement the new 310-page accord, but an amnesty law first had to be adopted to trigger disarmament, slated to last six months. Without a law that provided amnesty for rank-and-file fighters who committed political crimes, the FARC refused to move into concentration zones agreed to in the bilateral cease-fire. (For a map of the demobilization zones, see **Figure 3**). The Colombian government has already pardoned at least 110 guerrillas as of mid-December 2016, and about 200 more pardons may be forthcoming, according to Justice Minister Jorge Londoño.¹⁰⁰

On December 13, 2016, the Colombian Constitutional Court approved a fast-track mechanism for the implementation of the revised peace accord between the Colombian government and the FARC. The decision allowed the Colombian Congress to expedite the legislative process for those laws considered necessary for the implementation of the accord. The fast-track mechanism is viable for six months and can be extended for an additional six months if requested by the government. Additionally, this mechanism reduces the required number of debates on the floor for both regular and constitutional laws and grants the president special executive powers to expedite the laws necessary for implementation of the accord. Shortly after the fast-track mechanism was approved, the head of the Colombian Congress declared an emergency special session to last until December 30, 2016.¹⁰¹ On December 28, 2016, the Colombian Congress unanimously approved an amnesty law intended to benefit rank-and-file FARC accused of lesser crimes. The Colombian Senate voted 69-0 and the Chamber of Representatives 121-0 in favor of the law, which was seen as a precondition for the demobilization process to begin in different hamlets and demobilization zones around the country.¹⁰²

¹⁰⁰ “Colombia Pardons 110 FARC Rebels,” *Deutsche Welle*, December 15, 2016.

¹⁰¹ “Tras Decisión de la Corte, Congreso Se Declara en Sesión Permanente,” *El Tiempo*, December 13, 2016.

¹⁰² Andrew V. Pestano, “Colombian Congress Unanimously Approves FARC Amnesty Law,” United Press International, December 29, 2016.

Challenges to and Prospects for Peace

The recently signed peace accord in a polarized Colombia faces a number of challenges or constraints. These include enduring public support; the activities of “spoilers” who wish to see the talks fail by fomenting violence against leftist parties and movements; and the uncertainty of the FARC’s unity of command and level of fragmentation as demobilization proceeds. There is also speculation about how the formal negotiations with the ELN might influence the FARC-government peace accord implementation when (and if) those negotiations begin in 2017.

Public Opinion

A key challenge for the Santos government is to maintain continued public support for the peace process and peace accord implementation, which could take up to 10 years. Without the public’s backing, the government’s investment in the process could be challenged, especially in the first critical year. Continued support by key sectors, such as the military, the private sector, and Colombian civil society groups—or their disillusionment—could be critical. The government is also concerned about events that may influence public opinion in the lead-up to the campaign for the national legislature and president in 2018. Some analysts suggest the 2018 presidential elections could serve as a second referendum on the new peace accord. Senator Uribe stated his party, the Democratic Center, will seek to clinch the presidency under the banner of opposition to the new agreement.¹⁰³

Internationally, the support for Colombia’s post-accord peace implementation may be influenced by concerns about Colombia’s cocaine exports. The Santos government has urged a more health-based and human rights-oriented counterdrug approach, which concentrates on alternative crops and livelihoods for peasant farmers who now cultivate coca and, to a lesser extent, opium for the production of heroin. The U.N. and the U.S. government reported an explosion of illicit drug cultivation in Colombia in 2015, particularly in coca bush and cocaine derived from it. The surge in cultivation generated between 46% and 68% more cocaine than the prior year, according to the respective U.N. and U.S. estimates. For the most part, Colombia has not followed through on its commitment to implement manual drug-crop eradication, alternative development, and licit livelihoods programs, envisioned in its new drug policy announced in September 2015, because the peace talks with the FARC became protracted.¹⁰⁴

Spoilers

In the past, powerful business and political leaders who have been sympathetic to the paramilitaries have worked to undermine peace accords with insurgents. Prior efforts to reintegrate or open dialogue with the FARC were derailed through acts of violence instigated by paramilitaries or those sympathetic to them or by rogue units within the FARC itself. Such opponents include those who perpetrated attacks on members of the FARC-tied UP party in the 1980s or the “terror campaign” unleashed by paramilitaries during the peace talks that ultimately failed during the Pastrana Administration (1998-2002).¹⁰⁵

¹⁰³ Marta Ruiz, “A Bumpy Peace for Colombia,” *The New York Times*, December 8, 2016.

¹⁰⁴ CRS Insight IN10571, *Prospects in Colombia: Cease-Fire, Peace Accord Vote, and Potential Disrupters*, by (name redacted)

¹⁰⁵ Adam Isacson, “Hope for Peace in Colombia: Reasons for Optimism, Awareness of Obstacles,” September 6, 2012, at http://www.wola.org/commentary/hope_for_peace_in_colombia_reasons_for_optimism_awareness_of_obstacles.

Potential action by “spoilers” could be devastating for the implementation phase of the new peace accord. Exactly what the response of the numerous paramilitary successor groups, or *Bacrim*, will be to the peace deal between the government and the FARC also remains to be seen. The Bacrim may calculate that the government will focus its enforcement efforts on them as the FARC demobilizes. Many analysts anticipate some violent competition to take control of drug trafficking routes and mining interests as the FARC abandons these illicit enterprises. Colombian human rights defenders (HRDs) are already feeling the brunt of violence that typically accompanies these dramatic power shifts. According to the Colombian NGO *Somos Defensores*, 71 HRDs were killed within the first 11 months of 2016, a tally that is larger than the one registered by the same NGO for either 2014 or 2015.¹⁰⁶ The spike in homicides prompted a group of U.S. Members of Congress to ask Secretary of State Kerry to address the violence against HRDs in Colombia.¹⁰⁷

FARC Unity

Another concern is whether the FARC negotiating team represented and spoke for the various FARC forces dispersed around Colombia. In other words, can the FARC team “deliver” the now-decentralized organization, or at least most of the FARC fronts operating in Colombia and along its borders? (Reportedly, the FARC is divided into seven regional blocs made up of 67 fighting fronts.)¹⁰⁸ After the Cartagena accord was signed, some FARC leaders announced their opposition to the accord and apparently indicated that they would stay with their illicit businesses, such as drug trafficking or illegal mining. Younger and mid-level members may only have known life in the jungle or remote rural areas financed by drug profits or other illegal activities.

Various commentators have speculated about which FARC fronts will turn in their arms and demobilize or reject the terms of the demobilization. At issue are estimates of the percentage of the FARC that would demobilize. In mid-December 2016, the FARC leadership rejected five commanders in Colombia’s southeast who refused to accept the new accord.¹⁰⁹ Other observers point to the FARC’s relatively successful efforts to impose cease-fires and suggest that there is an adequate unity of command within the organization and sufficient loyalty to that command to get up to 90% of the FARC to demobilize.¹¹⁰

Outlook: Prospects for Peace and Future Role of U.S. Assistance

Forecasting what will happen as the FARC begins to demobilize over the early months of 2017 is difficult. The roles of the two dominant illegal armed groups that remain—the ELN and the Bacrim—are hard to predict. Few observers question that the government’s implementation of the accord will be challenging.

¹⁰⁶ “El Cambio: Informe Anual SIADDHH 2015 Sobre Agresiones Contra Defensores de Derechos Humanos en Colombia,” *Programa Somos Defensores*, 2016.

¹⁰⁷ Jack Norman, “U.S. Congressmen Urge Action to Stop Killing of Colombia Community Leaders,” *Colombia Reports*, December 15, 2016.

¹⁰⁸ John Otis, *The FARC and Colombia’s Illegal Drug Trade*, Woodrow Wilson International Center for Scholars, Latin America Program, November 2014. This report notes that the Colombian military intelligence maintained in 2013 that just 15 fronts (of 67) were following orders from the FARC’s ruling secretariat “to the letter.”

¹⁰⁹ “Colombia: Farc Expels Five Leaders who ‘Refused to Accept the Peace,’” *BBC News*, December 15, 2016.

¹¹⁰ On FARC fragmentation, see “Fragmentation Challenges Talks,” *Latin America Monitor-Andean Group*, March 2013; Jeremy McDermott, “The FARC, the Peace Process and the Potential Criminalisation of the Guerrillas,” *InSight Crime: Organized Crime in the Americas*, May 2013.

Since the beginning of the negotiations, there has been animated discussion over how the peace talks and a potential accord may affect the U.S.-Colombian relationship. Congress has made a substantial investment in enhancing stability in Colombia since the passage of an emergency supplemental appropriation in June 2000.¹¹¹ Over the next 16 years, funding for Plan Colombia and its follow-on strategies, appropriated by Congress and provided through U.S. State Department and Department of Defense accounts, reached \$10 billion. After 2008, U.S. foreign aid gradually declined as Colombia embraced funding and responsibility for programs once funded by the United States. In addition, Colombia, with U.S. support, has provided training to Central American and Caribbean military and police to help governments in the region meet their security challenges.

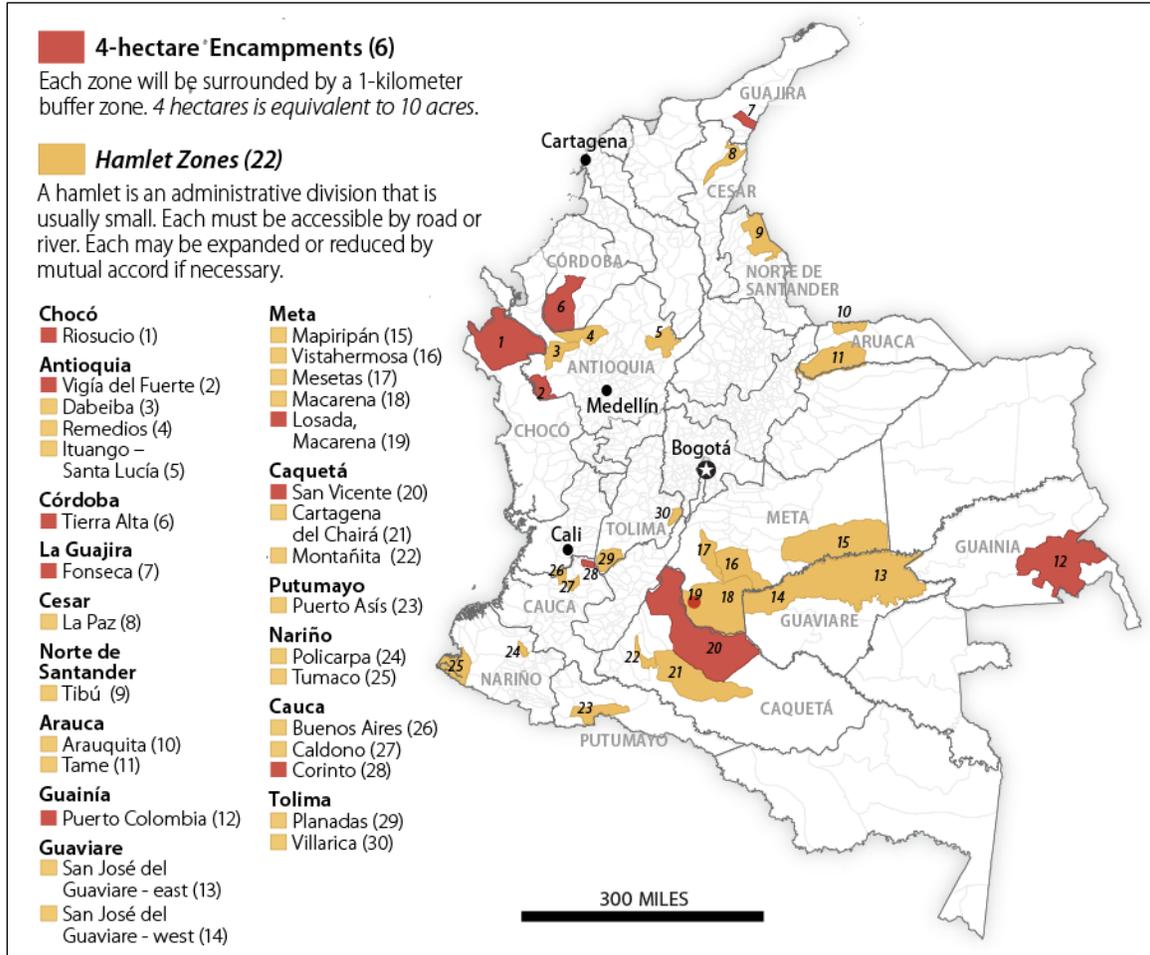
Congress will be faced with many questions concerning U.S. assistance with the completion of the new peace accord as Colombia begins to implement the programs associated with it. How will the United States respond to requests by Colombia for increased assistance for disarmament, demobilization, and reintegration of FARC combatants? International donors, including the United States, may be asked to provide increased support to assist victims and help to improve their living conditions, develop remote rural parts of the country, and provide land restitution for the millions of persons who have been displaced.

As foreign aid budgets have tightened, on the one hand, and Colombia has proceeded with nationalizing some of the programs once funded by the United States, on the other, U.S. assistance has evolved. Congress may consider if funding should now be increased as activities and obligations of the peace accord become due, or if funds should be shifted from one purpose, such as counterterrorism, to another, such as humanitarian assistance, as circumstances change. The U.S. government may continue to support compensation to victims of the conflict through improved implementation of the Victims' Law and other humanitarian and human rights-related programs associated with the new accord.¹¹² Or Congress could, with an eye to global demands for U.S. assistance, assess that Colombia is an upper-middle-income country with considerable capacity, able to fund reconstruction activities on its own. Colombia has enjoyed bipartisan political support for many years, but the incoming Trump Administration's priorities for the region have not been formally announced.

¹¹¹ For more background, see CRS Report RL30541, *Colombia: Plan Colombia Legislation and Assistance (FY2000-FY2001)*, by (name redacted) (archived edition, July 5, 2001).

¹¹² In mid-2012, the U.S. Agency for International Development (USAID) announced \$50 million of institutional support over a three-period for programs established by the Victims' Law. In 2013, USAID announced \$68 million in support of Colombia's land restitution efforts including issuing land titles and generating economic opportunities for small farmers. See White House, "Fact Sheet: The United States and Colombia – Strategic Partners," December 3, 2013.

Figure 3. FARC Demobilization Encampments and Hamlet Zones



Source: Santiago Cárdenas H. “Mindefensa dice que las zonas de concentración pasa de 31 a 28”, *El Colombiano*, August 26, 2016.

Notes: Originally, 31 encampment and hamlet zones had been chosen for the FARC’s disarmament and demobilization.

Appendix. Text of the General Agreement Signed by the FARC and the Colombian Government

The English translation provided here of the general agreement signed by the parties to the negotiations appears in the International Crisis Group's report *Colombia: Peace at Last?* (International Crisis Group, *Colombia: Peace at Last?*, Latin America Report, Number 45, September 25, 2012).

GENERAL AGREEMENT FOR THE TERMINATION OF THE CONFLICT AND THE CONSTRUCTION OF A STABLE AND LASTING PEACE

The below translation has been adapted by Crisis Group from the text at <http://colombiareports.com/colombia-news/fact-sheets/25784-agreement-colombia-government-and-rebel-group-farc.html>.

The delegates of the Government of the Republic of Colombia (National Government) and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP):

As a result of the Exploratory Meeting held in Havana, Cuba, between 23 February 2012 and 26 August 2012, that counted on the participation of the Government of the Republic of Cuba and the Government of Norway as guarantors, and on the support of the Government of the Bolivarian Republic of Venezuela as facilitator of logistics and companion:

With the mutual decision to put an end to the conflict as an essential condition for the construction of stable and lasting peace;

Attending the clamour of the people for peace, and recognising that:

construction of peace is a matter for society as a whole that requires the participation of all, without distinction, including other guerrilla forces that we invite to join this effort;

respect of human rights within the entire national territory is a purpose of the State that should be promoted;

economic development with social justice and in harmony with the environment is a guarantee for peace and progress;

social development with equity and well-being that includes big majorities allows growing as a country;

a Colombia in peace will play an active and sovereign role in peace as well as regional and worldwide development;

it is important to broaden democracy as a condition to build solid foundations for peace.

With the government's and FARC-EP's full intention to come to an agreement, and the invitation to the entire Colombian society, as well as to the organisations of regional integration and the international community to accompany this process;

WE HAVE AGREED:

- I. To initiate direct and uninterrupted talks about the points of the agenda established here that are aimed at reaching a Final Agreement for the termination of the conflict that will contribute to the construction of stable and lasting peace.
- II. To establish a Table of Talks that will be opened publicly in Oslo, Norway, within the first two weeks of October 2012 and whose main seat will be Havana, Cuba. Meetings can take place in other countries.
- III. To guarantee the effectiveness of the process and conclude the work on the points of the agenda expeditiously and in the shortest time possible, in order to fulfil the expectations of society for a prompt agreement. In any case, the duration will be subject to periodic evaluations of progress.
- IV. To develop the talks with the support of the governments of Cuba and Norway as guarantors and the governments of Venezuela and Chile as accompaniers. In accordance with the needs of the process and subject to common agreement, others may be invited.
- V. The following agenda:

1. Integrated agricultural development policy

Integrated agricultural development is crucial to boost regional integration and the equitable social and economic development of the country.

1. Access and use of land. Wastelands/unproductive land. Formalisation of property. Agricultural frontier and protection of reservation zones.
2. Development programs with territorial focus.
3. Infrastructure and land improvement.
4. Social development: health, education, housing, eradication of poverty.
5. Stimulus for agricultural production and for solidarity economy and cooperatives. Technical assistance. Subsidies. Credit. Generation of income. Marketing. Formalisation of employment.
6. Food security system.

2. Political participation

1. Rights and guarantees for exercising political opposition in general and for the new movements that emerge after signature of the Final Agreement. Media access.
2. Democratic mechanisms for citizen participation, including direct participation, on different levels and on diverse issues.
3. Effective measures to promote greater participation of all sectors in national, regional and local politics, including the most vulnerable population, under conditions of equality and with security guarantees.

3. End of the conflict

Comprehensive and simultaneous process that implies:

1. Bilateral and definitive ceasefire and end of hostilities.
2. Handover of weapons. Reintegration of FARC-EP into civilian life, economically, socially and politically, in accordance with their interests.
3. The National Government will coordinate revising the situation of persons detained, charged or convicted for belonging to or collaborating with FARC-EP.

4. In parallel, the National Government will intensify the combat to finish off criminal organisations and their support networks, including the fight against corruption and impunity, in particular against any organisation responsible for homicides and massacres or that targets human rights defenders, social movements or political movements.
5. The National Government will revise and make the reforms and institutional adjustments necessary to address the challenges of constructing peace.
6. Security guarantees.
7. Under the provisions of Point 5 (Victims) of this agreement, the phenomenon of paramilitarism, among others, will be clarified.

The signing of the Final Agreement initiates this process, which must be carried out within a reasonable period of time agreed by the parties.

4. Solution to the problem of illicit drugs

1. Illicit-crop substitution programs. Integral development plans with participation of communities in the design, execution and evaluation of substitution programs and environmental recovery of the areas affected by these crops.
2. Consumption prevention and public health programs.
3. Solution to the phenomenon of narcotics production and commercialisation.

5. Victims

Compensating the victims is at the heart of the agreement between the National Government and FARC-EP. In this respect, the following will be addressed:

1. Human rights of the victims.
2. Truth.

6. Implementation, verification and ratification

The signing of the Final Agreement initiates the implementation of all of the agreed points.

1. Mechanisms of implementation and verification:
 - a. System of implementation, giving special importance to the regions.
 - b. Verification and follow-up commissions.
 - c. Mechanisms to settle differences.

These mechanisms will have the capacity and power of execution and will be composed of representatives of the parties and society, depending on the case.

2. International accompaniment.
3. Schedule.
4. Budget.
5. Tools for dissemination and communication.
6. Mechanism for ratification of the agreements.

VI. The following operating rules:

1. Up to ten persons per delegation will participate in the sessions of the Table, up to five of whom will be plenipotentiaries who will speak on behalf of their delegation. Every delegation will be made up of up to 30 representatives.
2. With the aim of contributing to the development of the process, experts on the agenda issues can be consulted, once the corresponding procedure is realised.
3. To guarantee the transparency of the process, the Table will draw up periodic reports.

4. A mechanism to jointly inform about the progress of the Table will be established. The discussions of the Table will not be made public.
5. An effective dissemination strategy will be implemented.
6. To guarantee the widest possible participation, a mechanism will be established to receive, by physical or electronic means, proposals from citizens and organisations on the points of the agenda. By mutual agreement and within a given period of time, the Table can make direct consultations and receive proposals on these points, or delegate to a third party the organisation of spaces for participation.
7. The National Government will guarantee the necessary resources for the operation of the Table; these will be administered in an efficient and transparent manner.
8. The Table will have the technology necessary to move the process forward.
9. The talks will begin by discussing the issue of integral agricultural development policy and will continue in the order that the Table agrees.
10. The talks will be held under the principle that nothing is agreed until everything is agreed.

Signed on 26 August 2012, in Havana, Cuba.
Signatures.

Author Contact Information

(name redacted)
Analyst in Latin American Affairs
[redacted]@crs.loc.gov....

Acknowledgments

Information Specialist Susan Chesser and Researcher Edward Gracia assisted with this report.

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