

An end to Colombia's never ending conflict?

A MA thesis on the peace process between President Santos & the FARC and the role of kidnappings in the Colombian Conflict between 1982- 2017



Figure 1: Chávez (1999)

Sjors Keijzer

S1169483

Supervisor: Nicolas Rodriguez Idarraga

Universiteit Leiden

7/7/2017

Word count: 16.522

Inhoudsopgave

<i>List of Acronyms</i>	1
Introduction	2
Chapter 1: Theorizing the role of kidnappings on peace processes	4
1.1. <i>Peace and Peace Processes</i>	4
1.2. <i>Guerrillas</i>	6
1.3. <i>Theories on Peace in Colombia</i>	8
1.4. <i>The relation between kidnappings and peace processes</i>	10
1.5. <i>Conclusion</i>	11
Chapter 2: Historical Context of the Peace Processes	12
2.1 <i>La Violencia</i>	12
2.2.1 <i>President Betancur (1982-1986)</i>	13
2.2.2 <i>President Barco (1986-1990) and President Gaviria (1990-1994)</i>	15
2.2.3 <i>President Pastrana (1998-2002)</i>	16
2.2.4 <i>Juan Manuel Santos (2010-present)</i>	17
Chapter 3: the role of kidnappings in the Peace processes	20
3.1.1 <i>The Evolution of Kidnappings in Colombia</i>	20
3.1.2 <i>Urbanization and the Coca Boom</i>	21
3.1.3. <i>Kidnappings after the '90's</i>	23
3.2. <i>National and International Responses</i>	26
3.3. <i>The Role of kidnappings for Santos on the peace</i>	28
3.4 <i>Conclusion</i>	30
Conclusion: The end of a conflict?	32
Bibliography:	34
Appendixes	41

List of Acronyms

ELN	<i>Ejército de Liberación Nacional</i>
GMH	<i>Grupo de Memoria Histórica</i>
FARC-EP	<i>Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo</i>
MAS	<i>Muerte a Sequestradores</i>
M-19	<i>Movimiento 19 de Abril</i>
UP	<i>Unión Patriota</i>
CPP	Colombian Peace Process

Introduction

A conflict has been raging in Colombia between the Colombian State, paramilitaries and guerrilla movements. This conflict has displaced over 5 million persons and resulted in an estimated 220,000 casualties between 1958 and 2012 (Højen, 2-2-2015; GMH, 2016; 15). Although there were multiple guerrilla movements, such as the ELN and the M-19, the biggest and most well-known is the FARC-EP¹. This movement reached the Dutch media in 2007 when it became public that the Dutch Tanja Nijmeijer had joined the FARC (Volkskrant, 6-09-2007).

But on September 26th 2017, after four years of negotiating, fifty years of conflict, three failed peace attempts, and following the earlier peace agreements with other guerrilla groups², a peace agreement was signed between the President of Colombia, Juan Manuel Santos, and the leader of the FARC, *Timochenko*³ (Chernick; 1999 174). In order for the Colombian people to express their thoughts about the Colombian Peace Agreement, a referendum was held to endorse or reject it (BBC, 23-11-2016). The referendum resulted in a rejection. The government and the FARC created a new agreement only six weeks later with changes in “all but one of the 57 points in the original agreement” (BBC, 23-11-2016). This time, no referendum was held and the Colombian Congress approved the agreement on November 29, 2016. After three earlier attempts to create peace between the FARC and the government, peace has finally been reached. At the present moment the implementation of the agreement is in full progress. With the help of the UN, FARC members have demobilized and finished disarming on June 27, 2017 in order to reintegrate into society (Casey and Daniels, 27-6-2017).

But how did peace come about? What has led to peace in this round of negotiations and what had caused the other negotiations to fail? In this thesis I will analyse why the peace negotiations have been successful this time. This leads to the main research question: *Why was the peace process of President Santos successful?* In order to do so, this paper will particularly focus upon the role and influence of kidnappings in Colombia and its population, and how did this affect the peace process, leading to my sub-question: *What is the role of kidnappings in the Colombian Peace Process (CPP) between the FARC and Colombian Government?*

In the first chapter I will outline my theoretical framework focussing on the concept of peace, theories of negotiated peace settlements and the concept of peace spoilers. Chapter I will demonstrate why kidnappings have been a crucial variable in theorizing the Colombian peace process. The second chapter shall consist of two parts. In the first part, violence in Colombia will be discussed. Although the causes of the violence are not the focus point of this thesis, it is important to understand the different actors involved in the conflicts and who have influence on the peace process. In the second part, the history of the peace processes and the influence and context of the FARC and the Colombian government will be described. By doing so, differences in context and the peace process itself can be emphasized and explained. In the third chapter I will make an in-depth analysis of kidnappings in Colombia, their role for the FARC and their influence on society and the

¹ Called from now on FARC

² Peace was earlier reached with the M19, the EPL, PRT and the Quitín Lame in 1990-1991.

³ Timochenko's real name is Rodrigo Londoño, but he is also known Timoleón Jiménez.

government. I shall conclude by answering my research question by linking all parts of the thesis together to present some concluding remarks on the CPP.

Both primary and secondary sources have been used, such as interviews, scholarly articles and news articles in written in Dutch, English and Spanish. Colombian sources such as *¡Basta Ya!* and *Una Sociedad Secuestrada* have also been used. These studies provided information of what is being said inside Colombia about the conflict while other studies describe Colombia's situation from an outside perspective.

Chapter 1: Theorizing the role of kidnappings on peace processes

Peace processes often succeed but it has also happened repeatedly that after the peace agreements have been signed, violence reemerges and escalates. Therefore, it is of importance to create viable peace agreements. Analyzing theories and expanding the theoretical framework on peace processes can establish a better understanding of peace processes, leading to more sustainable peace agreements in the future.

This theoretical framework presents a framework to analyze the role of kidnappings in the CPP. It will start by describing the main concepts of this thesis, namely peace, peace processes, and guerrillas followed by the main theories on peace processes with guerrillas, spoilers and their role in the Colombian case. It concludes by looking at the relationship between kidnappings and peace processes. This way a framework is provided to help answer the research question.

1.1. Peace and Peace Processes

Peace is a concept that has been studied in many different fields such as anthropology, international relations, political science, military science and psychology. In the dictionary the word 'peace' is explained by ideas such as harmony between people, freedom or a state of tranquility. In the scholarly circles of international studies, peace often refers to the absence of war (Diehl, 2016; 1). In this perspective, peace is mostly seen as a negative term because of its notion of 'no violence' instead of 'justice' as noted by Wolterstorff (1983, as cited in (a.c.i.) Brewer et al, 2010). Diehl argues "the definition of 'an absence of war' makes sense for scholars interested in understanding the conditions that generate war and other forms of violence" (Diehl, 2016; 2). However this conceptualization creates some complications. From this perspective North Korea and South Korea are at peace, just as Iran and Israel because no direct violence is present (Diehl, 2016; 2). Furthermore, when analyzing the relations within states in combination with 'the absence of war', countries such as the Netherlands and Gambia can be seen as equally peaceful countries, despite Human Rights (HR) violations occurring in the latter and thus differing vastly in terms of human security (Cignarelli et al, 2014; a.c.i. Diehl, 2016; 2). To distinguish between states of peace, a theoretical framework of 'positive peace' and 'negative peace' has been established. Negative peace can be identified as 'no war' or 'no armed conflict', while positive peace also emphasizes justice and equality (Call & Cousens, 2008). According to Diehl, positive peace therefore includes "justice, HR, and other aspects of human security" (Diehl, 2016; 9). Thus by analyzing the process in Colombia, it is of importance to look at the type of peace, negative or positive, as proposed by the parties.

According to the Conflict Research Consortium (CRC) there are four concepts used in conflict and peace studies that are easily mixed up: 'peacekeeping', 'peacebuilding', 'peacemaking' and 'peace processes' (CRC, n.d.). Peacekeeping refers to "keeping people from attacking each other by putting some kind of barrier between them and no initiatives are taken to settle the dispute" (CRC, n.d.). Peacemaking is the act to try to reach an agreement in order to settle a dispute. This can be done by

the conflicting parties or with the help from a neutral third party (CRC, n.d.). Peacebuilding happens after peace is made. The term 'peacebuilding' is defined as "the action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict" (Secretary-General of the United Nations, 1992). Another fourth concept has developed, namely 'peace processes,' which Arnson defines as:

"Processes of dialogue over time between representatives of contesting forces, with or without an intermediary, aimed at securing an end to hostilities in the context of agreements over issues that transcend a strictly military nature; that is peace processes involve an effort to end armed confrontation by reaching agreements that touch on at least some of the principal political, economic, social, and ethnic imbalances that led to conflict in the first place" (Arnson, 1999; 1)

Selby notes that this term differs on multiple aspects from peacemaking. First, "peace processes are a form of peace without victory" (Selby, 2008; 2). This means that negotiating parties are seen as equals and that violence may be ongoing during the process. The second difference is that it is a 'process' "in which matters of 'process, duration, sequencing and timing' are viewed as key to the making of peace" (Selby, 2008; 3). In this process of moving towards an agreement, timing is of special importance. The 'ripeness' theory, which will be explained later, is concerned with the timing of peace processes. Furthermore, peace processes differ from demobilizations and ceasefires. The latter two concepts do not entail "institutional and structural change" (Arnson, 1999; 1). When referring to Clausewitz popular notion of 'war as the continuation of politics by other means', then "the central objective of peace processes is to restore conflict to the political, rather than the military, arena" (Arnson, 1999; 2). Thus we refer to the Colombian case as a peace process in because it entails social and structural change, the parties are seen as equals, and because it's a *process*.

Most peace processes follow the route presented in *figure 2*. The exploratory phase, also called the pre-negotiation phase, is the most important of all. During this phase, parties investigate whether the other side is truly committed and willing to start the process with the goal to create peace, and does not act under a different agenda, such as for international attention or for time to regroup (Fisas, 2013). Fisas describes that during this phase "safety is guaranteed by both actors, schedules and the (pre-)agenda are created, the terms of an initial roadmap are outlined, and challenging issues are clarified" (Fisas, 2013; 2). An interesting aspect of the scheme is the variable of ceasefires: during earlier peace processes some Colombian Presidents wanted a ceasefire while others, such as President Santos, opted for ongoing hostilities.

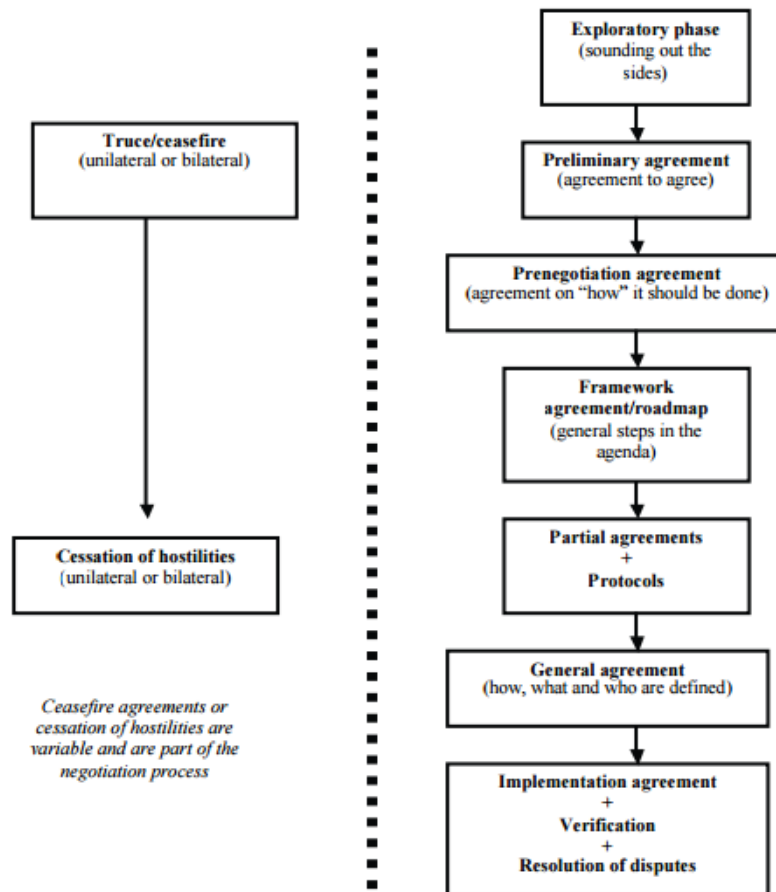


Figure 2: The phases of a peace process (Fisas, 2013; a.c.i. Fisas, 2013; 2)

1.2. Guerrillas

To have a complete understanding of the Colombian conflict with the guerrilla movement FARC, some explanation of the concepts of ‘guerrillas’ and ‘guerrilla warfare’ is needed. According to Kiras the term is often linked with the idea of ‘freedom fighters’ “imposing a heroic character embodied by Ernesto *Che* Guevara”, the famous guerrilla fighter who, together with Fidel Castro, led the Cuban Revolution (Kiras, 2007; 187). On the other hand, guerrilla fighters have been considered in equivalence with terrorists, demonstrating a polarization between difference conceptions of guerrillas (Kiras, 2007; 187). Guerrilla means ‘small war’ and is characterized by Kruijt as undeclared wars or covert military operations against established regimes in the form of irregular combat (Kruijt, 2008; 4). They are fought by groups consisting of: “partisan forces, resistance groups, irregular troops or freedom fighters” (Kruijt, 2008; 4).

Kiras argues that the most important elements of guerrilla warfare are time, space, legitimacy and support (Kiras, 2007; 189). Mao Tse-Tsung argued that time can be split in three periods: “the strategic defense, the stalemate, and the strategic offensive” (Kiras, 2007; 190). In the first period,

guerrillas do not have the resources to fight the enemy, who is in many cases the state's army, and therefore hide and attack tactically to drain the enemy's resources. Furthermore, in the process of recruiting new members, guerrillas can convince local populations to support them. In the second phase guerrillas target government representatives to "kill them or force them to leave" so the guerrillas can form an alternate government (Mao, 1966; a.c.i. Kiras, 2007; 190). In the last phase, victory is achieved by destroying enemy forces. However, in many cases it results in a deadlock with neither side able to perform the decisive blow (Kiras, 2007; 190). At this point the ripeness theory becomes relevant which will be explained later.

The second element is space. Guerrilla movements use space, as in terrain, to their advantage by hiding and attacking at locations and moments they prefer. By being mobile and by hiding, their enemy "spreads too thinly and invites attacks from the locally superior guerrilla forces" (Kiras, 2007; 190) generating an advantage over their enemy. In Colombia there is not only enough space to hide, because of its size, but the country is also divided by the three mountain ranges in the country. Colombia is an ideal location for guerrilla warfare: not only does its vast landmass offer plenty of space to hide in, find shelter or protection among nature, but its three mountain ranges also divides the country, making it difficult to conduct widespread reconnaissance and transportation. This creates many political archipelagoes. Kline believes the abundance of space in Colombia is one of the fundamental reasons of the Colombian conflict, asserting that "there are many archipelagoes where the Colombian government is not the strongest actor" (Kline, 2007; 1).

Support is the third element for guerrillas. According to Valentino et al, they need it because "guerrillas rely on local populations for food, shelter, supplies, and intelligence, but also to hide among them and thus use locals as a form of 'human camouflage'" (Valentino et al, 2004; 383). This aspect is often compared with the expression of 'fishes swimming in the sea'. By draining the sea, the fish will die. In other words, by mass killing the local civilians the guerrillas eventually have nowhere to hide and then they can be destroyed.

The fourth element is legitimacy. Linked with the element of support, guerrillas need to legitimize their actions to generate support (Kiras, 2007; 193). This can be done by linking violence to a political cause from which the local population also profits. Moral superiority over representatives of the state, or becoming *de facto* the state, is therefore of high importance for guerrilla fighters (Kiras, 2007; 193).

According to Kruijt, guerrilla movements in Latin America have a political origin characterized by "intense nationalism, anti-imperialism or anti-colonialism; the prospect of a socialist utopia; and overt preparation for social revolution by means of armed struggle" (Kruijt, 2008; 4). By paraphrasing Clausewitz again: "Guerrilla war is the extension of politics by means of armed conflict" (Taber, 1972; a.c.i. Kiras, 2007; 186). Wickham-Crowley (1993) has made a comparative study about guerrillas in Latin America. In his research, he found five conditions that need to be present for a Latin American guerrilla movement to be successful: "Peasant support for the guerrillas, adequate guerrilla military strength, a divided and corrupt ruling elite, a cross-class alliance against the regime, and withdrawal of US support for the regime" (Wickham-Crowley, 1992; a.c.i. Boudon, 1996; 284-285).

Jeffrey Ryan (1994) investigates in his article the relation between democratization and the prospects for victory for guerrilla movements. He does so by using case studies of guerrillas in Venezuela, Guatemala and El Salvador. Colombia is excluded from his study because in Colombia no democratic

transition took place “but rather a democratic deepening in 1991” (Boudon, 1996; 286). This democratic deepening will be explained in the second chapter. Ryan argues that there are three other outcomes if their main goal of overthrowing the government does not succeed: “a negotiated settlement, a negotiated surrender, and the destruction of the movement” (Ryan, 1994; a.c.i. Boudon, 1996; 285). If there is a democratic transition, it is unlikely guerrillas will succeed in their main goal. As also argued by Che Guevara: “where a government has come into power through some form of popular vote, fraudulent or not, and maintains at least an appearance of constitutional legality, the guerrilla outbreak cannot be promoted, since the possibilities of peaceful struggle have not yet been exhausted” (Loveman and Davies, 1985, a.c.i. Ryan, 1994; 29). Thus, according to Guevara and Ryan, the FARC’s armed revolution has no chance of succeeding because of the presence of democracy in Colombia. A democratic transition or democratic opening is also one of the seven conclusions Cynthia Arnson makes in her book on peace processes with guerrillas in Latin America. Furthermore, she argues that, in order to create peace, the government has to be seen as legitimate by both the population and the guerrillas. Furthermore, she argues that non-governmental organizations (NGO’s) can help to incorporate proposals made by the civil society into the peace accord by looking at the ripe moment and the role of third party mediation by the international community (Arnson, 1999; 6-9).

1.3. Theories on Peace in Colombia

Peace processes involving guerrilla movements in Colombia have been studied from many different angles, and several influential theories have been developed and applied to the case. However most of these studies have analyzed why the processes failed and then concluded with recommendations for future processes. Because only recently the peace deal was signed successfully, not many studies have analyzed why it succeeded this time.

One of the theories applied on the peace processes is the ‘ripeness theory’, created by William Zartman. According to Zartman, the ripeness theory can best be explained as the moment when both parties no longer wish to continue fighting due to high costs on both sides and “a mutually hurting stalemate”; negotiation is seen as the best option for both because it offers a way out (Zartman, 1996, a.c.i. Pruitt, 1997; 237). This moment is called ‘the ripe moment’. This theory thus explains why parties commence negotiations and settlements. Walch (2014) analyzes the CPP and the FARC, adding the element of internal cohesion to the ripeness theory in order to explain why parties stay at the negotiation table. According to his results, internal cohesion of the rebel group is of high importance in order to remain at the negotiations table, arguing that the FARC has this high cohesion. This theory, however, has received some criticisms: Pruitt criticizes the ripeness theory because it is “not a variable, but rather a state; the moment is ripe or unripe” (Pruitt, 1997). Moreover, the ripe moment can only be identified after it happened (Walch, 2014). Walch complements the critique by arguing that it does not look at the idea “that parties may decide to negotiate for other reasons than getting to a peace settlement” (Walch, 2014). For example, a party can decide to negotiate and create a bilateral ceasefire in order to regroup and regain strength . According to Harvey Kline, the last Colombian peace process was successful because of the stalemate that had occurred and

because neither side was able to continue the conflict. He argues this is one of the main reasons why peace was signed this time (Phelan, 23-07-2017).

Other factors have also been taken into account that could have influenced the peace processes in Colombia negatively or positively, such as participation costs (Shugart, 1992), the role of international mediation (Bayer, 2013), a deadlock (Sanin, 2001) and the role of the state (Boudon, 1996). Shugart argues in his article that the participation costs of the conflict for the FARC only lowered minimally during the peace negotiations with President Belisario Betancur (1982-1986). Therefore continuation of the conflict was preferred by the FARC (Shugart, 1992). In her article, Bayer focuses on international mediation by third parties in the Colombian conflict, arguing that regional organizations or countries participate in the process for the prestige and in pursuit of their own interests. However, if third party countries “do not exceed their mandate, use their leverage when necessary and coordinate their interests, they have a chance to reach their goal and help to bring the conflict to an end” (Bayer, 2013; 80). Mexico, for example, wanted to mediate during the peace process of President Andrés Pastrana (1998-2002) because of their own interest to stop the conflict, as it would reduce the outgoing drug trade to Mexico (Bayer, 2013; 69). Sanin (2001) argues in his article that the process under Pastrana failed due to the deadlock between the FARC and the government. The FARC had a strong position and did not want to surrender, while the government of Pastrana did not want to break the peace conversations and did not have the military means “to decisively defeat the FARC” (Sanin, 2001; 419). In order to break this deadlock, ‘Plan Colombia’ was started with the help of the US. This argument differs from the ripeness theory. Under Pastrana both parties believed they could win the conflict, while under Santos, as argued by Kline, neither side was able to win the conflict.

Boudon analyzes the role of the state in the Colombian conflict and its influence on the peace process. Boudon uses O’Donnell’s definition of a state that is “focused on legal and security issues” (Boudon, 1996; 288). According to his definition “the state’s ability to demand allegiance from its citizens is based on the effectiveness of the law” (Boudon, 1996; 288). O’Donnell argues that when the state is unable to establish legal authority over the entire territory it is supposed to represent, ‘brown’ areas appear where the state’s presence is merely formal” (Boudon, 1996; 288). In these areas, mainly rural and remote areas, civilians cannot be reached by the government and therefore governmental services are absent. In the eyes of these civilians, the state only enables democracy for the elite while they remain ignored and marginalized. It is especially in these brown areas where the guerrillas are most active and garner the most support. They have basically formed a substitute government providing different services such as healthcare and education (Boudon, 1996; 289). If the government wants to create peace with the guerrillas, they will not only need to convince the guerrillas to participate in a democracy, but they also need to address the previously mentioned problems. In other words, the Colombian government needs to strengthen its state. It is however important to note that the article of Boudon is from 1996. Under President Álvaro Uribe and President Santos, state power has grown not only in densely populated areas but, in remote areas also (Rosen, 2014; 138). However, in order to compare the peace processes to each other, a variable has to be identified.

1.4. The relation between kidnappings and peace processes

The variable used to analyze the processes in this study concerns the kidnappings in Colombia. This analysis will look at their role and influence on the multiple peace processes in the country. There are many scholars who have written about kidnappings in Colombia, for example Pires (2014) focuses on the spatiotemporal character of kidnappings in the country (Pires et al, 2014). The *Grupo de Memoria Histórica* (GMH) of *El Centro Nacional de Memoria Histórica* have made extensive studies of the kidnappings in Colombia. In the book *Una Sociedad Secuestrada* they focus on the kidnappings as a central element of the Colombian Conflict (GMH, 2013). The report *¡Basta Ya!* by the GMH provides a detailed historical analysis of the whole conflict while also focusing on the victims in the conflict and the kidnappings (GMH, 2016). Del Pilar & Balbinotto analyze the impact of the act of kidnappings by the FARC on their own cohesion and desertion (Del Pilar & Balbinotto, 2011), the kidnappings as an industry and their impact and reactions by the society and government as reported by PAX Christi Netherlands (PCN), a Dutch NGO (PCN, 2001). Also, there are scholars who have analyzed the peace processes and described the mere act of kidnappings during the processes (Kline, 2001; Kline, 2007) or have explained the evolution and high rates of kidnappings in the country (Rubio, 2003).

However there is no literature yet to be found that describes the kidnappings and their influence and role on the peace process with President Santos. By linking the study of Del Pilar and Balbinotto about kidnappings and internal cohesion, with the study of Walch on the ripeness theory and internal cohesion, it could be argued the FARC acknowledged that they had to stop with the kidnappings so that internal cohesion remained strong In order to maintain their place at the negotiating table.

In *Challenges to Peacebuilding: Managing Spoilers During Conflict Resolution*, Carlo Nasi analyses the role of 'spoilers' during the peace processes of Presidents Betancur, Barco, Gaviria and Pastrana (Nasi 2006). *Spoilers* are a concept introduced by Stephen Stedman, who defines this term as "leaders and parties who believe that peace emerging from negotiations threaten their power, worldview, and interests, and use violence to undermine attempts to achieve it" (Stedman, 1996, a.c.i. Stedman, 1997; 5). In other words, a spoiler is an event or action taken to sabotage peace processes. According to Stedman, spoilers can result in renewed conflict "with casualties as result of the failed peace process higher than the casualties in war, as happened in Angola and Rwanda in 1992 and 1994" (Stedman, 1997; 5). Peace processes invite spoilers because it is rare in a negotiated settlement that every involved actor achieves his/her desired outcome (Stedman, 1997; 5).

There are inside and outside spoilers in peace processes. Inside spoilers are actors who are directly involved to the process while outside spoilers are parties excluded from the process who try to compromise the process (Stedman, 1997; 8). Understanding why outside spoilers want to compromise the process is understandable and less complex than why insiders do so. Outsiders are simply against the current situation of peace for a variety of reasons. Inside spoilers, however, are more complex. Why would a signatory of a peace agreement take an about turn and reverse the progress of the agreement? Newman and Richmond argue that "spoilers can be part of a peace process" (Newman and Richmond, 2006; 4). Spoilers can be used, for example, to put pressure on one of the actors to force a desired outcome. Inside spoilers use stealth strategies and minimize their violence to keep the process going as long as possible to gain as much advantage as possible (Stedman, 1997, 8).

Nasi identifies multiple spoilers, including guerrilla movements itself, at the different peace processes. But because the study was done in 2006, the latest peace process of President Santos is logically not included. Because Santos' peace process has proven to be successful so far, a variable, namely the absence of a spoiler, could be identified that may have led to the successful outcome. In 2012, after the FARC announced that they would release their hostages and stop the act of kidnapping, Santos acknowledged it as an important, though not yet sufficient, step to create peace (Reuters, 26-02-2012). Later, in talks with the ELN, Santos again has stressed the importance of stopping the kidnappings (Fisas, 2016; 142). Thus it can be argued that the act of kidnapping was an important spoiler in the CPP. From this discussion a hypothesis can be created: *The act of kidnapping by the FARC works as an important spoiler in the Colombian Peace Process*. During all peace processes, except for the last one, this practice continued. By analyzing this practice, the role of kidnappings as a spoiler for peace processes forms a new piece of the puzzle regarding peace processes. Therefore, it is of importance to analyze the role of kidnappings on the CPP. This analysis will be done in the third chapter.

1.5. Conclusion

This chapter has analyzed the definitions of peace, peace processes and guerrillas. Next, it analyzed theories of peace processes and their application on the Colombian case, and the act of kidnapping as a spoiler on the CPP. When analyzing peace processes with guerrillas, theories or learned lessons vary per case. This means there is no 'best way' or 'instruction manual' to lead a peace process and finish it successfully. Thus to conclude it could be argued that the theoretical approaches to peace processes are linked to each other as one big puzzle with peace as the bigger picture. By looking at the under-theorized role of kidnappings in the peace processes of the FARC in Colombia, this thesis adds another puzzle piece to the picture. To this end, the next chapter looks at the historical context of the Peace Processes from 1982, when the first peace process with the FARC started, until the signing of the peace agreement in 2016. It will also provide the context of the conflict in which the FARC emerged.

Chapter 2: Historical Context of the Peace Processes

2.1 *La Violencia*

“El Ejército ocupó a Marquetalia: Cayó ayer el centro de Tirofijo”

– El Espectador (15-6-1965)

The origin of the Colombian conflict is complicated: it has been argued that the roots of the violence lie in its weak state structure that lacks presence in remote areas of Colombia, and also due to its closed political system (Chernick, 1999; 169). In these remote regions, guerrilla movements, paramilitaries and drug traffickers, also called *los Narcos*, started. There are many actors involved with their own agenda: the multiple guerrilla movements, the paramilitaries, the army and the *Narcos*. Although this thesis describes the peace processes with the FARC and the government, these other actors also heavily influenced the processes.

The FARC was established in 1966 from a peasant and communist origin and for over fifty years has been in conflict with the Colombian government⁴. It is one of the direct results of a period called *La Violencia* (1948-1958). During this period, politically and economically motivated violence occurred between peasants of the Liberal and Conservative parties in the country. Between 1948 and 1966 an estimated number of 193,017 people were killed (GMH, 2016; 121). In order to establish a truce, the Liberals and Conservatives created *The National Front Agreement* in 1958 (Brittain, 2010; 6). “The Agreement called for a sharing of political office between the two principal parties, with all legislative bodies being divided equally regardless of electoral results” (Kline, 1983, a.c.i. Brittain, 2010; 6). As a result, all other political parties were excluded from the system and a closed political system was created. Alberto Lleras Camargo became the first President of Colombia for the National Front. Three more would follow (Livingstone, 2003; 68). The political system in Colombia had become a property of the power sharing elite.

However, this agreement did not lead to full peace. During *La Violencia* armed, mostly Liberal, peasants settled in resistance communities, forming self-defence groups inspired by the Cuban Revolution and demanding political change and land reforms. They settled mostly in the southern areas of Colombia called Tolima, Meta and Caquetá⁵ (Livingstone, 2003; 68). While some of the guerrilla movements did accept the amnesty offered by the state, others refused to stop fighting due to the unjust power sharing between the Liberals and Conservatives. “At the same time, new guerrilla movements also took up arms against the elite-dominated coalition governments” (Chernick, 1999; 162). After a military attack by the government on the Marquetalia community in 1964, “the rebels were forced to flee, but over the next two years, meetings were held with guerrillas across the southwest and in 1966, the FARC was formed” (Livingstone; 68). Eventually they became one of the main guerrilla movements in the Colombian conflict “and promoted a radical transformation of Colombia’s capitalist system through collective action and armed struggle” (Brittain, 2010; xvi). The

⁴ The guerrilla movements in Colombia all have different origins. While the rural FARC was linked to the Communist Party and was composed of peasants, the ELN was an urban group “composed of students and graduates of the University of Santander” and are Catholics (Rabasa and Chalk, 2001; 30)

⁵ See *appendix 1* for a map of Colombia.

FARC had roughly three ways of generating income: extortion, kidnapping and the drug economy (Chernick, 1999; 166). They were not involved in the trafficking of drugs but instead they profited by imposing 'protection-taxes' on farmers cultivating the coca or other illicit cultivations. These sources created an estimated yearly income of hundreds of millions (Chernick, 1999; 166). It is often presumed the FARC received donations of the Soviet Union, however, some authors have argued this not to be true. (Pécaut, 2008; 89).

The paramilitaries are a result of the guerrilla violence. These right-wing private militaries, "often including off-duty soldiers and police officers", were used by rich landowners and ranchers for protection against the guerrillas who demanded 'protection taxes' or stole their cattle (Livingstone, 2003; 78). The state legalised the paramilitaries in 1968, welcoming their assistance in the fight against the guerrillas. In the 1980's the paramilitaries grew strongly in power thanks to the *Coca Boom*. Rich drug traffickers invested in large tracts of land and cattle ranches. Almost 5 to 6 million hectares of ground was sold by rural elites, who wanted to flee the violence and taxes imposed by the guerrillas, to the drug traffickers (Chernick, 1999; 172). These new rich landowners, with an aversion against the guerrillas, protected themselves with the paramilitaries. In December 1981 the *Narcos* created the death squad *Muerte a Secuestradores* (MAS) to fight against the guerrillas. However, in 1989 the paramilitaries had gained too much power, distorted peace processes and started targeting "key government and party officials to pressure against extradition or some other state anti-narcotic policies" (Chernick, 1999; 173). Therefore President Virgilio Barco unsuccessfully tried to stop the growth of the paramilitaries. The MAS eventually evolved into a nationwide force (Livingstone, 2003; 79).

2.2.1 President Betancur (1982-1986)

"Levanto una blanca bandera de paz para ofrecerla a todos mis compatriotas"
– Belisario Betancur (7-8-1982)

The first peace talks with the FARC were initiated by President Betancur (1982-1986) after being pushed by "the HR protection policy promoted by Jimmy Carter" (GMH, 2016; 141). Being the predecessor of the repressive government of Julio César Turbay Ayala, "who viewed all opposition to the government as subversive" (Livingstone, 2003; 76), Betancur noticed the hard stance of Ayala did not suppress the guerrillas. Backed by the USA, and represented by the Commission of Peace, he opted for peace negotiations that "were based on the assumption that guerrilla violence could be understood as the product of objective circumstances of poverty, injustice, and the lack of opportunities for political participation" (Kline, 2007; 17). The peace talks were criticized by "the high commands of the armed forces, most of the trade bodies, a part of the national elite and regional elites" (GMH, 2016; 141).

Betancur's policy consisted of three elements: amnesty for the guerrillas,

"political reform and democratic opening using both guerrilla negotiations, extra-institutional forums, and the congress to stimulate political reform, focusing on the consequences of a closed political regime; A special development program for areas most affected by the violence through a program known as the *Plan Nacional de Rehabilitación* (PNR), based on

the idea that the insurgencies flourish where the state has little presence” (Chernick, 1999; 175-176).

This eventually led to a cease fire between the FARC, other guerrilla movements, and the government in 1984, and to the creation of a political party called the *Unión Patriota* (UP), formed by the FARC and the Communist Party in 1985 (Livingstone, 2003; 79). However, “the amnesty did not require the guerrillas’ disarmament, a major point of omission that would doom this first stage of the peace process though it initially appeared to hold enormous potential” (Boudon, 1996; 282). A National Dialogue was supposed to follow but never took place (Kline, 2007; 17). The process by Betancur did lead however to the dismantling of several other guerrilla movements such as the M-19, Quintín Lame and the EPL (Chernick, 1999; 160; GMH, 2013; 33).

While the army had a truce with the guerrillas, the paramilitary continued the fighting in a surreptitious way. By the end of 1986 the ceasefire with the FARC ended and hostilities restarted, while truces with other movements had already been broken. Although Betancur took responsibility for the collapse, it is argued that the army under General Vega “acted on its own accord” (Livingstone, 2003; 79). This shows Betancur did not have full support of the army. Although ceasefires were broken, “the FARC participated with the UP in the congressional and presidential elections in 1986 and gained fourteen senators and congressmen and scores of city councilmen”. The UP nevertheless ended in tragedy. Soon after, the traditional parties accused the UP and the FARC of ‘armed proselytism’ because of their intimidating military presence in certain regions of the country. The FARC responded by noting that traditional parties had paramilitary forces linked to the army and therefore had also used armed proselytism (Chernick, 1999; 176). Over the next years between 2.000 and 2.500 UP followers were killed, including UP candidates Jaime Pardo Leal and Bernardo Jaramillo, who were the UP’s presidential candidates of 1989 (Livingstone, 2003; 79, Pécaut, 2008; 46).

During the negotiations with President Betancur the FARC never really opted for peace. According to Jacobo Arenas, the UP was just another instrument to reach power (Arenas, 1985, a.c.i. Pécaut, 2008; 46). Moreover, the FARC “used the negotiations to expand their territory and consolidate a people’s army to wage a prolonged war” (GMH, 2016; 143). Between 1979 and 1986 they grew vastly in number, going from ten fronts to thirty-one.⁶ As a result, the FARC decided to duplicate their fronts in order to create fronts in regions where they weren’t active before (Pécaut, 2008; 49). At the VII Conference in 1982⁷, the FARC chose to become more offensive instead of using defensive tactics with the goal to put an end to the regime and form an interim government (Pécaut, 2008; 49). This change in strategy was given power by adding the words *Ejército Del Pueblo* (EP) to the original name (Simons, 2004, a.c.i. Brittain, 2010; 25). Furthermore, “they continued their kidnappings and extortions to sabotage Betancur’s plan for a negotiated solution of the conflict” (GMH, 2016; 143). The rise of the coca trade also strengthened the FARC. Peasants came to these the remote areas where they started cultivating coca, marijuana and opium poppies. By cultivating and selling these illicit crops, peasants could help them accumulate capital in order to elevate themselves from poverty. In these areas, where the state was absent, the guerrillas formed the only forces of law and,

⁶ A front holds an average of 300 to 600 fighters (Ahmad, 2006; a.c.i. Brittain; 17)

⁷ The 7th Conference refers to the Conference of the FARC-EP. This is the highest authority of the FARC. This delegation makes decisions on how the movement should proceed and issues are discussed. So far, nine conferences have been hold with the latest in 2007 (FARC-EP, n.d.)

however they were initially hesitant against the illicit cultivations, began to tax the trade (Livingstone, 2003; 77).

2.2.2 President Barco (1986-1990) and President Gaviria (1990-1994)

“Colombianos, bienvenidos al futuro”
– César Gaviria (7-8-1990)

President Barco took office in 1986 and had seen the failure of Betancur’s peace policy. He therefore opted for a different strategy which had a “depoliticized, institutionalized and technocratic model focussing on investing in infrastructure works that would end the geographic isolation and marginalization of the regions affected by the armed conflict and taking the form of the National Rehabilitation Plan” (GMH, 2016; 145). His peace policy was built around two fundamental issues: disarmament, which had not been discussed under Betancur, and reintegration to society (Chernick, 1999; 178). However, violence was escalating in the country. This time most of the violence did not come from the guerrilla movements, but from paramilitaries and drug cartels. The government shifted their attention from the guerrillas to drug violence, resulting in the peace process receiving little attention the first years until, in 1989, the M-19 suddenly accepted the pre-conditions of unilateral cease fire, disarmament and political reincorporation (Chernick, 1999; 179). The M-19 laid down their weapons and participated in the governmental elections. Their initial candidate, Carlos Pizarro, was killed during his campaign. His successor Antonio Navarro Wolff entered the elections and eventually “became one of the three co-presidents of the assembly charged with rewriting the Colombian constitution in the 90’s” (Chernick, 1999; 179). It was under the Barco administration that multiple guerrilla movements, among which the FARC and the ELN, created the coalition called *Coordinadora Guerrillera Simón Bolívar* (CGSB) in order to have a stronger negotiation position. The CGSB was the result of the *Coordinadora Nacional Guerrillera*, which was created two years earlier, and the inclusion of the FARC in the coalition (Hernandez, 2007). The coalition however soon disbanded after multiple movements demobilized.

The momentum was for President César Gaviria who took office in 1990. At this time, there was popular demand for constitutional reform among the Colombian public, coalescing in the establishment of a special body with full authority to rewrite it. The goal of the rewriting was to create “a more open democracy, ending the National Front and create the institutional foundations for a more profound political and administrative decentralization, limiting the authorization of exceptional measures in the military and promoting the empowerment of the citizenry with different mechanisms for participation” (GMH, 2016; 156). When finished, it resulted in the disarmament of various guerrilla movements such as the EPL and the Quintín Lame. Other factors also played their part. The Berlin Wall had fallen and the Communist system of the Soviet Union had collapsed. With these collapses, the ideologies of many guerrilla movements had also collapsed.

Although peace talks were held with the FARC in 1991-1992 in Mexico and Venezuela, no agreement was signed due to “rigid stances and a lack of understanding between the two” (GMH, 2016; 160).

Furthermore, the FARC did not support the reforms. First of all, they were not interested in “a unilateral cease-fire and limited negotiations” (Chernick, 1999; 180). Second, due to the extermination of the UP, the FARC had no confidence in the safety of political opponents of the state (GMH, 2016; 160). Third, the National Constituent Assembly consisted of persons elected by the people. The FARC demanded a pre-established formation in which they were represented so they could ensure their political demands and structural reforms instead of being dependent on elections (GMH, 2016; 161). And fourth, the FARC wanted even more “political participation and major social, structural, and economic reforms” (Chernick, 1999; 166). The response from Gaviria was clear. He endorsed an attack by the army on the principal stronghold of the FARC, *La Uribe* (Chernick, 1999; 180). At the end of Gaviria’s term in 1994, no agreement had been reached with the FARC and violence was still sweeping through the country. Furthermore, the FARC had switched tactics. “At its Eight National Conference in 1993 FARC decided to construct a guerrilla army capable of defeating the armed forces in places of clear, strategic value” (Kline, 2007; 43-44). They would now actively start to attack towns and military bases instead of hiding in the bushes and set up ambushes (Kline, 2007; 43).

2.2.3 President Pastrana (1998-2002)

“Sin paz no hay pan. Por eso, ante todo, quiero la paz, que es paz y pan”

- Andrés Pastrana (7-8-1998)

The successor of Gaviria in 1994 was the Liberal Ernesto Samper. Under his term, a peace advisor was appointed and was asked to inform “whether the guerrillas and leading sectors of political and civil society were interested and would be committed to entering into substantive peace negotiations” (Chernick, 1999; 183). But it never came to negotiations with the guerrillas. Soon after his election, tapes surfaced that linked the Samper administration to the Calí cartel. In these tapes, the Calí leaders talked about contributing to the campaign of Samper and named his campaign manager multiple times (Kline, 2007; 28). Samper always denied that the Calí cartel was involved in his campaign, but he lost much of his legitimacy. The FARC even demanded “the removal of Samper as a condition for negotiations” (Chernick, 1999; 184). Although Samper finished his term, the scandal demonstrated to the public the existence of corruption and the involvement of drug money among the political elite. Journalist María Jimena Duzán had described this as following: “This is a terrorized political class that has delivered itself to the designs and money of the drug dealers. Those who stand up to the bosses and challenge them have fallen victim, brave politicians such as Luis Carlos Galán, Carlos Pizarro, and Bernardo Jaramillo” (Eduardo Santo, 1964 a.c.i. Kline, 2007; 29). Furthermore, FARC demanded a demilitarized zone for negotiations. The army never agreed to this, given their conviction that the FARC could be defeated by fighting (Kline, 2007; 29). At the end of Samper’s term, the FARC was stronger than it had ever been before (Kline, 2007; 45). In 1991 the FARC had 5,800 combatants spread over 48 fronts while “in 2002 their number had risen to 28,000 combatants in 62 fronts. Furthermore they were present in 622 municipalities, an equivalent of 60% of the total in the country” (GMH, 2016; 168).

From 1999 until 2002 the FARC and new president Andrés Pastrana conducted peace talks. Pastrana was elected on the promise of starting new negotiations with the FARC. There was no ceasefire insisted but rather a ceasefire that would be negotiated. Also a demilitarized zone of 42,000 square kilometers was created in the south of Colombia. In this area the peace negotiations would be held (Livingstone, 2003; 88). At the same time Pastrana strengthened the army with the help of the US. Together they created *Plan Colombia*, originally a peace and development plan that transformed into a “militaristic anti-drugs trafficking plan” under President Uribe (Livingstone, 2003; 86).

For the FARC, progress in the negotiations were about three central topics: “the exchange of members of the Armed Forces they had kidnapped for political prisoners, an all-out fight against the paramilitaries by the establishment and the maintenance of the demilitarized zone at all costs”(GMH, 2016; 173). For their part, they saw *Plan Colombia* as a “means of warfare, given that it was focused on strengthening the Armed Forces and a policy of zero tolerance of drugs, highlighted by the aerial fumigations of illicit crops” (GMH, 2016; 175). At the same time, the FARC used the demilitarized zone as a safe zone to keep hostages and to train fighters. As result peace negotiations were held while the two were still fighting each other, what resulted in more intense fighting and “the worsening of the war” (GMH, 2016; 172).

The peace talks of Pastrana were fragile and the negotiations were being postponed almost constantly. This increasing violence evinced strong negative public opinion against Pastrana that eventually led to the election of Álvaro Uribe. The negotiations of Pastrana were ended shortly before. President Uribe did not see the FARC as a political actor like Pastrana. Uribe saw the FARC as narco-terrorists that needed to be dealt with by force. His policy was in line with the ideas of the US who had labelled the FARC as a terrorist group after the 9/11 attacks. The US “assured that any offensive against the FARC would have its full support” (Livingstone, 2003; 92). Plan Colombia was adapted and turned into a military aid program. As a result Uribe and his government were able to unleash the greatest political, military and juridical offensive against the Colombian guerrilla groups in the history of the country’s conflict” (GMH, 2016; 185).

2.2.4 Juan Manuel Santos (2010-present)

“Con las FARC, nada está acordado hasta que todo esté acordado”

– Juan Manuel Santos (20-4-2013)⁸

When Juan Manuel Santos was elected as president in 2010, he continued Uribe’s policy by maintaining military pressure on the FARC (Delgado, 2015; 829). In 2010-2011 they were able to kill the FARC’s two top commanders⁹ (Delgado, 2015; 829). But in November 2012 Santos changed his policy and announced a new round of peace negotiations with the FARC. In his speech he stated that the government had learnt from their mistakes “and were bound not to repeat them” (Gomez-Suarez & Newman, 2013; 820). Furthermore he stated that the negotiations had the goal to end the conflict, thus creating a negative peace, and that there would be no demilitarized zone (Santos, 4-09-

⁸ A.c.i Vladdo (20-4-2013).

⁹ The leaders killed were and Mono Jojoy; real name Victor Julio Suárez Rojas (2/1/1953-22/9/2010); and Alfonso Cano, real name: Guillermo León Sáenz Vargas (22/7/1948-4/11/2011).

2012). If the prospects were looking good, then they would focus on a positive peace. The Colombians were, after multiple peace attempts, sceptical about the new negotiations. But this time the prospects were looking good. This was due to two reasons: The FARC has said not to strive for political power by force and Venezuela, “the country that provided the FARC with arms and sanctuary”, has become unstable and its regime highly unpopular (The Economist, 2-11-2015). One of the mistakes made by President Pastrana was the creation of the demilitarized zone. Learning from Pastrana’s mistakes, Santos did not create a demilitarized zone. Furthermore, the negotiations were held in Havana so the FARC could not use this zone to regroup militarily; and no bilateral ceasefire was created (Gomez-Suarez & Newman, 2013; 820). The FARC wanted a ceasefire but the government did not agree upon this proposal. Nevertheless, the FARC announced a unilateral ceasefire in November 2012 for two months (FARC-EP, 19-11-2012).

The talks were restricted to 5 points agreed upon: agrarian development, political participation, end of the conflict, drug trafficking and victim’s rights (Gomez-Suarez & Newman, 2013; 820). A sixth point can be named in addition, namely the “implementation, verification and endorsement of the peace agreements” (Mouly, 25-01-2017). With an agenda set, the FARC could not manipulate it. Moreover, Santos had said, “nothing is agreed until everything is agreed” (Vladdo, 20-4-2013). Chile, Venezuela, Cuba and Norway were asked to help as witnesses of the process to “contain the amount of mistrust and convey the Colombian public they are honouring the Havana Agreement” (Gomez-Suarez & Newman, 2013; 826). “The Havana Agreement is the ‘General Agreement for Ending the Conflict and Constructing a Stable and Long-lasting Peace’, signed on 26 August, 2012” (Gomez-Suarez & Newman, 2013; 822) and focused on the political guarantees for the FARC.

The second and fifth point are especially difficult to agree upon due to their conflicting interests: Political participation and justice for all victims of all sides of the conflict. The FARC argues they are not surrendering but rather are “undefeated rebels pitted against an unjust oligarchy in the cause of social justice” (The Economist, 31-10-2015). In other words, as war is politics by other means, they are continuing their fight without war. FARC also pointed out that earlier guerrilla movements were granted amnesty. However, the majority of the public opinion was against amnesty and wanted the FARC to be punished, something the FARC would not easily agree upon, creating a cleavage for the government. But under international law, full amnesty cannot be granted and “those responsible for the most serious crimes, from whichever side, need to be prosecuted and appropriate penalties imposed that can be reduced if stringent conditions are met” as crimes were committed by both sides (International Crisis Group, 2013; i). “To provide justice, the Colombian government has created an *international justice tribunal* and a Truth Commission” (Colombia Reports, 25-09-2016). FARC members who confess their crimes will face light charges of a maximum of eight years of “community work with effective restrictions on liberty, but not jail” (The Economist, 31-10-2015). Those who don’t cooperate will face heavier charges. This applies both the “military officers who have committed war crimes, as well as to those who have financed the illegal armies” (The Economist, 31-10-2015). Political participation in FARC is, however, not restricted to the creation of a political party. The members of the UP, created by the FARC, were murdered by opposition. Therefore the FARC wants security for their new political party and their demobilized members (Gomez-Suarez & Newman, 2013; 821).

A bilateral ceasefire was signed on 23 June 2016 in Havana (UN News Centre, 2-08-2016). The UN has, on request of the Colombian government, started a special mission led by Jean Arnault to monitor

and support the peace process (Mouly, 25-01-2017). On August 24th 2016, an agreement was reached on all points. The peace agreement was signed on September 26 in Cartagena, Colombia. In order for the Colombian people to express their thoughts about the Colombian Peace Agreement, a popular vote was held to endorse or reject the agreement (BBC, 23-11-2016). The result showed a small victory for the opposition of the agreement. Notably, the regions most affected by the FARC in the rural areas of Colombia, were in favour of the agreement, while those least affected rejected the agreement. The government and the FARC created a new agreement only six weeks after the rejection with changes in “all but one of the 57 points in the original agreement” (BBC, 23-11-2016). This time, no popular vote was held and the Colombian Congress approved the agreement on November 29th. After three earlier attempts to create peace between the FARC and the government, peace has finally been reached. On June 27, 2017 the FARC finished their disarmament (Casey and Daniels, 27-6-2017)

Chapter 3: the role of kidnappings in the Peace processes

The first chapter has provided a theoretical framework to explain the focus on the nexus between kidnappings and the peace process. In this section, a central hypothesis was proposed: *The act of kidnapping by the FARC works as an important spoiler in the Colombian Peace Process*. In the second chapter an historical analysis was provided of the origin of FARC, the Colombian conflict and the peace processes under the Colombian presidents Betancur, Barco and Gaviria, Pastrana and Santos. In this final chapter I will analyze the influence of kidnappings on the peace processes in the country. I will start by analyzing the history of kidnappings in Colombia followed by the influence of kidnappings on the national and international community. I will end with an analysis on the peace processes by President Santos in order to answer the main research question *why was the peace process of President Santos successful?* With this outline, an understanding of the role of the kidnappings in the peace process in Colombia and their impact on Colombian society will be established.

3.1.1 The Evolution of Kidnappings in Colombia

Between 1970 and 2010 about 27,023 kidnappings were perpetrated by parties that were associated with the conflict between the guerrillas, paramilitaries and the government, while another 12,030 were perpetrated by other parties such as organized criminal groups (GMH, 2016; 70). Of these numbers the guerrillas were responsible for 24.482 kidnappings, with the FARC as main perpetrator, while paramilitaries conducted 2541 kidnappings (GMH, 2016; 70). The fact that the paramilitaries are less involved in kidnappings does not imply that they were less violent. More than other actors, paramilitaries were involved in the crime of forced disappearances and massacres. However, It could be that in reality the total number of kidnappings is much higher due to unreported kidnappings or kidnappings that were solved privately.

The kidnappings in Colombia evolved from three different phases in Latin America (Rubio, 2003; 8). First there was a series of plane hijacks in Cuba by anti-Castro's in the country who wanted to flee the island. It also happened the other way around. Many persons, for example people intrigued by the Communist system or revolutionaries, hijacked planes in order to reach the island and experience the system (Koerner, 18-6-2013). The second phase was created by movements, such as the Tupamaros in Uruguay and guerrillas in Guatemala and Brazil, who gave the kidnappings a political character by kidnapping diplomats, government officials and civilians (Rubio, 2003; 8). In the third phase, ransoms were asked in return for the victims of kidnappings without a political character. The Argentine movement *Ejército Revolucionario Popular* (ERP) was a guerrilla movement that earned a lot of money with this practice (Rubio, 2003; 9). A combination of the phases of kidnappings started to occur and expand in Colombia during the seventies. Movements such as the FARC, ELN and M-19, became influenced by the Argentine and Uruguayan movements and started to kidnap diplomats or employees of multinationals. The kidnappings in Colombia started as small crimes on a low scale by the guerrilla movements in order to generate income, but soon evolved into a professionalized business used to generate fortunes and to exert political pressure (Rubio, 2003; 11; GMH, 2013; 47).

Because of these high numbers, Colombia was given the infamous title of *kidnap capital of the world* in the late 1980s (Pires et al, 2014; 787).

The GMH identifies five periods of kidnappings although they slightly differ from each other in *¡Basta Ya!* and *Una Sociedad Secuestrada*. *¡Basta Ya!* uses the periodization of 1970-1979, in which the numbers were relatively low: 1980-1990, when kidnapping numbers started to rise; 1991-1995, when the numbers diminished; 1996-2002, in which the kidnapping numbers exploded; and 2003-2010, when the numbers diminished once again. These periods can be identified in *figure 3*. In this figure of the GMH, I've placed the different presidential periods.

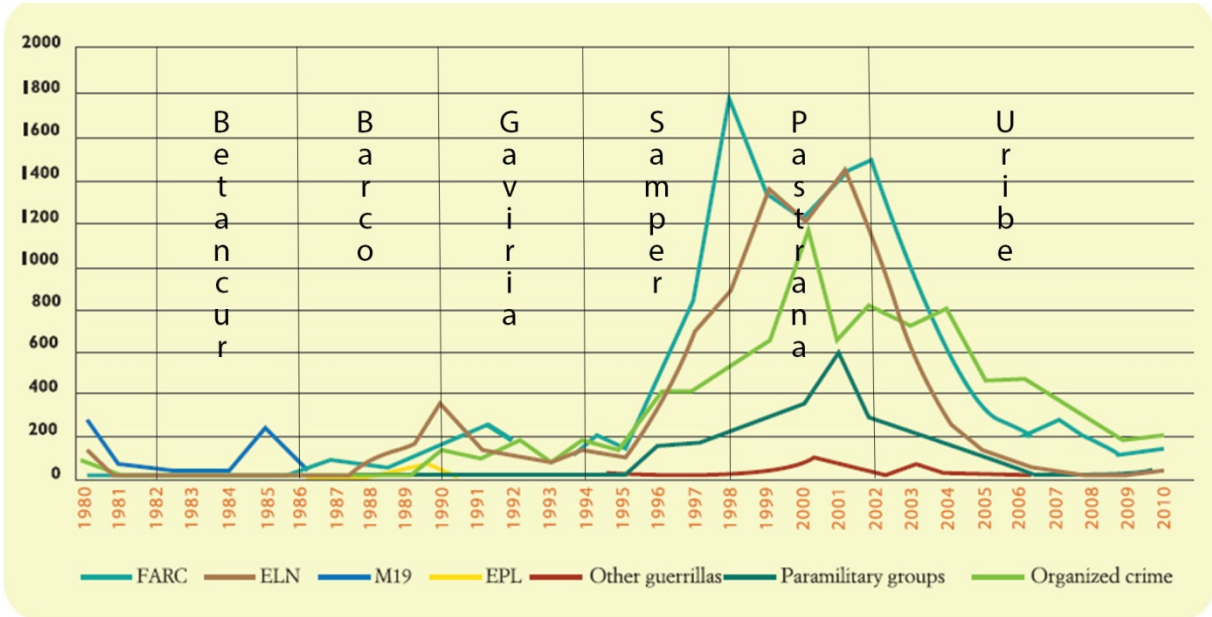


Figure 3: The evolution of the abductions in the armed conflict in Colombia combined with the different presidential periods, 1980-2012 (GMH, 2016; 73)

3.1.2 Urbanization and the Coca Boom

Rubio has identified two reasons why the kidnappings in Colombia started to increase: the shift from rural to urban violence by the guerrillas and the Coca Boom (Rubio, 2003; 13). The kidnappings started to increase at the end of the seventies when especially the M-19 started kidnapping. This period, 1970-1989, is called *Los Inicios*, referring to the beginning of the kidnapping in Colombia when the numbers were relatively low, as can be seen in *figure 4*. During this time, the kidnappings were mostly economical, in other words, as a way of financing. However, the M-19 also started to use the kidnappings in a political way: as a tool to generate popular support (GMH, 2016; 71). Therefore they mostly kidnapped wealthy citizens. Later, high profile kidnappings, such as the kidnapping of politicians, militarys and foreigners, were also used during negotiations to create a stronger bargaining position. These kidnappings attracted a lot of attention and put the government under pressure.

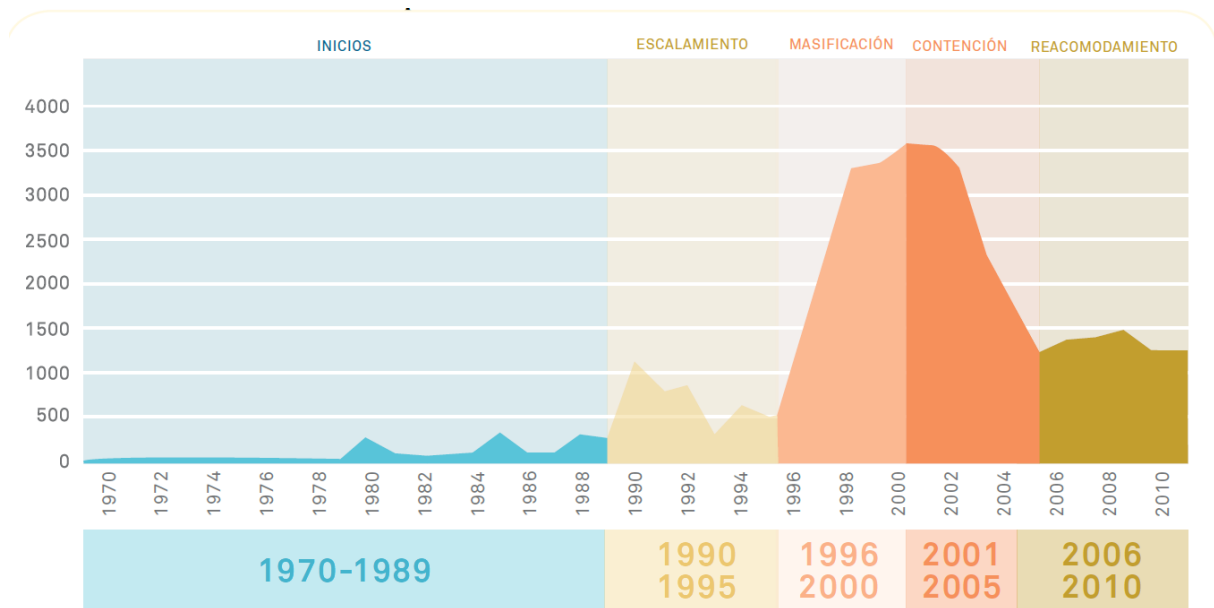


Figure 4: Timeline of the number of kidnappings 1970-2012 (GMH, 2013; 40).

Because of the relatively low number of kidnappings, “the act was not yet seen as a real threat for neither the Colombian State nor the Colombian society” (GMH, 2013; 29). In 1980-90 the numbers started to grow when, pursuing the M-19, the ELN and the FARC became more active in the kidnappings due to their change of tactics. This was mostly the result of the success of M-19’s seizure of the Embassy of the Dominican Republic in 1980. “This act led to a lot of international media attention, publicity, economic resources and an opportunity for M-19 to talk with the Colombian government about their demands” (Rubio, 2003; 14). The M-19, however, was dismantled under President Barco and signed a peace agreement in March 1990, which meant the end of their kidnapping activities (GMH, 2016; 152). Multiple other movements followed their example as explained in the second chapter.

It was not long after M-19’s embassy seizure that the FARC held their VII conference, in which they added the words *Ejército del Pueblo*. They decided to change tactics by moving to cities, leaving the rural zones behind, and, not only becoming more involved in the kidnappings, but also becoming a real military force (GMH, 2013; 169). This plan was called *Campaña Bolivariana por una Nueva Colombia*. This did not mean the rural kidnappings stopped. The shift of action of the guerrillas from the rural to the urban area is one of the two important factors that led to the high increase of kidnapping in Colombia. This happened during the same time as Betancur’s peace proposal. Although the FARC did create the UP, it was argued this was mostly a way to continue their battle for power on a political and military manner inspired by the thesis of the *Partido Comunista de Colombia* called *La Combinación de todas las formas de lucha* (GMH, 2016; 142; Trejos and Arana, 2013). Furthermore, kidnappings by the FARC continued to “sabotage Betancur’s plan for a negotiated solution of the conflict” (GMH, 2016; 143).

The other circumstance that escalated the conflict and the kidnappings was the impact of the drug trade in the beginning of the 80s. Due to the Coca Boom, the price of land increased. This increase drew many wealthy middle-class citizens into buying land as form of speculation who then moved

out of the cities. Living in distant rural areas, this new group of citizens formed an excellent substitute for the rich elites who all had moved away from the rural areas (Rubio, 2003; 19).

However, one of the most important moments of the Colombian conflict occurred in 1981, when the M-19 kidnapped Marta Nieves Ochoa, the sister of one of the members of the Ochoa Clan, who on their turn were part of the Medellín Drugs Cartel. As Rubio describes this event: “an event that might seem episodic, but determined the escalation of the paramilitaries in the conflict” (Rubio, 2003; 20, own translation). This cartel created the paramilitary group *Muerte a Secuestradores* (MAS), aiming to end the kidnappings perpetrated by the guerrillas by eradicating them (GMH, 2013; 30). The MAS was not only created as a response to the kidnapping of their sister, but also as a response to the kidnappings of political and economic elites, of whom many were drug dealers, in Colombia (GMH, 2013; 30). This meant that the drug dealers, the *Narcos*, now financed the paramilitaries in their war against the guerrillas.

As a result of the urbanization of the conflict and the involvement of the drug dealers and paramilitaries, the conflict changed completely.

3.1.3. Kidnappings after the '90's

Despite the demobilization of multiple guerrilla movements, the period of 1990-1995, in which also the negotiations with Gaviria took place, is called *el Escalamiento*. During *el Escalamiento* kidnapping numbers started to rise quickly (GMH, 2013; 32). The ELN was the main perpetrator of kidnappings with 30% of all kidnappings, followed by the FARC who was accountable of 28% of the kidnappings (GMH, 2013; 33). In 1993, the FARC held its VIII Conference. In this conference they decided to construct an army capable of fighting the state's military forces (GMH, 17-06-2016). This change in tactics not only led to the growth of the FARC and to attacks on military bases in the country, but also to an increase in the kidnapping of militaries and police men (GMH, 17-06-2016). These victims would be used to trade with imprisoned guerrilla fighters (GMH, 17-06-2016).

The third period, between 1996 and 2000, is called *La Masificación*. In this period, the number of kidnappings in the country skyrocketed. There are two explanations for this explosive increase in numbers (GMH, 2013; 35). First, the guerrillas shifted their attention to the lower classes after their second source of kidnappings, the wealthy middle class, had been exhausted. Furthermore, many rich Colombians had already left the country out of fear of being kidnapped and “many foreigners had taken extreme safety measures” (PCN, 2001; 31). So the guerrillas started in this period the so-called *pescas milagrosas*. The *pescas milagrosas* were a way of indiscriminately kidnapping civilians by installing roadblocks and stopping random cars. This term “arose in March 1998 when both the FARC and the ELN perpetrated massive kidnappings in one weekend” (Rubio, 2003; 27). This happened outside the cities on important roads. The person inside had to identify himself and was screened by the guerrillas to see if he was worth the effort to kidnap. The kidnappings almost evolved into a game for the guerrilla movements, as it was the trick to ‘try and catch a big fish’ (Rubio, 2003; 32).

The second reason for this explosive increase of kidnappings is the creation of the demilitarized zone in San Vicente del Caguán¹⁰, which the FARC had obtained during the peace negotiations with President Pastrana of 1998-2002. In this region, which was free of militaries, the FARC was able to hold many hostages. The kidnappings evolved into an economic industry alongside their function as a tool to put political pressure on peace negotiations. “During the peace negotiations with President Pastrana in Caguán, 5.351 persons were kidnapped” (GMH, 2013; 35).

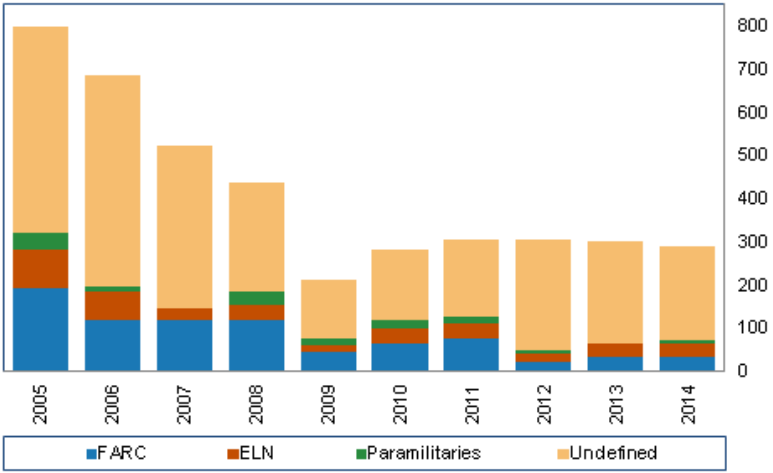
It is argued that with the *pescas milagrosas* starting in the 90’s and after Pastrana’s peace process, the FARC had even less legitimacy than they had before (Kline, 2007; 125). It was then that the FARC started to target the lower class Colombians from whom they initially sought support. This, in combination with Pastrana's failing peace negotiations, has also caused the FARC to lose its international legitimacy. It showed that they were no *Robin Hoods* fighting the state to benefit the poor (Kline, 2007; 125).

The fourth phase was from 2001 – 2005 and is called *La Contención*. During this period the paramilitaries became more involved in the kidnappings of persons to put pressure on the government during negotiations. The paramilitaries also used kidnappings to influence votes during elections. In the democratic system of Colombia, agreements were created between local politicians and paramilitaries. “In the context of these alliances, paramilitaries provided politicians with a violent muscle meant to protect electoral processes and maximize votes. In return, politicians protected paramilitary activities and represented the self-defense warlords in Congress in order to feed their political, judicial and economic domains” (Escobar, 2013; 5). In 2006, it became known that many congressmen had ties with the paramilitaries. This was referred to as the *Pacto de Ralito* and added the chapter of *Parapolitics* to the Colombian conflict (GMH, 2013; 37).

However the number of total kidnappings decreased due to the policies applied by President Uribe. During *La Contención*, the Colombian Army backed by the United States and *Plan Colombia*, and with the use of paramilitaries “were able to retake control and consolidate large parts of Colombia” (Restrepo and Aponte, 2009; 74). *Plan Colombia* was published as a peace plan, including military aspects by President Pastrana in 1999 (Livingstone, 2003; 147). However, after Uribe became president in 2002, the plan was heavily changed into a military aid package aimed at fighting against drug trafficking and strengthening the Colombian Army (Livingstone, 2003). Thanks to this change, the guerrillas were pushed back into remote areas where no potential victims were present. Here it became too difficult for guerrillas to kidnap victims in the urban areas and move them to the camps in the jungle due to the presence of the army (Restrepo and Aponte, 2009; 74). Due to the military pressure the guerrillas also needed high mobility, as hostage-taking is complex and laborious (Restrepo and Aponte, 2009). Furthermore, unlike other Presidents, Uribe did not negotiate the release of hostages. He would rather try to free them. It is, however, important to note that *Plan Colombia* is linked to extrajudicial killings and HR violations, “as an estimated number of 3.000 innocent civilians were killed by Colombian security forces”, as will be explained in chapter 3.2 (Reyes, n.d.; Shifter, 2012). Besides there are some footnotes to be placed. “Some critics argue the number also decreased because Uribe applied a system in which kidnappings would only be registered in the official statistics when the Attorney General’s Office opened a case, what could take up to 4 years” (Gurney, 13-1-2015).

¹⁰ See *appendix 1* for a map of Colombia.

The final phase is called *el Reacomodamiento* and goes from 2006-2010. During this time period mostly urban criminal groups, other than the guerrillas, also started kidnapping. Thanks to *Plan Colombia*, the Colombian Army had become much stronger and was concentrating on their fight against the FARC and ELN thus creating room for new groups. Following, there was a short period when the numbers of kidnappings went up again. This was due to the dismantling of the paramilitaries. The guerrillas took control of the vacuum they left behind (Restrepo and Aponte, 2009; 77). However, as can be seen in *figure 5*, the total number of kidnappings strongly diminished. From 2002 onwards, the fighting became most intense. In 2003 there were the most casualties of the conflict so far. It was also during this period the FARC lost many members (Restrepo and Aponte, 2009; 43). There was a strong increase in the number of forced disappearances and forced displacements too as can be seen in *figure 6* and *figure 7*.



Source: Colombia Reports, Colombian Defence Ministry

Figure 5: The number of kidnappings in Colombia, 2005-2014 (Latin America Monitor, 2016)

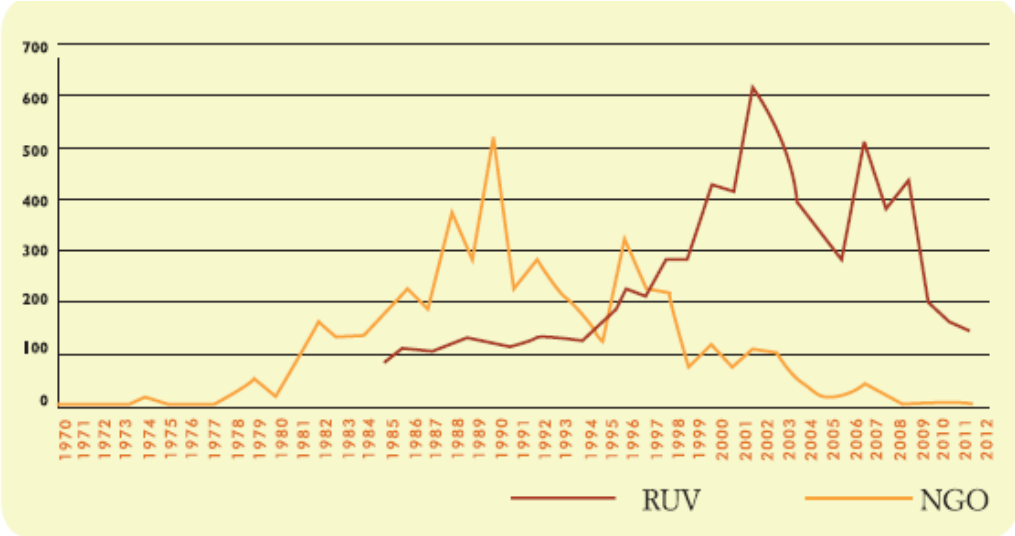


Figure 6: Evolutions of the number of forcibly disappeared persons in the armed conflict in Colombia (GMH, 2016; 64)¹¹

¹¹ RUV stands for *Registro Único de Víctimas*

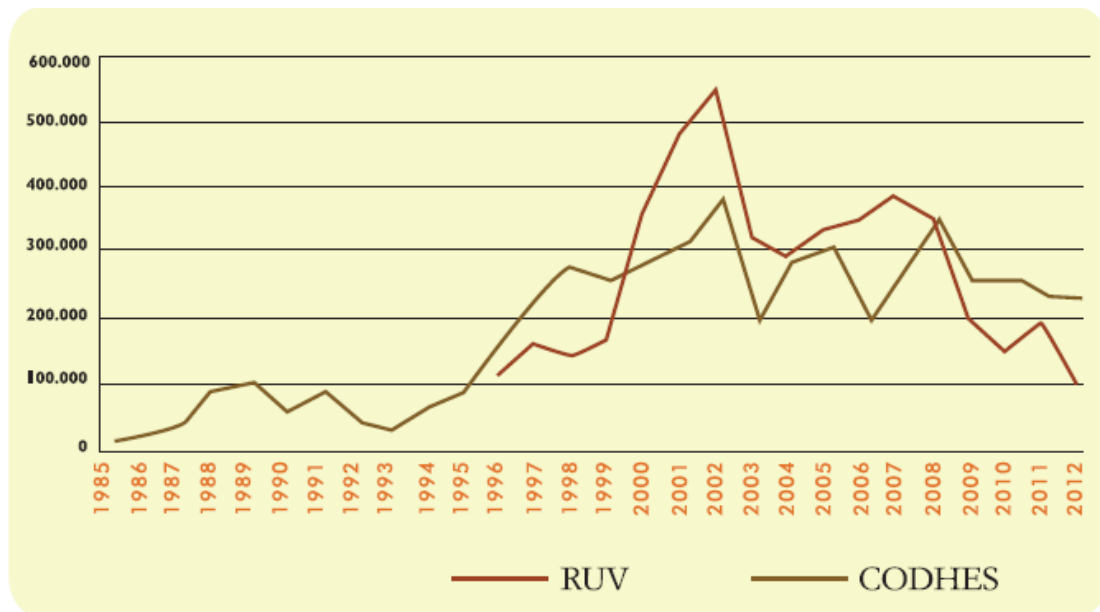


Figure 7: Evolution of the number of forcibly displaced persons in Colombia (GMH, 2016; 80)

3.2. National and International Responses

National responses to kidnapping

The high numbers of kidnappings in the country have severely influenced and impacted Colombia. It even became possible to take a kidnapping insurance (PCN, 2001; 86). Many solutions, such as new policies and laws, have been sought to solve the problem. In 1991, an anti-kidnapping law called Act. 40 was created which forbids the payment of ransom after a kidnapping. This law was later amended so that payment was only allowed in order to save someone's life (PCN, 2001; 39). The *no-payment policy* has also been adopted by the UN but has no legal obligations and is therefore not adopted by all countries, such as France (Rocha Da Silva, 16-09-2014).

Furthermore, Colombian civil society has tried to put the FARC under pressure with protests against the kidnappings, especially when middle and lower class civilians also became victims of the kidnappings in the late 90's (GMH, 2013; 191). This shows how Colombian civil society reacted and organized itself to unite against the violence. In 1999 and 2008 for example, hundreds of thousands were protesting against the FARC (BBC, 25-10-1999; GMH, 2013; 168). NGO's, such as *La Fundación País Libre* were also established in order to help and guide the victims of kidnappings (GMH, 2013; 188). The election of Uribe in 2002 can also be seen as "civilian dissatisfaction with the country's increasingly violent conflict" (Restrepo and Spagat, 2005; 131). After failing peace negotiations and escalating violence the hard-line stance of Uribe against the FARC was received well by the population. His approach was known as the *Democratic Security Policy* and was "an ambitious plan to gain control over lawless territories and provide security to all sectors of society based on an expanded military and police presence and the creation of networks of civilian support" (Restrepo and Spagat, 2005; 131-132).

International responses to kidnapping

The kidnappings in Colombia were not unnoticed by the international community. Some particular cases provoked international responses such as the case of Ingrid Betancourt in 2002. She was a French-Colombian woman and an ex-presidential candidate who was kidnapped by the FARC. Due to her French nationality, the French President Jacques Chirac pressured the FARC and President Uribe to release her (Bruce et al, 2010; 169). Kofi Annan, back then Secretary-General of the UN, had also condemned this act, “which was seen as a clear violation of international humanitarian law” and asked for her release (Annan, 25-02-2002). He had previously also expressed his concerns about the Colombian situation (Annan, 27-07-2000). Current president of the UN, Ban Ki-Moon has also condemned the kidnappings “as an inhumane and unjustifiable crime” (Ki-Moon, 6-02-2009).

The US, already an influential actor in Colombia, also responded to the violence. It was US president Jimmy Carter who pushed Colombia into peace negotiations with the guerrillas during Betancour’s term (GMH, 2016; 141). In 2016, President Barack Obama said the US “helped Colombia end Latin America’s longest war” (Levesque, 20-09-2016). Not only did they support the peace process of Santos, they have been present in Colombia for over 30 years (Sorrel, 2010; 51). Although their presence is explained under the denominator of the *War on Drugs*, it is also being argued that they are involved to fight the insurgencies as part of the *War on Terror* (Livingstone, 2003; 172). It could also be placed in the post-Cold War context. During the Cold War the US was involved in many military operations in Latin America in order to prevent a Communist take-over¹² (Tate, 2009; 56). After the Communist threat had diminished, the War on Terror became an important narrative for US foreign policy.

Plan Colombia was started shortly after the FARC was classified by the US as a terrorist organization, following 9/11 (Livingstone, 2003; 200). Although its goal was not to fight the kidnappings, “the reduction was a diffusion of benefit” (Pires et al, 2014; 803). *Plan Colombia* also led to controversies when “the US appeared to be strengthening an abusive military with a history of well publicized collusion with paramilitary forces, taking sides against long running Marxist insurgencies” (Tate, 2009; 56). Therefore the Leahy Amendment was passed which “prohibited US counternarcotic assistance to foreign military units facing credible allegations of abuses unless the government was taking effective measures to address the allegations” (Tate, 2011; 337). To avoid allegations of HR violations in the Colombian Army “particular officers for HR abuses were removed by the Colombian and US government” and “new units were created consisting of vetted soldiers when no *clean units* could be found” (Tate, 2011; 344, 337). Furthermore, a rise of abuses perpetrated by the paramilitary forces was documented while the number perpetrated by the Army decreased (Tate, 2011). Also new methods, so-called *concealment strategies*, were invented to bypass HR scrutiny such as the avoidance of massacres by spreading bodies over large areas¹³ or prohibiting civilians to flee¹⁴, while simultaneously the number of forced disappearances increased (Tate, 2011; 346; GMH, 2016; 64). Thus, although the Army and the paramilitaries pushed the guerrillas back, it came at the high price of high HR violations.

In 2016 Obama and Santos announced the creation of Paz Colombia, a financial support plan in order to further help the creation and implementation of peace in Colombia (Franco, 5-02-2016).

¹² This is also regarded as the Domino Theory

¹³ Now this act is called ‘multiple homicide instead of massacre’

¹⁴ This results in a reduced number of forced displacements

3.3. The Role of kidnappings for Santos on the peace

So why was Peace created by Santos and what was the role of kidnappings?

Looking at the former peace negotiations with the FARC one important lesson can be learned. It can be argued that the FARC had not always opted for peace¹⁵. During Betancur's administration the UP was solely created to continue the battle, also on political level, giving them an opportunity to get stronger (Kline, 2007; 173). When Samper was in office the FARC won many battles (Kline, 2007; 174) and when Gaviria was in power the FARC held their VIII conference in which they decided to create a stronger army. During the negotiations of Pastrana the FARC had also used the peace negotiations for other ends than peace, namely to restrengthen their army in the demilitarized zone. Jesus Antonio Bejarano, chief of the Pastrana delegation, also confirms this. He said: "What they [the FARC] like is the process, not the peace" (Kline, 1999; 100). Thus the FARC used negotiations to expand and consolidate power and as a tactic of war.

The FARC has used kidnappings in multiple ways to their advantage. Firstly, it became a source of income, but secondly it has become a tool of political leverage. It has often happened that political kidnappings were exchanged for FARC prisoners (Del Pilar & Balbinotto, 2011; 147). Thus kidnapping was also a strategy used to enter the negotiation table (Del Pilar & Balbinotto, 2011; 149). But moreover "it was also used as an effective strategy to strengthen their negotiating position, for example during the Peace process with Pastrana" (GMH, 2016; 73).

However Uribe used a strategy of non-negotiation that contrasted with former strategies and thus kidnapping had lost its function as entry-tool. Santos continued this policy.

Multiple times the kidnappings also functioned as a spoiler in the peace process. *Timeline 1*¹⁶ shows that the peace processes of Gaviria, Pastrana and Santos were suspended or ended days after political kidnappings by the FARC. During the negotiations of Pastrana "two kidnappings by the FARC were to anger the government and the international community and slow down the pace of the peace talks" when they kidnapped a former Colombian governor and three German development workers (Kline, 2007; 98).

But in 2012 the FARC announced that they would stop the kidnappings and released multiple hostages as a sign of goodwill (Reuters, 26-02-2012). However, it can be argued that their real intentions differed from their stated intentions. They had realized political kidnappings would not result in a better negotiation position anymore. Another result of the offensive started by Uribe was that the FARC had firmly decreased in numbers, and that four of their leaders, namely Alfonso Cano, Raúl Reyes, Manuel Marulanda and Victor Julio Suárez Rojas, had been killed by the Colombian Army. Furthermore, kidnappings had multiple side effects on their movement. Not only did it lose them legitimacy and support, but it also diminished internal cohesion and increased desertion (Del Pilar and Balbinotto, 2011). Rebels deserted their posts after they created deals with their captives (Del Pilar and Balbinotto, 2011). Internal cohesion is important in order to successfully end negotiations (Walch, 2014).

With the Colombian Army much stronger than before *Plan Colombia*, and with a weakened FARC, there was no chance of winning for the FARC, thus leaving only a few options: a negotiated

¹⁵ This cannot be known for sure because there are documents written by the FARC in which their strategy is explained.

¹⁶ See appendix 2

settlement, negotiated surrender or the destruction of the movement (Ryan, 1994). The FARC’s best option was to opt for a negotiated settlement. As a sign of the seriousness of their peace negotiations, they announced to stop the kidnappings.

If we look at former negotiations, we see some differences between the approaches by the presidents. Kline has created a conceptual framework in which the framework of President Santos as can be seen in *figure 8*.

<i>Context</i>	Idealism	Power
Demobilization/ Ceasefire	Betancur (1982-1986)	Barco (1986-1990)
Conflict	Pastrana (1998-2002)	Gaviria (1990-1994) Santos (2010-present)

Figure 8: A Theoretical Comparison of Peace Processes in Colombia 1982-1994 (Kline, 2007; 21)

The *Context* refers to the column of *Demobilization/Ceasefire* & *Conflict*. Its shows whether “negotiations could take place with or without changes in the guerrilla warfare” (Kline, 2007; 21). In other words, could the negotiations start while there is an ongoing conflict between the guerrillas and the military, or is a ceasefire a pre-condition for negotiations? *Idealism* and *Power* refer to the view of the seated president about the origin of the conflict. According to Kline, “Barco and Gaviria argued the conflict was about power and not about socio-economic issues” (Kline, 2007; 20). They negotiated political power with the FARC and thought it was “the only necessary element to arrive at peace” (Pardo, 2002; 5). Betancur and Pastrana thought otherwise. Betancur started the peace process with the idea that peace could be reached by negotiating about reforms and inclusivity, as explained in the second chapter. Before the National Dialogues with the movement could take place, a ceasefire was required. These dialogues never took place. Pastrana opted for an ongoing conflict and believed the conflict was about reforms. For example, his government had proposed a deepening of the democracy and the creation of new laws. In order to create trust, a demilitarized zone was created and a ceasefire was one of the crucial points on the agenda (Kline, 2007; 47).

I have placed Santos in the Conflict/Power context. Whether Santos opted for a ceasefire before the start of negotiations or conflict during the negotiations is clear. Santos had rejected a proposal by the FARC to create a ceasefire (Fisas, 2016; 114), presumably because it could have easily been broken and which would have halted negotiations. Thus by opting for the continuation of conflict, the negotiations were protected (García and Morales, 17-01-2015). Furthermore, a ceasefire creates a favorable situation for the FARC in which they can regroup as they did before (Battaglino and Lodola, 2013; 2). Whether Santos fits in Idealism or Power framework is less clear. Santos’ agenda did propose some reforms to be made, such as agricultural reforms. However, Fisas describes this act solely as an agreement in order to create trust between the two parties (Fisas, 2003; 114). Therefore I argue that the purpose of these proposals was solely to “create the condition to negotiate about power” which fits the Power context proposed by Pardo (Pardo, 2002; 5).

The election of Santos renewed chances for peace for the FARC and Colombia. But, in chapter 2, I showed that President Santos stated, in a speech regarding the start of the negotiations with the FARC, that the government had learnt from their mistakes “and is bound not to repeat them” (Gomez-Suarez & Newman, 2013; 820). I would argue that the main lesson they had learned was the

need to be sure that the FARC is really opting for peace. He said on 8 April 2012: “The key is in my pocket and I am willing to open the doors because I believe that the end should be via a political solution, but I need clear signs that these people are not going to betray the trust of the Colombian people” (Fisas, 2016; 113). One of these signs was the announcement by the FARC that they said to stop kidnapping. The government had also recognized that the kidnappings had been used multiple times to slow down the process or to spoil the negotiations.

However, President Santos responded that this was not enough (Reuters, 26-02-12). Battaglini and Lodola have identified additional signs that showed that the FARC was serious, namely: The continuation of the pre-negotiations when the (as previously mentioned) Alfonso Cano was killed; when the government turned down their proposal for a ceasefire; and when the FARC “abandoned its radical policy of questioning the political system and altering economic model” (Battaglini and Lodola, 2013; 1-2).

Although kidnappings can be seen to be the straw that broke the camels’ back, in this case the government’s back, they have also influenced and scarred the Colombian society. Victims and victims’ rights were therefore one of the key issues in the peace negotiations.

“The government and the FARC recognized that an agreement that did not have victims’ rights at the core of the negotiations would be not only unlawful but also immoral, illegitimate, and unstable” (Maldonado, 2017; 5).

Multiple mechanisms were created to include victims into the process, including the establishment of the *Centro Nacional de Memoria Histórica* to write down the history of the conflict and to create a collective memory for the victims. As Del Pilar describes the importance of collective memory: “Yet the creation of collective memory with the recognition of the uniqueness of the individual drama is considered an integral part of reconstructing collective memory, trust, and creating social links that can lead to change” (Del Pilar, 2013; 28-29). As a result, *¡Basta Ya!* and *Una Sociedad Secuestrada*, both extensively used in this thesis, were created, amongst others.

However, in order to address and include victims’ rights, especially those of civilians, the crimes against civilians would first have to stop. With ongoing kidnappings, talking about civilian victim’s rights would be hypocritical and would not result in support for the peace process by the Colombian population. The same goes for future negotiations with the ELN: Santos said a peace process can only start when the ELN stops kidnapping¹⁷ (Fisas, 2016; 142).

3.4 Conclusion

This chapter analyzed the kidnappings in Colombia. First, it showed the evolution of the type of kidnappings, both economic and political. Second, it analyzed how the type of victims evolved from elite to low class. Third, it described the two main causes for the increase of kidnappings in the country: the shift from rural to urban violence and the Coca Boom. Furthermore, it showed that the kidnappings influenced the legitimacy and cohesion of the FARC. Next, it looked at protests and policies created on a national and international level and it has analyzed the influence of the US. In

¹⁷ “Santos furthermore demanded the release of the mayor of Alto Baudó” (Fisas, 2016; 142)

the last part I compared Santos' peace process with to that of the other presidents. It showed that for Santos, the stopping of the kidnappings was an important precondition for negotiations. In addition it was necessary to stop the violence against civilians in order to be able to include victims' rights in the peace process.

Conclusion: The end of a conflict?

In this thesis I explored the impact of kidnapping perpetrated in Colombia on the society and the impact of the kidnappings on the multiple peace processes in order to answer my main research question: *What is the role of kidnappings in the Colombian Peace Process between the FARC and Colombian Government?*

In the first part I presented a theoretical framework on peace, guerrillas and peace processes in Colombia. From this part I derived the hypothesis that *the act of kidnapping by the FARC works as an important spoiler in the Colombian Peace Process*. In the second chapter I have described the history of the Colombian conflict and the multiple failed peace processes, concluding with the successful process by President Santos. In the third chapter I have made an analysis of kidnappings in Colombia and their impact.

The act of kidnapping started as a low scale crime but soon the numbers started to raise high as a result of the Coca Boom, the shift to urban violence and the *pescas milagrosas*. The kidnapping of Marta Nieves Ochoa by the M-19 pulled the *Narcos* into the conflict that created a new dimension in the conflict. Furthermore, guerrilla kidnappings not only victimized the rich Colombians and politicians but also middle and low class civilians.

For the FARC the kidnappings functioned as an economic and political tool. They were used to generate income, start negotiations, and put pressure on the government. The kidnappings also impacted the FARC itself on multiple ways: they led to a reduction of support by the Colombian people and the loss of legitimacy. However these are two of the most important elements for a guerrilla movement as argued by Kiras. They furthermore caused internal problems such as desertion and the diminishing of cohesion.

For the government the kidnappings were a burden in multiple ways. First they acted as spoilers, as the FARC had derailed or slowed down the negotiations with kidnappings multiple times to their advantage, which is in line with the theory of Newman and Richmond (2006). It is for this reason that Santos wanted to put an end to the kidnappings. Moreover, he knew the FARC's peace talks were not always held to create peace, but also to regroup. Thus, when the FARC announced to stop the kidnappings, it showed the government they were serious about peace. Furthermore, the stopping of kidnappings gave the peace process of Santos more support and legitimacy.

It should however be noted that *the stopping of the kidnappings* is not the decisive cause that led to peace. There are many more influential causes that helped to create a positive context for peace in the country such as the inclusion of victims' rights, the support of the multiple international actors, the addressing of land reforms, and a changing context in which there is no more place left for violent insurgencies as, among others, Gabriel García Márquez already stated in 1992 (García Márquez et al, 1992). I would also argue that *Plan Colombia* and Uribe had the most impact. Thanks to their policy, the FARC diminished in numbers while the Colombian Army and the Paramilitaries became much stronger. It was at this point that the ripeness theory of Zartman becomes relevant. It

resulted in a mutually hurting stalemate in which the FARC had no way to win anymore, as it had lost much of their support and could do not much more than hide in the Colombian jungle while the Colombian Army was not able to strike a decisive blow. They could try to destroy them but that would cost a lot of money, time and lives. The best solution, and the best way out for both, was to settle with a peace agreement. In other words, the time was ripe. This argument is in line with the ideas of Harvey Kline (Kline, 2007; Phelan, 23-07-2016).

The strengthened Colombian Army created another opening for the FARC. After the eradication of UP members the FARC had become hesitant to create a new political party. With the dismantling of most of the paramilitaries and a stronger army, the FARC believed the State will be able to protect them when they enter the political field again. However there are many reports of the killing of social leaders who were part of the *Marcha Patriótica*, a left-wing political movement founded in 2012 linked with the FARC¹⁸ (Telesur, 11-1-2017). It is argued they were killed by new paramilitary forces (Telesur, 27-2-2017). To successfully end the peace implementation, a new political genocide must be prevented.

It is, thus, still interesting and thrilling times for Colombia. The peace with the FARC will need to be fully implemented before 2018. At the same time peace talks with the ELN are still ongoing, while recently the latter guerrilla movement kidnapped two Dutch journalists, Derk Bolt and Eugenio Follender (Levesque, 7-4-2014; Independent, 24-6-2017). These two journalists were filming for a Dutch television program called *Spoorloos* in which they try to locate relatives who lost sight of each other. The act of the ELN is received a lot of media attention and was condemned by Juan Camilo Restrepo, the chief negotiator of the government with the ELN. He said the kidnapping was a *torpeza*, a blunder, and the ELN would lose credibility if they would continue kidnappings, what would make peace negotiations more difficult (Hoyos, 21-6-2017). On June 24, 2017 the two were released by the ELN (Independent, 24-6-2017).

It is by no doubt that kidnappings had a major impact on the whole population; they led to the involvement of the *Narcos* in the paramilitary groups that brought about the rise of violence; and were spoilers of the peace processes in the country. Thus it can be concluded that kidnappings function as an important spoiler and their absence was an important element for Santos to successfully create peace.

¹⁸ Over 120 member of *la Marcha Patriótica* have been killed since 2012.

Bibliography:

- Annan, K. (27-07-2000), "Secretary-General voices concern at Colombia kidnappings, killings", *United Nations*. Retrieved from:
<http://www.un.org/press/en/2000/20000727.sgsm7498.doc.html>
- Annan, K. (25-02-2002), "Secretary-General condemns kidnapping of Colombian Presidential Candidate", *United Nations*. Retrieved from:
<http://www.un.org/press/en/2002/sgsm8133.doc.htm>
- Arnson, C.J. (1999). *Comparative Peace Processes in Latin America*. Washington D.C.: The Woodrow Wilson Center Press
- Battaglino, J. and Lodola, G. (2013), "Negotiations and possible spoilers in the Colombian peace process", *Norwegian Peacebuilding Resource Centre*. Retrieved from:
http://noref.no/var/ezflow_site/storage/original/application/e85f61d02af1702a4c619eb68850444e.pdf
- Ban Ki-Moon, (6-02-2009), "Secretary-General welcomes release of six hostages by Colombian rebel group, stresses kidnapping 'unjustifiable crime', gross human rights violation", *United Nations*. Retrieved from:
<http://www.un.org/press/en/2009/sgsm12088.doc.htm>
- Bayer, A. (2013), "Peace Processes in Colombia: International Third-Party Interventions", *Journal of Peace, Conflict and Development*, 20: p. 61-80
- BBC (25-10-1999), "Millions march for Colombia peace", *BBC*. Retrieved from:
<http://news.bbc.co.uk/2/hi/americas/484391.stm>
- BBC (23-11-2016), "Colombian government and FARC to sign new peace deal", *BBC*. Retrieved from: <http://www.bbc.com/news/world-latin-america-38073899>
- Betancur, B. (7-8-1982), "Progreso con Equidad". Retrieved from:
<http://bibliotecapiloto.janium.net/janium/Documentos/BPP-D-BBC/BPP-D-BBC-0173.pdf>
- Boudon, L. (1996), "Guerrillas and the State: The Role of the State in the Colombian Peace Process", *Journal of Latin American Studies*, 28; p. 279-297
- Brewer, J., Higgins, G. and Teeney, F. (2010), "Religion and Peacemaking: A Conceptualization", *Sociology*, 44(6): p. 1019-1037

- Brittain, J.J. (2010). *Revolutionary Social Change in Colombia*. London: Pluto Press
- Bruce, V. and Hayes, K. (2010). *Hostage Nation*. New York: Alfred A. Knopf
- Call, C. and Cousens, E. (2008), "Ending Wars and Building Peace: International Responses to War-Torn Societies", *International Studies Perspectives*, 9: p. 1-21
- Casey, N. and Daniels, J.P. (27-6-2017), "Goodbye, Weapons! FARC Disarmament in Colombia Signals New Era", *New York Times*. Retrieved from: <https://www.nytimes.com/2017/06/27/world/americas/colombia-farc-rebels-disarmament.html>
- Centro Nacional de Memoria Histórica (2013). *Una Sociedad Secuestrada*. Bogotá: Imprenta Nacional.
- Centro Nacional de Memoria Histórica (2016). *¡BASTA YA! Colombia: Memories of War and Dignity*. Bogotá: CNMH
- Centro Nacional de Memoria Histórica (17-06-2016), "Las FARC y el Secuestro", *El Espectador*. Retrieved from: <http://colombia2020.elespectador.com/justicia/las-farc-y-el-secuestro>
- Chávez, G. (1997), "A light in the darkness: Proofs of survival of soldiers and policemen captured by the FARC guerrilla", *El Tiempo*. Retrieved from: GMH (2016); p. 307
- Chernick, M. (1999), "Negotiating Peace amid Multiple Forms of Violence: The Protracted Search for a Settlement to the Armed Conflicts in Colombia". In Arnsion, C.J. *Comparative Peace Processes in Latin America*. Washington D.C.: The Woodrow Wilson Center Press
- Colombia Reports (25-09-2016), "Colombia's 2012-2016 peace talks: Fact sheet", *Colombia Reports*. Retrieved from: <http://colombiareports.com/colombia-peace-talks-fact-sheet/>
- Conflict Research Consortium (n.d.), "Peacemaking", *Online Training Program on Intractable Conflict (OPTIC)*. Retrieved from: <http://www.colorado.edu/conflict/peace/index.html>
- Delgado, J.E. (2015), "Colombian Military Thinking and the Fight against the FARC-EP Insurgency, 2002-2014", *Journal of Strategic Studies*, 38(6); p. 826-851
- Del Pilar Castillo, M. & Balbinotto, G. (2011), "Las FARC y los costos del secuestro", *Revista de Economía Institucional*, 14(27): p. 147-164
- Del Pilar File-Muriel, M. (2013), "An Exploration of the Social Effectiveness of political Kidnapping Testimonios in Colombia", *Journal of Contemporary Anthropology* 4(1): p. 16-31
- Diehl, P. (2016), "Exploring Peace: Looking Beyond War and Negative Peace", *International Studies Quarterly*, 60: p. 1-10
- The Economist (2-11-2015), "Colombia: the promise of peace", *The Economist*. Retrieved from: <http://www.economist.com/blogs/graphicdetail/2015/11/daily-chart>

- The Economist (31-10-2015), "This time is different", *The Economist*. Retrieved from: <http://www.economist.com/news/special-report/21676952-peace-process-could-become-example-world-time-different>
- Escobar, M. A. (2013), "Paramilitary power and *Parapolitics*: Subnational patterns of Criminalization of Politicians and politicization of Criminals in Colombia", (PhD thesis, The London School of Economics and Political Science, London). Retrieved from: http://etheses.lse.ac.uk/857/1/Arango_paramilitary_power_parapolitics_criminalization_Colombia_%28public%29.pdf
- El Espectador (15-6-1965) "El Ejército ocupó a Marquetalia: Cayó ayer el centro de Tirofijo". Retrieved from: GMH (2016); p. 126
- FARC-EP (19-11-2012), "Unilateral ceasefire FARC-EP", *FARC-EP International*. Retrieved from: <http://farc-eppeace.org/index.php/peace-process/news/item/43-unilateral-ceasefire-farc-ep-november-19th-2012>
- FARC-EP (n.d.), "What is the National Guerrilla Conference?", *FARC-EP International*. Retrieved from: <https://farc-eppeace.org/peace-process/news/item/1615-what-is-the-national-guerrilla-conference.html>
- Fisas, V. (2013), "The principles of mediation and the role of third parties in peace processes", *Norwegian Peacebuilding Resource Centre*; p.1-8
- Fisas, V. (2016), "2016 Yearbook on Peace Processes", *Escola de Cultura de Pau*. Retrieved from: <http://escolapau.uab.es/img/programas/procesos/16anuarii.pdf>
- Franco, D. (5-02-2016), "Paz Colombia": Santos, Obama announce next chapter of U.S. Support", *NCB News*. Retrieved from: <http://www.nbcnews.com/news/latino/paz-colombia-santos-obama-announce-next-chapter-u-s-support-n512281>
- García Marquez, G., Caballero, A., Buenaventura, N. et al¹⁹ (20-11-1992), "The Intellectuals' Letter", *NACLA*, 27(4); p. 10-10
- García, H. and Morales, F. (17-01-2015), "¿Se llegó ya a un punto de no retorno?", *El Espectador*. Retrieved from: <http://www.elespectador.com/noticias/politica/se-llego-ya-un-punto-de-no-retorno-articulo-538467>
- Gaviria, C. (7-8-1990), "Colombianos, bienvenidos al futuro". Retrieved from: Kline, 2001; p. 84
- Gomez-Suarez, A. & Newman, J. (2013), "Safeguarding Political Guarantees in the Colombian Peace Process: have Santos and FARC learnt the lessons from the past?", *Third World Quarterly*, 34(5): p.819-837

¹⁹ This letter was signed by up to 50 more persons.

- Gurney, K. (13-01-2015), “Behind Colombia’s Dramatic Fall in Kidnappings”, *Insight Crime*. Retrieved from: <http://www.insightcrime.org/news-analysis/behind-colombia-dramatic-fall-in-kidnappings>
- Hernandez, M. (2007), “Ni un tiro más entre los guerrilleros Colombianos”. Retrieved from: <https://www.insumisos.com/lecturasinsumisas/Crisis%20en%20las%20FARC%20y%20el%20ELN%20en%20Colombia.pdf>
- Højen, L. (2-2-2015), “Colombia’s ‘invisible crisis’: Internally displaced persons”, *Council on Hemispheric Affairs*. Retrieved from: <http://www.coha.org/colombias-invisible-crisis-internally-displaced-persons/>
- Hoyos, S. (21-6-2017), “Juan Camilo Restrepo dice que secuestro de holandeses por parte ELN es una “Torpeza”, *Minuto 30*. Retrieved from: <https://www.minuto30.com/juan-camilo-restrepo-dice-que-secuestro-de-holandeses-por-parte-eln-es-una-torpeza/423895/>
- Independent (24-6-2017), “Dutch journalists who were kidnapped by leftist rebels in Colombia released”, *Independent*. Retrieved from: <http://www.independent.co.uk/news/world/americas/colombia-dutch-journalists-kidnapped-netherlands-released-eln-rebels-leftist-derk-bolt-eugenio-a7805966.html>
- International Crisis Group (2013), “Transitional Justice and Colombia’s Peace Talks”, *Latin America Report*, 49: p. 1-51
- Kiras, J. (2007). Irregular Warfare in Strategy. In Baylis, J., *The contemporary world: An introduction to strategic studies* (p. 163-191). Oxford: Oxford University Press.
- Kline, H.F. (2001). *State Building and Conflict Resolution in Colombia, 1986-1994*. Alabama, Tuscaloosa: The University of Alabama Press
- Kline, H.F. (2007). *Chronicle of a Failure Foretold: The Peace Process of Colombian President Andrés Pastrana*. Alabama, Tuscaloosa: The University of Alabama Press
- Koerner, B.I. (18-6-2013), “How Hijackers Commandeered over 130 American Planes – in 5 years”, *Wired*. Retrieved from: <https://www.wired.com/2013/06/love-and-terror-in-the-golden-age-of-hijacking/>
- Kruijt, D. (2008). *Guerrillas*. London: Zed Books
- Latin America Monitor (2016), “Political Risk Analysis – Santos to Take Multi-Pronged Approach to Peace”, *Latin America Monitor*. Retrieved from: <http://www.latinamericamonitor.com/political-risk-analysis-santos-take-multi-pronged-approach-peace-apr-2016>
- Levesque, B. (20-09-2016), “We helped Colombia end Latin America’s longest war’ Obama tells UN”, *Colombia Reports*. Retrieved from: <https://colombiareports.com/helped-colombia-end-latin-americas-longest-war-obama-tells-un/>

- Levesque, B. (7-4-2017), "Colombia's 2017 peace talks with the ELN: Fact sheet", *Colombia Reports*. Retrieved from: <https://colombiareports.com/colombias-2017-peace-talks-eln-fact-sheet/>
- Livingstone, G. (2003). *Inside Colombia: Drugs, Democracy and War*. London: Latin America Bureau
- Maldonado, A.U. (2017), "What is the Colombian Peace Process Teaching the World?", *New England Journal of Public Policy*, 29(1); p. 1-7
- Mouly, C. (25-01-2017), "Spotlight on the Peace Process in Colombia", *E-International Relations*. Retrieved from: <http://www.e-ir.info/2017/01/25/student-feature-spotlight-on-the-peace-process-in-colombia/>
- Nasi, C. (2006). "Spoilers in Colombia: Actors and Strategies". In Newman, E. and Richmond, O. *Challenges to peacebuilding: Managing spoilers during conflict resolution* (p. 219-241), Tokyo, United Nations University Press
- Newman, E. and Richmond, O. (2006). *Challenges to peacebuilding: Managing spoilers during conflict resolution*. Tokyo: United Nations University Press
- Pardo, R. (2002), "The Prospects for Peace in Colombia: Lessons from Recent Experience", *Inter-American Dialogue*. Retrieved from: <http://www.w.thedialogue.org/PublicationFiles/Pardo%20Working%20Paper.pdf>
- Pastrana, A. (7-8-1998), "Discurso de posesión como Presidente de la República del Doctor Andrés Pastrana Arango". Retrieved from: <http://www.ideaspaz.org/tools/download/51314>
- Pax Christi Netherlands (2001), "The Kidnap Industry in Colombia: Our Business?" *Pax Christi Netherlands*.
- Pécaut, D. (2008). *Las FARC; ¿Una guerrilla sin fin o sin fines?*. Bogotá: Grupo Editorial Norma
- Pécaut, D. (2008), "Las FARC: Fuentes de su longevidad y de la conservación de su cohesión", *análisis político*, 63: p. 22-50
- Phelan, A. (23-07-2016), "Interview – Harvey F. Kline", *E-International Relations*. Retrieved from: <http://www.e-ir.info/2016/07/23/interview-harvey-f-kline/>
- Pires, S.F., Guerette, R.T., Stubbert, C.H. (2014), "The Crime Triangle of Kidnapping for Ransom Incidents in Colombia, South America", *The British Journal of Criminology*, 54(5): p. 784-808
- Pruitt, D. (1997), "Ripeness Theory and the Oslo Talks", *International Negotiation*, 2: p. 237-250
- Rabasa, A. and Chalk, P. (2001), "Colombian Labyrinth", Santa Monica, CA: Rand Corporation

- Restrepo, J.A. and Spagat, M. (2005), "Colombia's Tipping Point?", *Survival*, 47(2); 131-152
- Restrepo, J.A. and Aponte, D. (2009). *Guerra y violencias en Colombia: Herramientas e interpretaciones*. Bogotá: Editorial Pontificia Universidad Javeriana
- Reuters (26-02-2012), "Colombia's FARC to free captives, stop kidnapping for ransom", *Reuters*. Retrieved from: <http://www.reuters.com/article/us-colombia-farc-idUSTRE81POSI20120226>
- Reyes, P. (n.d.), "Plan Colombia Linked to Increased Military Abuses", *Nacla*. Retrieved from: <http://nacla.org/news/plan-colombia-linked-increased-military-abuses>
- Rocha Da Silva, C. (16-09-2014), "Responding to terror-related kidnapping: a torn Western reaction", *Human Rights and Conflict Resolution*, 3(6). Retrieved from: <http://www.hscentre.org/middle-east-and-north-africa/responding-terror-related-kidnapping-torn-western-reaction/>
- Rosen, J.D. (2014). *The Losing War: Plan Colombia and Beyond*. New York, Albany: State University of New York Press
- Rubio, M. (2003), "Del Rapto a la Pesca Milagrosa: Breve Historia del Secuestro en Colombia", Bogotá: Universidad de los Andes, Centro de Estudios sobre Desarrollo Económico
- Ryan, J. (1994), "The impact of Democratization on Revolutionary Movements", *Comparative Politics*, 27(1): p. 27-44
- Sanin, E. (2001), "Tempting the Wrath: Plan Colombia in the Colombian Peace Process", *International Negotiation*, 6: p. 417-435
- Santos, J.M. (4-09-2012), "Presidente Santos confirma inicio de diálogos de paz", *La Pluma*. Retrieved from: http://lapluma.net/es/index.php?option=com_content&view=article&catid=119:proceso-de-paz&id=4046:presidente-santos-confirma-inicio-de-dialogos-de-paz
- Selby, J. (7-01-2008), "Peace Processes: A genealogy and critique" [RIP Presentation]. Retrieved from: <https://www.sussex.ac.uk/webteam/gateway/file.php?name=rip-peace-processes&site=12>
- Shifter, M. (2012), "Plan Colombia: A Retrospective", *Americas Quarterly*. Retrieved from: <http://www.americasquarterly.org/node/3787>
- Shugart, M. S. (1992), "Guerrillas and Elections: An Institutional Perspective on the Costs of Conflict and Competition", *International Studies Quarterly*, 36(2): p. 121-151
- Sorrel, L.A. (2010). *Colombia: U.S. Relations and Issues*. New York: Nova Science Publishers
- Stedman, S.J. (1997), "Spoiler Problems in Peace Processes", *International Security*, 22(2): p. 5-53

- Tate, W. (2007). *Counting the Dead*. California, Berkely: University of California Press
- Tate, W. (2009), "US Human Rights Activism and Plan Colombia", *Colombia Internacional*, 69: p. 50-69
- Tate, W. (2011), "Human Rights Law and Military Aid Delivery: A Case Study of the Leahy Law", *Political and Legal Anthropology review*, 32(2); 337-354
- Telesur (11-1-2017), "Another Indigenous Rights Leader Killed in Colombia", *Telesur*. Retrieved from: <http://www.telesurtv.net/english/news/Another-Indigenous-Rights-Leader-Killed-in-Colombia-20170111-0020.html>
- Telesur (27-2-2017), "Colombia Paramilitaries Won't Stop Killing Human Rights Leaders", *Telesur*. Retrieved from: <http://www.telesurtv.net/english/news/Colombia-Paramilitaries-Wont-Stop-Killing-Human-Rights-Leaders-20170227-0008.html>
- Trejos, L.F. and Arana, R.G. (2013), "El Partido Comunista Colombiano y la Combinación de todas las formas de lucha: Entre la simpatía internacional y las tensiones locales, 1961-1981", *Revista Izquierdas*, 17; p. 64-80
- UN News Centre (2-08-2016), "Colombia peace accord offers chance to 'close chapter of war once and for all' – UN envoy", *UN News Centre*. Retrieved from: <http://www.un.org/apps/news/story.asp?NewsID=54614#.WPiEuFV9670>
- U.S. Central Intelligence Agency (n.d.), "Map of Colombia", *University of Texas Libraries*. Retrieved from: http://www.lib.utexas.edu/maps/americas/colombia_physio-2008.jpg
- Valentino, B., Huth, P. and Balch-Lindsay, D. (2004), "Draining the sea: Mass killing and guerrilla warfare", *International Organization*, 58: p. 375-407
- Vladdo (20-4-2013), "Juan Manuel Santos: Con las FARC, nada está acordado hasta que todo esté acordado", *Huffington post*. Retrieved from: http://www.huffingtonpost.es/vladdo/entrevista-a-juan-manuel-_b_3115143.html
- Volkskrant (6-09-2007), "Nederlandse guerrillastrijdster loopt groot gevaar", *De Volkskrant*. Retrieved from: <http://www.volkskrant.nl/binnenland/-nederlandse-guerrillastrijdster-loopt-groot-gevaar~a876650/>
- Walch, C. (2014), "Rethinking Ripeness Theory: Explaining Progress and Failure in Civil War Negotiations in the Philippines and Colombia", *International Negotiation*, 21: p. 75-103

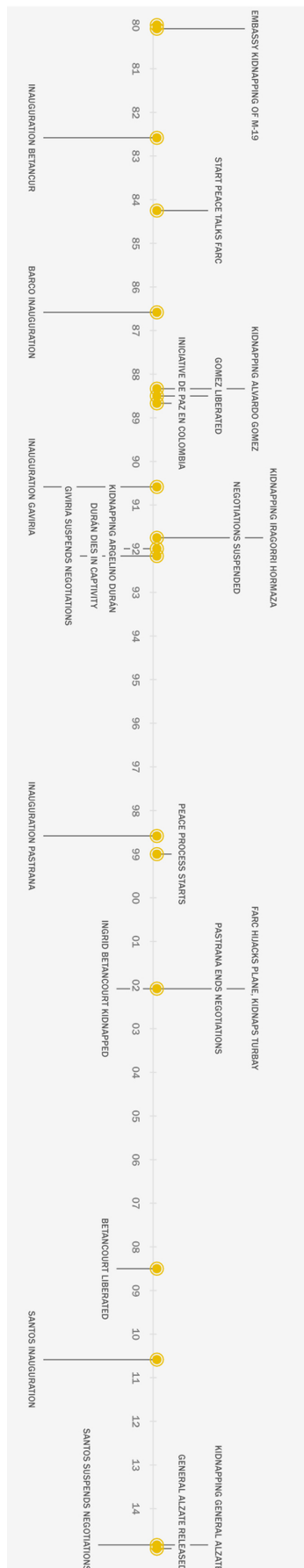
Appendix

Appendix 1: Map of Colombia



Appendix 1: Map of Colombia (U.S. Central Intelligence Agency, n.d.).

Appendix 2: Timeline 1 - Kidnappings as a spoiler



Appendix 3: Timeline of the Colombian Conflict

