"¡Merecemos Paz y Justicia!": A Structural comparison of the Santos and Pastrana Peace Processes With the FARC

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A Structural comparison of the Santos and Pastrana Peace Processes With the FARC

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By

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Finally, I would like to dedicate a few words to the victims of the Colombian Conflict. I have to admit that I started this research with very little knowledge on the subject. Throughout the research process I have, however, become aware of the extreme brutality which the victims of the conflict have had to endure. Realizing the responsibility that comes with conducting research on such delicate topics, I have gone to great lengths to ensure that all information in this thesis is factual and does not disrespect the victims of the conflict.

"The dead cannot cry out for justice. It is the duty of the living to do so for them."

I hope that this thesis and my future work can in some way contribute towards achieving a more peaceful world.

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1 – Introduction

Intrastate conflict has become a fact of life for some peoples. From 1945 till 1997 the incidence of intrastate conflicts increased by 165% when compared to the period of 1816 till 1945, with intrastate conflict grossly outnumbering any other type of armed conflict. The enormous growth of intrastate conflict can largely be elucidated by the conjoined increase of independent states following a global period of decolonization. Nonetheless, in the last decades the number of intrastate conflicts has hardly decreased albeit the fact that barely any new states have emerged, with various decades-old intrastate conflicts still smouldering and several new conflicts emerging (Dupuy et al, 2017). Intrastate conflicts thus continue to be prominent subjects of contemporary global conflict studies and comprehending how they emerge, recommence, and how they can be fully terminated, is vital to fabricating lasting peace and diminishing human suffering.

In Colombia three generations of children have grown up under unstable and extremely violent conditions as a result of the internal conflict. The exact starting point and the complete origins of the conflict remain highly contested and several different perpetrators and aggravators can be identified. What is clear, is that the conflict has been a grave humanitarian disaster. The Colombian conflict has led to the cumulative death of over 218.000 civilians and the forced displacement of around 5.000.000 people (CNMH, 2016). In order to better understand the complicated nature of the conflict and to generate an objective overview the Colombian government commissioned the creation of a document by the Colombian National Centre for Historical Memory (CNMH) titled: '*Basta Ya'*. This document states that the contemporary conflict can be perceived as a direct consequence of the bipartisan political violence of the 1950's, nicknamed *La Violencia*. *La Violencia* emerged in the context of the Cold War, a tradition of political violence, the marginalization of several groups in society such as peasant farmers and the political involvement of the army. In the following decades the Colombian government was unable to effectively end the asymmetric armed conflict through military means due to the creation of paramilitary groups, the increasing presence of crime syndicates and narcoterrorism, and the significant growth of guerrilla groups. Peace talks as means to end the conflict appeared to be just as futile as they failed to achieve large scale demobilization and historically often even led to an increase in violence. Ultimately, however, following extensive and intricate negotiations, President Juan Manuel Santos and the largest guerrilla group of Colombia, the Fuerzas Armadas Revolucionarias de Colombia (FARC), announced in November 2016 that a final comprehensive peace agreement had been reached.

The main question that arises from this historical timeline overflowing with extremely violent conflict and failed peace negotiations is: Why did the Santos peace negotiations between the FARC and the Colombian government lead to the ratification of a peace accord as opposed to the failed negotiations that precede it?

Following this research question, several sub-questions can be developed, such as: What is meant with a successful peace negotiation? Which factors contributing to the success of peace negotiations have previously been identified within academia? And finally, which of the currently available academic frameworks are capable of structurally comparing peace processes? Answering these sub-questions shall further guide this research and shall assist with answering the main research question.

Comparing an unsuccessful attempt at negotiating peace with a successful attempt holds great academic value. That is because by firstly determining the differences between the two processes, where the failed peace process functions as a benchmark, and by then analysing the impact of these differences it becomes possible to identify different factors contributing to the success of peace negotiations. Therefore, by comparing the Santos negotiations with the most recent historical attempt of the Colombian government and the FARC to reach an agreement, namely the Pastrana negotiations of 1998, it becomes possible to establish where they differ and thus to determine which factors contributed to generating peace in Colombia.

Despite the academic opportunities, few sources which structurally compare peace negotiations in intra-state conflicts can be found. This can largely be attributed to the fact that within academia peace processes are commonly conceptualized and assessed through overarching theories of peace such as liberalism or the hybrid peace theory. Overarching theories of peace are aimed at identifying the theoretical concepts and preconditions which contribute to generating peaceful conditions. Examples of such preconditions and concepts within liberal theory are for example the respect and protection of fundamental human rights and transnational economic interdependence (Mac Ginty, 2010). Overarching theories of peace are useful in so far that they possess the power to identify concepts which could contribute to a successful peace processes and postconflict peacebuilding.

Overarching theories of peace are, however, unsuited for structurally comparing different peace processes. As will be argued in this research, academic studies on peace processes often neglect the proceedings prior to the signing of the peace agreement (Özerdem & Mac Ginty, 2019). That is to say, the theoretical scope of overarching theories of peace is predominantly aimed at

generating positive peace and hence largely neglects the process leading to negative peace, a prerequisite for positive peace (Galtung & Fischer, 2013). The traditional tendency within peace studies to analyse peace processes through overarching theories of peace is therefore closely associated with the academic neglect of the process leading to a negative peace. Moreover, overarching theories of peace cannot fully grasp the complexity of individual peace processes and can hence not provide conclusions beyond dichotomies. In an attempt to combat both these tendencies, this research shall present a new theoretical framework which has the capacity to structurally compare the full extent of different peace processes in intra-state conflicts.

Following the hypotheses that comparing different attempts at generating peace within a given intrastate conflict is a useful endeavour and secondly that contemporary academic research on peace agreements fails to adequately assess the process leading to the fabrication of negative peace, this research will consist of two sections. Firstly, it shall introduce the new phases-of-peace model. A theoretical framework which goes beyond the reach of the overarching theories of peace and takes into account the full range of events which precede the signing of a peace agreement. Secondly it will apply this model to the Colombian case in order to extract valuable lessons by comparing the Pastrana and Santos peace negotiations. The ultimate aim of this research is to utilize the phases-of-peace model to highlight which factors changed between the negotiations and what role they played in the outcome of the negotiations. While every conflict is unique and generalizations need to be treated with severe caution, it is conceivable that the findings of this research could function within a different context.

2 – Literature Review

The main objective of this research is thus to determine which factors contribute to generating peace in intra-state conflicts through an analysis a successful and unsuccessful peace process in Colombia. This literature review will support in achieving this goal by firstly defining what constitutes a successful peace negotiation. Secondly, an overview of the contemporary overarching theories of peace and their shortcomings shall be presented. Finally the gap in academic knowledge shall be identified.

2.1 - Key concepts

As this research centres around questions on the success of peace negotiations, it is a necessity to first define when a peace agreement is considered successful within this research. As previously stated, contemporary academic researches frequently utilize conceptualizations and overarching theories of peace which largely exclude significant aspects of the peace process, predominantly those *a priori* to the signing of a ceasefire agreement. In an attempt to combat the academic neglect of specific aspects of the peace process and to generate potential new insights on factors contributing to the success of peace negotiations, this research will primarily focus on peacemaking as opposed to peacebuilding. Within this research a successful peace process will hence refer to the signing of a peace agreement between the main belligerents of an intrastate conflict where both parties declare their intention to end the violence and where the insurgent party agrees to a collective demobilization (Galtung & Fischer, 2013). Through its focus on demobilization, this definition purposely sets the parameters of this research at the signing of a peace agreement. This simple definition allows for the effective labelling of peace processes as successful or unsuccessful as required for this research.

2.2 – Overarching theories of peace

The tendency within peace studies to predominantly focus on the conditions for positive peace as opposed to the conditions for negative peace can largely be contributed to the overrepresentation of overarching theories of peace within academia. Overarching theories of peace refer to theories which do not zoom in on an individual aspect of the peace process but which focus instead on identifying larger theoretical concepts which contribute to generating peace. Two major overarching theories of peace, liberalism and hybrid peace theory, will be discussed hereafter.

Liberalism is an umbrella-term that refers to all efforts in peace processes guided by liberal theory such as promoting democratization and liberal governance in order to achieve market-oriented economic growth, which in turn should lead to prosperity and sustaining peace (Newman, 2009) (Kwan Jung, 2011) (Wallis, 2018). Within the liberal peace paradigm it is argued that lasting peace can be achieved largely through state building, as the processes of peacebuilding and state building are mutually reinforcing (Balthasar, 2017). The underlying assumptions of liberal peace theory are that successful peacebuilding is the outcome of the promotion of democracy, economic reforms, and the creation of other state institutions that are associated with 'modern' states (Oneal et al, 1996) (Lambourne, 2009) (Newman, 2009) (Gonzales-Vicente, 2020). In other words, if state institutions can be created that adhere to the core principles of liberal peace, namely democracy and a respect for the rule of law and human rights, and if these institutions can provide the necessary conditions for market economies to develop, then sustaining peace will be achieved (Lemay-Herbert, 2013) (Wallis, 2018).

Largely developed by Roger Mac Ginty and Oliver Richmond, the hybrid peace constitutes a juxtaposition between international and local norms and interest, and places a large focus on local agency and identity in peacebuilding (Mac Ginty, 2010) (Wallis, 2012) (Richmond, 2015). The hybrid peace theory is considered to be 'hybrid' as the line between the local and the foreign is blurred, and because actors, concepts, and norms involved in the peacebuilding process are constantly developing and adapting as a result of their interaction (Richmond, 2011) (Belloni, 2012). A hybrid form of peace deploys a combination of bottom-up and top-down approaches which entails that the legitimacy and agency of the peacebuilding mission partly lies at the local, civil society, level (Hoglund & Orjuela, 2012). While it is often stated that it stands opposite to liberal peace, hybrid peace, however, does not reject liberalism completely as its ideas are still rooted in liberal thought (Richmond, 2012). As argued by Mac Ginty (2011: 7): "it does not seek to rescue or condemn liberalism per se. Instead, it seeks a new understanding of how liberal internationalism operates, especially in its dealings with the local."

Throughout this succinct literature review on the theoretical underpinnings of liberalism and the hybrid peace theory, two issues come to light which highlight the inability of these theories to function within the context of this research. Firstly, it becomes evident that the focus of these theories predominantly falls on postconflict peacebuilding. Both theories are aimed at generating positive peace by advocating for the implementation of certain measures in, or after, the peace agreement. As argued by Stedman (2004), the focus of liberal peacemaking is largely on bringing the warring parties to the table, with the goal of quickly drafting a legal treaty which establishes rules to end the violence. Within liberal peacemaking it is believed that once a

ceasefire has been achieved, liberal peacebuilding efforts will guarantee the creation of a positive peace. This line of argumentation is often extended and utilized to legitimize foreign intervention (Chinkin & Kaldor, 2017). The starting point of the peace process are thus perceived to roughly lay at the initiation of the peace negotiations. As a result, few academic sources can be found which utilize either theory to answer the question of how to arrive at the initiation of peace negotiations. The popularity of these theories and the academic neglect for the process prior to the peace negotiations can therefore be seen as mutually reinforcing.

Secondly, the overarching theories of peace can be considered normative theories and are by design unsuited for the analysis of historical peace processes. While often refraining from moral judgements, overarching theories can nonetheless be considered normative in so far that they theorize how peace processes ought to be. This severely limits their analytical capability when analysing peace processes. Brusquely said, if liberalism is deployed to determine the causes of a failed peace process, its framework limits the analysis to simple claims such as that the process was not liberal enough or that the preconditions for liberal peace were not achieved. Similarly this is the case for hybrid peace theory. As a result, the scope of these theories is limited and they fail to grasp the full complexity of individual peace processes.

Other theoretical frameworks developed in researches focussing on comparing different peace processes similarly provide little assistance as the scope of these researches makes their framework fully incompatible with this research. That is to say, the limited amount of literature which can be found in comparing peace agreements is either focussed on interstate conflicts or also utilizes a framework which focusses mainly on post-conflict peacebuilding (E.g (Darby & Mac Ginty, 2000; Hawood, 2014).

2.3 – Gap in knowledge

This literature review highlights two diverging gaps in academic knowledge. Firstly that the task of determining the factors which contribute to peace as defined in this research has largely been neglected by the academic community. Secondly, that the overarching theories of peace are unsuited for analysing this type of peace. It hence becomes evident that a different theoretical framework has to be developed if the intended goals of this research are to be achieved. This framework has to be able to structurally compare the whole process leading up to peace accords and provide an analysis and conclusions beyond simple dichotomies.

3 – Phases-of-peace model

Opposing the overarching theories of peace, the self-developed phases-of-peace model depicts peace processes as a timeline and identifies relevant academic debates along this timeline. The phases-of-peace model consists of four phases. According to Mastro (2019), if decisive military victory is impossible, the first step in generating peace is ensuring that the warring parties will engage in negotiations. Following the decision of the belligerents to engage in peace talks, the next step is the successful fabrication of a first peace agreement, *casu quo* extensive ceasefire. The third phase focuses on the creation of a definitive peace agreement. The fourth phase of the model, ensuring the fair and correct implementation of the accord to certify that the agreement guarantees the development of positive peace, falls outside of the scope of this research and will hence not be discussed (Jarstad & Nilsson, 2008). Comparing peace processes through the phases-of-peace model allows for the creation of two roadmaps, one successful and one unsuccessful. Analysing all the small decisions and contextual factors throughout this roadmap makes it possible to effectively and structurally determine where the peace processes differ.

As previously argued, the broad and cumbersome labels of liberal peace or hybrid peace fail to capture the enormous amount of small decision and differences in the road to peace. That is to say, while two hypothetical peace agreements could both be considered liberal peace agreements, there might be significant differences between them which the broad labels fail to highlight. The phases-of-peace model, on the other hand, is better equipped for analysing all the small decisions and differences between peace agreements and is therefore a superior theoretical framework for this research. In the following section the separate phases of the model will be introduced by hand of the existing literature aimed at elucidating the failure or success of peace negotiations.

3.1 – Phase 1: Getting the Warring Parties to the Table

Theories aimed at developing a better understanding of the decision of warring parties to start negotiating are relatively scarce when compared to theories on ensuring successful negotiations. Nonetheless, several diverging views can be discovered which will be presented hereafter.

3.1.1 – Military Coercion

Military officers, and subsequently politicians, have historically often followed the theory of military coercion. Military coercion refers to the idea that the most efficient way to force an opponent to the negotiation table is by increasing the presence and influence of the military. As

explained by a senior NATO official after the decision to increase the military pressure on the Taliban: "You've got to put pressure on the networks to get them to start thinking about alternatives to fighting." (Filkins, 2010). In this theory, war is perceived as a zero-sum game in which conflict will continue to persist so long as the parties involved believe there is something to gain. By drastically shifting the balance of power and removing the incentive of the opposing party to continue, they should be willing to start negotiating (Reiter, 2009). This theory is often utilized to justify international military intervention as a way to force warring parties to the table and solve insoluble conflicts, as was the case with the French intervention in Mali (Boeke & Schuurman, 2015). The premise of this theory is that willingness to talk should be perceived as a weakness as it indicates that the party initiating the talks no longer believes it can achieve military gains.

3.1.2 – Costs-of-conversation

Building on this premise in her book 'The Costs-of-conversation: Obstacles to Peace Talks in Wartime", Oriana Skylar Mastro (2019) argues that it is not just the balance of power that determines whether actors decide to engage in peace talks but that the most significant factor is instead the perceived costs of an open diplomatic posture. According to her, state leaders and policymakers constantly conduct cost-benefit analyses in order to determine the strategic costs of engaging in a conversation with their opponent. Contrary to the military coercion theory, she argues that it is often the militarily stronger state that is willing to initiate the dialogue as this will not be perceived as a sign of military weakness and its strategic costs are hence relatively low. Increasing military pressure will therefore work counterproductively as the other party, now weakened, might not be willing to talk as this would expose their weakness. Instead they will continue to fight until their perceived relative power position has improved.

Both the military coercion and the costs-of-conversation theory agree that there are certain costs attached to the decision to engage in peace negotiations but the conclusions they draw from these costs are diametrically opposed. The military coercion theory proclaims that by extorting more pressure the incentive for the insurgent to continue fighting will diminish, effectively forcing them to the negotiation table. The costs-of-conversation theory, however, proclaims that doing so could limit the willingness to talk of the insurgent as they perceive the costs of talking to be higher and instead: "…when the belligerents or dominant coalition of partners all believe the other side's ability to escalate is limited, and they have taken sufficient precautionary actions to avoid looking weak, talks emerge." (Skylar Mastro, 2019: 131).

3.1.3 – National Dialogue theory

A third theory on creating the required space for peace talks to ensue takes less of a militaristic approach and instead focusses on the role that civil society plays in inspiring a peaceful solution to conflict. This theory proclaims that, in a functioning democracy, civil society groups can advocate for the initiation of peace talks through lobbying, demonstrations, petitions, social media, or other public relations campaigns effectively demonstrating the political will among civilians to find a peaceful solution to the conflict (Paffenholz, 2015). Moreover, civil society groups can reduce tension by reframing the conflict which alters the rhetoric surrounding the conflict and ultimately the perception of the 'other'. By removing the hostilities among civilians, civil society groups ultimately remove the justification of the belligerents since they justify their actions by claiming to act as an extension of the will of the people. Through highlighting the significant amount of constituencies that favour peace, civil society groups can extort the necessary pressure to alter the response of the belligerents and force them to the negotiation table (Anderlini, 2004) (Brett, 2017). According to Barnes (2009), this form of civil society involvement can be especially effective if it enjoys the support of international allies who favour peace negotiations.

3.1.4 – Conclusion

The military coercion theory, the costs-of-conversation thesis, and the national dialogue theory form of solid foundation to understand and conceptualize the decision of warring parties to engage in the first step of the peace process. While the military coercion theory and costs-of-conversation thesis are in dispute, the national dialogue theory is compatible with the other theories and can as such be used to complement them.

3.2 – Phase two: Temporary Peace

After initiating the negotiations, the second phase in the process towards the establishment of a definitive peace accord is the cessation of violence in the short term, commonly known as a ceasefire. There are significant variations between ceasefires and no commonly recognized definition exists. In its broadest sense the concept refers to an declaration of at least one of the belligerents aimed at suspending the violence from a specific moment in time (Akebo, 2016; Fortna, 2018; Sagard, 2019).

While there have been a small number of conflicts that ended through the negotiation of a peace accord without a preceding ceasefire, ceasefires are commonly regarded to be the bare

minimum prerequisite for belligerents to engage in negotiations on permanent peace (Barker, 1994; Touval, 1995; Smith, 2003; Darby & Mac Ginty, 2008). As argued by Fortna (2018), ceasefires should be seen as an intermediary phase between violent conflict and the signing of a peace agreement, where a ceasefire only halts the violence and a peace agreement addresses attempts to remove the culture of violence. But while globally more than 1900 ceasefires arrangements were signed between 1989 and 2008, many have failed to last and even fewer have led to peace agreements (Clayton et al, 2019). A ceasefire therefore does not guarantee peace or even the continuation of negotiations, painfully demonstrated by the horrendous failure of the Darfur ceasefire to prevent the ensuing genocide (De Waal, 2007). The debate in phase two of the model is therefore centred around the following question: How can policymakers ensure that the establishment of a ceasefire is incorporated in, and contributes to, the broader process towards creating lasting peace?

As argued by Akebo (2016), the significance of ceasefires in the peace process remains significantly understudied. This is especially true for ceasefires in intrastate conflict. Nonetheless, in the following section several academic debates on factors which influence the long-term effectiveness of ceasefires will be discussed.

3.2.1 – Actors

Important aspects surrounding the creation of ceasefires are the intentions of the belligerents and the involvement of different actors such as external third-parties. For belligerents there can be numerous reasons to enter into a ceasefire agreement and their internal motivation greatly influences the impact ceasefires have on peace negotiations. Belligerents often perceive ceasefires as a strategic tool which can be utilized to advance their political goals, for example by using the temporary ceasefire to redeploy their troops or restock their supplies. Utilizing the bargaining model of war, it can be expected that once the tactical advantages of a ceasefire have dropped below the advantages of defecting from it, the ceasefire will be broken (Akebo, 2016). The intentions of the warring parties when declaring ceasefires are therefore likely to be radically different than merely furthering the peace process. Nonetheless, ceasefire agreements can contribute to the peace process if they take away part of the distrust between the belligerents and set up mechanisms which create the space for further dialogue and ward off accidents.

One way trust between the actors can arguably be restored is through the involvement of third-party negotiators when brokering ceasefires. Largely diverging third-party actors can be identified, from NGO's to foreign states, and their methods also vary from simply drafting the

rules and procedures for the negotiations to initiating proposals and setting targets. As defined by Son (2011: 60), third-party intervention broadly refers to: ''the military, economic and diplomatic efforts of external parties which aim at a pacific accommodation in a violent conflict'. Proponents of third-party intervention argue that it can break the stalemate and aid in overcoming deep-rooted trust issues by developing good communication channels and assuring the security of all actors involved (Son, 2011). Under which circumstances this desired effect is achieved, however, remains debated as highly diverging factors which arguably contribute to the effectiveness of third-party interventions have been identified. Examples are the debate on impartial versus biased third-parties (Fisher, 2001; McCartney, 2006; Siniver, 2006; Keethaponcalan, 2017), the role of perceived legitimacy of the third-party actor (Rouhana, 1995; McCartney, 2006; Bercovitch & DeRouen, 2005; Chounet-Cambas, 2011) the methods used by the third-party actor (Regan, 1996; Fisher, 2001; Findley & Teo, 2006), and finally the timing of the negotiations. While an immediate ceasefire might appear beneficiary from a humanitarian perspective, premature intervention by third-party negotiators could lead to a codifying of power relations incompatible with the long term peace process, thus leading to further destabilization (Heathershaw, 2013; Chinkin & Kaldor, 2017; Chang, Luo & Zang, 2018).

Critics of third-party intervention argue that third-party actors, especially foreign states, are not involved due to intrinsic humanitarian concerns. Instead geo-political interest lay at the core of their decisions to intervene (Balch-Lindsay, Enterline & Joyce, 2008). Moreover, it is argued that the conceptualizations and values of foreign third-party actors do not align with those of the actors involved. Third-party involvement is hence often perceived as neo-colonial imperialism (Mattoon, 2017).

3.2.2 – Mechanisms

Besides the actors, another important component of ceasefires are the content as it has to include mechanisms aimed at transforming behaviour, attitudes and relationship between belligerents in order to ensure a successful transition from ceasefire to peace agreement (Akebo, 2013). Following the theoretical assumptions of game theory, the first step that has been taken is the creation of a situation where breaking the ceasefire is less advantageous than continuing to cooperate (Ross, 2000). This can for example be achieved through external incentives or by driving up the political costs of ending the ceasefire, effectively trapping the parties in the peace process (Weiss, 2003). Another essential component of the transition is the monitoring of the ceasefire. Much debate remains, however, on whether this role can best be played by the

belligerents themselves, the international community, or civil society (Fortna 2003, Colletta, 2006, Pinaud, 2020). Next to this, in contemporary academia a significant focus falls on analysing rhetoric. According to Barreto-Galeano et al (2018), a shift in rhetoric has to occur which transforms ideological rhetoric which legitimizes violence by demonizing the 'other' into the development of constructive dialogue opening the possibility for peace. Ceasefires have to potential to contribute to this shift if its mechanisms reduce mistrust and effectively change the attitudes of belligerents to one another. Finally, ceasefires have to include mechanism which prevent violent spoilers and other sceptics from purposely breaking down the peace process (Greenhill & Kelly, 2007).

3.2.3 – Conclusion

Ceasefires can form a meaningful contribution to the broader peace process by implementing mechanisms which remove mistrust and change attitudes, behaviour, and relationships, effectively creating momentum for the peace process. Under which circumstances they can achieve this, however, remains a highly contentious topic. Academic debates mainly revolve around the involvement, identity, and behaviour of third-party actors. Moreover, debates focus on the mechanisms which have to be implemented in the ceasefire in order to 'entrap' the parties in the process, to monitor the agreement, and to ultimately alter the relationship between the belligerents as to fabricate the space in which peace talks can ensue.

3.3 – Phase three: Peace Accord

If permitted by the conditions generated by the ceasefire, the next phase in the model is the creation of an extensive peace accord. Similar to the previous section, this chapter will be divided in a segment discussing the different actors involved with the negotiations and a segment on the mechanisms which can be used to arrive at the signing of a peace accord.

3.3.1 – Actors

Peace negotiations start with the selection of the different actors who get invited to the table to negotiate, voice the concerns and interest of their constituency, or share their experiences of the conflict. By analysing the different actors included during the negotiations it is possible to situate any peace accords along a horizontal axis ranging from most exclusive to most inclusive. Peace accords which are branded most exclusive are solely negotiated by the belligerents, on occasion guided by a third-party negotiator (Chetail, 2009). The focus in exclusive peace accords is thus placed nearly exclusively on the violent actors (Stedman, 2004). In

contemporary academia, however, much attention is devoted the importance of inclusion of other actors during the peace negotiations as it is argued that peace is more likely to prevail when negotiations include actors such as gender monitories and victims (Nilsson, 2012). The proposed benefits of this approach are firstly that inclusive peace processes allow civil society actors to champion peace processes by demonstrating the necessity of peace. Secondly, inclusive processes increase legitimacy among the local population as the interests of all different communities are represented. Thirdly, the local expertise of civilians might strengthen the peace accord. (Mac Ginty & Richmond, 2013). Finally, by including gender minorities the complexities of power relations, and with it peace and violence, in a particular culture can become more evident. This in turn aids with the shift in perception of concepts such as authority and power required to establish peace. Moreover, gender equal participation in peace process has empirically proven to be yield a higher success rate and generate more sustainable peace agreements (Dumasy, 2018).

Opponents of this hypothesis argue, however, that if the belligerents do not perceive inclusivity as a necessity, the forceful inclusion of different actors by third-party negotiators will ultimately cause more problems than it could solve. Moreover, it is argued that inclusive peace negotiations might become overly complicated due to the extra positions that new actors bring to the table, that the required secrecy necessary for belligerents to negotiate might disappear, and that the small sample of people supposedly representing a whole social group generates issues with representation. Due to these complications, mediators often prefer to attempt to end a conflict by discussing grievances solely between warring parties (Paffenholz & Ross, 2015).

3.3.2 - Mechanisms

Subsequent to determining which actors get a seat at the table, the procedure of the negotiations and the mechanisms utilized to guarantee the signing of a peace accord have to be established. The first step in negotiated peacemaking is the establishment of the rules and procedures of the negotiations as they provide the necessary framework and shape the anticipated outcome of the process (Du Toit, 2008). Rules and procedures refer to agreements on, for example, the location of the negotiations, procedures surrounding safety of the belligerents, rules on voting procedures, the possibility of inviting mediators, and the actors participating in the negotiations. Besides "constructing the arena within which negotiators cooperate and compete with each other" (Du Toit, 2003: 74), rules and procedure aid in generating trust and overcoming the fragility of the process.

Following the establishment of the rules and procedures, the actors involved generally present an overview of their demands to the mediators in order to determine their requirements to agree to a peace accord. Whereas some scholars argue that peace can only be achieved if the underlying causes of the conflict are resolved, others advocate for a more pragmatic approach by first simply establishing an accord and later removing the culture of violence (Darby & Mac Ginty, 2008). The latter approach does not attempt to address the underlying causes of the conflict immediately. Instead, through signing a peace accord, it attempts to humanize the other and move away from a culture of violence towards a culture of constructive dialogue (Murithi, 2006).

It often becomes apparent that the belligerents cannot immediately overcome their differences and incentives or sanctions, both internal and external, are necessary to transform the cost-benefit-equation (Griffiths & Barnes, 2008). Next to incentives and sanctions, discourse can play a decisive role in peace negotiations. If the general discourse produced by (social) media surrounding the peace negotiations is positive, there is a greater chance the culture of violence will get terminated (Barreto-Galeano, 2018). The concept of transitional justice can play a significant role in this. Transitional justice refers to all measures aimed at generating an orderly transition from conflict to political and societal stability. Transitional justice includes judicial and non-judicial measures such as the implementation of a truth committee, restitution and reparations programs, criminal prosecution, rehabilitation programs, reduced sentencing and amnesties, and other institutional reforms aimed at converting society from civil conflict to peace (Bickford, 2004).

Positive discourse surrounding the peace negotiations can also be generated through promises surrounding economic and constitutional reforms. Constitutional reforms regulate and adapt access to power, reducing the risk of a reoccurrence of conflict (Fiedler, 2019). Economic reforms are also aimed at reducing the likeliness of reoccurrence of conflict by integrating the country in the world economy and improving the socio-economic status of civilians, making war less of a viable option. Important academic debates here, however, are centred around the ideas of dependency theory and neo-colonialism (Hoeffler, 2012; Dutta, Thaker & Sun, 2014).

3.3.3 – Conclusion

Before a definitive peace accord can be reached, it is necessary to first determine which actors will get a seat at the table and to establish the rules and procedures of the negotiations. After

this has been arranged, the warring parties will have to move closer to one another. This process can be aided through incentives and sanctions, a transformation of discourse which alters the culture of violence, transitional justice, and finally economic and constitutional reforms.

4 – Methodology

After elucidating the need for the development of a new theoretical framework and introducing the phases-of-peace model, this research moves towards achieving its second goal. Namely, applying the phases-of-peace framework to the Colombian conflict to determine the factors which contributed to the outcome of the Pastrana and Santos peace negotiations. This section is dedicated to accounting for the selection of the Colombian conflict as a case study.

4.1 – Justification of Case Study Selection

Due to the large amount of actors involved, their constantly shifting objectives and strategies, regional differences, and the overlap with other varieties of violence such as that stemming from the illegal drug trade, the Colombian conflict requires strenuous efforts to utilize for academic analysis. The extreme complexity of this case is useful, however, as it highlights the potential of the phases-of-peace framework to structurally compare different peace negotiations even in complicated conflicts.

Colombia has seen numerous attempts at drafting peace agreements over an extended period of time. Moreover, since various armed groups are involved in the conflict, peace negotiations often took place with one group while fighting continued against other groups. As demonstrated in Table 1, it is therefore not possible to speak of a singular Colombian peace process and it is a necessity to define which particular peace negotiations will be compared.

Table 1 (Bell et al, 2015; CNMH, 2016)

Actor	*Ideology*	*Lifespan*	*Results from major peace negotiations*
M-19 Guerrilla organization	Left-wing nationalism/ democracy	1970 – 1991	1984 – (Partial) ceasefire 1991 – Peace agreement and (partial) demobilization
EPL Guerrilla organization	Marxism-Leninsm	1967 - 1991	1984 – (Partial) ceasefire 1991 – Peace agreement and (partial) demobilization
FARC Guerrilla organization	Marxism-Leninsm	1964 – 2016	1984 – (Partial) Ceasefire 1991 – Failed peace negotiation 2002 – Failed peace negotiation 2016 – Peace agreement and (partial) demobilization

ELN Guerrilla organization	Marxism-Leninism with Liberation philosophy	1964 – present	1991 – Failed peace negotiation 1998 – Failed peace negotiation 2017 – Failed peace negotiation
AUC Paramilitary organization	Far-right / Narcoterrorism	1997 – 2006	2003 – (Partial) ceasefire 2006 – (Partial) demobilization

For this research the peace negotiations of 2002 (hereafter referred to as the 'Pastrana negotiations') and 2016 (hereafter referred to as the 'Santos negotiations') between the FARC and the Colombian government have been selected. The primary motivation behind this decision is that the FARC is by far the largest guerrilla organization. The signing of the peace agreement in 2016 was perceived by many as the end of the Colombian conflict and this agreement is hence a logical starting point for this research (Rios, 2018). The negotiations of 2002 have been selected as benchmark since this is the most recent other major attempt at negotiation peace. Moreover, the peace process is well-documented and the context in which the negotiations took place is somewhat similar.

4.2 – Justification of Source Selection

As previously stated, through the development of the '*Basta Ya: Memorias de Guerra y Dignidad'* report, the CNMH has attempted to construct a clear overview of what happened throughout the course of the Colombian conflict. This report is generally regarded to be an reliable primary source within academia and will as such be utilized as a guiding document throughout this research. Within Colombia, however, the document remains highly contested. As such, it is necessary to write a short disclaimer to justify the selection of this source.

The CNMH was created as part of the 2005 Justice and Peace Law. This law marked the beginning of a period of transitional justice in which the right to truth of victims and the demobilization of paramilitary groups were key objectives. The *raison d'etre* of the CNMH was to present an objective overview on the magnitude of the violence and to give victims of the conflict a voice in their struggle for justice. *Basta Ya* was finished in 2016 and has been created by leading Colombian scholars stemming from diverse academic fields and under intellectual autonomy. In the published document the crude data on killings and kidnappings

can be found, as well as different narratives of victims, objectives of perpetrators, and the failures of the government to adequately protect its citizens (Riaño Alcalá & Uribe, 2016).

Within Colombian society the report is highly controversial for several reasons. The most prominent are due to the period in which the CNMH was created, the difficulties that stem from conducting research during an ongoing conflict situation, the criticism which is expressed in the document on nearly all involved parties, and the plurality of historical memories. Firstly, since the CNMH was formed under the rule of the right-wing government of Alvaro Uribe, infamous for his claims that Colombian insurgent groups should be considered terrorists, many guerrilla organizations perceive the report as biased and the support of the government towards the report as a strategy to evade responsibility. Secondly, since *Basta Ya* was developed between 2008 and 2013 it has been written during an ongoing conflict situation which makes independent research significantly harder as opposed to a report written by a truth commission in a post-conflict situation. Thirdly, since the rapport is critical of nearly all parties involved, including state institutions, guerrilla organizations, paramilitary movements, and drug cartels, it has been accused of partiality from all different sides. Lastly, due to the plurality of historical memories it becomes a near impossible task to construct a document with only unchallengeable truths (Riaño Alcalá & Uribe, 2016).

Despite these critiques, however, claims that *Basta Ya* is an untrustworthy report remain largely unsubstantiated. The methodological decisions are justified, the presented data and narratives possess the required nuance, and, as it is written by respected academics from different fields, a broad and interdisciplinary focus is present throughout. While the collective memory presented in the document might be a non-consensual collective memory, it can nonetheless be perceived as a legitimate one. Especially since the report is exceptionally extensive, takes into account the different political stances, is critical of all parties involved, and stresses the responsibilities of all sides to recognize the victims. *Basta Ya* should therefore be considered a reliable source and will form the guiding document of this research.

5 – Analysis

This chapter shall commence with a general introduction to the Colombian conflict through the creation of a timeline describing the origins of the conflict, the different actors involved and their motivations for continuing their violent campaign. After providing the necessary background information, this research will deploy the phases-of-peace model to analyse the Pastrana and Santos negotiations, determine where they differ and hence identify the factors which contributed to the outcome of both peace negotiations

5.1 – Context of the Colombian Conflict

The origins of the Colombian conflict can be traced back to the accumulation of agrarian disputes (*El Problemo Agrario)* commencing in the 1920's. Subsequent to the decades long suppression of peasant farmers by the United Fruit Company (UFC), workers often united to strike or form militias. Following threats from the United States to invade Colombia if the interest of the UFC were not protected, these strikes were brutally shot down by the Colombian army. The general opposition against such governmental oppression combined with the assassination of Jorge Eliécer Gaitán, the liberal presidential candidate, ultimately lead to the initiation of a civil war in 1948. This civil war is commonly known as *La Violencia* and can shortly be summarized as a partisan civil war between the conservative and liberal party centred around identity and socio-economic standing (Sowell, 2014). This extremely brutal civil war wound down in 1958 after both parties agreed to sign a peace and power sharing agreement. This exclusive bipartisan agreement, known as the National Front, stipulated that every four years the parties would alternate in providing the president. While this agreement was successful in so far that it curbed the violence between the conservative and liberal party, its exclusive nature severely restricted the possibility of political participation for other parties. Moreover, the National Front agreement failed to adequately address *El Problemo Agrario* and several other underlying causes of *La Violencia*. As a result several small, mainly communist, guerrilla groups continued operating in the rural areas of Colombia. During the early 1960's, while struggling to curb this spread of communism and to secure the full authority and legitimacy of the state, the Colombian Army initiated attacks on peasant communities which were suspected of harbouring militias. The toxic cocktail created by the lack of opportunities for political participation, *El Problemo Agrario*, and the attacks and political involvement of the army ultimately lead in 1964 to the creation of the most infamous guerrilla group of Colombia: the FARC (CNMH, 2016).

Inspired by the creation of the FARC, the communist revolution in Cuba and the rise of communism globally, the number of communist guerrilla organizations grew in the 1960's with the formation of the *Ejército de Liberación Nacional* (ELN) and the *Ejército Popular de Liberación* (EPL). Moreover, following allegedly fraudulent elections, the *Movimiento 19 de Abril* (M-19) was formed in 1970. The political influence and military might of the guerrilla organizations initially remained severely limited but the Colombian Army nonetheless proved incapable of fully eliminating the guerrillas. Throughout the 1970's the power of the guerrilla organizations grew steadily and the FARC decided to shift from a defensive to an offensive strategy. In response to the power expansion of the FARC and after recommendations made by U.S counterinsurgency advisors, several paramilitary organizations were formed. Paramilitary organizations such as the *Autodefensas Unidas de Colombia* (AUC) claimed to be self-defence groups responding to the threat posed by the guerrillas. In reality, however, paramilitary organizations were often created by mining companies, drug cartels and others with a specific economic or political interest to fight left-wing insurgents and protect their own interest. The emergence of the paramilitary groups in the 1980's lead to a significant increase in violence as the paramilitaries were responsible for countless massacres (CNMH, 2016).

Many members of the paramilitary organizations belonged to the Colombian Armed Forces and the Colombian Army has been accused of delegating murders on civil society- and labour union leaders to the AUC (Rivera, 2007). The Armed Forces in Colombia operated relatively autonomously and were strongly anti-communist. This in turn created a situation where they stigmatized poor civilians and blurred the distinction between civilian and guerrilla, leading to gross human rights violations against civilians.

Throughout the 1980's the paramilitary groups and guerrilla organizations also became closely connected to the Colombian drug trade. Colombia's *narcotraficantes* benefited from the ongoing instability in the country and bribed government officials to decrease the capacity of the state to intervene. Moreover, the paramilitary and guerrilla groups were involved in the drug trade themselves in order to fund their operations. While the US has been involved in the conflict since the beginning, this involvement grew further in the 1980's as part of its War on Drugs. In an attempt to combat the rise of the communist guerrilla groups and prevent illicit drugs from crossing its borders, the US has been sending billions worth of military training and equipment to Colombia. This aid was, however, highly controversial as it focused solely on attacking guerrilla organizations and failed to tackle the drug problems and human rights abuses created by paramilitary organizations. This resulted in a complicated duality in relationship

between the Colombian government and paramilitary groups as the paramilitaries were considered allies in the fight against the guerrillas but enemies in the War on Drugs. This is exemplary for the variety of interests and the multiplicity of armed groups present in the Colombian conflict.

Finally, several other reoccurring themes which shaped the conflict can be identified. The most prominent are the concentration of land ownership preventing *El Problemo Agrario* from being solved, the liberalization of the economy which undermined the rights of legitimated owners of land and resources, the lack of state presence and overall abandonment of the periphery of the country, the assault on legitimate types of social organization, the constantly transforming popular support for guerrilla organizations, and the broader context of the Cold War and Latin American security policies (CNMH, 2016).

It is within this complicated context that President Belisario Betancur initiated the first attempt at peace talks with the guerrillas in the 1982. During his first year in office Betancur lifted the state of siege, promulgated amnesty laws, created a peace committee and allowed for the creation of a legitimate political branch of the FARC; the *Unión Patriótica* (UP). This lead in 1984 to the signing of a partial ceasefire between nearly all parties involved. Nonetheless, the social and political environment in Colombia was marked by a reluctance for peace talks, especially in the Armed Forces, and the ceasefire collapsed in 1988. Following the collapse of the ceasefire many of the members of the UP were assassinated (Gomez-Suarez, 2007).

Following the presidency of Virgilio Barco (1986-1990) and César Gaviria (1990 – 1994), the Colombian Peace Process achieved its first real success in the wake of the globally existing momentum against communism. After the fall of the Berlin Wall in 1989 all communist regimes in Europe had been overthrown. Next to this, civil conflicts in El Salvador and Nicaragua came to unsuccessful ends for the communist guerrillas. As a result, several of the leftist guerrilla organizations had a significantly harder time obtaining weapons and funding and starting losing faith in the possibility of complete military victory. Moreover, in 1991 a reformed constitution came into being which ended the National Front, opened up the possibility for political participation, recognized the importance of political and human rights, and lead to the appointment of a civilian as a Minister of Defence. Following the constitutional reforms and the loss of faith in military victory, the EPL and the M-19 agreed to collectively demobilize in 1991 (CNMH, 2016).

The FARC and ELN, however, continued their violent campaign. The refusal of the FARC to participate in the peace agreement originated in their deep distrust for governmental guarantees following the systematic extermination of members of the UP as well as their believe that the constitutional reforms would not introduce the necessary political and economic change to solve the causes of the conflict. The conflict reached its highest level of brutality in the years following and new peace talks with the FARC would not take place till 1999.

5.2 – The Pastrana peace negotiations

In the following section the Pastrana peace negotiations will be analysed by hand of the phases-of-peace model.

5.2.1 – Phase 1 of the Pastrana Peace Negotiations

Under the presidency of Andrés Pastrana (1998 – 2002) the second major peace negotiations between the FARC and the Colombian government took place. The Colombian government initiated the negotiations from a position of relative military weakness. It has been estimated that in 1999 non-state actors controlled over 40 percent of Colombian territory and the FARC even overran an elite division of the Colombian Army at El Billar, in the south of Colombia (Porch, 2010).

The decision of Pastrana to negotiate with the FARC despite the state's relative military weakness originates in the extortion of pressure by external parties and can hence best be explained utilizing the National Dialogue theory. As stated in the phases-of-peace model, the National Dialogue theory proclaims that peace negotiations can take place following lobbying or demonstrations by external actors such as civil society groups. In the 1990's Colombian civil society groups started extorting this pressure because this period was characterized by extreme violence against civilians and kidnapping became a widespread practice. With the guerrillas approaching major cities in the late 1990's, many urbanites started favouring a negotiated solution to the conflict. Following the partial democratization of Colombia after 1991, civilian authority had grown and civil society groups were able to force the prioritisation of peace talks over the reorganization of the Armed Forces.

Moreover, in 1997 the United Nations Development Program (UNDP) invited the then-presidential candidates to a meeting in an attempt to persuade them to initiate peace talks once elected. Pastrana initially declined but realized during the second round of the elections that he had to articulate a strategy for peace which went beyond that of his rival to win the presidency.

Pastrana designed a road map for peace which met some of the key demands of the FARC and tipped the electoral balance in his favour. After Pastrana got elected in 1998, formal peace negotiations with the FARC started in January 1999. Initially the peace negotiations thus enjoyed strong public support and the government was under extensive pressure to ensure that negotiations would not disintegrate.

In order to ensure, however, that the guerrillas would be unable to take full advantage of the relative weakness of the Colombian Armed Forces, the government of Colombia silently allowed for the escalation of violence by paramilitaries. The increase of activity of paramilitary organizations in the 1990's can as such be directly linked to the decline of autonomy and power of the Colombian Army. Moreover, several credible allegations of direct cooperation between the Armed Forces and the paramilitary organizations in this period can be identified. That is because both the paramilitary organizations and the extremist sections of the Armed Forces strongly opposed the idea of peace with the guerrillas and attempted to disrupt the peace process.

Accurately determining the motivation of the FARC to partake in the negotiations is significantly more difficult. This can mainly by attributed to the nature of the organization. Since the FARC is a guerrilla organization there is significantly less documentation available on its decision making. To some degree, however, it is possible to make calculated assumptions. It is evident that the FARC still did not trust the Colombian government following the failure of the state to protect members of the UP. Moreover, the FARC still chased some absolute aims which appeared incompatible with a negotiated solution to the conflict. As a result, it is fair to assume that the motivation of the FARC to partake in the negotiations was not an internal desire for peace but instead an attempt to achieve political and military gains. This became especially evident when the FARC announced they would only negotiate if the Armed Forces would create a demilitarized zone in five key municipalities. Moreover, the FARC hoped negotiations would aid in its battle to be recognized as a legitimate belligerent and break away from its political isolation (CNHM, 2016) (Marks, 2017).

In reality neither Pastrana nor the FARC were thus the true driving force behind the negotiations. Instead a coalition of an UN-led intervention by the UNDP and a civil society campaign kick-started the process. The main motivation for Pastrana and the FARC to join this externally led effort can be summarized as short-term political and military interest which were unrelated to reaching a sustainable settlement. Namely electoral victory for Pastrana and the demilitarized zone for the FARC.

5.2.2 – Phase 2 of the 2002 peace negotiations

Since the peace negotiations took place in an ongoing conflict situation the second and third phase of the model are blended together. As previously stated in the phases-of-peace model, the first step in the second and third phase is to determine which actors are involved during the negotiations. While the UN-led intervention kick-started the negotiations, this was also the full extent of the involvement of the UN as neither the Colombian government nor the FARC were interested in having a third-party mediator. Moreover, most other external actors such as those stemming from civil society were largely excluded from the process. Several non-governmental organizations such as women's right organizations and the church were initially involved to some extent but were quickly disregarded. While the peace processes had thus been facilitated by third-party actors, they were quickly excluded and the negotiations became a nearly exclusively bipartisan affair (Bayer, 2013).

Having determined the different actors who were ex- and included throughout the peace process, the second aspect are the mechanisms utilized to prevent the derailment of the process before a peace agreement can be reached. Because neither Pastrana nor the FARC were the true driving force behind the negotiations, it is not surprising that initially there was no clear agenda. Neither of the parties had a clear set of objectives beyond goals they already achieved and neither of the parties were therefore truly committed to the peace talks. Nonetheless, due to the high expectations of Colombian civil society and the momentum generated by the creation of the demilitarized zone, the process continued.

The less than optimal conditions under which the peace process emerged were further aggravated by a US-led intervention in the beginning of 1999. Due to a combination of the military success of the FARC and the expansion of coca fields, estimated to yield the FARC a revenue of 500 million USD per year, the Republican Congress viewed the FARC as severely undermining its strategic interest in the region. Moreover, the US perceived Pastrana as giving in to the FARC and functioning more as a mediator between the Colombian Army and the FARC than the President of Colombia. The stance of the US hardened even further after the kidnapping and assassination of three American activist by the FARC. This ultimately led to the abandonment of US support for the peace negotiations. Moreover, the US communicated to Pastrana that if he continued to cave in to the FARC, Colombia risked losing US financial support. Simultaneously the US offered him an incentive to continue fighting through 'Plan Colombia' which effectively entailed a substantial increase in financial and military support (CNMH, 2016).

The introduction of Plan Colombia severely influenced the already complex civil-military relations. In Colombia the Armed Forces had a long history of autonomy as the military institution had a free hand in the prosecution of its own members and even civilians. The FARC demanded far-ranging reorganizations of the military institutions which would limit its privileges and restrain its link with paramilitary organizations. The army, however, perceived the FARC as *narcoterroristas* and believed it had no legitimate standing to demand the reorganization of the army. Fearing the army would lose its privileges and due to its conservative perception of the FARC, the military strongly opposed the peace negotiations. In the years following 9/11 the perception of the FARC as a terrorist organization also became increasingly more popular in the US and this discourse infiltrated into Plan Colombia too. As such the recalcitrant position of the army was further reinforced by Plan Colombia since it reinforced the legitimacy of the armies stance and insulated it from having to consider the possibility of peace. Due to the strong opposition from the army and the threat of the US to cut funding, the hands of Pastrana were severely tied during the remainder of the peace process.

Adding to these complications was, what Azcarate (2003) referred to as, preventable manipulation. The FARC utilized the continuation of the peace process itself as a bargaining tool in order to extract concessions from Pastrana. As previously stated, the Pastrana administration had gambled all of its prestige on the peace negotiations. The FARC realized this early on and repeatedly tested the patience of the government by abusing the full military, financial and political benefits of the demilitarized zone. Examples are the training and recruitment of new members, the holding of kidnap victims in the region, and the redeployment of the FARC army. The threats of the FARC to walk away from the negotiation table if this demilitarized zone was remilitarized were multitudinous and this created a highly unsustainable basis for the negotiations.

Moreover, throughout the negotiations there was an unnecessarily high degree of vulnerability to spoilers and other external events. The AUC for example went on a killing and kidnapping spree in January 1999, causing over 137 deaths, in order to force the FARC to suspend the peace negotiations. This occurred again in 2000 when the AUC carried out a string of massacres on civilians in order to force the remilitarization of the demilitarized zone. The Armed Forces also attempted to spoil the negotiations on numerous occasions by threatening with mass resignation and by refusing to fight against paramilitary organizations (Nasi, 2006). The lack of sufficient ground rules during the process made that peace negotiations were very prone to such spoiling acts (Azcarate, 2003).

Ultimately the peace negotiations stranded in February 2002 after the FARC hijacked a plane and kidnapped a senator. The more distant causes of the collapse of the negotiations were a combination of spoilers, FARC's abuses of the demilitarized zone and the fact that the process hardly yielded any results after three years of negotiations. The negotiations did temper the violence for the time being and some successes, such as large scale prisoners exchanges, were achieved. Nonetheless, the peace process as a whole had failed and Colombia hence regressed into a period of extremely violent conflict.

5.3 – The period between 2002 and 2012

Following the collapse of the peace negotiations, the Colombian Conflict entered into a new phase. Pastrana was replaced by Alvaro Uribe, a politician whose father had been killed by the FARC and who strongly opposed a negotiated settlement to the conflict. Uribe did not grant the FARC any political recognition and even want so far as to deny that a legitimitate internal conflict was taking place. In his eyes the fight against the FARC should be perceived as one of narco-terrorist against a fully legitimate state. After the election of Uribe the war reached its maximum intensity in terms of victimization. Armed agents on all sides utilized intimidation, violence and murder to alter their relationship with the civil population and gain effective control over pieces of territory. As a result massacres and forced displacements skyrocketed (CNMH, 2016).

In 2002 Uribe decided to initiate highly controversial peace negotiations with the AUC. Initially the transitional justice law that the government fabricated to authenticate the (partial) demobilization of the paramilitaries signified a near impunity for those responsible for even the most horrifying crimes and therefore completely failed to recognize the importance of victim rights. Due to overwhelming pressure from human rights organizations, civil society groups and the international community, the government was forced to alter its strategies and instead adopted the well-known Truth, Justice and Reparation Law in 2005, a law which also directly lead to the creation of the CNMH. This law defined the judicial treatment to be received by members of an armed group, be they guerrillas or paramilitaries, after they entered into peace agreements with the government. Ultimately only around 5000 of the 20000 members of the AUC demobilized between 2002 and 2006 in exchange for an acquittal or severely reduced sentences (CNMH, 2016). Paramilitary activities therefore did not come to a full stop after the negotiations, with paramilitary organizations attempting to quickly rearm and continue with their violent activities. The (partially) successful negotiations with the AUC did, however, signal three important developments in the Colombian Conflict. Firstly, it meant that the

Colombian government could focus more of its attention against fighting the guerrillas. Secondly, it marked the beginning of the transitional justice efforts in Colombia, formalizing the procedure for the transition from violence to peace for insurgent groups. Thirdly, the idea of transitional justice sparked a large scale civil debate on the so called 'price for peace'. These debates revolved around questions such as: is peace desirable if it means that those responsible walk away (largely) unpunished? And what is the relationship between peace and justice? These debates would remain at the centre of all future peace processes between the Colombian government and insurgent groups.

Under President Uribe the Colombian government also unleashed a massive political, military and juridical offense in an attempt to neutralize the long series of blows dealt to them by the FARC. While this had the desired effect of weakening the FARC, it did come at a high cost. Literally as seen in the increase in taxes, and more figuratively as the democratic institutions of Colombia came under significant pressure. A good example is the case of the *falsos positivos*, the murdering of innocent civilians by members of the Armed Forces in order to artificially boost the presented number of guerrillas killed in action. Next to this, the Colombian government cracked down on the lucrative cocaine trade by utilizing a highly controversial weapon: the aerial fumigation of coca fields with glyphosate, an extremely toxic herbicide which indiscriminately destroys plant life but also causes cancer and other health issues (Solomon, 2007). By breaking down the economic capacity of the FARC and by intensifying the war, the Colombian government was able to slowly shift the military balance of power in their favour. Especially in the years following 2008 the FARC suffered severe setbacks as territorial losses and the interception of communications forced the FARC to operate haphazardly. Moreover, three key members of the FARC secretariat, including founder Manuel Marulanda, were killed in a short period of time. As a result, the FARC appeared paralyzed and unable to adequately respond to the military pressure and the government was able to increase its presence in the periphery of the country. The deterioration of the FARC can best be highlighted through Operation Jaque, a secret government operation which led to the release of fifteen kidnapping victims, among them Ingrid Betancourt, from FARC detention. Nonetheless, the Armed Forces were unable to deliver the FARC a military knock-out blow and the fighting hence continued beyond the end of President Uribe's second term in 2010 (CNMH, 2016).

In short, the period between 2002 and 2010 has been marked by the relentless efforts of Uribe to implement a grand strategy against the FARC which included the establishment of government presence in the periphery of Colombia, shifting the military balance of power by

strengthening the army, and finally developing support and trust in society for the Colombian government. In their pursuit of unconditional military victory over the FARC, however, the Uribe administration and the Armed Forces have been accused of corruption, collaboration with paramilitary organizations and grave human rights violations, such as the *falsos positivos.*

After the 2010 elections, the newly elected President Juan Manuel Santos continued with the efforts of Uribe to improve military effectiveness while simultaneously attempting to ensure a degree of civilian democratic control over the Armed Forces by reforming and strengthening the civilian-led Ministry of Defence. The election of Juan Manuel Santos also signalled a shift in the attitude of the Colombian government towards the FARC. Despite being the former Minister of Defence in Uribe's administration and promising to continue the military struggle against the FARC in this election campaign, Santos discreetly initiated exploratory talks. After more than a year and a half of confidential negotiations, Santos and the FARC openly announced in February 2012 that they would formally start with exploratory talks, or the so called 'talks about talks', with the ultimate goal of reaching a final negotiated settlement to the conflict.

5.4 – The Santos Peace Negotiations

5.4.1 - Phase 1 of the Santos peace negotiations

The motivation behind the decision of the FARC and the Colombian government to sit down at the negotiation table in 2012 stands directly opposed to their motivation to negotiate in 1998. Since the exploratory talks took place under the radar, there was hardly any pressure from civil society to force the armed actors to reach a settlement. Instead, the decision to negotiate appeared to stem from a more intrinsic desire for peace.

For the FARC this desire, or perhaps necessity, for peace followed its military decline and political isolation. The traditional military approach of the FARC began to show significant cracks after 2008 and the organization hence had to adopt a different approach to ensure its survival. The FARC could either radicalize further and intensify the violence in an attempt to shift the military balance of power again or undergo sever institutional change to prevent its political demise. The FARC attempted the latter - as the former would most likely alienate them further from society and hence from achieving their objectives - and decided to transform itself from a military guerrilla into a political guerrilla. That is to say, an armed group which fights for the interest of certain social classes as opposed to a popular army aiming to replace an illegitimate government (Aguiera-pena, 2013). Nevertheless, the FARC still needed to

complete one step before becoming a regular political force: institutionalisation. The institutionalisation of the FARC would guarantee the survival of the group as a political force and hence its potential to influence Colombian society. A negotiated settlement to the conflict would make institutionalisation attainable. As such it is safe to claim that the FARC did not utilize the Santos negotiations to achieve military gains. Instead it realized that its military struggle was proving unsuccessful and that negotiating was a necessity.

For the Colombian government the incentive to negotiate also had to do with military power. While the Colombian government had tipped the military balance of power in their favour, the size and geography of Colombia means that there were many spots for a severely weakened FARC to regroup. Next to this, the FARC could find refuge in neighbouring Venezuela where the Colombian Armed Forces are not allowed to act. The FARC could thus most likely never be fully defeated militarily as it had enough save heavens to reconstitute itself, as has happened many times in the past. Santos recognized this and realized that if the conflict was to be ended, a negotiated solution was a necessity.

Using the phases-of-peace model, the decision of the FARC and the Colombian government to reach a negotiated solution can best be explained utilizing the military coercion theory. In short, the Colombian government removed the incentive to continue fighting for the FARC by extorting immense military pressure which in turn effectively forced the FARC to adopt a different strategy and hence led them to the negotiating table.

5.4.2 - Phase 2 of the Santos Peace Negotiations

As stated in the phases-of-peace model, the second phase of the peace negotiations mainly revolves around building trust. The Santos peace negotiations got off to a flying start in that regard as one day after the start of the negotiations in Havana, Cuba, the FARC declared a unilateral ceasefire. Moreover, the FARC made it an official policy to terminate the use of kidnappings for ransom money. Having learned from the mistakes of the Pastrana peace process and fearing the loss of public support for the negotiations, Santos, however, refused to declare a demilitarized zone or ceasefire. The cessation of violence was thus not absolute and several unilateral ceasefires collapsed throughout the process. Nonetheless, the declaration of the unilateral ceasefires by the FARC did provide new levels of trust as they highlighted the FARC was not simply using the peace process to achieve military gains.

A second factor aiding in building trust between the belligerents was the proper use of neutral third-party mediation and intervention. The Norwegian and Cuban government got heavily

involved during the negotiations by providing a meeting venue. Their involvement also generated mutual trust and granted the negotiations credibility. Moreover, the International Committee of the Red Cross functioned as independent intermediary and aided with logistical support. As will be discussed in the following section, the United Nations also played a key role during the negotiations. Juan Manuel Santos later declared that the peace process could never have been successful without the involvement of the international community (Bayer, 2013) (Sarmiento, 2020).

Next to this, as highlighted by Barreto-Galeano et al (2019), the belligerents attempted to alter the discourse surrounding the conflict which previously was used to justify violence and demonize the other. By attempting to alter the discourse surrounding the conflict, for example through official communication channels or social media, the possibility of constructive dialogue and a peaceful solution to the conflict opened up.

While a bilateral ceasefire has never been adopted, the Colombian government and the FARC did hence implement other measures to remove distrust and change attitudes towards the conflict. This in turn fabricated the space necessary for exploratory talks to ensue. During these talks about talks, the FARC and the Colombian government agreed on a framework consisting of only the three elements necessary to bring an end to the conflict and develop a proper peace process. Firstly, both parties agreed the initial aim of the negotiations was simply to bring about negative peace. By not selling the peace negotiations as a panacea, public expectations were purposely kept low. This in turn prevented public pressure from spoiling the agreement. Secondly, operational rules were agreed on in which it was decided that the negotiations would be confidential, media contact would be limited, the effect of external spoilers would be as low as possible, and participation mechanisms for civil society would be implemented. The establishment of such clear ground rules gave a sense of predictability and stability to the negotiations and prevented it from derailing. Finally, both parties agreed on a limited agenda of six discussion points for the peace negotiations (Herbolzheimer, 2016).

5.4.3 – Phase 3 of the Santos Peace Negotiations

As the ground rules of the negotiations were clearly established before the formal beginning of the peace process, the agenda and structure of the Santos peace negotiations was clear from the outset and the process got off to a relatively untroubled start. The six key themes agreed to negotiate on were: the end of the armed conflict and the disarmament of the FARC, the political participation of the guerrillas, the establishment of transitional justice mechanisms, the creation

of rural development plans, formulating a plan to combat drug cultivation and illegal drug trade, and finally the importance of the rights of victims.

The addition of the rights of the victims also meant the inclusion of a new set of actors at the negotiation table, namely victims of the conflict. In their struggle to get recognized and attain their spot at the centre of the negotiations, victims' rights organizations made good use of *Basta Ya*. As registered by the CNMH (2016), an estimated 7.7 million people in Colombia, around fourteen percent of its total population, became a victim of murder, torture, sexual violence, kidnapping, forced displacement or forced disappearance. In many peace process around the globe the rights of victims have largely been neglected since they make negotiations so sensitive and complex it could potentially derail the peace process. In the Santos peace process, however, it was recognized that justice and peace are by definition intertwined. Both the FARC and the Colombian government realized that not having the victims' rights at the very core of the negotiations would by immoral, illegitimate, and ultimately create an unstable peace (Ucrós Maldonado, 2017). In order to achieve the principle of putting the victims' rights first, three mechanisms were put in place. Firstly, victims could directly send in proposals through (e)-mail. Secondly, the United Nations organized regional events during which victims from throughout the country could express their opinions and experiences. Thirdly, victims were invited to public hearings in Havana before negotiations on victims' rights and transitional justice took place to ensure that their experiences would be taken into account in the ensuing discussions. By placing the victims at the centre of the negotiations, the Santos peace process thus became more legitimate and able to address some of the key underlying issues of the conflict, changing the discourse and opening the way for reconciliation between the Colombian people.

Another set of actors included during the Santos peace negotiations were women. As stated in the phases-of-peace model, gender equal participation in peace process fabricates a higher likelihood that sustaining peace will occur. Initially, the Santos peace negotiations were, however, not characterized by fully equal gender participation as hardly any women were lead negotiators. Nonetheless, women played a pivotal role in shaping the path to peace throughout the whole process as they have taken every opportunity available to participate in working groups and advance new proposals. Following pressure of the United Nations, the peace negotiations in Havana also slowly opened up more to women and special sub-committees dealing with gender and peace were founded. Nearing the end of the negotiations women

occupied nearly thirty percent of the seats available in commissions and working groups related to the peace negotiations (Bouvier, 2016).

Largely tied to victims' rights, the second pivotal mechanism used during the negotiations was the concept of transitional justice. While transitional justice had already been utilized before during the negotiations with the AUC, it was during the Santos negotiations that the full extent of the benefits of transitional justice became apparent. As previously stated, transitional justice measures attempt to bring justice, truth and reparations to the victims and punish those responsible for crimes committed during the conflict. Simultaneously they have to ensure that the guerrillas are willing to lay down their arms by offering reduced sentences. These reduced sentences do, however, have to be in line with the Rome Statute of which Colombia is a party. Due to this complicated balancing act, an agreement on transitional justice initially appeared complicated to reach. Nonetheless, an agreement was ultimately signed on key issues such as the establishment of a truth commission, a tribunal aimed at determining the accountability for human rights violations, a specialized unit aimed at searching for people who disappeared due to the conflict, protection for ex-FARC guerrillas, and reparations for the victims of the conflict.

Agreement was also reached on plan related to drug cultivation and rural development. These agreements were, however, somewhat unsatisfactory for both parties. Rural and agrarian revolution has been central to the identity of the FARC and the guerrillas hence proposed several initiatives on these matters. The proposal that was ultimately passed, however, constitutes more of a regular rural development plan than a rural revolution agenda. The plan includes, among other things, the Colombian government buying land and gifting it to peasants. It does, however, not expropriate large landowners nor does it place limits on the extreme accumulation of land. The accord on illicit drug trade constitutes a similar compromise. The FARC was forced to provide information on illegal economies present in the regions they controlled and the Colombian government promised to stop the aerial fumigation of coca fields with glyphosate. The foreseeable effects of this plan are, however, small as the cultivation of illegal drugs largely transcends the FARC. Despite their expected ineffectiveness, the agreements on drug cultivation and rural development did mean that the negotiations could move towards the disarmament of the FARC and the formal end of the conflict.

Since members of the FARC were still very concerned for their own safety following the en masse execution of members of the UP, many of its members were wary to handing in their arms. The United Nations played a significant role during this process as it facilitated personnel to ensure that the guerrillas would be safe, lead the logistical operation to collect the arms, and

aided in ensuring the smooth transition of the FARC from guerrilla organization to political party.

After nearly four years of continuous negotiations and following the agreements on the disarmament of the FARC, the two parties arrived at a definitive peace accord on November 24, 2016.

5.4.4 - Phase 4 of the Santos Peace Negotiations

Due to constraints placed on the length of this research, the fourth phase of the model - the successful implementation of the peace accord - is technically not a part of this research. Nonetheless, this section will provide a compendious overview of the contemporary situation in Colombia in order to add some nuance to the perception of Colombia as a success story as sketched in this research.

Current president Ivan Duque, a protégé of Uribe, does not support the peace accord. As a result, the Colombian government has failed to adequately protect former *guerrilleras*. Moreover, several splinter organizations of the FARC and the AUC have formed, violence related to the illicit drug trade is on the rise, and the government recommenced with the aerial fumigation of glyphosate. The Santos negotiations can thus be considered successful in terms of this research but the contemporary situation in Colombia remains highly unstable due to failures in the implementation of the accord (Revelo & Sottilotta, 2020).

6 - Discussion

Having analysed the two peace negotiations by hand of the phases-of-peace model, this section will be dedicated to analysing their differences in order to answer the main question of this research: Why did the Santos peace negotiations between the FARC and the Colombian government lead to the ratification of a peace accord as opposed to the failed Pastrana negotiations which precede it?

The Pastrana peace process appears to have been doomed for the outset. Utilizing the phases-of-peace model it becomes evident that the starting point of the negotiations already severely undermined the potential of the process as a whole. In 1998 the conflict was far from having reached a military stalemate and both parties believed they could achieve full military victory or at least significantly improve their military position. Having been forced to the table by external actors, the willingness to find a negotiated solution to the conflict was low. The Santos negotiations, on the other hand, were well-timed. Building on the military successes of his predecessor, Santos was able to approach the FARC at a time where the guerrillas had a genuine incentive to seek a negotiated solution to the conflict. The FARC was significantly weakened and had to reinvent itself. The Colombian government could, however, not deliver the final blow necessary to achieve military victory. During the Santos negotiations both parties hence had a larger political will to achieve a negotiated solution to the conflict than during the Pastrana negotiations. Moreover, Pastrana was largely forced to the negotiating table by external actors such as the United Nations and actors from civil society. This created immense public pressure which later allowed the FARC to utilize the continuation of the negotiations themselves as a bargaining tool. Santos, oppositely, purposely kept public expectations low by starting off with secret negotiations and by being very selective with giving out information to the press. As a result the negotiations were less prone to externalities.

Since both parties were still attempting to achieve military gains during the Pastrana negotiations, it was evident both parties lacked the internal desire to achieve peace. As a result, initially there was no clear agenda or negotiation strategy. This in turn meant that the negotiations lacked the necessary ground rules to prevent parties from utilizing manipulative tactics to extract concessions from the other. Moreover, the negotiations were formed on an inadequate procedure as the exclusion of civil society organizations and third-party mediators generated issues with trust, legitimacy and monitoring. Stemming from this lack of adequate monitoring possibilities, the FARC was able to utilize the demilitarized zone for military and

economic gain. Oppositely, during the Santos negotiations the agenda was clear and the rules of procedure were made explicit. The preparation, structure and design of the process created a stable foundation for further peace negotiations. By clearly defining the agenda and mechanisms which would be utilized throughout the whole negotiations most crises could be averted and a sense of predictability and stability was added to the negotiations.

This sense of predictability also removed the vulnerability to spoilers. During the Pastrana negotiations the influence of external actors attempting to spoil the peace process was unnecessarily high. As a result the biased intervention of the US, the reluctance of the army to find a peaceful solution to the conflict, and spoiler attempts by paramilitary organizations significantly disrupted the process. Moreover, kidnappings were still a widespread practice and ultimately lead to the derailment of the peace process. During the Santos negotiations the situation surrounding spoilers was completely different. The agenda of the negotiations with the FARC did not include civil-military relations or a different kind of military reform and the army was hence less reluctant to a negotiated settlement to the conflict. Moreover, due to the settlement with the AUC and due to a general decrease in activity, paramilitary spoilers were less powerful. Finally, the FARC made it an official policy to abandon the practice of kidnapping. As such, the combination of a general decrease in spoiler activity and a stronger framework for the negotiations, stemming from excellent preparatory work, severely limited the effect of spoilers during the Santos negotiations.

The Pastrana negotiations also lacked proper international involvement such as a neutral third-party mediator. As a result it was significantly harder for either parties to trust one another. Moreover, agreements that had been reached could not be monitored. During the Santos negotiations, on the other hand, the third-party mediators were able to prevent deadlocks and restore trust between the parties. Moreover, the United Nations played a significant role in generating trust during the transitional phase of the FARC from a guerrilla group to a political organization.

Finally, a major difference between the Pastrana and Santos negotiations is that the former was extremely exclusive whereas the latter attempted to include a large variety of actors during the negotiations. While the inclusion of gender minorities and victims in the Santos negotiations has at times made the negotiations more complicated, their role was pivotal in achieving a durable peace accord.

7 – Evaluation of The Phases-of-Peace Model

After utilizing the phases-of-peace model to analyse the Colombian Conflict, this section will be dedicated to evaluating the model and identifying potential areas of improvement. The first issue which has to be addressed is the depiction of peace as linear and peace processes as moving chronologically through consecutive and distinct stages. As highlighted by numerous scholars, however, the reality of peace processes is that they are often non-linear, subject to constant change and that each decision in a peace process should not be seen as isolated but instead intertwined with all other initiatives (Arkbo, 2013; Chandler, 2013). This issue, however, has proven to not be unsurpassable due to the flexibility of the framework. The ostensible depiction of peace as linear and the phases as distinct has been done for the sake of drafting the model. As highlighted by the analyses of the Colombian conflict, it does, however, not indicate that a non-linear or irregular peace process cannot be analysed through this framework nor that the interconnectivity of decisions made in different phases has to be ignored.

While the depiction of peace as linear is therefore not necessarily an issue, what did hamper the application of the model was that not all phases have been correctly identified. The second phase of the model was predominantly focussed on ceasefires. As highlighted by the analysis of the Colombian conflict, however, ceasefires are not a necessary step for negotiations to lead to a peace treaty. Moreover, ceasefires might even undermine peace processes if they are not properly monitored. The establishment of a ceasefire should therefore not be seen as a separate phase. Instead the focus in the second phase of peace process should fall on how the necessary trust and political will for peace talks to continue can be achieved. The second phase should hence be centred around the mechanisms and actors involved during the talks about talks. Ceasefires could be an individual component of this process but should not be seen as a separate phase.

The strength of the phases-of-peace framework lies in its ability to highlight when peace processes broke down and then redirect the researcher to the relevant academic debates. By combining these academic debates with the contextual factors it becomes possible to draft a clear conclusion on why a peace process failed. By then analysing a successful peace negotiation through the same framework, it becomes possible to structurally compare peace processes and thus to systematically determine the factors contributing to peace in a specific intrastate conflict. As has been proven through an analysis of the Colombian peace processes,

the difference between two peace processes cannot be captured by analysing the extent of how liberal or hybrid they were. Instead, the difference lies in the tremendous amount of small decisions which cannot be adequately analysed through the overarching theories of peace. While the model thus carries some problems of its own, it is nonetheless a superior framework for comparing different peace processes in the an intrastate conflict.

8 – Conclusion

Intrastate conflicts constitute egregious humanitarian disasters and comprehending how they can be terminated is vital in diminishing human suffering around the globe. Determining the conditions under which the belligerents of previously terminated intrastate conflicts have been able to reach a negotiated solution can aid in identifying the conditions in which belligerents of contemporary intrastate conflicts could achieve the same outcome. An effective way to identify these conditions is by comparing two peace processes in the same intrastate conflict and discovering where they differ. This research has set out to conduct this tasks in the context of the Colombian Conflict through the following research question: Why did the Santos peace negotiations lead to a successful negotiated settlement with the FARC as opposed to the failed Pastrana negotiations that precede it?

Contemporary theoretical frameworks of peace studies such as liberalism and hybrid peace theory are unsuited for this type of analysis and a new theoretical framework had to be developed. In order to structurally and effectively compare peace processes and provide conclusions beyond simple dichotomies, the phases-of-peace model has been developed.

The phases-of-peace model depicts peace negotiations as a timeline and identifies relevant academic debates along this timeline. The model does, however, require some fine-tuning since the establishment of ceasefires were incorrectly identified as the second phase. The second phase should instead focus more on the importance of exploratory talks as it is upon this foundation that the remainder of the peace negotiations rests. Nonetheless, the model is superior to the existing theoretical frameworks and allowed for a thorough analysis of the Colombian Conflict and more specifically the Pastrana and Santos negotiations.

By structurally comparing both peace negotiations through the phases-of-peace model several key differences which can explain their opposing outcomes come to light. Firstly, it has become evident that political will and an internal desire for peace were a necessity to achieve peace. As demonstrated by the Santos negotiations, this political will can be forcefully fabricated by extorting military pressure. Secondly, the Santos negotiations proved the importance of talks about talks as the preparation, design and structure of the negotiations added stability and prevented unnecessary vulnerability to spoilers. The instability of the Pastrana negotiations was worsened even further by the lack of involvement of the international community and the biased intervention of the US. The Santos negotiations, on the other hand, were characterized by proper involvement of the international community, especially by the UN. Another major difference

was the availability of transitional justice as a conceptual language during the Santos negotiations. Finally, the Pastrana negotiations were extremely exclusive whereas the Santos negotiations were characterized by a wide variety of actors involved throughout the negotiations.

Accurately determining the weight of each of these differences is nearly impossible and the answer to the main research question is therefore not straightforward. Investigating why peace negotiations are (un)successful remains extremely complex and answers will nearly exclusively consist of a multitude of factors. For this research, that means that the differences presented in the previous section constitute the conclusive answer to the main research question. That is because, as highlighted throughout the research, it can be stated beyond any reasonable doubt that these differences have played a key role in shaping the diverging outcome of the negotiations.

While every conflict is unique and generalizations need to be treated with severe caution, it is conceivable that some of the hard-learned lessons from the Colombian peace negotiations could be applied in other negotiations. In order to confirm this hypothesis and to identify other factors potentially contributing to the success or failure of peace negotiations, future research should focus on comparing peace processes in other intrastate conflicts through the phases-of-peace model. This will in turn also aid in the fine tuning necessary for the phases-of-peace model to transform into a generally accepted academic framework.

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