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Peace Talks in Colombia

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February 6, 2015

Congressional Research Service

7-5700

www.crs.gov

R42982

Summary

In August 2012, Colombian President Juan Manuel Santos announced that the government was engaged in exploratory peace talks with the violent leftist insurgent group, the Revolutionary Armed Forces of Colombia (FARC), in a bid to resolve a nearly 50-year internal armed conflict. The secret, initial dialogue between the Santos government and the FARC's leadership led to the opening of formal peace talks with the FARC—the oldest, largest, and best financed guerrilla organization in Latin America. The formal talks began in Oslo, Norway, in October 2012 and then, as planned, moved to Havana, Cuba, where they have continued for more than 30 rounds. The talks between the government and FARC are the first in a decade and the fourth effort in the last 30 years. Some observers maintain that conditions are the most attractive to date for both sides to negotiate a peace settlement rather than continuing to fight.

It now appears that the Santos Administration anticipated the peace initiative by proposing several legislative reforms enacted in the first two years of its first term (2010-2012), including a law to retribute victims of the conflict and a “peace framework” law. In addition, the warming of relations with neighboring countries such as Ecuador and Venezuela since President Santos took office in August 2010 also helped lay the groundwork for the peace process. Venezuela, Chile, Cuba, and Norway have actively supported the process, which has been lauded by most countries in the region.

Congress remains deeply interested in the political future of Colombia, as it has become one of the United States' closest allies in Latin America. Congress has expressed that interest by its continued investment in Colombia's security and stability. Over the years, the U.S.-Colombia relationship has broadened from counternarcotics to include humanitarian concerns; justice reform and human rights; and economic development, investment, and trade. However, Colombia is and has long been a major source country of cocaine and heroin, and drug trafficking has helped to perpetuate civil conflict in the country by funding both left-wing and right-wing armed groups. Colombia, in close collaboration with the United States, through a broad strategy known as Plan Colombia begun more than 14 years ago, has made significant progress in reestablishing government control over much of its territory, combatting drug trafficking and terrorist activities, and reducing poverty. Between FY2000 and FY2015, the U.S. Congress appropriated nearly \$10 billion in assistance to carry out Plan Colombia and its follow-on strategies.

Since the formal peace talks were announced, the White House and U.S. State Department have issued several statements endorsing the FARC-government peace process. While the United States has no formal role in the talks, its close partnership with Colombia, forged initially around counternarcotics and counterterrorism cooperation, makes the outcome of the talks significant for U.S. interests and policy in Latin America. Successful conclusion of the peace talks—and a potential agreement—may affect the U.S.-Colombia relationship in such areas as U.S. foreign assistance and regional relations.

This report provides background on Colombia's armed conflict and describes its key players. It briefly analyzes prior negotiations with the FARC and the lessons learned from those efforts that apply to the current talks. It examines what has transpired in the talks during more than two years of closed door sessions. A recent significant development was the FARC's announcement of a unilateral ceasefire that went into effect on December 20, 2014. According to the FARC, it was unlike previous ceasefires because it would be upheld indefinitely as long as the Colombian military refrained from attacking its forces. The government, after announcing at the outset of the

talks that it would not issue a ceasefire and would continue to pursue all illegal armed groups, announced in mid-January 2015 it would reconsider that position. President Santos urged that the bilateral ceasefire proposal be addressed in future talks.

The report also examines some of the constraints that could limit the success of the peace talks and looks at the prospects for the current negotiations. It addresses such questions as why the talks are occurring now, what role might the United States have as the negotiations go forward, and finally how a potential peace agreement—or the absence of an agreement—might influence the future of U.S.-Colombian relations.

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Recent Developments

(For more background on the events described below, see “Developments in 2014”.)

On February 2, 2015, the 32nd round of the FARC-government talks began with the topic of victims at the forefront of the agenda. The session was the first of 2015 following a holiday break. President Santos also requested that negotiators consider a possible bilateral ceasefire.

On January 7, 2015, the leader of Colombia’s smaller guerrilla group, the National Liberation Army (ELN), announced that his organization would begin formal talks with the Colombian government and consider ending hostilities before entering into formal negotiations.

On December 20, 2014, the FARC enacted an indefinite unilateral ceasefire as long as the government would meet its strict conditions for reducing tensions to be independently verified by international monitors. Although President Santos initially said his Administration rejected such conditions, he later urged the negotiators to discuss the possibility of a bilateral ceasefire.

On December 10, 2014, the FARC-government talks resumed following their most significant break to date. The FARC and government negotiators met with the fifth and final delegation of conflict victims during the 31st round of the formal talks held in Cuba.

On November 30, 2014, the FARC released General Rubén Darío Alzate and two companions. The general, the highest ranking army official ever captured by the FARC, resigned his commission two days after his release for breaking with military protocol, travelling without a security detail in a “hot zone,” and wearing civilian clothing.

Colombia’s Internal Armed Conflict and Key Players

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

Intertwined with this legacy of conflict is Colombia’s predominant role in the illicit international drug economy. Colombia has been a source country for both cocaine and heroin for more than four decades. Drug trafficking has helped perpetuate Colombia’s internal conflict by funding both left-wing and right-wing armed groups. The two main leftist groups are the FARC and the smaller National Liberation Army (ELN). Since the mid-1960s, both rebel groups have conducted terrorist attacks, destroyed infrastructure, and engaged in kidnapping and extortion and other criminal profiteering. Right-wing paramilitaries arose in the 1980s, when wealthy landowners organized to protect themselves from the leftist guerrillas and their kidnapping and extortion

schemes. Most of the paramilitary groups organized under an umbrella organization, the United Self Defense Forces of Colombia (AUC). The shift of cocaine production from Peru and Bolivia to Colombia in the 1980s increased drug violence and provided revenue to both guerrillas and paramilitaries. By the late 1990s, the FARC, the ELN, and the AUC were all deeply involved in the illicit drug trade. The U.S. government designated all three violent groups as Foreign Terrorist Organizations (FTOs).¹

Armed conflict in Colombia over the past five decades has taken a huge toll. Tens of thousands of Colombians have died in the conflict, and the government has registered more than 25,000 as missing or disappeared.² According to government figures, more than 5 million people have been displaced, creating one of the largest populations of internally displaced persons in the world (greater than 10% of Colombia's estimated 47 million inhabitants). This large displacement has generated a humanitarian crisis, which has disproportionately affected women, Afro-Colombians, and indigenous populations, and left many dispossessed and impoverished. In addition, the use of land mines laid primarily by the FARC has caused more than 10,000 deaths and injuries since 1990. According to the government, Colombia's casualty rate from land mines is second in the world, behind only Afghanistan.³

Revolutionary Armed Forces of Colombia (FARC)

From the 1940s to the Early 2000s

The FARC began as a rural peasant movement and can trace its roots to armed peasant self-defense groups that emerged in the 1940s and 1950s. It grew from largely a regional guerrilla movement based in the mountainous region between Bogotá and Cali to become the armed wing of the Colombian Communist Party. In 1964, the guerrillas announced the formation of the FARC, a group dedicated to rural insurgency and intent on overturning what it perceived as Colombia's systemic social inequality.⁴ Working to take power militarily, the FARC grew steadily over the decades and drew resources from criminal activity to better equip and expand its forces.

Observing the growing revenues of the illegal drug trade, the FARC initially began collecting taxes from marijuana and coca growers in areas that they controlled, but their role in the drug trade expanded rapidly. The FARC also conducted bombings, mortar attacks, murders, kidnapping for ransom, extortion, and hijackings, mainly against Colombian targets. The FARC's involvement in the drug trade deepened to include all stages of drug processing, including

¹ The FARC and the ELN were designated FTOs by the United States in 1997, and the AUC was designated an FTO in 2001.

² Estimates of the number of disappeared in Colombia vary widely. While the Center for Historical Memory in its July 2013 report *Basta Ya! Colombia: Memorias de Guerra y Dignidad* estimates there are about 25,000 disappearances related to the five-decade internal conflict, other groups have higher estimates. For example, the following report cites more than 32,000 forced disappearances in Colombia. Lisa Haugaard and Kelly Nicholls, *Breaking the Silence: In Search of Colombia's Disappeared*, Latin America Working Group Education Fund and U.S. Office on Colombia, December 2010.

³ Anastasia Moloney, "Will 2013 be Colombia's Landmark Year?," *AlertNet*, January 17, 2013; "Colombia Peace Negotiators Take a Holiday Break," *Agence France Presse*, December 21, 2012.

⁴ Peter DeShazo, Johanna Mendelson Forman, and Phillip McLean, *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*, Center for Strategic & International Studies, Washington, DC, September 2009.

cultivation, taxation of drug crops, processing, and distribution. By the early 2000s, the FARC was thought to control about 60% of the cocaine departing Colombia.⁵

During the 1980s, under President Belisario Bentancur, the FARC attempted to enter politics by establishing a political party, the Patriotic Union (*Union Patriótica* [UP]) as part of the peace process then underway with the government. (For more background, see “Prior Peace Negotiations: Precedents and Implications.”) While scores of UP officials won office in the 1986 and 1988 elections, the group was targeted for assassination, and the UP was soon wiped out by its enemies, mainly paramilitary forces, collaborating Colombian security forces, and, to a much lesser extent, rogue elements of the FARC.⁶ As a result, the FARC withdrew from the political process to concentrate on a military victory.

Between 1998 and 2002, the Administration of President Andrés Pastrana attempted new negotiations with the FARC and granted a large demilitarized zone (approximately 42,000 square mile area, about the size of Switzerland) within which negotiations could take place. The FARC was widely perceived to have used the demilitarized zone as a “safe haven” to regroup, re-arm, and rebuild its forces. With continued FARC military activity, including the hijacking of a commercial airliner and the kidnapping of a Colombian senator, President Pastrana halted the peace negotiations in early 2002 and ordered the military to retake control of the designated territory.⁷ (For more information, see “Prior Peace Negotiations: Precedents and Implications.”) At the same time, President Pastrana began to develop what became known as Plan Colombia—a strategy to end the country’s armed conflict, eliminate drug trafficking, and promote development. Introduced in 1999, Plan Colombia was originally conceived as a \$7.5 billion, six-year plan, with Colombia providing \$4 billion and requesting the rest from the international community. In June 2000, the U.S. Congress approved legislation in support of Plan Colombia, providing \$1.3 billion for counternarcotics and related efforts in Colombia and neighboring countries, which began a multi-year effort with the United States as the major international funder.

⁵ In an update of this calculation in October 2012, Colombian Defense Minister Juan Carlos Pinzon stated that the FARC makes an estimated \$2.4 billion-\$3.5 billion per year from the drug trade. He said: “Of the 350 tons of cocaine that is [sic] produced in Colombia, around 200 tons are related to the FARC.” Quoted from IHS Jane’s “Fuerzas Armadas Revolucionarias de Colombia (FARC): Key Facts,” *Jane’s World Insurgency and Terrorism*, January 3, 2013.

⁶ By the late 1990s, an estimated 2,000-3,000 members of the UP party were assassinated. According to analyst and author Steven Dudley, most of the UP members were assassinated by paramilitaries and collaborating Colombian security forces, and only a small percentage were possibly victims of FARC infighting. CRS communication with Steven Dudley, February 13, 2013.

⁷ Marc Chernick, “The FARC at the Negotiating Table,” in *Colombia: Building Peace in a Time of War*, ed. Virginia M. Bouvier (Washington, DC: United States Institute of Peace, 2009).

Figure I. Map of Colombia Showing Departments and Capital



Source: CRS.

In the late 1990s, partly due to the drug profit-fueled FARC insurgency, the Colombian government was near collapse. According to a poll published in July 1999, a majority of Colombians thought the FARC might someday take power by force.⁸ In areas where the state was weak or absent, the void had been filled by armed actors. Some observers estimated as much as 40% of Colombian territory was controlled by the FARC forces and the state had no presence in 158 (16%) of Colombia's 1,099 municipalities (counties). By the time the faltering negotiations between the FARC and the Pastrana government broke off in 2002, the Colombian public was totally disillusioned with the prospects for a peace deal with the leftist insurgents. It was during this period of the early 2000s that the FARC reached the peak of its size and power, with an estimated 16,000-20,000 fighters.

The FARC Under the Uribe Administration (2002-2010)

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

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

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

⁸ *Countering Threats to Security and Stability in a Failing State.*

since 2003—Thomas Howes, Keith Stansell, and Marc Gonsalves—and French Colombian presidential candidate Ingrid Bentancourt and other Colombians. The widely acclaimed, bloodless rescue further undermined FARC morale.⁹

The FARC Under the Santos Administration

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

The government estimates that the FARC at present has 8,000 to 9,000 fighters.¹¹ The FARC fronts, which have been pushed back to more remote rural areas including along the jungle borders with Venezuela and Ecuador (see map contrasting 2002 presence with 2012 presence, **Figure 2**), have diversified their income sources from drug trafficking, extortion, and kidnapping to cattle rustling, illegal logging, and illegal mining, particularly gold mining in Colombia's north and along its Pacific Coast.¹² Despite important military victories against the FARC by the Santos government, many in the public perceive a decline in security over the past couple of years. During this time there was a gradual increase in both FARC and ELN attacks.¹³ This increase was especially notable in 2011 and early 2012, with the largest jump in rebel attacks on infrastructure such as electricity towers, trains carrying coal, and oil pipelines.¹⁴ Some observers speculate that

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

¹⁰ "FARC Vow to Free Military, Police Hostages, Halt Kidnappings," Reuters, February 27, 2012; "Colombian Politics: FARC Concession Spurs Scepticism," *Economist Intelligence Unit: ViewsWire*, February 29, 2012.

¹¹ "El Gobierno Calcula que las FARC Tienen 9,000 Integrantes," *Semana*, September 7, 2012.

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

¹³ The Colombian think tank Corporación Nuevo Arco Iris has tracked the increase in FARC actions over the last decade and estimates there has been approximately a 10% increase in attacks for each year between 2009 and 2011. See Ariel Ávila, "Las FARC: La Guerra que el País No Quiere Ver," *Arcanos*, Corporación Nuevo Arco Iris, Number 17, January 2012. Another think tank, Centro Seguridad y Democracia (CSD), also reported an increase of attacks by 24% (against the military) and 32% (against the country's infrastructure) comparing data between January and November of 2010 and 2011. See, Economist Intelligence Unit, *Country Report: Colombia*, January 2012.

¹⁴ Attacks on oil pipelines, for example, increased by 250% between the first half of 2011 and the first half of 2012. See Vivian Sequera, "Colombian Rebels Increase Attacks on Oil Pipelines, Energy Towers as County Ramps up Industry," Associated Press, September 16, 2012.

this upswing in attacks was an effort to demonstrate their strength to position themselves more strongly in peace talks that both the FARC and ELN actively sought.

Despite public overtures by FARC leader Timochenko to engage with the Santos Administration in a political dialogue in late 2011 and early 2012, the Colombian government stated that the FARC was not meeting their minimum criteria to engage in peace discussions. The government suggested such criteria might include a release of all hostages (not just security force members), a ceasefire, an end to the use of land mines, and a halt in recruitment of children soldiers.¹⁵

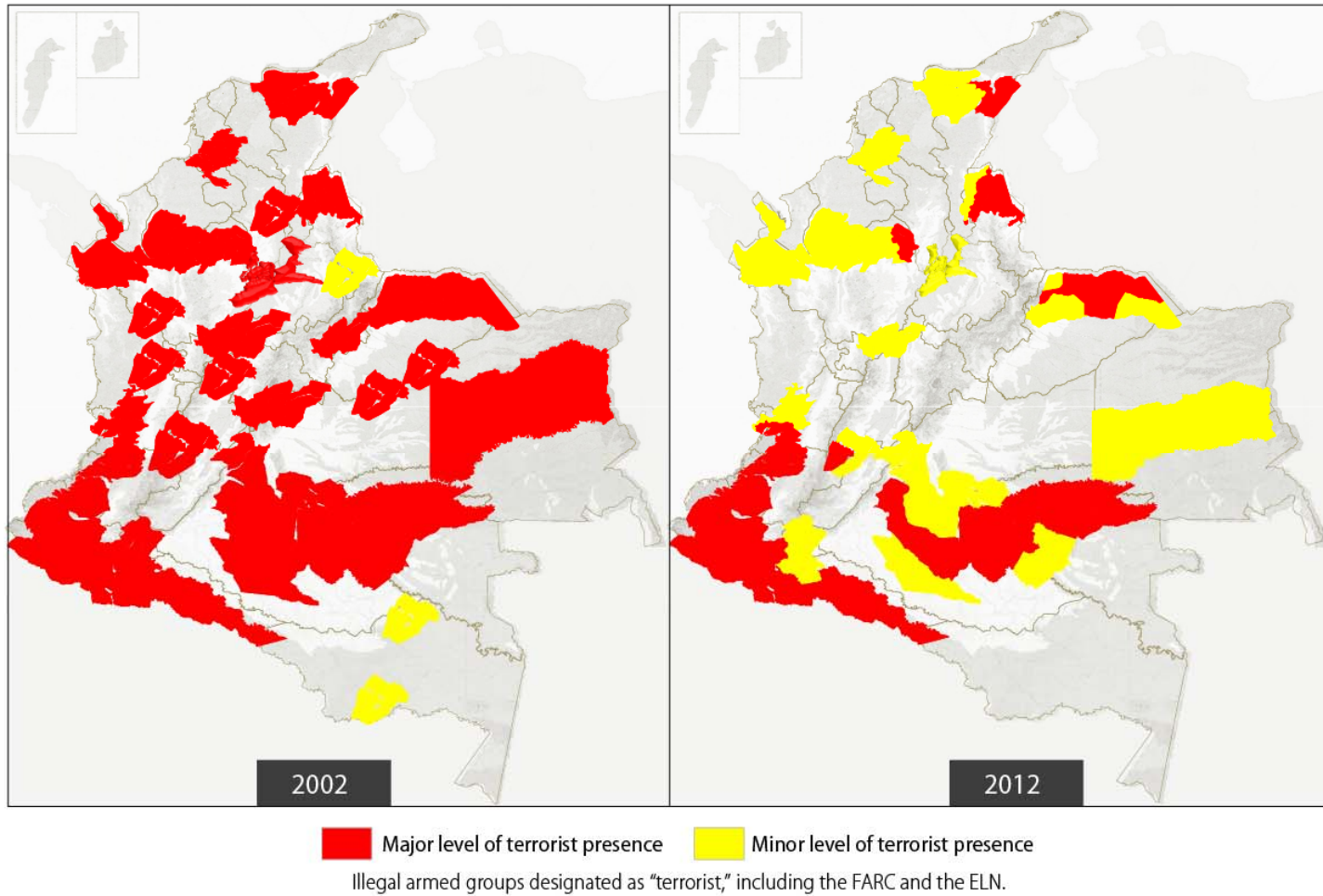
The FARC's capability to revive itself and continue to threaten Colombia is considerable. The guerrilla organization has repeatedly proven itself capable of adaptation. Although the Uribe strategy made significant military gains, and President Santos's changes did not significantly alter the security policy's direction, the FARC has demonstrated that it cannot be readily overcome through military victory.¹⁶ Even after the Santos government in early 2012 shifted the focus of action from taking down high-value individual targets to concentrate on dismantling the FARC's most important military and financial units, a clear end game is not in sight. Some observers suggest that the FARC's relative weakness at present and the government's military superiority make conditions favorable for a negotiated conclusion.¹⁷ Others question whether both sides have arrived at a "hurting stalemate" after decades of conflict such that each side views negotiations as more attractive than continuing to fight an unwinnable war. Several observers believe that FARC military capacity, if negotiations fail, will allow the FARC to fight on for another 10-15 years. The FARC, though weakened, is spread out in difficult terrain, making detection and targeting by the security forces extremely challenging.

¹⁵ Grant Hurst, "Colombian President Reaffirms FARC Must Halt Violence As Precondition to Talks," *IHS Global Insight Daily Analysis*, February 10, 2012; Grant Hurst, "Colombian FARC Vows to Release 10 Hostages and Stop Civilian Kidnappings," *IHS Global Insight Daily Analysis*, February 27, 2012; "Deliverance?," *Economist*, March 3, 2012.

¹⁶ International Crisis Group, *Colombia: Peace at Last?*, Latin America Report, Number 45, September 25, 2012, at [http://www.crisisgroup.org/~media/Files/latin-america/colombia/045-colombia-peace-at-last.pdf](http://www.crisisgroup.org/~/media/Files/latin-america/colombia/045-colombia-peace-at-last.pdf).

¹⁷ See, for example, see *Colombia: Peace at Last?*

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



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

Notes: In the 2002 map on the left, the terrorist groups whose level of presence is depicted include the right-wing AUC.

National Liberation Army (ELN)

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

The ELN today is estimated to have fewer than 2,000 fighters, but the group remains capable of carrying out high-profile kidnappings and bombings.¹⁸ Like the FARC, the ELN has long funded itself through extortion and kidnapping ransoms. In addition to terrorizing rural civilian populations, the ELN has especially targeted the country's infrastructure, particularly the oil sector (frequently hitting the Caño-Limón pipeline) and electricity sector. In the 1990s, the ELN turned to the illegal drug trade and began taxation of illegal crops. The ELN's size and strength have been dramatically reduced since that time, when its membership reportedly reached 5,000, although there have been periodic revivals. Advances by paramilitary groups, a consistent campaign against the rebel group by the Colombian government, and frequent competition with the FARC all contributed to its weakening. The ELN is now largely based in the northeastern part of the country and operates near the Venezuelan border.¹⁹

Over the years, the ELN has periodically engaged in peace discussions with the Colombian government, including attempts held both inside and outside the country to open a peace dialogue with the Uribe Administration. The last round of talks, which ended in June 2008, was followed by the government's stepped up operations against the insurgent group.²⁰ During the first two years of the Santos Administration, ELN supreme leader Nicolas Rodriquez Bautista (known as "Gabino") made several overtures to find a "political solution" to the conflict.²¹ When the exploratory talks between the FARC and the government were announced by President Santos in late August 2012, the ELN leader expressed an interest in joining the process that was acknowledged by the President.²² Subsequently, after the FARC-government talks moved to Cuba in November 2012, the ELN leadership expressed again its interest in participating and reportedly started back channel discussions with the Colombian government. The Santos Administration has expressed a willingness to engage with the ELN, but indicated that the ELN will not be invited to join the peace talks with the FARC. If any formal talks were to commence, they would likely be independent, at least initially. In June 2014, the Santos Administration announced that it had begun preliminary talks with the ELN's leadership, and agreement on a framework for formal talks and terms or conditions for initiating formal negotiations were under discussion. The framework for separate talks with the ELN may differ in some significant ways from the FARC-

¹⁸ In January 2013, for example, the ELN reportedly kidnapped five workers at a Canadian-owned gold mine in northern Colombia. At various times, ELN forces have stepped up their actions to push the Colombian government to enter peace negotiations. Campbell Clark and Pav Jordan, "Canadian Among Terrorist Group's Hostages," *The Globe and Mail*, January 19, 2013.

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

²⁰ "Closing the Net on the FARC, Striking at the ELN," *Latin American Security and Strategy Review*, July 2008.

²¹ Elyssa Pachico, "Brief: ELN Talks Peace," *Insight: Organized Crime in the Americas*, April 17, 2011, <http://insightcrime.org>.

²² Helen Murphy and Luis Jaime Acosta, "Colombia's ELN Rebels Offer Peace Talks," *Chicago Tribune*, August 28, 2012.

government agenda because the two leftist guerrilla groups have different concerns and ideologies.²³

As mentioned above, there has been recent evidence that the ELN has raised its level of violence. Some analysts believe that the ELN has been able to build up its forces because a truce between the ELN and the FARC agreed to in December 2009 may have finally gone into effect in 2011 following years of clashes and competition between the two leftist guerrilla organizations.²⁴ The ELN has also reportedly made pacts with some of the criminal bands (or *Bacrim*, see below) that pursue drug trafficking and other illicit activities.²⁵ The modest “comeback” of the ELN and increased attacks by the FARC on infrastructure in recent years come at a time when there is a growing threat from former paramilitaries.

Paramilitaries and Their Successors

Paramilitary groups originated in the 1980s when wealthy ranchers and farmers, including drug traffickers, organized armed groups to protect themselves from kidnappings and extortion plots by the FARC and ELN. In 1997, local and regional paramilitary groups felt the need for an umbrella organization and joined together to form the United Self Defense Forces of Colombia (AUC), which became the largest paramilitary group. The AUC massacred and assassinated suspected insurgent supporters and directly engaged the FARC and ELN in military battles. The Armed Forces of Colombia have long been accused of ignoring and at times actively collaborating with these activities. The AUC, like the FARC, earned much of its funding from drug trafficking, and, at the time the organization disbanded in 2006, AUC paramilitaries were thought to control a significant portion of cocaine production and export in Colombia.²⁶

In July 2003, President Uribe concluded a peace deal with the rightist AUC in which the AUC agreed to demobilize its troops and conditional amnesties were proposed for combatants under a controversial Justice and Peace Law (JPL).²⁷ At the time, the State Department estimated AUC troop levels between 8,000 and 10,000 members, although some press reports estimated up to 20,000. Begun in 2004, the demobilization officially ended in April 2006, during which time more than 31,000 AUC members demobilized and turned in more than 17,000 weapons. Many

²³ For a detailed discussion of the ELN entering into peace negotiations with the Colombian government, see Virginia M. Bouvier, “Peace Talks with the ELN?,” *Colombia Calls*, January 12, 2015, <https://vbouvier.wordpress.com/2015/01/12/peace-talks-with-the-eln/>.

²⁴ Jeremy McDermott, “Colombia ELN Rebels Climb Back Into the Fray,” *Insight: Organized Crime in the Americas*, June 26, 2011, <http://insightcrime.org>; Elyssa Pachico, “Rebels Step Up Actions as Colombian Conflict Enters 48th Year,” *Insight: Organized Crime in the Americas*, February 9, 2012, <http://insightcrime.org>.

²⁵ Christopher Looft, “Arrests Highlight ELN-Rastrojos Alliance in Southwest Colombia,” *Insight: Organized Crime in the Americas*, January 27, 2012, <http://insightcrime.org>.

²⁶ See U.S. Department of State, *Country Reports on Terrorism 2005*, and “Autodefensas Unidas de Colombia,” *Jane’s World Insurgency and Terrorism*, August 10, 2006.

²⁷ The JPL and the demobilization law provided a “two-track” process or legal framework for demobilizing. All members of foreign terrorist organizations (FTOs)—including the FARC, ELN, or AUC—could demobilize collectively or individually under Law 782/2002 (which was extended and modified in December 2006). This law established programs to assist deserters with their reintegration into civil society. The JPL (Law 975/2005), on the other hand, offered an alternative sentence with reduced penalties to demobilized FTO members who confessed to major crimes committed while a member of an FTO. In July 2006, Colombia’s Constitutional Court upheld the constitutionality of the JPL but limited the scope under which demobilizing paramilitaries could benefit from reduced sentences. For more background on the JPL and the AUC demobilization, see CRS Report RL32250, *Colombia: Background, U.S. Relations, and Congressional Interest*.

AUC leaders remained at large until August 2006, when President Uribe ordered them to surrender to the government to benefit from the provisions of the Justice and Peace Law. By October 2006, all but 11 paramilitary leaders had complied with the presidential order.²⁸

Many observers, including human rights organizations, have been critical of the demobilization of the AUC, which is sometimes described as a partial or flawed demobilization.²⁹ Some critics are concerned that paramilitaries were not held accountable for their crimes and adequate reparation has not been provided to AUC victims, among other concerns. There is a general consensus that not all former paramilitaries demobilized and many have reentered criminal life by joining smaller criminal organizations, collectively called *Bacrim* (for *bandas criminales emergentes*, “emerging criminal bands”) by the Colombian government and some analysts.³⁰ The *Bacrim*, which are involved in many types of violent crime including drug trafficking, are considered by many observers and the Colombian government to be the biggest security threat to Colombia today. Some contend that these powerful groups, successors to the paramilitaries, are tolerated by corrupt officials, and prosecution of their crimes has proceeded slowly. As noted above, the *Bacrim* both compete and cooperate with the FARC and the ELN. In 2012, some analysts estimated the *Bacrim* groups had a presence in more than a third of Colombia’s 1,100 municipalities. A 2013 study by Colombia’s National Federation of Ombudsmen found that the *Bacrim* are responsible for 30% of human rights violations in the country.³¹

Evolution of the Colombian Government Response

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

Between 1998 and 2002, the armed forces in Colombia grew by 60% to 132,000. Before the Uribe Administration took over in 2002, the Colombian government had generally treated the growth of the FARC and drug trafficking as separate issues. After negotiations between the Pastrana government and the FARC failed, the Colombian government abandoned its strategy of attempting to negotiate with the guerrilla insurgents. Uribe refocused efforts on defeating the

²⁸ Economist Intelligence Unit, *Colombia: Country Report*, October 2006; Human Rights Watch, “Colombia: Court’s Demobilization Ruling Thwarts Future Abuses,” July 19, 2006; “Gobierno Colombiano Abrirá Debate Público sobre Decretos Reglamentarios de Ley de Justicia y Paz,” *El Tiempo*, August 29, 2006.

²⁹ See, for example, Lisa Haugaard, et. al, *A Compass for Colombia Policy*, Latin America Working Group Education Fund, Center for International Policy, Washington Office on Latin America, U.S. Office on Colombia, October 2008.

³⁰ Some analysts consider these groups to be primarily made up of and led by former paramilitaries and therefore not simply criminal in nature. The United Nations and other humanitarian and nongovernmental organizations refer to them as “new illegal armed groups.” See, for example, International Crisis Group, *Colombia’s New Armed Groups*, Latin America Report No. 20, May 10, 2007; *Dismantling Colombia’s New Illegal Armed Groups: Lessons from a Surrender*, Latin America Report No. 41, June 8, 2012.

³¹ Christopher Looft, “Study: BACRIMs Continue Steady Expansion Across Colombia,” *Insight Crime: Organized Crime in the Americas*, February 22, 2012, <http://insightcrime.org>; Marguerite Cawley, “BACRIM Responsible for 30% of Human Rights Violations in Colombia,” *Insight Crime: Organized Crime in the Americas*, April 16, 2013, <http://insightcrime.org>.

guerrillas, and this was the primary thrust of his “democratic security policy,” including the invasion launched in 2003 against FARC strongholds in southern Colombia called Plan Patriota. By the end of Uribe’s second term in August 2010, the Colombian military reached 283,000 and the national police numbered 159,000. Along with new personnel (roughly a doubling between 1998 and 2010), the government reformed the military’s command and control structures, upgraded equipment, and extensively increased training, partly funded by the United States under Plan Colombia.³²

Some analysts maintain that the U.S. support to Plan Colombia was a “robust but not massive” amount of assistance. They estimate that the United States provided approximately 10% of Colombia’s total expenditures on security between 2000 and 2009.³³ As noted earlier, Plan Colombia, a multi-faceted program first conceived under the government of President Pastrana but reinforced and refocused under President Uribe, was designed to strengthen democratic institutions, combat drug trafficking and terrorism, promote human rights and the rule of law, and foster economic development. The majority of U.S. funding, which began in 2000, was originally for counternarcotics support. Because narcotics trafficking and the insurgency had become intertwined, in 2002 the U.S. Congress granted the State Department and the Department of Defense flexibility to use U.S. counterdrug funds for a unified campaign to fight drug trafficking and terrorist groups.³⁴ U.S. support was critical to improve the mobility of both the armed forces and the national police by providing helicopters and other aircraft. The United States under Plan Colombia also provided assistance in training, logistics, planning support, and intelligence to the Colombian security forces.³⁵ Other important programs supported rule of law and human rights, alternative development efforts, assistance to internally displaced persons and refugees, and the demobilization of illegally armed groups.

Since 2008, as Colombia’s security and development conditions improved, former U.S.-supported programs have been nationalized to Colombian control and Plan Colombia funding has gradually declined. U.S. assistance provided through State Department and Department of Defense accounts declined to less than \$500 million in FY2012.³⁶ Plan Colombia’s follow-on strategy, the National Consolidation Plan (PNC), formally launched in Colombia in 2009, is a whole-of-government effort that integrates security, development, and counternarcotics by consolidating state presence in previously ungoverned or weakly governed areas. The PNC aims to re-establish state control and legitimacy in strategic “consolidation zones” where illegal armed groups operate through a phased approach that combines security, counternarcotics, and economic and social development initiatives. The U.S. government now coordinates most of its assistance with the Colombian government’s consolidation programs under a multi-agency effort called the Colombian Strategic Development Initiative (CSDI). The consolidation strategy in Colombia that replaced Plan Colombia has been revised several times under the Santos Administration.³⁷

³² *Colombia: Peace at Last?*

³³ *Countering Threats to Security and Stability in a Failing State.*

³⁴ The State Department and the Department of Defense explain that expanded authority provided them with flexibility in situations where there was no clear line between drug and terrorist activity.

³⁵ One feature of U.S. assistance was to put human rights requirements on U.S. military assistance provided under Plan Colombia, and to restrict Colombian security units from receiving U.S. aid or military training if members of the unit were known to have committed a “gross violation of human rights” under a provision known as the Leahy amendment.

³⁶ For more on U.S. assistance to Colombia, see CRS Report R43813, *Colombia: Background and U.S. Relations*, by June S. Beittel.

³⁷ For an analysis of this strategy, some of its limitations, and the changing U.S. government’s perspectives on it, see (continued...)

Prior Peace Negotiations: Precedents and Implications

The present peace negotiations are the fourth attempt in 30 years to have formal talks with the FARC to end the insurgency. In announcing exploratory peace talks in August 2012, President Santos said that the errors of past negotiations with the guerrilla organization would not be repeated.³⁸ He has also said that the talks underway would be prudent and pragmatic as well as learning from the past. There are two key precedents that may weigh most heavily on the present talks—negotiations that took place during the Administrations of President Betancur (1982-1986) and President Pastrana (1998-2002).

President Betancur reached out to the guerrillas in his inauguration in August 1982 with an offer to pursue peace talks. His first substantive move in that direction was a broad amnesty law that did not require disarmament for its implementation. At that time in Colombia, various other guerrilla groups were operating that took advantage of the sweeping amnesty to demobilize.³⁹ The negotiations with the FARC began following the government and FARC's agreement to a bilateral ceasefire, with a small demilitarized zone established in the municipality of La Uribe in the Meta department, long a FARC stronghold. Under the terms of the ceasefire, FARC forces would simply retain their locations where they were operating before the ceasefire. The ceasefire lasted from May 1984 to June 1987, although disarmament remained a major sticking point.⁴⁰

During this period, the FARC announced they were going to establish a political party to compete in the mainstream political system. The party, Unión Patriótica (UP), founded in May 1985, contemplated the idea that the FARC would bring some of its reform ideas into the political sphere. However, the UP was not predicated on a disarmament (the FARC were allowed to keep their arms as a guarantee, without demobilizing). The UP party won national and local seats. For example, in the 1986 elections the UP won eight congressional seats and six Senate seats in Colombia's bicameral Congress. In municipal elections held in 1988, it won hundreds of city council seats and several mayorships. But the UP was soon decimated by its enemies, which according to some sources were largely paramilitaries or drug traffickers. Reportedly, more than 3,000 UP members were killed, including its presidential candidates, who were assassinated in 1986 and 1990, with few suspects ever prosecuted.⁴¹ As a result of the violence against the UP, the FARC withdrew from politics to concentrate on a military victory.

(...continued)

Adam Isacson, *Consolidating "Consolidation,"* Washington Office on Latin America, December 2012.

³⁸ Grant Hurst, "Landmark Peace Talks Broached with Colombia's FARC," *IHS Global Insight Daily Analysis*, August 28, 2012; Presidencia de la República, "Declaración del Presidente de la República, Juan Manuel Santos," August 27, 2012, at http://wsp.presidencia.gov.co/Prensa/2012/Agosto/Paginas/20120827_01.aspx.

³⁹ The 1982 amnesty was unconditional and covered almost all guerrillas and prisoners. For more background, see Marc Chernick, "The FARC at the Negotiating Table," in *Colombia: Building Peace in a Time of War*, ed. Virginia M. Bouvier (Washington, DC: United States Institute of Peace, 2009).

⁴⁰ Russell Crandall, *Driven by Drugs: U.S. Policy Toward Colombia*, 2nd ed. (Boulder, CO: Lynne Rienner Publishers, 2008).

⁴¹ "The FARC at the Negotiating Table," in *Colombia: Building Peace in a Time of War; Driven by Drugs: U.S. Policy Toward Colombia*; Cynthia J. Arnson and Teresa Whitfield, "Third Parties and Intractable Conflicts: The Case of Colombia," in *Grasping the Nettle: Analyzing Cases of Intractable Conflict*, eds. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2005).

The major lesson learned from this experience is that the integration of insurgent groups into the democratic political process is precarious and requires effective guarantees. The UP historical experience is one that many FARC are wary not to repeat, as it demonstrated that adequate conditions for their participation in the political arena did not exist. In the current negotiations, one of the main topics to be negotiated is political participation of the FARC “and new movements that may emerge” after the signing of a final agreement.⁴²

Negotiations under President Andrés Pastrana began in 1998, shortly after his inauguration. Again, the President ceded to a FARC demand that negotiations must take place within a demilitarized zone inside Colombia.⁴³ The large demilitarized zone or “*despeje*” was established in five municipalities in the south-central departments (states) of Meta and Caquetá (as mentioned earlier often compared to the size of Switzerland). The Pastrana government pursued negotiations with the FARC in a period when FARC power was ascendant, and many had fears that the Colombian state was weak and might even fail as a result of pressure from insurgents.⁴⁴ The FARC demonstrated its lack of commitment to the peace process by using the demilitarized zone to regroup militarily, launch violent attacks, grow coca on a large scale, and hold hostages. Peace negotiations with the FARC were ongoing for most of Pastrana’s term in office until he closed them down and asked the military to retake the demilitarized zone in February 2002. The failed negotiations severely disillusioned the Colombian public and generated widespread support for adopting a hardline approach to security embodied in the presidential campaign of Álvaro Uribe, who took office in August 2002. During Uribe’s inauguration, the FARC launched a mortar attack at the ceremony (an apparent assassination attempt), which killed 21 and injured many more.⁴⁵

Peace Process Under the Santos Administration

The Colombian public’s hardened views against the FARC and the security gains made during his eight years in office helped to make President Uribe and his democratic security policy tremendously popular. During his campaign for office, Juan Manuel Santos, who had served as defense minister in Uribe’s second term, pledged to continue the security and trade policies of his predecessor, while pursuing a reform agenda in a program he called “democratic prosperity.” In remarks at his August 2010 inauguration, President Santos stated that the door to negotiate an end to the five-decade armed conflict was not closed.⁴⁶

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

⁴² *Colombia: Peace at Last?*.

⁴³ The talks, which took place in the large demilitarized zone including the municipality of San Vicente del Caguán, are sometimes referred to as the “El Caguán talks.”

⁴⁴ The environment in which some saw the possibility for state failure in Colombia in the late 1990s is aptly described as follows: “Under the combination of a weak central government, an army incapable of standing up to insurgents, a police force unable to effectively maintain order, even in many urban environments, and the ability of the insurgents and paramilitaries to access supplies and weapons from abroad, legitimate state authority imploded.” See Executive Summary in *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*.

⁴⁵ “Third Parties and Intractable Conflicts: The Case of Colombia,” in *Grasping the Nettle: Analyzing Cases of Intractable Conflict*.

⁴⁶ The text of inaugural speech given August 7, 2010, is available in Spanish and English at the presidential website: http://wsp.presidencia.gov.co/Prensa/2010/Agosto/Paginas/20100807_27.aspx.

discussions, the government and the FARC leadership agreed to a framework for formal peace talks that began in Norway in October 2012.⁴⁷

Precursors

A number of the reforms promoted by the Santos Administration reoriented the government's stance toward the internal armed conflict—both its victims and its combatants. The government proposed a landmark Victims and Land Restitution Law (“Victims’ Law”) to compensate an estimated 4 million-5 million victims of the conflict with economic reparations and provide land restitution to victims of forced displacement and dispossession. Implementation of this complex law began in early 2012, and the government estimates over its 10-year time frame the Victims’ Law will cost about \$32 billion to implement.⁴⁸ The Victims’ Law, which committed the Colombian government to restituting victims and returning stolen land to former owners, was not a land reform measure. It did, however, tackle the issue of land distribution, which is a core concern of the FARC.

In June 2012, the Colombian Congress approved another government initiative—the Peace Framework Law. This constitutional amendment provides a transitional justice structure for an eventual peace process if Congress passes enacting legislation.⁴⁹ If implemented, the law provides incentives for combatants to provide information about their crimes and reparations to victims in exchange for reduced or alternative sentences. In late August 2013, Colombia’s Constitutional Court upheld this law.

Another constitutional reform bill that passed the Colombian Congress in late December 2012 by a wide margin despite controversy expanded the jurisdiction of military courts. Human rights groups criticized several of the bill’s provisions for shifting jurisdiction of serious human rights crimes allegedly committed by Colombia’s public security forces from the civilian courts back to military courts, increasing the likelihood of impunity (a lack of prosecution) for such crimes.⁵⁰ While not technically a “precursor” because its passage took place after announcement of the exploratory talks, the military justice reform could also have had implications for the future treatment of members of the Colombian Armed Forces who have fought the FARC. However, in October 2013, Colombia’s Constitutional Court ruled the law expanding military jurisdiction was unconstitutional. Since that time, the Santos Administration has introduced legislation (including one bill that is a constitutional amendment) that would again expand military jurisdiction. According to Human Rights Watch, as of early 2015, the constitutional amendment passed

⁴⁷ For additional information about the 2012-2014 peace negotiations between the Colombian government and the FARC, see the annotated timeline provided at <http://thisisadamsblog.com>, which tracks all peace process-related events in English. The information is posted by Adam Isacson, Senior Associate for Regional Security Policy at the Washington Office on Latin America.

⁴⁸ Embassy of Colombia, “Victims and Land Restitution Law: Addressing the Impact of Colombia’s Internal Armed Conflict,” fact sheet, January 2013.

⁴⁹ Leftist rebels under the framework who demobilize could become eligible for reduced sentences for crimes committed during the course of the conflict, although perpetrators of the most serious crimes would be fully prosecuted. The passage of this controversial legislation, which took place before peace talks were announced, signaled that there was political support for a future peace process.

⁵⁰ See, for example, letters by Human Rights Watch articulating objections to different versions of the bill, such as Jose Miguel Vivanco, “Colombia: Letter to President Santos Criticizing the Expansion of Military Jurisdiction,” October 25, 2012, and Washington Office on Latin America (WOLA), “Expansión del Fuero Militar en Colombia: Un Gran Receso de Justicia/Expanding Military Jurisdiction in Colombian: A Major Setback for Justice,” January 28, 2013.

through four of the eight needed debates to ensure the legislation's passage and will be taken up again when the Colombian Congress reconvenes in March 2015.⁵¹

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

Announcement of Exploratory Talks

In late August 2012, President Santos announced that secret "exploratory" talks between his government and the FARC had taken place over several months in Cuba. In his announcement, the President made clear that the errors of past negotiation efforts would not be repeated, that the goal of the talks was to end the conflict, and that the Colombian military would not cede any territory for a demilitarized zone nor roll back its operations against illegal armed groups. He also said the second-largest insurgent group in the country, the ELN, had expressed interest in joining the negotiations.⁵²

On September 4, 2012, the surprise announcement⁵³ was followed by more detailed information from the government and the FARC's supreme leader Timochenko, who said that formal talks would begin in October in Oslo, Norway, and continue afterwards in Cuba. Subsequently, both sides announced their negotiating teams (5 lead negotiators representing a team of up to 30). The government team as it was originally composed had a cross-section of influential actors within Colombian society, including: Humberto de la Calle, a former vice president, as lead negotiator; General Jorge Enrique Mora, former commander of the Army, and a prominent spokesperson for retired military personnel; Luis Carlos Villegas, former president of the National Association of Business Leaders; retired General Oscar Naranjo, former head of the National Police; Frank Pearl, former minister of environment and former high commissioner of peace under Uribe; and Sergio Jaramillo, former top security advisor in the Santos Administration and now its high commissioner of peace.⁵⁴

The FARC team is led by Luciano Marín Arango (known as "Iván Márquez"); member of the FARC's ruling seven-person secretariat and a veteran of prior negotiations. Others named initially to the FARC team include Seuxis Paucias Hernández (alias "Jesús Santrich"), Ricardo Tillez

⁵¹ José Miguel Vivanco and Max Schoening, "Colombia's Compromise with Murder," *New York Times*, November 12, 2014; CRS communication with Human Rights Watch staff, December 22, 2014.

⁵² "Colombia and the FARC: Talking about Talks," *Economist*, September 1, 2012; Andrea Peña, "Colombian President Confirms Dialogue Has Been Opened with the FARC," *El País*, August 30, 2012.

⁵³ The August announcement was actually preceded by rumors published in the media and reports by former President Uribe over Twitter that secret meetings with the FARC were going on in Cuba.

⁵⁴ Presidencia para la República, "Presidente Santos Anunció Equipo para Negociaciones de Paz," September 5, 2012; "Assessing Santos' Peace Team Picks," *Pan American Post*, September 6, 2012, at <http://panamericanpost.blogspot.com/2012/09/assessing-santos-peace-team-picks.html>.

(alias “Rodrigo Granda”), Jesús Carvajalino (alias “Andrés Paris”), and Luis Alberto Albán (alias “Marco León Calarcá”). The FARC requested in 2012 that Ricardo Palmer (alias “Simón Trinidad”) be freed from prison in the United States to join their negotiating team.⁵⁵ Trinidad is serving a 60-year sentence in a Colorado Supermax prison for “hostage-taking conspiracy,” and he was not released.⁵⁶ Some observers believe this request by the FARC could surface again in the future.⁵⁷

The August 2012 framework for the talks, signed by both parties, identified six principal themes to be addressed during the negotiations: (1) rural development and land policy; (2) political participation of the FARC; (3) ending the armed conflict including reinsertion into civilian life of rebel forces; (4) illicit crops and illegal drug trafficking; (5) victims’ reparations; and (6) the implementation of the final negotiated agreement, including its ratification and verification. (For an English translation of the framework agreement text, see **Appendix**). The first topic under discussion, land and rural development, was one of particular importance to the FARC given its rural peasant origins and historic concern with Colombia’s unequal land tenure patterns. The framework agreement also identified roles for Cuba, Norway, Venezuela, and Chile to support the negotiation process.⁵⁸

The announcement of the talks was widely praised from within and outside of the region. The White House and the U.S. State Department,⁵⁹ the Secretary General of the Organization of American States (OAS), and U.N. General Secretary Ban Ki-moon all expressed their support for the peace initiative in Colombia soon after it was announced. Many nations in the region expressed support, with Brazil and others offering to assist the mediation effort.⁶⁰

Formal Peace Talks in Norway and Cuba

The formal launch of the peace talks took place in Oslo, Norway, in mid-October 2012. The opening ceremony was punctuated by a joint news conference in which the FARC’s lead negotiator, Iván Márquez, made some strident remarks about the guerrilla organization’s many

⁵⁵ “FARC Rebels Hope US Will Release Top Guerilla,” Agence France Presse, September 21, 2012.

⁵⁶ In July 2007, Simon Trinidad was found guilty in a federal court in the District of Columbia for engaging in the hostage-taking of three U.S. contractors, Marc Gonsalves, Keith Stansell, and Thomas Howes. (These three were among those rescued by the Colombian government in July 2008 described above in “The FARC Under the Uribe Administration (2002-2010)” section.) See U.S. Department of Justice, press release, “Senior Member of FARC Narcoterrorist Organization Found Guilty of Hostage-Taking Conspiracy,” July 11, 2007.

⁵⁷ “Colombian Commentator Views U.S. Perspective on FARC Talks,” *BBC Monitoring Americas*, December 7, 2012, (translation of an opinion piece by Aldo Civico, “In Washington: Scattered Conversations About Colombia,” *El Espectador*, December 4, 2012); “FARC Negotiators ‘Confident’ Washington Will Pardon Top Colombian Insurgent Rebel,” *El País*, November 29, 2012.

⁵⁸ The framework document, see **Appendix** for an English translation, identifies Norway and Cuba as “guarantors” of the talks (as well as the host countries where the talks will transpire), and Chile and Venezuela “to accompany” the talks. The importance of this international support was expressed in a joint statement issued by both negotiating parties following the opening of the talks in Norway: “We appreciate the hospitality of the guarantor countries of the process, Norway and Cuba, and the generous support of escort countries, Venezuela and Chile.” See “Colombian Peace Talks Get Underway,” *LatinNews Daily Report*, October 19, 2012.

⁵⁹ White House, press release, “Statement by the Press Secretary on the Government of Colombia’s Peace Negotiations with the Revolutionary Armed Forces of Colombia (FARC),” September 4, 2012; Victoria Nuland, U.S. Department of State, *Daily Press Briefing*, August 28, 2012.

⁶⁰ See, for example, “Brazil’s Rouseff Offers to Assist in Colombian Peace Talks,” *Dow Jones Business News*, October 9, 2012.

grievances against the Colombian government beyond the scope of the negotiated framework, dimming the hopes of some optimists.⁶¹ The FARC team also pushed for a bilateral ceasefire. The brief opening ceremonies held in Norway were followed by a month interlude as the talks moved to Cuba. On November 19, 2012, as the substantive phase of the peace talks opened in Cuba, the FARC announced a two-month, unilateral ceasefire they described as a goodwill gesture.⁶² The Colombian government responded that it would continue normal operations against rebel forces and would not agree to a bilateral ceasefire until there is a final accord.⁶³

The peace talks in Havana, Cuba, are sometimes described as the second phase of the peace process, following the first phase of the exploratory talks and initial contacts. The substantive discussions held in Cuba began with the weighty topic of rural development and land policy, the first on the six-point agenda articulated in the framework agreement. The closed-door meetings in Havana, whose confidentiality has been largely respected by both sides and the media, have avoided the fate of prior negotiations where positions were thrashed out in the media and tentative areas of agreement overcome by public posturing. Since the talks are essentially shielded from the media, there has not been a great deal of detail about what is actually being discussed, although there are regular press statements, especially at the opening and closing of each round of talks.⁶⁴ (This changed in 2014 with the publishing of the partial agreements negotiated to date. See “Developments in 2014” below.)

At the outset, President Santos pledged the talks would not drag on indefinitely, and that he foresaw an end point in November 2013, although the FARC remained wary of any deadline.⁶⁵ Coincidentally, November was when President Santos had to declare his run for reelection to a second term. Many observers contend that the Santos government has gambled that the FARC is willing to negotiate in good faith, and that the peace talks are likely to be the most significant political development of the Santos term in office.

Popular support for the peace talks between the FARC and the government, which is crucial for their success, has been high despite widespread mistrust of the FARC and deep skepticism of its leaders’ intentions. In both September and December 2012, more than 70% of Colombians polled said they supported the talks, although far fewer thought the peace talks were likely to succeed.⁶⁶ There are many vocal opponents to the Santos peace initiative, including former President Uribe, who has decried the negotiations as a concession to terrorists. Uribe has become the most outspoken critic of President Santos, opposing many of his reform measures, his appointments, and especially his security policy, embodying what Uribe sees as a conciliatory approach to the

⁶¹ Vivian Sequera, “Radically Divergent Visions on Display as Colombian Peace Talks Launch in Norway,” Associated Press, October 18, 2012; Darcy Crowe and Kjetil Malkenes Hovland, “Colombian Rebels Slam Government Policies,” *Wall Street Journal*, October 19, 2012.

⁶² The unilateral ceasefire lasted from November 20, 2012, to January 20, 2013.

⁶³ William Neuman, “Rebel Group in Colombia Announces Ceasefire,” *New York Times*, November 19, 2012; Hannah Stone, “What Is Behind the FARC’s Ceasefire?,” *Insight Crime: Organized Crime in the Americas*, November 20, 2012, <http://insightcrime.org>.

⁶⁴ Adam Isacson, “Colombia Peace Process Update,” Just the Facts Blog, January 26, 2013.

⁶⁵ “Colombian Rebels Face Deadline for Peace Deal,” Agence France Presse, December 3, 2012; Paul Haven, “Behind the Scenes, Trust Grows Between Mortal Foes at Colombia Peace Talks,” Associated Press, December 16, 2012.

⁶⁶ “El 77% de los Colombianos Aprueba Inicio de Dialogos de Paz,” *Semana.com*, September 11, 2012; Luis Jaime Acosta, “Popularidad Presidente de Colombia Baja, Se Mantiene Apoyo a Negociación Paz,” Reuters News, December 19, 2012.

FARC and the leftist government of Venezuela.⁶⁷ In mid-2012, Uribe launched a conservative political movement, the Democratic Center, to oppose the Santos government's coalition in Congress and Santos's policies. In September 2013, the former president announced his campaign to run for senator in the March 2014 congressional elections. (For further discussion of the elections, see below).

The two-month unilateral ceasefire implemented by the FARC from November 20, 2012, to January 20, 2013, had numerous violations including aggressions by both sides. However, the number of FARC attacks fell overall by 87% compared to the equivalent period a year earlier, according to one think tank that monitors FARC activities, which demonstrated what some analysts saw as the leadership's "command and control" over far-flung FARC fronts.⁶⁸ In addition, during the unilateral ceasefire, the closed door talks in Cuba took place without interruption except for agreed upon breaks between sessions. Immediately after the ceasefire ended in January 2013, attacks and kidnappings increased, such as the FARC's kidnapping of three oil engineers (who were subsequently released unharmed) and the kidnapping of two policemen and an army officer in the departments of Valle Del Cauca and Nariño. The government reiterated that it would not participate in a ceasefire. In early February 2013, the Colombian military killed a FARC military commander close to the FARC's lead negotiator, Iván Márquez.⁶⁹ How developments on the battlefield will influence the talks in Cuba remains an open question. Public support is bound to fluctuate as the military situation on the ground changes and the talks proceed on difficult issues.

Developments in 2013

Unilateral Ceasefires

Violence levels periodically spiked during the year, with FARC and government forces each suffering significant casualties at different points. Much of the violence by the insurgents was focused on infrastructure sabotage. Throughout the year, the FARC-government peace talks proceeded without a ceasefire honored by both sides. The Santos government continued its vow to not roll back its operations against illegal armed groups, including the FARC, during the peace negotiations, and said they would not agree to a bilateral ceasefire until there was a final accord. Although the FARC has called a unilateral ceasefire several times, including in mid-November 2012 through mid-January 2013 and mid-December 2013 through mid-January 2014, it did not abide by them absolutely.⁷⁰ The talks in 2013 were bookended by unilateral ceasefires with a tacit awareness by both parties that a significant increase in violence could affect the peace talks or diminish public support for them.

⁶⁷ Andrea Peña, "Fight Between Uribe and Santos Splits Colombia's Conservatives," *El País*, July 19, 2012; Grant Hurst, "Former Colombian President Accuses Incumbent of Talking to Insurgents," *IHS Global Insight Daily Analysis*, August 20, 2012; Libardo Cardona, "Colombian Armed Forces, Vital to Any Peace Deal with Guerrillas, Given a Say in Talks," Associated Press, October 12, 2012; Gregory Wilpert, "Presidential Change May Lead to Ceasefire; Colombia Gives Peace a Genuine Chance," *Le Monde Diplomatique*, November 1, 2012.

⁶⁸ Libardo Cardona, "FARC Cease-Fire Lapses, Deemed Success," Associated Press, January 21, 2013.

⁶⁹ William Neuman, "Kidnappings Imperil Talks with Rebels in Colombia," *New York Times*, February 3, 2012; "Colombia: Kidnapping Belies FARC Denial of Divisions," *Latin America Weekly Report*, January 31, 2013.

⁷⁰ See for example, Trent Boultinghouse, *Five Issues Troubling the Ongoing Colombia-FARC Peace Talks*, Council on Hemispheric Affairs, February 15, 2013. For information about the most recent truce ending in January 2014, see Jeremy McDermott, "What Did the FARC Truce Tell Us?," *In SightCrime: Organized Crime in the Americas*, January 17, 2014.

Agreements Reached in 2013

The negotiating teams announced that the complex issue of land and rural development in Colombia,⁷¹ the first topic on the agenda, was resolved in late May 2013, following six months of talks. In November 2013, the controversial issue of the FARC's political participation following disarmament was reported to be resolved. None of the details of those agreements were initially disclosed, and only the most general outlines were publicized. One of the principles of the ongoing peace talks in the framework agreement is that *nothing is agreed until everything is agreed* so that commitments made by the government and the FARC will remain tentative until a comprehensive agreement is signed by both parties. (The partial agreements, however, were made public in September 2014. For more, see "Milestones at the Peace Talks During 2014" below.)

Agreement on the issue of land, critical to the mostly rural, peasant-based FARC, most likely entailed significant compromise. The broad outline of the agreement when announced in May alluded to the redistribution of farm land through a land bank (the Land for Peace Fund) and a process to formalize land ownership. The accord seems to provide legal and police protection for farmers, infrastructure, and land improvement, as well as loans, technical assistance, and marketing advice to benefit small farmers and peasants, and other measures to alleviate rural poverty. The FARC's demand for as many as 9 million hectares of land in autonomous "peasant reserve zones" seems to have been rejected. However, the number of peasant reserve zones will likely increase and could be the focus of rural development programs. Some observers note that the mention of land titling—in a country where much of the rural land is held informally—and references to addressing poverty and inequality in rural Colombia, aggravated by decades of conflict, signal what could be very important contributions of the land and rural development agreement.⁷²

The joint declaration released on November 6, 2013, outlined the second issue of agreement, political participation. Agreement on this contentious issue—including the FARC's role in a post-conflict democracy—sets out to ease political participation for opposition movements including parties that attract demobilized FARC. It envisions a new "opposition statute" guaranteeing the rights of the political opposition within Colombia's institutional framework; enhanced access to the media; improved processes to form new political parties; citizen oversight through "Councils for Reconciliation and Coexistence;" security for opposition political candidates, especially for FARC-organized parties; guarantees for women's participation; and improved election transparency. The most controversial element was the establishment of special temporary districts for historically conflictive areas to elect legislators to Colombia's Chamber of Representatives, the lower house of Colombia's bicameral legislature. The temporary congressional districts fell short of FARC demands for guaranteed congressional seats or the formation of a new chamber in

⁷¹ Colombia, which never underwent a land reform as in other Latin American countries, has one of the most unequal land tenure patterns in the region, with 1.15% of Colombia's population owning 52.2% of the land, according to a recent U.N. Development Program (UNDP) report. See UNDP, *Colombia Rural: Razones para la Esperanza*, Informe Nacional de Desarrollo Humano 2011, Bogotá, Colombia, September 2011.

⁷² Virginia Bouvier, "Agreement Reached on Rural Reforms," *Colombia Calls*, May 27, 2013, at <https://vbouvier.wordpress.com/2013/05/27/agreement-reached-on-rural-reforms>; Grant Hurst, "Colombian Peace Talks Reach First Accord," *IHS Global Insight Daily Analysis*, May 27, 2013; Sibylla Brodzinsky, "Farc Peace Talks: Colombia Unveils Major Breakthrough," *The Guardian*, May 28, 2013; Carmen-Cristina Cirlig, "Colombia: New Momentum for Peace," Library Briefing, Library of the European Parliament, July 15, 2013.

Congress, but were nevertheless controversial as many Colombians think former FARC members should not be allowed to stand for political office.⁷³

Late in 2013, the FARC-government negotiations took up the third topic in the six-point agenda—illicit drug crops and drug trafficking.⁷⁴ Elements of the close counternarcotics cooperation between Colombia and the United States, including coca eradication (especially aerial spraying) and alternative development were considered and became features of the final partial agreement signed in May 2014. (For more, see “Developments in 2014.”)

Role of Civil Society

Throughout the peace process, there has been input from civil society groups by means of proposals made at public forums organized by the United Nations and the National University of Colombia. For example, in advance of the negotiations on the topic of illegal drugs, a forum was held in Bogotá in late September 2013 that involved some 1,200 participants representing civil society groups to suggest proposals. One of the most common issues of concern was reported to be coca eradication, with many advocating for an end to aerial fumigation or spraying of illegal crops (a practice used only in Colombia) and for compensation for victims of spraying who reportedly suffered physical side effects, the loss of food crops, or the contamination of water resources. Through these forums, thousands of proposals have been submitted to the negotiators.⁷⁵

The pace and timing of the talks has been an issue since the formal talks were launched. At the outset, President Santos urged the negotiators to only take “months rather than years” to reach an agreement, but his target date of November 2013 to complete the negotiations has long passed. Campaigns for congressional and presidential elections in March and May 2014, respectively, began in late 2013. In many ways, observers saw the elections as a referendum on the peace process. Polls continued to indicate that a majority of Colombians viewed the Santos peace initiative favorably, but a much smaller portion of the public expressed optimism about the likelihood of a successful outcome.

Changes to the Negotiating Teams

During 2013, there were changes to the FARC and government’s negotiating teams. Notably, in November 2013, President Santos appointed one of the lead government negotiators, Luis Carlos Villegas, to be the Colombian Ambassador to the United States. Former head of Colombia’s leading industrial association, Villegas assumed his post in Washington, DC, in late November 2013. On November 26, 2013, President Santos announced that two women would join the government’s negotiating team: María Paulina Riveros, a noted lawyer and human rights advocate who had been in the Ministry of the Interior, and Nigeria Renteria, previously the High Presidential Adviser on Women’s Equality. Riveros would become one of the five lead

⁷³ Presidencia de la República, “Acuerdo sobre Participación Política, La Habana, (Cuba), November 6, 2013; WOLA, “Colombia Peace Process Update,” November 15, 2013 at http://www.wola.org/commentary/colombia_peace_process_update_november_15_2013.

⁷⁴ The topic of illegal drugs is listed as the fourth topic in the framework agreement but was moved up in the talks to the third position, possibly because it was perceived to be an issue where there is more common ground. The difficult topic of “ending the conflict,” which has the inherently charged issues of transitional justice, was skipped over.

⁷⁵ WOLA, “Colombia Peace Process Update,” November 15, 2013, at http://www.wola.org/commentary/colombia_peace_process_update_november_15_2013.

negotiators, replacing Villegas, and would be the first woman serving in that position, and Renteria would be in the larger 30-person team of alternates. In President Santos's announcement, he said that Renteria would coordinate with victims groups and be in communication with women's organizations, noting that more than half the victims of the conflict had been women.⁷⁶ The FARC made adjustments to its 30-person negotiating team at different points, most recently inviting in two members from the southern bloc, which helped to dispel rumors that this large unit of FARC combatants, known to be heavily involved in drug trafficking, was not represented at the peace talks.⁷⁷

Developments in 2014

Elections

In a historic first, national elections were held during an extended peace negotiation with the FARC. On March 9, 2014 candidates, including those supporting and opposing the peace talks, competed for seats in the 102-member Senate and the 166-member Chamber of Representatives. Of note, former President Uribe, barred from seeking a third presidential term, ran for Senate and won. He is an ardent opponent of the peace talks and his new, rightist opposition party, the Democratic Center, was launched to defeat President Santos and his policies, especially his flagship concern, the peace negotiations. Uribe's frequent criticism of the peace process, largely disseminated over social media before his election, has become part of the debate in the Colombian Senate and the lower chamber, where the Democratic Center (CD) also won seats.⁷⁸

The results of the March legislative elections recalibrated expectations for the first round of the presidential election held on May 25, 2014. (To win in the first round, a candidate must receive at least 50% of the votes cast, or a second round is held between the two highest vote getters three weeks later.) President Santos announced that his bid for reelection to a second term was to "finish the job" of concluding a peace agreement, and he campaigned almost exclusively on a peace platform. As noted above, former President Uribe, who once considered President Santos his protégé, had in Santos's first presidential term become his most vocal critic.⁷⁹ Uribe's candidate, Óscar Iván Zuluaga, who was nominated by the CD to become the party's presidential nominee, opposed Santos's call for a continuation of the peace talks. Like Santos, Zuluaga was a former finance minister and had served under President Uribe. Zuluaga held similar center-right views on the economy as President Santos, but he took a hard line on security and threatened to suspend the peace talks if he was elected.

⁷⁶ Taran Volkhausen, "Santos Appoints Women as Negotiators in Colombia Peace Talks," *Colombia Reports*, November 26, 2013; Presidencia de la República, "Declaración del President Juan Manuel Santos sobre los Nuevos Miembros del Equipo Negociador del Gobierno en La Habana," November 26, 2013.

⁷⁷ "Farc Reshuffles Negotiating Team," *Latin News Weekly Report*, March 6, 2014.

⁷⁸ Following extensive challenges, the national electoral authority announced the March legislative results. The opposition Democratic Center party won 20 seats in the Colombian Senate and 19 seats in the Chamber of Representatives. The Santos Administration's ruling coalition held onto a majority of seats in the lower house but had less than a majority in the Senate (47 of 102), requiring that the new Santos Administration build coalitions to achieve a working majority. For more background on the 2014 legislative and presidential elections, see CRS Report R43813, *Colombia: Background and U.S. Relations*, by June S. Beittel.

⁷⁹ For an English version of Uribe's view, see Álvaro Uribe, "In Colombia, Don't Cave to Terrorists," Blogpost, *The Hill*, September 10, 2013, at <http://thehill.com/blogs/congress-blog/foreign-policy/321145-in-colombia-dont-cave-in-to-terrorists>.

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

Milestones at the Peace Talks During 2014

On May 16, 2014, the peace talks reached another breakthrough just days before the first-round presidential vote, when the FARC and government negotiators announced a third partial agreement on the topic of illicit drugs. The agreement on drugs to be enacted if a final agreement is signed by both parties committed them to work together to eradicate coca and to combat drug trafficking in the territory under guerrilla control. The partial agreement, titled "The Solution to the Problem of Illicit Drugs," laid out three main points: (1) eradication of coca and crop substitution, (2) public health and drug consumption, and (3) the solution to the phenomena of drug production and trafficking.⁸⁰

Just before the presidential-second round vote in mid-June 2014, the Santos government announced that it had launched secret exploratory peace talks early in the year with Colombia's smaller insurgent group, the ELN.⁸¹ The government indicated that it was negotiating with the ELN to develop a framework agreement to launch formal talks on a parallel basis to the talks in Cuba, also likely to be held outside Colombia.⁸² The joint statement made with the leadership of the ELN did not specify the timing of the formal talks, which have not yet begun.

Shortly after President Santos's inauguration to a second term on August 7, 2014, at which he stated "our first pillar will be peace," the 27th round of talks opened. At the end of the round, the government and FARC negotiators announced the establishment of two new entities. A 14-member Historical Commission on the Conflict and Its Victims, made up of experts chosen by the government and the FARC, was assembled to spend four months writing and compiling a "consensus report" on the origins of the conflict and its effects on the civilian population. (The report is scheduled for release on February 10, 2015.) In addition, a subcommittee to end the conflict was convened, made up of active duty and retired Colombian military officers and

⁸⁰ For more background on the agreement on illicit drugs, see John Otis, *The FARC and Colombia's Illegal Drug Trade*, Woodrow Wilson International Center for Scholars, November 2014. WOLA drug policy analyst Coletta Youngers describes the agreement as taking an economic development approach, with local decision making, participation, and planning to develop locally appropriate crop substitution or alternative livelihoods programs. While highlighting that the framework outlined in the agreement is positive, she notes that the failure to recognize the need to allow some coca cultivation until alternative sources of income are put in place and the very short time frame contemplated in the accord are unrealistic. She also cites the agreement's endorsement of voluntary eradication over forced eradication and aerial spraying of drug crops as positive elements that, if the accord is implemented, will represent a significant shift in the government's current drug control strategy.

⁸¹ Dan Molinski and Sara Schaefer Munoz, "Colombia Widens Peace Talks Before Vote—Days Before a Tightly Contested Election, President Santos Says His Government Is Negotiating with a Second Guerrilla Group," *Wall Street Journal*, June 11, 2014; William Neuman, "Colombia Says It Has Begun Peace Talks with Rebels," *New York Times*, June 11, 2014.

⁸² The peace talks of the two insurgent groups are likely to be separate initially, but may merge into "a single peace process" at some point in the future. Op. cit. Virginia M. Bouvier, "Peace Talks with the ELN?"

prominent FARC members. On September 7, 2014, a subcommittee on gender was also seated with the purpose of including the perspectives of women on the peace accords and negotiations.

According to some analysts, another innovation in the FARC-government peace talks was the inclusion of victims' perspectives at the peace table. From August through December 2014, the parties to the talks invited five delegations of victims (usually made up of 12 members each) to participate directly in the peace discussions as the negotiators wrestled with the fourth topic of reparations and justice for victims. The challenge of representing more than 6.5 million conflict victims was addressed by selecting different types of victims (who had been victimized by different actors), from distinct regional backgrounds, and representing gender and ethnic diversity.⁸³

On September 24, 2014, the full texts of the three partial agreements on land, political participation, and drug trafficking negotiated thus far were made public on the government's peace talks website. The previously undisclosed accords were published to increase transparency according to the announcements made by the Colombian government and FARC negotiators.

On November 16, 2014, the FARC captured and detained Brigadier General Rubén Darío Alzate and two companions, an army corporal and a civilian lawyer who advises the Colombian army. The three had travelled upriver through a remote area to visit a civilian energy project in the Colombian department of Chocó. President Santos immediately suspended the peace talks over the incident. The general was the highest level military officer ever captured by the FARC. The FARC, in light of the ongoing hostilities, said that they viewed those captured as "prisoners of war" and not kidnap victims. The break in the talks was unprecedented. Mediators from Cuba and Norway, who serve as "guarantors" of the peace process, successfully negotiated the release of the three captives and also of two soldiers who had been seized by the FARC earlier in November. The FARC released all the captives on November 30, 2014, and the President announced the talks could resume.⁸⁴

Restart of the Peace Talks

Some analysts maintain that the General's abduction, which temporarily threatened the future of the talks, ultimately strengthened the process, while others contend it indicated their fragility. The talks resumed in their 31st round on December 10, 2014. Ten days later the FARC declared an indefinite, unilateral ceasefire. They said they would maintain the ceasefire as long as the Colombian security forces no longer took aggressive action against FARC troops.⁸⁵ The FARC urged the Colombian government to undertake a bilateral ceasefire that the Santos Administration at first rejected, as the government had resisted the calls for a bilateral cessation of hostilities since the beginning of the peace talks. However, in a surprise announcement, in his televised new year's address on January 14, 2015, President Santos stated that he had "given instructions to the negotiators that they start, as soon as possible, the discussion on the point of the bilateral and

⁸³ Virginia M. Bouvier, "Mediation Perspectives: Innovative Approaches in the Colombian Peace Process," *The International Relations and Security Network*, August 27, 2014, at <http://isnblog.ethz.ch/security/mediation-perspectives-innovative-approaches-in-the-colombian-peace-process>.

⁸⁴ Nelson Acosta and Helen Murphy, "Colombia Rebels to Free General, Opening Door to Resume Peace Talks," Reuters, November 20, 2014; "Colombia Kidnap: Farc to Release Gen Alzate 'Next Week,'" *BBC News*, November 22, 2014; Andres Schipani, "Farc's Release of Kidnapped General Raises Colombia Peace Hopes," *Financial Times*, November 30, 2014.

⁸⁵ "Farc's Unilateral Ceasefire and De-escalation," *Latin American Security & Strategic Review*, December 2014.

definitive cease-fire and cessation of hostilities.”⁸⁶ When the talks resumed after a lengthy holiday break and planning session in early February 2015 (there was a planning session in late January), it remained unclear how the bilateral ceasefire proposal might progress.

Challenges to and Prospects for Peace

The peace talks in Colombia face a number of challenges or constraints that may limit the scope of their outcome. These include the level of public support and the consequences of the 2014 elections; the activities of “spoilers” who wish to see the talks fail by fomenting violence against leftist parties and movements; and the uncertainty of the FARC’s unity of command. There is also speculation about how the formal negotiations with the ELN might influence the FARC-government talks when (and if) those negotiations begin.

Public Opinion After the 2014 Elections

A key challenge for the Santos government is to maintain continued public support for the peace process. Without the public’s backing, the government’s willingness to stay engaged would likely erode. One issue for the government is if important sectors of Colombian society will continue their cautious approval of the peace talks, or if they will withdraw their support as closed door talks continue into a third year. Continued support by key players, such as the military, the private sector, the Colombian Congress, and Colombian civil society groups—or their disillusionment if the talks get bogged down—could be important factors in the government’s willingness to stay at the table.

The government is also concerned about events that may influence public opinion, such as violations in the unilateral ceasefire declared by the FARC in late December 2014. Furthermore, President Santos needs to assess how much public support he can count on given his closely fought reelection in June 2014 and his relatively modest public approval rating of 34% to 43% in December 2014.⁸⁷

The Santos government has maintained for some time that any peace accord reached by the negotiators will have to be approved by popular referendum. The terms of the peace deal and the vote to permit a referendum on an accord provides ample opportunity for congressional opponents to the process to win support for their viewpoint and stoke doubts about a negotiated solution that they deem too lenient on the FARC.

When this report was written, it was unclear if the Colombian government would accept a bilateral truce. In mid-January, President Santos had charged the negotiators to discuss the possibility of imposing a bilateral truce when the talks resumed in early February.

⁸⁶ Adam Isacson, “A Bilateral Cease-Fire in Colombia: What Must Be Negotiated,” WOLA, January 16, 2015, at http://www.wola.org/commentary/bilateral_ceil_fire_what_must_be_negotiated.

⁸⁷ The data varies depending on which polling firm is conducting the poll. According to Datexco in early December 2014, the President’s approval rating was 34%, whereas the Gallup firm found that the President’s rating was 43% in mid-December 2014. “Pulso País: Colombia,” *Datexco*, December 2014; “Paro Judicial Pasó Factura a Imagen de la Justicia, que Sigue Cayendo,” *El Tiempo*, December 18, 2014.

“Spoilers”

In the past, powerful business and political leaders who have been sympathetic to the paramilitaries have worked to undermine or block negotiations with the insurgents. Prior efforts to reintegrate or open dialogue with the FARC were derailed through acts of violence instigated by paramilitaries or those sympathetic to them or from rogue units within the FARC itself. Such opponents include those who perpetrated attacks on members of the FARC-tied UP party in the 1980s, or the “terror campaign” unleashed by paramilitaries during the peace talks that ultimately failed during the Pastrana Administration (1998-2002).⁸⁸ Potential action by “spoilers” could be devastating for continued peacemaking efforts. Exactly what the response of the numerous paramilitary successor groups or “*Bacrim*” will be to a prospective peace deal between the government and the FARC also remains to be seen. The *Bacrim* may calculate that the government will focus its enforcement efforts on them if the FARC agrees to demobilize. If there is a FARC demobilization, there will likely be violent competition to take over its drug trafficking routes and mining interests as the FARC abandons these illicit enterprises.

FARC Unity

Another concern is whether the FARC negotiating team represents and speaks for the various FARC forces dispersed around Colombia. In other words, can the FARC team “deliver” the now-decentralized organization or at least most of the FARC fronts operating in Colombia and along its borders? (Reportedly the FARC is divided into seven regional blocs made up of 67 fighting fronts.)⁸⁹ Many FARC fronts are deeply involved in illicit businesses, such as drug trafficking and illegal mining, and may not willingly give up these profitable ventures. The talks may reveal a possible generational divide within the FARC. The older ideological members may be loyal to the ruling secretariat that is represented in Havana at the negotiating table, while other younger and mid-level members may only have known life in the jungle or remote rural areas financed by drug profits or other illegal activities. Various commentators have speculated about which FARC fronts will turn in their arms and demobilize if an agreement is signed in Cuba, and which may demobilize but return to illicit activities afterward (much like the *Bacrim*) or never accept the demobilization terms in the first place. At issue are estimates of the percentage of the FARC that would demobilize if peace accords are signed. Other observers point to the FARC’s relatively successful efforts to impose ceasefires, and suggest that there is an adequate unity of command within the organization and loyalty to that command.⁹⁰

⁸⁸ Adam Isacson “Hope for Peace in Colombia: Reasons for Optimism, Awareness of Obstacles,” September 6, 2012, at http://www.wola.org/commentary/hope_for_peace_in_colombia_reasons_for_optimism_awareness_of_obstacles.

⁸⁹ John Otis, *The FARC and Colombia’s Illegal Drug Trade*, Woodrow Wilson International Center for Scholars, Latin America Program, November 2014. This report notes that the Colombian military intelligence maintained in 2013 that just 15 fronts (of 67) were following orders from the FARC’s ruling secretariat “to the letter.”

⁹⁰ On FARC fragmentation, see “Fragmentation Challenges Talks,” *Latin America Monitor-Andean Group*, March 2013; “After the Ceasefire, Talk About a Rift within the Ranks of the FARC,” *Latin American Security & Strategic Review*, January 2013; “Colombia: Kidnapping Belies FARC Denial of Divisions,” *Latin News Weekly Report*, January 31, 2013; Jeremy McDermott, “The FARC, the Peace Process and the Potential Criminalisation of the Guerrillas,” *InSight Crime: Organized Crime in the Americas*, May 2013.

Prospects for Peace

Forecasting what will happen in the peace talks is highly speculative given the many constraints the talks face. The roles of the other two illegal armed groups—the ELN and the *Bacrim*—are also hard to predict. And, of course, there are many who question whether the FARC is negotiating in good faith or if the leaders of the organization have the political will to see the negotiations through to a conclusion.

Nevertheless, there are several reasons for cautious optimism that the current talks may produce a peace deal, with some analysts projecting a possible deal in 2015. Some analysts describe the state of the conflict as “ripe” for both parties to opt for a negotiated or political solution. The government’s negotiating team represents a broad spectrum of influential groups in Colombia. Thus, the “buy in” of these influential representatives of key sectors may help make support from those sectors more likely.⁹¹ The peace talks between the Santos government and the FARC also remedy a weakness of some previous peace talks that were held inside the country. In contrast, the current talks are taking place with relative discretion in Cuba. Furthermore, there have been significant roles assigned to international actors to facilitate these talks, including the support role of Cuba and Norway as “guarantors” of the talks, and the “accompanying” role of Venezuela and Chile. According to President Santos’s brother, Enrique Santos, a well-known journalist in Colombia who played a role in the early contacts between the FARC and the government, the crucial support of former Venezuelan President Hugo Chávez to encourage FARC’s engagement in the peace process was significant.⁹² Previous peace talks between the Colombian government and the FARC have not had a significant role for international mediators.

Even if there is agreement on the terms of a demobilization of the FARC, the government’s implementation will be challenging.⁹³ Any demobilization with members of an armed group must balance the incentives for disarming with the need for justice for the victims of the crimes committed by the group.⁹⁴ (The “transitional justice” mechanisms to end the conflict and the rights of victims are two important remaining issues on the negotiators’ agenda.) Some analysts question whether violence will be reduced if a disarmament, demobilization, and reintegration (DDR) process does take place. Some observers contend that the FARC will fragment, and that will undermine the DDR process.⁹⁵ Others say that other illegal groups, such as the *Bacrim*, who are now responsible for much of the violence in Colombia, will compete violently to replace the

⁹¹ See, for example, Adam Isacson, “Hope for Peace in Colombia: Reasons for Optimism, Awareness of Obstacles,” September 6, 2012, at http://www.wola.org/commentary/hope_for_peace_in_colombia_reasons_for_optimism_awareness_of_obstacles.

⁹² Several observers have confirmed this observation. Remarks of Colombian journalist Enrique Santos at a presentation on the peace process in Colombia given at the Woodrow Wilson Center for International Scholars, Washington, DC, January 30, 2013, at <http://www.wilsoncenter.org/event/PeaceProcessColombia>.

⁹³ The laws on the books in Colombia are sometimes described as “aspirational.” For example, the implementation of human rights mandates concerning displaced peoples, or significant minorities like the Afro-Colombian and indigenous populations, or the complex Victims’ Law signed by President Santos in June 2011, has been slow. Implementation has been especially difficult in more remote regions of Colombia, where central state presence is weak to nonexistent.

⁹⁴ Although the Colombian Congress passed a Peace Framework Law in June 2012 that sets out the terms for a demobilization in a future peace process, the bill was controversial. It could result in an amnesty for most armed actors except for those “maximally responsible” for the most heinous crimes (crimes against humanity). See Adam Isacson, “Hope for Peace in Colombia: Reasons for Optimism, Awareness of Obstacles.” See also International Crisis Group, *Transitional Justice and Colombia’s Peace Talks*, Latin America Report, No. 49, August 29, 2013.

⁹⁵ For a comprehensive exploration on the potential for fragmentation of the FARC at different stages in the peace process, see Op cit. Jeremy McDermott, May 2013.

FARC. Still other analysts maintain that despite difficult topics remaining on the negotiating agenda, a peace deal is possible and could bring many benefits.⁹⁶

Potential U.S. Policy Implications

Since the beginning of the negotiations, there has been a good deal of discussion over how the peace talks and a potential peace agreement may affect the U.S.-Colombia relationship. The talks have raised questions concerning the implications for U.S. policy in such areas as foreign assistance and regional relations if the peace process concludes with an agreement, or if the peace talks fail to produce an agreement.

Congress has made a substantial investment in enhancing stability in Colombia since the passage of an emergency supplemental appropriation in June 2000.⁹⁷ Over the next 14 years, funding for Plan Colombia and its follow-on strategies, appropriated by Congress and provided through U.S. State Department and Department of Defense accounts, reached nearly \$10 billion. This assistance was predominantly for security and counternarcotics purposes (i.e., equipment and training to the Colombian military and national police). Congress began to deemphasize those purposes and shift U.S. aid more toward “soft-side” assistance in FY2008, providing an aid package with a greater emphasis on social and economic support. For example, in the FY2015 foreign operations appropriations measure, the balance between “hard-side” security and counternarcotics assistance and “soft-side” traditional development, rule of law, human rights, and humanitarian assistance was roughly 50/50, compared to the 75/25 split in FY2007.⁹⁸

In addition, overall assistance levels to Colombia have gradually declined in recent years as the country is taking growing responsibility for programs once funded by the United States. Nevertheless, there remains strong bipartisan support for U.S. assistance to Colombia. For FY2015, the Obama Administration requested approximately \$281 million in foreign assistance for Colombia. In the FY2015 omnibus appropriations measure (P.L. 113-235), Congress appears to have fully funded the request in the Economic Support Fund account, and exceeded it in the International Narcotics Control and Law Enforcement and Foreign Military Financing foreign aid accounts by about \$30 million. (State Department and U.S. Agency for International Development programs are included in this total, but not programs and activities funded by the Department of Defense.)

Over the past decade, the U.S.-Colombia relationship has diversified beyond counternarcotics and concerns about domestic security to include such issues as human rights and humanitarian conditions, environmental cooperation, and economic relations. Trade and investment have intensified since the U.S.-Colombia Free Trade Agreement entered into force in May 2012. As Colombia has shared some of its hard-earned expertise in combating drug trafficking and crime,

⁹⁶ See Michael Shifter, “Betting on Peace in Colombia,” *El Colombiano*, September 18, 2012; Op. cit. *Colombia: Peace at Last?* Adam Isacson, *Ending 50 Years of Conflict: The Challenges Ahead and the U.S. Role in Colombia*, Washington Office on Latin America (WOLA), April 2014.

⁹⁷ For more background, see *Colombia: Plan Colombia Legislation and Assistance (FY2000-FY2001)*, by Nina M. Serafino, (archived edition, July 5, 2001).

⁹⁸ The calculation of “50/50” is approximate, and it depends on how funding in the International Narcotics Control and Law Enforcement (INCLE) account is characterized.

the United States and Colombia have also collaborated in providing training to Mexico and Central American countries (and elsewhere) to meet their security challenges.⁹⁹

Since the announcement of formal peace talks, the Obama Administration has made several statements in support of the peace process in Colombia while making clear that the United States does not have a direct role in the FARC-government talks.¹⁰⁰ Some observers have maintained that a reduction of U.S. support for the talks could be damaging to their success.

A More Active Role for the United States?

If the talks get bogged down, the United States could be called upon for greater flexibility in some of its policies, such as its extensive counternarcotics cooperation with Colombia. Conceivably, the United States may be asked to consider new policies derived from proposals made at the negotiating table, which might include limiting extradition to the United States of FARC members associated with drug trafficking, or possibly reviewing the FARC's designation as an FTO. (On the other hand, the large demobilization of the AUC ending more than eight years ago in 2006 did not result in an immediate removal from the State Department's FTO list. The AUC was not de-listed until July 2014.)¹⁰¹ According to some analysts, the primary U.S. role in the talks will be to lend its support to the peace process, to fund relevant programs associated with a peace accord if one is signed and approved, and to sustain its support during the lengthy implementation phase that may last up to 10 years.

U.S. Assistance and Regional Dynamics with a Potential Peace Accord

While the nature of any proposals is purely speculative at this time, Congress will be faced with many questions concerning U.S. assistance if the negotiations end in a peace accord. How will the United States respond to requests by Colombia for increased assistance for disarmament, demobilization, and reintegration (DDR) of FARC combatants? Will it be asked for increased support for rural development or alternative development measures that are part of a final agreement? Similarly, international donors, including the United States, may be asked to provide increased support to assist the victims of the five-decade conflict, including improving the living conditions and providing land restitution for the millions who have been displaced (addressed in part by the Victims' Law). As foreign aid budgets have tightened, on the one hand, and Colombia has proceeded with nationalizing some of the programs once funded by the United States, on the other, U.S. assistance has declined gradually. If a peace accord is signed, Congress may have to consider if assistance to Colombia should be increased to meet new demands or if funding should be shifted from one purpose, such as counterterrorism, to another, such as humanitarian assistance, as circumstances change.

⁹⁹ For more background on Colombia's role training security personnel from other countries, see CRS Report R43813, *Colombia: Background and U.S. Relations*, by June S. Beittel.

¹⁰⁰ For example, U.S. State Department spokesperson Mike Hammer said "We, the United States, are not a part of Colombia's peace process, although we support President Santos' efforts because we believe that it is extremely important that the Colombian people can finally live in peace and security." See Michael A. Hammer, Assistant Secretary, Bureau of Public Affairs, U.S. Department of State, "LiveAtState: U.S. Foreign Policy Priorities," December 6, 2012.

¹⁰¹ For more on the status of the Self Defense Force of Colombia (AUC) on the FTO list, see the U.S. State Department's website: <http://www.state.gov/j/ct/rls/other/des/123085.htm>.

Another likely area where change may come if a peace accord is signed and approved will be in regional relations. The important support roles played by the Venezuelan and Cuban governments to foster and facilitate the peace process could potentially have implications for the relations of these governments with the United States. Colombia's relations with its five immediate neighbors—Brazil, Ecuador, Panama, Peru, and Venezuela—have been strained over the years by the conflict with the FARC. Ecuador and Panama have been flooded with refugees from the conflict. Drug trafficking and other crime committed by the insurgents has created large spillover effects in Ecuador, Panama, and Venezuela.¹⁰² As noted earlier, it is unclear what a peace accord might produce in the way of violence reduction. Some observers predict, however, that a successful peace agreement is likely to result in less drug trafficking and terrorist activity, which will possibly encourage a number of refugees to return to Colombia.

Potential Outcomes Without an Agreement

If the peace talks do not proceed to an agreement, the implications for U.S. policy are uncertain but are more likely to continue recent trends. The United States is likely to continue its gradual drawdown of assistance to Colombia as programs are gradually turned over to Colombian management and control. The U.S. government may continue to support compensation to victims of the conflict through improved implementation of the Victims' Law¹⁰³ and other humanitarian and human rights-related programs. Inside Colombia, a failed peace process may make it politically difficult to return to the negotiating table for the Santos government or its successors. As noted earlier, some analysts predict that the FARC may be able to continue to fight on and exist for another 10-15 years.¹⁰⁴ The human and economic costs of the conflict would endure and, according to some analysts, continue to dampen Colombia's economic potential.

¹⁰² For more background, see CRS Report R43813, *Colombia: Background and U.S. Relations*, by June S. Beittel.

¹⁰³ In mid- 2012, the U.S. Agency for International Development (USAID) announced \$50 million of institutional support over a three-period for programs established by the Victims' Law. See USAID/Colombia, "Fact Sheet: Victims Programs: Institutional Strengthening Activity," August 2012. In 2013, USAID announced \$68 million in support of Colombia's land restitution efforts including issuing land titles and generating economic opportunities for small farmers. See White House, "Fact Sheet: The United States and Colombia – Strategic Partners," December 3, 2013.

¹⁰⁴ Head of U.S. Southern Command General John Kelly made public remarks in Washington, DC, commenting on the possible outcome if the FARC did not reach an agreement with the government. General Kelly said: "If the FARC don't take the deal, the Colombian people will go after them with a vengeance and put an end to this." General John Kelly, "Emerging Challenges in the Western Hemisphere," October 7, 2014, at http://www.livestream.com/chds/video?clipId=pla_d2ec3bbc-cddb-44a4-a9f6-37023f8061f4&utm_source=lslibrary&utm_medium=ui-thumb.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WE HAVE AGREED:

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

1. Integrated agricultural development policy

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

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

2. Political participation

1. Rights and guarantees for exercising political opposition in general and for the new movements that emerge after signature of the Final Agreement. Media access.
2. Democratic mechanisms for citizen participation, including direct participation, on different levels and on diverse issues.

3. Effective measures to promote greater participation of all sectors in national, regional and local politics, including the most vulnerable population, under conditions of equality and with security guarantees.

3. End of the conflict

Comprehensive and simultaneous process that implies:

1. Bilateral and definitive ceasefire and end of hostilities.
2. Handover of weapons. Reintegration of FARC-EP into civilian life, economically, socially and politically, in accordance with their interests.
3. The National Government will coordinate revising the situation of persons detained, charged or convicted for belonging to or collaborating with FARC-EP.
4. In parallel, the National Government will intensify the combat to finish off criminal organisations and their support networks, including the fight against corruption and impunity, in particular against any organisation responsible for homicides and massacres or that targets human rights defenders, social movements or political movements.
5. The National Government will revise and make the reforms and institutional adjustments necessary to address the challenges of constructing peace.
6. Security guarantees.
7. Under the provisions of Point 5 (Victims) of this agreement, the phenomenon of paramilitarism, among others, will be clarified.

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

4. Solution to the problem of illicit drugs

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

5. Victims

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

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

6. Implementation, verification and ratification

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

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

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

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

VI. The following operating rules:

1. Up to ten persons per delegation will participate in the sessions of the Table, up to five of whom will be plenipotentiaries who will speak on behalf of their delegation. Every delegation will be made up of up to 30 representatives.
2. With the aim of contributing to the development of the process, experts on the agenda issues can be consulted, once the corresponding procedure is realised.
3. To guarantee the transparency of the process, the Table will draw up periodic reports.
4. A mechanism to jointly inform about the progress of the Table will be established. The discussions of the Table will not be made public.
5. An effective dissemination strategy will be implemented.
6. To guarantee the widest possible participation, a mechanism will be established to receive, by physical or electronic means, proposals from citizens and organisations on the points of the agenda. By mutual agreement and within a given period of time, the Table can make direct consultations and receive proposals on these points, or delegate to a third party the organisation of spaces for participation.
7. The National Government will guarantee the necessary resources for the operation of the Table; these will be administered in an efficient and transparent manner.
8. The Table will have the technology necessary to move the process forward.
9. The talks will begin by discussing the issue of integral agricultural development policy and will continue in the order that the Table agrees.
10. The talks will be held under the principle that nothing is agreed until everything is agreed.

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

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Acknowledgments

Information Specialist Susan Chesser assisted with research for this report.