



THE POSSIBILITY OF PEACE¹

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The Colombian conflict has been the longest in the history of Latin America. So long that it became a way of life. For decades, our officers spent their entire military careers diligently fighting the same enemy, while the guerrilla, though much weakened, roamed around the mountains and jungles. The civilians in conflict regions, for their part, survived as best they could. But for most Colombians in the cities, only the images on their television screens brought home the reality that they were living in a country at war.

When a conflict goes on for half a century, as happened in Colombia, it is also because there are interests and practices which militate against any attempt at resolution. The question I would like to answer is: if there was an “intractable conflict” in Colombia, as experts like to say, why was it possible this time to arrive at an agreement? Or to put the same question differently: how was it possible to transform the logic of confrontation into a logic of cooperation?

Before attempting a response, let me recall two of the ideas of Thomas Schelling (who had the kindness in 2014 at age 93 to hop on a train and attend a brainstorming session we organised in New York on the Havana negotiations). The first is the well-known insight that no conflict is pure conflict or confrontation, but rather is a combination of interests which can motivate both confrontation or cooperation. A mix.

The second idea complements the first: for that very reason, there can be win-win solutions based on cooperation, so that “winning” in a conflict does not mean so much defeating your adversary, as—in Schelling’s wonderful phrase— “gaining relative to our own value system”.

A negotiation, then, can be the best way to “win” in a conflict, insofar as it can align the interests in cooperation of both sides, motivate them to end the war (need there a greater justification for a negotiation than saving lives?), and allow for the creation of a solution in

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which the whole of society wins, especially the victims of the conflict – past and present. Which is, I believe, what it means to win “relative to our own value system”.

In in any case, that is what we tried to do in Havana: to reach an agreement that would put an end to the armed conflict and at the same time open the door to a proper transition phase during which the implementation of the agreement would contribute to building “a stable and lasting peace” and benefit all of society.

Let us return to the question: what made it possible to arrive at an agreement *this time*? There are two complementary ways to look at the problem. The first is: what conditions changed that made the negotiations possible? This is what scholars of peace processes like to call “ripeness”. I will leave that for future analysts to comment on, but it is worth mentioning that the most commonly mentioned change, the change in the military balance, was certainly a necessary condition for the negotiations to occur, but not a sufficient condition to reach agreement. Many stars had to align, as Helmut Kohl said of German reunification. And practically no guerrilla group ever surrenders. The conflict could have lingered on in the Colombian countryside for decades without a problem.

The point is that favourable conditions in no way guarantee a result. History is full of ripe moments which slipped away *because a solution was not forged*.

This is the other way to look at the problem: to understand the peace process as the creation of a space which enables a change in the “mix” of interests, so that cooperation prevails over confrontation. That is the essence, in my view, of peace-making—and perhaps of strategy in general—: the creation of spaces which channel reality and get things to flow in a particular direction, so that people start to behave differently and new possibilities open for change and transformation.

It is, if you will, a form of design, which does not differ greatly from building a house: you agree on a plan, you put down the foundations, then the ground floor, then you add some rooms, and so on. Except that it is literally a house in motion with many moving parts that you try to hold together as best you can.

I

I will now try to describe ten steps or measures—Schelling would call them “strategic moves”—which, in my view, enabled us to establish a logic of cooperation and reach an agreement.

The first step was simply to recognise that there was a window of opportunity for peace. That was what President Santos did when he took office in 2010. Without that clarity of vision and the willingness to take all the political risks, there simply would not have been an agreement.

At the same time, after three major failed peace processes with the FARC—in la Uribe, in Tlaxcala and in Caguán—we knew that another failure would close the doors to any future

attempt at negotiation. So we had to follow what I would call “a strategy of prudence”, which simply means doing things incrementally, building step by step on concrete results. It is well-known that the best way to secure cooperation between adversaries is to build up results gradually over time, which in turn builds trust, because it shows seriousness.

At the end of 2010, President Santos publicly acknowledged that there was an internal armed conflict in Colombia. He did so by presenting a draft law on victims’ reparations, known the he Victims’ Law, that referred explicitly to the armed conflict. That may seem like stating the obvious (hundreds of our soldiers died year after year in military operations, all conducted under the International Humanitarian Law), but it was not recognized by the previous administration, which always denied its existence. This denial, to this day, constitutes the basis of the ideology of former President Álvaro Uribe Vélez and a major obstacle to peace and reconciliation.

Without that recognition, there is simply no possibility of setting up the necessary framework for peace negotiations, for two reasons. First, because the cornerstone of any negotiation, anywhere in the world, is the disarmament of the guerrilla in exchange for their transition into politics. This transition is justified by the significance of the ending of an armed conflict and the importance of putting an end, finally, to political violence, and the need to stabilise the peace through political inclusion.

Similarly, without the framework of the armed conflict, there is also no basis of dignity for dealing with your adversary. And without dignity, no negotiation is possible.

Secondly, the framework of the armed conflict enables you to determine which behaviours are legitimate and which should be sanctioned because they constitute a violation of the law of war. And, above all, it justifies the setting up of a transitional justice system to respond to victims.

What is at stake, therefore, is the very idea of a transition. Without a recognition of the existence of the conflict, not only is no peace negotiation possible, but neither is a coherent concept of transition, with all the consequences this has for the victims, for peace, for reconciliation, and for the construction of a collective vision of the future of the country. I will return to these points later.

II

The second step was to create an adequate international environment and secure international participation. In 2010 Colombia was thoroughly isolated in the region. So one of President Santos’ first acts as president was to sit down with President Chavez as responsible neighbours, to lower tensions. Within a few months, with the help of his Foreign Minister Maria Angela Holguin, President Santos succeeded in normalising relations with all our neighbours and in gaining the support of the whole region.

I remember well a meeting I had with Hugo Chávez which he ended by telling me: “We use to treat each other as enemies, now we shall treat each other as adversaries”. That is what dialogue achieves. Chávez changed his position on Colombia radically. Instead of supporting the guerrillas, as he had done, he decided to support the peace process.

After the traumatic negotiations in Caguán (1999 - 2002) during the Pastrana government, in which nearly two dozen countries were invited as friends of the process without knowing very well what for (if you assign someone a role, they will naturally want to play it), we decided to opt this time for a minimalist strategy with the international community. Or rather, a “needs-based” strategy: securing what international support was strictly necessary for the tasks at hand, and opening bit by bit to other countries—principally other countries in Latin America—according to the needs of the process itself.

The first and principal supporting roles were played by Cuba and Norway, who we invited to be “guarantors” of the negotiations, with Cuba as host (they came to all the meetings but did not intervene; in moments of crisis they facilitated the finding of solutions away from the negotiating table).

Why Cuba? We made the calculation that Cuba probably had an interest in helping to end the armed conflict, and that is exactly how things played out. Cuba gave the FARC the necessary security guarantees, offered us a place to conduct negotiations far from the media, and provided us with all the resources to make the process a success.

Norway, for its part, brought all its well-known quiet professionalism to bear on the peace process and provided critical help with some of the thorniest issues (for example, by bringing transitional justice experts to talk to the FARC). Both Cuba and Norway put some of their sharpest and most experienced diplomats, Rodolfo Benítez and Dag Nylander, as heads of their teams. With infinite patience they listened to both delegations and were always at hand to help with the many stumbling blocks and crises of the peace process for more than four years.

Equally important was the role played by the International Committee of the Red Cross. The negotiations in Havana were possible thanks to the extremely complex operations to extract FARC commanders from the middle of the jungle, which are a good example of the ‘incremental strategy’. We put together a model in the secret phase with the ICRC and the guarantor countries that allayed the FARC’s fears and built trust. And then it opened up like a spiral, multiplying exponentially in dozens of operations during the public phase of negotiations.

We also put together a group of international advisers with deep personal experience in peace negotiations: Jonathan Powell, William Ury, Shlomo Ben Ami, Joaquin Villalobos and Dudley Ankersen. All conflicts are different, and so are therefore all peace negotiations. As Clausewitz would say, the first condition for a negotiation to work is to understand the nature of the conflict one is trying to resolve. But there are also structural elements in negotiations that are necessarily similar—for example, the problem of guarantees for those who give up their

weapons—and you can learn a lot from what others have achieved, as well as from their mistakes.

Later on, in the public phase, we invited Chile and Venezuela to “accompany” the process. They visited us regularly in Havana and subsequently reported on the progress of the talks to different countries in the region.

The United States was a special case. President Obama gave the process his full support and discussed it often with President Santos. His government did not interfere in any way and when in late 2014 it became clear that a more active US role was convenient, Secretary of State Kerry—who could not have been more committed to peace in Colombia or more helpful, and took quite a few risks—quickly dispatched a special envoy to Havana at our request, Bernie Aronson, a very savvy and very patient retired diplomat, who helped the FARC to understand Washington’s point of view, and vice versa.

Sadly, with the change of government in the US came a corresponding change in attitude, which shows again that one cannot let windows of opportunity pass by. With the current international context, the negotiation would have been much more difficult, or perhaps even impossible.

The role of the United Nations Security Council was critical. In the midst of great international disagreements and tensions, at Colombia’s request, the Council voted unanimously to pass two resolutions to create and implement a special political mission to verify the ceasefire (and it would subsequently pass three further resolutions in support of the process, also unanimously). The Under-Secretary-General for Political Affairs, Jeff Feltman, also played a key role, by designing a tailor-made mission and coaxing the Council along, as did the UK Mission to the UN which acted as “pen holder” of the resolutions.

We must remember that, historically, the FARC had no trust in the UN. The failed peace process in Caguán (1998-2002) had left a bitter taste. If that was overcome it was in large part due to Fabrizio Hochschild, the resident Coordinator in Colombia, who quietly built a relation with the FARC by supporting the participation of civil society and especially of the victims participation in the talks, and later on to Jean Arnault, who headed the verification mission.

The bilateral ceasefire, under the supervision of the Security Council, was a success. There were practically no incidents during the cantonment of the FARC in the 26 concentration zones. Our Military Forces and National Police showed great professionalism, and the FARC did their bit as well. “For me, Commissioner, it is an honour to have been part of the end of the war”, one Army Major told me, in an austere camp in the midst of the Chocó jungle, where he spent his days ensuring the protection of the concentration zone. Similarly, the National Police created a special protection unit (UNIPEP), which quickly gained the respect of the FARC commanders.

At the same time, the tripartite verification mechanism that we had agreed, in which the Colombian officers and the FARC guerrillas, along with the UN, would investigate jointly on

the ground any reported violation of the cease fire, dressed in the same beige-coloured institutional vests, surprised local communities and built trust.

The process of decommissioning of arms was a success. After decades of collecting intelligence, we had very detailed information on the FARC's weapons, and to our surprise it matched the weapons that the FARC handed over. Close to 9000 firearms, including 274 heavy machine guns and 266 trench mortars, together with 40 tonnes of explosives, were handed over to the United Nations observers, mostly officers from Latin American Countries.

III

The third step—and perhaps the most crucial—was to insist on holding secret talks and reaching a framework agreement before launching a public peace process. After a year and a half of back-channelling and sending messages to and fro, thanks to the good offices of Henry Acosta, we started secret talks on 24 February 2012 and then sat in a safe house in Havana covered with whiteboards for the next six months, hammering away at the framework agreement.

This had three major advantages. First, it allowed both sides to talk seriously and test each other out without the pressure of public opinion, and without the temptation to use the media to pander to its own audience, which is exactly what happened once the public phase of the process was launched in October of 2012. The fact that neither side leaked the secret talks in such a media-mad country as Colombia was an early and telling sign that, this time, both sides were both serious.

Second, the framework agreement we signed on 26 August 2012, which we called the General Agreement, set out not just the agenda, but the terms and the whole vision of the peace process. It was a kind of contract, so that the government, the FARC and —especially— the Colombian public, knew exactly what we were getting into, and what the negotiation agenda included (and no less important, what it did not include). Above all, it made it very clear, as we shall see, that this time we were going to discuss the end of the armed conflict itself.

And third, the secret talks conferred the necessary dignity on the negotiations and developed the methods which later keep the negotiations on track. We treated each other as interlocutors at the negotiating table and spoke to each other with respect, and generally with cordiality. That is something that to this day some people in Colombia do not accept; they claim that the government consented to make itself the equal of the FARC. They missed the point: in a negotiation, you need to abide by the same rules and procedures, because it is those rules and procedures that allow you to get to agreements; and they confer the necessary dignity on the other side.

IV

The fourth step was to establish a narrative that would give a sense of direction to the peace process, set clear limits to the negotiations, and yet open a space within which both sides could “live”.

That new narrative was “the end of the conflict”. From the beginning we said that this process, unlike the previous ones with the FARC, was about *ending the armed conflict*. And by that we meant three things. First, that this time the agenda had to include a point on disarmament, something which the FARC had never accepted and which in fact led temporarily to the only real breakdown of the negotiations. Without written assurances that this time the end of the conflict was for real, we were not willing to risk another peace process after so many failures.

The point was not just that we first needed proof of the FARC’s commitment to ending the war—though it was certainly that—if we were going to commit ourselves to discussing issues that went beyond disarmament and, especially, if we were to go to pay the price of moving on to the public phase of the talks. The whole conceptual basis of the process was built on breaking the link between arms and politics and avoiding the mistakes of the past.

In the peace process of La Uribe in the 1980’s, the FARC founded a political party with the consent of the government, the Unión Patriótica, during a cease fire. But they kept their weapons and remained mobilised. The result was that thousands of militants were brutally killed by a combination of paramilitaries, drug traffickers and state agents. The primary responsibility for this horrific massacre, which would do much to keep the conflict alive over the next decades, certainly lay with that very unholy alliance. But the government and especially the FARC have much to answer for.

“Never again politics with weapons” was therefore our guiding principle. We were not only very firm with the FARC during the secret talks in insisting that there had to be a point on disarmament in the agenda. We also wrote a sequence into the framework agreement: disarmament must begin simultaneously with the signing of the final agreement and proceed apace. As a result, when the agreement was signed four years later, the FARC handed over their weapons to the UN in a record eight months.

Nobody in Colombia thought that would happen in their lifetimes, much less so that quickly and comprehensively. Perhaps the main practical reason was that the FARC knew they had to disarm swiftly—and have the UN certify that—if they were going to be allowed to campaign for the congressional and presidential elections. And they knew they were running out of time.

Second, the “end of the conflict” meant not only ending armed confrontation, but also, above all, guaranteeing its non-repetition. The Agreement had to contribute to putting a definitive end to the historic cycles of political violence in Colombia and avoid its recurrence or degeneration into other forms of violence, as had happened so often in the past. For this reason, as we said repeatedly, the Agreement was about far more than the decommissioning of the FARC’s weapons. Disarming the FARC was a necessary, but not a sufficient condition to guarantee non-repetition. We had to address the conditions that had fed and kept the conflict going over so many decades.

That is the logic, or logics, of non-repetition which the agenda of the General Agreement sought to promote:

- A logic of territorial integration, in order to integrate into the country, over a fifteen-year transition period, the peripheral regions and populations which have suffered the conflict most, as well as to guarantee minimal conditions of well-being for them – point one of the agenda, comprehensive rural reform.
- A logic of activation of political rights of all Colombian citizens, in order for the term “democracy” to have meaning across the whole of the national territory, as communities actively participate in public life in their regions and violence is rooted out from our political culture – point two of the agenda, political participation.
- A logic of transformation of those territories ridden with coca crops, by promoting legal sources of income that flush out the illegal economies, along with firm judicial action against local organised crime –point four of the agenda, drugs.
- And finally, a logic of acknowledgement of, and response to, the victims, in order to guarantee their rights, soothe the resentment which consumes people and society, and promote conditions of coexistence and reconciliation –point five of the agenda, victims’ rights.

The narrative about ending the armed conflict also helped us to keep out of the negotiation the dozens and dozens of proposals which the FARC made which had little or nothing to do with the end of the conflict and its non-repetition, such as their opposition to free trade agreements or the management of the economy. The narrative defined the agenda.

At the same time, –this is very important– each side could give its own justification for the points on the agenda. For example, the government believed, as I have said, that the agenda included those points which in our view were enabling conditions which kept the conflict alive, while the FARC saw them the justification for their struggle –something which the government strongly disagreed with. But in practice these conceptual differences did not matter. We could each live with our own interpretation, so long as we were talking about the same concrete things. That is what the narrative of the framework General Agreement achieved: the opening of a space within which both sides could breathe and develop a negotiation.

Most importantly, the narrative of the end of the conflict recognized the enormous window of opportunity for structural change that a peace agreement could mean for Colombia. Our 1991 constitution is a prime example of contemporary constitutionalism and contains an extensive bill of rights. The peace process offers the opportunity to move from aspirations and promises to concrete actions in those territories and among those populations that were hardest hit by the armed conflict and are most vulnerable, in order to lay the foundations of a lasting peace.

Our critics sometimes asked why these reforms had to be the product of an agreement with the FARC, when they are –they claim– what any government should do. To which I always reply: if it’s all so obvious, why has nobody done it? There is clearly a problem with the incentives of the political economy of Colombia that has left large swathes of the country outside of the radar of politicians, and in general of the economy. In my view, only a peace agreement can

motivate with sufficient force a process of institutionalisation and democratisation of those vast regions –what I have called elsewhere ‘territorial peace’, and a more inclusive democracy. I will return to this point later.

Lastly, the narrative of “the end of the conflict” also allowed us to distinguish between the negotiations that were taking place in Havana to put an end to the armed confrontation, on the one hand, and the subsequent peace-building phase, on the other, that requires the participation of all citizens. That difference was both conceptual and practical, and we wrote it from the start into the framework agreement. It was a way of signalling that peace building was something that had to be undertaken by all Colombians on the ground and of recognising the years of grassroots peace-building work that local organisations and communities have done for decades.

All the above was based on a very simple but very effective principle of the General Agreement: “nothing is agreed until everything is agreed”. In other words, the government was not going to commit to doing anything until the ending of the armed conflict was not agreed.

V

The fifth step was to put together a strong methodology that could “carry” the process. Unusually, the negotiations in Havana had no mediation; there was no UN diplomat writing perfect UN language into the agreement. We fought over almost every word that was agreed with the FARC, and yet we managed to write the 300 pages of the agreement together. It has to be said that the FARC really raised their game and were a worthy counterpart. As the government, we naturally had all the advantages.

But the main reason it worked is because of the working method we established in the secret phase of negotiations (to work on a “single text”), which we continued developing in the public phase, and thanks to the various “spaces” and commissions we created:

- The negotiating table with all the plenipotentiaries, where we exchanged visions and made proposals to each other.
- The drafting commission, where we exchanged concrete proposals and agreed on the actual text of the Agreement.
- The gender commission, where the text was revised and proposals were made in order to ensure that the Agreement had a gender focus throughout.
- The commission to work on the point about “Ending of the Conflict”, where the terms of the bilateral and definitive ceasefire were agreed, with the participation of active duty officers from the military and the police.
- A group of jurists who worked on the point on criminal justice.

The formal procedures of the negotiations were also important. The fact that we worked for three straight days, stopped for one and then started again for another three, regardless of what day of the week it was, gave a strange sense of structure to the negotiation. In contrast to all



that formality, we also set up informal meetings between the heads of the delegations known as the 3+3, where we tried out ideas on each other and got a better sense of what was going on.

But perhaps most important was the incremental manner in which the negotiations proceeded. The whole thing took a long time –I myself was based in Havana for four and a half years– and we paid a huge political price for it. But I wonder if it could have been otherwise. There was a hardly a day when we did not work intensely. And our counterpart knew very well how to put the brakes on when they were unwilling to discuss a difficult issue, or to accept a particular proposal. In that situation, we had no other option than arm ourselves with patience and not accept the unacceptable.

Above all, I believe that this incremental and gradual approach was the key to building trust, both in Havana and in Colombia. Every time we reached an agreement on a point of the agenda we made it public. After we had reached one or two of these agreements, it was difficult to imagine either side giving up easily. It had been too much hard work, even if there was more to come.

That, in my view, is what trust in a peace process is about: you trust the results of the process itself. The more you achieve, the more irreversible it seems and, therefore, actually becomes.

VI

The sixth step was to put together a negotiating team that the Colombian public recognized as credible and fully empowered to negotiate. When the public phase of the negotiation started, President Santos brought in Humberto de la Calle, a former Vice-President, who played an extraordinarily important role as head of the delegation and kept the process afloat; the most respected former Commander of the Armed Forces, General Jorge Enrique Mora; the most respected former Director of the Police, General Oscar Naranjo; and finally, myself as the High Commissioner for Peace.

Others came and went at different moments of the negotiation, including Frank Pearl, former Councillor for Reintegration and former High Commissioner for Peace, Luis Carlos Villegas, former President of the ANDI (National Colombian Business Association), Nigeria Rentería, María Paulina Riveros, Gonzalo Restrepo, the senator Roy Barreras, and Foreign Minister María Angela Holguin.

As so often happens in negotiations, our discussions within the government's team were frequently tough and no less intense than those with the FARC, often more so. But owing to the fact that all proposals which we took to the negotiating table had to pass first through the filter of heated debate between people from very different backgrounds and with very opinions, the proposals the government presented were always solid. At the table we spoke with a single voice.

FARC's Commander, Timochenko, very intelligently made sure that more and more members of the Secretariat, the FARC's directorate, were present in Havana, and especially the key field commanders, who usually make or break a peace process. Most would eventually rotate through Havana, with the help of the International Committee of the Red Cross and the guarantor countries. Few measures were more important, because the organisation's unity was maintained throughout the negotiation. A rare achievement.

Helicopters with ICRC logos were constantly taking off to pick up members of the FARC from the depths of the jungle or from mountain tops. In the final year of negotiations, the direction was reversed: those who were in Havana returned to Colombia in order to do pedagogy with the different fronts and explain the agreements to them. This was key if we were to guarantee compliance from those on the ground. For the majority of the FARC, these visits represented the palpable reality of peace. Commanders often had not seen each other for a decade.

Another very important innovation was the decision by President Santos to send officers from the Armed Forces and the National Police in active service to Havana to negotiate the ceasefire. Five generals in active service and one admiral not only helped to hammer out the details of ceasefire but in effect became a channel through which the negotiations flowed to the Armed Forces and the Police. That helped built trust.

I cannot fail to say a word as well about the many men and women of the Office of the High Commissioner for Peace (my office), in particular Elena Ambrosi, Monica Cifuentes, Marcela Durán and Gerson Arias, who were the base of the iceberg. They did most of the hard work, whether it was putting together or reviewing proposals till late at night every day, sorting out all the legal problems or managing the tricky communications. They all made it happen.

VII

The seventh step was to put the victims of the conflict at the centre of the process. The Colombian conflict has been by far the most violent in Latin America. Virtually every Colombian knows someone who suffered, and that is no surprise as the conflict left hundreds of thousands dead, close to a hundred thousand missing and many millions internally displaced. No other conflict in our region has produced so many victims, or such horrific acts of violence (on the latest count, about two thousand massacres occurred).

That is what the conflict represents to most Colombians and what has kept it going as much as anything: the fact of victimhood. If you speak to a young member of the FARC or his equivalent in the former paramilitary militias, more often than not you will find that they joined because their family had been a victim of one group or the other. So if you want to break the cycles of violence and do justice to so many who were wronged, you need to bring the victims' rights and needs to the fore.

For that reason we insisted from the very beginning of the secret talks that no agreement would be possible without a point about victims on the agenda. That is probably the major innovation of the Colombian peace process. It has never happened before in any previous negotiation.

Taking the perspective of the victims had three major advantages. First, it gave us an adequate measure of what it means to combat impunity in a transition to peace —the degree of satisfaction of victims’ rights— and guaranteed a response more in line with the expectations of the victims themselves. It is not the same thing to deliver justice in ordinary conditions as after fifty years of war, or at least not entirely the same, because criminal justice alone cannot deliver fully the rights to truth, justice and reparations and non-repetition to which the victims are entitled. And in any case, no guerrilla would agree to an ordinary legal process in a peace negotiation.

Second, the focus on victims, rather than on the perpetrators, made it possible to have a reasonable discussion at the negotiating table, without ever losing sight of the obligation to investigate the gravest crimes (and therefore their perpetrators). In fact, as various experts have noted, this was the first peace negotiation anywhere which was done under the framework of the Rome Statute, and we were committed to honouring the international obligations of the Colombian state.

In my view, the thousands of transitional justice experts that write about such things have not faced squarely and honestly the fact that the tension between peace and justice in a negotiation is real. The people sitting across the table with whom you are negotiating are also those who, according to contemporary theories of criminal responsibility, are most responsible for the crimes committed by their group. How do you square that circle and guarantee Twenty-first century standards of accountability? Again, by putting the victims at the centre. And the victims themselves were among those most supportive of the peace process, because they had suffered most.

Third, the focus on all the victims of the conflict, not just on victims of the FARC, made it possible for the guerrilla to accept things no other guerrilla has accepted in a negotiation, precisely because we agreed that, in order to close the historic conflict and guarantee equal conditions to all victims, we had to address the rights of all victims, not just of the victims of the FARC (something that our own institutions to this day have not understood well).

This was also the most difficult point to negotiate in Havana. It took us about a year and a half, and required the support of many experts, especially of some who —with Norway’s support— talked to and advised the FARC.

First, we needed to make sure there was adequate participation of the victims themselves in the process —that they were heard. For previous points on the agenda, every time we started the discussion in Havana, the UN and the National University would invite over a thousand people and organisations from around the country to gather in a meeting in Bogota with clear rules in order to make proposals for the discussion in Havana; it was a huge amount of work, but it

guaranteed the participation of civil society in the process. But when we got to the point on victims, we decided to organise four forums in different regions of Colombia.

Afterwards we got an enormous pile of books delivered to us in Havana, no less than twelve volumes full of comments and suggestions that gave us a good feeling of what victims thought and felt. Other victims sent us proposals via a “virtual post-box” on the negotiation table’s webpage.

But this was not enough. We felt we had to listen to the victims directly. So we invited sixty victims to Havana, who came in five separate delegations composed of twelve members each. They were selected by the Church, the United Nations and the National University. The fact that both the government and the FARC were often unhappy with the choice was probably a sign that they were doing a good job.

We heard, one after another and during entire mornings, testimonies of atrocities and examples of extraordinary courage, which reminded all of us why we were sitting at a negotiating table. It was not unlike a truth commission, but instead of commissioners it was the members of the negotiating teams that sat before the victims, some of whom were confronting their own victims for the first time. Several members of the FARC cried in the corridors.

At the same time, if combatting impunity and guaranteeing non-repetition in a transition to peace means addressing a broad range of victims’ rights, we had to think up a system which, with a combination of judicial and extra-judicial mechanisms, could satisfy these rights. We called it the “Comprehensive system of Truth, Justice Reparations and Non-Repetition”. It is true that this was not new in terms of transitional justice doctrine (it is not much different from what Kofi Annan—who came to visit us in Havana in 2015 and played a quiet but important role in the process— proposed as UN Secretary General in the standard transitional justice document of 2004). Still, such a system had never been created in one go, much less in a negotiation with a guerrilla group.

We created a whole range of institutions to meet that challenge: the Tribunal and the Special Jurisdiction for Peace, the Commission for the Clarification of Truth, Coexistence and Non-Repetition, and the Special Unit for Searching for Disappeared Persons. We also agreed to put in motion a whole series of reparation measures to complement the existing mechanisms of individual compensation, especially measures that supported the return of the millions of forcibly displaced persons to their land and measures that took greater account of the collective impact of the armed conflict in the regions of Colombia. In a long and bitter war, it is not only the direct victims of violence that suffer.

The point of the comprehensive system was not just to guarantee accountability and truth for past crimes, but to help build a basis of trust in the state institutions and between individuals in violence-ridden territories, in order to promote reconciliation and build peace. In my view, justice and peace measures should feed off each other. And reconciliation, or at least coexistence, should be promoted from the outset and not be seen simply as a distant end-goal.

In regions with decades-long histories of violence, such as Urabá or Magdalena Medio, where everyone knows who did what, it does not seem possible to undertake ambitious collective rural development projects without first, at least in parallel, opening a space in which the victims can receive the recognition that is their due and those responsible can take a step forward.

That is why the point on victims in the Agreement begins with a commitment to acknowledge responsibility for the damage done in the regions, as the FARC started to do in Bojayá in December of 2015 and have done subsequently in other places—in order to release the tension of decades-long resentment, which eats away at individuals and society, create trust and build a joint vision of the future of a region. We now need others to do the same.

The idea of promoting a self-reinforcing relation between justice and peace is in fact an instance of a broader logic that permeates the agenda of the General Agreement of 2012, which is a territorial logic. From the start, we thought if we really wanted to transform the conflict-afflicted regions we needed to implement the various points of the Agreement in a coordinated and mutually-reinforcing way, to achieve critical mass for change.

For example, just as the recognition of victims builds trust for development, so the sixteen programmes of territorially-focussed rural development (known as “PDETs”) which we agreed are also a form of collective reparation and of social inclusion. Similarly, the transitory political circumscriptions that should have given special representation in Congress for two terms to sixteen civil society representatives from the conflict-afflicted regions (and which were blocked by some parties), were understood to be a form of collective political reparations as well.

Also, by embedding the justice measures in the development measures we could achieve the right balance between the demands of corrective justice and the demands of social justice; between the past and the future. That is why I have always insisted that the Agreement is rights-based and aims at delivering justice in the broadest sense.

Finally, in order for the Comprehensive System to work, we needed those most responsible to take part and fully respond. That is, it needed a system of incentives and conditionalities.

The incentives are simple: if you tell the Special Jurisdiction the whole truth in detail about the crimes committed and contribute to the different components of the System from the start – you go to the Truth Commission, you respond to the requests for information from the Special Search Unit, you make the corresponding recognitions of responsibility, etc.—then you receive a special sentence, which supposes a time period of maximum eight years in conditions of “effective restriction of freedom” in some location, but not prison (though these conditions must be verifiable by a UN monitoring system), during which time you must carry out various kinds of reparatory and restorative actions, including such things as demining or contributing to reconstruction projects.

And if you do not tell the truth, you can face up to twenty years in prison.

The other side of the coin—the conditionalities—are that you must fulfil the conditions of the whole system, in order to guarantee a broad response to victims’ rights in the transition. If you do not do not contribute fully to the System, you lose your right to the special sentence.

No guerrilla has ever accepted in a negotiation what the FARC have accepted: that international crimes —war crimes, crimes against humanity— cannot be amnestied; that they had to be accountable before a tribunal for those crimes; and that they had to serve sentences and make reparations to their victims with their own assets.

Why would a guerrilla group agree to *that*? Because it is a system for *all* the victims of the conflict. They would not stand alone on the stage of justice.

VIII

The eighth step was to create a new model of implementation based on citizen participation. The whole of the Agreement is shot through with measures to mobilise citizens around the implementation of every point, whether it be rural development, or political participation itself, or alternative development programmes or indeed the justice mechanisms of the Comprehensive System.

The model puts into practice the principle that it is one thing to end the armed conflict, and another to build peace on the ground with the whole of society. At the same time, it ensures that many measures must pass through the filter of citizen deliberation and debate, in order to guarantee that things are implemented in accordance with local needs and preferences, and that they build on the many peace-building efforts of the last decades.

But it goes beyond that. In the end, the only guarantee of a stable and lasting peace is the ability of institutions on the ground to channel conflicts and protect citizens’ rights. But how do you do that? Institutions don’t fall out of the sky. And the Colombian state has often failed in its many efforts to integrate the vast peripheral regions where the conflict has raged and the coca economy has dominated people’s lives.

The point is that we cannot keep on doing more of the same. Instead of creating trust, the lack of results of many of these efforts has increased what John Paul Lederach calls the problem of “distance” between the people in conflict afflicted regions, who have heard too many promises in the past, and the state. The solution is to open a space where citizens play a central role in the development of the programmes and work hand in hand with the national government and the local authorities. That is the key to institutional strengthening.

Why? Because it is only when people have a voice in their own affairs and see that their proposals are taken seriously and meet with an adequate response that they begin to breach their historic lack of trust in the Colombian state. This creates a virtuous cycle in state-building: the more they see there are responses, the more they demand. And the more demands they make and the more institutions respond, the more you actually build something that resembles

credible and efficient government in those regions where for so long it was every man for himself.

This is what I have called territorial peace. The pacification of the regions of Colombia based on citizens' participation at all levels, from the communities in rural hamlets to the universities and businesses in the departmental capitals, hand in hand with their authorities.

This is a huge challenge, but already tens of thousands of people have participated in the participatory planning processes in the PDETs. It is, again, the great opportunity—and the challenge—that is afforded us by peace: to integrate the conflict afflicted regions, to deep and give full meaning to our democracy, and to structure anew the relation between state and society in those regions.

IX

The ninth step was to give the FARC enough guarantees and assurances so as to enable them to move forward quickly with disarmament, as the Agreement specified, and—critically—to bring their organisation along. Remember that a cardinal principle of the process was that there would be no transition to politics while still under arms. In order to form a political party and participate in the elections, the FARC had first to hand over all their weapons to the UN and to demobilise before the Office of the High Commissioner for Peace (OACP). I personally had to certify every single member of the FARC as a bona fide member after thorough background checks.

We did not want to repeat the mistakes that were made in the past (2003-2006) with the demobilisation of the paramilitary militias, when thousands and thousands of “false” combatants (as many as a third of the total, according to their own commanders today) and more than a few drug traffickers sneaked their way into the demobilisation lists. Each FARC combatant also had to sign a written pledge to the OACP not to take up arms again. That's what we called in the Agreement “transiting to legality”.

There were many and different kinds of guarantees. First, there were guarantees for the political transition: 5 seats in the Senate and 5 in the Chamber (out of a total of 280 seats in Congress), in case they did not reach in the congressional elections the threshold of votes required to get a seat, as they in fact did not. The Minister of the Interior had to work extremely hard in order get the constitutional amendment that created the seats through Congress, in the face of bitter opposition from the hard right. But no peace process is stable without political inclusion. We also committed to giving special support for the new political party.

Second, security guarantees. Hundreds of members of the FARC have been trained by the National Protection Unit to be part of the security details of their own political leaders, and hundreds of detail have been put at their disposition. The situation of the ex-combatants in the most remote regions is a different story, as the governments capacity to provide security in deep rural areas is limited. In fact, the security situation in those areas is proving to be the

greatest challenge of the transition. Far too many local leaders and human rights activists have been killed, and the government's response has not been effective enough.

Third, legal guarantees. We created a “fast-track” mechanism in order to pass those laws and reforms that were most important for implementation (essentially, it reduced the number of debates by half), in particular the reform that gave the Comprehensive System of Truth, Justice and Reparations a constitutional footing, and the amnesty law for political crimes. All the legislation that came out of that mechanism immediately went for review by the Constitutional Court.

Fourth, socio-economic guarantees for the FARC's reincorporation into society. The government agreed to give the men and women of the FARC a support package of two years (which they are receiving), and an additional lump sum for an economic project, which could be individual or collective.

Colombia has long and deep experience in reintegration, but mostly in urban contexts and mostly of individuals. FARC's reintegration will require a more collective approach, as it will often take place in deep rural regions. It is urgent therefore to get more associative projects going that guarantee them an income and that promote reconciliation through joint work with the local communities, which should benefit as well. The European Union announced a big support package for those projects.

X

The tenth step was to put the Agreement to a vote. On 2 October of last year Colombians voted on a plebiscite which, as is well-known, we lost (by a margin of 0.4%: 60.000 “no” votes out of 13.5 million made the difference).

Many people asked us, quite rightly, why we decided to submit the Agreement to a vote. The truth is that there was an inherent tension between the point on ending the armed conflict, which clearly did not require a vote, and other parts of the Agreement, such as comprehensive rural reform, which we thought required democratic legitimacy. And they could not be disentangled: the FARC were prepared to disarm *because* we had agreed to the other points.

We also had the problem of physical distance from Colombia and of the necessarily closed nature of the negotiations, which added more distance between the Colombian public and us, despite the extraordinary efforts of Humberto de la Calle to explain what was being done in Havana. A vote, we thought, would get all Colombians to participate directly in the peace process.

In any case, instead of uniting the country around peace, the plebiscite divided it into two camps, quite artificially in my view. The campaign itself had striking parallels to Brexit—both in the tone and in the cavalier attitude to the truth—which had taken place only three months before. But with one critical difference: Brexit was a binary choice and could only deliver one result, remain or leave. The No campaigners in Colombia always insisted that they were not

against peace, not even against all of the agreement. They simply wanted changes made, they claimed. That is what former President Uribe, who led the No campaign and was obsessively opposed to the peace process, said in the months prior to the plebiscite: “If the No side wins, we ask that the negotiating table not break up, just to “redirect” the dialogue”.

President Santos’ response was what you would expect in any serious democracy. The very night of the plebiscite he spoke to the country and acknowledged the result. And the next day he sent Humberto de la Calle and myself to sit down with the FARC in Havana and tell them that the we would have to make modifications to the Agreement, as the No side demanded. In a remarkable show of maturity, the FARC agreed.

We then flew back to Colombia to hear out the No side for over a month. The whole thing culminated with an entire week of discussions day and night at the Ministry of the Interior. From that meeting we emerged with a document with 60 modifications proposed by the No campaigners. And with that document under our arms we flew bac back to Havana.

Finally, after two more weeks of negotiating day and night without a break with the FARC, they accepted 58 of the 60 proposed changes. Many more in fact than we ever imagined. The two points we could not change were those that constituted structural pillars of the Agreement—or of any of any peace agreement with a guerrilla force for that matter.

First, the possibility to participate in politics, which from the FARC’s point of view was the justification for giving up their weapons, and from the government’s was the justification for engaging in negotiations in the first place: to put an end once and for all to political violence in Colombia and to show that the only way forward was democratic politics. Besides, all studies show that, more than any other measure, it is political inclusion that guarantees the stability of peace.

And second, the FARC’s refusal to serve sentences in prison-like conditions. A Secretariat member said to me: “We are not going to be the first guerrilla force ever to sign a peace agreement and then go to prison. Even if I accepted that, my own people on the ground would not”.

Ultimately, the evident ambition of former President Uribe to use the plebiscite as a platform for the 2018 presidential campaign (his appointed candidate in fact won, so the strategy worked), and his insistent denial of the existence of an armed conflict in Colombia, and therefore of the basic conditions of a peace negotiation, made consensus with the No side impossible.

This leads me to a final reflection on the extraordinary difficulty, paradoxically, of reaching a peace agreement and building peace in a democracy. Certainly we put our faith in democracy as the best system of conflict resolution. And that is what the Agreement in the end is about: to broaden and deepen democracy, especially among the millions in the periphery of Colombia that for so long have not got much out of it.

But it is also true that contemporary democracies have become increasingly often spaces of competition for parties or movements that seem dedicated solely to the achievement of power, without any consideration other than their own interest. And that hunger for power trumps by far the interest in peace. Certainly in Colombia, and probably in many other democracies with internal conflicts. In fact, the very positions on peace held by different political sectors define the identities and loyalties of their constituencies, and the politicians themselves therefore end up trapped in what is in effect a vicious circle of intransigence and radicalism. Those conditions do not favour the creation of consensuses and close the doors to the opportunities for transformation and reconciliation which a peace process permits and requires.

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The new Final Agreement was signed on 24 November 2016, and ratified by Congress a few days later. By January the FARC began to move their combatants into 26 cantonment zones to begin the process of disarmament under UN monitoring. Colombians saw striking images of the FARC's men and women sailing down rivers in wooden boats —some carried parrots on their shoulders, a last reminder of life in the jungle— or marching in rows down small country roads on their way to the zones, while the campesinos cheered them on either side with whistles and shouts. Nobody could believe this was happening. It was the end of the war. There was now the possibility of peace.