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Colombia's Ripe Moment
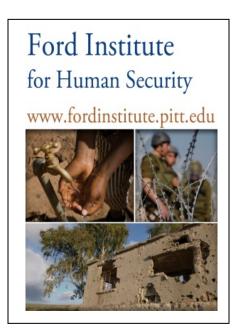
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was selected as the winner of the

Simon Reich Human Security Research Award,
for the best student paper on a human security topic, in Spring 2021.

Colombia's Ripe Moment

Introduction:

On November 24, 2016, the Colombian government and Fuerzas Armadas Revolucionarias de Colombia-Ejercito del Pueblo (FARC-EP) signed a peace agreement, ending the longest armed conflict in the Western Hemisphere. Although negotiations and signed peace agreements do not guarantee peace, they are often the necessary first step. Yet, not all intrastate conflicts enter into peace negotiations let alone reach a signed settlement. With an increasing frequency of intrastate conflicts, it is important to understand the factors which lead some parties to the negotiating table and equally, what factors enhance their durability in reaching a signed peace agreement. The peace negotiations between the Colombian government and FARC rebels is a unique case, in that it has been credited with employing innovative strategies during the negotiation process, including an unprecedented gender commission. Although it is too soon to evaluate whether the implementation and durability of the peace agreement will achieve sustained peace for the country, valuable lessons can be gained from examining the negotiation process itself, and what led the two parties to reach such a historic agreement.

This qualitative case study analysis seeks to explain what factors contributed to the "ripe moment" which led the Colombian government and FARC militants to the negotiating table; and how that "ripeness" was sustained throughout the four years of official peace talks. In doing so, this analysis also aims to answer what impact women and the gender sub-commission had on the peace negotiations. The primary finding is that the new leadership ushered in by the 2010 election of President Santos was pivotal in perceiving and seizing the ripe moment as well as initiating the long process towards peace. Additionally, this study finds that the peace talks were able to endure the four years due to a sustained presence of a perceived way out, which is highly reflective of the foundation laid by secret exploratory talks in the lead up to the official negotiations. The findings on female participation are less conclusive; however, the gender-sub-commission did unify the two parties behind a common objective of making the negotiations more inclusive and representative; and likewise, it provided more external input to the negotiations.

The following analysis is structured in five parts. First, it draws on existing literature relating to ripeness theory, peace negotiations and the role of women in peace processes. Second, it provides a brief historical background on the conflict in Colombia, including its origins, failed past peace processes, and the context leading up to the "ripe moment." Third, it analyzes the context which created a ripe moment in Colombia and how that moment was seized. Fourth, the ripeness model is extended to explain how the peace talks endured for four years which includes an examination of the role of women in the negotiations. Finally, it concludes with the major findings and implications.

Literature Review

Within the field of conflict resolution, Zartman's ripeness theory is a well-accepted framework for explaining why parties in an intrastate conflict make the shift from fighting to engaging in peace talks. The timing of a ripe moment is based on two factors: 1) the parties' perceptions of a mutually hurting stalemate and 2) a visible "way out" through negations.[1] According to Zartman, when "parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them", a cost-benefit analysis leads the two parties to seek a way out.[2] Zartman defines this as a consummated crisis, in which an increase in the conflict's intensity has led to a deadlock between the parties, and a looming catastrophe increases the sense of urgency that if no action is taken, conditions will only worsen. However, this perception of a mutually hurting stalemate alone cannot bring parties to the negotiating table. The second requirement is that there must also be a perceived a way out through negotiations. Or, in other words, all parties must believe in each other's willingness that a negotiated settlement is possible.

Not all "ripe moments" lead to peace negotiations. Although a perceived mutually hurting stalemate and "way out" are the elements constituting a ripe moment, they alone do not explain how parties actually enter into negotiations. There are many barriers to negotiation including security dilemmas, misperceptions and fears, pathologies of leadership and total war

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[1] William Zartman, "Ripe for Resolution: Conflict and Intervention in Africa," *A Council on Foreign Relations Book* (New York: Oxford University Press, 1985).
[2] William Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," *Global Review of Ethnopolitics* 1, no. 1 (2001): 8.

rhetoric.[3] Thus, for negotiations to occur, these barriers must be overcome by seizing the ripe moment. Some scholars like Zartman have emphasized the role of mediators and third parties in facilitating the parties of the conflict to gather at the negotiating table.[4] While others have focused on the role played by leaders of the warring parties. Lieberfeld argues that new leadership on the government side "is best positioned to perceive ripeness and to act on this perception" due to their ability to distant themselves from past policies and their desire to "better meet emergent challenges to national security and to their own political positions."[5] Particularly, leaders who have strong domestic support, especially from the military-security establishment, have more legitimacy, allowing them to consider negotiations with less political backlash.[6] Other studies have shown that the change in leadership of rebel groups, through legitimate means, has a strong effect on bringing the parties to the negotiating table, as they "demonstrate the greatest potential as successful bargaining partners to the state because the rebel group appears more cohesive."[7]

History has proven that entering into negotiations is not a guarantee for a signed peace agreement. Thus, the question is how to sustain the ripe moment throughout the entirety of the peace negotiations. Often the problem of spoilers become an impediment to peace negotiations due to trust and security concerns between parties.[8] Third parties and mediators have typically been assigned the responsibility in managing spoilers and keeping the parties at the negotiating table.[9] Mediators and third parties can apply leverage to enhance cooperation, facilitate communication, help establish and enforce a ruling framework for negotiations, and assist in building trust by highlighting the parties' mutual interests.[10] Third parties also play a significant role in guaranteeing security during and after negotiations. Walters emphasizes that third parties

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[3] Stephen Stedman, "Negotiation and Mediation in Internal Conflict." *The International Dimensions of Internal Conflict,* ed. Michael E. Brown (Cambridge: MIT Press, 1996): 341-376.
[4] Zartman (1985); (2001).
[5] Daniel Lieberfeld, "Leadership Change and Negotiation Initiatives in Intractable Conflict," *International Journal of Peace Studies* 21, no. 1 (2016): 19-42.
[6] Ibid.; Karin Aggestam, "Enhancing Ripeness: Transition from Conflict to Negotiation," in *Escalation and Negotiation in International Conflicts,* ed. William Zartman and Guy Oliver Faure (New York: Cambridge University Press, 2005): 271-288.
[7] Kathleen Gallagher Cunningham and Katherine Sawyer, "Conflict negotiations and rebel leader selection," *Journal of Peace Research* 56, no. 5 (2019): 619-634.
[8] Stephen John Stedman, "Spoiler Problems in Peace Processes," *International Security* 22, no. 2 (1997): 5-53.
[9] Ibid; Zartman (1985).
[10] Aggestam, 281.

have the ability to reduce fear and vulnerability amongst parties by guaranteeing their security, which facilitates peace settlements and implementation.[11]

Pre-negotiations and back-channel communication have also been considered valuable in securing peace. Engaging in secret back-channel talks before official negotiations provides more flexibility and more direct discussion regarding parties' concerns, motives and goals. Likewise, their secret nature provides political cover and protection from public interference. Most importantly, these informal talks allow the parties to directly interact and establish a working trust, providing necessary assurances before pursuing front-channel negotiations.[12]

Other scholars have also pointed to group cohesion and organizational structure as factors which influence whether parties remain at the negotiating table. Walch argues that "organizationally fragmented rebel groups are less flexible to make concessions and unlikely to stay at the negotiation table" compared with groups who have more cohesion and unified leadership.[13] Stedman also highlights the necessity of solidarity and consensus within a rebel organization in order to reach rational decisions.[14]

The degree of inclusivity or exclusivity of peace negotiations have also been analyzed in regards to the durability of negotiations. On the one hand, including civil society in the peace negotiations run the risk of disturbing an already unstable peace process due to including too many competing ideas and positions. However, participation of civil society organizations in the negotiations also creates a more "people-focused peace agenda", resulting in more public buy-in to the process.[15] Wanis-St. John and Kew argue that the inclusion of civil society plays an important agenda-setting role in the peace process due to their ability to influence and provide valuable insights regarding the content and terms of negotiations.[16]

Inclusion of women in peace processes has become an emerging focus within the study of conflict resolution. Previous research has pointed to existing variations in leadership styles

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[11]Barbara Walter, "The Critical Barrier to Civil War Settlement," *International Organization* 51, no. 3 (1997): 335-364.

[12] Aggestam, 2005; Dean Pruitt, "Back Channel Communication in the Settlement of Conflict," *International Negotiations,* 13 (2008): 37-54.

[13] Colin Walch, "Rethinking Ripeness Theory: Explaining Progress and Failure in Civil War Negotiations in the Philippines and Colombia," *International Negotiations* 21 (2016): 75-103.

[14] Stephen Stedman, *Peacemaking in Civil War: International Mediation in Zimbabwe 1974-1980* (Boulder, CO: Lynne Rienner, 1991): 26.

[15] Anthony Wanis-St. John and Darren Kew, "Civil Society and Peace Negotiations: Confronting Exclusion," *International Negotiation, 13* (2008): 24.

[16] Ibid.

between men and women. Compared to men, women "tend to take a more cooperative approach to dispute resolution" and favor communication to reach common understandings.[17] Caprioli, Hudson and Nielsen posit that women have a more "holistic view of security that includes social and economic issues" due to their experiences during conflict.[18] In turn, they argue this gives women a greater "practical experience when it comes to making important decisions concerning the economy, food security, and social programs than men who have spent the previous years traversing the country with guns."[19] Further, in their logit model, Jacqui True and Yolanda Riveros-Morales find that greater female participation increased the likelihood of gender-sensitive peace agreements.[20] Most recently, Krause, Krause and Branfors have concluded that "women's participation in peace negotiations with voice and influence leads to better accord content, higher agreement implementation rates, and longer lasting peace."[21] In doing so, the group emphasizes the valuable "linkages" between female civil society groups and women signatories of peace settlements in explaining such.

Background of the Conflict

The conflict between the Colombian government and FARC emerged from the country's civil war between the Liberals and Conservatives in the 1940s. During this period known as La Violencia (1948-1958), the Liberal Party was increasingly persecuted by the ruling Conservatives, leading liberals to organize themselves into self-defense groups. In 1958, La Violencia was brought to an end through a power sharing agreement between the Liberal and Conservative parties, in which they agreed to rotate the presidency between the two parties for the next sixteen years (1958-1974). However, this "National Front" excluded third parties, which caused the various liberal factions to increasingly transition "into insurgencies with communist affiliations, including the FARC-EP."[22]

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[17] Mary Caprioli, Rebecca Nielsen, and Valerie M. Hudson, "Women and Post-Conflict Transitions," in *Peace and Conflict,* ed. J. Joseph Hewitt, Jonathan Wilkenfeld, and Ted Robert Gurr (Boulder, CO: Paradigm Publishers, 2010): 91-102.

[18] Ibid.

[19] Ibid., 96.

[20] Jacqui True and Yolanda Riveros-Morales, "Towards inclusive peace: Analyzing gender-sensitive peace agreements 2000-2016," *Internatioanl Political Society Review* 40, no. 1 (2018): 23-40.

[21] Jana Krause, Werner Krause, and Piia Branforse, "Women's Participation in Peace Negotiations and the Durability of Peace," International Interactions 44, no. 6 (2018): 985-1016.

[22] Renata Segura and Delphine Mechoulan, "Made in Havana: How Colombia and the FARC Decided to End the War," *International Peace Institute,* 2017: p. 5.

The Revolutionary Armed Forces of Colombia (FARC) was officially founded in 1964 by Manuel Marulanda and Jacobo Arenas. Rooted in Marxist ideology, FARC was primarily comprised of rural insurgents with the primary objective of uprooting the nation's social inequalities by overthrowing the government.[23] As FARC expanded its ranks, it undertook a number of illicit activities to finance its operations including kidnapping, extortion, illegal gold mining as well as becoming a major operator in the drug trade.[24] Over the years, FARC also evolved into a well-organized military-political entity.[25] All political and military strategies were decided by the Central High Command, which included the Secretariat (the main FARC leader), five permanent members, including the Commander-in-Chief, and the thirty appointed general staff members of the Estado Mayor Central.[26] Below this top-command existed regional military "bloques" and delegates of FARC's two political bodies, the Movimiento Bolivariano and the Partido Colombiano Communista. This centralized military-political structure allowed FARC to maintain cohesion and a unified vision throughout its half-century fight against the government.[27]

Other guerilla and paramilitary groups as well as drug cartels operated alongside FARC in Colombia, which created widespread violence and instability across the country. By the 1980s the Colombian government began to pursue peaceful means for bringing an end to the violence by engaging with rebel groups like FARC. On three separate occasions the Colombian government and FARC attempted to reach a peace agreement; however, each proved unsuccessful.

"La Uribe" negotiations were the first attempt at peace between FARC and the Colombian government, which resulted in a temporary bilateral ceasefire in 1984.[28] However, excluded from this agreement was a disarmament clause, which allowed FARC to remain mobilized and continue its illicit operations and attacks. In an effort to integrate the guerrillas into the country's political system, FARC also established a political party, Union Patriotica, comprised primarily of former fighters. The UP made political gains in both the 1986 and 1988

[23] June S Beittel, "Peace Talks in Colombia." *Congressional Research Service,* 31 March 2015, p. 3.
[24] CISAC Stanford Mapping Militant Organizations. "Revolutionary Armed Forces of Colombia." Stanford University. Last modified July 2019.
[25] Walch, p. 87.
[26] Ibid., p. 88.
[27] Ibid., p. 87.
[28] Segura, p. 5.

elections; however, they soon became targets for assassination by paramilitary groups in collaboration with Colombia's security forces. This direct systematic violence resulted in the death of an estimated 3,000 UP members and supporters, leading FARC to withdraw from the peace process and return to its former goal of military victory.[29]

The second attempt at peace is known as the 1991 Tlaxcala and Caracas dialogues. They were the first talks to be held outside the country and without a preconditioned ceasefire; however, no substantial agreement could be reached, bringing the negotiations to a close. Shortly after, a third major peace initiative began in 1998 under President Pastrana known as El Caguán (1998-2002). It took place in a demilitarized zone in southern Colombia. During this time, FARC was at its peak military strength and failed to demonstrate a commitment to the negotiations by continuing to launch violent attacks, take hostages and cultivate coca on a large scale. A further complication was that the proposed agenda was far too comprehensive, including 12 core issues and 48 sub-issues ranging from altering the country's economic model to reforming its justice and political systems. These factors ultimately led to the termination of the negotiations in 2002.[30]

The failure of the Caguán negotiations and the increase in FARC's violent attacks greatly contributed to the presidential victory of Alvaro Uribe Velez in 2002. Upon entering office, Uribe implemented a "democratic security" policy which aimed to "recover order and security" across the country through the use of force.[31] In doing so, he substantially ramped up the country's security forces, growing them from 313,406 members in 2002 to 446,638 by 2010.[32] With a robust security force, a threefold increase in its military budget and considerable improvements to its intelligence capabilities, the Uribe government was able to deal "significant military blows to the FARC-EP."[33] In July 2008, Operation Jaque freed eleven kidnapped soldiers, three Americans and a former presidential candidate from FARC captivity. Additionally, during Uribe's presidency, Colombian forces conducted targeted assaults on FARC's leadership, resulting in the death of 53 FARC-EP leaders and three of its ruling secretariats.[34]

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[29] Ibid.
[30] Ibid., p. 5-7.
[31] Ibid., p. 9.
[32] Ibid.
[33] Ibid.
[34] Ibid.

Although the Colombian government's offensive did weaken FARC's leadership and military forces, FARC continued to avoid military defeat. Under the leadership of Alfonso Cano, FARC also increased and altered its military and combatant tactics through "Plan 2010." This directive "restructured the military organization of FARC-EP [by] creating small, decentralized tactical combat units" which made their methods more lethal, and subsequently led to an increase in Colombian military casualties and the strengthening of FARC's strongholds across the country.[35]

Colombia's Ripe Moment

Despite the surge in military offensives against FARC under President Uribe, by the time President Santos entered office in 2010, FARC, although weakened, had not been defeated and a victory for either side was nowhere in sight. As former Minister of Defense under President Uribe, Santos had campaigned with the promise to extend the policies of his predecessor. Yet, upon entering office, Santos transformed the government's approach to handling the conflict with FARC through a combined increase in military pressure as well as making clear public displays that his Administration was open to negotiations. It was this change in leadership which marked the turning point of the two parties' perceptions of the conflict as a mutually hurting stalemate, and provided the necessary context for both parties to perceive a way out of the conflict.

In office, the Santos Administration continued its military hardline approach against FARC, which led to the killing of two of FARC's top leaders, Victor Julio Suarez in September 2010 and Alfonso Cano in November 2011.[36] However, these military "victories" were accompanied by an increase in FARC attacks on the nation's infrastructure.[37] This escalation in attacks by both sides did not place either side closer to victory but instead, affirmed that the adjustments each side had made to its fighting tactics were not producing either with a clear advantage, but rather creating a consummated crisis and perpetuating stalemate.

Internal and regional factors also further contributed to the Colombian government's growing perception of the stalemate. The policies pursued by Uribe, and to a lesser degree

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[35] Ibid.
[36] Biettel, p. 7.
[37] Ibid.

continued by Santos, had caused grave human rights violations which led there to be an increase in activism amongst civil society organizations.[38] This not only threated the legitimacy of Colombia's armed forces, but also the legitimacy of the newly elected President, as he had been a key orchestrator of such policies under President Uribe. At the time of Santos's election, there was also "increasing pressure from foreign governments and the business sector to start a process that would create the needed stability in the countryside for foreign and national investors to work there with confidence."[39] This domestic backlash combined with Santos's military understanding of the situation ultimately led the President to view the conflict not as an achievable military victory but rather as a mutually hurting stalemate.

During this time, FARC's perceptions of the conflict also appear to have changed. Having experienced several significant losses to its top leadership in recent years, complete military victory became less of a reality for the communist guerrillas. This was reinforced by the "Pink Tide" of popularly elected leftist governments across Latin America, which "weakened the FARC-EP's case for armed revolution."[40] Instead, leftist leaders, including Cuban President Fidel Castro, increasingly encouraged the parties to pursue peaceful means for ending the conflict.

As both parties came to view the conflict as a mutually hurting stalemate, President Santos was able to create an environment which increased the confidence of both parties, particularly FARC, that there was a way out of the conflict. In his inauguration speech, Santos had remarked that the door to negotiations was open, drawing a clear distinction between his Administration and that of his predecessor.[41] Not long after taking office, Santos became the country's first president to publicly acknowledge the internal armed conflict in Colombia, providing a significant source of recognition and legitimacy to FARC forces, something it had failed to receive from past administrations.[42] Not only did Santos recognize the conflict but he also announced a "Victims Law" which included restitution and land redistribution provisions to victims, an issue which had been at the center of FARC's agenda. Additionally, President Santos also underwent a period of improving and normalizing relations with its regional neighbors,

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[38] Ibid., 10.
[39] Segura, 10.
[40] Ibid.
[41] Juan Manuel Santos, "The time for Colombia is now!" *Presidencia Republica de Colombia,* 7 August 2010.
[42] Sergio Jaramillo (Peace Commissioner), "The Possibility of Peace," Lecture at The Pearson Institute, University of Chicago, 24 March 2017.

including President Hugo Chavez of Venezuela and the Ecuadoran government.[43] Regional support, especially by leftist governments, provided the Santos government with further legitimacy in the eyes of FARC. However, it also created a sense of urgency for FARC, as they did not want to alienate themselves from their leftist supporters in the region. These policies greatly differentiated President Santos from President Uribe, as they showed that despite his strong military approach, he was open to finding a peaceful resolution to the conflict.

It was this combination of military strength and diplomatic transparency exerted by President Santos which created the context for the two parties to begin the long process towards peace through secret, exploratory talks. Shortly after the election, the Colombian government had initiated an old, well-established back channel with a Colombian citizen who had "longstanding" connections with FARC's governing elite.[44] This led to the first of three initial meetings between envoys of FARC and the government, facilitated by Venezuela along the border between the two countries. Despite potential setbacks, notably the November 2011 killing of FARC's leader, Alfonso Cano by Colombian security forces, secret exploratory peace talks began in Havana in February 2012. Both parties had previously agreed on the location of Cuba to host the secret talks. Having been a supporter of past peace processes as well as its history of leftist sympathies, Cuba provided the necessary "seclusion and privacy required for talks that had confidentiality as one of its key principles."[45] From February to August 2012, ten negotiating rounds were held in Havana, which resulted in a signed "General Agreement" that laid out the framework and vision for the future negotiations.[46]

Multiple benefits came out of the secret pre-negotiations, which helped pave the way for future official negotiations. In Cuba, both parties were housed within walking distance to one another, allowing them to build trust through direct and informal interactions. The fact that such talks were not leaked to the media or to the public by either side, affirmed each other's commitment to the negotiations and strengthened their confidence in one another.[47] This test of good faith was further reinforced by the congressionally approved Judicial Framework for Peace, a constitutional amendment which provided a structure for transitional justice for future peace

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[43] Ibid.
[44] Dag Nylander, Rita Sandberg and Idun Tyedt, "Designing Peace: the Colombian peace process," *Norwegian Centre for Conflict Resolution,* 16 February 2018.
[45] Ibid.
[46] Jaramillo, Sergio.
[47] Nylander.

negotiations.[48] Ultimately, the secret talks were crucial in building trust amongst the two parties and enhancing a perceived way out of the conflict through negotiations, which as will be discussed in the coming section, had a profound impact on the durability of the official peace talks.

<u>Endurance of the Peace Negotiations</u>

The signing of the "General Agreement" and conclusion of the secret negotiations confirmed a perceived way out for the two parties, paving the way for the official peace negotiations in Havana. Announced in Oslo, Norway on October 18th, 2012, the proceeding four years of negotiations concluded with a signed peace treaty on November 24th, 2016. The durability of the peace negotiations was largely due to the enduring perception of a way out of the conflict by both parties, which is greatly attributed to the groundwork laid by the secret exploratory talks. The following analysis considers: the framework, narrative and agenda of the negotiations; transitional justice and security guarantees; leadership and third parties; and the inclusivity of the talks, specifically the inclusion of women.

1. Framework, Narrative and Agenda

The secret talks created an operational framework for the official negotiations in Havana. Similar to the exploratory talks, Havana had been decided as the location for the official negotiations by both parties. Cuba had been a primary supporter of peace negotiations between the two parties for years. Its leftist sympathies lent tremendous reassurances to FARC which increased their confidence in the negotiations. Likewise, the island nation provided the necessary isolation and distance needed from domestic affairs as well as an "unparalleled level of control over participants and their interactions with the media."[49] Alongside the location, the secret talks had established a detailed, logistical framework for the peace process, consisting of three stages of negotiations. In the first stage, topics were initially debated by three plenipotentiaries from both sides. The issue then moved to the second stage, comprised of ten delegates from each party, where the substance of the accord was discussed. Finally, the issue moved to the drafting

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[48] Beittel, p. 16.
[49] Segura, p. 12.

commission, consisting of twenty delegates from each party.[50] This detailed framework was accompanied by a strict work schedule. Negotiation sessions lasted 11 days, consisting of three rounds of three-days of negotiations with one day breaks in between. Both the structure and work schedule created consistency and continuity for the negotiations which helped to strengthen working relationships and both parties' commitment to the process.[51]

The negotiations were also significantly shaped by the decision by both parties to separate what happened in Havana from what was happening on the ground in Colombia. This resulted in the controversial decision that there would be no bilateral ceasefire which would precede the start of the peace talks. Whereas ceasefires have typically been viewed as a clear show of good faith and commitment to peace, the Colombian government was skeptical that FARC may use a ceasefire to regroup and strengthen its military position as they had done during the Caguán negotiations. Not having a ceasefire allowed the government to maintain a strong position during the talks, which satisfied many military hardliners who were opposed to negotiations.[52] Likewise, FARC also had deep-seated fears of its own, due to the failures of past peace processes. By negotiating without a ceasefire, it benefited the peace process in two ways. First, it created a sense of urgency to reach an agreement and secondly, it gave the two parties the opportunity to unilaterally take actions which expressed their commitment to the peace process, such as FARC's December 2014 announcement of a unilateral ceasefire.[53]

During the secret talks, the parties had also agreed upon a narrative which would guide the official negotiations. Whereas past peace processes had aimed to transform the country's economic, political and social institutions, the goal of the Havana negotiations was to bring an end to the conflict. This was considered "a major conceptional innovation" as it differentiated between the peace negotiations which were solely focused on bringing an end to the armed conflict between the Colombian government and FARC, and the inclusive peacebuilding phase which would occur in Colombia after the signing of a peace agreement.[54] By drawing this distinction, both parties equally recognized that ending the conflict and achieving peace was the necessary first phase in being able to work towards transforming the inequalities in the country.

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[50] Ibid., p. 15.
[51] Nylander.
[52] Segura, p. 27.
[53] Ibid.
[54] Kristian Herbolzheimer, "Innovations in the Colombian peace process." *Norwegian Peacebuilding Resource Centre* (June 2016): 3.

The limited narrative enabled the two parties to reach a consensus in the 2012 General Agreement on the substantive issues which would be discussed at the official peace talks. Special attention had been given to the failures of past peace processes, which greatly influenced the content of the negotiations. Particularly, it was realized that the Caguán peace process (1999-2002) had proven ineffective due to its expansive agenda and lofty goals.[55] This lesson from the past led the parties to develop a more narrowed agenda focused on ending the conflict, which centered on five key issues: agrarian development, political participation, illicit drugs, transitional justice and victims of the conflict. By reaching a consensus on the substance of the agenda, both parties were able to unite behind commonly shared values and issues, which acted as a guiding force throughout the peace talks.

2. *Transitional Justice*

A major innovation from the General Agreement was that the victims of the conflict, rather than the perpetrators, were placed at the center of the negotiations. During the official negotiations, panels comprised of 60 victims were invited to address the negotiators, becoming the first peace process to do so. As a result, both sides of the negotiation were forced to recognize their responsibility for human rights violations and the suffering they caused to their fellow citizens.[56] In doing so, it placed both parties on level ground in regards to their culpability; which provided a context for which they could work together towards helping the victims and citizens of their country. The focus on victims is highly reflective of the negotiation's focus on restorative transitional justice rather than retributive justice, which had also been outlined in the General Agreement. As a result, it was decided that offenders who cooperate with the justice system would receive reduced prison sentences and instead serve their term through "various kinds of reparatory and restorative actions" to help rebuild the society and provide relief to victims.[57] Those who chose not to cooperate with the justice system faced up to twenty years in prison. The victim-centered transitional justice approach was crucial in gaining FARC cooperation, as it provided a clear way out for FARC guerrillas, and incentivized them to participate in the continuation of the peace process.

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[55] Ibid.
[56] Ibid., p. 4.
[57] Ibid.

Security and political guarantees also further provided the necessary incentives and reinforced a way out for FARC. Having been motivated by political power and legitimacy, FARC members were granted five seats in both houses of Congress, regardless if they reached the electoral threshold. Haunted by the persecution of UP members after the peace agreement in the 1980s, security was also a major concern for FARC members during the peace process. To ease their fears, it was agreed that FARC members would be trained to provide security detail for their own political leaders. Alongside these political and security provisions, FARC members were also granted economic support packages for the first two years of the peace implementation process. These guarantees provided FARC with the necessary incentives to pursue "a way out" through the negotiating table and ultimately contributed to their cooperation and agreement to the transitional justice measures of the peace accord.

3. Role of Third Parties

From the onset of the initial exploratory talks, both parties had agreed that future peace talks would be "for Colombians, by Colombians."[58] This caused the negotiations between FARC and Colombia to be unique, as they did not involve direct, formal mediation. Instead, the talks were shaped directly by the leadership of the two parties. This allowed both parties to have more direct ownership over the peace negotiations, which created more accountability and responsibility on the parties involved to reach an agreement on behalf of their fellow Colombian citizens. This was made feasible by the logistical framework of the peace talks as well as the working trust that had developed between the two parties. The internal dynamics and leadership of both parties also made the exclusion of formal mediation possible. The Colombian government had assembled a well-respected negotiating team with its members fully committed to each other and working with their FARC counterparts to reach a peace settlement.[59] Members included former vice-president, Humberto de la Calle, as the head of the delegation and Sergio Jaramillo, as the High Commissioner for Peace. FARC was also led by a strong, committed leader, Timochenko. Throughout the negotiations, Timochenko rotated FARC military commanders from Havana back to the Colombian jungle which allowed more rebels to be

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[58] Segura, p. 33.
[59] Jaramillo.

involved in the process. This was instrumental in maintaining unity within the rebel organization which helped decrease the possibility of fragmentation or spoilers.[60]

Despite the absence of official mediation, third parties still played a powerful role in the peace process. During the secret exploratory talks, Cuba and Norway had been chosen as guarantor countries; Cuba due to reasons previously discussed and Norway because of its neutrality and past involvement in peace processes.[61] Both had an informal role and were required to remain silent during negotiations but nevertheless they were still critical "in terms of logistics, capacity building, trust building, and problem solving." Specifically, Cuba was described as the "unsung star of the peace process" due to its exemplary role as host.[62] Chile and Venezuela also served as accompanying nations to the peace process and regularly visited Havana and reported on its progress. Alongside both the guarantor and accompanying nations, the Colombian peace process also held wide international support, which in itself provided legitimacy and necessary accountability for the parties to remain at the table.

Specifically, third parties played critical roles in providing security guarantees during the peace negotiations. From the onset, the International Committee of the Red Cross facilitated the safe transport of FARC commanders from the Colombian jungle to Cuba, during both the public and private phases of negotiations, providing the guerillas with a sense of security that it had lacked in previous negotiations.[63] Additionally, the UN played a valuable role in ensuring security for the two parties. At the start of the negotiations, the UN had not been directly involved, which largely reflected FARC's lack of trust in the institution due to failed past peace processes. However, as the peace negotiations progressed, FARC's confidence in the international institution strengthened, which led the parties in January 2016 to request the UN Security Council to assist in administering the ceasefire and process of disarmament. The involvement of the UN, a neutral, outside party, was a necessary security guarantee for both parties. FARC had concerns due to the systematic persecution it had experienced in past peace processes while the Colombian government was also reminded of FARC's record of undermining ceasefire agreements. Ultimately, this security guarantee enhanced both parties' desire to cooperate and continue working towards a signed agreement.

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[60] Walch, p. 13-16.
[61] Segura, p. 11.
[62] Ibid., p. 12.
[63] Jaramillo.

4. Women Involvement in the Peace Process

Despite the mantra "for Colombians, by Colombians", the Havana peace talks were criticized at times for being too detached from Colombia and its citizens. This was especially true in regard to the inclusion of women. At the beginning of the negotiations in 2012, women were not part of either negotiating team. Historically, peace negotiations have been dominated by men, so the exclusion of women in the peace negotiations was not uncommon. However, in the context of Colombia, women had played significant roles on both sides of the conflict. Not only were women disproportionality victims of violence, but they were also major contributors to the conflict, as it is estimated 40% of FARC's combatants were female.[64] Recognizing this disproportionate representation, grassroots and civil society organizations in Colombia began to call for great gender inclusivity in the peace process.[65] In 2013, 450 female representatives from Colombian women's organizations gathered at the National Summit of Women for Peace in Bogota where they demanded female inclusion at the negotiating table and greater consideration of "women's needs, interests, and experiences of conflict" in the peace process.[66] The Summit proved to be a key turning point in achieving greater female inclusion in Havana. In November 2013, the Colombian government appointed two women, Nigeria Rentería and María Paulina Riveros, to their negotiating team; following in the footsteps of FARC who had added one woman to its team in April. Yet, public pressure for a more gender inclusive peace continued, which eventually led to the creation of a gender sub-commission in June 2014, consisting of five women from each party.[67]

The gender commission had multiple impacts on the durability of the peace negotiations. For one, the recognition by both FARC and the government on the importance of including women in the peace process united the two parties around a common issue, which further strengthened their mutual understanding and cooperation with one another. More so, it made the exclusionary talks more inclusive, and more accurately portrayed the mantra peace "for Colombians, by Colombians." As a result, the gender sub-commission became a broker between civil society and the negotiations. From December 2014 to March 2015, the gender sub-

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[64] Herbolzheimer, p. 6.
[65] Lina M Céspedes-Báez and Felipe Jaramillo Ruiz, "'Peace without women does not go!' Women's struggle for inclusion in Colombia's peace process with the FARC", *Colombia Internacional* 94 (2017): 83-109.
[66] Virgina M. Bouvier, "Gender and the Role of Women in Colombia's Peace Process," *UN Women Background Paper,* New York: United Nations (4 March 2016), p. 20.
[67] Céspedes-Báez, p. 97.

commission invited representatives from women's organizations to participate in the peace talks, which further reinforced "the gendered dimensions of war" and "exposed the negotiators to gender-sensitive perspectives and proposals."[68]

Substantively, the commission highlighted the gender dimension of the conflict and raised concerns for women in the peace process. The commission was co-chaired by female representatives from FARC and the government, with a mandate to ensure that agreements reached were adequately gender-focused.[69] Notably, key developments on a FARC ceasefire, transitional justice and victim's retribution were *all* reached after the appointed gender commission. This lends support to existing literature on female involvement in peace processes. This is further reinforced by analyzing the content of the first three provisions of the peace accord (rural development, political participation and illicit drugs) with the content of the provisions addressed after the appointment of the gender commission (transitional justice and victims). In her analysis, Céspedes-Báex finds distinctly different gendered language when comparing the first three provisions with the last provisions. In doing so, she argues that female ideals which favor a more holistic peace are reflected in the negotiation's focus on social justice, rather than punitive justice.[70] Although it is difficult to ascertain the degree to which women directly influenced the specific content of the peace agreements, by including women in the peace process, it made the "closed" negotiations more inclusive of outside perspectives, leading to an increased focus on a gender-sensitive peace agreement.

Findings:

This analysis of the peace negotiations between the Colombian government and FARC highlights the impact change in leadership can have in recognizing and seizing a ripe moment. President Santos's military and insider knowledge allowed him to recognize the mutually hurting stalemate and pursue a path entirely different than the administration before him.
Santos employed a strategy of a strong show of force while simultaneously pursuing policy reforms which made visible his openness to peace. This created the conditions for both parties to recognize the mutually hurting stalemate, but more importantly, to begin to perceive a way out.

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[68] Bouvier, p. 22.
[69] Ibid, p. 21.
[70] Ibid.

Additionally, this analysis finds that secret preparatory talks were crucial in enhancing a perceived way out for both parties. The secret talks provided an informal setting for both parties to build trust as well as develop a detailed framework for the future official negotiations. Once the parties reached the negotiating table, the operational rules of the negotiations and its limited policy agenda helped create accountability and structure for the peace talks. However, the durability of the official peace talks depended primarily on a sustained visible "way out" for both parties. This was primarily achieved through the transitional justice provisions which centered on transformative justice for victims rather than retributive justice of the perpetrators. By providing FARC with enough political, security and economic incentives, they were motivated to agree to cooperate with the justice-seeking provisions and remain at the negotiating table.

The Havana peace talks also show the important balance between the inclusive and exclusive nature of negotiations. Due to committed leadership and FARC's group cohesiveness, the negotiations were able to be controlled directly by the two parties, which created more ownership over its outcome. However, despite not having an official mediator, third parties still played valuable roles, especially in guaranteeing security and safety of the two parties.

The inclusion of victims in the peace negotiations was also noteworthy, as it shifted the focus of the talks towards the victims rather than towards the perpetrators. Similarly, the inclusion of women made the peace talks more representative of all of Colombia and united the two parties behind a common issue. The gender commission also provided valuable "outsider" perspectives and knowledge to the peace negotiations. Yet, it is difficult to determine the degree to which their influence had on the specific content of the final accord.

Conclusion:

In conclusion, this research contributes and expands on the theory of ripeness by examining the factors which contributed to the ripe moment being seized and how the ripe moment was sustained throughout the four years of negotiations. Colombia provides a unique case study, as it employed a number of innovative strategies during the peace negotiations. By better understanding the strategies and methods used in Havana, they have the potential to be applied to future peace negotiations elsewhere. Although reaching a signed peace agreement is a significant accomplishment, it is only the first step in achieving durable peace. While this paper has focused on the factors which created the context for the peace negotiations to occur and

reaching a signed agreement, it is equally important for future research to examine the signed peace accord's impact on the implementation and durability of peace in Colombia. Three years have passed since Colombia and FARC signed the Havana peace accord, and time will be the true test of whether this historic peace agreement can indeed bring durable peace to the people of Colombia.

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