



Adaptive Mediation in Colombia: Toward Institutional Capacity Building Amid Complexity and Uncertainty

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INTRODUCTION

Mediation is a method that frequently pursues a cease-fire or a peace agreement to prevent, manage, or resolve an armed conflict. When conducted under an effective and structured process, mediation becomes a fundamental tool for negotiations between two opponents that cannot be defeated through violence. The Colombian case has been known for its multiscale and regionalized conflicts and encompassed structured mediation processes since the 1980s. It has been shaped by elements of complexity and uncertainty that compromised the peacebuilding path. Simultaneously, amid this same complexity and uncertainty, this case presents one of the most effective mediation processes with the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP), the oldest Marxist-Leninist guerrilla in Latin America.

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The Norwegian Peacebuilding Resource Centre (NOREF) report “Innovations in the Colombian Peace Process” highlighted this process as a significant milestone to settling one of the most protracted and violent conflicts in the world. In that respect, Colombia is now recognized as a global reference for diagnosing political solutions to intractable conflicts (Herbolzheimer 2016). After five decades of peacemaking initiatives and three major attempts to reach a negotiated solution to the conflict, the parties assessed their past failures and took into account the lessons learned from various peace processes occurring in Colombia. They developed innovative frameworks and approaches, for example developing procedural distinctions between peace negotiations and the peace process; positioning the rights of the victims at the center of the talks; addressing issues related to rural development; and preparing for peacebuilding before the agreement was signed (Herbolzheimer 2016). These innovative trends demonstrate that the Colombian case serves as an example of adaptive mediation, which can present key lessons from a process whereby the content of agreements emerges from the interaction among the participants.

Colombia’s peacebuilding path is often challenged by complexity and uncertainty resulting from the active presence of armed nonstate actors (ANSAs).¹ However, simultaneously, efforts toward Institutional Capacity Building (ICB) were revealed to be effective under such challenging conditions. The achievement of the peace agreement with the FARC-EP shows how institutional capacity building results from resilient social institutions that emerged after more than 20 years of negotiated processes and related attempts to achieve peace with various armed groups.

This chapter takes the Colombian case’s example and its collective mediation initiatives leading to several demobilization processes. It highlights how the complex context of irregular groups operating as controlling agents, with illegal economies and the remains of ideology, coexists with significant mediation efforts at the heart of political and social negotiations. Self-regulation to maintain peace in regions where the conflict has profoundly affected the social structure (de Coning 2021, Chap. 2 in this volume) remains one of the main drivers of self-organization in the implementation of the peace process. In this regard, the chapter provides

¹In the twenty-first century, non-international armed conflicts (NIACs) are dominant. Yet, their nature and scope are broad and complex. Today’s armed conflicts often include well-organized armed non-state actors opposing the state.

examples of lessons learned in Colombia on promoting resilience and self-organization in an adaptive mediation process that has evolved over time.

Three main hypotheses are raised in this chapter: (1) Adaptive mediation approaches contribute to peacebuilding focused on ICB and communitarian participation within a bottom-up demobilization, disarmament, and reincorporation (DDR) process. (2) Flexibility and institutionalism are key to the effectiveness of Colombia's mediation processes. (3) Colombia's successful mediation experiences demonstrate the need for more comprehensive and participatory conflict analysis and management of adaptive practices to address the complexity and uncertainty of ANSAs' behavior.

This chapter will show, in particular, how flexibility and adaptiveness in Colombia's mediation experience offer evidence of a matured mediation strategy that has resulted in remarkable achievements. This case intends to encourage mediators to promote the resilience of social institutions in countries that face ongoing failures of peace initiatives. The need for a more comprehensive focus on the importance of resilience and self-organization becomes even more relevant when taking into account the Colombian context and the respective level of engagement and trust in the mediators operating in such a protracted and complex conflict.

This study is based on a comparative analysis of reports and academic literature produced by scholars and think tanks specializing in the Colombian case. A particular focus on the mediation process with the FARC-EP is presented based on the analyses and experience of Enrique Santos Calderón (journalist), Frank Pearl (Colombia's minister of environment), Sergio Jaramillo (presidency's security advisor), Alejandro Eder (reintegration advisor), and Jaime Avendaño and Lucía Jaramillo (presidency's public officials). These mediators led to the successful 2012 negotiations between the FARC-EP under the government of former Colombian president Juan Manuel Santos. The author conducted fieldwork in Colombia between February and March 2020, conducting 41 semi-structured interviews and 7 videoconferences, and spending eight days with Colombian peacebuilders. Although these interviews were meant to inform the peacebuilding process in Colombia, the author conducted additional remote interviews during the SARS-CoV-2 pandemic focused on the topic of mediation.

COLOMBIA'S COMPLEXITY WITHIN AN ADAPTING SYSTEM

Complexity is a relevant variable that cannot be neglected in the design of a mediation structure. This is valid both for academia and policy research, that is, in theory and practice. One of the elements to be examined in the Colombian case is the coexistence of multiple and simultaneous conflicts at various levels. Although the FARC-EP war was one of the primary references in this context, many other conflicts have taken place with either critical negotiation processes leading to cease-fires and disintegration of armed groups, or a reformulation of conflict drivers.

Not all mediation processes have led to sustainable peacebuilding actions. The literature related to mediation presents various approaches and examples of successful practices on the ground. The Colombian case sheds light on how adaptive approaches provide a better understanding of each context's specificity and the complex network of conflict actors. In this regard, many successful mediation processes have failed with demobilization, when conflicts mutate to complex forms of violence. However, an adaptive and institutionalist pathway serving as an umbrella for negotiations contributed significantly to institutional capacity building in Colombia (ICB).

From the first negotiation process with the Popular Liberation Army (EPL²) in 1991, until the latest 2012–2016 peace process with the Revolutionary Armed Forces of Colombia (FARC-EP³), standard and adaptive meditation practices have coexisted to facilitate peace talks during long and overlapping processes. In Colombia, history shows how a multi-scale phenomenon of rebel groups influenced by the communist ideology emerged during the 1960s. Poverty and inequality seemed to justify a war against the state. As a result, in the Cold War framework, relevant groups emerged in strategic geographical regions.

The EPL, the April 19 Movement (M-19), the Revolutionary Workers Party, and the Quintin Lame Armed Movement (MAQL⁴) were some of the most representative rebel groups that emerged in the second half of the twentieth century. In the heart of the Colombian countryside, high levels of complexity and uncertainty resulted in the rise of various ANSAs,

² Spanish acronym for *Ejército Popular de Liberación*.

³ Spanish acronym for *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo*.

⁴ Spanish acronym for *Movimiento Armado Quintin Lame*.

many of them highly influenced by the communist movement in Latin America and its so-called liberation doctrine.

Disparities between regions were attributed mainly to violence that divided the country after the important *El Bogotazo* episode in 1948, which marked the beginning of a political project known as the National Front (1958–1974), a power-sharing arrangement for pacification where liberal and conservative parties alternated in the presidency every four years.

Since Alberto Lleras Camargo's presidency (1959–1962), the first step toward pacification involved incorporating the state presence into war zones to defeat rebel forces. Understanding group dynamics—particularly their connections to regions and their respective societies—required a long-standing decentralization strategy of the negotiations and permanent interactions with local mediators. This allowed the government to go beyond a deterrence strategy and improve the effectiveness of the mediation process.

By prioritizing the regions most affected by conflict, the state brought military forces to the countryside without successfully defeating rebel groups or setting a mediation process that could end the hostilities. While intensive battles between the state and rebel groups occurred, conflict regions witnessed a considerable gap in growth and development, whereas major Colombian cities showed substantial growth rates. The country was running into a perpetuation of a development model with different speeds, at least in three identifiable layers: the major cities, the countryside near cities, and the distant countryside. The level of violence and the presence or absence of structured institutionalization were all benchmarks for further peace talk agendas (Arias et al. 2010).

With the creation of the Special Commission for Rehabilitation (SCR), President Lleras Camargo consolidated the first institutional benchmark that contributed to structured conflict management. This unique body consisted of five individual commissions in the regions under a state of emergency.⁵ It worked toward two distinguishing goals: (1) addressing the multiple causes of violence—varying in a large spectrum, from party ideologies to economic reasons mainly associated with the concentration of land ownership combined with common delinquency, and (2) attending to the victims and their families after years of violence. Both features determined the impossibility of managing violence with

⁵ As a unitary republic, Colombia is divided into 32 departments. The special commissions were settled in the departments of Cauca, Tolima, Huila, Caldas, and Valle del Cauca.

traditional mechanisms (i.e., determined-designed deterrence, amnesty, and conciliation) to mediate conflicts (Sánchez Gómez 1988).

The SCR acted as a ministerial committee with various departments, each one of them including Colombian Army members. As the first structured institution with a limited budget, it handled some situations beyond its original goal in a country where the end of violence was important but not determinant to the private sector's economic performance. Despite the dispersion in the SCR's field of action,⁶ Lleras Camargo's mediation strategy aimed at reconciliation through pacification⁷ and rehabilitation of the economic order in regions severely hit by violence.

The achievement of pacification in these regions was expected to persuade irregular groups to reincorporate into civil life and to regain economic growth. However, the pacification strategy's rural focus did not succeed through the action of the National Front's governments. Initiatives such as the "Integral Rural Reform Program"⁸ were difficult to implement and did not effectively contribute to the mediation objective of pacification in violent regions (Arias et al. 2010).

Official initiatives to resolve conflicts at this stage combined strategies focused on rural areas and the renewal of institutions at a national level. As proposed by the SCR, decentralized mediation processes were abandoned, and strong, centralized management of a perceived "single conflict" (instead of multiple conflicts) became the new strategy, with a particular focus on security issues. In the aftermath, the strategy to "bring the state into the war zones" was measured by the two main political parties' presence in regions with representation at the national government's

⁶The SCR acts from 1958 to 1960, restored by Gonzalo Gomez Sanchez, registered a large variety of subjects that were encompassed by the Commission: requests from widows, orphans, homeless, and abandoned children; land dispossession actions; internally displaced people by violence; and even the donation of used furniture and equipment that could be used to relieve the poor's needs (Sánchez Gómez 1988).

⁷It is worth noting that in Colombia stakeholders and policymakers did not mention the concept of peacebuilding at this stage. Also, the idea of pacification was not related to the anarchist or postcolonial thought where "structures of domination ensure that resistance in the form of direct violence against this order is less frequent" (Baron et al. 2019). In Colombia, the concept of pacification was related to the reclamation of power by the state to allow economic growth in regions with ongoing conflicts. A significant reference in the field was the pacification process led by a Spanish military campaign that occurred between 1816 and 1820, carried out to reclaim the power of its overseas territories (Universidad del Rosario 2016).

⁸Created under the presidency of Alfonso López Michelsen (1974–1978).

legislative and executive branches (López Hernández 2016, 331). However, in regions with no active party representation, organized links with political parties were based more on rebel or illegal leadership than on the society's democratic will. During the National Front period, the idea of the "state" was built around electoral opportunism, nepotism, and favoring patronages. This undermined the people's trust in the institutions. Party representation in regions where public budget priorities were determined by electoral interests led to a considerable dispersion in public investment and increased the development gap with other regions (López Hernández 2016, 331). Therefore, the impact that derives from the correlation between public investment, political representation, and violence explains how mediation processes benefit from adopting adaptive approaches to deal with such context-specific variables. This is why the Colombian peace process has failed in some mediation stages that lacked adaptiveness, for example the ELN⁹ process.

Theoretical and empirical studies on the evolution of violence and power in Colombia have shown that in some regions like Norte de Santander, Chocó, and Cauca, irregular groups have imposed their own rules, playing the triple role of governors, judges, and tax collectors. These three attributes also overlap with the role of a structured state. In some municipalities of these departments, both the state and irregular groups shared the monopoly of violence within a complex social control structure. This situation has not changed since the signing of the peace agreement with the FARC-EP. During fieldwork conducted by the author in 2020, evidence of the monopoly of violence sharing was worryingly explicit in Norte de Santander, where the ELN was fighting against criminal groups such as "Los Rastrojos" and "Los Pelusos" to regain control over the territory. At the time of writing, the ELN's action has been expanded to Venezuela, where they are involved in several kinds of trafficking (Fundación Paz y Reconciliación (Pares) 2019).

The arguments of this first section suggest that violence might have exacerbated conflicts and increased inequalities, when used as an instrument to control political participation. In Colombia, the instrumentalization of violence has been exclusive to some privileged segments of the society which directly benefit from the state's institutional structure against minorities' participation in a democratic process. In this regard, the thesis developed by Claudia López Hernández (former senator and

⁹Spanish acronym for *Ejército de Liberación Nacional*.

current mayor of Bogotá) of a Colombian political system that misrepresents the needs of the population, particularly in regions critically impacted by violence, contributes to understanding why the most significant mediation processes—that is, with the United Self-Defense Forces of Colombia (AUC¹⁰) until 2006 and the FARC-EP until 2016—were continuously challenged by complexity and uncertainty (Kline et al. 2021), as suggested in the third hypothesis presented in this chapter and the overall arguments of the book.

ADAPTIVENESS WITHIN COLOMBIA'S DOMESTIC MEDIATION EXPERIENCES

This section presents relevant facts related to the contribution of adaptive mediation approaches to DDR processes in Colombia by creating an effective institutional structure, as suggested by the first and second hypotheses presented in this chapter. Since 1990, Colombia has observed at least 12 collective mediation experiences leading to various disarmament, demobilization, and reintegration processes, with the objective of ending multiscale and regionalized conflicts. From 1990 to 1998, eight guerrilla groups and three urban militias signed a peace agreement with the Colombian government. In 2006, new mediation initiatives led the AUC to participate in the DDR process, and, following the 2016 peace agreement, the FARC-EP also began its demobilization process.

These mediation experiences involved numerous negotiations with the national government, welcomed the ANSA groups' deliberations, and sealed in the peace agreements the formalization of DDR programs. However, each process was held in different political, regional, and national contexts or within specific institutional frameworks. Various mediation initiatives were flexible enough to adapt to each context and relied on the mediators' and local partners' knowledge.

Despite the National Front's intentions and pacification strategy, the SCR failed to lead the parties to the negotiation table. During the 1980s, new political parties emerged, and irregular organizations multiplied, fueling hostilities in rural areas and the country's major cities. The M-19 case is a clear example of irregular organizations, that is, organized groups operating as militias in capital cities. In the countryside, the ELN and FARC-EP guerrillas operated in very different ways. The FARC-EP had a

¹⁰ Spanish acronym for *Autodefensas Unidas de Colombia*.

secretariat (highest level of the leadership) responsible for giving directions to the appointed bloc commanders; the ELN (the largest Colombian leftist guerrilla) had a central command that worked in a very decentralized way. The differences in leaderships caused conflict between the groups around the control of territories and assuring income from kidnapping, protection payments,¹¹ and ransoms (CISAC 2021).

By 1982, the FARC-EP guerrilla intended to gain political power by attacking the capital, Bogota. In the same year, Belisario Betancur won the presidential elections and created a national peace commission to be in charge of mediation processes with the two prominent guerrillas. This peace commission constituted another institutional benchmark within a very complex mediation process. Betancur's initiative included 12 members from the liberal party, another 12 from the conservative party, 6 members from left movements, 1 representative from the New Liberalism party, 1 from the National Popular Alliance (ANAPO), 1 journalist, 2 bishops, and 3 retired members of the Army (Villaveces 2003).

The commission's primary purpose was to achieve the country's pacification. With this objective, it gathered the most representative sectors of the Colombian political, religious, and military sectors, and was in charge of many negotiations. However, the commission had exiguous decision-making power, as the results of negotiations had to be approved by the national government. This fact represented a delay in the negotiations, undermining the trust between the conflict parties. The peace commission failed in its peacebuilding attempt; however, the national government's efforts resulted in promoting an essential mechanism under Betancur's strategy: the Law 35th, known as the *amnesty law*.

The Colombian Congress approved the amnesty law in 1985 against critical opposition. At this stage, the mediation process was determined to reach an agreement with actual advantages for rebels, particularly those that could be achieved in the short term, that is, financial support to ensure livelihood. The revolutionary group M-19 found the amnesty law unsatisfactory, as their social demands, such as political and economic reforms, and the end of counterinsurgency groups, were not taken into account. Hence, the group rejected the amnesty. However, around 2000 former combatants from the M-19 group, the ELN, and the EPL, together

¹¹A model of a security structure was created because of these practices. The evolution of the ELN has allowed consolidating security services that are still present in Colombia today, and it was very useful in Venezuela to bring security to trafficking operations.

with Pedro León Arboleda Comando (PLA) group and the Workers Self-Defense (ADO), signed the agreement (López Hernández 2016, 340).

A third institutional benchmark in the mediation process emerged in this fragile and complex context. The “High Commission for Peace,” which included several commissioners mandated by the presidency, had the mission of finding ways to reintegrate former combatants into civil life. Later, the actions led by the High Commission for Peace developed significantly from its first role; with its own institutional *corpus*, it was headed by a single high commissioner assigned by the presidency, and it became a critical actor in mediation in the AUC and the FARC-EP peace processes.

The amnesty law did not include a process of disarmament and reintegration of former insurgents. This was an important lesson that was taken into account in the following peace negotiations with the United Self-Defense Forces of Colombia and the FARC-EP. The High Commission for Peace activities remained important in peace efforts with the insurgency (García-Durán 2004).

As an institutional mechanism of Betancur’s national peace strategy, the National Plan of Rehabilitation (NPR) was incorporated in the National Development Plan (NDP) in 1985. The NDP was one of Colombia’s main public policy tools and the roadmap for every national government. This mechanism’s primary purpose was to increase social investments in rural areas, so the local population was less allied and supportive of the insurgency (García-Durán 2004).

The NPR was common to the political project conceived in Colombia, which included political participation, decentralization, and poverty reduction as the three main pillars to address peace-related issues in 160 municipalities with high rates of violence. Based on reports by the National Ministry of Defense and the National Cattle Breeding Association, the public budget was allocated to these municipalities. However, extortions, kidnappings, and ransoms profoundly affected its implementation.

As President Betancur claimed in his speeches, to reestablish trust with local communities, it was essential to create the conditions for peace and secure employment sources that could become new engines of progress (Señal Memoria 2017). Correspondingly, during Virgilio Barco’s presidency (1986–1990), the peace strategy was also focused on regaining the state’s legitimacy in the society, that is, trust-building. Barco ended the peace commissions and created the first institutional peace bodies at the heart of the government administration. They were called the Center for Reconciliation, Normalization, and Rehabilitation (CRNR) and the

Commission on the Study of Violence (CSV), the main participants of which were influential Colombian scholars (López Hernández 2016, 357).

The CSV had an essential role in objectively clarifying the causes of violence and reestablishing trust in Colombia's most violent regions. Their innovative work marked a precedent in the national effort to understand conflicts, the insurgencies' needs and priorities for negotiations, and related mediation activities. Barco's mediation strategy conceived peace talks as a means to improve reincorporation conditions for former combatants. A historical agreement was achieved with the M-19 by guaranteeing their security and political participation and creating a new political party in the new Colombian demobilization and reintegration scenario, the Democratic Alliance M-19. "This successful mediation process to achieve the demobilization and disarmament of various insurgency groups became the main reference to negotiate with the Revolutionary Workers Party, the Quintín Lame Armed Movement, the Popular Liberation Army (EPL), and Ernesto Rojas Commands" (López Hernández 2016, 360).

With reference to the first hypothesis and as demonstrated in Table 3.1, structured mediation processes through institutional arrangements began in Colombia 25 years before the signature of the peace agreement with the FARC-EP. The table summarizes the irregular groups' participation in the mediation processes occurring between 1991 and 2016. Accordingly, primary DDR recipients were part of the United Self-Defense forces of Colombia and the Revolutionary Armed Forces of Colombia-People's Army. In 2006, many former combatants participating in disarmament and demobilization programs were reintegrated into civil life. Those who instead withdrew from the peace agreement terms joined new ANSA groups operating in underground economies.¹² This fact holds the third hypothesis of the chapter, referring to the need for a more comprehensive understanding of the complexity and uncertainty of ongoing multiscale conflicts in Colombia.

TOWARD INSTITUTIONAL CAPACITY BUILDING (ICB) WITHIN COMPLEXITY AND UNCERTAINTY

The preceding section identified the High Commission for Peace (HCP) as the third institutional benchmark of Colombia's mediation processes. During Ernesto Samper Pizano's presidency (1994–1998), the HCP

¹²Information gathered during the fieldwork conducted by the author in March 2020.

Table 3.1 Irregular groups participating in mediation processes 1991–2016

<i>Armed nonstate group</i>	<i>Year</i>	<i>Number of disarmed people</i>	<i>Current status</i>
Popular Liberation Army (EPL)	1991	2256	Active dissidence
April 19 Movement (M-19)	1990	900	Political participation
Revolutionary workers party	1991	200	Civil organizations (research and actions in human rights)
Quintín Lame Armed Movement (MAQL)	1991	157	Demobilized
Ernesto Rojas commands <i>the urban arm of the EPL</i>	1992	25	Demobilized
Socialist renewal group	1994	433	Demobilized
Militias	1994	650	Active dissidence in other ANSAs
Francisco Garnica Front	1994	150	Political participation
Revolutionary Independent Movement	1998	171	Civil organizations (research in armed conflict)
Guevarista Revolutionary Army (ERG)	2008	45	Demobilized
United Self-Defense Forces of Colombia (AUC)	2006	31,671	Reintegration
Revolutionary Armed Forces of Colombia-People's Army (FARC-EP)	2016	13,000	Reincorporation

Source: López Hernández (2016), Red Paz—Universidad Nacional de Colombia (2020)

became a permanent institution with only one head, occupied by a public official. A complete bureau with counselors dedicated to advising the high commissioner gathered highly trained experts in negotiation, mainly from outside of Colombia. This position was occupied by recognized mediators who have had experience in peace processes in Colombia and abroad. Carlos Holmes Trujillo¹³ was officially named the first high commissioner for peace.

The institutionalization process created by subsequent governments since the National Front was not enough to achieve negotiations with the

¹³ Minister of Defense until his death on January 26, 2021, after contracting the COVID-19 virus. Carlos Holmes Trujillo previously held important diplomatic and political positions, including as interior minister and foreign minister.

FARC-EP. The complex situation related to Medellín's and Cali's drug cartels, led by Pablo Escobar and the Rodríguez Orejuela brothers, demanded urgent state responses and shifted the government's priorities regarding the insurgencies. This complexity prepared the country's institutions to deal with a proliferation of ANSAs withdrawing from their original structures after the disarticulation of cartels and joining other illegal activities such as mineral mining, arms trafficking, and extensive networks of other underground economies powered by globalization during the 1990s.

In 1998, under Andrés Pastrana's presidency, a national agenda was established and signed with the FARC-EP as a necessary prestep to begin the peace talks. The agenda included 12 points that were important for the negotiations: (1) a political solution to the insurgency; (2) human rights protection; (3) a holistic rural policy; (4) conservation and sustainable use of natural resources; (5) focus on economic and social structures; (6) justice reform and the fight against corruption and trafficking; (8) state reform; (9) an International Humanitarian Law agreement; (10) the Army; (11) foreign relations; and (12) democratic agreements (Arias et al. 2010, 12).

Withdrawing from the negotiations and returning to war has been a recurrent action of FARC-EP combatants. The recognition of the group's belligerency and its increasing presence in the national territory gave the insurgency unprecedented power, allowing them to impose the demand to negotiate in an exclusive space—the so-called distension zone. For the first time in Colombia's history, a part of the territory was given to an insurgent group. In a territory with an extension of 42,000 km², the FARC-EP was able to find the time and space to strengthen its military forces. After the failure of the peace talks, the distension zone operated between 1999 and 2002 (Kline et al. 2021). From a theoretical perspective, this event demonstrates that the conflict was not ripe enough for a resolution, direct negotiation, arbitration, or mediation.

The creation of the special commissions during Belisario Betancur's presidency (a benchmark to reinforce ICB, as the second hypothesis states) was informed by the principle to include civil society representatives within its members. A diverse representation of political forces, civil society, and belligerent actors marked the beginning of the first national trial to create a shared peacebuilding agenda (Fig. 3.1). Aligned with the international literature on peace processes, the term *peacebuilding* appeared as a goal and policy tool for the Colombian government. Despite the peace talks'

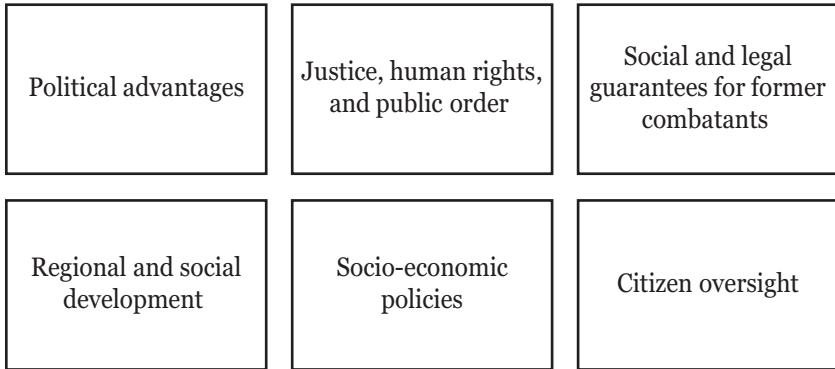


Fig. 3.1 Main drivers of mediation processes with irregular groups in Colombia (Source: García-Durán 2004)

failure to achieve DDR, Colombia was able to foster a remarkable group of mediators, who played key roles in negotiations with the AUC and the FARC-EP in 2016 (Villaveces 2003).

Although mediation is a fundamental tool to negotiate peace, Colombia's case has revealed that the FARC-EP negotiations were challenging even for the most experienced mediators. Anxiety and exhaustion, following so much effort and without positive results, undermined civil society's confidence in the government strategies. This experience brought Colombia the opportunity to concentrate its efforts on a new strategy that combined the Army's modernization to fight the insurgency during the Pastrana and Alvaro Uribe presidencies and with a permanent effort to develop a new constitutional agenda for peace talks during Juan Manuel Santos presidency (Santos Calderón 2014).

Alongside the new mediation strategy that involved political and private actors, a counterinsurgency plan was deployed during the first presidency of Alvaro Uribe (2002–2006), enabling the AUC's demobilization. This negotiation featured adaptive characteristics, as—unlike the previous processes with the FARC-EP—it did not pursue a common agenda such as the objective of a final peace agreement or the parties' commitment beyond the demobilization process. Official speeches and communications were nevertheless accessible to the public. The mediation process was headed by a Special Peace Commission, which was in charge of writing a report with recommendations to be followed by the government (Villaveces 2003).

The negotiation process with the AUC was quite particular as there was no recognition of mutual interdependence. Analyzing this process from Andrew Mack's theory perspective (see Chap. 2) reveals it to be more like the aftermath of an agreement on no-peace-no-war, which left unresolved the sources of conflict but at the same time saved lives.

At this stage, the accumulated mediation experience of Colombia resulted in various levels of adaptiveness: within the state, with international mediators, and with local communities. As a result, more than 31,000 former combatants participated in a DDR process for the first time. A national agency for reincorporation was created based on past experiences to reintegrate former combatants. The fieldwork conducted by the author in February 2020 included interviews with reincorporated combatants who are participating in community work experiences in this context. They supported the peace process with the FARC-EP and felt committed to participating in local initiatives where they have served as communitarian mediators to avoid new violence and sources of conflict (Former Combatant Sources 2020a).

The counterinsurgency strategy eliminated the most influential and senior guerrilla leaders of Latin America: Raul Reyes, Alfonso Cano, and Mono Jojoy were reported dead after Colombian Army military operations. Therefore, Colombia gained a vital tool to negotiate with the FARC-EP after its experience with the AUC, and the conditions were finally established to begin peace talks in 2012. To arrive at this configuration, a critical adaptive mediation process was handled by a secret commission mandated by President Juan Manuel Santos in 2010. As the failed mediation process in the "distention zone" created a precedent of mistrust in the Colombian society, to succeed in this new effort, effective military results against the FARC-EP allowed reestablishing contacts for future negotiation, this time outside Colombia.

A joint agreement between the parties set Cuba to hold a first secret contact to establish a more feasible agenda to end the armed conflict. On February 24, 2012, and for six months following, representatives from the Colombian national government and the FARC-EP held 69 talks in 10 formal sessions before signing the official document "Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace" (Santos Calderón 2014).

The "exploratory meetings" that led to the joint agreement were held in La Habana (Cuba). However, the first contacts took place on the border between Colombia and Venezuela, with active participation from the

former Venezuelan president, Hugo Chavez. In the border meetings, the parties selected Cuba and Norway as “guarantor countries.” The FARC-EP delegation accepted the mediation of the International Red Cross to guarantee the traveling safety of their delegation chief to Venezuela. The first meeting with mediators in Venezuela allowed for the discussion of mediator Sergio Jaramillo’s agenda, which included roles and tactics for future negotiators of the peace agreement. The mediators were supported by the international experts’ advice to assist in outlining and organizing the Colombian government’s objectives to end the armed conflict without negotiating a model for the Colombian economy or national armies’ status. The motto was that nothing is agreed between the parties until all parties agree on all points of the common agenda.

The final peace agreement with a common agenda was signed in 2016 after four years of negotiations based on six points: (1) completing a comprehensive rural reform, (2) increasing political participation, (3) securing a cease-fire, (4) presenting a solution to the problem of illicit drugs, (5) bringing the rights of the victims to the center of negotiations, and (6) developing implementation and verification mechanisms. Government representatives from Norway, Cuba, Chile, and Venezuela participated as guarantors of the negotiation process but not as mediators; the key practice in this experience was to open a national dialogue that would converge into a national agenda, where victims of the armed conflict and the civil society could participate in the process. During this period, the victims of the armed conflict were very active in the peace talks for the first time in Colombia, and many related commissions were established in the La Habana negotiations (Academia Source 2020b).

The 2016 final peace agreement gave rise to an innovative transitional justice system under the name of Special Jurisdiction of Peace (JEP¹⁴) that determinates crimes based on reports, audiences, and research by special commissions, victims, academia, and NGOs. This seals the mediation process with the FARC-EP as one of the most successful processes based on evidence and effectiveness. It was able to stop the hostilities and develop a DDR process with over 13,000 combatants. The JEP is, without a doubt, one of the most significant achievements of the mediation process to contribute to ICB as the first hypothesis suggests: in the aftermath of the peace agreement’s signing, the first imputations against the former

¹⁴Spanish acronym for *Jurisdicción Especial para la Paz*.

FARC-EP members were pronounced on January 28, 2021 (Jurisdicción Especial para la Paz 2021), four years after the end of hostilities.

Crucial local mediation initiatives were also initiated in the Territorial Spaces of Capacitation and Reincorporation (ETCR),¹⁵ as an example of bottom-up ICB. One example of this is the ETCR Silver Vidal Mora (department of Chocó), where the first theater, built in the middle of the jungle, offers training in mediation with the participation of local communities and sometimes international organizations (Carvajal 2020).¹⁶ An adaptive approach based on the creation of key institutions, support for the mediation and peacebuilding process, and the inclusion of local actors, as well as their self-organization capabilities and resilience, has been crucial to sustaining peace in Colombia's complex and uncertain context.

CONCLUSION

The dynamic and adaptive nature of mediation applied to various protracted and complex armed conflicts in Colombia was achieved by establishing a common and flexible agenda. From the first trials and errors to the founding of a genuine way to integrate former ANSAs combatants, this chapter introduced the main strategies, pluralities, and connections used by the Colombian government, the ANSAs, and mediators, during 12 long negotiation processes from 1991 to 2016.

During the last three decades, Colombia gained relevant mediation experience through these 12 peace processes, involving the state and various ANSAs and offering relevant lessons learned to mediators around the world. With reference to the first hypothesis and as pointed out in the first section, from the negotiation with the Popular Liberation Army (1991) until the peace agreement with the FARC-EP (2016), various mediation experiences have encompassed diverse strategies that combined standard and adaptive practices, which resulted in successful cease-fires that contributed to more performant DDR processes and that saved people's life.

Hence, flexibility and adaptiveness became the two main concepts that informed effective mediation structures in Colombia. As an essential aspect of peacebuilding efforts, the Colombian case reveals that these

¹⁵ Spanish acronym for *Espacios Territoriales de Capacitación y Reincorporación*.

¹⁶ In an interview conducted on December 11, 2020, Johana Carvajal, researcher at the ETCR Silver Vidal Mora, described the cultural experience of theater as one of the most constructive to rebuild links in a community marked by violence.

mediation processes contributed to further Institutional Capacity Building for more effective peacebuilding actions (Bercovitch and Kadayifci 2002). In this regard, the Special Jurisdiction of Peace (JEP in Spanish) is a relevant benchmark not only to ICB but also to other Transitional Justice Systems all over the world where protracted conflicts tend to be solved, as the first hypothesis suggests.

However, new sources of conflict have surfaced and jeopardize the process, particularly in the case of ANSAs' network with international crime organizations, local political parties, and local community leaders. Although this evidence may suggest an endless circle of ongoing protracted intra-state conflicts in Colombia—similar to Johan Galtung's definition of “negative peace”—the country has achieved remarkable peace gains resulting from mediation in at least the most recent AUC and the FARC-EP processes (Academia Source 2020a).

From this point of view, the variety of ANSAs and their interactions with the state brought a complex and uncertain nature to these mediation processes. The hostilities between the state and its opponents were not reduced to rebel groups but related to a more complex and changing reality which reflected the dynamics of internal conflicts in Colombia since the 1980s, as it stands in the third hypothesis: illegal groups financed by drug trafficking and a vast network of illegal and flexible business drivers. The arrival of narcotrafficking as a source of finance for the conflict marks a shift in Colombian society's thinking, morals, behaviors, and values. These were not related to the ideology of guerrilla groups such as the FARC, the ELN, and the EPL, the last group still active in Venezuela, particularly after 2015 when the political and economic situation in the country became detrimental (NPO Source 2020). These facts stress the need for a more comprehensive understanding of the complexity and uncertainty of ongoing multiscale conflicts in Colombia.

International relations scholars have been developing a promising paradigm for framing violent ANSAs under a different lens, that is, competitive authoritarianism (Thomas et al. 2005). The author's doctoral research also suggests that the dynamic of ANSAs transforms the paradigm of the monopoly of violence, as well as the taxation and justice by the state (Penagos 2022).

After examining the impact of ANSAs in Colombia's armed conflicts and related mediation experiences, three critical findings stand out: (1) In long mediation processes, standard and adaptive mediation practices will coexist among many attempts to bring the parties to the negotiating table.

(2) The high level of complexity of the context and the variety of armed nonstate actors involved is continuously challenging to mediation and peacebuilding actions.¹⁷(3) The flexibility and adaptiveness in Colombia's experience of mediation give evidence of a mature guideline that has resulted in remarkable achievements in three key sustaining peace aspects: (1) DDR, (2) institutional capacity building, (3) and bottom-up communitarian participation.

In an unprecedented event, the Colombian Congress, during the Juan Manuel Santos presidency (2010–2018), enacted the Law 1908 for Organized Armed Groups (GAO).¹⁸ The Law 1908 developed a unique judicialization process based on two stages: (1) collective talks inside GAOs to decide if they wish to be under Law 1908 and (2) 13 points or conditions that lead to judicialization of the GAOs. The National Government was in charge of the first phase, and the General Attorney Office of the second one. This Law showed GAOs' relevance in the national context of violence and the need to create a special procedure to break up these structures under the general justice system rather than the special transitional justice system (Congreso de Colombia 2018).

At this stage, the accumulated mediation experience of Colombia resulted in various levels of adaptiveness: within the state, with international mediators, and with local communities. In the first level, a National Agency for Reincorporation (ARN) was created based on past experiences to reintegrate former combatants. As a result, more than 31,000 former combatants participated in a DDR process for the first time. The ARN is the state agency in charge of the comprehensive, sustainable, and transitory social and economic reincorporation at two stages: early and long-term reincorporation (ARN 2017). The Reincorporation Route is the roadmap of the agency and contains the general guidelines agreed between the delegates of the former combatants, the National Reincorporation Council and the ARN, a permanent adaptive mediation process.

The fieldwork conducted by the author in February 2020 included interviews with reincorporated combatants who are participating in community work experiences in this context. They support the peace process with the FARC-EP and felt committed to participating in local initiatives

¹⁷From 281 prioritized municipalities after the signing of the peace agreement with the FARC-EP, 123 are controlled by ANSAs (Fundación Paz y Reconciliación (Pares) 2019).

¹⁸Spanish acronym for *Grupos Armados Organizados*.

where they have served as communitarian mediators to avoid new violence and sources of conflict (Former Combatant Sources 2020b).

A second level of adaptiveness is related to international mediators that can be summarized in multiple NGO's as well as international organizations that support the implementation of the peace process. The Final Peace Agreement signed between the Colombian government and the FARC-EP established a complex accompaniment mechanism that include international observers and scholars: "the international community can in different ways help to guarantee the implementation (...). In the area of verification, [the] model (...) has an international component comprising those countries that through the process has acted as guarantors and observers, plus two international spokespersons. The technical aspects are (...) supported by the (...) Kroc Institute for International Peace Studies at the University of Notre Dame" (Colombia 2016).

By May 2021, the Kroc Institute had produced five comprehensive reports and created the Peace Agreement Matrix (PAM) research tool. The reports included interviews with civil society, governments, think tanks, NGOs, and International Organizations (Kroc Institute for International Peace Studies, Iniciativa Barómetro, and Matriz de Acuerdos de Paz 2020). Finally, at the local level—with national impact—several reports were produced and published by independent think tanks such as the *Fundación Ideas Para La Paz* (FIP) and *Fundación Paz y Reconciliación* as a result of the fieldwork in local communities. In this regard, periodical reports suggest a more comprehensive strategy toward sustaining peace. For example, one of the scenarios proposed by FIP researchers is to reinforce technical skills for former combatants. These researchers also discuss new regional dialogues promoting trust to articulate public policy, private initiatives, and local needs, mainly in those regions where civil war has deeply impacted society (FIP 2019).

Colombia's experience contributes to the understanding of how mediation processes are conceived and developed through a process based on an alternative approach that advocates for cooperation and recognizes the communities' role as the key to developing common agendas to rebuild their societies, that is, a process that focuses on self-organization and resilience. The peace agreement's expectations with the FARC-EP—the most senior guerrilla in Latin America—contrast with the endless activities of illicit economies (drug trafficking and illicit mining mainly). The combination of unaddressed root causes of conflict, corruption, and inequality, and strong civil society resistance against the reincorporation process in

major cities, presents a new national challenge to developing communitarian mediation processes. Further research on adaptive approaches to structure and implement local and national mediation initiatives in Colombia will address the remaining challenges and enhance peacebuilding programs in territories with recurring or protracted armed violence and social conflicts.

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