International Crisis Group
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On Thinner Ice: The Final Phase of Colombia's Peace Talks

Crisis Group Latin America Briefing N°32
Bogotá /Brussels, 2 July 2015

I. Overview

The peace talks between the government and the Revolutionary Armed Forces of Colombia (FARC) enter their toughest stretch both vulnerable and resilient. The former quality was displayed on 22 May, when the collapse of the guerrillas' five-month old unilateral ceasefire triggered the worst escalation of violence in years. Evidence for the latter came two weeks later, when negotiators ended a year's drought without major advances by agreeing to establish a truth commission. A separate agreement on reparations also appeared to edge closer. Yet, despite the advances, the talks are on thinner ice than ever. To get them safe to land, the parties must return to an effective de-escalation path, one that moves toward a definitive bilateral ceasefire, once negotiations on the crucial transitional justice issue are sufficiently consolidated. Such gradualism is the best bet to protect the process from unravelling in violence, flagging public support and deep political rifts.

Even if neither side considers abandoning the talks, the broader environment has risks. Ongoing violence causes new humanitarian emergencies, emboldens spoilers and strengthens hardliners. With political patience increasingly thin, it would take only a spark to suspend the process or trigger its break-up. Even anticipating an early reparations agreement, negotiators face highly contentious, interconnected issues, including judicial accountability for serious international crimes committed by both sides, a bilateral ceasefire and final agreement ratification. Sharply-contested local elections in October could further weaken the centre ground upon which a durable peace agreement will need to rest.

Manoeuvring the talks through these perils defies easy fixes. Calls for acceleration or a deadline have grown louder. With business as usual no longer an option, the parties should consider ways to move more vigorously, including by splitting the discussions on victims and transitional justice into smaller, partial agreements, adopting a more compact calendar and involving international partners more closely. But acceleration for its own sake has risks. Hastily hammering out a deal might satisfy political demands, but the resulting accord could easily be impossible to implement and of limited effectiveness. The measured pace reflects real problems, including internal tensions on both sides and an adverse political environment. With the parties already struggling to ratify and start implementing the final agreements before President Santos' term ends in 2018, a deadline would add little and could throw the process into limbo if missed.

The escalating violence has also intensified calls for an immediate, bilateral ceasefire. This would eliminate the threats ongoing hostilities pose, but the time for it has not yet come. A consensus on what such a ceasefire might look like is still not on the horizon and, as the breakdown of FARC's unilateral truce shows, a definitive end of hostilities will not be viable if the mechanisms and protocols to sustain it are not fully accepted by both leaderships. Meanwhile, even if the parties could swiftly agree on these, there are few signs the arrangement could be quickly implemented. Neither the government nor FARC will likely be able to accept the costs of a definitive end of the hostilities while vital concerns are still being negotiated. A bilateral ceasefire will probably only become realistic after there is an agreement on the transitional justice framework.

The first step out of the present difficulty should be more modest. The parties urgently need to halt the escalation of hostilities, starting by showing maximum battlefield restraint, including strict respect for international humanitarian law. This should be accompanied by a new push for bilateral de-escalation, including broadening the demining scheme and exploring the space for discreet, reciprocal hostility reduction. Joint de-escalation would give the negotiators room and foster the mutual trust required to sustain an eventual bilateral ceasefire. Simultaneously, the parties should accelerate technical talks in Havana on the "end of the conflict", so as to elaborate a proposal for implementing an early bilateral ceasefire after a transitional justice agreement. That ceasefire will need to include both some form of regional concentration of FARC and international monitoring; full cantonment and the "leaving behind of weapons" (disarmament) should follow ratification of the final agreements.

Such an early but not immediate bilateral ceasefire would make it easier to accelerate the process, enabling the parties to save time by starting to implement some agenda issues, while leaving others to the broader political process, including the truth commission. Importantly, it would also help the process put out much deeper political roots. The government has real scope for more consistent, convincing messages, while international community backing will remain vital amid crumbling domestic support. But overcoming widespread disengagement, scepticism and indifference is hard as long as hostilities continue. A ceasefire would create new possibilities to broaden the talks' political base. At a late stage, this could include moving them, or parts of them, from Cuba to Colombia.

Amid new violence and deflating political support, it is easy to forget what has been achieved. Negotiators have made substantial headway on the conflict's root causes and main effects. More than three years of confidential and public talks have built a shared sense that the transition is possible. Rather than overhauling what works well, leveraging these gains and strengths is the most promising way forward.

II. Resilient, yet Vulnerable

The first two years of formal peace talks, which began in late 2012, produced steady progress and gradual consolidation.[1] Not so any longer. Over the last seven months, the process has become much more volatile, with both advances and setbacks. The collapse in May 2015 of FARC's unilateral ceasefire has thrown up the most serious crisis yet, returning to the situation in which negotiations occur against the backdrop of open hostilities. How the parties have reacted, inter alia by reaching an outline agreement on creation of a truth commission, also demonstrates the strong fundamentals of the process and mutual determination to weather the storm. However, it would be wrong to think the talks are on safe ground yet: risk of an involuntary collapse is real and, arguably, bigger than ever.

A. *Reversal of Fortunes*

Until April 2015, all seemed well. Partly in response to the first serious crisis – the brief kidnapping of an army general – FARC declared a unilateral ceasefire in December 2014.[2] Solid compliance in the first months and a tacit, positive response from the security forces reduced the fighting's intensity to historic lows and brought significant humanitarian relief for communities in conflict regions.[3] This induced the government in March to suspend airstrikes on guerrilla camps. Earlier, negotiators had agreed on a joint humanitarian demining scheme. As a result, support for the peace talks and optimism regarding the process increased.[4]

The virtuous cycle was broken when a FARC ambush in Buenos Aires (Cauca) on 14 April killed eleven soldiers and wounded more. The scale of the attack and casualties arguably left the government no choice but to resume airstrikes, thus setting the stage for the formal end of the ceasefire. It came five weeks later, when an air and ground operation on a camp in Guapi (Cauca) killed 26 rebels. FARC's top brass, most of whom now enjoy the safe environment of Cuba, was probably left with few options other than to call off the ceasefire. This was costly for the already highly unpopular guerrillas, but no strong reaction might have seriously impaired their command and control.[5]

The breakdown triggered a rapid escalation of violence. In the first ten days, FARC carried out 31 armed actions, and eleven attacks on protected civilian goods, an

[1] Formal negotiations were preceded by six months of confidential exploratory talks that ended in August 2012 with an agreement on the agenda. For background, see Crisis Group Reports N°45, *Colombia: Peace at Last?*, 25 September 2012; N°49, *Transitional Justice and Colombia's Peace Talks*, 29 August 2013; N°51*, Left in the Cold? The ELN and Colombia's Peace Talks*, 26 February 2014; and N°53, *The Day after Tomorrow: Colombia's FARC and the End of the Conflict*, 11 December 2014.

[2] "FARC-EP declara cese unilateral al fuego y las hostilidades por tiempo indefinido", Delegación de paz de las FARC-EP, pazfarc-ep.org, 17 December 2014.

[3] Crisis Group interviews, community members, Lower Putumayo region, March 2015; "Dividendos más importantes de seguridad durante el cese al fuego de las FARC", Centro de recursos para el análisis de conflictos, 20 February 2015.

[4] "El 72 por ciento de los colombianos ya apoya el proceso de paz", *El Tiempo*, 5 March 2015.

[5] See the declarations of FARC negotiator Pastor Alape in "'Pastor Alape': Había guerrilleros inconformes con el cese", *Semana*, 24 June 2015.

increase of 72 and 266 per cent respectively over the ten days prior to the ceasefire.[6] Most of the violence has been concentrated in southern and south-western regions where the FARC's strong Alfonso Cano and Southern Blocs operate.[7] Reflecting both constraints in military capacities and calculations to avoid too many direct casualties, this fighting has not been particularly lethal. However, particularly attacks against oil and electricity infrastructure – a substantial portion of the total – have caused significant environmental and humanitarian damage, including pollution from oil spills, forced displacement and restrictions on mobility, including access to goods and services.[8] For their part, security forces reportedly "neutralised" 278 insurgents between 21 May and 17 June.[9]

This escalation of violence weakened the credibility of the talks, dented public support and reignited debates about the way forward.[10] Calls for accelerating the talks have gained strength, including from the president and in the international community.[11] As politicians have started to hedge their bets, more voices favour imposing a deadline. Under one initiative, promoted by two normally staunchly pro-peace senators, citizens would cast a non-binding vote in the October local elections on whether to set an April 2016 deadline for completing negotiations.[12] The talks' most powerful critic, ex-President Álvaro Uribe, suggested suspending the talks while FARC concentrates its fighters in a civilian-free area of "prudential extension", where security forces would not attack them.[13] At the other end of the political spectrum, FARC repeated its longstanding calls for an immediate bilateral ceasefire, a position social movements and parts of public opinion share.[14]

The ceasefire's unravelling reflects multiple factors. Perhaps most importantly, FARC's pledge was more strategic gamble than mature assessment of the political and military context. It was as much a humanitarian gesture and means to boost support in conflict regions as an effort to apply pressure for an early bilateral ceasefire, for which neither the government nor the military were ready. Nevertheless, the ceasefire ini-

[6] "Monthly Humanitarian Bulletin", UN Office for the Coordination of Humanitarian Affairs (OCHA), 23 June 2015, www.salahumanitaria.co. See also Andrés Bermúdez Liévano, "Volvimos a la misma violencia de antes de La Habana", *La silla vacía*, 13 June 2015.

[7] Crisis Group interview, conflict analyst, Bogotá, 23 June 2015.

[8] See, for instance, "Cuando las FARC juegan con fuego", *Semana*, 13 June 2015; "Las Farc se ensañaron con Tumaco", *Verdad abierta*, 26 June 2015; "Flash Update No. 1 – Colombia: Desplazamiento masivo en Cumbitara (Nariño)", UN OCHA, 22 June 2015; "Informe de situación No. 2 Colombia: Desplazamientos masivos y restricciones a la movilidad en Guapi (Cauca)", UN OCHA, 27 May 2015.

[9] 184 were detained, 40 demobilised and 54 killed. "Declaración del Presidente Juan Manuel Santos luego de la Reunión de Gobierno en Florencia, Caquetá", Sistema Informativo del Gobierno, 18 June 2015.

[10] No survey has yet measured the impact of resumed full-scale hostilities, but in the wake of the Buenos Aires ambush, support for the peace process in urban areas tumbled from 72 per cent to 57 per cent; "Gallup poll Colombia #106", Gallup, April 2015, p. 101.

[11] "Norway urges Santos and FARC to accelerate Colombia peace talks", Colombia Reports, 16 June 2015.

[12] "La papeleta que busca ponerle plazo a los diálogos en La Habana", *Semana*, 18 June 2015. See also "Hay que fijar plazos para el proceso de paz: Vargas Lleras", *RCN*, 16 April 2015; "Alta tensión en el proceso de paz tras recrudecimiento de ataques de las Farc"; *El Espectador*, 11 June 2015; "Los días cruciales del proceso de paz", *Semana*, 12 June 2015.

[13] Álvaro Uribe, "¿Por qué la urgencia del cese unilateral del crimen?", centrodemocratico.com, 14 June 2015. See also "Diálogos: la propuesta de Uribe", *Semana*, 20 June 2015.

[14] See, for instance, "Poner de lado las desavenencias", Delegación de paz de las FARC-EP, pazfarc-ep.org, 17 June 2015; "El camino para la paz no es atizar la guerra, cese al fuego bilateral ya!!", press release, Marcha Patriótica, 16 April 2015.

tially enjoyed some stability. Despite frequent complaints about ongoing military pressure, the guerrillas kept it, probably fearing further damage to their credibility. For all its scepticism, the military refrained from big operations. But it was a fragile equilibrium. Continuing illicit guerrilla activities and government counter-insurgency operations fuelled tensions that were bound to erupt. The Buenos Aires ambush was not the first ceasefire violation. It was just the first attack that was politically impossible to ignore.

The ceasefire's initial weaknesses were compounded by the failure of both parties to actively promote its survival. This began with delays in implementation of the demining accord, which, if executed more swiftly, might have put them on a path to bilateral de-escalation. The suspension of airstrikes was an important gesture, since these had been crucial in weakening FARC over the last decade. With hindsight, however, it was too little, too late, in particular as it was apparently accompanied by more intense ground operations.[15] The guerrillas also undermined the ceasefire by continuing drug-trafficking and extortion, giving security forces a reason for going after them.[16] Finally, the parties ignored calls for an impartial investigation into the Buenos Aires incident that might have helped clarify the terms of the ceasefire and improved its mutual management.[17]

Such inaction might be partly explained by the wider negotiation context. Political pressure had been increasing for much of the year amid perceptions that the parties were marking time in talks on victims and transitional justice, which had begun in mid-2014. With the fate of the process on the line, there appeared to be little enthusiasm for diverting negotiators' time and resources to review a ceasefire that was not strictly on their agenda. The deadlock in the talks might also have fostered some of the violence: elements on both sides may have calculated that showing battlefield strength could force critical concessions.

B. *Strong Fundamentals*

A less-well established peace process might have collapsed, but instead the end of the ceasefire and the escalation it triggered injected new urgency to do whatever it took to protect a project neither side could afford to let fail. Within days, the parties were back at the table and sending positive signals. FARC leader Timochenko had unusually warm words for the government and its team, which President Juan Manuel Santos had revamped days just before the ceasefire ended.[18] The president announced that guerrillas would no longer be buried anonymously, an important humanitarian gesture.[19] The parties also released a short documentary on advances in a pilot demining project in Antioquia.[20]

[15] Between the start of the ceasefire and the 14 April events, military operations reportedly killed 27 FARC members and injured fourteen; twelve were reportedly arrested. "Cuarto informe de veeduría al cese unilateral al fuego declarado por las FARC-EP", Frente amplio por la paz, 23 April 2015, p. 7.
[16] Crisis Group interview, regional military commander, June 2015.
[17] For calls in that direction, see Crisis Group Statement, "Colombia: A Dangerous Setback", 16 April 2015; "Getting the FARC Process Back on Track: Cease-Fire Talks, Not Deadlines", Washington Office on Latin America, 21 April 2015; "Cuarto informe", op. cit., p. 6.
[18] See Timoleón Jiménez [Timochenko], "Una lectura sensata de la situación", pazfarc-ep.org, 29 May 2015.
[19] "'No habrá más guerrilleros enterrados como NN': Santos", *El Espectador*, 25 May 2015.
[20] "Imágenes del proyecto piloto de desminado", video, YouTube, 29 May 2015; "Comunicado conjunto #51", altocomisionadoparalapaz.gov.co, 29 May 2015.

The most important step came on 4 June, when negotiators announced agreement on a truth commission, to be established once a final deal is reached.[21] In the throes of a serious crisis, there was political necessity to prove that the process could produce an outcome on a highly controversial issue, but it would be wrong to suggest this was little more than a last-ditch effort to save the talks. Though the agreement has gaps and shortcomings,[22] the level of detail makes clear it reflects months of hard work, underlining mutual commitment to lay the foundation for a successful transition to durable peace. There were also growing expectations that an agreement on reparations could be reached soon.[23]

C. *Persisting Risks*

The resumption of bilateral hostilities is not simply a return to the status quo ante. Though both sides remain strongly committed to a political settlement, the process is probably now in more peril than at any time since it began. The parties are experienced in dealing with this situation, but circumstances have changed.

Restoring the mutual confidence the ceasefire's breakdown damaged may take time. Despite advances in Havana, new violence creates an impression the talks are moving backwards. This undermines confidence in the process and reduces the political costs of letting them fail. FARC is caught in a particularly acute dilemma. Its attacks on energy infrastructure have been met with widespread public opprobrium, but attacks on security forces might cause even more outrage.[24] No matter their targets, guerrilla actions now come with a higher political cost than in the past. Spoilers on both sides may feel emboldened and calculate that sabotage can have more impact and be less likely to be punished in the new environment.

Military operations on both sides thus now involve more risk for the process. FARC's operational tempo appeared to slow within three weeks of the end of the ceasefire.[25] But a continuing undertone of attacks with repercussions for potentially many people will continue to weaken Colombians' trust in the talks and exacerbate political divisions, creating what could become an important obstacle for ratification of

[21] The agreement defines the commission as an "independent, impartial and extrajudicial mechanism" tasked mainly to contribute to clarification of what has happened, promote recognition of victims as citizen and promote peaceful co-existence (*convivencia*) in conflict regions. It will work for three years; three of nine commissioners can be foreigners. See "Comunicado conjunto # 53. Comisión para el esclarecimiento de la verdad, de la convivencia y la no repetición", altocomisionadoparalapaz.gov.co, 4 June 2015.

[22] For instance, it is unclear whether selection will guarantee commissioners' independence and autonomy; it is also uncertain if commission recommendations will be mandatory and about what it will recommend; there are doubts whether a law is needed to create the commission, and the agreement is vague on access to archives. There are concerns whether the commission will be able to fulfil its goals within the timeframe. Crisis Group interviews, government officials, Bogotá, June 2015; César Rodríguez Garavito, Daniel Marín, Nelson Camilo Sánchez León, "Los avances y desafíos de la Comisión de la Verdad", dejusticia.org, 5 June 2015.

[23] On 25 June, Santos said a reparations agreement could be reached in next days, but hopes this would happen in the 38th negotiation cycle were dashed with announcement on 27 June that talks would resume on 3 July. "Este viernes habría acuerdo sobre reparación de víctimas", *El Tiempo*, 25 June 2015; "Comunicado conjunto # 54", pazfarc-ep.org, 27 June 2015.

[24] For an explanation of this dilemma, see Timoleón Jiménez, "La reconciliación debe ser un objetivo nacional", pazfarc-ep.org, 13 June 2015: "Hitting the enemy forces causes death and pain. This is something that those seem to forget who call on us to attack them and not infrastructure".

[25] Crisis Group interview, conflict analyst, Bogotá, 23 June 2015.

the final agreements. The hostilities also risk provoking a bigger or particularly visible incident that could force a president whose popularity is near its lowest point to suspend the talks.[26] That could in effect freeze the prospect of meaningful progress for the remainder of his time in office (to 2018).

III. The Difficulties of the Final Phase

The Truth Commission agreement has created urgently needed breathing space. It may help to restore trust in the talks and enable negotiators to increase the rhythm for delivering results, but the final phase of negotiations will likely be long and difficult. The remaining issues are sensitive and seriously contested, with many strong linkages between them; negotiators will probably need more time to make sure their constituencies accept inevitably hard compromises. Fast approaching local elections and political polarisation add to the complexity.

A. *Tough Decisions Ahead*

The truth commission agreement has shown that the parties can cut deals on divisive issues. However, some of the most difficult decisions on transitional justice and the "end of the conflict", the last agenda point, are still ahead. At some point, negotiators will also need to agree on a ratification mechanism and decide what to do with issues left open in the earlier agreements on rural development, political participation and drug policies.

Some government officials think that FARC has moved away from its initial defensive position on transitional justice, partly as a consequence of direct talks with conflict victims and partly because of external advice and the growing realisation that broad impunity would be impossible.[27] The movement's evolving thinking is clear from its public expression of grief over the emblematic 2002 massacre in Bojayá (Choco).[28] At last one member of its negotiating team has also accepted that, if certain conditions are met, guerrilla members could face some form of "special confinement".[29] Perhaps most significantly, FARC has come around to the idea that a set of instruments on truth-telling, justice and reparation and guarantees of non-repetition are needed to uphold victims rights.[30]

[26] Santos' approval ratings fell from 43 per cent in February to 29 per cent in April, barely above his 25 per cent during the 2013 agricultural strikes. "Gallup poll Colombia #106", Gallup, April 2015, p. 34.
[27] Crisis Group interview, senior government official, Bogotá, June 2015; for FARC's initial position on transitional justice, see Crisis Group Report, *Transitional Justice*, op. cit. See also "Los debates sobre justicia transicional en Colombia", Fundación Ideas para la Paz, 24 June 2015.
[28] "Las FARC-EP al pueblo de Bojayá", Delegación de paz de las FARC-EP, pazfarc-ep.org, 18 December 2014. This was a symbolically important gesture but firmly within FARC's discourse of accepting the consequences of "unintended errors" in the war's conduct. The massacre happened when a makeshift bomb exploded in a church where civilians had taken refuge from combat between FARC and paramilitaries; 98 died, including 79 as a direct consequence. "Bojayá: La guerra sin límites", Grupo de Memoria Histórica, 2010. Other emblematic cases, such as the 2007 killing of eleven local deputies from Valle del Cauca department, will arguably be a tougher test of FARC's readiness to face up to its responsibility for decades of violence.
[29] Marisol Gómez, "Farc no descartan reclusión especial", *El Tiempo*, 31 May 2015.
[30] See "Communnicado conjunto # 53", op. cit. This goes significantly beyond the Havana agenda, which mentions only "truth" and the "human rights of the victims" as points to the negotiated.

Nevertheless, much still separates the parties. FARC continues to reject as "unilateral" the Legal Framework for Peace, a constitutional reform that was designed to facilitate transitional justice measures with the guerrillas. The rebels claim that the state should accept principal blame for the conflict and that their own actions should be covered by the political crime of rebellion, which under the constitution could be amnestied. FARC also denies having intentionally harmed civilians, a position that sits uneasily with years of systematic kidnapping, recruitment of minors and other serious crimes.[31] Finding common ground will not hinge only on convincing the guerrillas that such positions are not a basis for a legally and politically sustainable outcome. Critically, it will also involve progress in other areas, on and off the agenda. Driving a hard bargain on criminal justice is FARC's best chance to force concessions on other issues crucial to it.

This includes the transitional justice formula for state agents and other actors. This is not something the government can negotiate with the guerrillas, but FARC is unlikely to move forward until it has assurances its members will not be the only ones to account for crimes committed during the conflict. As is clear from the truth commission accord, with its encompassing truth-telling framework, the government accepts this, but discussions in Colombia on the scope and standards for state-agent accountability have barely moved since former President César Gaviria's proposed "transitional justice for all".[32] The other issue FARC will likely need to see addressed is what the negotiating agenda describes as "the phenomenon of paramilitarism", its justified concerns about threats posed by illegal armed groups linked to the officially demobilised right-wing paramilitaries.[33]

Such complexities come in addition to difficult issues of a definitive bilateral ceasefire and the end of hostilities. Despite continuing insistence on the former, FARC has so far said little about how this could look like beyond an end to attacks on each other.[34] The government has insisted that any ceasefire needs be definitive (not merely indefinite), that is, the first step to disarming and reintegrating FARC; military leaders argue that it should be the outcome of a peace deal, but not the means to reach it.[35] Those gaps can be bridged, and talks in the "technical sub-commission", a joint study group preparing inputs for negotiators, have reportedly been going well. But the details to underpin a sustainable ceasefire, including protocols and an international verification mission, will be difficult.

[31] See "Desarrollo punto 4 propuestas mínimas 'Víctimas del conflicto'-Tercera parte-", Delegación de paz de las FARC-EP, pazfarc-ep.org, 30 October 2014; "Derechos integrales de las víctimas para la paz y la reconciliación nacional", ibid, 3 March 2015; for broader background on patterns of violence in Colombia see "¡Basta Ya! Colombia: Memorias de guerra y dignidad", Centro Nacional de Memoria Histórica, 2013.

[32] "'Justicia transicional para todos', pide César Gaviria", *El Tiempo*, 15 February 2015.

[33] "La existencia del paramilitarismo es incompatible con un acuerdo de paz", Delegación de paz de las FARC-EP, pazfarc-ep.org, 31 May 2015; Javier Alexander Macías, "Las Farc insisten en ser protagonistas de la política", *El Colombiano*, 6 September 2014. FARC's concerns partly derive from the extermination of the Patriotic Union (UP), a left-wing political party set up as part of peace talks in the 1980s. Following initial electoral successes, rogue state forces, paramilitaries and drug-traffickers murdered thousands of activists, mostly not FARC members.

[34] For instance, Edison Romaña, "¡Cese al fuego! Es solo un problema de voluntad política", pazfarc-ep.org, 12 June 2015.

[35] Daniel Palacios Mejía, "Sí al cese bilateral, pero definitivo: Luis C. Villegas", *El Colombiano*, 24 June 2015; Crisis Group interview, regional military commander, 2015. See also Marisol Gómez Giraldo, "Acelerar negociación, imperativo ante nuevo escenario de guerra", *El Tiempo*, 21 June 2015.

Finally, the parties also must solve the tricky question of ratification. FARC has long insisted that the final agreement should be ratified by a constituent assembly.[36] The government appears to be reconsidering its options, after the possibility of holding a referendum on the peace process alongside the October 2015 elections, as it once hoped, has run into problems.[37] However, an agreement on ratification will be hard fought and likely need to be consulted with actors outside the negotiations. Linked to ratification is what will happen with the many unresolved issues related to the first three agenda points, including land ownership, electoral reform and changes to the security forces.[38] FARC argues they should also be referred to a constituent assembly. They probably are not a genuine threat to successful conclusion of the talks, but they are controversial, and finding a solution for each will be difficult and time consuming.

B. *Internal Tensions*

To be sustainable, the agreements on these points need to be acceptable far beyond the narrow circle of negotiators in Havana. But both sides face difficulties to maintain internal cohesion.

Interests, preferences and needs over transitional justice, the "leaving behind of weapons" (disarmament) and reintegration vary strongly across FARC, reflecting the movement's diversity. This poses at least a latent threat of disintegration, not least because in a post-agreement environment, leaders will no longer be able to coerce internal order.[39] In an effort to reduce centrifugal forces, FARC has been rotating its negotiating team, giving leaders from all major combat units the opportunity to learn about the process and shape its outcomes. Four of the six members of the Secretariat, FARC's supreme governing body, are involved in the negotiations and implementation of the demining accord; overall leader Timochenko has reportedly also become more present, after his arrests warrants were suspended in late 2014.[40]

That may help to forge the necessary internal consensus, but FARC's cohesion cannot be taken for granted. Divisions between members about the scope of the agreement may become more visible as negotiations touch on sensitive personal and group interests.[41] Internal dynamics also constrain the control leaders in Cuba can exercise over their troops on the ground. This is clear from the Buenos Aires ambush. Though the negotiators defended it as legitimate defence against a supposedly impending military attack, it was against the long-term interests of the organisation and its leaders.

[36] See, for instance, Carlos Antonio Lozada, "Porqué la constituyente", pazfarc-ep.org, 9 May 2015; Fidel Rondón, "Una Constituyente para revalidar los Acuerdos y descongelar las Salvedades", pazfarc-ep.org, 4 June 2015.

[37] However, the option of some sort of national consultation, perhaps to give Santos extraordinary implementation capacity, reportedly remains on the table. Crisis Group interview, diplomat, June 2015. "El reloj comienza a correr en contra de la Habana", *La silla vacía*, 21 June 2015. For discussion of the legal and political aspects of ratification, see "Refrendar la paz: retos políticos y jurídicos" (2 parts), Universidad de los Andes, YouTube, 27 May 2015.

[38] There are 28 unresolved issues: ten on rural development, fourteen on political participation and four on drugs. "Desarrollo rural y agrario para la democratización y la paz con justicia social de Colombia", FARC, n.d., pazfarc-ep.org, pp. 95-97; "Participación política para la democratización real, la paz con justicia social y la reconciliación nacional", ibid, pp. 89-90; "Política antidroga para la soberanía y el buen vivir de los pobres en el campo", ibid, pp. 83-84.

[39] For more details, see Crisis Group Report, *The Day after Tomorrow*, op. cit., pp. 14-17.

[40] "Timochenko en La Habana", *Semana*, 16 May 2015.

[41] Crisis Group interview, senior government official, Bogotá, June 2015.

Cracks on the other side are amply visible. The president, his inner circle and negotiators apart, the government has long been perceived as timid and ambivalent on peace. Ministers rarely speak about the negotiations with one voice, if they speak at all. This is perhaps not surprising. The government is a heterogeneous political coalition, whose leaders often cater to different constituencies. Agencies have competing priorities and partially incompatible perceptions on crucial issues such as security on the ground.[42] But the disunity probably goes beyond normal diversity. In what was at least partly an effort to smooth over internal contradictions, Santos in May announced that the ambassador to the U.S., Juan Carlos Villegas, would swap jobs with Defence Minister Juan Carlos Pinzón, the government's most outspoken hardliner on counter-insurgency; he also asked Foreign Minister Maria Ángela Holguin to join the negotiating team.[43]

Such moves mask difficult tradeoffs. If the Washington embassy change may facilitate a more unified government discourse on peace, replacing one of the military's most trusted leaders with a relative outsider may also further complicate the uneasy relations with the security forces.[44] Difficulties on finding a common internal line on issues such as the mandate for a truth commission and judicial accountability have reportedly much delayed a unified government position in Havana.[45] Consensus is not made easier by the frequent charges from Uribe, who remains popular in the military, that the peace talks are "humiliating" the security forces.[46] There are also serious concerns that guerrillas could end up in political positions, while members of the security forces could receive long prison sentences for crimes, in particular for "false positives", the extrajudicial executions that were rampant during the 2000s.[47] Many in the military do not believe a peace agreement can be sustainable.[48]

[42] For instance, in one region, officials from the victims unit do not trust military security assessments. Official guidelines are followed, but a field officer said, "my true security protocol are the communities". This also serves to distance the unit's work from the military, often seen as not trustworthy. Crisis Group interviews, regional staff of victims unit, 2015.

[43] Santos also named Gonzalo Restrepo, a former chief executive of a nationwide retail chain, as a member of the negotiating team; he is expected to help shore up support from the business community, another crucial, but somewhat reluctant, peace constituency.

[44] For background on civil-military relations see Crisis Group Report, *Colombia: Peace at Last?*, op. cit., pp. 18-21.

[45] Crisis Group interview, high government official, Bogotá, 2015. See also Juanita León, "La verdad detrás de la ausencia del general Mora en la Habana", *La silla vacía*, 30 March 2015. The military resents that commissioners appointed with FARC's participation might "rewrite" the history of the war and perhaps blame them excessively.

[46] For instance, "Santos humilla a Fuerza Pública al enviarla a dialogar con Farc: Uribe", Caracol Radio, 5 March 2015.

[47] Since the scandal broke in 2008, some 3,000 military personnel have been detained, but investigations are only now reaching top commanders. "El batallón de la muerte", *Semana*, 6 June 2015; Natalia Arenas, "Arrancó el juicio contra el Batallón que ganó el concurso por falsos positivos", *La silla vacía*, 29 April 2015. International pressure, including from the International Criminal Court's Office of the Prosecutor, to go after those presumed most responsible remains high, but concerns that the peace process could lead to a politically dangerous disequilibrium between guerrillas and military are also palpable. James Stewart, "La justicia transicional en Colombia y el papel de la Corte Penal Internacional", speech at Rosario University, Bogotá, 13 May 2015, p. 8; Crisis Group interview, high-ranking diplomat, Bogotá, 24 November 2014. For a summary, see also "On their Watch. Evidence of Senior Army Officers' Responsibility for False Positive Killings in Colombia", Human Rights Watch, June 2015.

[48] Crisis Group interview, conflict analyst, Bogotá, 5 December 2014.

Participation of a retired general, Jorge Mora, as a main negotiator, and engagement of serving officers to prepare for a bilateral ceasefire are important ways to embed the military in the process. The limitations, nevertheless, are clear. Evidence of civilian-control problems, including allegations that military intelligence officers have spied on the government's own negotiators, has surfaced several times.[49] Military actions have also, involuntarily or not, contributed to weakening the unilateral ceasefire. This is not to say that those operations have been illegitimate or should not have been carried out. Nevertheless, military interpretations of perhaps vague political guidelines have apparently not been sufficiently aligned with the overall objective of de-escalating the conflict and reaching a negotiated settlement.[50]

This is perhaps clearest seen in the Guapi attack, which triggered suspension of the ceasefire. Though called a counter-drug operation, the unusually high casualties and the fact that it hit the regional structure held responsible for the Buenos Aires ambush as well as a 2014 attack on a police station in Gorgona Island gave it unhelpful overtones of revenge.[51] Perhaps most damaging, it also killed a former member of FARC's negotiating team, who, the guerrillas say, was on a mission to promote the peace process.[52] Whether or not that was so, the attack, more than just targeting a criminal activity, sent ambivalent messages about the military's stance toward the peace process. While the security forces are unlikely to openly defy their political masters, the government will need to continue treading carefully.

C. *Adverse Political Conditions*

The internal tensions within the government reflect the unconsolidated political environment. Beyond elite circles, Colombians tend to be indifferent to a peace process seemingly unconnected to pressing concerns in major urban areas, where the conflict's direct impact has been fading as hostilities move further into the periphery. Support is probably higher in conflict regions, but fresh memories of the violence the botched paramilitary demobilisation triggered and of the bitter failures of previous attempts to negotiate with FARC, also drive scepticism.[53] Reflecting both sides' shattered credibility, many in conflict regions doubt whether FARC is willing to give up lucrative illegal economies and government is committed to transform rural areas.

Perceptions have begun to change, as an agreement has become more likely. Perhaps fearing to end up on the wrong side of history, most critics, including Uribe, now

[49] For an overview, see "Colombia's Military and the Peace Process", Washington Office on Latin America, 24 January 2015.

[50] See also Carlos Alfonso Velásquez, "¿Estrategias militar y política divergentes para el fin del conflicto?", *Razón pública*, 31 May 2015.

[51] This was explicitly mentioned by President Santos. "Declaración del Presidente … sobre la operación de bombardeo en el Cauca", Sistema informativo del gobierno, 22 May 2015.

[52] "El destino de Colombia no puede ser el de la guerra", Delegación de paz de las FARC-EP, pazfarc-ep.org, 27 May 2015. On 25 May, a high-ranking FARC commander and another ex- peace delegation member were reportedly killed in a military operation in Chocó. "Los delegados de las FARC muertos en los bombardeos de las FF. MM", *Semana*, 27 May 2015.

[53] A recent study of 62 conflict-zone municipalities found that support for the peace process (65.1 per cent) is higher than the national average (53.4 per cent in 2014). However, conflict zone residents remain sceptical about the future of the process. They strongly oppose FARC participation in politics but are significantly more likely to accept a demobilised FARC member's electoral victory. Miguel García Sánchez, Jorge Daniel Montalvo and Mitchell A. Seligson, "Cultura política de la democracia en Colombia, 2015", Vanderbilt University, June 2015, pp. 81-89.

advocate changing rather than ending the process. There have also been tentative, short-lived rapprochements between Santos and some high profile sceptics, including Uribe and Alejandro Ordóñez, the arch-conservative inspector general.[54] Social movements, many staunch defenders of the talks, have become stronger, and grassroots peace initiatives feel more empowered, but such developments have not yet overcome the legacy of decades of disappointed peace promises and political polarisation. A broader consensus on the need for and costs of a negotiated solution remains elusive. The resumed violence casts new doubts on the commitment of both sides to peace and strengthens radical voices.

The October 2015 local and regional elections could make consensus even more difficult to build and disrupt the little progress made to create ownership in the regions. Similar to the 2014 electoral cycle, political parties have incentives for further polarisation.[55] The conflict, of course, will not be the only electoral issue, in many cases perhaps not even the decisive one, but much is at stake. In some regions, candidates backed by social movements will enter the lists, and the elections might propel into office local authorities strongly committed to peace. In others, however, the results may make implementation of a final agreement more difficult.[56] Some local authorities, including in Antioquia and Nariño, have made progress in preparing for the post-conflict,[57] but this could be lost, as peace implementation will fall to those who take office in January 2016.

IV. How to Solve the Dilemma

As the Havana talks enter their final phase, the government faces a dilemma. Should it bow to political pressure to accelerate the talks or set a deadline, a resulting agreement could prove a weak base for the transition if important stakeholders on both sides do not feel part of the deal. The talks could also enter a dangerous zone if there is no deal by a deadline. Resisting the political pressure, on the other hand, could make a stronger agreement more likely but leave the entire process even more vulnerable to violence, sabotage and Colombia's divided politics. To escape the dilemma requires the parties to take simultaneous and urgent action on each of three problems that drive the current difficulties: the escalating hostilities, growing time pressure and lack of deeper social and political roots.

[54] "De 'tácticas fascistas' a 'patriota de la paz'", *Semana*, 30 April 2015; "Las tres condiciones para la paz que acercan a Santos y a Ordóñez", *El Tiempo*, 23 October 2014. How far this goes remains unclear, not least given the animosity between Santos and his former mentor. Crisis Group interview, Uribe supporter, Medellín, 25 May 2015.

[55] Crisis Group interview, conservative political analyst, Bogotá, 27 May 2015.

[56] Crisis Group interviews, local democracy specialists, Medellín, 25 May 2015. How exactly local authorities will shape the implementation of peace remains unclear. Even a critic of the peace process will hardly have the leverage to openly oppose national-level policies, but political will and commitment matter greatly for advancement (or not) of local peace agendas.

[57] Crisis Group interview, regional government official, Medellín, 26 May 2015.

A. *Hostilities*

The first step should be to stop the dangerous escalation of violence. Ultimately the most reliable guarantee against hostilities derailing the process would be a bilateral ceasefire. Yet, despite growing national and international pressure, this will remain unlikely in the short run. Negotiations on the terms of an eventual definitive end of the hostilities are underway, but there is still no agreement on the horizon. Even outside the government and military, there are substantial concerns that an immediate ceasefire would distract attention away from resolving the agenda's remaining substantial issues.[58]

De-escalating the conflict, therefore, remains the best bet for short-term stabilisation. This could help in at least three respects. First, reducing hostilities and their impact on civilians would weaken the dilemma of negotiating amid hostilities, and might encourage the parties to take the steps needed to prepare themselves for a definitive end of hostilities. Secondly, it could help recover political support for the process, not just in conflict regions but also in urban areas. Thirdly, it would foster the confidence between military sectors on both sides that is needed for a sustainable end of the conflict.

Unilateral measures need to be part of this effort. Amid accelerating violence and its humanitarian impact, protection of communities in conflict regions is again a priority. The government and FARC must increase efforts to comply with international humanitarian law. Both need to take proportionality criteria seriously and strictly protect civilian goods and infrastructure. Attacks on energy infrastructure and use of schools or hospitals by troops should be halted immediately. FARC must refrain from planting new landmines and recruiting children.

Having missed the window of opportunity opened by the unilateral ceasefire, both sides now face a tougher environment in which to deliver on their commitment to de-escalation. But, in a positive sign, FARC said on 15 June that it hopes to define soon the protocols for releasing members younger than fifteen, as it promised months ago.[59] The parties should also accelerate the landmark joint demining scheme and broaden it beyond the current pilot area as fast as possible. Given the limited reach of such measures, the parties should in addition consider engaging in discreet, reciprocal agreements designed to speed the reduction of hostilities. Provided sufficient trust is reestablished, this could include confidential accords to gradually diminish the frequency of military operations.

Such understandings could eventually form the basis for a definitive bilateral ceasefire. This should be introduced as soon as possible, a point likely reached once there is a sufficiently robust agreement on victims and transitional justice. Legal certainty for high commanders, mid-ranking leaders and rank-and-file combatants should give FARC the space to accept the definitive and irreversible nature of a bilateral ceasefire. A convincing transitional justice agreement should also give the government enough leverage to make the argument that the end of the conflict, including a bilateral ceasefire and FARC's disarmament, will not be an event, but a process moving in sync with further advances in the negotiations and, eventually, ratification and implementation of the final agreements.

[58] Crisis Group interview, left-wing opposition senator, Bogotá, 29 May 2015.
[59] Javier Alexander Macías, "Farc entregarían menores de 15 años en próximo ciclo", *El Colombiano*, 16 June 2015.

A viable compromise for an early bilateral ceasefire would entail that FARC move toward some form of regional troop cantonment. The areas should be large enough to allow some mobility, but small enough to allow reasonable monitoring to ascertain that criminal activities have in effect ended; full concentration and disarmament would begin after the final agreement's ratification. To make this more palatable mutually and limit fallout from potential problems, regional concentration could be gradual, starting in jointly-chosen pilot areas. To stabilise the ceasefire, both sides would need to agree on an international verification mechanism able to resolve inevitable disputes as well as monitor commitments. [60]

B. *Time*

The second priority should be to address the growing time pressure to wrap up the negotiations. This is not just because patience with a process that already has taken much longer than the "months" the government originally promised is running increasingly thin. It is also because the parties will need as much as possible of the remainder of Santos' term to ratify the agreement and begin implementation of key aspects.

However, accelerating the process is not straightforward. Many easy choices, including simultaneous negotiations of various agenda points, have already been made, and further options are limited in the short term. A deadline would be inefficient and could easily become counter-productive: inefficient, since the parties already have little time to lose to wrap up the talks; counterproductive, because it would antagonise FARC, so complicate negotiations, and risk great uncertainty if it were missed.[61]

Other options are more promising. To prevent another damaging prolonged period without tangible progress, the parties should explore ways to reach and announce further partial agreements on the elements of transitional justice. However, the internal links between those elements suggest the scope for additional partial deals will probably remain limited, once the anticipated agreement on reparations, the remaining part of transitional justice that can be isolated with relative ease, has been announced;[62] given the rejection by many Colombians of any perceived leniency toward FARC, announcements of such additional agreements would also need to be timed carefully. The parties could likewise try to speed up the rhythm of the talks by reducing the time between cycles, but the effectiveness of this would be uncertain, since both need extensive internal and, to a lesser degree, external consultations to consolidate possible agreements.

Given the difficulties of transitional justice negotiations and the likely fatigue of negotiators, the parties may also want to re-evaluate the scope for third-party help. This would likely work best on an informal, discreet basis, and in essence should remain an extension of what is already in place. The four countries closest to the process – Cuba and Norway as "guarantors", who facilitate the talks; Chile and Venezuela, as helpful "accompanying" states – already assume a variety of tasks that the government and FARC consider useful. These range from facilitating access to expert knowledge to some informal mediation. A recent positive development has been the separate engagement with both parties of a new U.S. special envoy, Bernard Aronson,

[60] For details, see Crisis Group Report, *The Day after Tomorrow*, op. cit., pp. 20-27, 30-33.
[61] See, for instance, Carlos Antonio Lozada, "La quinta papeleta", frentean.org, 22 June 2015.
[62] Crisis Group interview, transitional justice expert, Bogotá, 29 May 2015.

for the peace process.[63] There is reportedly little appetite for a third party to assume a formal mediation role, but in the negotiations' final stages these and other international actors will need to become more active; it will be particularly important to ensure that those international actors likely to play a role in the monitoring and verification of bilateral ceasefire are involved early on in its negotiation.[64]

Such options might help on the margins but may not be sufficient to solve the time problem. A more radical way of accelerating the entire process would be to move beyond negotiations even before a final agreement has been reached. The parties could, for instance, start implementing points on which there is sufficient unanimity and/or which the government could consider adopting regardless of the ultimate fate of the talks. Several agreements, including the strengthening of guarantees for the political opposition, involve development of constitutional rights. Others, such as community-based crop-substitution programs, are in line with policies already adopted by the administration. The parties could also decide to leave some issues to a wider political process, rather than trying to resolve all the agenda items bilaterally. Such early implementation would not just save time, but also foster mutual confidence and help convince Colombians that the process is serious.

This may be at odds with the distinction between the negotiations and implementation of the agreement as two separate phases of the process. In practice, however, de-escalation measures and in particular the joint humanitarian demining scheme have already broken down this strict sequencing. Alternative venues for dealing with some of the most contentious issues have also been emerging. The truth commission will be better placed and may enjoy much greater legitimacy to establish a shared narrative of the conflict than the parties by themselves, who remain at loggerheads on the issue despite an 800-page academic report they commissioned.[65] The commission could also be trusted to give recommendations on guarantees of non-repetition, violence prevention and broader institutional reform (including of the security sector) in a process where (disarmed) FARC can participate meaningfully, beside other political and social actors.[66]

Yet, a move toward early implementation is not a cure-all. Kicking the can down the road or outsourcing difficult, time-consuming decisions works for some issues but not others. Moving to implementation before those of vital concern to both parties have been negotiated could weaken the entire process. This is why beginning to implement some agreements while talks on other points continue will likely only be

[63] In April, Germany named Tom Koenigs its special envoy for the peace process, but his role appears to be more focussed on coordinating German support for implementation of a future agreement. See "Tom Koenigs appointed Special Envoy for the Colombian peace process by Foreign Minister Steinmeier", press release, Foreign Office, Berlin, 2 April 2015.

[64] See Crisis Group Report, *The Day after Tomorrow*, op. cit.

[65] The parties created the Historical Commission of the Conflict and Its Victims in August 2014. Composed of twelve academic experts and two moderators, it delivered its final report in February 2015. It is unclear whether the long, heterogeneous document has contributed to discussions on victims' rights. "Contribución al entendimiento del conflicto armado en Colombia", Comisión Histórica del Conflicto y sus Víctimas, mesadeconversaciones.com.co, February 2015.

[66] Such recommendations could fall under the commission's remit of promoting peaceful coexistence in conflict areas; the Havana agenda does not explicitly mention such broader reforms, but it contains a government pledge to "make the reforms and institutional adjustments necessary to address the challenge of constructing peace".

a realistic option after the parties have reached an agreement on victims and transitional justice and started to implement a bilateral ceasefire.

C. *Social and Political Roots*

A sustained joint de-escalation effort and progress in Havana should revitalise moribund public support and may lessen some of the political divisions that haunt the process. Yet, this is a necessary, not sufficient condition for establishing the broader social and political base needed to support the peace talks as they move toward conclusion and, especially, as ratification and implementation near. A conscious, strategic effort is required to keep the talks politically viable.

Positioning the peace process in domestic politics has not been a top priority for the government, though it has made some efforts. This includes reestablishment of the National Peace Council, a mixed government-civil society body with territorial branches, and, more recently, creation of a top-level advisory council.[67] But apart from the 2014 presidential campaign, where peace was the arguably decisive issue, the government has largely taken an indirect approach, relying on the president's strength (as the only authorised voice on the process) and calculating that public opinion would automatically swing behind the process once it has become irreversible. The existence of a strong sceptical block might even have been useful in the negotiations to pressure FARC for concessions. This relatively hands-off approach has not been totally misguided, as seen from increasing support registered earlier this year, but its limits have become evident as unforeseen troubles have developed.

Moving to a bilateral ceasefire ahead of a final agreement would open new avenues to further social engagement with the process. One possibility the parties should exploit would be to bring the talks, or parts of it, to Colombia. Locating them in Cuba has had advantages, including a high degree of confidentiality, an environment in which to work without major interruptions and security for guerrilla negotiators. But the geographical distance has also had downsides. It has facilitated the impression of a process centred on the concerns of top leaders from both sides, with few direct implications for ordinary citizens. And with few formal channels for participation, it has favoured organisations with the political and material resources to travel to Havana or directly engage with high government officials. Short of such a major step, a ceasefire should still enable negotiators or other representatives from both sides to expand their engagement with political and social bases and strengthen outreach activities.

Benefits from repatriating the talks, or some of its main characters, could be considerable. It would force society to come to grips with the process. It should normalise FARC's exposure to public debates, which, as the guerrillas themselves have recognised, have been affected by the war's dynamics.[68] It might also help FARC understand better some of the strong limitations the process faces, thus possibly easing bottlenecks. But undoubtedly it would be risky. It would expose the parties to constant press

[67] On the National Peace Council, see Silke Pfeiffer, "Infraestructura de Paz en Colombia", Berghoff Foundation, 2014, p. 11. In March, President Santos convened a relatively pluralistic Peace Advisory Commission. Members include the former conservative president, Andrés Pastrana, Clara López, head of the left-wing Alternative Democratic Pole, Vera Grabe, a former M-19 guerrilla leader, and Cardinal Rubén Salazar, archbishop of Bogotá. "Palabras del Presidente Juan Manuel Santos luego de la primera reunión de la Comisión Asesora para la Paz", Sistema Informativo del Gobierno, 16 March 2015.

[68] Alexandra Nariño, "Un solo país, dos realidades", pazfarc-ep.org, 19 June 2015.

attention, distracting from concentration on substantial issues and increasing the temptation for both sides to play to the media. It would also create security concerns and, though some critics are apparently open to engage in direct discussions with the guerrillas, possible complaints about FARC heavyweights moving freely around the country.[69]

These are serious concerns, but Colombians will eventually need to get used to the presence and participation of FARC leaders, both in politics and in parts of the implementation structure of the agreements, if the process is to move forward. This suggests that the timing is important. To reduce the scope for damaging criticism, bringing home the process or some of its protagonists would only be possible in the late stage of the negotiations, when major decisions, in particular on transitional justice, have already been made, and a bilateral ceasefire is in place. It would also need to be made clear that the necessary suspension of arrest warrants for FARC leaders in Colombia was not an endorsement of impunity.

At any rate, such sweeping options will not be available in the short term. Continuing violence, uncertainty over the fate of the talks and polarisation in advance of the local elections doubtless provide a challenging environment to foster social ownership. Even so, the government has ample room to promote the peace process without deepening rifts with the right-wing opposition. There is an untapped potential for political messages emphasising that peace is not a zero-sum game or a favour to unloved guerrillas and that all Colombians stand to gain from a settlement. Such messages should ideally be promoted by the full government.

The government should also strengthen and empower the National Peace Council, a body that on paper is strongly positioned to deliver non-partisan messages to communities across the country. It also urgently needs to cultivate more allies at the local level, through a consistent effort to involve governors, mayors, council members and other local officials in disseminating the peace talks' achievements and discussing the implications of the process for their areas.

Finally, there is at least some scope to seek points of convergence with parts of the opposition that are convinced a broader consensus is needed to underpin a sustainable peace agreement; or at least to open confidential channels for members of the opposition to voice their concerns about the process. This should not be limited to neuralgic points, such as judicial accountability for the most responsible on both sides, but extend also to broader ones, for instance how the opposition can have a stake in final stages of the process.

V. Conclusion

The end of FARC's five-month unilateral ceasefire has had contradictory short-term consequences. It triggered the worst escalation in violence in years. Attacks on power infrastructure cut electricity for hundreds of thousands. Oil spills caused economic hardship and environmental disasters. Combat triggered new mass displacements. Scepticism about the talks has grown, but the crisis also prompted a strong reaction from the parties. They agreed on creating a truth commission, the first major outcome

[69] The inspector general, Alejandro Ordóñez, has begun a letter exchange with Iván Márquez, FARC's lead negotiator, and shows interest in a transitional justice debate with "direct participation" of FARC. "Ordóñez: cálido con Márquez, frío con Santos", *Semana*, 23 June 2015.

in long-deadlocked negotiations on victims and transitional justice. Expectations are also growing that a separate agreement on reparations could be reached soon.

Perhaps the biggest lesson, however, is that the model of negotiating amid hostilities has run its course. This was never easy, but on balance, it served well. Most importantly, it allowed the parties to focus on the substantive issues without being distracted by unavoidable disputes over ceasefire compliance. However, the costs now outweigh the benefits, and the situation could quickly become unsustainable. As support for the process has crumbled and tolerance toward FARC military actions has dropped to zero, it would probably take only a bigger or particularly visible attack to force a weakened president to suspend the talks. Even if this does not happen, continuing violence would further drain public support, strengthen radical voices and embolden spoilers on both sides, hardly the ideal scenario for the promised popular ratification of the final agreements. The parties remain strongly committed to reaching an agreement, but risks of an involuntary or accidental break-up are real and probably higher than ever.

Moving the talks out this quagmire will not be easy. Imposing a deadline or heaping on more political pressure to deliver quick results could do more harm than good. Instead, the parties urgently need to de-escalate the conflict, which should lead to a bilateral ceasefire involving a degree of FARC regional concentration and international monitoring once negotiations on victims and transitional justice are sufficiently consolidated. A calmer environment in Colombia would provide a stronger foundation for accelerating the process in order to ratify and implement the final agreements before President Santos leaves office in 2018. It would also open new options for broadening the social and political base of the talks. The risks of a tailspin are real, but if the parties draw the right conclusions from the current difficulties, the peace process could re-emerge stronger.

Bogotá/Brussels 2 July 2015

Appendix A: Map of Colombia

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