



SPECIAL REPORT

Why Colombia said No to peace with the FARC

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I. INTRODUCTION

On a historic day with a photo-finish poll, the referendum intended to confirm the agreement for the end of the conflict between the Government and the Revolutionary Armed Forces of Colombia (FARC) was won by the “No” campaign, with a majority of around 60,000 votes. After a decision contradicting all forecasts, surprising national public opinion and puzzling the international community, Colombia faces the most politically polarised, unstable and uncertain period in its recent history.

The “No” campaign triumphed with a total of 6,431,376 votes, equivalent to 50.21 % of the total, while “Yes” obtained 6,377,482 votes, equating to 48.78¹ % . Areas with large populations of vulnerable people traditionally affected by violence and the influence of the guerrillas, such as Chocó, Vaupés, Cauca, Putumayo, Nariño and Sucre, mostly supported the agreement. By contrast, regions which, although also historically affected by the conflict, have a higher level of stock-rearing, oil and industrial wealth and a more conservative population, such as Casanare, Northern Santander, Meta, Antioquia and Hila, led the “No” vote.

Differing tendencies between the main cities can also be shown. Bogota, Barranquilla and Cali supported the “Yes” campaign, while Medellín, Cúcuta and Pereira backed “No”.

The intention was that the referendum should confirm a peace process that required four years’ hard negotiations between the parties and which has been considered by peace experts around the world, such as the President of the United States, Jimmy Carter, to be one of the most complete in history. It benefited from the lessons of many international experiences, such as those in Northern Ireland and South Africa, and offered considerable opportunities for social, political and economic transformation.

In greater detail, as well as bringing an end to an internal conflict which held the attention of the country, the content of the agreements involves the commitment of the State to undertake a strategy for the democratisation of land and the reactivation of the rural economy; the consolidation of an open democratic system and a policy of tolerance, and a truly integrated system of truth, justice, reparations and non-repetition focused on victims.

In addition, the international community has firmly supported the peace process. Among those showing their support and

¹ Results from preliminary counting from 99.98% of the total ballot boxes installed.

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inviting the Colombian people to back the agreements were Barack Obama, President of the United States; Angela Merkel, the German Chancellor; François Hollande, the President of France; Ban Ki-Moon, the Secretary General of the United Nations, who also spoke to Colombians at the agreement signing ceremony in the city of Cartagena; Latin American presidents including José Mujica of Uruguay, Enrique Peña Nieto of Mexico and Michel Bachelet of Chile; Nobel peace prize winner Kofi Annan and Pope Francis I, who, three days before the vote, stated that he would visit Colombia only if it backed peace. To these world leaders were added international bodies as important as the International Criminal Court.

However, as shown by Brexit, even though decisions that could change the course of the history of the countries concerned may be at stake, the results of popular consultations do not always correspond to a deep analysis by the public of the immediate and future implications of their votes.

That does not make them wrong or any less legitimate because, in this case, although the result goes against the will of the government in power, the institutions will support

the results of the vote and will follow the instructions of the majority of citizens, however narrow this may be.

Some possible reasons leading to the victory of the “No” in this referendum will now be set out.

2. WHY DID COLOMBIA SAY NO?

THE LEADERSHIP OF JUAN MANUEL SANTOS

President Juan Manuel Santos won re-election in 2014 with a share of slightly more than 50 % of the vote. Since his first period in office, approval levels for his government had been relatively low (around 30 %). It was partly his very talent for negotiation, which allowed him to consolidate the large governing coalition keeping him in power, that prevented him making radical statements on many matters of national interest. This weakened the connection between voters and a President whose leadership was perceived as lukewarm.

The peace process with the FARC and the ELN then became his greatest ambition and the principal legacy of his government, and this required support, through his re-election, to continue and reach a successful conclusion. Although from the beginning

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the negotiations generated mistrust in some sectors of opinion led by the ex-President Álvaro Uribe Vélez, now a Senator of the Republic, President Santos was elected for a second term.

During the past year, the country has gone into a period of economic slowdown, with unemployment increasing to 9 % at the end of July 2016, while inflation rose to 8.6 %. This affected the mood of the Colombian people and led to continuing disapproval of the government of the President and his cabinet.

After the signing of documents to end the conflict in June 2016, when President Santos began to lead the “Yes” campaign, his approval ratings fell, and his weak connection with Colombians could have damaged the process. That is why the leader of the Government negotiating committee, Humberto de la Calle, took on a more prominent role. Although, he has been active in Colombian politics for the past 30 years and is recognised as a politician who acts openly and clearly, he had a low profile for four years during the negotiations, which were carried out privately in Havana, closed to the public and the media.

By contrast, the “No” campaign had the clear leadership of former President Uribe, one of the most influential figures

in Colombian politics. Despite generating many controversies, he maintains an approval rating of 57 %². Unlike the current president, his forceful character and the radical position he has continuously taken against the peace process have allowed him to remain relevant and to cultivate a stable political base of support.

THE RECOGNITION OF THE FARC AS A POLITICAL AGENT

Between 2002 and 2008, during the government of Álvaro Uribe Vélez, the political status of the FARC was downgraded to that of a terrorist guerrilla group that had to be fought using military methods, with its leaders subjected to the provisions of the justice system. The violent acts committed by its militias in the last few decades, such as kidnapping, extortion, drug trafficking and selective assassination, provided backing for this view.

The beginning of the conversations with the FARC in September 2012 meant giving the organisation back its status as a political agent in the context of an armed conflict. Negotiating under conditions of equality with criminal agents was contradictory for opinion leaders, particularly

² Invaer Gallup poll, 20 September 2016. At: <http://www.bluradio.com/paz/segun-invaer-gallup-el-plebiscito-por-la-paz-ganaria-el-2-de-octubre-117055>

“Colombians, even those who prefer an end to the conflict under the agreement, reject the participation of the FARC in politics”

Centro Democrático (former President Uribe’s party), which saw the group as no more than a gang of criminals who were perpetuating violence thanks to the resources they obtained from drug trafficking.

In addition to this view, the signing of the agreements gave the FARC leaders a leading role in which they were seen to sit down with the representatives of the government and the international community and were treated with the same honours. This may have been received by the Colombians as an act of arrogance, tipping the balance towards the “No”. During the process, the FARC leaders rarely spoke to public opinion to explain their current position, accept their crimes and the pain they had caused or humbly apologise for acts that offended Colombians in the past.

LACK OF CREDIBILITY OF THE FARC’S DESIRE FOR PEACE

In addition to the above, there were multiple past frustrations with the FARC. After many failed negotiating processes with the group during the previous five decades (including Tlaxcala in ‘92 and Caguán in ‘98), the credibility of the FARC’s desire to keep its word and comply with the agreement is low. According to the Ivamer Gallup poll of 20 September, 61 % of Colombians did not believe this armed group would strictly meet its commitments.

Although two days before the referendum the FARC, accompanied by the UN, destroyed some of its non-conventional military equipment as a demonstration of its political will concerning the process, this was not enough to win the trust of all voters.

NON-ACCEPTANCE OF POLITICAL INTEGRATION

Similarly, Colombians, even those who prefer an end to the conflict under the agreement, reject the participation of the FARC in politics. According to the poll mentioned in the previous paragraph, 74 % of people did not agree with the former guerrillas being able to participate in politics.

Moreover, supporters of the “No” campaign, such as Carlos Holmes, a representative of Centro Democrático, rejected the FARC having preferential electoral mechanisms, bearing in mind that the agreement offered them the chance of immediate involvement in the Colombian Congress (with the right to speak but not vote) and special seats for ten years while its political movement became established.

FEAR OF IMPUNITY

Undoubtedly one of the most controversial points, generating the greatest polarisation during the pre-referendum campaigns, concerned justice. Firstly,

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for the strongest critics, the penalties faced by the FARC would leave violent episodes unpunished. To the possibility that they might serve their sentences with community work was added a full amnesty for the crime of rebellion and associated activities such as drug trafficking.

Meanwhile, the agreement includes the establishment of a new Special Jurisdiction for Peace to judge the crimes committed during the conflict both by the guerrillas and the armed forces. Although transitional justice mechanisms are common in all post-conflict processes, for some critics, such as the former Mayor of Bogota Jaime Castro, having a justice system parallel to the ordinary one would involve the abolition of some of the criminal, disciplinary and prosecution powers of institutions like the Prosecutor’s Office, the Attorney General’s Office and the Comptroller’s Office. To this is added the fact that, of the 24 judges in the new system, four would be foreigners, which would break with the traditional institutional and legal system.

CONTINUATION OF DRUG TRAFFICKING

As drug trafficking is a crime associated with rebellion (because it was used to finance a political cause), it could be

subject to the amnesty as established in the agreements. For former President Uribe, this would not only contribute to impunity, as those most responsible for it would not be found guilty and still less extradited, it would also facilitate the growth of crops currently covering 170,000 hectares, as small growers would not be penalised.

POST-CONFLICT FINANCE

The lack of clarity about the costs of implementing the agreements and where the resources would come from, as well as the possibility that they might be financed through public taxation, could also have tipped the balance towards “No”.

The Colombian parliament estimated that the post-conflict would, in the first ten years, cost around 90 trillion pesos (about 30 billion dollars), including costs associated with the demobilisation of the guerrillas, reparations to the victims, and the development of infrastructure, health, education and income generation projects, among other fundamental components for achieving medium- and long-term stability. Although the Minister for the Interior, Juan Fernando Cristo, has stated that the total cost of implementing the agreements will not be so high, and that the State will be able

“The Partido Verde, Partido Liberal and the Partido de la U also undertook campaigns in favour of a “Yes” vote”

to pay, it was not clear where these resources would come from.

It is clear that, although international cooperation will make a generous contribution³, it will not be enough. Nor is there certainty about the level of resources to be handed over by the FARC in its demobilisation process, because, although the exact figure is not known, the organisation maintains that it is much lower than the ten billion dollars The Economist magazine believes it possesses.

The Government had announced that after the referendum it would present a new tax reform to resolve the country’s fiscal deficit and obtain greater resources to finance this and other projects. This might mean an increase in VAT from 16 to 19 %.

FAILURE OF EDUCATION ON THE POST-CONFLICT

Despite the enormous and marathon educational effort undertaken by the Government negotiating team since the end of July, led by chief negotiator Humberto de la Calle, which meant civil servants had to travel all over the country to explain the contents of the 297 pages of agreement documents, their efforts were not enough to convince Colombians.

They visited different cities and municipalities, including regions where “No” has proved to be in the majority, including Antioquia, the Coffee-Growing Region and some eastern districts. They took part in various public events describing the key points of the agreement, such as the transitional justice system, the process for reintegrating the FARC and reparations to victims, as well as resolving public concerns. They also gave many interviews to the main media outlets in which details of the negotiations were revealed, and they tried to persuade Colombians of the importance of considering the vote as a unique opportunity to end a 52-year armed struggle, stating that the agreement – although not perfect – was the best and the only one possible.

As well as the negotiators, the Partido Verde, Partido Liberal and the Partido de la U also undertook campaigns in favour of a “Yes” vote, including educational work. The principal media, such as the newspaper El Tiempo and the magazine Semana, circulated the final document

³ Before the referendum, an alliance of European countries had already announced 80 million dollars for mine removal and the government of the United States had promised 450 million dollars to develop Plan Colombia into Peace Colombia.

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and made multimedia efforts to summarise it and to offer their readers a detailed analysis of the implications of “Yes” and “No” votes.

However, these efforts have been made only in the last two months, which could have limited their scope. In the four years the negotiations lasted, there was not a great deal of communication activity concerning the importance of what was being discussed in Havana. In fact, the conversations were given a low profile and handled with considerable privacy.

On top of this educational failure, rumours and myths that had circulated during the four-year process intensified during the referendum campaign. Claims that the agreements would restrict the right to private property; that the guerrillas would receive higher pay than professional soldiers and that benefits for retired soldiers would be cut formed part of the debate.

3. WINNERS AND LOSERS

After the victory of the “No” campaign, the main winner is definitely former President Álvaro Uribe Vélez, now a Senator. Despite the fact that, as principal promotor of the “No” vote, his political group was isolated in a campaign in which the majority of political parties and social organisations were “Yes” supporters, and

during which he was publicly labelled a liar, warmonger and enemy of peace, his arguments managed to mobilise voters.

Uribe, who remains one of the most important political figures in Colombia, confirmed himself as the most powerful opinion-former in the country and Centro Democrático as the force with the greatest political power of influence.

The big loser is undoubtedly President Juan Manuel Santos, whose main political project has been frustrated. Despite the fact that the powers granted him by the Constitution allow him to confirm the agreements without the need for a popular consultation, the President decided to ratify them by democratic means, and this has become his greatest political failure. His ability to govern will be affected in his final year in office and this will be reflected in the constant rejection of his initiatives and an even greater disconnection from the public.

The Havana negotiators, led by Humberto de la Calle and Sergio Jaramillo, have wasted four years of effort and hours of discussions with the FARC. Although it is not clear what will happen with the signed document, they did not manage to persuade the majority of Colombians that theirs was the “best possible agreement”.

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The FARC are left in indefinite limbo. Although after the referendum they stated on Twitter that the only project they will continue to support is for peace, and that the ceasefire is being maintained, the victory of the “No” campaign shows the difficult journey that awaits them. Most of their troops were either already in the 23 concentration zones where they were to give up their weapons or on their way to them. In addition, if some formula can be found to implement the agreements, the reintegration process will not be easy, as the Colombians have demonstrated that they will not give members of the FARC another chance in civil society without receiving anything in exchange. The road towards reconciliation will therefore require a great deal of time and dedication.

The independent voices who supported the agreement despite opposing Santos’s government had a chance to mobilise a sector of opinion that identifies with this line of thought. The Partido Verde, the Polo Democrático, and its best-known leaders like Claudia López and Jorge Robledo, did not impose their level of influence or mobilise the same numbers of voters as they did in taking their political movements into Congress.

The social and victims’ organisations that mostly supported the process also lost, as the processes of truth, justice and reparations for the actions committed against them are now in abeyance until a decision is made on what will happen to the final agreement.

The polling firms which were predicting a victory for the “Yes” campaign until a few days before the referendum, failed in all their forecasts. According to Héctor Riberos, a well-known political analyst in the country, it is possible that those who supported the “No” were camouflaged among the undecided voters, because, as the “Yes” campaigns received greater attention, they felt ashamed of publicly admitting their true opinion. The research methods used were not the right ones to take account of this phenomenon.

Finally, the image of the country abroad will be affected. The support of the international community for the process had been firm, clear and active. In fact, the UN Mission to Colombia had already been deployed to verify and support the agreements. The country’s decision not to support the agreements, even though the majority was minimal, is not only disconcerting for those

“In a surprising and close referendum decision that has disconcerted the international community, Colombia rejected the agreement”

who do not know the country's history and tradition, it also establishes Colombia as a place where the people do not want peace.

4. FUTURE SCENARIOS

The victory of the “No” campaign leaves the country in a position of uncertainty. A few minutes after defeat at the ballot box, President Juan Manuel Santos spoke to Colombians declaring that, in accordance with his constitutional duty, he would accept the result of the referendum and would open up new spaces for dialogue to determine the way to be followed.

During the referendum education process, the negotiators were emphatic in repeating that, if the “No” won, it would not be politically viable to renegotiate the agreements. However, this is the main ambition of Uribe and the opponents of the process. According to his statements on Sunday night, his desire is to achieve a peace that allows the FARC to integrate into the existing constitutional order, without affecting the development of private enterprise, without judging soldiers in the same way as former guerrillas and without overloading Colombians with taxes.

Now, although there is no legal backing for the implementation of the Havana agreement,

various jurists have issued initial opinions indicating that there are two alternative options for confirming the agreement. The first would be to call a Constituent National Assembly including all political sectors. However, this is an option that would take months and which would leave the current disarmament and demobilisation processes in limbo.

Cesar Rodríguez, director of the DeJusticia think-tank, also explained that the referendum decision is binding only on the President of the Republic. Congress or the High Courts could take a decision to support the agreement. If this scenario occurred, politics would become even more polarised because the popular mandate would be ignored and the promoters of the “No” campaign would strongly question an action of this kind.

However, the most negative scenario would be if none of these possibilities happened and the FARC did not disappear, returning to its camps to continue the armed conflict and its illegal economic activities, such as extortion, mining and drug trafficking.

5. CONCLUSION

In a surprising and close referendum decision that has disconcerted the international community, Colombia rejected the agreement to end the conflict and build a lasting

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peace between the FARC and the Government. After the victory of the “No” campaign at the ballot box on 2 October, Colombia is entering a period of great uncertainty, confusion and instability.

An outstanding feature has been the high level of abstention – greater than 60 % – during the process, which has been crucial to the final result of the vote. Barely 40 % of the electorate voted; in other words, barely 20 % of Colombians with the right to vote, voted “No”. This does not invalidate the result, but it undoubtedly calls it into question. For this reason, it is

difficult to adopt such a far-reaching resolution without knowing what the 60 % of Colombians who did not vote want.

In the next few weeks it will be fundamental to find a way forward through dialogue that ensures the greatest possible cohesion and is focused on reconciliation in a country that remains polarised and divided, closing the gap between the supporters of the “Yes” and “No” campaigns, and, above all, ensuring the end of the armed conflict to allow the country to move finally into a post-conflict period.

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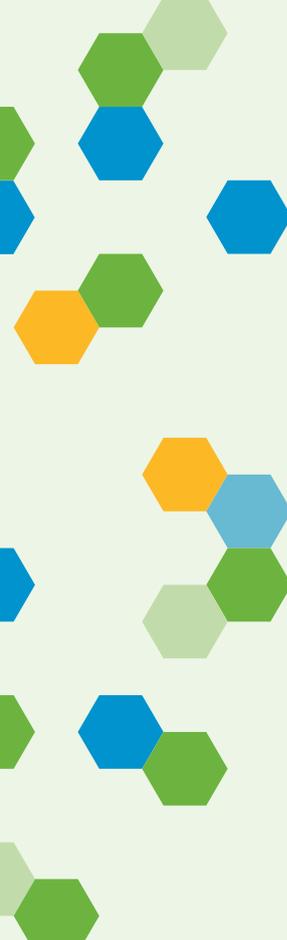
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