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Legislative Election Results Loom Large over Colombia’s Upcoming Presidential Contest

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When Colombians head to the polls May 25 to choose their next president, they will do so under a lingering shadow cast by the country’s recent legislative elections, which were deeply damaging to the nation’s democracy.

Voter participation in the congressional contests, which took place March 9, was at an all-time low. In addition, more than one-quarter of the senators and deputies elected that day are under investigation for ties to far-right paramilitary groups and powerful drug-trafficking cartels that have killed thousands of campesino and indigenous residents and displaced more than 4 million people.

Complicating matters even more for the upcoming presidential contest is that none of the candidates is likely to earn the minimum 50% of the votes needed to win the contest outright; therefore, Colombians are already anticipating that they will have to return to the polls yet again—on June 15—for a winner-take-all runoff.

Short on ideas

President Juan Manuel Santos hoped to win re-election without exposing himself to a second round. Accomplishing that, however, was largely dependent on his ability to secure a peace accord with Colombia’s guerillas and thus put an end, once and for all, to an internal war that has dragged on for half a century.

Peace talks between the government and the leading guerilla group, the Fuerzas Armadas Revolucionarias de Colombia (FARC), have been underway in Havana, Cuba, for the past 18 months and have produced promising results. The two sides have already agreed on various aspects of their agenda (NotiSur, June 28, 2013). So far, however, the talks have failed to produce a definitive accord—not so much because of disagreements but rather because of the excessive details being covered in the negotiations.

Still, the incumbent did receive a boost late in the campaign from the FARC. Aware that a Santos victory is in its best interest, the guerilla group made a calculated show of optimism in the peace process by announcing on April 29 the name of the legal structure (political party) through which it plans to operate once the peace accords are signed. The FARC’s new name will be the Movimiento Bolivariano para la Nueva Colombia (MBNC).

In the 2010 election, Santos faced a challenger from the Partido Verde, mathematician Antanas Mockus, who turned the contest into a battle of ideas and compelled the candidates to formulate competing platforms (NotiSur, May 21, 2010). This time around, the three candidates with the best chances of making it to the runoff—Santos, Óscar Iván Zuluaga, and Enrique Peñalosa—are all rightists. Ideologically, there is little to distinguish one from the others. Rather than debate ideas, they have engaged in a jousting match of criticisms and accusations regarding each other’s real or supposed moral and ethical shortcomings.
When they have touched on important issues that affect everyday people, the three leading candidates have offered little more than hollow promises. In recent days, Santos and his challengers turned their attention to the crucial—but hitherto ignored—issue of joblessness. Santos promised to create 2.5 million new jobs and to lower the unemployment rate from its current level of 9.7% (the highest in South America) to 7.5%. Zuluaga promised to spur job creation by making low-interest loans available to employers. Peñalosa said he would focus on education as a tool to combat youth unemployment. Not one of the candidates offered details regarding how he would go about fulfilling his respective proposal.

Questionable connections

During the campaign preceding the legislative elections, Colombia’s nearly 33 million eligible voters were told they would be making history by choosing what was grandly hailed as the Congreso de la Paz (Peace Congress). The new legislature was so named because it would likely have the task of ratifying an eventual government-FARC peace accord. In the end, though, only 19 million people participated in the vote. And of those, nearly 2 million submitted blank votes or annulled their ballots in other ways. The Peace Congress, in other words, was chosen by barely half the country’s eligible voters and is thus far from being representative of the society as a whole.

On March 10, the day after the congressional elections, the Fundación Paz y Reconciliación (FPR) drew attention to another problem: one-quarter (69 of 268) of the legislators "are ethically and morally disqualified because of their links to paramilitary groups and other criminal organizations." The group includes 33 senators and 36 deputies. The FPR also noted that some of the election winners—though not under investigation themselves—"are the children, spouses, or other family members" of politicians who are.

"Those are the people, together with their associates, to whom Santos will have to appeal when it’s up to Congress to ratify the [peace] agreement that may be reached in Cuba," noted Aída Avella, a presidential candidate with the leftist Unión Patriótica (UP).

Prior to the election, the FPR had warned that, of the 2,324 candidates competing for congressional seats, 131 were under investigation or suspected of having ties to criminal organizations. Of the 69 elected, 41 are members of one of the three allied parties backing President Santos’ re-election bid (the Partido Social de Unidad Nacional, or Partido de la U; Partido Liberal Colombiano; and Partido Cambio Radical).

The legislators in question include the five top vote-getting senators from the Partido de la U. The senators are part of the legislative bloc of the Partido Opción Ciudadana, formerly the Partido de la Integración Nacional, which was at the center during the last congressional term of the parapolítica scandal. The term parapolítica refers to the alliance between certain lawmakers and killers involved in paramilitary and drug-trafficking operations (NotiSur, Sept. 12, 2008).

Election observers from the Organization of American States (OAS) and other international entities praised how the elections were carried out. The head of the OAS mission, José Antonio Viera-Gallo of Chile, spoke of the "purity of the election act." The election observers had nothing to say when asked what effect the 69 criminally implicated winners might have on Colombia’s democracy. But they did agree that the government ought to address low voter turnout and high incidence of people submitting blank ballots. "The authorities should look into whether the incentives to vote, keeping in mind that voting is voluntary, have been effective. They might want to consider other alternatives,
like shutting down commerce on election day and offering free transportation options," the OAS
mission chief said.

Not all observers present for the election agreed with Vierra-Gallo’s assessment. "The OAS mission
chief’s ideas are, at the very least, infantile," a member of the group from the Unión de Naciones
Suramericanas (UNASUR) commented.

Preparing for peace
Just as April was coming to an end—with the presidential election just four weeks away—the
FARC decided to involve itself indirectly in the campaign by announcing that, once peace has been
established with the government, it will make its foray into politics via the MBNC. In a press release
from Havana, the guerrilla group promised that the MBNC would be "an open and legal party that
will draw in the discontented majorities."

The party’s objective "is to continue the fight for democracy, reconciliation, and social justice,"
the FARC explained. "The Movimiento Bolivariano is ready to continue its advance, hopefully in a
new scenario marked by peace, but either way, waving the yellow, blue, and red [the colors of the
Colombian flag] of emancipation and calling for the establishment of a constituent assembly that
can remake the country."

Last October, the two sides in the Havana talks reached an agreement regarding the need to create,
once peace is established, special conditions guaranteeing that emerging movements and parties
would be free to operate politically during the crucial transition phase (NotiSur, Dec. 6, 2013). The
deal called on "the spokespeople for the political parties and movements to form a committee that
will define a set of legal guarantees for the parties that declare themselves in opposition."

President Santos—optimistic that a peace accord could be brokered—laid the groundwork for the
talks back in June 2012, when he convinced Congress to approve legislation known as the Legal
Framework for Peace (Marco Jurídico para la Paz). The bill established a blueprint for how to end
the conflict using constitutional rules already in force. It also authorized the creation of "transitional-
justice" measures aimed at "facilitating the widespread demobilization of armed groups and
guaranteeing victims of the internal conflict their rights to truth, justice, reparations, and non-
repetition."

At the time, the government explained that "this system of constitutionality will not only allow
[people] to know who was responsible but also to know what happened, to know the truth." Looking
back, various news sources have since credited the Marco Jurídico para la Paz as the key step that
finally convinced the FARC to enter into formal negotiations with Santos.

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