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The people of Colombia finally received word Sept. 23 of something they had been waiting to hear for more than half a century. That day, President Juan Manuel Santos and Timochenko, the nom de guerre of Rodrigo Londoño Echeverri, also known as Timoleón Jiménez, leader of the Fuerzas Armadas Revolucionarias de Colombia (FARC) guerrilla army, announced in Havana, Cuba, that they have agreed to a six-month deadline—until March 23, 2016, at the latest—to sign a definitive peace accord and thus end, once and for all, the country’s decades-long civil war.

In addition, the two leaders announced that the rebels will have 60 days to lay down their arms so that "Colombia never again experiences the diabolic and explosive combination of weapons and votes," as Interior Minister Juan Fernando Cristo commented. Another key part of the deal is a "transitional-justice" agreement guaranteeing that no one, neither soldiers nor civilians, will be treated with impunity for crimes committed during the cruel internal war that left hundreds of thousands dead and millions displaced.

In the space of just one minute, Santos and Timochenko made it clear that the longest-running war in the Americas is finally coming to an end—a turning point not just for Colombia but for Latin America as a whole, which is also celebrating the news, from just two days earlier, that the Comunidad de Estados Latinoamericanos y Caribeños (CELAC) and the Unión de Naciones Suramericanas (UNASUR) managed to defuse a conflict between Venezuela and Colombia that had turned their shared border into a potentially explosive stage.

The historic Sept. 23 announcement has special significance, as well, for Cuba, one of the guarantor countries in the peace talks (along with Norway), and Venezuela, an accompanying country. "In this one week in September, Latin America demonstrated that dialogue is the best way to settle conflicts," UNASUR Secretary-General and former Colombian President Ernesto Samper (1994-1998) was quoted as saying by the Spanish wire service EFE.

Santos, en route to last month’s UN General Assembly meeting in New York City, arrived in the Cuban capital just minutes before the announcement was made. Timochenko arrived the day before on an airplane belonging to the Venezuelan state oil company Petróleos de Venezuela SA (PDVSA). For security reasons, the governments of Bogotá and Caracas agreed from the outset of the talks, in November 2012, that FARC negotiators would enjoy a temporary reprieve from international arrest warrants pending against them and that Venezuela, as an accompanying country, would take responsibility for transporting rebel delegates to and from the Havana negotiations (NotiSur, Oct. 12, 2012, and Dec. 14, 2012).

Despite the extreme tensions playing out just then along the Colombian-Venezuelan border, the two countries placed their desire for peace ahead of their differences. Timochenko, as a result, was able to leave Colombia, under the care of Venezuela, for his face-to-face encounter with Santos. "On this day, which the sides were right to call ‘historic,’ Latin American diplomacy pulled off one of its
greatest successes when, at the request of Cuban President Raúl Castro, Santos and Timochenko—symbols of the two seemingly irreconcilable parts—shook hands before the agreement was read out in Havana’s Palacio de las Convenciones, the Cuban news agency Prensa Latina reported that afternoon.

**Restorative justice model**

The document, signed by both leaders, was read out loud by diplomats (from the two guarantor countries) who have accompanied the peace process from the start: Rodolfo Benítez of Cuba and Dag Nylander of Norway. The agreement establishes that, once the war is over, Colombia will implement a legal regime called the Jurisdicción Especial para la Paz (special jurisdiction for peace), which "will operate under an integral system of truth, justice, reparation, and nonrecurrence" and apply equally to members of the military and the guerrilla who committed crimes linked directly to the armed conflict that has raged in Colombia since the 1960s.

Unlike similar deals brokered in other countries, Colombia’s transitional-justice regime will apply not just to the people who fought the war but also to those who helped finance it—business owners or industrialists who funded the guerrillas. But it will not, much to the chagrin of the FARC, apply to the 4,000 or more people thought to be involved with paramilitary gangs that act for their own benefit and in service of the drug mafias.

To protect against possible abuses by people seeking to unfairly benefit from the model, the transitional-justice regime will include a number of filters, one being that it will only deal with cases directly related to the armed conflict. Those cases will go before a special tribunal made up of two chambers, one for carrying out judgments, the other for sentencing. The latter will handle cases in which the people involved acknowledge responsibility for their crimes. The former will try people who have been implicated in crimes but do not admit guilt.

The system was designed with the help of international-law and conflict-resolution experts and will follow a restorative-justice model, by which the court will impose punishments that impinge on people’s freedom but not necessarily require them to serve jail time. Under this system, victims and perpetrators will be able to agree together, in some cases, how the sentences are to be served.

Days after the document was read, Sergio Jaramillo, Colombia’s high commissioner for peace and a key member of the government’s negotiating team, said that the model "favors restorative punishments," meaning that convicted people "could be required to do work for the affected communities, replanting coca plantations [with other crops] or removing land mines."

Those kinds of punishments, however, will only be possible in cases where reparations are made to the victims. Otherwise, guilty parties will have to serve jail sentences. People who admit responsibility for their crimes could receive sentences of between five and eight years with beneficial prison conditions. Those who do not admit guilt but are convicted could receive sentences of up to 20 years with normal prison conditions.

**What about the paramilitaries?**

The announcement gave way to gestures that until now seemed unimaginable. "We are adversaries who are standing on opposite banks [of the river]. And yet today we are moving forward in the same direction, that of peace," said Santos, who went on to praise the FARC for agreeing to the transitional-justice plan.
Timochenko noted that "the agreement was designed by everyone involved in the conflict." He also said that the new jurisdiction establishes a model that respects Colombian laws and international standards. "It’s now up to the sides to reach a consensus on how to achieve a bilateral cease-fire and establish specific conditions to dismantle paramilitarism."

A unilateral cease-fire is currently in place ordered (and still being honored) by the FARC (NotiSur, Jan. 9, 2015, and Aug. 14, 2015). The rebel chief insisted that peace will only be achieved once the paramilitary groups are done away with. Neutralizing them, he said, "is the exclusive responsibility of the Colombian state but something we are willing, nevertheless, to help with."

The concept of transitional justice is not very well-known outside places like Ireland and South Africa, among others, that have had to tackle—with varying degrees of success—situations similar to what Colombia faces right now. The International Center for Transitional Justice (ICTJ) in New York defines it as "the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses." The measures include prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms.

"Transitional justice is not a ‘special’ kind of justice, but an approach to achieving justice in times of transition from conflict and/or state repression," the ICTJ adds. "By trying to achieve accountability and redressing victims, transitional justice provides recognition of the rights of victims, promotes civic trust, and strengthens the democratic rule of law."

**Welcome news in Washington**

The US government, which has made Colombia its third-leading recipient of military aid after Israel and Egypt, has followed the negotiations step by step, albeit discreetly. In recent months, it designated one of its most seasoned diplomats, Bernard Aronson, as a special envoy to the Colombian peace process (NotiSur, Sept. 18, 2015).

After the agreement was signed in Havana, Aronson said that US President Barack Obama and US Secretary of State John Kerry were informed "immediately" and that both "are very pleased." And in a Sept. 24 dispatch, the German news agency DPA quoted Aronson as saying that the US, as part of its commitment to seeing the peace process through, should provide additional resources to help the Colombian government.

Aronson has been stationed in Bogotá, physically far from the negotiating table in Havana. He has, nevertheless, played a significant role in the process, a fact that was made clear Sept. 9, when Colombian Defense Minister Luis Carlos Villegas revealed that the diplomat had brokered two meetings between the Santos administration and former President Álvaro Uribe (2002–2010), the fiercest detractor of the Havana negotiations (NotiSur, Oct. 17, 2014, and Feb. 20, 2015). The meetings amounted, in total, to eight hours of talks in the residence of US Ambassador to Colombia Kevin Whitaker.

Still, for all his good intentions, Aronson’s efforts were not entirely effective. After the peace deadline was signed, Uribe continued his attacks, calling the agreement "an act of treason."