

Peace Insider | Colombia Peace Process Analysis

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About the Author:



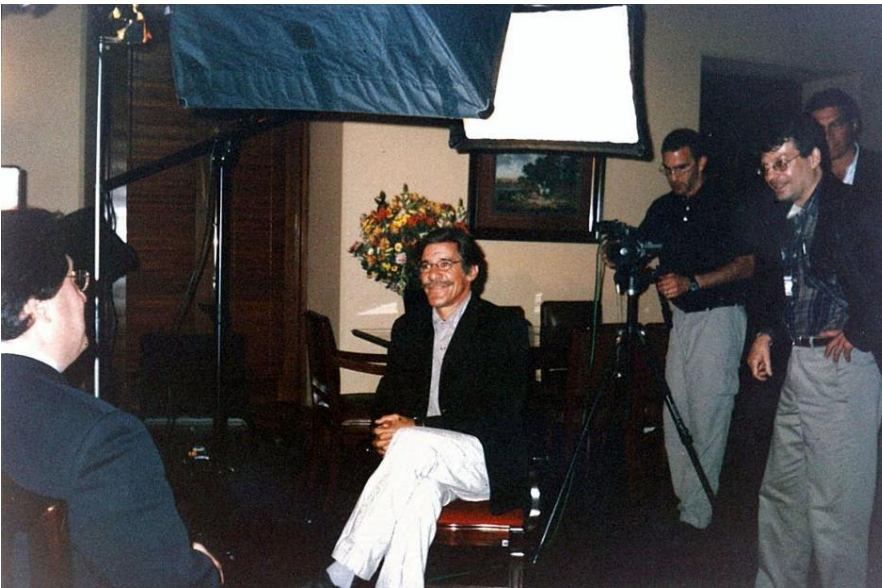
FARC's chief peace negotiator "Ivan Marquez" (on the left) and the FARC's "Jesus Santrich" (on the right) with author Steve Salisbury (center) in Havana, Cuba in February 2015, discussing the Colombian peace process. © All rights reserved.

Steve Salisbury is a private consultant with a background in media as a photojournalist, war correspondent, TV producer, analyst and commentator, covering Latin America. His articles or photos have appeared in **The Washington Times**, **The Wall Street Journal**, **The Nation**, **The New York Times**, **Harvard University's Nieman Reports**, **the Foreign**

Policy Research Institute's E-Notes, Colombia's largest newsmagazine SEMANA, and other publications. He has done assignments as a field producer for FOX NEWS' Geraldo Rivera and was an occasional panelist on the program "Zoom a la Noticia" of Colombia-based TV channel NTN24, among other venues. Steve does consulting for international businesses and other groups.



The author (in blue shirt) with US Navy SEALs and Colombian Special Forces commandos in front of the Cauca river in southwestern Colombia years ago. © All rights reserved.



Author Steve Salisbury (right) working with FOX NEWS' Geraldo Rivera (center) in an interview of Colombian then-Vice President Francisco "Pacho" Santos during the presidency of Alvaro Uribe. © All rights reserved.

Where Is the Colombian Peace Process Headed? Not So Fast...

By Steve Salisbury, February 23, 2016 Bogota, Colombia

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A Colombian Army scout in front a burning cocaine "crystalizer" laboratory just torched by soldiers in southwestern Colombia. © Photo by Steve Salisbury. All rights reserved.

Preface: Steve Salisbury is in a special position to analyze and make recommendations for the peace talks between Colombia's government of President Juan Manuel Santos and largest guerrilla group, the Marxist-Leninist predominantly campesino Revolutionary Armed Forces of Colombia (FARC). The peace negotiations—aimed at ending Latin America's longest-running armed conflict of about 52 years that has resulted in up to approximately 220,000 dead and 6 million displaced people, according to some estimates—were formally initiated in Havana, Cuba, in November 2012 after an inauguration ceremony in Oslo, Norway, a month earlier and secret preliminary talks in Havana for months before that. Long based in Colombia, Salisbury, fluent in Spanish, has a background in media and private consulting, living in and covering Latin America since the early 1980s and meeting with Colombian news-makers across the political, economic, social, and armed-conflict spectrums.

Before the naming of Bernard Aronson as US Special Presidential Envoy to the Colombian peace process in February 2015, Salisbury was already carrying out since April 2013 as a "Good Samaritan" private citizen what could be seen as a *de facto* role of an unofficial "emissary" or "intermediary" and continues his efforts deeply following the peace process to this day. To be clear, Salisbury doesn't work for, nor represent, the US government, isn't part of the actual peace negotiations, and doesn't negotiate. But it could be said that, in a way, Salisbury was a private-citizen "precursor" to Ambassador Aronson.

Salisbury has met in private multiple times with the FARC leadership in Havana, passing along its messages to US senior officials in Washington DC and the US embassy in Bogota, and reviewing publicly declared US official positions to FARC leaders as well as asking the FARC leadership questions on the mind of US officials or others. Salisbury had first met the FARC's top leaders in a journalistic capacity in the year 2000 during the ill-fated peace talks under Colombian then-President Andres Pastrana, who allowed a Switzerland-sized "Distension Zone" to

the FARC for over three years where those talks took place, but which was retaken by government troops when the talks collapsed in February 2002.

Since 1997, the FARC has been officially designated a Foreign Terrorist Organization (FTO) by the US State Department, which the FARC rejects. Until the presidential designation of US Special Envoy Aronson, US officials had been barred from meeting with or communicating directly or indirectly with the FARC since US diplomat Phillip Chicola met officially in December 1998 in Costa Rica with the FARC's senior-ranking "Raul Reyes" (who was killed a decade later in a controversial Colombian military cross-border airstrike about a kilometer or so inside Ecuador). That US communication with the FARC ended abruptly after the killing of three American Indian-rights activists in 1999 was imputed to a FARC unit which accused them of being spies—"an unfortunate misunderstanding and tragic accident," according to the FARC. But what has always been permitted is if unsolicited FARC communication happens to come before the eyes of US officials, explain US officials. And that is where Salisbury came in about three years ago.

While President Obama designated Ambassador Aronson following a request by President Santos, Salisbury's analysis beforehand on such an option was apparently taken into account by US policymakers, according to a well-placed source. Besides being taken into account by US officials and the FARC leadership, Salisbury's observations have been kept in mind by top international peace advisers to Pres. Santos, Colombian senior military officers (active-duty or retired), respective members of the political opposition as well as of Santos' political coalition, Colombian Congresspersons, think-tank and humanitarian executives, and victims of the conflict, among others.

Salisbury continues to provide his reports and assessments to US officials and others following the peace process. To provide greater understanding for the public discussion on Colombia, the forecast herewith is an updated, expanded version by Salisbury of one of his reports provided to US senior officials and others, with editing for purposes of anonymity in some places.

Introduction: Difficult Complexities Yet to Resolve, Despite Evidently Growing Optimism

With fanfare before a crowd of invitees, including famous Colombian pop stars and athletes, on February 4 at a White House commemoration of over 15 years of Plan Colombia—a program where Colombia has received some 10 billion dollars in US assistance since its start in 2000 to fight illegal narcotics and help bolster the Colombian state via integrated law-enforcement, military, social, developmental, and economic efforts—United States President Barack Obama and Colombian President Juan Manuel Santos announced a follow-up plan dubbed "Peace Colombia." Designed for an eventual post-conflict and transition to it, Pres. Obama has asked the US Congress to approve some 450 million dollars—\$390 million in

bilateral assistance and some \$60 million for other programs—for fiscal year 2017, up from a reported 310 million dollars that the US Congress approved for Colombia for 2016. It comes as the Colombian government's and the Revolutionary Armed Forces of Colombia (FARC) guerrillas' peace delegations have intensified their negotiations.



Colombian Army Special Forces anti-narcotics commandos raid a coca-leaf "chagra" rustic lab and arrest two suspects in southwestern Colombia. © Photo by Steve Salisbury. All rights reserved.

Issues to resolve in what Pres. Santos calls "the final stretch—a term FARC leaders are hesitant to use, though they express optimism—include the point of "End of Conflict," bilateral "definitive" cease-fire, gathering of FARC forces for the "laying down of weapons" ("dejacion de armas") and incorporation into civilian society, the selection of judges for a special Tribunal for Peace on war crimes, ratification, implementation and verification of an eventual overall peace agreement, etc. (See sidebar: "Some of the Hardest Issues to Resolve at This Juncture in Colombian Peace Process.") The question is: Where is the Colombian peace process headed, when nothing is binding until everything is agreed upon in a final overall accord that is ratified?

While a lot of the toughest ground seems to have been traversed, the remainder is arduous, and the signing of an overall peace accord in 2016 cannot be taken for granted. Despite what some saw as overly optimistic "happy talk" by Pres. Santos in early February in Washington DC supposedly giving an impression (intentionally or unintentionally) that an overall peace accord with the FARC is practically almost just around the corner—and high expectations that Santos has built since the beginning of the formal peace talks in 2012 when he mused that he thought they could be completed in months—developments have occasionally popped up that take some measure of air out of the optimism, only for it to come back on announcements of good news by the Colombian government and FARC.

The most recent hit to an upswing of optimism happened February 18 when FARC peace negotiators given permission to travel via assistance from the International Committee of the Red Cross from Havana to guerrilla encampments in Colombia to update FARC rank and file on the peace process entered a small town and addressed townspeople in the main square with armed guerrillas present.

Pres. Santos reprimanded the FARC for what he viewed as it breaking protocol, denouncing it of carrying out armed proselytism. The FARC denied it and called the furor an “unjustified controversy.” President Santos suspended such visits and said February 19, quoted by Colombia’s El Tiempo newspaper: “The time has now run out for finishing the negotiations and the date of March 23, agreed by the President of the Republic and the Commander of the FARC, is less than five weeks away. It is necessary to take decisions on the defining points that still remain.”

This episode is an example that the potential misreading of each other (and of each other’s respective hands of cards) or miscalculations by either side or both—including on public-opinion and political currents inside Colombia—can undermine the talks, and that brinksmanship can lead to unintended, undesirable consequences. Because of that and the remaining complex issues to be negotiated, it cannot be said with certainty, yet, that an overall peace accord will be signed in 2016, though a reasonable argument can be made that the odds for it to happen by the end of 2016 are better than for an overall agreement to be signed by March 23.

Notwithstanding some news stories interpreting Pres. Santos’ February 19 statement as practically being an “ultimatum” to the FARC, it appears unlikely that an overall peace accord will be signed by March 23, a date that President Santos and the FARC’s maximum leader “Timochenko” (nom de guerre) discussed, but which the FARC leadership saw as an aspired date, not a deadline fixed in concrete. But as one of the FARC’s peace negotiators recently wrote to me (I translate the excerpt into English): “The work is hard, but it seems that the light begins to be seen at the other end of the tunnel, of course that difficult enough points remain but we hope that among all we may be able to resolve them.”

Said US Secretary of State John Kerry in a joint appearance with Pres. Santos in Washington DC February 5: “The outlook is promising, but the stakes are much too high to take anything for granted, and we don’t. No one is in a celebratory status. There is work to be done. We’re here to renew the commitment for these months in order to complete the task.”

President Santos cited a big boost when the Colombian government and FARC announced January 19 in Havana that they agreed on the United Nations via unarmed observers to be selected from Community of Latin American and Caribbean States (known by its Spanish acronym CELAC) to participate in verification of an eventual bilateral cease-fire and disarmament. This is a very important step before a bilateral cease-fire/ceasing of hostilities could go into effect. But, while Colombian government chief peace negotiator Humberto de la Calle says that this implies that a semantical difference between the word terms

“handing over” and “laying down of weapons” has been surmounted and that the FARC accepts to eventually lay down its weapons, verification is a technical mechanism depending on how and when the Colombian government and FARC decide to make the bilateral “definitive” cease-fire/cessation of hostilities—questions which still need to be resolved. The FARC has said that it could start before an overall peace accord. But Colombian Foreign Minister Maria Angela Holguin said that UN/CELAC verification would coincide with or start shortly after the signing of an overall peace accord.

The Colombian government and FARC peace delegations initiated a new Executive Commission January 22 or 23, aimed to expedite the talks. But it remains to be seen if it will be enough for them to reach an overall agreement in 2016. Here in the following are 24 sections where I explore what could be shaping up, and below them, an accompanying [sidebar story](#).

1) No Colombian Government-FARC Overall Peace Agreement by March 23 and No Guarantee for It in 2016



Juan Manuel Santos during his first presidential campaign in 2010. Was Santos at that time thinking it possible of starting a peace process with the FARC? © All rights reserved.

It appears to be that the odds are heavily against an overall complete peace agreement being signed between the Colombian government and FARC by March 23, from where things stand now and as I predicted earlier in my reports to US officials, basing my assessment on what the FARC leadership has told me and from its public pronouncements, as well as from my talking with others and just looking at time-tables, practicalities and limitations.

Colombia’s Pres. Juan Manuel Santos has insisted that March 23 is the orally agreed “deadline” between him and the FARC’s maximum leader “Timochenko” from when they met September 23, 2015 in Havana for a high-profile televised ceremony where they signed in the presence of Cuban leader Raul Castro what was supposedly a completed agreement on victims’ and judicial issues, but which turned out to not be really completed, as shortly afterwards both sides talked of “imprecisions,” voids and differences of interpretation that still needed to be “polished” and resolved.

But the FARC leadership has maintained that March 23 was a then-hoped-for target date to end a six-month time-frame that was to begin once the

victims'/justice agreement was completed, and since it wasn't completed on September 23, as first misunderstood, the clock didn't start, according to the FARC. The Colombian government and FARC peace delegations jointly announced Dec 15 in Havana that impasses in the victims'/justice agreement's 75 items were worked out, but a careful reading of it shows that some things are still to be determined later. So, has the clock started or not?

Whatever the confusion, nothing clearer underscores that an overall peace agreement will probably not be signed by March 23 than what the FARC's chief peace negotiator "Ivan Marquez" tweeted just before the resumption of the peace talks on Jan 13, 2016 after a Christmas-New Year's holiday recess, saying [which I translate from Spanish into English]: "To insist on March 23 as the deadline of the talks, after the delay in the agreement on the JEP [Jurisdiccion Especial para la Paz, Special Jurisdiction for Peace 'transitional justice'], is a light naivety."

It is interesting to note that while Pres. Santos hasn't ditched his view of the March 23 "deadline," he had inserted more since the beginning of the year an "ojala" ("it is wished") caveat in his public comments about the March 23 date, emphasizing the sensitive complex nature of questions that remain in the "final stretch." And Pres. Santos has indicated that if his view of the "deadline" isn't met, he will not end the talks. "We hope to sign before the 23 of March. If it is a couple of days or a week later, no matter," Santos was quoted as saying at the Wilson Center in Washington DC February 3, by Colombia's largest newsmagazine SEMANA.

Moreover, Pres. Santos told Julio Sanchez Cristo and his team of W Radio February 22 that while March 23 was "an agreed date by the two sides, and that date hasn't been modified, if the date is modified, it has to be by agreement of [both] the sides. There are possibilities to finish at least the fundamental points. I put them in order, four fundamental points, which we can [resolve], if there is political will to resolve them before that date. And I believe that if we make an effort in that direction, we can achieve it."

Pres. Santos was referring to the following four points: 1) the timeline for the FARC to lay down its weapons; 2) how to select the judges for the tribunal on war crimes; 3) where and in how many areas to gather the guerrillas for demobilization from its guerrilla form; and 4) the way to ratify an eventual overall peace accord.

If the talks drag on after the March 23 "deadline" is Pres. Santos prepared to say something like, "Hey, I tried my best, I tried to go the extra kilometer, and I don't see the necessary progress, and Colombians' patience has run out, and I am recalling my negotiating team from Havana"? Could Pres. Santos's statement February 19 that the "time has now run out for finishing the negotiations" be laying the possible groundwork to end the talks? Or will Pres. Santos let "deadlines" come and go with no overall peace accord signed and continue to allow things to drag

on, in his heart-felt hopes for peace? The odds are that as long as Pres. Santos sees meaningful progress and that there are realistic signs that an end is truly in sight, he will be pragmatic and continue the talks and not let the technicality of missing a date throw about three-and-a-half years negotiations overboard.

Pres. Santos' heart and hopes were put into setting the March 23 date with "Timochenko" as what Santos might have thought could be an effective, bold way to try to expeditiously flow the FARC into an overall peace agreement. Ironically, while the FARC leadership sometimes has wondered if Santos' insistence on the March 23 date is a tactic to try to corral or corner the FARC, some observers ask, Did Santos corner himself on this one? Santos would answer no and that he got "Timochenko" to make a time-frame, and that the FARC didn't keep it, whatever the reason (if the March 23 date isn't met).

Nevertheless, the unfulfilling of the March 23 date could spur questions—stoked by the political opposition and other critics—about who is in the driver's seat when it comes to the pace and direction, perhaps, of the peace talks: The Colombian government or the FARC?

Without an overall peace accord signed by March 23, Pres. Santos could argue that he and his negotiating team tried their best, stepping on the accelerator, and that the elapsed "deadline" prodded further progress faster, but that more time is needed to get closer to the finish line. Critics may argue that it prodded movement, but in the form of too many concessions by Santos to the FARC on the victims'/justice agreement, among other things, which Pres. Santos would deny.

While the odds for an overall peace accord by end of 2016 are better—at least relatively speaking—it is not guaranteed and would seem to be a tough uphill effort. The FARC has been clear that it has no problem in "taking the time necessary" until it is satisfied with a text. And FARC peace negotiators have said that the Colombian government peace delegation has taken its own time, for example, by being too much of a stickler at times, in the FARC's view, to the point of where to place commas. Where to place or omit a comma could change the meaning of a phrase, and it is just an example of how details dictate time. But odds of an overall peace accord happening in 2016 would be boosted by a lot of hard work, focus, and intelligent, sensible, responsible and creative thinking, and if miscalculations, misreadings and other potential pitfalls are avoided.

Perhaps inadvertently telling, the Colombian government-FARC agreement on the United Nations and CELAC to participate in verifying an eventual bilateral cease-fire states that the time-frame for the verification mission is 12 months and extendable. So, what does that seem to imply? That things could go into 2017 or after?

As European Union Special Peace Envoy Eamon Gilmore said in a Colombian press interview, it is better to focus on getting a good, solid deal than on fixating on a particular date to get it. Slap-dashing together an agreement just for the sake of doing things fast would not be conducive to making a very good, solid, responsible, stable, lasting overall peace agreement.

If 2017 arrives and there is no overall peace agreement, then politics for the 2018 Colombian presidential and Congressional elections will kick in substantially (there is already presidential electoral jockeying now), and that could affect the peace process—perhaps even up to the point of where pressures would mount on a lame-duck Pres. Santos, who Constitutionally cannot run for a third term, to pass the peace negotiations on to his successor, who would decide on what to do with them.

At that point, who knows what Colombian public opinion and patience would be on the talks? But it isn't far-fetched to think that if the FARC continues to effectively hold to a cease-fire (unilaterally now, though perhaps bilaterally by then, if the Colombian government agrees and if the UN wouldn't object to its verification mission starting before an overall peace accord is signed), the patience of many Colombians with the peace process could continue, even into a new presidential administration. (The FARC says that its unilateral "indefinite" cease-fire depends on it not being "provoked.") Would Pres. Santos end the talks just because he would have to hand them over to his successor? No. As Pres. Santos has publicly said, as long as he sees good faith and significant progress in the talks, he will continue with them in his heart-felt quest for peace.

Jonathan Powell—who as chief of staff to British then-Prime Minister Tony Blair worked in an important role on the Northern Ireland peace accord and who is now an adviser to Pres. Santos—observed in a January 10 Colombian *El Tiempo* newspaper interview that the final part of a peace process can be the toughest part. And tough can mean time-consuming. While the FARC's chief peace negotiator "Ivan Marquez" announced that the chances of peace are now shinier than ever, "Marquez" tempered his statement by stressing that there is a lot of nitty-gritty to be tackled in what remains to be negotiated.

Clear, straightforward communication is a must, not only between both sides, but within each side's respective negotiating structures, and with the general public, to protect the talks from possible misunderstandings, false expectations, unrealistically high hopes, unfounded rumors, misinformation, disinformation, trouble-making or flat-out smears.

And what needs to be recognized is that trying to fit solutions to a remaining host of thorny, very complex and sometimes seemingly paradoxical issues within a year would be like trying to get a Christmas tree through a not-big-enough door.

Working the angles right, squeezing, and pushing enough, the tree might be able to be crammed through, but it's a maybe.

In April 2013, during my first of 11 trips to Havana to talk with the FARC leadership about the peace process, "Ivan Marquez" told me that once the judicial and political participation issues were resolved, the most difficult humps would be crossed, and the peace process could move faster. But that doesn't mean that everything else would be necessarily finished in months.

Besides the still-to-be-determined aspects in the victims'/justice agreement, other complicated issues include, but are not limited to: the FARC's insistence on resolving the phenomenon of "paramilitarism"/vigilantism; an eventual "definitive" bilateral cease-fire/cessation of hostilities; the gathering of FARC forces for eventual laying down of weapons and entry into legal society (the FARC says that the word "demobilization" isn't accurate because the FARC intends to stay organized, albeit unarmed then); FARC incorporation into electoral politics; the ratification, implementation, and verification of an eventual overall agreement, etc. And it must not be forgotten that the FARC says that at least 42 tough "loose ends" left "in the freezer" since the start of the formal peace talks in the autumn of 2012 are yet to be resolved from partially agreed-to points on agrarian/land/rural development, political participation, and narcotics/alternatives to illegal crops. Moreover, the FARC leadership says that it will not forget "Simon Trinidad" and other FARC members extradited to US prisons serving sentences on kidnapping, drug-trafficking or other criminal charges.

For example, just alone on the issue of the paramilitary phenomenon, a member of the FARC's top level, the Secretariat, in this case "Joaquin Gomez," says, "The state must resolve the phenomenon of "paramilitarism" before an overall peace agreement is signed. This statement may be seen by some to imply that the Colombian government first dismantle all of the organized criminal bands known as "BACRIMs," which are viewed by the FARC as a continuing form of "paramilitarism" after the demobilization a decade ago of traditional anti-guerrilla outlawed "paramilitary"/vigilante groups, like the United Self-Defense Forces of Colombia (AUC). This couldn't be done in a year, and probably not in several, or ever at all in totality. Another FARC Secretariat member/peace negotiator, "Pablo Catatumbo" says that this doesn't mean that every single "paramilitary"/BACRIM/post-"paramilitary" member has to be dealt with, but that the Colombian government has to subdue the structures of "paramilitarism" to a point where they are not a threat.

2) What about Colombia's Second-Largest Guerrilla Group, the "National Liberation Army" (ELN), in This?

Another question that could affect the length of the peace talks with the FARC is the matter of Colombia's second-largest guerrilla movement, the "National Liberation Army" (ELN), which says its date of founding was July 4, 1964, a couple months after what the FARC says was its own creation, though the ELN had stirrings before that. Quite some time ago, the FARC's chief peace negotiator "Ivan Marquez" told me that he envisioned one possible scenario that once the ELN started its own formal peace negotiations with the Colombian government and once this matured to a sufficient point, then the ELN talks could be perhaps merged with the FARC talks before an overall peace agreement would be signed.

If this were to be the case, it could take months or years. The ELN, whose maximum commander is Nicolas Rodriguez Bautista, known by his nom de guerre "Gabino," and Pres. Santos' government started a preliminary exploratory dialogue in 2014 (with "feelers" reportedly beginning in 2013) trying to set a frame-work and operational details for eventual formal peace talks. The inauguration of formal talks between them had been expected to happen in the first half of this year, but acrimonious moments of finger-pointing between the Colombian government and ELN and a recrudescence of their mutual war-related actions have put this in doubt and the exploratory talks are now the rocks.

After the ELN was imputed to firing improvised mortar projectiles February 7 that reportedly exploded causing minor damage on the grounds of the Army's 18th Brigade base in Arauca, the capital of the department (province) of the same name, Pres. Santos demanded that for any peace negotiation to take place, the ELN would first have to free all those held captive by it, including an Army corporal who was reportedly snatched in early February at an ELN check-point as he was unarmed, dressed in civilian clothes and riding a motorcycle. Moreover, Pres. Santos ordered the military to re-intensify its efforts against the ELN. The ELN's response: a three-day "armed stoppage" in mid-February aimed at road traffic in remote areas of ELN presence, during which three police members were reportedly killed, an undetermined number of people wounded, and at least a couple of buses burned in some 35 ELN violent actions. On February 20, the Colombian security forces reported that they had killed a half-dozen ELN guerrillas in combat.

The tension between the Colombian government and ELN had been building for quite some time. Responding at the end of January to an exhortation two days earlier by the Colombian government's chief peace negotiator with the FARC, Humberto de la Calle, for the ELN to take the necessary steps to enter formal peace negotiations promptly, the ELN replied in a communique that it has been

ready and waiting since November for the government to meet with it again to set a date and place.

Pres. Santos responded February 1 in a public statement, saying: “They [the ELN] know that that is not true, we are asking them for some time already that a series of meetings be facilitated that we still have ahead, to go from the confidential phase to the public phase. We are in wait of them for making those dates concrete.” Venezuela and Ecuador have been facilitating the exploratory talks. But turmoil in Venezuela has gone against consideration of it hosting Colombian government-ELN formal talks, at least in the perspective of the Santos’ administration, which reportedly would prefer Ecuador over Venezuela. However, the ELN reportedly would like to give a boost to Venezuelan President Nicolas Maduro and homage to Venezuela’s late President Hugo Chavez by having the formal talks in Venezuela, at least part of the time. It is an “open secret” to Venezuelan inhabitants in border areas with Colombia that the ELN has safe havens inside Venezuelan territory, which the Venezuelan government denies. Besides Ecuador and Venezuela, possible options reportedly mentioned for hosting potential formal negotiations between the Colombian government and ELN could be in Cuba, Brazil or Holland.

According to Colombian Defense Minister Luis Carlos Villegas in an *El Tiempo* interview January 31, “The grave point with the ELN is its federation; the interlocution on a topic so complex as is the peace negotiation results very difficult, because it [the ELN] is atomized. I believe that those federated commanders of the ELN have to think in seriousness that this is not the country that motivated its creation in the 60s and 70s.” The ELN, which has proposed to include somehow representatives across the spectrum of society in the negotiations, says it is unified, with its own consensus-building, decision-making process, and that it has been the Colombian government trying to force things or not replying promptly that has caused delays to start formal peace talks, which the government denies.

What are frame-work topics planned for possible formal peace talks between the Colombian government and ELN? While this was apparently understood to be confidential by the Colombian government, the ELN’s Central Command (COCE) member “Antonio Garcia” revealed to Argentine media in 2015 that topics on the agenda are participation of society, democracy for peace, necessary transformations for peace, victims, end of armed conflict and ratification and implementation of accords.

A question would be if the FARC and ELN might see advantages in a possible scenario where the FARC signs an overall peace accord first and starts its reintegration into civilian society while the ELN is negotiating its own peace accord with the Colombian government (or not in negotiations). Why? It could perhaps be

seen by the FARC as a sort of “insurance policy” that a Colombian government-FARC overall peace agreement is honored, and if not, the FARC would have an option (as remote as it may seem) of returning to its guerrilla operations, with assistance from the ELN. One of the ELN’s top combat commanders, “Pablito,” promoted to the COCE last year, has been cited as supposedly saying that the ELN could be “the active reserve” of the insurgency.

In line with such speculation, some wonder if the FARC could maybe even choose to store covertly some of its weapons with the ELN for such a possible contingency. The FARC and ELN have had some rough patches in their relationship over the decades—some of their respective units even reportedly exchanging gunfire on odd occasion—but both talk of fraternal revolutionary links between each other. Some may think that a downside for the ELN in this hypothesis would be that the ELN would face the brunt of Colombian military actions, if the FARC laid down its weapons and the ELN stayed fighting; but it appears that the ELN is already getting the brunt of military actions, given the FARC’s unilateral “indefinite” cease-fire.

There are already questions of whether or not the FARC, being in its unilateral cease-fires, has had or may have had some private tacit interaction with the ELN on ELN military actions, presumably to keep pressure on the Colombian government to continue to take the guerrilla groups seriously and to keep government troops distracted away from FARC areas. It wouldn’t be hard for guerrillas to take off their FARC armbands and temporarily put on ELN ones, or not to wear any identifying insignia at all, to carry out attacks, say military observers.

Former president/now Senator Alvaro Uribe, in a statement posted on his Centro Democratico opposition party website, said that in the southwestern department of Cauca “the citizenry complains that many members of the FARC break the law today with the uniform of the ELN, while in the south of Bolivar [department] it is also noted that the FARC has given the order that they break the law with the ELN uniform, and they are recruiting children in Montecristo and all that area.” The FARC denies this.

3) FARC Unilateral “Indefinite” Cease-Fire or Undeclared “Bilateral” Cease-Fire, and Eventual Declared Bilateral “Definitive” Cease-Fire

Among the most important moments in my communication with FARC leaders was when we talked in-depth about the topics of a FARC possible unilateral “indefinite” cease-fire before one was declared—and to renew it after a resurgence of fighting—and of potential options which both the Colombian government and

FARC could consider to deescalate the armed conflict. Driving factors were and are to save lives and foster a more conducive environment for the peace process.



The FARC's late combat strategist "Mono Jojoy" with his guerrillas in the "Distension Zone" in 2000. © Photo by Steve Salisbury. All rights reserved.

as a gesture toward the deescalation of the conflict.

Citing those reasons, in the second half of December 2014, the FARC declared a unilateral "indefinite" cease-fire. While there were at least some 14 reported small-scale skirmishes, which the FARC claimed were defensive on its part, resulting in the number of killed or wounded in double digits, Pres. Santos said that the FARC had been complying with its unilateral cease-fire, and he ordered a suspension of first-strike aerial bombing against the FARC,

But since early in the FARC's unilateral "indefinite" cease-fire, FARC leaders were complaining to me about what they said were unnecessary, unrelenting, gratuitous "provocations" and incursions by the military into FARC areas—including some remote rearguard areas where the military had supposedly never gone before—and where they said the FARC was "not bothering anyone," and that guerrillas had been killed. They said that if these "provocations" continued, they would be "forced" to fight back. The Colombian government view was different: With a Constitutional duty to uphold security in all Colombian territory and with a bilateral "definitive" cease-fire not in place, government troops were continuing (and continue) to go into FARC areas and respond to calls that the FARC was shaking down people (the FARC calls it "collecting taxes"), guarding drug-crops, or other complaints, as they would against any other outlawed group. And it wouldn't be surprising if some gung-ho military officers wanted to get in their last punches at the FARC before the war ended, to try to burnish their own respective military careers.

Whatever the case, some 11 soldiers of humble origins were reportedly killed in a FARC midnight attack April 14-15, 2015 in the La Esperanza/Buenos Aires area of southwestern Cauca department. Why the attack? The FARC claimed self-defense, as if it were a case of a person firing on an intruder in his or her home. And self-defense, in FARC eyes, could mean that if the Colombian military is attacking FARC units in one location, then the FARC can "counterattack" in another location "to take pressure off" the FARC units being attacked. But the news and images of the dead soldiers, who were sleeping at the time of the attack, outraged public opinion, and the FARC unit's premeditation of the attack was clear.

Some wondered if coca farmers and others depending for their livelihood on the illicit drug trade in that area were wanting the FARC to “do something” to stop incursions by the Army and police against the drug cultivations and installations there, and if this might have had anything to do with the FARC unit’s attack.

Pres. Santos went to the airwaves to announce a resumption of first-strike aerial bombing against the FARC, and on May 21, 2015, a military air strike hit a FARC encampment near Guapi, Cauca, and reportedly killed 26 guerrillas, including FARC member “Jairo Martinez” who had participated in the Havana talks. The FARC responded by declaring an end to its unilateral cease-fire, which it said it had been continuing despite the FARC attack that had killed the 11 soldiers. During the next two months, the FARC launched at least 145 attacks comprising of harassment, ambushes and sabotage, killing some 22 government troops and two civilians, according to the Colombian think tank CERAC. Another Colombian think tank, IDEPAZ, reported 109 FARC attacks during that period, with 18 against the oil infrastructure and 16 against the energy grid.

As clamor grew nationally and internationally to deescalate the conflict, the FARC renewed its unilateral “indefinite” cease-fire July 20, 2015, which it has held to this day, and Pres. Santos re-suspended first-strike aerial bombing.

From reading my reports before the FARC attack that killed the 11 soldiers in Cauca, one would see the urgent, grave warning signs of the highly dangerous, explosive situation building.

In my report dated February 8, 2015, I wrote: “A big concern is how to preserve the FARC’s indefinite unilateral cease-fire. While the FARC has shown a high level of cohesion and discipline in maintaining it so far, it remains fragile in that a potential skirmish or other incident—even if accidental—could scuttle it. The FARC leadership has to keep its rank and file in mind, and as FARC peace negotiator [] told me, there is only so much (or so little) leeway that the FARC can take in being attacked by the Colombian military before the FARC’s rank and file—as well as the FARC leadership—get to a point of “enough is enough” and resume offensive operations “to defend themselves.”

What the FARC leaders were complaining about to me was a worry they had before they started their unilateral “indefinite” cease-fire. As I noted in the February 8, 2015 report: “The FARC’s peace negotiators had the worry back then [as they expressed to me before launching a unilateral “indefinite” cease-fire] (and even now to some degree) that if they did (and are now doing) an indefinite unilateral cease-fire, then it could expose FARC troops to being slaughtered, to losing ground militarily, to lessening the pressure on the Colombian government to take the FARC seriously in the negotiations, and eventually to causing atrophy in FARC ranks. (Keeping up offensive combat operations keeps a guerrilla movement sharp,

they would say.)” I answered these FARC questions point by point, stressing the humanitarian benefits, the boost the peace process would get, and that facing risks for peace—in a sincere, thoughtful, responsible way—is an act of courage.

Members in the Colombian Armed Forces had their own concerns, as an excerpt from my report dated April 9, 2015—days before the FARC attack that killed the 11 soldiers—shows:

“The FARC’s self-declared indefinite, unilateral cease fire is in serious jeopardy. I mentioned this in previous e-messages to you, but it is literally in the midst of even more fire now. I met with a Colombian Army [] colonel Easter Sunday afternoon, whom I have known for 17 years, and he directly handles combat operations. This colonel told me that there is still intense fighting between the military and the FARC in several regions of the country, and that the Army has suffered quite a number of killed and wounded (mostly from mines and snipers). Publicly, the Colombian Def. Ministry says that three soldiers were killed in the past month. The FARC’s peace negotiator [] told me that the FARC has suffered over 10 or 20 KIAs since the cease fire.

“The colonel says that the Colombian Army is, indeed, going into remote jungle areas to nail the guerrillas, and that that is the Colombian military’s Constitutional duty. But he added that the FARC still takes what he described as ‘offensive’ actions against the Colombian security forces with FARC snipers shooting at and sappers laying mines ahead of government troops. (The Colombian government and FARC have agreed to do de-mining by joint-teams with independent observers/experts.) The FARC denies taking offensive actions and says that its actions are ‘defensive.’

“Whatever the case, the fighting is increasing, say separately the colonel and the FARC. The colonel says that while Pres. Santos has suspended first-strike bombing of FARC targets, if the FARC fires upon the Colombian government troops, then air support can be called in to attack the FARC. A possible upshot of this is that the Colombian military can use this clause (loop hole?) to try to draw FARC gunfire by the military or police using ‘recon by fire,’ and then calling in air strikes against the FARC.

“That said, just the suspending of the ‘softening up’ first-strike bombing has affected government military operations, says the Colombian colonel. ‘I am not going to risk the lives of my soldiers on some tough targets without bombing support first,’ he told me.

“Interestingly, the Colombian colonel, a hard-liner all his career, says that at this stage in the Colombian peace talks it would be preferable to have a well-defined,

solid, verifiable, bilateral cease-fire, instead of the limbo of a FARC unilateral cease-fire where there is a gray area.”

In early August, 2015, about four months after I wrote that report, Colombian retired general and former chief of the Armed Forces Jorge Enrique Mora, who is a government peace negotiator, was quoted in *El Tiempo* as saying in a forum, “The unilateral cease fire is a gray zone that generates many worries, especially for our forces.” According to RCN-TV, covering the same forum, Mora said, “Personally, I prefer a bilateral cease-fire, which is what has happened normally in all conflicts...Yesterday, there were clashes, there were Army dead in those clashes with the FARC, which indicates the dangerousness of the unilateral cease-fire.”

So, why not have a formal bilateral cease-fire now? The FARC has been calling for it, an “armistice,” since the start of the peace talks, to happen as the talks take place. But the government position has been for it to happen as a “definitive” act to end the conflict and hostilities. Pres. Santos’s concern is that if a bilateral cease-fire is not “definitive” to end the war, the FARC could abuse it to refortify itself for an “armed peace,” gain strategic advantage and drag out peace talks indefinitely; and if the talks were to fall apart, the FARC would be stronger to renew its fight.

Moreover, Pres. Santos would not want to see the political opposition trying to spin a non-definitive bilateral cease-fire as a kind of supposed follow-up to former president Pastrana’s failed peace talks’ Switzerland-sized “Distension Zone,” which Pastrana had ceded to the FARC from January 1999 to February 2002, when Pastrana ended the talks, citing FARC violations.



Colombian then-Pres. Andres Pastrana at a police ceremony in Bogota. Pastrana allowed a Switzerland-sized “Distension Zone” to hold ill-fated peace talks with the FARC from 1999 to 2002, when Pastrana ended them. © Photo by Steve Salisbury. All rights reserved.

Pastrana’s job-approval ratings plummeted to among the lowest levels ever polled for a sitting president, as critics shouted that the FARC had constantly abused the “Distension Zone” and turned it into a safe haven to grow by up to some 60%, to refortify itself, to hold captives, to execute its enemies, to benefit from drug cultivations, to use as a staging ground for attacks, and to host freelance instructors who were reportedly active members of Spain’s armed separatist group ETA, former members of the Irish

Republican Army, or other “internacionalistas” regarding urban combat and explosives training.

The FARC was fed-up with Pastrana, too, saying that Pastrana fumbled the FARC’s olive branch of peace and duplicitously used the peace talks for Plan Colombia to take root and expand and modernize the Colombian Armed Forces and police. The FARC cited an economic recession of historic proportions during Pastrana’s presidential term for helping the FARC to engross its ranks—although Pastrana denounced FARC attacks as undermining the economy. And the FARC blamed its enemies for sabotaging the talks.

The FARC’s late top combat strategist alias “Mono Jojoy,” who was killed in an airstrike in 2011, even singled out US president Bill Clinton in a parable he told me in the “Distension Zone” in 2000. “Mono’s” parable was like this: Pastrana was like a young lady enamored by the dashing FARC. She flirts with the FARC, and the FARC checks her out. However, it turns out that Pastrana has a “husband,” Clinton, who gets jealous of Pastrana getting too close to the FARC because Clinton doesn’t want Pastrana to do for the FARC what Monica Lewinsky did for Clinton, “Mono Jojoy” told me. Thus, Clinton puts his foot down and has Pastrana end his flirtation with the FARC, according to “Mono.”

Pastrana, whose image hasn’t completely recovered to this day, argues that his good-faith peace efforts unmasked the FARC as being triumphalist and not ready for peace in a reasonable way then, and that he bequeathed his Plan Colombia to his presidential successor Alvaro Uribe to push back the guerrillas.

Trying to spin a full bilateral cease-fire as a Pastrana-like “Distension Zone” would be like trying to fit squares into circles, because the “Distension Zone” was not a bilateral cease-fire, but an area demilitarized of government troops for the purpose of having peace negotiations.

But the FARC’s unilateral “indefinite” cease-fire now seems to have practically evolved into an undeclared “bilateral” cease-fire, though still precarious not having a panoply of verification and protective mechanisms that the United Nations via CELAC countries is set to provide upon the signing of an overall peace accord or shortly after. A Western official who interacts with the Colombian Armed Forces and follows the peace process told me that the Colombian military hasn’t been launching offensives now, and that to do so, an order has to come directly from Pres. Santos. “It is basically an undeclared cease-fire,” this official, who prefers to remain anonymous said, though Pres. Santos and his government officials may not view it that way, or at least not say so publicly, if they privately did.

4) Could Calls for a Military Solution Spike on Potential, New Frustrations over Prolonged Talks? What Is the Balance of Forces?



Colombian marines navigate the Magdalena river on patrol near Barancabermeja. © Photo by Steve Salisbury. All rights reserved.

While there may be an isolated, low-level, fortuitous, armed clash on occasion, such as when soldiers go after FARC guerrillas “taxing” civilians, a substantial resumption of fighting between FARC and government troops and more destruction are not in the interests of either the Colombian government or FARC because it could threaten the peace process. But if there were to be a renewal of heavy fighting and damage, like after the collapse of the first FARC

unilateral “indefinite” cease-fire, numbers of Colombians wanting a “military solution” against the FARC would spike. As FARC attacks raged after it lifted its first unilateral “indefinite” cease-fire, a high of about slightly more than half of Colombians surveyed in one poll wanted the government to do a military solution. That number has often hovered around a quarter to a third of survey respondents over the three-plus years of the officially announced peace process, and dropping to as low as about a tenth on especially good news.

According to the Colombian Defense Ministry, there are more than 480,000 members of Colombia’s military and National Police, with modernized air power, against some 6,700 to 8,000 FARC combatants armed with basic infantry weaponry and home-made propane-gas-cylinder mortars and some 11,000 to 18,000 FARC “militia” in mainly non-combat active support roles. Those figures of FARC strength are down from Defense Ministry estimates of a FARC peak of about 16,900 guerrillas and 20,000 to 28,000 militia persons sometime between the years 2000 and 2002.

The Defense Ministry says that the ELN has about 1,300 to 2,500 combatants, down from about 4,000 to 6,000 in 2000. And military authorities mention that a dissident rump of the predominantly demobilized Popular Liberation Army (EPL) has about 200 or 300 guerrillas, and that there are some 3,000 to 5,500 members of independent BACRIM groups.

Speaking about a year and half or two after the official peace talks started, a Colombian mid-level intelligence officer tracking the FARC said, preferring to remain anonymous, that his non-public figures pointed to the FARC having as many as 14,000 armed combatants, though a Colombian military-intelligence general discarded that number as too high by double.

The FARC and ELN deny any decline and claim that they have more combatants and “militia” than the Defense Ministry estimates, that their combatant and militia forces can be interchangeable, and that they keep exact figures about them a “secret.”

Just tallying the FARC’s self-declared unit structures of at least 12 fighters called “guerrilleros” to a “squad,” two squads to a platoon-like unit called a “guerrilla” (not to be confused with the single guerrilla individual), two platoon-like “guerrillas” to a “company” of at least 54 “guerrilleros” (including its two “company” leaders), at least two “companies” to a “column,” and more than one “column” to the next unit up, called a “front,” and the FARC’s affirmation of having more than 60 “fronts,” grouped into seven or eight regional “blocks,” that would add up to more than 12,720 FARC combatants, not including the up to 20 “mobile columns,” which the FARC claims to have. However, defense officials believe that many FARC “fronts” are short or practically “shells.”

Both the FARC and ELN have had significant numbers of guerrillas under the age of 18 in their ranks. But in February of 2015, the FARC upped its recruitment age threshold from 15 years old, which it said was the bottom age limit mentioned in International Humanitarian Law, to 17 years old. And on February 10, 2016, the FARC announced that it upped that age threshold to 18 years old. This announcement appears not to be retroactive to cover those under the age of 18 already in FARC ranks. However, February 21, the FARC reportedly delivered to a humanitarian commission in Arauca department a 15-year-old FARC member as part of the FARC’s stated start to return to civilian society a group of some 13 minors of age who the FARC’s “Ivan Marquez” said had entered the FARC when they were under the age of 15 in the condition of “refugees.” (It is unclear how many of the 13 are still under the age of 15.)

Others and I talked in depth with the FARC leadership about the minors of age issue and getting them out of the armed conflict—no matter in what organization the minors of age were—and FARC leaders explained that by bringing them into the FARC “family,” the FARC has been helping adolescents abandoned in circumstances of misery, some who are orphans, and that those younger than 15 years old were essentially camp followers. The FARC’s Secretariat member “Pablo Catatumbo” denounced the Colombian security forces for trying to “infiltrate” minors of age into FARC encampments to gather intelligence so that the Armed Forces could attack the FARC. The Colombian government denies this.



FARC guerrilla girl with boy in the “Distension Zone” in southern Colombia in 2000. © Photo by Steve Salisbury. All rights reserved.

As for respective budgets of the Colombian Defense Ministry and FARC, before the US dollar soared during the past year or two from about 1,800 Colombian pesos for one US dollar to around 3,300 pesos for a US dollar in early February 2016, the Colombian military budget was about 15.5 billion dollars in Colombian local-currency pesos, and now it would be around 9.1 billion dollars at the time of this writing, with the devaluation, even though the Colombian defense budget received about a seven-percent

increase in pesos this year. On top of that, a large part of the United States’ 10 billion dollars in Plan Colombia assistance since 2000 has been for Colombian security forces.

This swamps the FARC’s annual budget. I “guesstrapolate,” based on what I understand to be a FARC company-unit-sized budget that annual non-armament/non-combat operational outlays for the entire FARC may be now at around 109.1 million dollars in devalued Colombian pesos, whereas it would have been some 200 million dollars two years ago before the steep peso devaluation. A year or two ago or so, Forbes magazine estimated the FARC’s annual income at about 600 million dollars, and the FARC denies that.

The FARC keeps its overall budget secret and rejects as “ridiculous” estimates by some of FARC revenues from illegal activities like drug involvement, mineral-mining racketeering, contraband, extortion, and past kidnappings at billions of dollars annually.

The US State Department officially designated the FARC and ELN as “Foreign Terrorist Organizations” (FTO) in 1997 and the rightist “paramilitary” United Self-Defense Forces of Colombia (AUC) in 2001. The United States added the FARC and AUC to the list of “Significant Foreign Narcotics Traffickers” in 2003, citing the Foreign Narcotics Kingpin Designation Act.

Despite many media stories and judicial charges by Colombian, American, European or other nations’ authorities—who cite what they see as evidence of testimonies, documents, drug seizures, forensics, accounting, photos or video—the FARC and ELN have always vehemently rejected accusations of drug-trafficking, saying that they only have charged “taxes” on coca and amapola crops (the

materia prima for cocaine and heroin, respectively), as well as on other business activity of those who can afford it.

As I remember during one of my visits to the “Distension Zone” in 2000, the FARC’s late “Alfonso Cano,” who would eventually become the FARC’s maximum commander before being killed by Army soldiers in 2011, told me: “The illegitimate, corrupt, oligarchical state levies taxes, so why can’t a revolution do so to fight against it for the rights of the people.” FARC leaders have noted that American patriots rebelling against the British crown taxed the population, which the British monarchy and colonial loyalists saw as extortion by outlaws, although the American Revolution and Colombia’s internal armed conflicts have big differences and are not equatable.

The Colombian state and its allies “continue to repeat this lie that the FARC is drug-trafficking because they are enemies and use whatever false propaganda to attack us,” said the FARC’s Ivan Marquez, “and lamentably there are people who accept this lie out of ignorance.”

The FARC’s maximum leader “Timochenko” explained in a recent interview in SEMANA magazine: “In determined moment, yes, there have been cadres of ours [tempted by the drug business]...but I have said: our cadre that allows itself to be absorbed by drug-trafficking is a cadre that is lost. There are many cases of guerrillas of middle-level cadres of members of the FARC whom we have lost. I have always proposed at FARC level the need of much vigilance with the people who are in those zones of drug-trafficking, even moving them. That is a tremendous culture where the people allow themselves to get absorbed. Then, for example, when you say you [the FARC] are drug-traffickers, man, if we were drug-traffickers, then we would not be revolutionaries because it would be something incompatible. We take advantage of the money that moves through those parts, yes, but that we are linked to the business, no. Drug-trafficking is a culture, a vision of life. A drug-trafficker gets money, for the good life, for enjoying it. One as a revolutionary thinks completely distinct.”

The FARC publicly renounced what it calls “retentions” (kidnappings) of economic motivation against civilians, before the inauguration of the formal peace talks, a condition of the Colombian government. Some human rights groups think that the FARC may still be somehow engaged in it directly or indirectly in some cases, which the FARC denies. The FARC justified its taking captives as “retention” for their not paying “taxes,” or as the taking prisoners of war of soldiers, police, “paramilitary” vigilantes or others whom it associates as being part of a war effort against it. In the early 2000s, the FARC was imputed to have committed most of a peak of nearly 3,000 kidnappings reported in Colombia one year during that period,

according to Colombian law-enforcement authorities. Official statistics show that reported kidnappings in Colombia have plummeted over 90 percent since then.

5) With the Colombian State's Overwhelming Military Superiority, Why Even Have Peace Talks with the Guerrillas?

Some ask that given the Colombian state's overwhelming military superiority, why even have peace talks with the guerrillas?

"In reality, if it weren't for our military capability, the government wouldn't be talking with us, as it is now," said FARC peace negotiator "Jesus Santrich."

A) Because the guerrillas still have a capacity to cause substantial, serious damage. Before its unilateral cease-fires, Defense Ministry reports noted that the FARC was killing most of the about 175 to 300 government troops killed annually (about 700 government troops were reportedly killed in 2002), and the FARC was hammering Colombia's energy and oil infrastructure, blacking out some rural areas for days and causing serious collateral environmental harm.

The Colombia Defense Ministry claimed that the annual drop from some 700 government troops dead to the low hundreds before the FARC's unilateral cease-fires was an indication of the military beating the FARC. But an internal FARC document, titled "New Circular (12 Points)" dated February 14, 2010, included in a manual which the FARC showed to me, explains differently the decline in government forces killed: "The Military Forces have accentuated the modality of air bombardment to combat us, among other reasons, because of the enormous quantity of casualties that we have inflicted on the troops in their terrestrial operations. The systematic air bombing is a way of operating cowardly, particularly by military members impotent of confronting revolutionary guerrilla action, [the military air bombing] behind which the North American Pentagon is found, contributing doctrine, instructors, pilots, intelligence, pin-point technology, and great sums of dollars."

The FARC landed most of its greatest blows from about 1996 to the early 2000s. During that period, when the Colombian Armed Forces was about two-and-a-half times smaller than today and had a fraction of their current airpower, mobility and resources, the FARC routinely interrupted major highways; carried out sabotage, bombings, abductions, and killings against state, military and "oligarchical" targets (including against civilians it saw as enemy collaborators) inside and outside cities and towns. Sometimes back then, the FARC battled government battalions in mountains on the outskirts of Bogota, Cali, Medellin and other cities; assaulted garrisons and outposts, and mauled company-sized army and police units. In

November 1998, the FARC captured and held over days the town of Mitu (population census in 2012: 14,112), the capital of remote, sparsely-inhabited Vaupes department, the only departmental capital the FARC has ever seized. During those years was the height of massive “pescas milagrosas” (“miraculous fish catches”) where the FARC would stop traffic along highways, winnow out its catches and hold captive those whom it deemed pertinent.

As things seem now, the FARC would be hard-pressed to re-attain that scope and intensity from 1996 to the early 2000s. But a potentially “radicalized” FARC could conceivably step up its pace, go back to hitting major cities with sporadic bombings and other attacks, and even shift tactics to making a concerted effort to use shoulder-held surface-to-air missiles (SAMs). At least one SAM attributed to the FARC was fired (missing an apparent military aircraft) in western Colombia in 2013, as shown in a You Tube video cited by then-US Southern Command commander Gen. John Kelly in his testimony to a US Congressional committee. But there have been no more reports of fired SAMs. A possible reason for a SAM discontinuance: the missiles are too expensive for the FARC (some US \$400,000 per SAM, according to one FARC source, who denied that the FARC had SAMs when I asked him), and that the FARC preferred to allocate that money for other things.

It is important to remember that the eventually killed drug baron Pablo Escobar waged his Medellin-cartel war against the state and enemy drug cartels essentially with a couple of dozen henchman, unleashing an unprecedented wave of terrorist bombings in Colombia’s major cities at a level similar to the Islamic State’s in the Middle East and Europe nowadays. Speaking of the FARC’s capacity for urban actions, while the Colombian security forces—and the “paramilitaries” in the past—have been effective at preventing urban guerrilla attacks and rolling up urban guerrilla cells, the FARC has had and still has significant clandestine urban networks. The FARC urban cells have helped organize protest marches and labor stoppages in major cities. That implies an urban network of substantial size and organization. So, it wouldn’t be far-fetched if the FARC were to have the ability to launch urban attacks of a significant level—even of a Pablo Escobar scale.

The reason that the FARC hasn’t ordered a Pablo Escobar-like wave of bombings is that it sees that it is not in its interests, because such a wave of bombings would kill a high number of civilians and receive national and international condemnation, and almost surely result in the Colombia government ending the peace process. But if the FARC decided that the only way to get the serious attention of the Colombian government and the “oligarchy” to make concessions on FARC “red-line” issues/conditions (like political participation and no jail time) were to take the fight to the cities and against the society “elites,” then the FARC would have the capacity to do it. Between its unilateral cease-fires, when

fighting re-flared, the FARC insinuated that it could do this. Remember that in El Salvador, the Salvadoran government, then under the rightist ARENA party, didn't really buckle down with the then-mostly Marxist FMLN guerrillas to end the war until after the FMLN launched its biggest offensive ever into San Salvador and four other major cities.

B) Colombian Army senior officers, as well as US military officers, have told me that the guerrillas cannot be completely wiped out because of their resilience and ability to replenish their ranks (via forced or voluntary recruitment) and because of the vast expanses in this South American country of approximately 47 million inhabitants and 1,141,748 square kilometers (about 1.75 times the territory of Afghanistan) covered substantially by dense jungles and difficult mountainous terrain, with thousands of kilometers of porous borders with Venezuela, Brazil, Peru and Ecuador. Year after year, over a couple of decades, the Colombian Ministry of Defense claimed that annual FARC losses—totaling killed, captured and desertions—would be several thousand per year. While the FARC doesn't publicly release figures of its own annual total casualties, it scoffs at the Defense Ministry's statistics. "Even a fool can see that the Defense Ministry's numbers [on FARC casualties] are absurd," one FARC peace negotiator told me. "If you just add them up, we wouldn't exist, but we're still here."

Putting things into context, the government security forces', "paramilitary"/BACRIM and guerrilla dead totaled altogether per year would range from the high hundreds to about 2,000 or 3,000—a fraction of the peak of Colombia's homicides one year in the early 1990s when Colombia's Instituto Nacional para Medicina Legal y Ciencias Forenses tallied the figure to be over 28,000, some 77 homicides per 100,000 inhabitants, during the time of eventually killed Medellin drug lord Pablo Escobar. And that figure was 27,829 in 2002, some 68 homicides per 100,000 taking into account population growth. The peak of dead of all warring factions' fighters in the late 90s/early 2000s is a fraction of Colombia's 12,193 murders in 2015, according to police figures.

6) What Would Happen with No Peace Talks?

Colombian former president/now Senator Alvaro Uribe—a largely rightist hardliner whose support was a determining factor for Santos being elected president in 2010—is a fiery critic against these peace talks and feels betrayed by Santos, who was one of Uribe's five defense ministers, on a number of issues since Santos took over the presidency. Uribe bitterly opposed Santos' 2014 reelection. Constitutionally barred from running for a third presidential term due to term limits, Uribe and his rightist political opposition Centro Democratico party insist that if FARC and ELN leaders and members who Uribe says committed serious war

crimes don't accept sufficient, proportional jail time and prohibition from holding public office, then no peace accord should be signed with either the FARC or ELN.



Like in the past guerrilla conflicts in Central America, where landmines caused havoc among combatants and civilians alike, Colombia has faced that same situation to devastating extent. Here is a Guatemalan Army lieutenant seconds after being blown up by a guerrilla-laid landmine in 1985 in Peten province. © Photo by Steve Salisbury. All rights reserved.

The FARC and ELN reject Uribe's position as tantamount to asking for their surrender and question Uribe's past for what they (and a number of others who are not guerrillas) say are his alleged links to the world of drug-trafficking and paramilitaries, which Uribe vehemently denies and says are smears against him. While Uribe acknowledges that his family had a friendship with the Ochoa family—whose brothers Jorge, Juan David and Fabio were convicted of being in the cocaine business with the late Pablo Escobar of the Medellin cartel—Uribe stresses that his family only had a mutual interest in horses or cattle and that it didn't know at the time that the Ochoas were involved in drug-trafficking.

"We cannot and shall not tell our own guerrillas that all of their blood and arduous sacrifice fighting for the people and the highest revolutionary goals is for only to surrender and go to jail. That's absurd." Ivan Marquez told me, as I recall. The FARC's rank and file could end up lynching their own leaders, if they were told to surrender and go straight to prison. The way that the victims'/justice agreement is written, FARC members won't go to jail if those who have

committed serious war crimes confess fully and comply with alternative community-service sentences.

Pres. Santos' position is that there has to be a "correct balance" where society's supreme interest to achieve peace happens within the boundaries of a "transitional justice" tailored to the special circumstances of ending the armed conflict, and where restrictions on liberty while doing alternative community-service sentences, without jail time, for those who confess to serious war-related crimes don't necessarily mean impunity, as Uribe and human rights groups say it does. Pres. Santos argues that it is an injustice to society and thousands of potential future victims and their families to permit war to continue, when its end can be negotiated.

(See Section 17: “Smoke-and-Mirrors Impunity or an Historic Brilliant Balance between Peace and Justice in Victims’/Justice Agreement?”)

Ironically, Uribe supported blanket amnesty for the now-defunct M-19 guerrilla group, which demobilized in 1990 and whose former members eventually formed political parties electing former M-19 guerrillas as mayor of Bogota, department governors, Congresspersons and council members. Uribe says that he has changed his mind about blanket amnesty because he has come to the conclusion that its impunity could foment future violence. However, some wonder if Uribe’s blaming the FARC for killing his father has anything to do with Uribe’s change of position. The FARC’s “Pablo Catatumbo” recently publicly denied that the FARC killed Uribe’s father, presuming circumstantial indications against that conclusion. FARC leaders had privately told me before that they weren’t sure if FARC troops did or didn’t kill Uribe’s father. Uribe’s brother Santiago was witness to events of the death of Uribe’s father and blames the FARC.

But the FARC doesn’t deny having targeted Uribe in the past. During his first presidential campaign in 2002, Uribe narrowly survived a bus-bomb explosion against his motorcade in Barranquilla that killed at least four persons, and suspicion was cast on the FARC as being the prime suspect—though in Colombia it is often hard to know who is behind acts of violence. And Uribe’s presidency literally started with a bang. The FARC was attributed to firing home-made mortars at the Casa de Narino presidential palace and nearby Congress building on the day of Uribe’s presidential inauguration—about three rounds hitting the palace premises wounding some guards—and 13 people were reportedly killed and a couple of dozen wounded as landing projectiles burst blocks away.

So, does Uribe think that the guerrillas can be completely wiped out? No. But Uribe is convinced that his policy of “democratic security” during his two presidential terms from 2002 to 2010 was breaking the back of the guerrillas, and he said that if Santos were to have continued it the way Uribe wanted and not “give away the country to terrorism” in Santos’ supposedly mishandling of peace talks, in Uribe’s view, then the FARC and ELN ranks would be substantially fewer, and their leaders would almost all be driven into exile in Venezuela or elsewhere. Uribe argues that Santos had let the FARC resurge militarily, politically and diplomatically.

President Santos rejects this Uribe view. Santos insists that he has built on, expanded and strengthened Uribe’s defense policies and that the military and police during Santos’s presidency have struck the greatest blows against the FARC, killing the FARC’s then-maximum leader “Alfonso Cano,” top combat strategist “Mono Jojoy” and dozens of mid- to upper-level commanders, and that Santos was defense minister under Uribe for the controversial aerial bombing that

killed FARC senior-level member “Raul Reyes” in a clandestine encampment just across the border in Ecuador. Uribe retorts that Uribe set the stage for the blows under Santos against the FARC’s “Mono Jojoy,” “Alfonso Cano,” and other FARC commanders.

While Santos boasts that his military blows have been a crucial factor why the FARC is seated at the negotiation table, the FARC responds that it has always been open to peace talks and that just the fact that the FARC has survived the military onslaughts by Santos, Uribe and other Colombian presidents proves that the government cannot impose a military solution. Moreover, the FARC says that it was Pres. Santos who originally sounded the FARC out through a confidential intermediary or intermediaries to initiate peace talks shortly after Santos was inaugurated President in August 2010, although Santos says that the FARC secretly initiated the peace overtures.

What do statistics indicate?

According to the Colombian think tank Corporacion Nuevo Arco Iris, which uses Defense Ministry figures, FARC war actions—including firefights, ambushes, harassment, sniper-fire, activated landmine fields, and attacks against the oil and energy infrastructure—spiked in 2002, coinciding with the end of Pastrana’s peace talks and Uribe’s assuming the presidency August 7 that year, to 2,063 from 825 in 2001. In 2004, that figure dropped to 949 and hovered a bit above 1,000 until 2008, when FARC actions rose to 1,353, and then to 1,614 in 2009, 1,947 in 2010 (Uribe left office August 7 that year), and 2,148 in 2011 during Santos’ first full year as president.

It is important to note, however, that these FARC actions predominantly were small-scale and comprising largely of a change of tactics by the FARC to increase laying landmines as much as tenfold during a decade, say experts, and not of the same intensity or scope of FARC attacks from 1996 to 2002.

In February 2015, Colombian government peace negotiator and former director of Colombia’s National Police, retired general Oscar Naranjo told El Tiempo newspaper that 688 of Colombia’s 1,101 “municipios” (a Colombian word more akin to counties) have some degree of landmines.

While it wasn’t clear in Naranjo’s comments if these included landmines in “municipios” that no longer have FARC presence, that number represents 62.5% of Colombia’s “municipios,” greatly above the statistic of FARC presence given by Colombian then-Defense Minister Juan Carlos Pinzon in July 2012. Pinzon stated that while some 10 or 12 years earlier, guerrillas carried out violent actions in about half of Colombia’s “municipios,” that figure was about 37 predominantly rural “municipios” in 2012, affecting 4.6% of Colombia’s population. But according to

think tank INDEPAZ the FARC in 2012 had a presence in 262 “municipios” in 28 of Colombia’s 32 departments. The FARC says it has a presence in all of Colombia’s departments.

In the face of a more than doubling of Colombian Armed Forces’ personnel and the expansion, modernization and enhanced technology of the Colombian Armed Forces’ air mobility, naval capability, infantry, special forces, communications, intelligence, logistics, equipment, night vision, surveillance, electronic intercepts, targeting, firepower and smart-bombs, FARC leaders say the FARC had to readapt and go back to operating in small units (instead of massing light-battalion-sized formations for attacks), and rebuild and expand cells and networks of support in communities. The FARC sees this as a natural cycle of revolutionary struggle where military action is just one component, and overall not the most important one.

What does the Colombian military say about the Uribe-Santos dispute on military status? Before the FARC’s unilateral “indefinite” cease-fires and the progress in the peace process, Colombian senior military officers told me that their orders and the rhythm of combat operations had been similar during both Uribe’s and Santos’ administrations. “We understand that Uribe is in a political campaign, and he is riding the pony that there has been a drop in security, but we are operating about the same as when he was president, and we continue to hit the guerrillas and other illegal groups hard,” said one high-ranking officer in 2014, who preferred to remain anonymous.

That said, Uribe’s perception or misperception (depending on one’s optic) of Santos supposedly allowing guerrilla in-roads seemed to be once shared silently by a large part, if not predominantly, of active-duty military officers, and it still seems to be shared at a significant level, if not by the majority of officers. And this Uribe view appears to continue to carry large sympathy among retired military officers, though some retired generals have been working quietly behind the scenes to try to see how the peace process can be improved and strengthened, from their standpoint.

Many in the military (active duty or retired) reminisce nostalgically of 2002 as what they see as a watershed year when Uribe entered to presidency and set in motion the highest intensity of Colombian military operations up to then, which led to driving main guerrilla forces further away from the cities (though a smattering of urban remnants remained), away from many rural traditional bastions, and deeper into jungle areas. Even so, Uribe’s steadfast rejection toward the current peace talks has cost Uribe some support inside the military, though it is hard to quantify. An Army retired combat enlisted man, who is hopeful for the peace process and says that many of his Army friends agree with him, told me, “It’s time to get this war

over and move on. We're tired of Uribe standing in the way." However, Uribistas say that Uribe is standing in the way of a worse situation for Colombia and not in the way of a true peace.

So, if the guerrillas cannot be wiped out in current and foreseeable circumstances, then what would be the military strategy to try defeat them (if there weren't an overall peace accord)? A Colombian Army general told me about a couple of years ago that along with keeping the military pressure on them and keeping them pushed-back to remote areas, "show that they [the guerrillas] are bad and turn the people away from them, so that nobody is with them"—in short psy-ops, public diplomacy and "winning hearts and minds."

7) Plan Colombia and the Peace Talks



US Navy SEAL lieutenant on special mission training Colombian special forces anti-narcotics commandos in riverine tactics on the Cauca river in southwestern Colombia in 1999. © Photo by Steve Salisbury. All rights reserved.

Pres. Santos made a public invitation to Uribe and Pastrana to set aside political and personal differences to join Pres. Santos at the February 4 Plan Colombia commemoration with Pres. Obama in Washington DC. Pres. Santos had been hyping the commemoration as it approached, touting Plan Colombia as one of the world's great successes, a view echoed by a number of US officials (present and past), some who had a hand in Plan Colombia, and by Democratic and Republican members of the US Congress. According to the White House, the 15-year

commemoration of Plan Colombia, which is reported as beginning in July 2000, had to be held in 2016 for scheduling reasons, coincidentally in the midst of the US presidential race and as the Colombian peace process approached the March 23 date aimed by Santos for signing an overall peace accord.

Pastrana showed up to the ceremony and received an honorable mention by President Obama. But Pastrana has been very critical of how Plan Colombia has fared under Pres. Santos, who was a treasury minister during Pastrana's presidency. While giving himself credit for starting Plan Colombia in conjunction with the United States to help save Colombia from the brink of total collapse, Pastrana lamented in a piece in *El Tiempo* days before the White House ceremony with Presidents Santos and Obama, saying: "Nevertheless, bent down militarily and taken to be seated at a dialogue table, the FARC obtained the impossible. In Havana, it agreed with the government on the laundering of its business. It agreed

on the ceasing of military actions and the end of the eradication of its [illicit] crops. And they crowned it with a declaration of drug-trafficking as a pardonable political crime. The consequences were immediate: The UN reported annual increases of 42% in coca leaf and cocaine. In the time of the talks of Havana, the initial levels of the plan [Plan Colombia] when Colombia globally predominated the drug market returned.”

When Pastrana left office in 2002, there were 102,071 hectares of coca crops identified by the United Nations Office of Drug Control, down from 144,807 in 2001. In 2013, that figure was 48,189, but it increased to over 69,000 hectares in 2014. According to experts, the rise is due to a variety of reasons—including the suspension of aerial-spraying eradication of illicit crops because of court orders over potential environmental and health concerns.

Pres. Santos and the FARC reject Pastrana’s characterization of their partial agreement on the drug issue and respond that what has been agreed to is a more sensible approach (in their eyes) toward the drug problem, whereby the government would put more focus on the transnational drug-trafficking and money-laundering parts of the chain and give local communities more responsibility at their own level to handle the matter themselves, with the national government supervising and keeping its right to intervene, if deemed necessary. Critics worry that allowing communities whose economic life-blood derives heavily from the illegal drug industry could be like putting a cobra in a mice bin.

Pastrana was once on Pres. Santos’ council of external peace-process advisers, before resigning from it citing differences. But some wonder if Pastrana’s stepped-up criticism of Santos’ approach on the peace process may be inspired in part by other reasons. Perhaps an unsaid reason of why Pastrana is critical of Santos’ handling of the peace process may be envy or ego because Pastrana’s efforts of peace negotiations with the FARC during his presidency failed in bitter fashion—whatever one thinks of the Santos-FARC peace process or disputes the reach of its advances. “Pastrana had his 15 minutes of fame, and he failed,” one FARC peace negotiator told me.

While Pastrana’s differences with Pres. Santos didn’t stop Pastrana from accepting the invitation to attend the honoring of Plan Colombia and to hob-knob at the White House, Uribe declined the invitation, saying that there is nothing to celebrate, citing Pastrana’s same criticisms of Plan Colombia.

A senior adviser to Uribe during Uribe’s first presidential term summed things up to me about the Uribe-Santos situation by saying that, in his view, the problem isn’t so much about whether or not to talk with the FARC, but that there is such bad blood between Uribe and Santos, whom Uribe detests as a “vile traitor” and doesn’t want to see getting a Nobel peace prize for what Uribe sees as selling out the country.

And Pres. Santos has stuck it to Uribe at times. This former senior adviser, who says that he still meets with Uribe occasionally, thinks that the relationship between Uribe and Santos is irreconcilable, at least now and as far as he can see. In a way, Uribe seems to detest Santos perhaps more than Uribe seems to detest the FARC.

The FARC issued a statement before the White House commemoration of Plan Colombia, calling Plan Colombia a disaster that had aggravated the conflict, ruined countless lives and didn't solve the drug issue. The FARC statement was no surprise, since Plan Colombia has negatively affected the FARC war chest, and since Plan Colombia's military component was initially allowed by the US Congress to attack FARC units deemed to be involved in direct drug-involvement, and later widened to attack FARC units not deemed to be directly involved in narcotics involvement.

One area where the FARC, Pres. Santos, Pres. Obama, and US Congress members agree is that Plan Colombia assistance pivot toward peace-process and eventual post-conflict assistance programs, with a heavy social and developmental element. As the FARC's peace negotiator "Santrich" told me, "Instead of spending 500,000 dollars for a bomb, spend that money for helping a village."

8) "Black-Op" Smart Bombs, FARC Decision-Making Structure

Changing the dynamic of the war, a major military development that started in Uribe's presidency, and for which Uribe lobbied, was that the United States provided the Colombian Armed Forces smart-bomb kits via a then-covert joint Central Intelligence Agency-Pentagon "black op" that was eventually revealed in a Washington Post front-page story citing anonymous US and Colombian sources shortly before Christmas 2013 when I was in Havana meeting with the FARC leadership. The FARC was not happy with the news, and one of its peace negotiators, who came along with a FARC support member, asked me to translate the story to them, which he uploaded on his lap-top computer, and I did as I read it for the first time, aloud for them to hear my translation into Spanish.

While the article caused a media buzz in Washington DC, Colombia and other Latin American countries, it wasn't surprising to the FARC, as one can deduce from the FARC memo I cited above. The FARC has known or assumed as obvious that the CIA, in conjunction with the Pentagon, for decades has provided weaponry, communications gear, intelligence intercepts, targeting, and advisers to help Colombian government forces. To the FARC, that is "old news," But what the FARC leaders found of particular interest in the article was that it reported a "black ops" secret budget of an undisclosed amount operated outside US Plan Colombia

funding. “Black operations, black operations!” exclaimed indignantly the FARC peace negotiator when I translated the term into Spanish.

While those pin-point air strikes have killed key FARC leaders, the FARC has a saying: “Guerrilla dead, guerrilla replaced.” And the FARC’s “collegial” form of leadership adapts where the killing or loss otherwise of any of its top leaders doesn’t decapitate it. The FARC’s central chief command, the Estado Mayor Central (EMC), of 25 members and 6 “suplentes” (back-ups) is the maximum decision-making body, presided over by a Secretariat of seven members and two “suplentes.” The leader of the Secretariat, elected by the EMC, is perhaps more accurately described as a chairman. “Timochenko” was elected the Secretariat head, after soldiers killed “Alfonso Cano” in 2011. “Alfonso Cano” had become Secretariat chief after FARC founder “Manuel Marulanda” died reportedly of natural causes in 2008. Votes either in the EMC, whose members are selected in a caucus fashion among FARC “fronts,” according to FARC rules, and/or in a “National Conference,” comprised of delegates from FARC “fronts,” make important decisions—such as regarding policy, doctrine, strategy, tactics, logistics, personnel, and local, regional, national and international relations. The FARC wants to have a new National Conference to discuss the peace process. The last was reportedly in 2007.

“The Colombian military has gotten cocky. It thinks that it has won the war. But they’re drinking the Kool-Aide,” a US military officer in Bogota told me, in the early part of my peace-process efforts. “The FARC can disperse its forces and bring them back together for attacks at its choosing. As long as it is surviving, it is ‘winning.’” Yes and no.

What does the FARC win by hanging out in the jungle? “They are just waiting for a bomb to fall on their head,” said in a newspaper interview Antonio Navarro Wolff, who was once a member of the now defunct M-19 guerrilla movement and who later was elected governor and senator.

Not denying battlefield reverses, the FARC, for its part, claims to have fought off Uribe’s and Santos’ offensives, that there are natural battlefield ebbs and flows, and that it can continue fighting another 50 years, if need be. However, the FARC insists that its desire for peace is “unbreakable,” as Pres. Santos insists, too.

9) Human Rights

In over a half-century of war, no Colombian warring group is clean of committing horrors, and there are ample examples to point fingers. Human-rights groups blame “paramilitaries” for committing the big majority of massacres in Colombia’s armed conflict. Up to some 60% to 80% of war-related killings in Colombia were

imputed to “paramilitaries,” according to some human rights groups, while the guerilla groups were imputed with about 15% to 30% percent, and the government security forces rounding out about all of the rest.



The family members of kidnapped victims speak on the radio, hoping that their messages of love and support reach the ears of their loved ones held in captivity. © Photo by Steve Salisbury. All rights reserved.

Carlos Castaño, the leader of the AUC who was reportedly murdered by a handful of his own cohorts in a power struggle supposedly involving his own brother Vicente, justified killing civilians whom the “paramilitaries” viewed as dangerous guerrilla supporters or as guerrillas passing themselves off as civilians because, if not, they could give the FARC information to attack “paramilitaries.” “Why wait until they come to kill you and your people? I have a responsibility to protect my people,” he told me in rural northwestern

Colombia in 2000, as I recall, when I was working as a producer on a TV project for the Discovery/Travel channel’s “Robert Young Pelton’s the World’s Most Dangerous Places.” Human rights activists say that this logic has been at times cited when guerrillas have carried out “ajusticiamientos,” executions, of their enemies and when members of security forces have taken the law into their own hands and “disappeared” suspected guerrillas.

Colombia’s largest newsmagazine SEMANA asked the FARC’s “Timochenko” in a recent interview: “What is your opinion when more than 5 million Colombians dressed in white go out to shout no more FARC? Didn’t that raise a reflection in the FARC about the validity of its armed struggle?”

“Timochenko” is quoted as responding: “Reflection, yes, one reflects. Of how they [the Colombian state, “oligarchy” or other anti-FARC forces] are capable of constructing in the imagination of the people from half-truths. I am not going to say from lies, but from half-truths. That is the part in which we in certain measure are at a disadvantage because it has been achieved to impose on the Colombian society and the world a distorted narrative of the conflict. Half-truths are grabbed, half-truths are magnified, and it stigmatizes us. That is the challenge that we have now in this process: try to arrive to an objective and realist reading of that which has been the confrontation. And the part that corresponds to us: we have committed errors, we have made mistakes. We never developed the war for generating terror at the population, at the society, we have developed the war as a political

objective. Then, you are not going to find ever a guideline in that sense. There have been cases, but they have been punished.”



Carlos Castaño, the dead leader of the now-defunct United Self-Defense Forces of Colombia (AUC), reportedly killed in internal AUC power struggle, with his “paramilitaries” in northwestern Colombia in 2000. © Photo by Steve Salisbury. All rights reserved.

“Timochenko” acknowledged that the past FARC policy of “retention”/kidnapping resulted in a “very grave” political cost for the FARC. Said “Timochenko” in the SEMANA interview: “It is a method of financing that was justified in a determined moment. We needed to finance ourselves and found that instrument, which really isn’t the most humane, and we tried to correct it in the time of Belisario [during the FARC’s first peace-process attempt, with Colombian President Belisario Bentancur, whose term was 1982-86]]. But as the process wasn’t developed as it was proposed, we returned to the confrontation. But there is a moment in which we said: it is necessary to stop this.”

“I hate that word ‘retention,’” says Fernando Almirez (a fictitious name used due to his fear of violent reprisal), almost crying, who tells a heart-wrenching story of how his farmer father was taken away and murdered in 2002. “It isn’t part of my vocabulary. It is just a cynical way to camouflage kidnapping. The FARC seized my father and killed him the same day, but the commanders of the area told my family he was still alive and had us deliver money to them. When the FARC started passing by our farm in 1988 or 1989, they would ask for a goat, and we would give it to them. The paramilitaries later came, and they were brusque, demanding that

we give them things, like paying their tavern bills. We had no choice but to comply. Whenever armed people appear asking for favors, no matter who they are, it is coercion, right? A local politician falsely told the FARC that my father was a paramilitary collaborator, and that is why they killed him.”

Adding that atrocities have been committed by individuals of all warring groups, Fernando recalled that while he was once invited to an Army Reserve meeting years ago, he was horrified as an active-duty officer boasted that he unashamedly supported “paramilitaries” and had burned two captured guerrillas to death.

In 2013, I mentioned the case of Fernando’s father to FARC peace negotiator “Jesus Santrich” in Havana and that the victim’s son would like to see FARC leaders in jail for at least 10 years. Santrich replied that family members of the FARC had been killed, too, and that the FARC is open to review its actions for possible mistakes. “This is precisely why it is imperative to achieve peace and stop this terrible cycle of war. Because if everyone continues to take an eye for an eye, then we all become blind,” said “Santrich,” who is blind from genetic eye-degeneration, except for a point of light in his left eye, he said, not helped by years in the jungle.

The biggest single incident of killing attributed to a FARC unit was when at least some 70-plus civilians were reportedly killed in “collateral damage” in 2002 inside a church hit by a make-shift propane-cylinder mortar projectile launched by FARC guerrillas fighting “paramilitaries” in the village of Bojaya, in northwestern Colombia. The FARC called it a horrible accident. A FARC commission led by FARC Secretariat member and peace negotiator “Pastor Alape” was allowed by the government in 2015 to travel to the area to privately ask residents for pardon, and Pres. Santos says the Colombian government owes Bojaya an apology for not sending its troops there in time to protect it.

“If soldiers and paramilitaries weren’t shooting at us from civilian areas, there wouldn’t be mistakes like that,” said a guerrilla to me. The military and “paramilitaries” had also made that same argument when civilians were killed in cross-fire, blaming the FARC for using “human shields,” which the FARC denies.

Asked why the FARC didn’t hold a public ceremony to apologize in Bojaya, the FARC’s “Timochenko” replied in SEMANA magazine: “We have proposed that all the actors of the conflict come to agreement and do a great act of national contrition. Even more, we go further. We convene all sectors to make a pact of ‘never more.’ Never more the utilization of arms in the resolution of the political and social conflicts of Colombia. We are willing for that. What we are not willing for is to go to settings where they put us against the wall and take things which are given out of context.”

“We have responded to a war that they [the Colombian state, “the oligarchy,” and “paramilitaries”] have imposed on us, and obviously in a war there are collateral damages,” said FARC peace negotiator alias “Rodrigo Granda” in a British Broadcasting Corporation interview. “Look, for example, when the United States launched the bomb on Hiroshima and Nagasaki. The criminal state of Colombia is responsible for the death and the mourning of our people. We have been victims of that attack and of that violence of the Colombian rulers.”

While the Colombian government and great swaths of the Colombian populace blame the FARC for widespread mourning, Colombian military officers, and separately, “paramilitaries” had also made references to the United States dropping atomic bombs on Japan in explaining, if not justifying, the “messiness” of war. “You Gringos like to talk self-righteously about human rights, but the United States dropped the atomic bomb on Hiroshima and is hypocritical,” said Carlos Castaño, raising his horse voice and waving his arms, as I recall from our conversation.

10) Why Is the FARC Still in Arms? Its Roots, What Does It Want?



FARC founder, the late “Manuel Marulanda” in the “Distension Zone” in southern Colombia in 2000. “Marulanda” and 40-some campesinos formed the FARC in 1964. © Photo by Steve Salisbury. All rights reserved.

The FARC has made clear that its goal remains being to achieve power, though it says that its future is to try to do so via the ballot box in an electoral system it wants to be fortified with measures “to level the playing field” and make amends for what it sees as political impediments or disenfranchisement. FARC leaders know that “armed struggle” won’t achieve its goal of winning power and is figuratively and literally a dead end where a smart bomb could fall on them in the jungle at any given moment. The FARC doesn’t see this as a defeat, because it has always said that its quest for power is a journey that has multiple components—including social, political, diplomatic, public relations, and until now military.

States Article 1 of the FARC’s guiding statutes: “The Revolutionary Armed Forces of Colombia, Army of the People, as the most elevated expression of the revolutionary struggle for national liberation, is a political-military movement that develops its ideological, political, organizing, propagandistic, and guerrilla armed action, conforming to the tactic of combination of all forms of struggle of masses for power for the people.”

Pres. Santos, who is from a wealthy family that once owned and is still connected to Colombia’s largest newspaper *El Tiempo*, calls the conflict “anachronistic” in a Colombia that in his view and that of many has dramatically improved since 1964 when the FARC’s late founder Pedro Antonio Marín, “Manuel Marulanda Velez,” and at least 40-some other peasants formed the FARC against what they denounced as an oppressive, abusive government and “feudal” system. In his 2014 reelection campaign Pres. Santos painted a rosy picture of an official inflation rate lower than three percent (now it is about 7.5 percent and felt higher on the streets with Colombia’s currency devaluation and the El Niño weather drought effects), and an official unemployment rate low by Colombian standards of between 7.8 and 9-something percent (still approximately in that range or a bit higher). But the FARC continues to underscore severe social injustice, especially for the marginalized “masses” of peasants and urban workers who eke out a miserable existence on a new 2016 minimum wage of the equivalent of about US 210 dollars per month, calculated at Colombia’s sharply devalued currency exchange rate at the time of this writing, and many earn less than that. According to the FARC, the peasants and lowest-wage urban workers have become “invisible” to most of the rest of Colombia.

The roots of the FARC germinated in an era known as “La Violencia,” when an estimated 200,000 to 300,000 people were killed roughly from the late 1940s to the late 1950s as respective supporters of the politically dominating Conservative and Liberal parties carried out assassinations, massacres, and destruction against each other. As a FARC peace negotiator explained it to me, residual violence and abuses pushed the Liberal party-raised “Marulanda” and his coterie of campesinos to rebel. They complained of the stealing of their lands and livestock by large land

owners in cahoots with Conservative party supporters and military and police officers, said the FARC peace negotiator.

The FARC adopted Marxism-Leninism and waged war against what it viewed as an oligarchical economic structure with huge disparity between rich and poor and against the political establishment that had formed the “National Front” in 1958 aimed to end La Violencia by alternating Conservative and Liberal parties in the presidency every four years until 1974 when the Liberal and Conservative parties faced off in general presidential elections. The respective party whose turn it was every fourth year of the National Front offered the general electorate a slate of presidential candidates from its own party from whom to choose, and third parties had to run their candidates through either the Liberal or Conservative parties.

While the state and varied segments of society branded “Marulanda” and the FARC as bandits, thugs, and subversives, the FARC made inroads in rural areas neglected by the state and eventually in some urban student associations and labor unions.

Born at the height of the Cold War, the FARC garnered solidarity from the Soviet Union, Cuba, China and other Communist-bloc countries, and the United States sent military and economic aid to the Colombian government. It is unclear how much material support the FARC came to receive from its international Communist allies, as the FARC prides itself on “self-sufficiency,” and by the 1980s, several smaller Marxist guerrilla organizations vied for international support. However, the FARC landed its greatest combat blows years after the collapse of Communism in Europe and while Cuba was reeling from the loss of Soviet subsidies.

Some observers note that the FARC doesn’t seem to be as publicly vocal about Marxism-Leninism as in the past. When I asked one FARC peace negotiator about the FARC’s Marxist-Leninist ideology in view of eventual FARC participation in elections, he replied, “If there has been anything that has kept the FARC unified and in existence for 50 years as a guerrilla movement against such great adversity, it is its Marxist-Leninist ideology.”

Said “Timochenko” to SEMANA: “What we are not willing [to do] is to renounce our ideas, our political ideal, the conception that we have of the world, of life.”

But revolutions can adapt and take different approaches, as seen in other Latin American countries, such as in El Salvador where the Marxist former guerrilla movement FMLN moderated after becoming a legal political party, eventually getting elected to the presidency. Russia’s President Vladimir Putin, a retired officer of the Soviet KGB, has become publicly highly critical of the defunct Soviet Union’s founder Lenin.

Another FARC peace negotiator told me, “We are not asking for something unreasonable, we just want to see a civilized, fair country that functions well, where everyone can prosper.” He cited today’s Chile as an example, with its social and democratic opening since the end of the rule of military strongman Augusto Pinochet.

If one takes the time to read the FARC’s political statements, there are a number of things that mirror planks in the respective platforms of the US Democratic and Republican parties. Before I met with a Colombian former presidential candidate after the 2014 elections, I was asked to write a list of areas of apparent coincidence between the FARC and this candidate—and between the FARC and Uribe, for that matter—and my list had 13 points, including, for example: political campaign reform; fair access to state and public-sector media; safeguards against government misuse of funds; support and incentives for private enterprise, especially for small businesses, with fair regulation; credits, financing, technology and training for rural development; the right to private property; promotion of foreign investment, with safeguards against rapacity; and no “marmelados” (no “marmaladed” or “sweet-greased” politicians).

Said “Timochenko” in his SEMANA magazine interview: “This is not a process that goes moving against the business community. It is not a process that goes moving to overthrow the Colombian state, it is a process that is trying to generate the conditions so that in Colombia some minimum transformations are produced so that we stop killing each other for the ideas that each one defends. That simple.”

But Uribe warns of the FARC potentially getting elected to power, then supposedly undermining democratic institutions to impose “Castro-Chavismo.” in reference to Cuba’s Castro brothers and Venezuela’s late president Hugo Chavez.

It would be antidemocratic to block the participation of peaceful political parties on the “what ifs” of speculation on possible usurpation (which theoretically could come from the Right, the Left or any political quarter), and Uribe isn’t suggesting blocking a FARC political party. But the FARC notes that Uribe’s proposal to bar from running for or holding public office guerrillas involved in war crimes or other forms of violence, apparently including the killing of soldiers in fighting, is a sophism to exclude FARC leaders and the predominant majority of its members from competing in elections.

Political scientists and historians say that Colombia’s own particular, idiosyncratic circumstances, social composition, history and culture have a number of differences from Cuba’s and Venezuela’s, and that “Castro-Chavismo” appears to be unlikely to emerge on Colombia’s horizon. And if there were well-founded worries about Constitutional, democratic institutions being at risk, that would be reason to pass laws, reforms or other measures to safeguard the Constitution,

correct flaws and obsolescence, and strengthen democratic checks and balances and freedoms.

According to public opinion polls, the FARC favorability/approval ratings are in low single percentage digits—which the FARC disputes, citing questions of polling methodology and other variables—and pundits dismiss as highly remote the chances of the FARC being elected to the presidency in the foreseeable future. But Uribe was polling at around two-percent approval when he started his victorious presidential run for the 2002 elections.

When asked in opinion polls if one is for peace, the vast majority of Colombians consistently respond yes—though not necessarily via the Havana peace negotiations, with at least one recent poll showing a majority of respondents disapproving of the way Pres. Santos is handling them. When asked if one would support a peace accord if that meant impunity, a similar majority says no. Polls show that the predominant majority of those surveyed want FARC leaders to spend at least some time in jail and not be allowed to be elected to Congress, the presidency or any public office. The FARC rejects these premises as non-starters and dismisses the polling about these premises and other polls that put the FARC approval rating in low single percentage digits as being stacked against the FARC in a “rigged” context where people recoil at FARC war actions portrayed by “biased establishment media” which the FARC complains hasn’t reported fully and fairly the FARC’s side of the story.

Arguing that armed rebellion isn’t justified, the Colombian government and others say that there has been enough democratic opening in Colombia for the FARC to lay down its arms—as other leftist guerrilla and rightist “paramilitary” vigilante groups have done over the past 25 years—and that the “armed struggle” is only adding to suffering, poverty and social injustice in a country exhausted by violence.

“I say, those who don’t believe in the armed struggle, man, let’s help to create the conditions so that it isn’t necessary,” said “Timochenko” in his SEMANA interview.

Like many sectors spanning the Colombian political spectrum which don’t espouse “armed struggle,” the FARC complains that the political, social and economic playing-field is tilted steeply in favor of powerful big-money interests, elites, “political machines,” and entrenched clans at local, regional and national levels, which dominate media, institutions, and commerce. The FARC stresses that when it tried to participate in electoral politics in the 1980s as part of its first of its several attempts at peace negotiations, leaders and up to some 5,000 members of the Union Patriótica political party (UP), which it supported, were murdered by “paramilitary” forces and elements of the state security organs, and that there are still cases of government troops or bands linked to them killing civilians either

suspected of being guerrilla sympathizers or simply as “false positives” passed off as “guerrillas” to get ill-gained rewards and merits.

The Colombian government retorts that over 1,000 “false positive” complaints were made to Colombian appropriate authorities during the past dozen years or so (the non-governmental organization Human Rights Watch says there were as many as 3,000 cases between 2002 and 2008), that there have been over 100 convictions, and that the Colombian government condemns massacres and crimes on any strip and that it is pursuing justice. The Colombian government—along with victims’ rights groups and others—say that to this date the FARC, the ELN and an assortment of past demobilized left-wing guerrilla and right-wing “paramilitary” movements haven’t completely faced up to their respective killings and kidnappings of political figures and thousands of people. The FARC says that the time for that is in a Truth Commission and the Special Jurisdiction for Peace that it and the government have agreed to in the peace negotiations and which is to start taking effect after an overall peace accord is signed.

11) What about FARC Weapons? What about the Colombian Armed Forces after an Overall Peace Accord Is Signed?

FARC guerrillas from bottom to top have an apparently deeply ingrained psychological dependence on their FARC-issued personal firearms as their ultimate self-protection, and this appears to be having a substantial influence on the issue of the FARC’s eventual “laying down of weapons” and incorporation into legal civilian society.

This evidently profoundly ingrained psychological dependence of the guerrillas on their own individual firearms is not surprising since it is taught to them from when they enter the FARC that their weapons are an extension of themselves, that a guerrilla’s firearm is like his or her spouse, and that it is his or her only real defense. I saw this to a large degree in the Central American guerrilla movements, but not to the apparent extent of the FARC’s very strong feeling on this.

The past decimation of the Union Patriótica feeds this FARC psychological dependence on its weapons, the FARC points out. The FARC doesn’t trust the Colombian state alone for the FARC’s security. The FARC leadership thinks that Pres. Santos (or a future Colombian president) could possibly double-cross the FARC, like former president/now Sen. Alvaro Uribe says that Pres. Santos did to Uribe, which Pres. Santos denies.

Observed “Timochenko” in SEMANA: “The permanent fear that accompanies one in this stage is that we are going to make a mistake, that is the fear. And that we

don't achieve an accord that stays well protected, and that puts at risk the implementation of the agreements. And the normal fears of any person is to arrive to a different setting. Independently, our activity has always been political, but always confined to the jungle, in the mountains. We have always thought that what's important is to be right in the decisions we take. That is the principal fear. Because, well, the fear that suddenly they kill one, that is the fear of everyone."

Being negotiated now is where and how FARC guerrillas will be gathered in route to the leaving the war behind. An example of danger is what happened in the hamlet of Chengue, Sucre department. In 1991, the small guerrilla group Partido Revolucionario de los Trabajadores (PRT) of some 200 militants signed a peace accord with the government in the neighboring village Don Gabriel, during a ceremony studded with speeches of a harmonious future. "The government made promises to develop the area and make it a model for peace and prosperity. But the government didn't fulfill its promises and abandoned it," said a one-time resident of Don Gabriel. In 2001, "paramilitaries" with long memories entered Chengue and massacred at least 28 residents suspected to be supportive of guerrilla groups.

And there is the case of members of the EPL who demobilized in 1991 and formed an organization called Hope, Peace and Liberty (Esperanza, Paz y Libertad). Up to 200 of them were killed, it was reported, from 1991 to 1995. An unclear number of their killings was attributed to the FARC. The FARC's late "Raul Reyes" reportedly said that they had sold out to the "paramilitaries" and Colombian security forces "to betray their own revolutionary movement."

"When they [FARC members returning to civilian life] are back in their villages," said an agricultural developer, "they will be killed here and there, because people don't forget the bad things that they did."

To address this potential of reprisal attacks, the FARC has talked of Campesino Reserve Zones, which a law passed in 1994 allows and a half-dozen have reportedly come into existence since (unrelated to the peace negotiations). The idea would be that these areas, which are designed to have campesinos develop state-owned rural land and wilderness, could put FARC members who return to civilian life and their families to work on reforestation and environmentally friendly agriculture development. But some worry that the FARC could abuse Campesino Reserve Zones to form autonomous "little republics" like little "Distension Zones," which the FARC denies, saying that the state would have a presence.

"Regarding autonomy, this has been discarded clearly by the government delegation," Colombian chief peace negotiator Humberto de la Calle wrote in an article published in El Tiempo newspaper April 19, 2015. Humberto didn't discard the idea of FARC post-conflict presence in Campesino Reserve Zones and

observed that the idea needs more study, but that the some nine million hectares of land mentioned by the FARC to be possibly made Campesino Reserve Zones goes way beyond the scope of land practical to develop as agriculture. But FARC peace negotiators say that Humberto, a lawyer and former Colombian vice president, isn't a farmer and almost all of them have a farming background and that even deserts can be agriculturally reclaimed.

Whatever is decided, security has to be paramount.

Back in April of 2013, during my first trip to Havana, I asked the FARC peace negotiators about the FARC potentially leaving its weapons in some sort of custody of the United Nations or some other similar entity—which is how the issue is being talked about now—as well as receiving from the United Nations or a similar entity food, lodging and other transitional living-expenses support in an eventual demobilization and post-conflict.

An upper-middle-level guerrilla passionately, irritatedly took issue with both of those ideas back then, saying that a guerrilla's rifle is attained through lots of sweat and blood, that many revolutionaries died for their right to bear arms and to rebel against tyranny (in the FARC view), and they won't let go of them, and that guerrillas are self-sufficient and don't want to lose their independence by becoming financially dependent on others. One of the other guerrillas interjected and said that "obviously" the use and need of weapons as an instrument for political aims would cease to exist in times of peace, and therefore weapons would be laid down. But he insisted, too, in the definite need for security guarantees in a post-conflict.

So, this is not like a United States soldier who is issued his or her weapon and who has no problem, nor hang-up, to let go of it when he or she leaves military service.

Whatever the technical mechanism is selected for the FARC's "laying down of arms"—whether storing weapons in stages as benchmarks are met, or all at once, in the custody of a third party, such as the UN, in either Colombia or a third country—it should be designed to try to give peace of mind to everyone (including to those who oppose these peace talks), not only for physical security but that the accords will be implemented (after ratification) and that Colombia's freedoms will not be violated.

And what about the Colombian military in a post-conflict? The FARC says that in a post-conflict, the Colombian Armed Forces should be reduced and that the military mentality of a "National Security Doctrine" originated during the Cold War be scrapped. The Colombian military rejects as "absurd" the assertions that the Armed Forces' doctrine is used to repress the population and that the Armed Forces are living in the past. And Pres. Santos has said that the Colombian military will not be reduced in the foreseeable future because there are other outlawed groups to

combat. Another reason in Santos' calculus may be that reducing the Armed Forces in the early stage of a post-conflict could lead to unemployed soldiers perhaps being tempted into criminal activity, such as what happened to Central America's combatant forces after their respective armed conflicts ended. Also, it would cause irritation among an officers corps that don't want to see their budgets cut. What could be done is to employ those budgets for increased construction, development and civilian-support projects.

12) Would There Be Armed Dissident or Splinter Groups Peeling Away from the FARC after an Overall Peace Accord?

The FARC's political-military structure has shown high levels of cohesion, due in great part to its "no-nonsense" Marxist-Leninist discipline. Evidence of this is precisely its unilateral cease-fires, which have been rated by independent or government entities of holding up over 95% in some categories. (Not covered by the unilateral cease-fires are what Uribe calls the "less visible crimes" of drug-involvement and extortion.)



Gunman guarding coca crops (materia prima for cocaine) in southern Colombia. © Photo by Steve Salisbury. All rights reserved.

That said of FARC cohesion, there is a varying degree of autonomy in the FARC ground units known as "fronts." The "fronts" have to obey FARC Secretariat and Estado Mayor Central leadership orders and guidelines, but how the "fronts" carry out orders and guidelines can have some flexibility and creativity at times. And there have been cases where FARC "fronts" haven't informed everything to the high command—whether unintentionally, or due to communications technical disconnects, or intentionally because they feel that the Secretariat could reprimand them over something. According to a FARC source, when the FARC's late founder "Manuel Marulanda" ordered an investigation to find out what happened in the killing of Uribe's father, FARC units responded that they couldn't find out anything, in that area where a number of armed groups operated.

However, a FARC investigation into the execution-style killing of African-descendants rights activist Genaro Garcia last August 3—initially denied by the FARC's "Comandante Alfonso Cano Western Block," which had said in an August 16 communique that it wasn't its organization's policy to attempt against the life of social and political leaders—found that "the death of ethic leader Genaro Garcia disgracefully compromises our units," tweeted FARC Secretariat member and

peace negotiator “Pastor Alape” about eight or nine days later. Garcia had reportedly received alleged threats since October 2014 from elements of a FARC “mobile column” that if he continued his activism for peace zones free of combatant forces and against drug interests that he would be killed. “There will be justice,” “Pastor Alape” said in his tweet.

While there may be some degree of grumbling from time to time inside FARC “fronts” (which happens in about every military or guerilla organization), it is not “dissidence” per se.

The FARC’s response to internal dissident or rebellion can be “the most drastic,” a FARC peace negotiator told me. Drastic measures could include execution after a FARC “war council” tribunal process. What if a FARC “front” were to try to go rogue? If that were to happen, then the FARC’s “mobile columns” could be dispatched to put the rogue “front” into order, this FARC peace negotiator said.

The Western official (cited above), who follows the peace process, doesn’t discard the possibility of potential FARC dissident groups continuing to fight against the government after an eventual overall peace accord is signed. But he says that he thinks that the FARC will remain cohesive at a high extent. Because if someone inside the FARC tries to get out of line, “he gets killed,” said this Western official, although FARC organizational statutes have an array of disciplinary measures. And FARC wartime “drastic” measures would by definition have to end in its peacetime mode.

The above doesn’t necessarily mean that there won’t be some splinters or individuals of the FARC who go into a “post-conflict” phenomenon of organized criminal activity, perhaps with some veneer of political motivation. And, given that society overall has a fractional percentage of common criminals, it is almost inevitable that some individuals of the FARC may peel off into individual criminal activity, not as part of any organization, in a post-conflict.

What percentage(s) of the FARC may splinter off into organized criminal groups or into individual common crime, or could be siphoned off by the ELN, if not continuing as a new guerrilla movement against the state, after the signing of an eventual overall peace accord between the Colombian government and FARC? It is impossible to put a precise figure on that because there is no comprehensive scientific surveying of this question—just anecdotal guesstimates—but one could surmise that it would be lower than that of demobilized Colombian rightist outlawed “paramilitary” groups, given FARC cohesion, discipline and ideological structures. According to reports of Colombian government reintegration agencies, up to 25% of demobilized “paramilitaries” had some kind of brush with the law after demobilization, and up to 10% were estimated to have “recycled” into BACRIMs.



Teenage “sicarios” (“hit-men”) in Medellín in 1990. Worries for Colombia’s post-conflict include the possibility of rising crime by either gangs or individuals. © Photo by Steve Salisbury. All rights reserved.

The FARC’s “Timochenko” told SEMANA magazine that 100% of the FARC’s “fronts” would incorporate into civilian society, but that there could be one percent of guerrillas to fall away. “I don’t discard that one or another ‘muchacho’ may stray. That is normal,” he said.

There is no concrete evidence of particular FARC “fronts” being out of control of the FARC high command. But a rancher who sees FARC guerrillas pass at times through his properties in central or southern Colombia says that there is a bit of “uncertainty” among FARC rank and file about what will happen to them after an overall peace accord materializes. They are worried about their personal future. There is a bit of tough talk among some that they can continue to fight on, if need be. But that could just be natural bravado for internal consumption.

The rancher, who has lived through the Colombian conflict for decades, told me that if the peace negotiations produce a good, solid deal that takes care of FARC members to their satisfaction, or at least to an acceptable degree, then about all of them would follow their leaders

on it. But if not, there could be significant splintering. The rank and file have confidence and hope in FARC leaders’ negotiating abilities, indicated the rancher, but the rank and file still await what the final result will produce.

If an overall peace accord wasn’t acceptable to them, some wonder if there may be a phenomenon of what could be called “FARCRIMs,” similar to BACRIM groups, even perhaps forming alliances with BARCRIMs.

Precautions by the FARC leadership to prevent any internal rupture or splits have included “educating” the FARC rank and file about the peace talks, with visits to FARC “fronts” by FARC emissaries and by continual radio, internet and other communications means. Commanders and political commissars of every FARC unit have a responsibility to keep FARC troops informed. FARC Secretariat member “Joaquin Gomez” flew with assistance of the International Committee of the Red Cross and permission of the Colombian government from Havana in January reportedly to make a two-week trip to his area of command in southern Colombia precisely to update the rank and file.

But Pres. Santos suspended these FARC visits, when on February 18, images circulated in Colombian media and social networks of the FARC's "Ivan Marquez," "Jesus Santrich" and "Joaquin Gomez" in the small town Conejo of some 7,333 inhabitants in the Guajira department in northern Colombia, where they and armed guerrillas were mingling with civilians and carrying out what the presidential palace said were political activities that supposedly didn't comply with the government's conditions to allow FARC peace negotiators to visit guerrilla encampments. Said the presidency's communique: "By instructions of the President of the Republic, the visits of FARC delegates to their encampments to do pedagogy about the [peace] accords stay suspended. For the government, a fundamental rule of this agreement is that there will be no politics with arms and in that measure, this is an unacceptable violation."

Colombian Interior Minister Juan Fernando Cristo said in El Tiempo newspaper: "This is a screw-up of the FARC in face of the confidence that the government and a good part of the Colombian population have generated toward it," noting that the FARC had fulfilled government conditions in the four previous visits to other areas and that the "abuse" in Conejo feeds critics of the peace process. The mayor of the southern town of San Vicente del Caguan, Humberto Sanchez, reportedly said that the FARC's "El Medico," "Romana" and "El Paisa" had carried out proselytizing with armed guerrillas in the village Brisas del Diamante February 6, but that didn't cause a government stir at the time.

The FARC leadership responded that it didn't see talking with civilians about the peace talks as "armed proselytism" or as something prohibited in the protocols for such visits. The FARC called on the government to chill out and surmount this episode and condemned "an unjustified controversy raised by the most noted spokespersons of the war-mongering right-wing," presumably referring to Uribe and strong peace-process critic, Alejandro Ordonez, Colombia's Inspector General (Procurador General) on public-service disciplinary matters, among others, who blasted the FARC visit to Conejo as a threat to Colombian institutionalism.

Said an excerpt of the FARC communique: "After the manipulated argument of armed proselytism, it is being attempted to impose isolation of our delegation and the prohibition of interacting with different sectors of society interested in knowing the developments of the [peace] process. Inexistent commitments cannot be argued in agreed protocols by the parties [the FARC and Colombian government] for the moving of FARC delegates to Colombia, with the goal of socializing the advances in the [peace] process with guerrillas and the masses who have historically accompanied us, [and] not recognize the right of free information that all citizens have." (As of the date of this writing, days after Pres. Santos called on the International Committee of the Red Cross and representatives of "guarantor" countries Norway and Cuba to take the FARC delegates back to Havana, the

FARC's "Ivan Marquez" and other FARC peace negotiators are reportedly still in Guajira department as arrangements are still to be made on logistics of transporting them back to Cuba.)

Other FARC measures to prevent internal rupture are to keep FARC members active in political and cultural training and civic-action. One FARC peace negotiator told me that a big factor for the FARC to keep control of its members in a post-conflict is to canvass and register where they live and what they do and to harness them into productive activities to further FARC goals as a legal political/social movement.

According to a high-level international humanitarian diplomat, the rank and file and middle levels inside the FARC and Colombian government security forces are not prepared yet, for absorbing an eventual overall peace accord/"post-conflict. Changes of mindsets and attitudes, as well as extensive educational efforts, appear to be needed by the forces of all warring entities and Colombian society in general, said the humanitarian diplomat.

A US official, reflecting speculation I heard separately some time ago by Colombian high-ranking officers, thinks that the FARC, once entering the legal civilian world, could perhaps have some sort of surreptitious connection to "residual" armed or unarmed groups which would allow the FARC supposed access, with plausible deniability, to possibly benefiting from things like illegal drug revenues and maybe to pressure covertly for its political goals. The FARC leadership rejects this possibility as false speculation from recalcitrant elements in sectors against the peace process.

When the now-defunct M-19 guerrilla movement demobilized, a quite small fraction of its combatants apparently moved into the FARC or ELN. Maybe some FARC combatants who wouldn't want to give up guerrilla life now could think of going into the ELN. But what would they gain starting anew in another organization, especially given that the ELN started its own preliminary, exploratory peace talks, even if the ELN talks are currently on the rocks?

13) Does the FARC See the Clock Winding Down on Pres. Santos a "Strategic Advantage"?

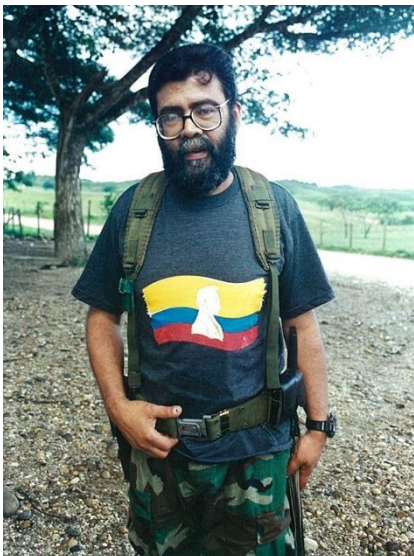
Yes. While the current posts of FARC leaders aren't dependent on four-year election cycles or term limits, Pres. Santos' or any Colombian president's is. This could be seen as putting by definition any president at a disadvantage regarding time, of which the FARC has a different concept hanging out in jungles for about 52 years. On top of that, Pres. Santos has staked his presidency on the peace process, passionately repeated statements of his profound yearning for an overall

peace accord to be signed during his presidency, and a Nobel peace prize could be awarded for it. Is it a mere coincidence that Pres. Santos had the formal peace talks ceremonially inaugurated in Oslo in 2012 and Norway included as a “guarantor” country, along with host Cuba, at the peace table? (Chile and Venezuela are “accompanying” countries to the Colombian peace process.)

So, it wouldn’t be surprising for FARC leaders or anyone to think that this could predispose Santos to more flexibility or ceding on issues as the clock on his presidency ticks closer toward its expiration.

Whether President Santos likes it or not, he is being perceived (unfairly or not) as showing apparent signs of “over-anxiousness” for an overall peace accord, and this would presumably handicap him and weaken his own negotiating position. Pres. Santos would deny both that he is “over-anxious” and that he has handicapped himself. Moreover, Santos has said that what he does is “millimetrically” planned.

But doubts about this were raised even among some of Pres. Santos’ own supporters, as well as among his critics, when breaking news of his out-of-the-blue Havana trip for the signing ceremony on victims and justice surprised the public and smacked to some of political overtones to give a big breath of air to the Colombian peace process a month before Colombia’s October 25 regional/local elections and to have big good news on the peace process before Pres. Santos spoke at the United Nations in late September.



The FARC’s “Alfonso Cano” in the “Distension Zone.” Cano eventually became the maximum leader of the FARC, but was killed by soldiers in 2011. © Photo by Steve Salisbury. All rights reserved.

The FARC received a big boost itself by having its maximum leader “Timochenko” standing together and shaking hands in a big flourish three-way with Pres. Santos and Raul Castro. Pres. Santos looked stiff and uncomfortable, unsmiling, as if he were unexpectedly roped into the handshake by Raul joining the hands of Santos, “Timochenko” and Raul. Colombian former president/now Senator Alvaro Uribe and his Centro Democratico political opposition party complained that this, in their view, apparently or by implication put Pres. Santos and “Timochenko” on the same level and supposedly bestowed “legitimacy” in an unnecessary and undeserved way to the FARC, when the FARC has yet to lay down its weapons. Pres. Santos denies this.

But, the international humanitarian diplomat observed, the public handshakes between the top leaders of negotiating sides—like the now famous or

infamous (depending on one's point of view) three-way handshake together by an unsmiling Pres. Santos, the FARC's smiling "Timochenko" and a beaming Raul Castro at the Havana ceremony last September 23—usually come after the signing of an overall agreement at the end of negotiations. Paraphrasing what an American university academic wrote to me: What is there now to top that?

14) Does the FARC want to run the clock out on Pres Santos and wait for the next president (who could be better or worse for the FARC)?

No, as long as Pres. Santos and the FARC keep reaching agreement on the Colombian government's and FARC's respective essentials and red-line positions. Two of the biggest FARC red-lines are already tackled in the victims'/justice agreement: A) that FARC leaders/members won't go to jail, even those who have committed grave war crimes, if they confess their crimes, provide truthful full disclosure, and carry out an alternative sentence of community service with restrictions; and B) that FARC leaders and members, even those who confess grave war crimes, would be allowed to hold public office.

But to the FARC, an overall peace accord means nothing if it is not Constitutionally protected by an iron-clad mechanism, and the FARC has insisted since the beginning of the peace talks on a National Constituent Assembly (Constitutional assembly) to ratify an eventual overall peace accord as a third redline, unless the Colombian government can convince the FARC leadership of another protective mechanism as strong as or stronger than a National Constituent Assembly. It doesn't accept Pres. Santos' insistence on a new plebiscite formula that Santos pushed through Congress and is now awaiting a Constitutional Court review.

The FARC—seeing that peaceful legal electoral participation is the way to go—has its own time pressures. It is not in the FARC's own interest to have excessively prolonged negotiations because of the following, among other things:

It could face the downside of a bell curve on a window of opportunity to best enter the Colombian electoral scene. Colombian public opinion could become fed up, and the international community's interest could decline, if things drag on too long. Indefinite limbo could result in issues of morale edginess and atrophy among FARC troops. A new Colombian president could be worse for the FARC. Pres. Obama's successor may not put as much interest and resources in the Colombia peace process, and US bipartisan support on the Colombian peace process could perhaps eventually fissure. And given that Raul and Fidel Castro want to be alive to tout as a crowning achievement of the Cuban Revolution being hosts to a successful peace negotiation putting an end to over five decades of Colombian

conflict between the Colombian government and FARC, they don't want that things drag on indefinitely.

The FARC's "Timochenko" says that an overall peace agreement can be signed during the Santos administration, if there is the will, and the FARC says that it is trying its best to be as efficient and expeditious as it responsibly can. But if an overall peace accord to FARC satisfaction cannot be obtained by the end of the Santos presidency, the FARC feels that it would have no choice but to take its chances with a new president

The bottom line, which FARC leaders have repeated to me, is that no deal is better than a bad deal (from their standpoint), and that rushing can be a recipe for carelessness, lapses, faultiness, flaws and disaster. One has to remember that if Pres. Santos and his peace team do a bad deal, they would suffer perhaps only a political cost and public opprobrium. But if the FARC does a bad deal (from its standpoint), not safeguarding "full-proof" its own interests as well as not doing what is good for Colombia and its people—particularly for the FARC's own base and audience—then FARC leaders could eventually find themselves jailed and extradited through unintended, overlooked, unforeseen loopholes/interpretations (from their perspective), or could even be killed.

So, that and the FARC's desire to get the best possible political, social, economic and judicial considerations/benefits in its incorporation into society are reasons why the FARC insists on "taking the necessary time" to do things in a careful, well-done, solid way.

15) What Can Be Done to Keep Up Confidence in the Peace Process Among Colombian Public Opinion? "Memo of Understanding" To End Conflict

The sky will not fall, if no overall peace accord is signed by March 23, and even if there is no accord some time after that date. The political opposition would probably seize on the passing of March 23 without an overall peace accord signed as an example of what it sees as the FARC jerking Pres. Santos around.

A possible image (unfair or not) of the FARC supposedly toying with Santos is a serious concern of Pres. Santos and his peace team. For its part, the FARC leadership worries that there could be a "fast-one" or "trap" where Santos and his negotiating team might supposedly try to slip in conditions or circumstances one way or another whereby "oligarchical" interests are safeguarded without doing the "real change" that the FARC proposes and whereby FARC members might eventually perhaps end up in jails or in some sort of reclusion, which the FARC rejects. And, while FARC leaders have told me that the FARC won't be the first to

walk away from the peace table, they have been concerned since the beginning of the peace talks that Santos could one day “on a whim” or “tantrum” decide to give a kick to the peace-negotiating table and walk away in a huff.

To reassure each other and the public and try to keep up confidence in the Colombian peace process among a volatile Colombian public opinion which has experienced a number of ups and downs on its views toward the peace process, Pres. Santos and the FARC could consider some sort of bridging mechanism, if March 23 passes without the signing of an overall peace accord. How could this be done?

An option would be that the Colombian government and FARC could sign and publicly announce in a joint statement a “memorandum of understanding”-like document where both the FARC and Colombian government pledge to put an end or pledge to arrive to an end to the armed conflict and hostilities, and that the FARC’s “struggle” (“lucha”) would be through exclusively lawful, peaceful means in political, electoral and civic realms and in society in general and that the Colombian government would take initiatives to strengthen measures against state abuses. Such a possible “memorandum of understanding” could perhaps be done in conjunction with positive news on something related to an eventual bilateral cease-fire and cessation of hostilities.

It would be stressed by both the Colombian government and FARC that the “memorandum of understanding” pledge would be evidence, a milepost or a sign of the peace talks moving closer toward a formal end and that it is just a matter of making sure in the meantime that the unresolved remaining issues are negotiated, tightened-up and resolved in a well-done, solid way, and not in slap-dash, uncareful fashion.

Just after the January 19 announcement of the agreement between the Colombian government and FARC that the United Nations, via observers from CELAC nations, is to verify an eventual bilateral cease-fire and FARC “laying down of weapons, the FARC’s “Ivan Marquez” made a statement, saying as cited by Colombia’s El Tiempo newspaper, that the agreement is a “strong sign and happy premonition that the peace process is on its way inexorably to the end of the longest conflict on the continent.”

While “Ivan” put in the caveat words of a “sign” and “premonition”—presumably to take into account the FARC’s own sensitivities and that an overall peace accord is not signed, yet—his choice of word “inexorably” is in the right direction for the Colombian public’s and international community’s desires to hear news of solid, real steps toward ending the armed conflict.

But it would be a stronger statement if the FARC were to say flat-out that it renounces warfare as a means to try to effect change in Colombia, in today's circumstances. Such a statement wouldn't mean that the FARC would be at the mercy of those who want to physically attack it.

16) Some Things That Could Risk to Undercut Confidence in Peace Process

A breakdown of the FARC's current unilateral "indefinite" cease-fire and renewed fighting and destruction would undercut confidence in the Colombian peace process. Potential saboteurs could also up-end the peace talks.

But some non-violent things that may risk to undercut confidence and support in the peace process are statements or signing ceremonies—even if well-intentioned, aimed to accelerate the peace process, and initially well-received by the public and international community—purporting completion and substantiation on agreements, but which are subsequently shown to have loose ends, imprecisions, voids or differences of interpretation not made clear to the public at the beginning. This can turn into a boomerang by being perceived or misperceived as attempts at "smoke and mirrors" or "false advertising"—even if they are not intended that way—and as over-anxiousness to show peace process results as the clock inexorably clicks toward the end of the final Santos presidential administration.

Whether it be unfair or not, we are seeing this now to some extent in some reactions to the Colombian government and FARC peace delegations touting December 15, 2015, that the agreement on victims'/justice (i.e., Sistema Integral de Verdad, Justicia, Reparacion and No Repeticion) was this time "completed"—not partially completed. But a careful reading of that 63-page document and its 75 items—which President Santos didn't want to fully publicly disclose before the October 25, 2015 regional elections, saying that he first wanted to polish it, but perhaps privately worried that its publication before the elections could hurt what turned out to be big gains for his political coalition—shows that there appear to be still some voids and imprecise, contradictory, not clear or not determined parts, with caveats for these to be determined and resolved later. This evidently kicked these apparent lagoons, contradictions, undecided or unfleshed-out items down the road into the next negotiating "point"/category "End of Conflict" or elsewhere.

Also, what could undermine confidence (and already has long dashed it in Uribe and some other circles) is a perception (unfair or not) that Pres Santos is giving away too much, if not the entire farm, to the FARC. Pres. Santos vehemently denies this. Though critics ask, What has the FARC really ceded on to date, from what has been made public? Pres. Santos would note as very important, for example, that the FARC has acknowledged that it has caused victims (critics would

respond citing the FARC as saying that “errors” happened and not admitting premeditated malice), that the FARC has agreed to contribute to reparation of victims (critics would respond that the FARC says it doesn’t have much money), that the FARC is helping in de-mining already (critics would call that not a concession, but something that would have to be done eventually, anyway), that the FARC is fulfilling its current unilateral “indefinite” cease-fire (critics would say that the FARC continues extortion, drug-involvement or other criminal activity in its cease-fire), that the FARC has accepted a “transitional justice” format (which critics see as window-dressing giving impunity to the FARC and other actors in the conflict wrapped in the banner of “justice”) and that the FARC has recently announced to no longer recruit minors of age (critics would say that it shouldn’t have been done in the first place.)

17) Smoke-and-Mirrors Impunity or an Historic Brilliant Balance between Peace and Justice in Victims’/Justice Agreement?

Human Rights Watch’s Jose Miguel Vivanco and his colleagues produced a report calling the agreement on victims’/justice “pacting impunity” and a “piñata of impunity” primarily because the big majority of serious war crimes would not be tried and because the cases selected as “representative” that would be processed would not result in real jail time for perpetrators of grave or other war crimes (whether committed by government troops, guerrillas, paramilitaries, or others), but in “alternative sentences” of community service with what Human Rights Watch worries are dubious, unclear “restrictions” on residence and liberties.

President Santos and his administration’s High Commissioner for Peace/peace negotiator Sergio Jaramillo disputed Human Rights Watch’s report, insisting that the agreed “transitional justice” does not grant impunity and is a world trail-blazing, “historical,” creative, skillful milestone that would confront grave war crimes and draws a practical balance between peace and justice. Moreover, Pres. Santos and High Commissioner Jaramillo stress that peace would prevent future victims and save lives and that the “transitional justice” is within the parameters of international treaties signed by Colombia, such as with the International Criminal Court (ICC).

Human Rights Watch doesn’t buy Pres. Santos’ and Sergio Jaramillo’s argument. Of course, it is the job of human rights activists to strive for as exemplary justice as possible in an imperfect world. But there appears to be concerns, unease, uncomfortableness or questions about the victims’/justice agreement among some Western officials (in private or publicly) or in some US Congressional circles, such as on Colombian guarantees to protect FARC leaders/members from extradition and an apparent categorization of drug involvement to fund the FARC’s war chest as a politically connected crime to receive amnesty. (What kind of precedent would

that set? some worry, even understanding the FARC's and Pres. Santos' argument that no one would sign a peace accord to be extradited to a foreign jail.) For the record, the US State Department has reaffirmed that US extradition orders against FARC leaders/members—and against others—remain intact and active, whatever Colombia decides to do as a sovereign nation on the question of US extradition requests.

Former president/now Senator Alvaro Uribe and his Centro Democrático opposition party have blasted the victims'/justice agreement with greater vigor than usual. And Colombian Inspector General (Procurador General) on public-service disciplinary matters, Alejandro Ordonez, sent to the International Criminal Court's chief prosecutor a letter denouncing the agreement as a pantomime of impunity and asking the ICC to review it for a possible ICC weighing in. Ordonez wrote (I translate into English): "The agreement stimulates the repetition of the atrocious crimes in Colombia and the surging of new victims, by giving the illegal armed groups that will remain after its signing the certainty of not being object of sentences of reclusion and guaranteeing thusly the impunity for their past, present and future crimes."

Said Sen. Uribe in Cartagena February 12: "Why is Centro Democrático opposed [to the Santos-FARC victims'/justice agreement]? Because the total impunity that it does is to generate new violence. Today they give total impunity to the FARC. How are they going to deny it to the ELN? There is already a BACRIM of the size of the FARC and in 1991 Doctor Humberto de la Calle [the Colombian government's chief peace negotiator], when he promulgated the Constitution, accused the FARC as [being] terrorists, today he considers them as a political actor. Today they accuse the BACRIM of [being] terrorists. Who is to say that how it goes in 10, 15 years they convert them into a political actor and extend to them the same benefits as to the FARC and make us suffer the violence of the BACRIM another 10, 15 years as during the 24, 25 years after the Constitution of '91 the FARC has made us suffer the violence."

While the victims'/justice agreement has a clause supposedly protecting the agreement from international judicial entities or those of individual nations, Human Rights Watch and Inspector General Ordonez say that such so-called Colombian protective jurisdiction measures aren't valid, in their view, and point to Colombia's existing treaties.

Will the ICC intervene if the victims'/justice agreement eventually goes into effect as now written? James Stewart, Deputy Prosecutor of the International Criminal Court reportedly indicated in an Organization of American States forum February 10 that ICC support for the judicial aspects of a Colombian peace accord would be

conditioned on what kind of penalties are meted out to those who have perpetrated war crimes or violated International Humanitarian Law.



A Colombian "paramilitary" urban organizer in Barancabermeja in the early 2000s. Remnants of the demobilized United Self-Defense Forces of Colombia (AUC) have "recycled" into "post-paramilitary" outlawed organized criminal groups known as BARCRIMS, say Colombian authorities. © Photo by Steve Salisbury. All rights reserved.

Said Stewart, cited by El Tiempo newspaper: The Office of the Prosecutor has to remain satisfied that the fight to end impunity on the most serious crimes is being waged in a legitimate way. With respect to Colombia, he said, the question will be if the imposed sentences in the context of transitional justice have served this purpose in what is referred to as most grave crimes.

Some factors to keep in mind are: A) to intervene, the ICC would have to receive a convincing case that the case country (Colombia here) is unwilling or unable to judge by itself grave "systematic" war crimes through a serious, acceptable, capable, judicial frame-work (the word "systematic" appears to give leeway on interpretation), and the Colombian government argues that it is willing and able through its "transitional justice; B) each country has its own idiosyncratic nature and individual circumstances to take into account; C) Pres. Santos's administration had consulted with the ICC on this issue before the victims'/justice agreement was announced and has "lobbied" the ICC on why the Special Jurisdiction for Peace fulfills ICC parameters, and D) the ICC

presumably may not want to be seen (though it says it is blind to political and public-opinion currents) as essentially undermining the Colombian peace process by action against the victims'/justice agreement. But who knows? International judicial entities can be difficult to predict. However, one thing seems to be predictable: Some lawsuits against the victims'/justice agreement in national or international venues, which could drag on for years.

But what is the alternative to the victims'/justice agreement and an eventual overall peace accord? Pres. Santos asks. Decades more of killings and other violence and destruction, which would violate the human rights of future victims, tens of thousands of victims over how many more years?

To better understand the victims'/justice agreement, it helps to keep in mind the background and that the FARC has insisted from the start of the peace negotiations on its "red-line" issues that no FARC members go to jail and that the FARC has political participation.

The FARC's initial position was for blanket amnesty for all of its members. FARC Secretariat member/peace negotiator "Pablo Catatumbo" asked me some time ago: Just because some people say times have changed and just because the Colombian state (seen as illegitimate by the FARC), signs treaties, "Why should the FARC be an experimental guinea pig?"

However, as Pres. Santos' adviser Jonathan Powell explained in a lunch meeting late October to me, Harvard conflict-resolution expert/Santos adviser William Ury (author of the best-selling book *Getting to Yes*) and three Colombian retired generals concerned about military judicial rights being or potentially being trampled: In today's world, there can be no blanket amnesties for everyone. The victims and public at large won't stand for it. They demand some sort of judicial recourse, framework or accountability, even if restorative, reparative and not retributive in some circumstances. And if there were blanket amnesties for grave war crimes, they could be nullified by future governments of the country in question (in this case in Colombia) or have attempts at intervention by international courts.

So, the thorny crux of the matter is: How to provide that judicial framework, within the parameters of Colombia's Constitution and the International Criminal Court? How to have those accused of grave war crimes face courts where judgments are rendered? And how to get the FARC to accept it when the FARC insists that it won't sign an overall peace accord where any of its leaders/members would go to jail?

The answer, as seen in the agreement on victims'/justice: a Special Jurisdiction for Peace, where tribunals could mete out "alternative sentences" for prompt confession (collectively and/or individually) of grave war crimes by the FARC, state agents (including in the military and police), other actors in the war (such as former paramilitaries) and "third parties" (such as civilians) with some concrete connection to the perpetration of serious war crimes.

The sentencing structure would be: 1) A two-to-five-year alternative sentence of essentially community service to those connected though not determinant to a grave "representative" war crime and who confess it promptly and tell the truth as fully as they know. If confessed belatedly, the sentence could be two-to-five years of ordinary jail. 2) Five-to-eight years of an alternative sentence of essentially community service for those who played a determinant role in the perpetration of a grave "representative" war crime, though who confess it promptly and disclose full truth from what they know. If confessed belatedly, the sentence could be five-to-

eight years of ordinary jail. 3) Fifteen-to-20 years of ordinary jail time to those who deny perpetrating a grave war crime, but are found guilty of it. 4) Amnesty would be granted to FARC members whose crimes were of “political” connotation (such as rebellion) and who didn’t commit serious war crimes. 5) Those who confess crimes of an extraditable nature shown to be motivated/related to the armed conflict will not be extradited.

What would be an alternative sentence? The agreement states reparative/restorative acts, such as reconstruction, de-mining, eradicating illicit drug crops, cleaning up waste and residual matter, environmental improvement, making direct reparations to victims, helping society at large, promoting peaceful co-existence, learning and education, etc. Some wonder if that could include FARC leaders carrying out their duties as members of Congress, getting paid a Congressional salary. Or if learning English or about Colombian major cities by the FARC’s vastly rural membership would qualify?

An aspect not clear in the agreement, which could potentially be a can of worms, is what is specifically and really meant by “restrictions of liberties” of those carrying out alternative sentences. The agreement spells out clearly that there will be no prison or any equivalent to prison for alternative sentencing and says that effective restriction of liberties could/would include restriction of residence and movement, with monitoring and supervision, while the court-approved designation of community-service projects of alternative sentencing are being carried out.

Colombian High Commissioner for Peace Sergio Jaramillo wrote in a letter to Human Rights Watch that the Tribunal for Peace would decide on the activities, work reparation, place of work reparation and conditions of restrictions. According to Jaramillo, with “respect to the most grave and representative crimes, the duration of the sanction in any case shall be from 5 to 8 years, independently of culmination of the works of reparation.” President Santos insists that “restriction of liberties” means a restriction of movement to a specific localized area and not to areas of the scope of an entire province or region.

Peace commissioner Jaramillo acknowledged in his letter to Human Rights Watch: “We coincide with you that there are a series of subjects open to interpretation of which the Special Jurisdiction for Peace may make. Nevertheless, the Agreement indicates criteria for the judicial interpretation.”

Interpretation is at the heart of concerns: Could this mean that judges allow confessed perpetrators to go freely in and out of their homes and to about wherever they want, as long as it is justified as “community-service”-connected and supervised/monitored? Or on the flip side, would this mean that confessed perpetrators have “house arrest” or “farm/ranch arrest” and are allowed strictly limited mobility only to carry out their community service duties? The former would

apparently produce an uproar among human-rights groups, and the latter could produce an uproar from the FARC, which could argue that such an interpretation for alternative sentences is not what it understood when it signed the agreement and that this interpretation would undermine the letter and spirit of the victims'/justice agreement where it is stated that the Tribunal for Peace is to render sentences keeping in mind the promotion of peace.

Another unclear aspect still to be determined is: Who will be the esteemed, prominent, “third-party” figures who will select the 20 Colombian and four international judges, as the agreement stipulates, to comprise the pool of the Special Jurisdiction for Peace’s Tribunal for Peace? Pres. Santos has suggested that the Vatican, United Nations or another kind of multinational commission can play a role in this. The concern of Human Rights Watch and others is that the FARC and Colombian government’s victims'/justice agreement may allow the FARC and government to influence who the judges could be, and thus incur in a conflict of interest that may eventually lead to white-washes in the process. Pres. Santos and Sergio Jaramillo reject any notion that the judges will be in the pocket of anyone, insisting that the agreement includes high-experience, high-integrity requisites for the most qualified candidates. But this doesn’t reassure everyone in Colombia, where the president of the Constitutional Court is currently embroiled in a scandal and formally accused by Congress of alleged corruption to influence court decisions.

Other questions: How will the Tribunal for Peace judges be eventually divided into subgroups and what will their exact procedures be to hear particular cases? How will the Investigative Unit director put together his or her staff to pursue cases? How will cases be deemed “representative” and selected to be processed? The victims'/justice agreement indicates that given the overwhelming numbers of war crimes during five decades of conflict, it wouldn’t be possible to try all of the war crimes, presumably taking into account limited resources, the passage of time and disappearance of evidence, and thus the “representative” and stand-out cases would have priority. But what happens to the vast numbers of cases unaddressed, especially with demands by victims or others to have them heard in a court and not just noted in a Truth Commission/No-Repetition report?

And then there is the question of the judicial situation of the Colombian security forces. Separately, what happens judicially to the former rightist outlawed “paramilitaries”/vigilantes who demobilized about a decade ago under a controversial Justice and Peace law promulgated during the Uribe administration—which, criticized as “smoke and mirrors” by Human Rights Watch, has had mixed results at best, suffering a number of flaws. And what about civilians accused of connection to the perpetration of war-related crimes?

According to official statistics, cited in an *El Tiempo* article last October 18th, 35,353 “paramilitaries” demobilized and submitted to the Justice and Peace law as of about 10 years ago. Some 2,684 of those went to prison for grave war crimes with five-to-eight-year sentences (which human rights groups criticized as being too lenient), and only some 5.3% of those who have served their sentences were let free. The others remain in prison, even having served their terms, because swamped courts apparently haven’t been able to certify if the jailed “paramilitaries” have completely told the truth of the full extent of their criminal behavior to qualify for the five-to-eight-year sentences. Moreover, according to demobilized “paramilitary” leader Freddy “El Aleman” Rendon, who recently was released after serving his jail sentence, more than 2,200 demobilized “paramilitaries” have been murdered.

Why should the FARC not go to jail, while 2,684 demobilized “paramilitaries” did? The FARC says that there is a difference between what the FARC sees as the FARC being a “legitimate rebellion” against a “corrupt, repressive, unjust” state and the “paramilitaries” as being murderous thugs doing the state’s dirty work (whether in complicity or not with government forces). The “paramilitaries” said that they came into existence in self-defense against ruthless guerrilla encroachment into a security void left by a weak state back then.

The Colombian military and police have always insisted that any collaboration between their members and outlawed “paramilitary” groups was never institutional. The late AUC leader Carlos Castaño had told me that in the mid-1990s and earlier, “paramilitaries” had significant collaboration with some members of the military and police that went up the ladder of rank. He talked of a retired general whom he described affectionately as a “gordito simpatico” (loosely translated as “nice hefty”) and said that he wanted to erect a statue in honor to him as a “patriot.” But Castaño added to me, when I met with him in my journalistic capacity in the year 2000, that due to pressure from the United States, Europe and other countries, collaboration between “paramilitaries” and elements in Colombian security forces was reduced significantly to cases of mostly middle- and low-ranking security-force personnel acting on their own, though some higher-ranking officers stayed in touch, one way or another. “The generals and the coronels are worried of losing



Now-defunct United Self-Defense Forces of Colombia (AUC) “paramilitaries” in Cordoba department in 2000. Some 2,200 former “paramilitaries” have been murdered since demobilizing, according to demobilized AUC “block”-unit commander Freddy “El Aleman” Rendon. © Photo by Steve Salisbury. All rights reserved.

their posts, if they collaborate with us,” Castaño said at the time, adding that some high-ranking officers looked to get promoted by combating his forces. Just in 1999, Castaño said, the Army killed 42 of his men in fighting, while the FARC killed 142 of them.

However, it doesn’t matter to the victims whether or not it was guerrillas, “paramilitaries” or government forces who committed crimes against them or their loved ones. Victims groups are divided on the victims’/justice agreement. While some look favorably upon it, others are appalled. Some are willing to forgive, though not forget, and accept the terms of it. Others demand long prison sentences for the perpetrators of war crimes.

But former “paramilitary” leader Freddy “El Aleman” Rendon, who was commander of the “Elmer Cardenas” block of the now defunct AUC, thinks differently: “We are of agreement in that they [FARC leaders/members] don’t go to a prison because it is a waste of time that is lost from working with victims. There are other alternatives that can contribute more to truth and reparation. They don’t have to be maximum-security jails, as those for us, they can be agriculture colonies.”

The Special Jurisdiction for Peace would cover the Colombian military, police, paramilitaries and other actors in the armed conflict—the same sentencing structure to apply to them. The victims’/justice agreement says that the judicial frame-work, procedure and details are still to be determined for members of the Colombian military and police, though respecting and consistent with the Special Jurisdiction for Peace. Former paramilitaries apparently could avail themselves to the Special Jurisdiction for Peace. Ditto for “third-party” civilians connected to the perpetrating of war crimes.

Referring to the military’s judicial situation, Pres. Santos, quoted by El Tiempo, in the Colombian Caribbean port city of Santa Marta mid-February, envisioned: “For all members of our Armed Forces who haven’t committed grave crimes, or be it war crimes against humanity [though who have committed war-related crimes], the renouncing of the exercise of penal action [by the transitional judicial system] is applied to them, that in practice is the equivalent to an amnesty.” In other words, suspending or not imposing jail sentences for crimes that don’t come to the level of grave war crimes.

The Special Jurisdiction for Peace evidently would in effect allow paramilitaries still in jail, as well as government security forces’ officers and enlisted personnel in jails for war crimes, to go free to serve alternative sentences if they confess before the Tribunal for Peace.

What about post-paramilitary organized criminal groups known as “BACRIMs”? Some experts say that the agreement is unclear if BACRIMs may be included in

the Special Jurisdiction for Peace, since there appears to be a blurry gray area, given that a number of them spawned from demobilized traditional “paramilitary” groups, like the United Self-Defense Forces of Colombia (AUC), and continued to engage in clashes with guerrillas, even though the government says that the BACRIMs’ primary driving purpose is criminal self-enrichment and not vigilante counterinsurgency at the level of the demobilized traditional “paramilitary” groups like the AUC.

But, despite language in the victims’/justice agreement to allay worries of potential judicial witch-hunts and abuses, those worries continue. This is not a surprise in a country whose judicial system has come under an avalanche of criticism for dysfunctionality, inoperability, over-bureaucratization, politicization, and numerous miscarriages of justice—with victims of what are widely seen as court injustices ranging across the political, economic, social, ethnic, racial, gender, sexual-preference, and cultural spectrums of Colombia.

Retired general Nestor Ramirez, president of the Colombian retired Active Reserve of Generals and Admirals, and others in the military (active-duty or retired), business people and large landowner/rancher communities worry that politically, financially or axe-grindingly motivated bogus accusations could be made against innocent people who are then forced either to confess to crimes that they didn’t commit with the incentive of settling the matter with relatively little hassle and not going to jail or to plead not guilty and have to incur heavy legal-defense expenses to the point of possible financial ruin in a judicial ordeal that could drag on years and where one could be eventually unjustly convicted by judges whose impartiality wouldn’t necessarily be guaranteed, given their selection by “third parties,” whose selection, in turn, could derive from a presumed consensus between the FARC and the Santos’ administration.

The FARC, among others, wouldn’t cry to see former president/now Senator Uribe brought before the Special Jurisdiction for Peace. While the victims’/justice agreement keeps in special judicial protections guaranteed by the Colombian Constitution for former and current presidents, it allows for accusations against former or current presidents to be informed to the Colombian Congress, and the language doesn’t appear to rule out that the Special Jurisdiction for Peace could have former presidents before its courts for alleged crimes committed before or after their being president, as Colombian Attorney General Eduardo Montealegre has interpreted the agreement.

18) Pres. Santos Ceding Too Much or Not?

Has Pres. Santos, desirous to meet his March 23 “deadline” for an overall peace agreement, ceded too much to the FARC on key matters in the agreement on

victims/justice? Some would say yes, noting that under the victims'/justice agreement, FARC leaders and members just have to collectively or individually "take responsibility," and they would have no jail time and be eligible for political appointments or elected positions, some of which were once held by public servants whom they kidnapped or killed in their war against the state.

And it has been reported, and confirmed by the FARC's "Ivan Marquez," that Santos' peace negotiators have discussed allowing the FARC a still-to-be-determined number of automatically FARC-designated Congressional seats for at least one term, even though Pres. Santos months earlier had insisted that while the concept of Congressional new special transitory circumscription districts was agreed (with the number of districts still to be determined) in the Point of Political Participation, they would be filled by presumably free elections in those districts. This appears to be something still under private discussion by the peace delegations.

While gerrymandered Congressional or parliamentary districts happen in the United States and other countries, why should the FARC, any armed movement or any group be awarded any specially designated Congressional seats at all and not have to compete for those seats electorally? Would this be unfair to other political parties and segments of society and send a wrong message that democracy could be bullied if an armed group is strong enough? Legal leftist parties, which have a small minority fraction in Colombia's Congress, worry that awarding unelected seats to the FARC could displace them, when the legal leftist parties have played peacefully by the rules via the ballot box.

The FARC would reply that given decades of it and its supporters being "repressed and persecuted," an affirmative action-like quota of designated seats would be a step toward redressing what it sees as an unfair imbalance. There is already a precedent of Congressional seats being designated for a demobilized guerrilla group, with one or two designated in the House of Representatives from 1994 to 1998 for the small demobilized guerrilla group Corriente de Renovacion Socialista. And two Congressional seats are Constitutionally reserved every four years, one each, for Indian and African-Colombian representation. (Indian and African-Colombian political parties nominate candidates to run for those respective seats, sometimes including non-Indian or non-African-Colombian candidates.)

Despite these and other controversial aspects, some experts on ending guerrilla or other internal armed conflicts are pleasantly surprised to see that more has been achieved in the victims'/justice agreement than they had expected, even if it looks like cosmetic judicial trappings to human rights groups or others.

19) Would Pres. Santos' Cure Be Worse Than the Malady, or The Best, Simplest Way? The Question of Ratifying an Eventual Overall Peace Accord

This new complex judicial equation and Pres. Santos's steam-rolling through the Colombian Congress, controlled by his political coalition, controversial bills for legislative and Constitutional reform—including a new-fangled plebiscite—aimed to eventually implement and ratify an eventual overall peace accord have raised questions of whether Santos' efforts for a cure would turn out to be worse than the malady by perhaps seriously harming Colombia's "institutionality" and undermining the checks and balances in its current Constitutional system, as flawed as it may already be, and open the door to future serious problems.

Regarding the plebiscite that Pres. Santos is pushing, Uribe, the FARC, and others are against a plebiscite as a mechanism to ratify any overall peace agreement. They cite that the Colombian Constitution, as currently standing and which Santos wants to reform on peace process matters, says that a plebiscite is an expression of the electorate on a proposition or policy and that it is not Constitutionally binding. A plebiscite is not to be confused with the Constitutional mechanism of a "referendum," which is Constitutionally binding. Pres. Santos would like to see the Constitutional Court approve his reforms on the plebiscite as being Constitutionally binding. The Constitutional Court review is being awaited with much anticipation, and its decision—expected perhaps in March—would appear to have a substantial effect on the peace process, at least from the standpoint of Pres. Santos' strategy.

Why has Pres. Santos opted for a plebiscite instead of a referendum? Because as Santos himself has said, a referendum would be suicide because its threshold for approval is that at least a quarter of the electorate's national census has to vote in it in a country where abstentionism is often high, and half of that plus one voter has to vote in favor of the proposition. Given that Uribe and his opposition Centro Democrático party could call for a boycott of the referendum, it could likely sink it. Another factor against a referendum, according to some, is that the courts could require that it have votable questions point by point, and in an overall peace agreement going over 200 or 300 pages, that wouldn't seem to be practical.

Whereas on Pres. Santos' choice of a plebiscite, on which Santos says he is playing fair and creatively, critics chafe that he had his Congressional coalition, lavished with pork-barrel-style politics, slap-dash reforms together in record time in smoke-filled-backrooms-style whereby the threshold percentage of voters having to vote would drop from 50% of the electorate's national census to some 13% of it voting "yes" to make the plebiscite valid, with half plus one votes in favor to approve the proposition, as is understood. Moreover, only one question or a few questions (presumably generalized, and maybe somewhat loaded suggesting

peace, by Santos forces who could be part of phrasing the question or questions) would be on the ballot.

The FARC—which has always insisted on a National Constituent Assembly (Constitutional assembly)—has been clear for a long time in its rejection of “unilateral” reforms, like the plebiscite pushed in Congress by Santos and his political coalition, and that these “unilateral” actions are supposedly “misleading” to the public and doomed to lead to a “descalabro” (“breakdown”).

Said FARC Secretariat member and peace negotiator “Pastor Alape” in a public statement January 14: “The objective of the process is to find consensus between contrary positions, before imposing one’s own. Announcements not agreed to, like the plebiscite initiative, the convening of Congress to regulate supposed concentration zones [for eventual FARC demobilization] or the conformation of a Special Legislative Commission [to pass peace-process reforms] make part of an attitude that makes invisible the interlocutor [the FARC] at the [peace negotiating] table and gets ahead of results still pending to be dealt with.”

Also highly critical of Pres. Santos’ notions for peaceaccord ratification and reforms is Uribe’s Centro Democratico. Says the Centro Democratico website, “What is most worrisome are three elements that alter the constitutional order of the country: the plebiscite, the “little Congress” [a special Congressional commission to fast-track peace-process reforms], and the extraordinary faculties for the president.”

Said Centro Democratico’s director and former 2014 presidential candidate Oscar Ivan Zuluaga, who lost to Santos with 45% of the vote to Santos’s 51%: “The government has proposed a plebiscite for ratification, which is not the consecrated mechanism in the Constitution for ratifying an agreement like that which is being discussed in Havana. It’s a mistaken path that creates a very delicate precedent with the reform of thresholds, because it breaks the elemental principal of Constitutional order, the balance of powers...”

What does Centro Democratico propose? Carlos Holmes, Zuluaga’s vice-presidential running mate in 2014, said in SEMANA magazine: “I have been speaking of the possibility of a ratifying consultation, through which Colombians would be asked about the detailed content of the [peace] accords and simultaneously it would be asked if the citizens wish or not that these accords are developed through a transitional Congress for peace or a Constituent assembly perfectly defined regarding its competence, its integration and the period of sessions.”

Prefacing that comment, Holmes had said, “The Constituent [Assembly] that the FARC talks about is totally distinct from that which Centro Democratico proposes.

That which the FARC proposes would be a tripartite Constituent [Assembly], integrated with Constituent delegates of popular election, others with seats assigned directly to the FARC, and another part integrated by a kind of special-interest composition, and it wouldn't be able to touch the hard nucleus of the [peace] accords. It is to say the FARC is proposing a kind of notary dispatch for effect of putting a seal on what is agreed which would be unmodifiable. Centro Democrático is thinking of a Constituent [Assembly] of popular election in which there would be an ample deliberation about different themes."

So, why does Pres. Santos insist on his "unilateral" measures for peace-process ratification and reforms? From his standpoint, he may feel that he has no choice.

A) He may feel that he could expose himself to a serious political hit, if he were perceived or misperceived to be asking the outlawed FARC for permission for making legislation and Constitutional reforms. In such a case, someone could perhaps ask something like, "What's this? The outlaws are making the laws?" We have already seen a reaction like this by some to the victims'/justice agreement. But, when it comes to judicial matters, Pres. Santos could say that the FARC essentially plea-bargained with the Colombian government, like "paramilitary" groups did with Pres. Uribe, on judicial sentences and structure, even though the FARC would disagree with that phraseology. The flip side, critics may argue, is that the FARC got Pres. Santos—supposedly "over-anxious" to meet his March 23 "deadline" for an overall peace accord—to cave in to the FARC in allowing it to supposedly craft its own terms of justice. Pres. Santos would reject that view.

B) As Pres. Santos has said, he has to try to at least have some ground-work in place and get a head-start in preparing for when an overall peace accord is eventually signed; otherwise, there could be legislative, reformist, administrative and bureaucratic lags after an overall agreement is signed which could bog down implementation and thus perhaps threaten a happy outcome. Former chief of staff of British then-Prime Minister Tony Blair, Jonathan Powell, said that Blair's predecessor then-Prime Minister John Major encountered such problems in Major's unfulfilled attempts at peace in Northern Ireland.

Pres. Santos notes that it doesn't hurt to put something in place unilaterally, while continuing to negotiate with the FARC, and that it could be seen whether or not modifications, subtractions or additions could be later made. As long as it doesn't side-track focus at the negotiating table, that would seem to make sense. But the FARC argues that it's a distraction that wastes time and tangles things up with "weeds," as it says the unilateral, Santos-promoted Judicial Framework for Peace legislation ("Marco Jurídico para la Paz") did. The Judicial Frame-Work for Peace legislation was passed some time ago by the Colombian Congress after months of work, yet eventually superseded by the peace table's victims'/justice agreement's

Special Jurisdiction for Peace, which arguably doesn't need the Judicial Framework for Peace legislation as a basis, though supporters of the Judicial Framework for Peace legislation say it helps.

20) Former President/Now Senator Uribe's Possible Next Moves? The Retired Military Voice, Political Parties



Colombian then-President Alvaro Uribe (right) bestowing a decoration to his in-coming successor Juan Manuel Santos Aug 5, 2010, two days before Santos is inaugurated president. Photo courtesy of the Voice of America.

As for the Uribistas and Centro Democrático, what could be their next moves? A peace process would be stronger with the participation of the political opposition—even if in only an observer or “watchdog” role—and would be incomplete without it. But despite repeated attempts (some subtle and private, others public and loud) to get

Uribe aboard the Santos-FARC peace train, Uribe has refused so far—whether due to philosophical, political, personal, psychological or emotional reasons, or to a combination of any or all of them. Uribe, though, has apparently coyly indicated privately to some of his friends that while now isn't the time to board the train in some fashion, maybe later it could be, depending on circumstances and how it would be handled.

Uribe has had meetings with Alvaro Leyva, who is a formal adviser to the FARC on judicial and other matters and who has dedicated his life to peace efforts at least since he was mining and energy minister in the Conservative-party administration of Colombian President Belisario Betancur. Uribista Centro Democrático leaders met with another of the FARC's three formal judicial advisers, Spaniard Enrique Santiago, in Bogotá in early February. And Uribe and Centro Democrático leaders have had meetings with the Colombian government's chief peace negotiator Humberto de la Calle, Interior Minister Juan Fernando Cristo, and other officials of the Santos administration.

But while open communication can lead to clarity on respective positions and even to eventually finding common ground, I don't see on the horizon Uribe hugging the FARC-Santos talks. To the contrary, Uribe has shown himself to be a formidable,

tenacious fighter to the bitter end, and as I write this analysis, he is almost surely looking for ways to block an overall peace accord between Pres. Santos and the FARC in its present form. At a recent forum sponsored by his Centro Democrático party, he ripped again into Santos's peace-process approach, insisting that it will allow impunity, threaten Colombian democracy and that it should be opposed.

In my talking with some of Uribe's friends or reading some Uribista writings, it appears that Uribe's options for trying to frustrate the Santos-FARC peace talks—which he insists is a “sell-out to terrorism”, though some wonder if envy, ego or hurt feelings may play a part in Uribe's resistance to them—include: Judicial actions, such as having his arguments against a plebiscite somehow reach the Constitutional Court via indirect or direct motions; an all-out galvanization of his supporters to persuade the electorate to vote against the plebiscite (assuming the Constitutional Court allows it) because boycotting it wouldn't probably stop it from attaining its lower threshold of voters to make it valid; boycott the plebiscite out of principal and affirm it doesn't have a mandate, if electorate participation is low, though enough to meet the qualifying threshold; step up his blasting inside and outside Colombia of the victims'/justice agreement and other content he opposes, pointing out controversial items that may raise fears, concerns, uneasiness, discomfort or questions; and continue to try to drive a wedge in the bipartisan strong support in Washington DC toward the peace process, aiming to use, among others, Republican presidential aspirant Senator Marco Rubio, who has shown some sympathy to Uribe's arguments and whose wife is Colombian-American.

The problem with Santos' plebiscite is that it gives an appearance (rightly or wrongly) of being a slick fast-one by Santos and his Congressional coalition—Congress members seen by much or most of the Colombian public as being “marmaladed (“sweet-greased”)—to hurriedly, conveniently end-run Colombia's current Constitutional institutionality, in a move more reminiscent of a Banana Republic than of someone who takes to heart that a reason why Colombia's Constitution has a relatively high bar to make Constitutional reforms is precisely to avoid hasty changes which, in the case of Santos' proposed plebiscite, could be approved by as little as 13% of the entire electorate, as some say. This could be a recipe for problems—as both the FARC and the Uribistas have warned—because it wouldn't show a real mandate and could be open to litigation of whether or not it is judicially and politically binding.

A limited National Constituent Assembly, as described by Carlos Holmes, an idea Uribe says he could support, depending on how it were handled, appears to be a possible opening to try to get Uribe eventually aboard the peace train. But, so far, as a “red-line” condition, Pres. Santos and his negotiating team reject a National Constituent Assembly, saying that it would be too complex, too long, too cumbersome and could open a Pandora's box of unnecessary, unexpected

consequences, even leading to having to renegotiate the entire peace process from the beginning, wiping out over three years of pain-staking negotiations.

That said, some observers wonder if the fact that Colombian chief peace negotiator Humberto de la Calle's having been an architect of Colombia's 1991 Constitution—his “baby” and big achievement, one could say—has anything to do in Humberto's view against a new National Constituent Assembly. Humberto would scoff at such a notion and refer one to his articulately argued *El Tiempo* op-ed of why a National Constituent Assembly is risky, in his view, and isn't the simplest, most convenient route.

But the FARC leadership's Constitutional legal counselors have advised it that Constitutional reform via a National Constituent Assembly is the strongest protection and guarantee it can get. Some observers wonder if another FARC reason for a National Constituent Assembly could be FARC wishes to push its own political agenda Chavez-style.

When I mentioned quite some time ago to the FARC's “Ivan Marquez” the proposal by Colombian Senator Jimmy Chamorro of Santos' “Unidad” (“U”) party that there could perhaps be first a plebiscite, referendum or some kind of electorate consultation followed by a limited National Constituent Assembly, “Ivan” replied to me that that was something the FARC could maybe consider, depending on how it was devised.

Maybe middle ground could be sought via some sort of nationwide vote including a proposition to the electorate on whether or not to convene a limited National Constituent Assembly before, during or after the FARC's laying down of weapons. And if a National Constituent Assembly were to be held in a limited way, to have iron-clad measures to make sure that it wouldn't spin out of control.

Some suspect that Uribista reasons for a limited National Constituent Assembly may go beyond things like ratifying peace accords and judicial and political reforms, and include Uribista wishes for a Constitutional reform to open the door for Uribe to run for a third presidential term. (A try to reform the Constitution for a third presidential run by Uribe was struck down by the Constitutional Court when Uribe was in his second term.) Uribe has said that a Constitutional referendum (not to be confused with Pres Santos' plebiscite) would be okay—but remember that Uribe may think that he would have a better chance to sink an overall peace accord between Santos and the FARC perhaps by boycotting such a referendum or by having it too heavy with points on which to vote.

From my talks with Uribistas, it appears that if Uribe cannot be a spoiler and dash the peace talks, then he at least politically positions himself to attack whatever flaws, glitches and problems—large or small—that would almost inevitably happen

during aftermath and implementation of an eventually signed overall peace accord. Uribe could say something like, "I told you so, that there would be these problems," trying to catch political wind into Uribista sails. The world has seen every time that implementation of peace processes isn't perfect, and that there are glitches, some minor, some serious, and political opponents naturally try to gain off of them, just as peace-process supporters try to make political hay of the "benefits of peace" and try to paint their opponents as not having wanted the war to end.

Would Uribe undermine his own stance, if he himself or other Centro Democratico representatives met with FARC leaders, and not just with the FARC's judicial advisers? Not necessarily so.

Uribistas have talked of having FARC leaders come to the Colombian Congress to express their points of view and face questions. The FARC agrees with this idea, and the president of Colombia's House of Representatives Congressman Alfredo Deluque of Santos' U-party has called publicly for that. But Pres. Santos reportedly doesn't feel it is the right moment, not even to have a live video-conference, yet, between FARC leaders in Havana and the Colombian Congress, even though the FARC's "Ivan Marquez" was permitted to address European Union parliamentarians via video-conference.

Some Santistas worry that if Uribe or his representatives met with the FARC leadership, Uribe could steal the initiative. Santistas also worry that recent meetings with the FARC leadership by peace-process-supporting, left-leaning political party leaders, like Polo Democratico's Clara Lopez and the Progresistas' Gustavo Petro, both former Bogota mayors (Clara an interim mayor), who are amenable to the idea of a National Constituent Assembly, could side-track things. Lopez, who placed fourth in the 2014 elections, and Petro were key to Santos winning reelection when they endorsed Santos for the second-round run-off because of their support of the peace talks.

So, why not meet with the FARC in Havana Uribe or one of his representatives?

An option could perhaps be that Uribe permits someone in his inner circle (if not himself) to make a trip to Cuba to meet with FARC leaders basically to observe things "first-hand," hear what the FARC has to say directly in private, and spell out personally to the FARC the Uribistas' positions/conditions. The Uribistas could emphasize to the Colombian public that they spoke hard truths, not sugar-coated, straight to the face of the FARC. Meeting with the FARC doesn't necessarily mean that Uribistas are complicit, nor agree, with the FARC, although there are some positions on which Uribistas and the FARC coincide. Uribe says that he is looking to build consensus, but how can one be most effective at trying to build consensus if he or she doesn't try to meet or otherwise communicate with all the relevant participants?

American hardline, anticommunist president Richard Nixon met with China's Mao, when Chinese military personnel were helping the North Vietnamese to kill thousands of American soldiers. (In one of the greatest, boldest moves of modern diplomacy, Nixon had then-National Security Adviser Henry Kissinger pave the way by holding secret talks with Chinese Premier Zhou Enlai.) And US officials have met with Taliban representatives in Qatar or elsewhere to search for a peaceful outcome in Afghanistan.

Even if Uribe or his envoy(s) were to go to Havana to read the FARC the riot act and lay down Uribe's "no-nonsense" conditions, it could be considered a step forward, because it gets the Uribistas actually involved in the peace process as participants and not outsiders, and could start to change a perception or misperception (depending on with whom one talks) of Centro Democrático being supposedly an automatic "naysayer" or practitioner of a sophistic argument where it talks of peace but puts conditions for FARC surrender that the FARC will never accept and cannot be forced to accept in current or foreseeable circumstances. (Not to single out Centro Democrático, about all political or ideological currents in Colombia have used sophistic arguments at one time or another.)

Since my first visit to Havana in April of 2013, I have talked with FARC leaders of the importance that the views of Uribe and his many supporters be taken into account, and the FARC leaders have said from the start that they would be willing to meet with Uribe or his representatives in the search for peaceful, constructive solutions for the good of Colombia, and that such a meeting would be held in a serious way and not to be turned into a circus. What the FARC or Uribe wouldn't want to see is where a confidential meeting is held and then audio or video surfaces in public media of it where either side of both feel that things were taken out of context, distorted and sensationalized, such as what happened after what was understood to be a confidential meeting between the FARC's judicial adviser Enrique Santiago and retired general Jaime Ruiz and other retired officers of the ACORE military retiree association.

Colombia's largest retired military organizations ACORE and the Corps of Generals and Admirals of the Active Reserve of the Military Forces can play a very important role in shaping a peaceful future for Colombia. These Colombian retired and reserve military organizations are known to be "the voice" of active-duty military personnel, who cannot publicly speak on political or governing matters. Also, the retired military organizations are apparently influenced a lot by Uribe, and they have evident influence with Uribe, so this could perhaps be an opportunity to try to see how things could maybe develop with the Uribistas. Colombian retired generals have made clear to me, though, that they and their organizations are not Uribistas but that they have a number of positions in common with Uribe.



Colombian Army Special Forces commandos train in rappelling maneuvers in Cali. © Photo by Steve Salisbury. All rights reserved.

Whoever talks with whom, it is of utmost importance to carefully and articulately phrase communication to clearly get across the message to whom one is directing it. For instance, last summer, the FARC sent an invitation to the presidents of both ACORE and the Active Reserve to interact on issues for the good of Colombia. However, the way the letter was written, retired generals found it insulting and didn't grasp that the FARC's intention was to be sincerely inclusive toward them. I know this because I have talked with the FARC leadership extensively about its wanting to reach out to all sectors, especially to the military and Uribe.

The Colombian government negotiating team already includes retired general Mora, who was once chief of the Armed Forces, as well as active-duty generals negotiating technical "end of conflict" issues. So, what inhibits retired

generals from ACORE or the Active Reserve to go to Havana to talk with the FARC leadership—not to negotiate nor to meddle in the peace talks, but in support of fostering peace, to listen to what the FARC leadership says, to have better understanding and clarity and to look for reconciliation? Evidently, in substantial part, because of fear that their own membership and colleagues could perhaps accuse them of being soft, weak or even traitors. Also, some retired generals talk of "honor" that they are of a Constitutionally instituted Armed Forces, and thus how could they meet with "terrorists" and "criminals"? Labels the FARC rejects. The FARC sees the Armed Forces as being an instrument used or manipulated by "the oligarchy" and corrupt civilians in the state, but the FARC doesn't have anything against the concept of the military as a sovereign institution per se.

A contact of mine who is following the peace process said something-like: "Hey, these guys [the retired generals] can talk about honor all they want, and I understand where they are coming from, but if they don't get with it, and if they don't get involved, then they just marginalize themselves, miss a historic moment, and they end up being dinosaurs." Bottom line is that if military people—or anyone else—don't defend their own interests and define themselves, then others could fill the void to define them, perhaps in a way of which military people don't agree. That would be a reason for ACORE and the Active Reserve to discuss these issues

cool-headedly, seriously, and fully with their own memberships, avoiding knee-jerk, emotionally charged jingoism.

The Left, for its part, has to re-examine how to try to achieve its expressed goal of making the peace process more inclusive. While one of Polo Democrático's leading figures, Senator Ivan Cepeda, has called repeatedly on Uribe to join the peace process, Cepeda didn't endear himself to Uribe or bring Uribe toward joining the peace process by launching a Senate debate on Uribe's alleged links to "paramilitaries," in which Uribe ferociously defended himself. While Sen. Cepeda is a tenacious lawyer whose view is shared by many that this debate had to take place and that there are a number of unanswered questions, it appears to make it harder now for Cepeda and the Left to reach out to Uribe on this matter.

The Uribista reaction was to talk of having a counter-debate about alleged FARC influence with politicians, so-called "FARC-politica," in contrast to the "parapolitica" scandal where former AUC "paramilitary" leader Salvatore Mancuso claimed that the "paramilitaries" were responsible for the election of up to about a third of the Colombian Congress in the early 2000s. Cepeda presented in the Senate debate on Uribe's alleged links to "paramilitarism" audio-taped testimony of what Mancuso alleged was his meeting with Uribe when Uribe was former governor of Antioquia department and Mancuso was already a "paramilitary." Uribe denied the meeting occurred, though acknowledged that he had met with Mancuso twice before Mancuso became a "paramilitary." Uribe was quoted as saying in an *El Espectador* article in 2002, excerpted by SEMANA magazine: "The only paramilitary whom I have known is Salvatore Mancuso, through my link since being a child in Córdoba [department]. I saw him two times, before he was a paramilitary. I didn't develop any friendship with him, they were passing encounters for reasons of the animal husbandry sector."

Uribe insisted that since he extradited Mancuso to US prison, Mancuso was sour grapes and slandering Uribe. After the Senate debate, Mancuso, still serving time in US prison, and Uribe reportedly filed law suits against each other. Angry Uribistas personally attacked Ivan Cepeda and swiped that the FARC has a unit named after Cepeda's late father Manuel Cepeda, who was a Union Patriótica leader murdered by what an investigation showed to be a ring of "paramilitaries" and individuals linked to state security forces.

Uribe put resolve into his first presidential campaign in 2002 by refusing to meet with the FARC in the "Distension Zone" during the ill-fated peace talks under Pastrana. But changing circumstances can call for different steps. So, for Uribe to even consider sending an Uribista representative to meet directly with the FARC, he would have to be shown how it would have patriotic and other benefits for Colombia and that the potential upside would outweigh the potential downside.

Uribe would have to be convinced that it would be, first and foremost, in Colombia's best interests and wouldn't be perceived nor manipulated as being tantamount to giving political cover to Pres. Santos, nor tacit "approval" for the way Santos is carrying out the peace talks, and that it wouldn't compromise Uribe's principles in his stance against what Uribe sees as outrageous "concessions." But such a recipe could be possible, depending on how it were to be handled. The Uribistas could view it as Uribe being a kind of "guarantor" that things don't go wrong.

It is not as if Uribe hasn't had contact with guerrillas before. When Uribe was president, he held exploratory talks with the ELN in Havana, which foundered, and Uribe sent "peace feelers," which didn't spout, toward the FARC via his own High Commissioner of Peace, Frank Pearl, who is now a Santos peace negotiator.

In an excerpt of a letter signed by Frank Pearl with presidential letterhead, dated March 5, 2010, five months before the end of Uribe's second term—the letter leaked during the Santos administration—Pearl said to the FARC leadership:

"1. Our interest in having a direct and secret encounter with you or your delegates.

"2. This meeting would have an open agenda, with the purpose of building confidence between the parties and that may lead to a more detailed and deeper peace agenda in the future.

"3. The place of the encounter could be Brazil, given the work together that we have accumulated with this country.

"4. Brazil would guarantee inside Brazilian territory the security and logistics of the participants of the secret encounter.

"We are attendant to your response and observations of the previous points."

An American academic said to me, (paraphrased here): Uribe had it all in his hands. He could have been the big hero here. He had fought hard against the FARC, and he could have claimed winning the peace by joining and influencing Santos to steer the peace talks, the academic emphasized. But Uribe doesn't see it that way. He seems to see more the lessons of Winston Churchill versus Neville Chamberlain.

While Pres. Santos has made public calls to Uribe and others in the opposition to join the peace process, Centro Democratic members complain that Santos has not officially extended invitations to their Congresspersons to go to Havana to meet with the FARC, as he has for some in other political parties.

Marta Lucia Ramirez, who finished in third place as the Conservative party's presidential candidate in 2014, resigned July 9, 2015 from Pres. Santos's external adviser commission on the peace process because "it didn't have any impact different than media from the day that it was convened," she wrote in her resignation letter. "I have arrived to conclude that true will of the government doesn't exist to take our proposals and sincerely include our sectors that didn't make part of his [Santos'] reelection..." Pres. Santos denies that he isn't taking constructive criticism into account from wherever it comes. Whether or not he was influenced by Marta Lucia's and other opposition recommendations for conditions and time-frames, Pres. Santos announced the March 23 "deadline," even if the date isn't met. And Pres. Santos had a pre-condition for formal talks that the FARC cease kidnapping.

Many see it as a shame that opposition Congresspersons either won't go or aren't allowed to go to meet with the FARC in Havana. Horacio Serpa, a leader of the center-leftish Liberal party, which is part of Santos' political coalition, found his and other Santos coalition members' meeting or meetings with the FARC leadership constructive and saw a maturity in the FARC that Serpa hadn't seen in previous peace processes. Santos' other coalition pillar, besides his own sometimes center, sometimes leftish, sometimes rightish U party (which Uribeistas chafe that Santos usurped from them), is the Cambio Radical party, whose leader German Vargas Lleras is Colombia's vice president.

The center-more-to-right Cambio Radical publicly supports the peace process, but it raised eye-brows that its party chairman, Congressman Rodrigo Lara, didn't attend the Sept 23 Santos-"Timochenko" Havana ceremony, even though he was invited. Lara later sent another Congressman of Cambio Radical to meet with the FARC leaders. Cambio Radical was a winner in the October 2015 regional elections (the Liberal and U parties claimed they were, too), gaining governorships, city halls and council seats, attributed largely to Vice President Vargas Lleras' overseeing a program that has provided over 100,000 homes to lower income Colombians. Vargas Lleras has recently had brain surgery to remove a tumor (reportedly benign) and is receiving follow-up treatment, so this has raised questions of if he will be able to run for president in the 2018 elections.

While the Liberal party has commented at times of perhaps leaving the Santos coalition over differences on bureaucratic quotas and other issues, it stresses that it will continue to support the peace process, though not give Santos "carte blanche" on it. The Liberal party would like to be allowed more access to its developments, says a Liberal party insider, preferring to remain anonymous. The right-center Conservative party gives conditioned support to the peace process, though there was a split in the Conservative party during the 2014 elections—with the party establishment tacitly, if not openly, supporting Pres. Santos (who

generously helped some of its Congressional earmarks) and Marta Lucia Ramirez having the support of the Conservative party base to win the party's presidential nomination. Marta Lucia supported Centro Democratico presidential candidate Zuluaga in the run-off. She says that she favors responsible peace-process efforts, but has questions about the peace-process direction and wants more vigilance.

The current Congressional balance of political forces is very favorable to Pres. Santos. So, if he keeps his coalition happy (including with "marmalade"?), he should be able to push through his peace-process legislation and reforms. In the 102-seat Senate, his coalition forces have: U party 21 seats, Liberal party 17 seats, Cambio Radical nine seats, and Opcion Ciudadana five seats. The independent Conservative and Verde ("Green") parties have 18 and five seats, respectively. And while Polo Democratico describes itself as an opposition party, its five seats would vote for pro-peace-process legislation. Centro Democratico has 20 seats in the Senate. There is one seat each for the ASI and MAIS parties.

In the 166-seat House of Representatives, the distribution of seats are the following: Liberal party 39, U party 37, Conservative party 27, Centro Democratico 19, Cambio Radical 16, Opcion Ciudadana six, Verde party six, MIRA party three, and the rest divided among other parties.

21) Other Questions about the Victims'/Justice Agreement

The voids, lagoons, still-unresolved imprecisions, and concerns go even beyond the main points Human Rights Watch takes issue with in its critical report about the agreement on victims/justice.

The agreement on victims'/justice has basically a long list of social, economic, developmental, reintegration, relocation, and reparation rights or guarantees that would seem to imply overwhelming costs that could be only covered in a small fraction, according to some observers. It appears that the FARC and Colombian government could allow in this agreement a loop-hole for FARC members and its sympathizing "masas" ("masses"/supporters) and "militias" to fit into programs for victims via a clause of displaced persons (guerrillas consider themselves to be "displaced persons" because of the state) whereby they are apparently to be supposedly "guaranteed" for what could be indefinitely (it is not clear)—beyond effective reintegration into society—jobs, economic support, welfare-style programs, financial credits, a kind of vague, undefined political community autonomy of sorts (with some kind of degree of influence on "territorial" and national levels), community self-supervision, and ambitious public works and development programs on national, "territorial," and local levels.

Moreover, there doesn't appear to be anything really specific on the judicial part of how to dismantle illegal narcotics.

While, naturally, there would be the need to provide economic, social, developmental, educational, cultural and psychological support to the reintegration into civilian society of guerrillas (as well as of government troops eventually leaving the security forces and of ex "paramilitaries"), the obvious question is, How can all of these lofty goals be fully achieved, when the costs would seem to be overwhelming?

Could this have the potential to set up a situation of eventual unfulfilled promises and the dashing of high expectations that could be perhaps cited by the FARC or others to say that an overall peace accord was not upheld and thus the apple cart gets upset? Could the FARC insist on these items being satisfied before it supposedly truly fully disconnects itself from its entire armament, even if the FARC has gone partially, mostly, or completely through demobilization as a guerrilla force? The FARC is to start to "lay down weapons" within 60 days of the signing of an overall peace accord, but it is still not determined how or where its weapons would be stored or handled, and eventually decommissioned or destroyed. And there appears to be an unclearness or a discrepancy of interpretation between the Colombian government and FARC on whether the FARC is to lay down all of its weapons within 60 days after the signing of an overall peace agreement or if this is to be done in stages that go hand in hand with implementation of the accords that could go beyond the 60 days.

According to the Western official closely following the Colombian peace talks, "The problem as I see it is that even if there were the best of intentions on both sides, the agreement as exists currently is so complicated and involves so much that there are not the resources (money), people or infrastructure to make it work, even over the 10 year period that Santos is announcing. This thing is way too complex and promises too much to too many people. The problem underlying all of it is that I don't think the FARC is totally well intentioned. So whether I'm right or wrong about the intentions, implementation is going to be a total mess." According to this official, costs for post-conflict could run as high as 80 billion dollars over a decade or longer, and the international community's talk of pledges so far for funding it would cover less than three, four or five percent of that figure. Moreover, Colombian former mining and energy minister Carlos Rodado told me that the international community sometimes doesn't come through on its pledges and puts in conditions to benefit its respective countries' own contracting companies for part of the funding.

While intentions remain to be seen in the proof of the pudding, I see that both the Colombian government and FARC leadership are sincere in wanting to achieve an

overall peace accord—though they want to get it on their own respective terms as much as possible—and this could result in one side or the other, or both, trying to push the envelope too much, perhaps particularly more so the FARC in current circumstances given that it seems sometimes to perceive (correctly or incorrectly) that Pres Santos is supposedly so anxious for an overall peace accord as the clock on his presidency ticks away that he may be vulnerable to “giving in” or further “giving in” to FARC positions, a supposition which Santos would deny.

22) Extradition, Cooperation on International Judicial and Security Issues

The United States State Department has made clear that US extradition orders against some FARC members remain intact and active, and that an eventual Colombian government-FARC peace accord protecting the FARC from extradition by the Colombian government will not stand in the way of the United States continuing to seek extradition of wanted FARC members. Whether or not the Colombian government accepts or denies the requests is a Colombian sovereign matter, and Pres. Santos said that he would not extradite FARC members for offenses related to the armed conflict after an overall peace accord is signed and as long as the FARC members under extradition request “behave” well. More than 40 or 50 FARC members, including almost all of its top leaders, are sought for extradition by the United States on drug-trafficking, kidnapping or murder charges. Some Western European countries, Paraguay and Brazil either have extradition issues or judicial investigations pending about some FARC leaders and members.

Even with Constitutional guarantees in a peace accord, the FARC knows that the specter of extradition will always be a sword of Damocles hanging over its head. It would seem that the only way for the FARC to try to resolve it thoroughly would be to face it head-on with US judicial authorities and the judicial authorities of other countries.

FARC leaders worry of a potential double-cross, if not by Pres. Santos, then perhaps by a future Colombian presidential administration that could seize on a spurious or specious pretext, accusing FARC members of continuing links to the drug world after a signed peace accord, to put them on a DEA or FBI plane to the United States. They point to then-President Uribe’s sending in short order to US justice 14 demobilized AUC “paramilitary” leaders who had submitted to the Uribe-supported Justice and Peace program but which Uribe said they violated, despite the denials of the 14 “paramilitary” leaders. There has been speculation of whether Uribe’s extraditing them had anything to do with conjecture that some of them might testify against alleged Uribe links to “paramilitaries,” which Uribe denies. Thus, FARC leaders have indicated to me that there are never too many “guarantees” for them against extradition.

This worry of FARC leaders could be an opportunity for the United States, Germany, the United Kingdom, France, Brazil and other countries to send law enforcement officials to meet with the FARC leadership on judicial and security matters of interest to their respective countries—assuming the approval of the Colombia government for such meetings and that they don't interfere with the doings or time-table of the actual peace negotiations. Judicial systems of these countries sometimes take into account cooperation of those investigated, sought, being tried or convicted to weigh possible judicial benefits or considerations in the quest for solving cases and getting judicial resolution.

Some observers think that there could be ways for the US judicial system to suspend extradition orders or for the White House or State Department to ask the Justice Department for suspension of extradition orders, or that the State Department could perhaps table extradition orders on a special presidential executive order. Then there is also the question of the crime. For instance, extradition orders for murder and kidnapping of US citizens cannot be lifted nor suspended, from what I understand, unless indictments or charges are dropped.

If any country decides to send its “professionals” to meet with the FARC leaders or representatives on judicial/law-enforcement matters, the question is timing, where and how.

On one hand, some would say that now may not be the best moment, given that the peace talks are at an intensified rhythm and shouldn't be side-tracked in any way. Since there are to be Truth commissions and a Special Jurisdiction for Peace requesting confessions and truthful full disclosure after an overall peace accord is signed, that could be the appropriate time, they may say.

On the other hand, it could be argued that it is better to start doing it now, and that it could be done without side-tracking nor interfering with the peace talks, by showing the FARC a way on how to face the issue of extradition head on, and not have to solely depend on a Colombian peace accord that isn't valid to the foreign and transnational judicial systems. Better to get one in hand now, than have two in the bush, as the saying goes, they would say.

Moreover, while the FARC insists that it is a “self-sufficient” domestic guerrilla movement and has little to do internationally, US, European, and Latin American authorities believe that the FARC has contacts in international, murky, outlawed circles. The FARC denies this, but if it happened to be the case, such contacts would presumably become stale and perishable soon after an overall peace accord were signed, or even as the clock ticks now.

23) The FARC's "Simon Trinidad"



The FARC's "Simon Trinidad," during his days in the "Distension Zone." The FARC calls "Simon" a "revolutionary's revolutionary" and a "man of iron" who inspires it, as he serves a long prison sentence in the United States. © Photo by Steve Salisbury. All rights reserved.

The FARC sees the situation of "Simon Trinidad" and those of at least two or three other FARC members extradited to the US and serving prison sentences there as necessary to resolve for an eventual overall peace accord, as well as to resolve the judicial situations of FARC members in Colombian jails or under indictment.

"Simon Trinidad" was arrested in Ecuador in January 2004, when the FARC says he was trying to promote peace, though which US and Colombian authorities saw as "Simon" allegedly trying to help negotiate a swap of FARC members in Colombian jails for three US citizens or others held captive by the FARC. "Simon" was deported shortly his arrest to Colombia and was extradited to the United States reportedly on Dec 31, 2004, and is serving a 60-year sentence in a US federal prison in Colorado on a conviction of an association of kidnapping charge of three US

Department of Defense subcontractors whose surveillance plane crashed hundreds of kilometers away from where "Simon" was. Multiple other charges against "Simon" on drug-trafficking ended in mistrial or absolution. FARC leaders have called the conviction a miscarriage of justice, saying that "Simon" has never been in its combat/military operational command and was a kind of political spokesperson. When I visited the FARC "Distension Zone" several times during the ill-fated peace talks under then-President Andres Pastrana, I met with "Simon Trinidad" and saw him as a spokesperson or with a role on political themes and peace-process facilitation.

Ironically apparently tracking with the FARC contention on "Simon," a Western former diplomat who when in the diplomatic corps had closely followed "Simon's" case from the time of his arrest in Ecuador in 2004 told me, preferring to remain anonymous, that an ambitious US assistant district attorney was the driving force for the extradition of "Simon Trinidad" (already in a Colombian jail) and that the

prosecutor was supposedly trying to burnish his own credentials and make a big name for himself for personal, career or political aspirations, when there was a questionable basis for the extradition and that it has caused all sorts of unnecessary complications. The former diplomat, a law-and-order hardliner who said that while “Simon” is no saint and deserved to be serving jail time in Colombia for other cases, he shouldn’t have been extradited to the United States.

“It makes me want to vomit,” the former diplomat said of what he viewed as the US assistant district attorney grandstanding. The former diplomat said, in his view, that since the prosecutor couldn’t find anyone from Al Qaeda and that because the prosecutor supposedly may have felt a need “to check the box” of nailing a terrorist to help climb the career ladder, he went after “Simon.” The prosecutor sees that the conviction of “Simon Trinidad” by a US jury vindicated the extradition and that justice was served. However, the former diplomat wondered if any jury not very knowledgeable of Colombia and of the FARC could fathom all the intricacies of a case like “Simon’s,” particularly in an emotionally charged atmosphere of the “war on terror.”

The FARC has always called for “Simon” to be released from US prison and sent to Havana to be part of its negotiating team. The US rejects this. Possible options that observers have raised may be for “Simon” to be remanded either straight to Colombian penitentiary custody, or to the penitentiary custody of a third country which has legal treaties with both the United State and Colombia for such a move as a kind of “half-way” stop for an eventual remanding of “Simon” to Colombia, for his sentence to be continued. However, United States international judicial treaty conditions evidently require that time of sentence and other sentence circumstances must track to a certain level with the US sentence, if a prisoner is to be remanded to another country.

The FARC thinks that a US presidential pardon or commutation of sentence could be a convenient solution. While only President Obama knows if he would eventually grant or not a pardon or commutation of sentence to “Simon,” with a Colombian overall peace accord in mind, it doesn’t appear to be on the horizon. US Presidential Special Envoy Bernard Aronson has publicly said that “Simon” was convicted of a very serious crime and has a sentence to serve. Moreover, how would Pres. Obama’s possible consideration of a pardon or commutation of sentence be affected, if at all, by a You Tube video posted months earlier of “Simon” saying several years ago that the Nobel peace prize awarded to Pres. Obama should be for the “Pax Romana”?

The FARC sees “Simon” as being a revolutionary’s revolutionary, “a man of iron” and of profound revolutionary integrity. “Simon” is a symbol for the FARC

“struggle.” Having studied at Harvard University, “Simon” could be of great help in the peace process,” the FARC’s “Ivan Marquez” told me.

How to resolve the “Simon” issue? Without a presidential pardon or commutation of sentence, it would have to be via the established procedures of the US federal judicial system, through a convicted person’s right to appeals or requests for reduction of sentence, parole, probation, mitigation of prison living conditions, or other judicial considerations.

The US attorney general perhaps could have the district attorney make a petition to the court for a revision of sentence, and if granted, “Simon” could be maybe released on time served or have his case remanded to Colombia or another country, with the adjusted sentence qualifying within parameters for such a remanding. But appeals and petitions could be rejected, and if so, “Simon” would have to continue serving his sentence in a US prison. What would this mean for the peace talks? It’s a good question with no answer now.

Questions for US officials to contemplate are: If the United States releases convicted felons or suspends extradition requests just because of a peace process per se, could this weaken the US judicial system and undermine its deterrent of sentencing and of reach, in the eyes of foreign armed groups or others who harm or may harm US citizens? (A question that Colombia is similarly facing in its own peace process, as noted above.) Or would it serve a greater good in supposedly enhancing US national security by helping to bring peace, in this case, to Colombia?

24) A Decision Boils Down to...

The debate boils down to: Are the terms to which Pres Santos and the FARC leadership agreeing an acceptable price to pay for peace—aimed to save lives, open Colombia to greater development and prosperity for a wider range of its population, expand democratic participation, fortify the Constitution and institutionality, and contribute to national/international security—as Pres. Santos, the FARC and other peace-process supporters argue?

Or, as Uribe argues, would it eventually result in the fuelling of future (perhaps worse) violence, greater drug-trafficking and other crime, and threaten Colombia’s Constitution and institutionality, not only to the detriment of Colombia, but also to that of the international community, because it would tinker supposedly harmfully with Colombia’s Constitutional and institutional balance and would allow those who confess involvement in grave war crimes or with illegal drugs-crops to not go to jail, and thus it would supposedly perhaps be an incentive for present and future outlawed groups to grow their strength to try to get similar judicial benefits?



Going from bottom to top, the words appear to read (if inadvertently): “pain” in English to “paz” (“peace” in Spanish). Or read from top to bottom, it could be seen as “paz” to “pain.” Colombians will decide how their future unfolds. © Photo by Steve Salisbury. All rights reserved.

That is for Colombians to decide; they have to forge their own destiny, even though the international community can try to help and does help with some things.

But if Colombians (or others) are ever to reconcile, they are going to have to take the steps, even starting with baby steps. Stresses Harvard conflict-resolution expert William Ury, a helpful start would be to replace hostility with hospitality. As Ury quoted US President Abraham Lincoln in an especially important meeting where I was present, “Do I not destroy my enemies when I make them my friends?”

Sidebar: Some of the Hardest Issues to Resolve at This Juncture in Colombian Peace Process

By Steve Salisbury

Some of the hardest issues—which make me think that achieving an overall peace accord by the end of 2016 apparently still could be an arduous slog, despite the agreement on the United Nations and CELAC to participate in verification of an eventual bilateral cease-fire—are:

1) The FARC insists on a National Constituent Assembly (Constitutional Assembly) for ratification of an overall peace accord, saying that Pres. Santos’ planned “unilateral” plebiscite is not judicially nor politically viable as Constitutionally or practically binding, according to the current Constitution, and that the Constitutional Court could strike it down. And even if the Constitutional Court rules it constitutional, the FARC thinks that it still doesn’t give the FARC the strongest guarantees, as the FARC sees a National Constituent Assembly would. That said, Pres. Santos, as a “red-line” condition, rejects a National Constituent Assembly

over fears it could turn into a Pandora's box and put what is agreed to in the peace talks at risk. FARC leaders have told me that they can never have too many protective "guarantees" on not being extradited—one of a number of reasons why they want a National Constituent Assembly.

2) The "ending of paramilitarism" issue. In a recent El Espectador newspaper interview, the FARC's "Pablo Catatumbo" says that not every single post-"paramilitary"/"paramilitary" individual has to be addressed, but that the government, the FARC insists, has to effectively confront and subdue the "paramilitary" phenomenon, which the FARC says continues in the BACRIM (criminal bands) and other forms. "Pablo Catatumbo" said that the government must thoroughly purge the Armed Forces and police of members supposedly linked to "paramilitarism." The Armed Forces aren't going to like the FARC telling them how to run their own institution and whom to purge.

3) Physical security issues. It sounds like this should be handled without making a thorn bush. But after the United Self-Defense Forces of Colombia (AUC) and other "paramilitary" groups demobilized, some 2,200 demobilized "paramilitary" members have been murdered, according to former AUC leader Freddy "El Aleman" Rincon. And the FARC remembers very bitterly the decimation of the Union Patriótica political party which it supported.

4) The form and conditions of "laying down of weapons" ("dejacion de armas"). This is still not decided, and the FARC appears to want to have some sort of putting them in a secured verified "escrow" (if that would be a word of appropriate description) before their eventual decommissioning or destruction, as part of guarantees that an overall peace accord is fulfilled.

5) How to do the gathering of FARC troops in preparation to demobilization of the FARC as a guerrilla movement? The FARC plans to continue to stay organized and mobilized as a legal, unarmed, political, social movement.

6) Resolving the so-called "salvedades"/loose ends (of partially agreed points/categories) left "in the freezer." Some have philosophical aspects, like "economic model," which Pres. Santos said shouldn't be part of the peace talks, or multinational company-controlling and energy/mining issues. The FARC and many other Colombians, including former president/now Sen. Alvaro Uribe, were aghast at the recent sale of the ISAGEN mostly state-owned hydro-electric power company to a private Canadian holding company and only bidder, though Pres. Santos insists on the sale being for Colombia's good.

7) "Simon Trinidad." The victims'/justice agreement states that all FARC prisoners are to be released. But US justice isn't bound by that, regarding "Simon" and other FARC members in US prisons.

8) Details in all points partially agreed. For example, how to provide social, economic and reintegration measures to FARC members returning to civilian society?

9) How to do the judicial frame-work/mechanism for the Colombian Armed Forces/police, which is to be consistent with and respectful of the Special Jurisdiction for Peace, according to the victims'/justice agreement, an item yet to be determined?

10) The uncertainty of FARC members after their laying down of arms and reintegration into civilian society. FARC leaders, mid-level commanders, and rank and file are very concerned for their future. Where are they going to work? Can they make a decent living? Would people in their cities, towns or villages reject them, some even trying to do harm to them?



Colombian Army soldier patrolling in front of a house written with FARC slogans in southwestern Colombia. © Photo by Steve Salisbury. All rights reserved.

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