



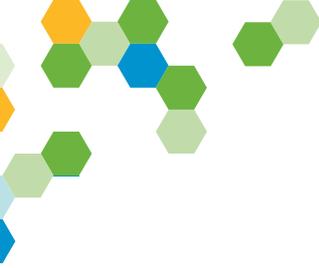
SPECIAL REPORT

Why Colombia said "No" to peace with the FARC

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I. INTRODUCTION

On a historic day with a photo-finish poll, the “No” campaign won by just 60,000 votes, turning down a referendum intended to confirm the agreement that would put an end to the conflict between the government and the Revolutionary Armed Forces of Colombia (FARC). After an outcome that defied all forecasts, surprising the public and puzzling the international community, Colombia faces the most politically polarized, unstable and uncertain period in its recent history.

The “No” campaign triumphed with 6,431,376 votes, equivalent to 50.21 %¹ of the total, while the “Yes” campaign obtained 6,377,482 votes, equal to 48.78 %. Areas with large populations of vulnerable people who have been affected by the violence and influence of the guerrillas, such as Chocó, Vaupés, Cauca, Putumayo, Nariño and Sucre, tended to support the agreement. By contrast, regions that, although also affected by the conflict, have a higher level of stock-rearing, oil and industrial wealth, as well as a more conservative population, such as Casanare, Northern Santander, Meta, Antioquia and Hila, led the “No” vote.

The main cities also showed differing tendencies. Bogota, Barranquilla and Cali supported the “Yes” campaign, while Medellín, Cúcuta and Pereira backed the “No.”

The referendum intended to conclude a peace process that took four years of negotiations; Peace experts from around the world, such as former U.S. President Jimmy Carter, widely consider it to be one of the most complete agreements in history. It benefited from the lessons learned in other international processes, such as those in Northern Ireland and South Africa, and offered considerable opportunities for social, political and economic transformation.

Besides bringing an end to an internal conflict that has held the country’s attention, the content of the agreement involves a state commitment to undertake a strategy to democratize the nation; reactivate the rural economy; consolidate an open democratic system and a policy of tolerance; and a truly integrated system of truth, justice, reparations and non-repetition, focused on the victims.

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

¹ Results from the preliminary count of 99.98 % of ballot boxes.

“Although the result goes against the will of the government in power, the institutions will support the results of the vote and will follow the instructions of the majority of citizens”

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

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

That does not make them wrong or any less legitimate; although the result goes against the will of the current government, it will support the results of the vote and will follow the instructions of the majority of citizens—however narrow this majority may be.

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

2. WHY DID COLOMBIA SAY NO?

JUAN MANUEL SANTOS’ LEADERSHIP

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

The peace process with the FARC and the ELN became his greatest ambition and the principal legacy of his government, requiring support through his re-election to continue and reach a successful conclusion. Although the negotiations generated mistrust from the beginning in the sectors led by former president, current Senator Álvaro Uribe Vélez, President Santos was elected for a second term.

“Conversations with the FARC in September 2012 meant giving the organisation back its status as a political agent”

During the past year, the country has gone into a period of economic slowdown, with unemployment reaching 9 % at the end of July 2016 and inflation rising to 8.6 %. This affected the Colombian people’s mood and led to continued disapproval of the president and his cabinet.

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

By contrast, the “No” campaign had the clear leadership of former President Uribe, one of the most influential figures in Colombian politics. Despite generating many controversies, he maintains an approval rating of 57 %.² Unlike the current president, his forceful character and the radical position he has continuously taken against the peace process

have allowed him to remain relevant and cultivate a stable base of political support.

RECOGNITION OF THE FARC AS A POLITICAL AGENT

Between 2002 and 2008, during Uribe’s government, the FARC’s political status was downgraded to that of a terrorist guerrilla group that had to be fought using military methods, with its leaders subjected to the provisions of the justice system. The violent acts committed by its militia in the last few decades, including kidnappings, extortion, drug trafficking and assassinations, provided a strong backing for this view.

The beginning of the conversations with the FARC in September 2012 meant restoring its status as a political agent in the context of an armed conflict. Negotiating under conditions of equality with criminal agents was anathema for certain opinion leaders, particularly Centro Democrático (Uribe’s party), which saw the group as no more than a gang of criminals who were perpetuating violence with the resources they obtained from drug trafficking.

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

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

Additionally, the agreements gave the FARC leaders a prominent role, enabling them to sit down with government representatives and the international community and to be treated with the same honors. This may have been perceived by Colombians as an act of arrogance, tipping the balance toward “No.” During the process, FARC leaders rarely spoke to the public to explain their current position, acknowledge their crimes and the pain they had caused or humbly apologize for what they had done to offend Colombians in the past.

DISBELIEF REGARDING THE FARC'S DESIRE FOR PEACE

In addition to the above, there were multiple past frustrations with the FARC. After many failed negotiation processes with the group over the past five decades (including Tlaxcala in '92 and Caguán in '98), belief in the FARC's desire to keep its word and comply with the agreement is low. According to the Sept. 20 Ivamer Gallup Poll, 61 % of Colombians did not believe the armed group would strictly adhere to its commitments.

Although two days before the referendum the FARC, accompanied by the U.N., destroyed some of its unconventional military equipment as a demonstration of its sincerity concerning the process, it was not enough to win the trust of all voters.

UNACCEPTANCE OF POLITICAL INTEGRATION

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

Moreover, supporters of the “No” campaign, such as Carlos Holmes, a representative of Centro Democrático, rejected the idea that the FARC would have preferential electoral mechanisms—the agreement offered them immediate involvement in the Colombian Congress (with the right to speak but not vote) and special seats for 10 years while its political movement became established.

FEAR OF IMPUNITY

Undoubtedly one of the most controversial points, generating the greatest polarization during the pre-referendum campaigns, was justice. Firstly, the strongest critics believed the current penalties faced by the FARC would leave violent episodes unpunished. Complete amnesty was added to the possibility they might be able to serve their sentences with community work for the crime of rebellion and their other activities, such as drug trafficking.

“The Colombian parliament estimated that the post-conflict would, in the first ten years, cost around 90 trillion pesos (about 30 billion dollars)”

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

CONTINUATION OF DRUG TRAFFICKING

As drug trafficking is a crime associated with rebellion—since it was used to finance a political cause—it could be subject to the amnesty established in the agreements. For Uribe, this would not only contribute to impunity, as those most responsible would not be found guilty or extradited, but it would also facilitate the growth of crops currently covering 170,000 hectares, as small growers would not be penalized.

POST-CONFLICT FINANCE

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

Colombian parliament estimated that, in the first 10 years, the post-conflict would cost around 90 trillion pesos (US\$30 billion), including costs associated with the demobilization of guerrillas, reparations to victims and development of infrastructure, health, education and income generation projects, among other key components for achieving medium- and long-term stability. Although Minister of Interior Juan Fernando Cristo has stated the total cost of implementing the agreements will not be so high and the State will be able to pay for it, it is not clear where these resources would come from.

It is clear that, although international cooperation would account for a generous contribution,³ it will not be enough. Nor is there certainty regarding the resources to be handed over by the FARC in

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

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

its demobilization process, because, although the exact figure is not known, the organization maintains it is much lower than the 10 billion dollars The Economist magazine believes it possesses.

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

FAILURE OF EDUCATION IN THE POST-CONFLICT

Despite the huge educational marathon led by chief negotiator Humberto de la Calle and undertaken by the government’s negotiating team since the end of July, in which civil servants traveled all over the country to explain the contents of the 297-page agreement document, the effort was not enough to convince Colombians.

Educators visited different cities and municipalities, including regions where “No” was the majority opinion, including Antioquia, the coffee-growing region and some eastern districts. They took part in various public events describing the key points of the agreement, such as the

transitional justice system, the process for reintegrating the FARC and reparations to victims, as well as resolving public concerns. They also gave many interviews to key media outlets revealing details of the negotiations, and they tried to persuade Colombians of the importance of considering the vote a unique opportunity to end a 52-year armed struggle, stating that the agreement—although not perfect—was the best and only one possible.

In addition to the negotiators, the Partido Verde, Partido Liberal and the Partido de la U also undertook campaigns in favor of a “Yes” vote, including educational work. Key media, such as El Tiempo newspaper and Semana magazine, circulated the final document and made multimedia efforts to summarize it and offer their readers a detailed analysis of the implications of the “Yes” and “No” votes.

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

“The big loser is undoubtedly President Juan Manuel Santos, whose main political project has been frustrated”

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

3. WINNERS AND LOSERS

After the victory of the “No” campaign, the main winner is definitely Uribe. Despite the fact that, as principal promotor of the “No” campaign, his political group was isolated in a campaign in which the majority of political parties and social organizations were “Yes” supporters, and during which he was publicly labeled a liar, warmonger and enemy of peace, his arguments managed to mobilize voters.

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

The big loser is undoubtedly President Santos, whose main political project has been frustrated. Despite the powers the Constitution grants him,

which allowed him to confirm the agreements without the need for a popular vote, the president decided to ratify them by democratic means, and this has become his greatest political failure. This will affect his ability to govern in his final year in office and will be reflected in the constant rejection of his initiatives and an even greater disconnect with the public.

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

The FARC are left in indefinite limbo. Although after the referendum they tweeted about how the only project they will continue to support is peace and the cease-fire will be maintained, the victory of the “No” campaign shows the difficult journey that awaits them. Most of their troops were either already on their way to the 23 concentration zones where they were to give up their weapons. In addition, if some formula can be found to implement the agreements, the reintegration process will not be easy, as Colombians

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have demonstrated they will not give members of the FARC another chance in civil society without receiving something in exchange. The road toward reconciliation will therefore require a great deal of time and dedication.

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

The social and victim organizations, which mostly supported the process, also lost, as the processes of truth, justice and reparations for the actions committed against them are now on standby until a decision is made on what will happen with the final agreement.

The polling firms that predicted a victory for the “Yes” campaign until a few days before the referendum failed in all their forecasts. According to Hector Riberos, a well-known political analyst in the country, it is possible

those who supported “No” were camouflaged among undecided voters, because, as the “Yes” campaign received greater attention, they felt ashamed to publicly admit their true opinion. The research methods used were not the right ones to account for this phenomenon.

Finally, the international image of the country will be affected. The international community’s support for the process was firm, clear and active. In fact, the U.N. Mission to Colombia had already been deployed to verify and support the agreements. The country’s decision not to support the agreements now, even though the majority was minimal, is not only disconcerting for those who do not know the country’s history and traditions, but it also establishes Colombia as a place where the majority of people do not want peace.

4. FUTURE SCENARIOS

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

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

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

Now, although there is no legal backing for the implementation of the Havana agreement, various jurists have issued initial opinions indicating there are two alternative options to confirm the agreement. The first would be to call a Constituent National Assembly of all political sectors, but this is an option that would take months and leave the current disarmament and demobilization processes in limbo.

Cesar Rodriguez, director of the DeJusticia think-tank, also explained that the referendum decision is binding only on the president of the Republic. Congress or the High Courts

could make a decision to support the agreement. If this scenario occurred, politics would become even more polarized, as the popular mandate would be ignored and promoters of the “No” campaign would strongly question an action of this kind.

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

5. CONCLUSION

In a surprising and close referendum decision that has disconcerted the international community, Colombia rejected the agreement to end the conflict and build a lasting peace between the FARC and government. After the victory of the “No” campaign at the ballot box Oct. 2, Colombia is entering a period of great uncertainty, confusion and instability.

One outstanding feature was the high level of abstention—over 60 %—during the process, which was crucial in determining the final result of the vote. Barely 40 % of the

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electorate voted; in other words, barely 20 % of Colombians with the right to vote voted “No.” While this does not invalidate the result, it undoubtedly calls it into question. For this reason, it is difficult to adopt such a far-reaching resolution without knowing what the 60 % of Colombians who did not vote want.

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

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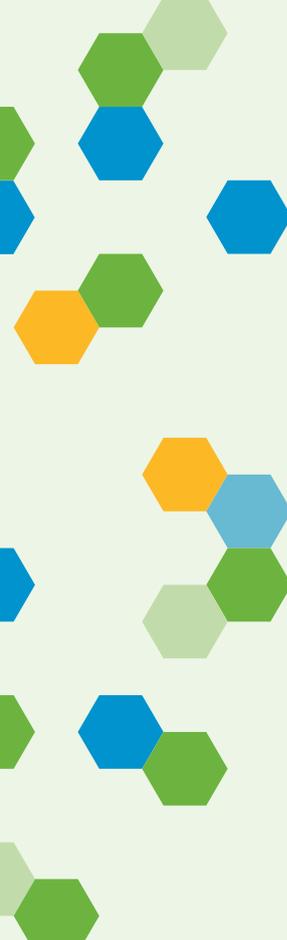
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