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Conflict Resolution Management in Colombia

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Abstract: The conflict between the Government of Colombia (GOC) and the FARC (*Fuerzas Armadas Revolucionarias de Colombia*) has been ongoing since 1964 with each succeeding administration seeking a peace agreement that would be acceptable to both parties. A brief synopsis of each administration is provided with relevant and significant events. A theoretical context follows to support the conclusions. The argument put forth here is that there is no "solution" to all the demands of the FARC or the cost that the GOC must endure to ensure domestic security. What can be expected is a managed negotiation process whereby goals are maximized with minimal risks enjoyed by both disputants.

Keywords: civil war, insurgency, conflict negotiation.

*This article is structured around previously published efforts by the authors dealing with conflict resolution, peace-keeping, and terrorism.

Unlike interstate wars, civil wars rarely end in negotiated settlements. (Walter, 1997: 335)

I. INTRODUCTION

There has been a paradigmatic shift in the characterization of political violence since the end of World War II. Colonialism saw its demise with the emergence of a set of national liberation movements in pursuit of national self-determination. The nature of militant opposition to the Metropole domination was defined alternatively as irregular warfare, unconventional warfare, guerrilla warfare, or the most commonly employed referent, insurgency conflict between the major western and eastern power actors. In the succeeding era and for our focus, terroristic violence became the *enfant terrible du jour*, in a low-intensity, asymmetric war in almost all of Columbia's countryside. At various points in time, a decision regarding priorities had to be made: Was the dispute essentially—albeit not totally—a political or a military one? What is intriguing across time has been an approach involving bureaucratic administrative institutions seeking peaceful resolution (Sanchez, 2012).

Our interest is to examine how the Colombian conflict has evolved during a course of managed attempts at resolution. At least one attempt at a speculation intended to open up avenues of conversation beyond an insurgency against a set of authoritarian regimes searching for endogenous variables is found in Trejos (2016). Our research points in another direction and finds potential worth in the conclusions we reach. Our primary statement as a theme is that the dispute between the Government of Colombia (GOC) and the FARC (discussed below) will not result in a "solution," but represents an example of a conflict management model that includes conditions where mutual consent is settled at levels where each side achieves acceptable benefits.

One noticeable hybrid of a political insurgent group has been the FARC-EP¹ (*Fuerzas Armadas Revolutionarias de Colombia—Ejército del Pueblo*; The Revolutionary Armed Forces of Colombia—People's Army)² (Garcia, 2009; Vélez,

¹ Established on a Marxist platform to establish a "New Colombia" with social justice and economic self-determination in mind. In September 1964 Manuel Marulanda, aka "Turofijo" or "Sureshot" and Jacobo Arenas, a Communist ideologue formed the *Bloque Sur de Guerrilla* (Southern Bloc [an organizational unit]) later that year morphing into the FARC. In

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1964; Salgari, 2014; Arias, 2004; Brittain, 2010; Jimenéz, 2013; Leach, 2011; Palacios, 2006) which followed the period of *La Violencia* (1948-1958) in Colombia (Campos, vol. 1, 1962, vol. 2, 1964; Ramsey, 1973), an extremely violent adaptation to the political battles between the domestic political Liberal and the Conservative forces. The emergence of the FARC in 1964 was largely resultant from a reaction to the GOC attacks on rural areas protected by so-called "self-defense groups" (Carlos, 1984: 97). With the conclusion of *La Violencia*, the inter-party albeit violent rivalry between the Liberals and Conservatives failed to attend to other areas of social discontent but did result in a pact signed in 1957 by both parties creating the National Front (*Frente Nacional*, 1958-1974) (Hartlyn, 1988). The domestic Left then emerged energized by the Cuban revolution which set the stage for the emergence of the FARC and the ELN (Sánchez and Peñaranda, 2007).

The importance of the contentious issues can be found in the formal termination of the domestic dispute between the GOC and the FARC—but perhaps not the ELN—in Havana, Cuba at the end of August 2016 (Acuerdo Gen., 2016) with a formal signing ceremony in Cartegena, Colombia, a few weeks later (Marisol, 2016), along with a national plebiscite taking place on October 2, 2016 (Registradur, 2016) in which there was a 37% voter turnout in a starkly polarized society with a vote of 50.21% no's and 49.78 yes's that defeated a peace effort, five-and-a-half years in the making, by a margin of .43% or 60,000 votes. If as exit polling seems to have indicated, there was a backlash against the Santos administration and a failure to provide sufficient punishment, particularly for the guerrillas, to the conditions of criminality; García-Godos and Lid, (2010) and Theidon (2007) provide a partial explanation. Seizing on the pure vote number and anti-Santos sentiment, ex-President Uribe put forth a proposal to revamp the agreement, on the surface benefitting the GOC but with little incentive for the FARC to accept. The proposal included a ban on the insurgents' participation in politics; a 5-8 year sentence for crimes, to include drug trafficking; pardoning GOC security forces for any of its alleged serious crimes; and eliminating the Tribunal for Transitional Justice (CNN, 2016).

II. GENERAL BACKGROUND

Because the FARC is the oldest and largest insurgent group in Colombia,³ it became the reason for our singular focus. The FARC began its operations against the GOC in 1964⁴ as an insurgent group representing the under-represented agrarian population whose socio-economic status has been clearly within the Colombian political culture and dominated by the country's land-holding social elites (the *latifundistas*), being the politicians, prominent business folk, the Catholic Church hierarchy, and the nation's military. It is a notable and applicable condition that the inequity in Columbia's land ownership is particularly onerous within the context of Latin America with 1.15% of the population owning 52.2% of the land (UNDP, 2011). The FARC's initial focus was on land reform and redistribution (Feder, 1971; Gros, 1988; Lee, 1988; Richani, 2012; UNDP, 2011). Its anti-imperialist ideology and what was thought necessary to implement its platform, questionably the removal of the GOC by violence if necessary, overshadowed whatever policy agenda it presented. Gonzálo Sánchez (1992: 19) spoke to this point with the observation that the insurgent's goal was "not to capture the state's power or to change the political system...but simply sought political participation to incorporate the [elite] forces that were occasionally excluded from the political process."

³ For general background, see Watson (2000).

⁴ Built upon farmers' violent opposition during the 1940s and 1950s. For general background see Pizarro (1991).

¹⁹⁸² at the Seventh Guerilla Conference with the FARC leadership, in addition to an agreement to alter the group's militancy, they added EP (*Ejército del Pueblo*) to its title (Verdabierta, 2012; FARC-EP, 1982; Dudley, 2004: 47-56, 59-60; Neville, 2001: 74-76). The FARC is not first agrarian-oriented guerrilla movement in Colombia. This historical event belongs to the *montoneras*, a Nasa guerrilla body engaged in the 1899-1902 civil war. The FARC ends its insurgent role in June 2017, turning to serve as a political party. Alfredo Molano Jimeno, "Dejación de las armas: el tiempo de la palabra," *El Espectador*, June 27, 2017, http://colombia2020.elespectador.com/pais/dejacion-de-las-armas-el-tiempo-de-la-palabra.

²Other violently oriented insurgent-opposition groups operating in Colombia include the oldest, the *Ejército de Liberación Nacional* (the National Liberation Army, [ELN]), operating under the influence of Ernsto "Che" Guevara's ideology and the Cuban revolution and the *Autodefensas Unidas de Colombia* (United Self-Defense Forces of Colombia, [AUC]), all operating under the organizational oversight of the *Coordinatora Nacional Guerrillera* (National Guerilla Coordinating Body) [CGN] (UN, 2016). For an official source on the ELN see http://www.eln-voces.com/.

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The issue of land redistribution in Colombia must be placed in the context of a formidable socio-economic system closely linked to a highly structured class system, cemented to the political structure. This not to say, however, that plans have not been put forth to improvise a sounder land use and ownership program. The Economic Commission for Latin America and the Caribbean (ECLAC), for one, has proposed a land redistribution concept allowing for increased crop production and higher wages for the farm worker (ECLAC, 2013). The World Bank, for another well-respected institution, created its own model of "accelerated rural development," also known as the "Junker road of rural development," based on the conversion of large *haciendas* to the creation of communal farms to produce cash crops designed for export (Binwinger-Mkhize, 2009). These efforts are made mention to indicate a more dispassionate interest in the problem with a possible management approach; in academic parlance, "grievance" and not "greed" (cf. Collier and Hoeffler, 2004, 2006; Berdal and Malone, 2000) would be the gravamen. Without even a semblance of economic opportunity and limiting the means to a livelihood, the move by the Left to employ violence was to be expected and simultaneously garnering membership from the peasantry (Holmes, 2006: 178; O'Shaughnessy and Branford, 2005: 7).

Though the Colombian example, for some at least, is an outlier for any real possibility to deal with these issues with success (Webber, 2007:2) because of the intensity of the dispute, a rational choice has always remained in play. To support the FARC's activities financially, while simultaneously providing a regular income to farmers, exploiting the production of the local cocoa plants for distribution and sale overseas (Angrist, 2008; Arrieta, 1990; Cornell, 2005; DEA, 1994; Otis, 2014) was determined to be optimal. Nary has there been an attempt by the FARC to bring about the legalization of drug use; therefore its engagement in narcotic trafficking has been essentially for its institution's financial gain for the period of the conflict (García-Peña, 1999:58). The institution of the *gramaje*, the cocoa trade tax, was imposed on drug traffickers by the FARC to reduce the less prosperous farmers' reliance on cocoa production. To be more precise, early on in the insurgency there was an anti-cocoa position, believing that peasants would unnecessarily enrich themselves and thus remove a potential support for the group's recruitment program. But as it turned out, this concern was unfounded.

The GOC as the state *in situ* certainly has the obligation to provide order and domestic stability. Additionally, in order to display support for its authoritative capture of national sovereignty to the periphery of geographic control must be complete within its delimited borders supported by its observed penetration to the lowest level of Colombian society. Though not historically unique (Palacios and Safford, 2006), the fact that FARC has been able to establish a presence in large swaths of rural Colombia and subject that territorial placement with some kind of respect for its authority is one factor to consider for recognizing its legitimacy adding to the quality of its insurgent opposition to the GOC.

There are at least two important components to the on-going civil disturbance: The GOC has sought to reestablish stability, first by reducing the level of violence, then secondly, to reduce the number of fatalities among the civilian population, the military and security services. It must be said that there is no intent here to minimize nor diminish the horrific levels of fatalities perpetrated by both parties. This condition has certainly been realized by no less an authority than the International Criminal Court (ICC, 2015). In order for the GOC to comply with its responsibility with respect to the FARC, at least in an ideal manner, would mean a complete destruction of the FARC infrastructure. But without satisfying the FARC's popular demand for political, social, and economic reform, the possibility of the reemergence of a similar violent opposition would most likely be a reasonable expectation. Important to take into consideration is that the move toward a mediated settlement through a cease-fire, which had been tried many times, is not synonymous with conflict termination, the ultimate goal for all. (Hartzell and Hoddie, 2007).

III. DIPLOMATIC EVOLUTION OVER SEVERAL ADMINISTRATIONS

Two exploratory meetings for conflict resolution between the GOC and the FARC were held in the wilds near the Colombian-Venezuelan border and then a third talk brokered in Havana with Cuba and Norway as guarantors of and Venezuela as the facilitator for the process, between February 23 and August 26, 2012. An agreement was announced on October 18, 2012 with a joint statement issued from Hurdal, Norway meant to be continued the following month in Cuba (Colum Pres., 2012) which set an agenda that ultimately resulted in a historic agreement. The General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace (Gen. Agreement, 2012; Acuerdo Gen., 2016; Colum. Pres., 2016) was agreed to with discussions set to cover a six-item agenda: 1) rural development, 2) political participation, 3) conflict resolution, 4) end drug trafficking, 5) compensation for victims, and 6) implementation Page | 55

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of an agreement on the restoration of stability. The format of the consummated agreement was the Special Jurisdiction for Peace, borrowing selected elements from the conflict resolution process in the former Yugoslavia and South Africa. In an attempt to firm up the FARC's position as a non-state actor, Timoleón "Timochenko" Jimenéz (his *nom de guerre*; officially Rodrigo Londoño), Commander of the FARC, in an address in Havana, urged all the organization's factions to get behind the leadership's position and decisions in this regard or remove themselves from the organization's control (El Heraldo, 2016). Then in January 2016 with the UN's Security Council and the Community of Latin American and Caribbean States (CELAC) with contributions from Cuba and Norway, additional momentum moved the process forward. In a joint communique from the GOC and the FARC to the UN's Secretary General, the UN's participation in the peace process between the two parties (UNSC, 2016a) was acceptable. This letter was followed up by a Resolution creating the establishment of a political mission of unarmed international observers to monitor and verify for a period of a year, the FARC's disarmament (UNSC, 2016b). Our focus here is the nature of a conflict conclusion beginning with the bilateral cease-fire agreement between the GOC and the FARC, signed in Havana, on June 23, 2016 (Mesa de Conversaciones, 2016) with the signatories, Juan Manuel Santos Calderón, the President of Colombia, and Timochenko. The UN's Secretary General Ban Ki Moon signaled the international organization's support for its role as a verifier of the FARC's disarmament agreement (El Tiempo, 2016).⁵

Interestingly, both actors to our analysis here, the GOC and the FARC, have sought a resolution to the conflict by gaining a degree of satisfaction at some level for their set of demands and recognition of their grievances (Behar, 1985; Castro, 1986; Calderon, 1985; Garcia, 1985; Restrepo, 1986).

A. President Carlos Lleras Restrepo (1966-1970)⁶

Once in office, President Lleras Restrepo clearly recognized that one substantial source of internal discontent was the unequal distribution of agrarian resources and the financial rewards. He, therefore, sought to modernize the agricultural sector of the economy. Although the economic reforms introduced by the Lleras Restrepo administration made great strides, the expectations were not fully realized across the entire social system. Additionally, there was an upsurge in sporadic violence by insurgent groups. Lleras Restrepo, to counteract certain negative developments, lifted the state of siege instituted in 1965 by then President Guillermo León Muñóz in December 1968, but coercive measures were put in place to curtail civil disturbances.

B. President Misael Pastrana Borrero (1970-1974)

Pastrana's administration prioritized economic development policies to include centralization of land ownership, forcing many rural peasants into the cities. The resulting anger from the countryside brought the FARC new avenues of influence, understandably with students, intellectuals, the laboring class and many in the peasantry. All of this logically led to an increase in the FARC's membership. Responding, Pastrana mounted a massive counterinsurgency effort (Premo, 1988: 30); Hobsbawn, 1970: 56), most pronounced by a U.S.-aided "Operation Anori" in 1973 that largely decimated the FARC's supplies and leadership (Avilés, 2006: 154, n. 25). Pastrana's neoliberal economic policy was understandably opposed by the FARC whose Marxist ideology thought the policies tended to enrich the oligarchy.

C. President Alfonso López Michelsen (1974-1978)

In the aftermath of Operation Anori, Michelsen attempted to regain a positive position for the GOC by negotiating with the insurgents. He ordered the relaxation of the military's offensive against the ELN. The group was thereupon allowed to rebuild and refinance,

D. President Julio César Turbay Ayala (1978-1982)⁷

In the early part of the Turbay administration guerrilla activities increased significantly. It was at this time that still another guerrilla group emerged, the *Moviemento de Abril 19* (M-19), a radical offshoot of ANAPO (*Alianza Nacional Popular*), which came about over an alleged scandal in the 1970 presidential election. As might be expected, the Colombian military renewed its counterinsurgency campaign, largely pursuant to the issuance of a Security Statute in the

⁵ For background on the legal context of the UN's role in this context see Brown (1994).

⁶ For his views on violence and politics in Colombia, see Restpero (1968, 2007).

⁷ See generally Turbay Ayala (1966); Garcia (1985).

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face of what was called a "state of siege" (Blair, 1993: 132-135). The actions taken by the military were considered repressive by some but overall were widely supported (Blair, 1993:138). Nevertheless, there was imprinted on the Turbay administration a black mark of human rights abuse (Giraldo, 1991).

The administration also adopted a number of anti-drug production measures, under the close supervision of the United States. To sweeten the deal for American approval, which had its own interest in combatting the drug trade, Colombia ratified a 1979 treaty **that allowed for but did not require extradition**; the diplomacy was, nevertheless, strongly opposed by the FARC. It was during the later Gaviria administration that domestic pressure forced a more confrontational position with the United States on the matter of extraditing Colombians (Matthiesen, 2000) and by the time of the writing of the 1991 Constitution, via a secret vote, it did not become a part of the document. With the public outcry over the perceived abuses by the police and military, Turbay engaged the Congress and signed amnesty laws in March 1981 and in 1982, giving guerrillas four months to turn themselves into the authorities.

Just before leaving office, Turbay not only lifted the state of siege decree but also nullified both the Security Statute and the 1982 amnesty law.

E. President Belisario Betancur Cuartas (1982-1986)⁸

President Betancur is often credited with initiating the first real effort to reduce the level of conflict between the GOC and the FARC, without disparaging previous presidents' more conservative policies, e.g., Alfonso López Michelsen and Julio César Turbay Ayala. In the president's inaugural address, in August 1982, he offered the proposal for amnesty legislation without specifically requiring disarmament (Chernick, 2009; GOC, 2010). Following at least two secret meetings with four insurgent elements, to include the FARC, a truce was arranged on March 28, 1984, actually a *cese de fuego*, which lasted from May 1984 to June 1987, known as the *La Uribe* Agreement (González, 2004: 46). He also called for the establishment of a Peace Commission as a part of a Great National Dialogue and issued a proposal for a constitutional amendment which would have allowed greater political participation, presumably individuals and groups actively involved in violently opposing the GOC. A major stumbling block was the omission for the FARC to disarm, thinking that there would be a conversion from a military force into a political party. But in October 1988, the GOC broke off relations with the FARC on the issue of a more explicit statement by the FARC regarding its intended role in the truce effort. (El Espectador, 1988).

In order to broaden their appeal, the FARC decided to participate openly in the overall political process by creating a political party, the *Union Patriótica* (UP; Patriotic Union)⁹ in May 1985 and subsequently garnered impressive electoral results in the 1986 and 1988 elections with the call for wide-ranging political reforms, characterized as *Apertura Democratica*. While this was an open attempt to indicate an ability and willingness to participate in the political process, FARC's armed component continued to engage the GOC's interests. In the end, because of right-wing-initiated violence, the party was removed as a viable political contender. This situation seems to follow the conclusion reached by Danzell (2011: 86) and Weinberg (1991: 430). The only alternative was then believed to be to concentrate the group's efforts to pursue its military agenda. The GOC initiated for its own purposes a demilitarized zone in order to offer a modicum of negotiating space for the FARC negotiating team (Chernic, 2009). But the M-19's action, i.e., an assault on the Palace of Justice in November 1985, resulted in a major military response, with the FARC being the only opposition group that remained a party to the peace initiative. But its connection to the UP resulted in a number of fatalities and the FARC removed its strategic policy of political participation and held it in abeyance. This set of events for the FARC raised the cost of committing to peace talks that required as a precondition, in the form of a ceasefire.

F. President Virgilio Barco Vargas (1986-1990)¹⁰

With the drug cartels gaining an increased presence and power in Colombia, the new Barco administration came up with a new plan: a Political Pact for Peace and Democracy (*Pacto política por la paz y la democracia*). This initiative offered major concessions, at least to M-19, in return for the group's demobilization **and** disarmament, a policy characterized by the phrase, *mano tendida y pulso firme*. Accordingly, the group was given preferential treatment in participation

⁸ See generally Carrizosa (1986).

⁹ See generally Dudley (2006: 77-88).

¹⁰ See generally Benjarano (1990).

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opportunities in the political system (six of 70 seats in the Constituent Assembly) and a role to play in the drafting of a new national constitution (El Espectador, 1989). The GOC's strategy included a diminution of the FARC's image and the removal of Colombian civil-military relations from the bargaining table. It seems that Colombia was becoming more urbane and the urbanites were less willing to go into the mountains and take up arms. Also, access to political parties was more readily available (Chernick, 1994: 12). But violence escalated and by this time, the FARC had coalesced with the Popular Liberation Army (EPL) (*Ejército Popular de Liberación*)¹¹ to form the Simon Bolívar Guerrilla Coordinator (CGSB), later calling itself the National Guerrilla Coordinator (CNG). The GOC responded with a massive military operation and ended whatever form the truce had existed up to this time.

G. President César Gaviria Trujillo (1990-1994)¹²

Once in office, Gaviria, in his inaugural address targeted the four greatest threats to Colombian security: 1) the guerrillas, 2) narcoterrorists, 3) the self-defense groups, and 4) the paramilitary elements operating in the country. So under this administration, there was a stated goal to continue the peace process and with enthusiasm (Matthiesen, 2000), but continue with a peace commission that would now operate out of the president's office with an advisor on rehabilitation and reconciliation. Ultimately, a peace agreement was signed on May 31, 1991, but only after a three-year negotiation process. A major factor in achieving this agreement in large part with M-19 was by placating the military (Pearce, 1990). The GOC entered that agreement because they found the opposition not particularly representative of various indigenous organizations and thus exhibited a bit of disorganization and disunity thus showing an overall weakness. Negotiations now moved to neighboring Venezuela (Benjarano, 1995) where it was believed progress could be made with the country's leader, Hugo Chavez. Then in September 1988, there was an agreement to end the hostilities through a cease-fire. The GOC understood this step to include corralling guerrilla elements within a specific geographic area in order to ensure verification that they disarm. The guerillas, also, were expected to halt their criminal operations, i.e., kidnapping, extortion, and the bombing of civilian structures. Moreover, the GOC insisted that if the FARC was to enjoy participation in the Constituent Assembly, it must first demobilize. The FARC, for their part, refused to give up their sanctuaries and further demanded the disbandment of GOC-supported paramilitary forces, its radical political reform and a complete restructuring of the armed forces. From this juncture forward the negotiations became more delicate. Both sides agreed on the organization of a public-order advisory commission while the GOC committed itself to naming a civilian as the head of the Defense Ministry and doing away with paramilitary forces. The GOC's demands were not without costs, however. In return, the FARC was expected to concentrate its forces in 60 sites and in turn sought from the GOC 200 demilitarized municipalities, and verifiable measures to ensure the removal of the paramilitaries. Whatever progress was made was soon undone by the FARC's assassination attempt of a prominent politician and negotiations were suspended, only to be revived several weeks later but under a veil of distrust.

A significant turn of events occurred when Colombia enacted a new constitution in 1991 (Colombia, 2003) whereby the country decentralized its authority allowing for fiscal and political autonomy to be given to territorial governments. But for our point and interest, it allowed the two main guerrilla groups, the FARC and ELN, with their popular support, to gain increased access to local resources and, ultimately, **political** power.

Gaviria attempted a two-tiered approach to respond to the country's situation by first privatizing a number of state-owned industries and in return increase the budget for social programs (Gaviria, 1994). Looking for a break with the armed opposition, Gaviria chose to work with several of the smaller insurgent groups, the EPL (*Ejército Popular de Liberación*), the PRT (*Partido Revolutionario de Trabajordes de Colombia*), the Quintin Lame Armed Movement (*Moviemento Armado Quintín Lame* [MAQL]), and the Socialist Renewal Current (*Corriente de Renovación Socialista* [CRS]). Gaviria offered them amnesty in early 1991 and interestingly unlike talks with the FARC whose negotiating venues had been outside Colombia, with the smaller groups, talks occurred in the country, followed by a signed agreement with the EPL on March 1. Gaviria seeing an opening, attempted to renew talks with the FARC. In a set of talks held in Tlaxcala, Mexico, the CGSB submitted a list of 12 far reaching demands: a suspension of the Colombian "dirty war" (the paramilitary operations against various guerrilla groups) (see generally Avilés, 2006; García Duran, 1992), a halt to the GOC's military expansion, third party verification of any agreement reached, amnesty for guerrillas who sought to

¹¹ An armed branch of the Communist Party of Colombia (*Partido Communista de Colombia—MarxistaLeninista* (PCC-ML), a pro-Chinese group.

¹² See generally Benjrano, JA (2008).

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participate in the political process, and a national discussion on economic and social reforms (El Tiempo, 1991). For the GOC's part, the demand was for a confidence-building effort to be shown to include a suspension of illegal activities, i.e., kidnapping and extortion (El Tiempo, 1992). In October 1992, Gavira suspended talks after a prominent government official died while in captivity. He then ordered the military to begin offensive operations which, however, were not successful.

The semblance of guerrilla unity was reduced when the EPL and EN, splinter groups not only gave up their arms but also the territory they occupied, filled immediately by paramilitary groups. This situation then affected the CGSB with the FARC fearing that the actions of the minority were harming the overall majority movement.

H. President Ernesto Samper Pizano (1994-1998)¹³

The election of President Samper was marred by the charge of alleged corruption captured by a report of a supposed \$6 million donation from the Cali drug cartel. The evidence was sufficient for the United States to remove its certification of his administration and deny him a visa (Pardo, 1995; Losada, 1996). From the perspective of the FARC, the drug scandal reduced the GOC's credibility. Nevertheless, the Samper administration tried to establish other ground rules for negotiations (Nieto Bernal, 1997: 53-54). Almost immediately after taking office, Samper announced his idea on how to strengthen the state: He would do what he could to increase public services while at the same time increase the efficiency of the security services, but mindful of previously acknowledged human rights violations, provide a more balanced result (Samper, 1994). On November 17, 1994, Samper broadcast a plan that would allow talks to go forth without first demanding a ceasefire. As a measure of good faith, he would request the Colombian Congress ratify the Geneva Accords and the attached 1971 protocol on human rights. Both the ELN and the FARC indicated a willingness to negotiate accordingly. The FARC had its own agenda which included a military withdrawal from selected regions, the demilitarization of paramilitary groups that had grown in size, and the suspension of the GOC's practice of offering rewards to informers on kidnappers, a code for the guerrillas' belief in government-initiated repression. To this set of demands, Samper agreed to the military withdrawal, recognized that the dispute between the GOC and the FARC was, indeed, a political one thus giving false praise to the FARC and indicating that they were not just criminals and drug traffickers. He, furthermore, rescinded the kidnapper identifier policy (El Tiempo, 1994). All this resulted in an onslaught of opposition from Colombia's Right on a number of his concessions which then brought about a reintroduction of violent escalation and the FARC's cancellation of their agreement to halt armed attacks. The following short period found activity and success for the guerrillas who were able to deny the military access to a number of areas but was then taken over by paramilitary groups. All this while going on meant the GOC's prestige began to drop precipitously and thus allowing the insurgents additional support for their perception of a potential victory over the GOC.

I. President Andrés Pastrana Arango (1998-2002)¹⁴

In the electoral campaign for a new president, the Conservative candidate, Andrés Pastrana, established lines of communication with the FARC. Pastrana, along with his opponent, agreed that upon gaining office either of them would withdraw military forces from several areas and renew negotiations with the FARC. Once in office, Pastrana, as promised met with FARC officials and agreed on a basis of negotiations: withdrawal of the military and police forces from previously agreed areas, the formation of a civic policing group to maintain order in the demilitarized zones, the dismantling of the many paramilitary groups, allowing for public protest without fear of criminal recrimination, and inviting the "international community" to institute wider political participation.

Following the militaristic approach favored by President Uribe, the new president in an address on his policy direction regarding a negotiation strategy with the guerrillas, which including a discussion over an economic growth model, attempted a new approach. But the United States feared that veering away from a full military confrontation with the guerrillas was giving up its leverage. In September 1999, President Pastrana called for a "Plan for Peace, Prosperity, and the Strengthening of the State," popularly referred to as Plan Colombia (Colombia, President, 1999; Sanin, 2001); it was conducted from 2000 to 2006 with the second phase from 2006 to 2011. United States influence was evident as measured by the level of financial assistance proffered to Colombia, amounting to \$4.5 billion through 2006 and \$6.1 billion

¹³ See generally Samper (2000).

¹⁴ See generally Córdoba (1998).

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through 2008 (CRS, 2008), in an attempt to block the most pacifically-oriented approach by Pastrana. The plan focused heavily on reducing the production of cocoa realizing serious financial support and assistance from the United States. The focus set out five objectives: 1) the peace process, 2) economic growth, 3) counter narcotics production and trafficking, 4) a reform of the justice system and human rights protection, and 5) promotion of democracy and social development. Of some significance was the United States' insistence on an anti-drug emphasis and priority (Chernick, 2008: 129-137). But also with American financial incentive, there was the objective of not only weakening the Colombian Left¹⁵ but also move Colombia more solidly into global capitalism. While not completely effective, it became a project of the succeeding president, Álvaro Uribe.

One probably unanticipated result of Pastrana's policies was that it marginalized many of the civic organizations and the country's minister of defense resigned in protest followed by the publicly declared support for almost half the nation's military high command (Leal Buitrago, 2002: 167). On a separate but related track, an interesting approach--or a gamble-was taken by President Pastrana, ostensibly as a confidence-building measure, creating a demilitarized zone (*Zona de Distensión* [Area of Distension) in five municipalities around the town of San Vincente del Cagúan, an area of 16,200 square miles, east of the mountains. From this area, government soldiers would leave and the FARC would have free opportunity to reorganize. Reportedly, the FARC used the conditions to base operations in other areas of the country (DeShazo, 2009: 11). Pastrana traveled to San Vincente del Cagúan, to participate in talks only to be rebuffed by the FARC leadership who failed to show up and beyond suspended their role on the grounds of security considerations. Negotiations resumed in May 1999 and continued through 2000, at least until November when the FARC again withdrew its participation, this time presumably because the Pastrana administration had failed to curb paramilitary activities. A crushing blow to the negotiations occurred in December when the FARC killed the head of the congressional peace commission. Not to be put off, the GOC threatened to move the military back into the demilitarized zone and talks resumed in February 2001.

In any case, the time period for the demilitarized zone expired on January 31, 2001. President Pastrana, however, announced a limited extension and invited FARC leaders to renew peace talks since FARC had canceled them in the previous November. The FARC accepted the offer on February 8. In a somewhat surprise but tactically sound move, President Pastrana visited several villages in the demilitarized zone to "reaffirm" the GOC's sovereignty over the area. Nevertheless, after some consultation, peace talks proceeded (Also known as the "El Caguán talks"), resulting in a series of agreements, "*Acuerdos de los Pozos.*" Essentially, the agreements amounted to procedural elements designed to fast track any future negotiating agendas, e.g., a set number of weekly meetings, the involvement of regional and international organizations participating in the talks, the creation of a commission to oversee the entire negotiating process to ensure minimizing any Still another commission tasked to limit the activities of the various paramilitary groups, and a move toward the humanitarian treatment of the sick and wounded. Perhaps most spectacular was the FARC's acceptance of a program to eradicate cocoa production, which was part of the American-supported Plan Colombia and was previously so strongly opposed by the FARC.

Negotiations between the FARC and the GOC began in January 1999 but lasted for only two weeks when the FARC ordered a suspension. There was then a resumption on April 1, only to be suspended in July initiating a similar pattern. During this time, the FARC took advantage by conducting an increasing number of criminal acts (read kidnapping and assassinations). With public sentiment toward the Pastrana administration dropping precipitously, the president on February 20, 2002, announced that the peace talks had broken down and the military was ordered to reoccupy the demilitarized area.¹⁶ Without strong political leadership, the resulting vacuum was self-imposed by the military, the traditional protector of a state's sovereignty. It was also during this period that the FARC fell from its previous levels of popular support and it, therefore, relied more heavily again on various criminal activities (Semana, 2005). The FARC also surmised that it had some sort of political and military leverage over the GOC who it believed was never serious about keeping the region free from a military presence.

¹⁵ For a view from the guerrillas' perspective see Asencio (2011).

¹⁶ See generally ICG, 2002.

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J. President Álvaro Uribe Vélez (2002-2010)¹⁷

The Uribe administration early on, it seems, depended on a strong militaristic approach when dealing the FARC and to a lesser degree the ELN. The intent was to bring about the demobilization of paramilitary groups and significantly reduce the presence of the narcotics industry. All of this came under the cover of a Democratic Security program (Colombia, 2008).

The FARC constructed a communique on November 28, 2014, but only released it on December 3, in which the organization no longer required the demilitarized zone of San Vincente del Caguán and Cartegena del Chairá as the basis for negotiating a prisoner exchange. They rather chose Florida and Pradera in the Valle department as their precondition as it would be outside the "area of influence" of their strongest areas of control.

In May 2013, after six months of consultive efforts, an agreement was reached dealing with the contentious issue of land reform and economic development in rural areas, long an espoused theme of the FARC. Later that year, the role of the FARC in the political process under a veil of secrecy was finally made public in September. More optimistic was the GOC's relationship with the ELN with whom it conducted negotiations in 2004 in Cuba with Mexico acting as a mediator. However, in April 2005, Mexico voted to condemn Cuba's human rights record. The ELN then withdrew from talks. Not to be deterred, the ELN continued to have talks with the GOC, this time in Colombia in December 2005 which lasted for at least two times with the last one occurring in April 2006. With increasing public support along with the increased attention given to the military, the GOC turned its attention to a complete defeat of the FARC (Zibechi, 2005)

K. President Juan Manuel Santos Calderón (2010-

President Santos was inaugurated into office on August 7, 2010, and included in his inaugural remarks a policy proposal to continue the peace process (GOC, 2010), believing the FARC had been sufficiently weakened because of the hardline efforts of Santos' predecessor. Two years later, Santos announced that he had been participating in talks with the FARC in Cuba in order to end the conflict. The initiative was prompted after he met with Venezuelan President Hugo Chavez who was sought after to be a mediator. The movement was rationalized on the belief that Colombia would be better off distancing itself from American diplomatic penetration and demand for a greater anti-drug effort with a more active role by CELAC in the overall negotiation process with guerrilla forces, noting that this regional organization does not include United States membership.

In an attempt to pave the way for comprehensive peace talks with the FARC, the Colombian Congress ratified a constitutional amendment, the Legal Framework for Peace, calling for a policy of transitional justice. This policy was built on the notion that demobilized members of the FARC were to be treated in a fair manner by the criminal justice system, the creation of a Truth and Reconciliation Commission to uncover past behaviors that must be addressed as a part of the nation's history, and the delineation of "political offences" which might prohibit certain individuals from participating in the political system (Leg. Act No. 1, 2012). Similarly, the Santos administration sought to eliminate as much as possible the socio-economic disparities that seemed to have brought about the emergence of so much violence, elements of victim reparation, restitution of property rights and reduce poverty (Min. of Justice, 2011).

And so on September 12, 2012 another round of talks, with costs and risks low, was announced with a five point agenda: 1) rural development aimed at reducing the social inequality of land ownership, 2) a guarantee for wide-ranging political participation for all Colombian citizens, 3) an end to the hostilities which included the disarmament and demobilization of the /guerrillas, 4) cessation of drug trafficking and a related process that would allow those cocoa farmers to adjust to an alternative, and 5) reparations to victims, regardless of their political positions (Semana, 2012).

Then in May 2013, it was announced that the thorny issue of land redistribution was resolved with the creation of a land bank (the Land for Peace Fund) including a process whereby land possession could be formalized. The next issue on the slate for discussions, political participation, found itself in a joint communique released in November calling for a far more open system allowing essentially open access to a number of positions within the Colombian political structure (Colombia Presidency, 2013). The fourth issue, how to handle the cultivation and production of the cocoa crop, was more complex since it involved U.S.-Colombian relations and pressure from the former. It was decided that this portion of the agreement would be included in the final draft, published on May 16, 2014, and titled "The Solution to the Problem of Illicit Drugs."

¹⁷ See generally Benjarano (2009), Contreras and Garavito (2002).

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In the middle of June 2013, just before the second round of voting in the presidential election, the Santos administration announced a conspicuously covert approach to negotiations: It seems like talks had been held between the GOC and the ELN intended to be parallel to those being held in Cuba. The move on the surface unabashedly appeared to be an attempt to split the government's opposition forces (Molinski, 2014; Neuman, 2014). On September 24, 2014, the official text of the agreement on the three parts was made public. True to the complicated nature of the GOC-FARC relationship, the latter saw fit to kidnap a high ranking military officer and his companions on November 13, forcing President Santos to suspend peace talks, only reopening upon the release of the hostages which occurred on November 30.

Within two weeks (December 20), the FARC took the bold step to declare a unilateral and indefinite ceasefire, dependent upon that the GOC took no aggressive action against it (Farc's, 2014). At first, the Santos administration rejected the offer but reversed itself in a public announcement on January 14, 2015. A confidence-building measure was implemented on March 7, 2015, with a joint GOC-FARC communique that sought to remove land mines, improvised explosive devices, and other unexploded anti-personnel devices. President Santos also announced the proposed formation of an Advisory Commission of Peace, intentionally in anticipation of completing a successful peace process.

IV. THEORETICAL ANALYSIS

Following the analysis provided by Skocpol (1979:29-30) and Sobek and Payne (2010: 216), who point out the primary motivation of insurgent elements in committing themselves to violent protestation as follows:

All rebel movements attempt to alter the polity (state) in a way that

benefits them. Yet the type and scale of violence needed to alter the

environment towards the rebels ideal point is influenced by that goal/

ideal point. The rebel goals, however, are not developed in a vacuum;

rather, the structure of the state and its relationship with society affects

the types of grievances espoused by the challengers and their choice of

violence.

When and if the conflict is somehow resolved, Shugart (1992:121)¹⁸ argues that

the decisions by regime and rebel leaders alike to seek a democratic "exit"

from a conflict are based upon rational calculations of the possibilities and

limitations inherent in playing the competitive electoral game versus

continuing the armed conflict.

A comparative study of successful insurgencies in Latin America reached the conclusion that there were five essential elements required: 1) rural peasantry support for the guerrillas, 2) a substantially sized guerrilla military force, 3) the presence of an oligarchic rule, 4) a broadened class representation, anti-regime alliance, and 5) a lack of American support for the established regime (Wickham-Crowley, 1992: 302-326).

In the interaction between the GOC and the FARC, once negotiations to resolve the conflict between the two parties is initiated, each is engaged in a strategic evaluation of the other's ability to achieve their goals by the particular behavior chosen, (Lake and Powell, 1999) a position clearly rejected by another keen observer (Pécaut, 1998). As noted above, the FARC while not the sole opposition group is the largest and most prominent. As such, while not all parties may be signatories to any agreement reached, the FARC signed on, thus the agreement is significantly a fundamental and strategic advance. (Nilsson, 2008: 482).

¹⁸ For a criticism of Shugart see Boudon (1996: 286-287).

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Following with an astute observation, Cunningham et al. (2009: 573) have argued that:

Once conflict is underway, violence will continue until one side is defeated, or until actors agree to come to the bargaining table and find a negotiated settlement. Just as with the conflict onset, during each stage in a civil war actors deliberately choose between violence and alternative strategies. Actors will opt for a negotiated settlement if all can agree that finding a political solution is more attractive than continued violence.

A negotiated settlement may not, however, be a long-term solution without administered attention to the underlying subjects for the origination of the conflict. It has been advanced by at least one scholar (Wagner, 1993: 235-268) and substantiated by another (Licklider, 1995: 681-690) that a conflict, ending with one side as a victor can reduce the probability of a conflict to recur. The cost of continuing the conflict must be measured by the risk involved against the expectation of a benefit that far surpasses the cost over a prolonged period. Benjarano (1999) has suggested that negotiations are most apt to come about under one of three conditions: 1) one party to the conflict is about to face defeat, 2) both parties face a disastrous result, or 3) where there is military involvement, a stalemate. It should be realized that even during a period of stability, given the socio-economic history of Colombia, the history of the condition of the disadvantaged remains a constant cause for concern.

In a sociopolitical system as found in Colombia, the character most applicable would seem to be "polyarchic" as described by Dahl (1971). Accordingly, if the political system attempts to engage the opposition by incorporating it within the domestic operation the "cost of toleration becomes lower than if the regime follows a regimen of suppression of that opposition."

There is an example of cooptation as indicated by the following:

The sectors of the establishment that advocate negotiation is divided over political recognition of the insurgents but clearly indicate their their absolute rejection of kidnapping and the connection between the guerrillas and the drug traffic. They believe, however, that at some point they can achieve the suspension of the kidnapping and the participation of the rebels in the replacement of crops. In general, they relativize the extent (or the "danger") of the guerrilla movement it had been converted into a political force committed to by playing by the democratic rules (Gamboa, 2001: 105).

The fact that the two sides reached a settlement of sorts without one being imposed on them militarily bodes well for the prospect of an enduring pace of progress to stability. The overall experience of international peace-keeping, which first emerged as a practice in 1948, has been that recently ceased conflicts tend not to erupt again when impartial peacekeeping forces are deployed—but *only* when belligerents have made peace between themselves and requested international assistance in maintaining the cessation of hostilities (Brown, 1994). Peace settlements that are imposed on parties without their mutual consent frequently do not endure.

In this instance, the employment of outside peace-keeping forces or guarantors can strengthen the confidence of both parties in two ways: One, by supervising the cantonment of weapons; in this case ensuring the weapons relinquished by the FARC are not used by them at some future date. Another is by monitoring and reporting on the progress of the GOC's measures to keep its promise to reintegrate the FARC's body into the political structure. If the FARC is to be disincentivized from withdrawing from the peace process and resuming fighting, then it must be satisfied that the GOC is making a good-faith effort to honor its commitments to the FARC; the reverse holds as well.

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However, in order to maintain their credibility as impartial overseers of the settlement, the peace-keepers, themselves, along with the outside governments providing them, must be neutral as a whole. One aspect of the peace arrangement that has potential to derail the settlement (aside from its recent rejection by popular referendum) is that the contributors of the peace-keepers, Cuba and Venezuela, are not ideologically neutral. The governments of both states have espoused the far left and as such have far greater ideological affinities with the FARC than the GOC. This is not a call for those two states to withdraw their contingents, rather their contributions should be offset by contributions from other states, whose governments are further toward the ideological right (or at least in the center).

One aspect of the final agreement to which there was substantial opposition from the population concerns the limitations on the belligerent's eligibility for amnesty. According to article 23 of the Final Accord (Uma de cristal, 2016), rebels were to be afforded "the broadest possible amnesty." The GOC, by virtue of its sovereignty, has the authority to grant amnesty for crimes of treason and common crimes against the military and civilians alike. However, it should be noted that Colombia is a State Party to the Rome Statute of the International Criminal Court (ICC) (UN Doc., 1998) and as such, has obligations that constrain its ability to grant unlimited amnesty to either party of the conflict.

V. CONCLUSION

To conclude an internal and violent conflict to a reasonably accepted, mutually-agreed level, a management model must be put into place. On the spectrum of options, we accept that maximum gains for the GOC and the FARC are the stated goals in our case here. In order to achieve this, one party or the other must totally delegitimize its opponent which has not been a reasonable expectation since the beginning of hostilities whenever anyone can agree on a date. That said, something less than the maximum for either or both must find agreement, but surely more than the minimum otherwise there would be no incentive to halt hostilities. Now the question emerges as to how to navigate the middle ground. This condition requires that acceptance of some sort of an alternative, but only if both parties reject the status quo ante, i.e., its sovereignty, but has the gratuitous sense to recognize that by keeping its governance role, the loss of dignity to one of its own as it is in a civil war and not to an external power could find the cost diminished to the level of a greater gain. For the GOC, the total elimination of all violent political opposition is an ideal goal that to date has not been accomplishable. The FARC continues to project a set of political objectives, is fearful of the political-military symbiosis, and the legitimization of paramilitary groups. This approach is necessary in order to gain any of their goals. The FARC, having agreed to a mediated, negotiated settlement required a mediator who will serve in the role of the FARC's protector (Gilady and Russett, 2002: 404) and if a mediator is perceived to be biased toward the FARC, it just may be a factor moving it to bargain. If the FARC accepts a mediator they believe is pro-GOC biased, it could be an indicator of 1) their commitment to the peace process and 2) an inclination against any intent to renege on any agreement (Svensson, 2007: 182). But by negotiating, the FARC *ipso facto* would agree on two important parts: 1) disarmament, and 2) reintegration into civil society, without subjecting the constitutional order to any serious realignment.¹⁹

In seeking an agreement between both parties, it must be recognized at the outset certain *prima facie* factors: The GOC is unwilling to surrender its sovereignty. Its ultimate goal is to created national stability and, hopefully, unity. In order to achieve these goals, it must be necessary to demobilize and disarm the FARC. Perhaps the most daunting task is to ameliorate the fears of the oligarchy and the mistrust of the military. The FARC, on the other hand, seeks a significant alteration in the distribution of social, economic, and political rewards, preferably without resorting to violence and hence its agreement to negotiations. The GOC's risk is for the FARC to renege on any of its commitments made while the cost is the inability to bring about a socio-economic restructuring in a timely manner found to be satisfactory to the FARC. The FARC's risk is that the GOC does not—or can not—act with sufficient alacrity, thereby dissatisfying its constituents and allowing for the resumption of violence.²⁰ But once the FARC has agreed to a settlement—as it has—it must reintegrate and be prepared to participate in the political process.

The question thus ends with a plausible explanation for the progress made most recently that awaits a forthcoming conclusion. To this query, we rely somewhat on what Walter (1997) holds in civil conflict mediation with external actors serving as a guarantor. All parties rely on that role with the demand for uncompromising integrity. Third party

¹⁹For background on this condition see de Zeeuw (2008).

²⁰For an overall discussion of negotiation strategy see Pruitt (1983) and Olekains and Weingart (2008).

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intervention by a mediator according to Greig and Regan (2008: 760) must be motivated by the acceptance of the disputants and ripeness of the moment for mediation. The motivation for the GOC has been the high cost in terms of casualties, the indirect connection to narcotic trafficking causing strains in the country's relations with other states, and the general domestic disruption. A primary condition for the GOC to engage in negotiations would be the removal of the insurgent movements' means of conducting violent opposition which means the essential disarmament-and ultimately the demobilization—resulting in the reintegration of the combatants into civil society. All this would have to be done without a radical change to the constitutional order punishable by a loss of public support nor defeat it militarily; hence a multi-dimensional effort has been necessary. Additionally, the GOC could never fully root out the FARC from its central sanctuary. For the FARC, the dispute going on for fifty years with virtually little to show for their efforts; the FARC was never able to occupy an urban center and continuously found its space in the rural, mountainous region of the country. The constant and increasing military pressure on the FARC had a debilitating effect especially when one considers that its recruitment was not unlimited. This meant an alternative if they found an acceptable mediator worth the concessions necessary to get a modicum of their demands, that would be worth the value of the involved risk. The involvement of both Cuba and Venezuela qualify with the requirement that their action must be based on self-interest. In this case, both Spanish-speaking states represent an anti-imperialist, leftist affiliate of and surrogate for the FARC. Even President Santos admitted that the FARC held both countries with credibility, a healthy condition for negotiations (Padgett, 2014). Norway, for its participation, has assumed a self-accepted role as a "peacemaker." From the perspective of a FARC insider, Alexandra Nariño, a "commander" and delegate to the peace talks, the inclusion of regional states "resulted in a shift that Latin American people have been able to give to the policies of several countries in the region" and allowed "a balanced accompaniment to the peace process" (Prospects, 2014: 222). But even the contribution of a Northern Ireland delegation in Havana called for a comprehensive approach, which was an element of their successful engagement with Great Britain (Milne, 2013). Within the theoretical, heuristic context of a "system of cross-witnessing," put forth by Wagner-Pacifici (2005: 55), the Havana talks were legitimized for the Colombian public by widening the participants to the talks. Third party intervention cannot be discounted without offering due credit for bringing the theoretical capability to clarify the issues and obstacles of the disputants, not only for each party but also in this instance for the Colombian public.

VI. EPILOGUE

It was with renewed institutional vigor and determination to finally end the conflict that a compromise was put into place. The new peace accord now focused on providing at least a modicum of justice to the rebels, punishment for combatants accused of war crimes, reparations for the conflict's victims, and no "alternative punishments." Additionally, the rebels were required to present an inventory of acquired wealth and other holdings and provisions were put into place to safeguard private property ownership (Comunicado Conjunto No. 4). The new accord finally passed in the Colombian Congress (El Tiempo, 2016).

In still another most unusual development, most importantly at least on the surface was an attempt to gain the continued financial support from the United States following that which was proffered from the Obama administration²¹ now to the newly installed Trump administration. Reportedly, Colombian President Santos held a telephone conversation soon after the Trump inauguration where the issue of the peace agreement was brought up. (White House, 2017). Under a cloud of controversy, US Senator Marco Rubio (R, FL) supposedly arranged a visit by former Colombian presidents Uribe and Pastrana²² to meet with American President Donald Trump at the Southern White House to discuss what has been phrased as Plan Colombia 2.0. (El Tiempo, 2017). In a surreptitiously held meeting at American President Trump's "southern White House," Mar-a-Lago, Florida, Colombian ex-presidents Uribe and Pastrana did, in fact, meet with President Trump (Ordoñey and Kumar, 2017; Wilkinson and Kaul, 2017), the substance of which has yet to be disclosed.

²¹ The Obama administration offered Colombia a \$450 million aid package to insure the implementation of the peace accord. (Ordoñey, 2016).

²² Norman (2017).

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