

Negotiation Analysis between the FARC and Colombia

COM 312

Joel D. Silverstein

Arizona State University at Lake Havasu

Correspondence concerning this document should be addressed to Joel D. Silverstein

3081 Star Drive, Lake Havasu City, AZ 86406

Contact: joel.silverstein@asu.edu

One of the most interesting, challenging, and productive negotiations on the political stage today is that between the Colombian government and the Fuerzas Armadas Revolucionarias de Colombia (FARC). For more than fifty years, the FARC has wrecked havoc on Colombia, their people, land, and economy. Now three years into a very complicated negotiation for peace the country is beginning to see prospects of an agreement.

The FARC is a Marxist rebel organization that entered into life in 1964 after the Colombian military tried to destroy many of the rural communist enclaves. These enclaves were a result of ten years of civil war between the Colombian Conservative Party and the Colombian Liberal Party. This ten-year war known as La Violencia affected 20% of the Colombian population (Bailey, 1967). During the 1960s, the Colombian government created large-scale industrial farms with the intent of exporting to improve the nation's economy. The government seized the land selling it to large farm corporations and displaced more than 400,000 families forcing them into abject poverty. By 1970, more than 70% of the farmland in Colombia was owned by less than 6% of the population (Feder, 1971). In response to this the Colombian Communist Party began creating “peasant leagues” in an attempt to improve the lives of the displaced families. These legislative efforts met with violent repression by the Colombian government and landowning classes (Brittain, 2010). The United States helped the Colombian government to eradicate the FARC by supplying finance, the CIA, and military personnel.

The battles between the government and the FARC have lasted close to fifty years. During that time, the FARC retaliated towards families of military staff and civilians. To finance their organization, they entered into the lucrative drug trade, first by “taxing” farmers who grew and exported marijuana and cocaine. However, the FARC found it more efficient to take over the

drug farms and the exporting themselves. The combination of drug and political violence has resulted in over 200,000 killings, kidnappings, and disappearances.

The Colombian government has attempted to negotiate with the FARC for peace. In 1984, the FARC pledged to stop kidnapping, however, many of the guerrilla units operating against leadership continued crimes for political and economic reasons (Human Rights Watch 1998). The problematic behavior of many of the rebel leaders was a clear sign that self-interest had overtaken ideology (Lewicki, 2014). For the next fifteen years kidnapping became very profitable for the FARC. In 2000, the FARC issued a directive demanding a “tax” on all individuals and corporations. If the tax went unpaid then, detainment would ensue. Kidnapping evolved “into a far-flung, sophisticated industry” (Semple, 2001). Amnesty International condemned the FARC arguing that civilians are protected by international humanitarian laws when they were not a party to political or military hostilities. Between the drug trafficking, kidnappings, executions, use of land mines, violence against the indigenous people, and extortion efforts, the FARC evolved into the second largest well-financed terrorist organizations. However, the FARC had challenges and was losing executive power. It was this weakening that opened the doors for President Alvaro Uribe to begin negotiations in search of peace.

Uribe realized that he could not negotiate with the FARC alone, he enlisted the help of Venezuelan President Hugo Chavez in a secret agreement to encourage European and Latin American governments to stop branding the FARC as terrorists. By Chavez playing good-cop Uribe could play bad-cop and negotiate a prisoners-for-hostage exchange. Lewicki suggests that the *good-cop-bad-cop* tactic has weaknesses because of its transparency and usually results only in concessions (P. 68). In this situation, however, the particular tactic worked, at least for a short while. The FARC released about twenty hostages but when negotiations waned, and a discussion

about criminal charges for some commanders, the FARC withdrew, and violence continued. Uribe remilitarized the territory and employed intensive military and policing actions after negotiations failed. Moreover, still the FARC was weakening. However, this failed negotiation would now need a change in tactic, a change in ideals and goals. Every attempt at negotiation for peace during the previous five decades had failed. Mostly because the government was seeking one solution, peace, and had not taken into consideration that negotiation with terrorists is futile. A fundamental shift in technique would be necessary to include complex negotiations with each of the commanding officers within the FARC. Each has a self-interest, and coercive techniques when seeking institutionalized agreements just does not work (as cited in Lewicki, 2014).

Following the failed agreement in 2008, Oscar Morales, a young engineer, launched a non-violent opposition to the FARC via Facebook with the UMVCF. The *One Million Voices Against the FARC*, on Facebook and declares “We DON’T want more FARC.” By repeating the message, and providing a forum for people to share their experiences and express their opposition the UMVCF grew to a quarter million people worldwide. Neither side of the war could control the social media outlet. The people began viewing the FARC as criminals instead of a political organization. This campaign weakened the FARC further. The UMVCF through social media also mobilized a physical protest march on February 4th, 2008 that “was one of the biggest civil events in Colombian history,” (Corman, Trethewey, & Justus, 2008). This revolutionary tactic provided the synchronicity necessary to shake the two parties from their impasse (P. 512). The stage would change in 2010 with the new President Juan Manuel Santos.

After the death of FARC leader Alfonso Cano in 2011, Santos entered into secret discussions with new FARC leader “Timochenko” (Rodrigo Londono-Echeverry). Timochenko has more than 30 years’ experience within the FARC and had widespread respect from the

hardliners within the organization, making him prime for active negotiations (McDermott, 2011). Lewicki suggests that establishing privacy before the beginning of negotiations of this magnitude is critical to future success. By both parties keeping their discussion secret, they set up a reputation with each other for cooperation. (P. 369). This approach worked well as formal negotiations between the FARC, and the Colombian government began soon after.

The peace talks started in 2012 have slowly advanced with practical results. The leaders established rules of the procedure, a narrow agenda, and direct negotiations without the interference of civil society participation. It is with this approach that the talks progressed without pressures from everyday reality. Much of what needs resolution between the parties falls under transitional justice; as such the negotiators have to make conscious decisions on blending both integrative and distributive negotiation strategies and tactics.

The parties agreed to conduct their peace talks in Havana Cuba, sponsored by the governments of Venezuela and Chile, and formally guaranteed by Norway and Cuba. This approach provided for the neutrality of negotiators and protection of FARC leaders who may be considered criminals. These complex negotiations follow along an agenda made up of six points

- 1) *Rural Reform*: Integrated Agrarian Development Policy the two parties seek to diminish poverty while curbing land inequality.
- 2) *Political Participation*: attempt to develop mechanisms that allow fair and safe participation in government politics by the FARC.
- 3) *Illicit Drugs*: Coca has long financed both the FARC and state-loyal groups. The parties will define a post-conflict drug policy.
- 4) *Victims* both the FARC and the state have participated in the violence of all kinds of actor. An independent truth commission will determine responsibility and compensation.
- 5) *End of conflict*, parties will discuss abandonment of arms by the FARC and reintegration of guerrilla

military into the Colombian army at appropriate ranks. 6) *Implementation*: once an agreement is reached the Colombian government will ask the public to approve the deal via vote.

Negotiation sessions are made up of ten people per delegation of which five are plenipotentiaries. Each delegation is made up of thirty representatives who can seek consultations with experts regarding topics. Each delegation will address the particular issues of each side and come to an agreement. Some contracts require interim actions on each party to show good faith though may not be binding. The last rule is the most crucial stating that nothing is agreed upon until everything is agreed. All or nothing deals typically leave a low-power party vulnerable, though here, each party holds significant power. The process of slowly seeking concessions from both sides builds momentum and helps strengthen the relationship. Management of the process is handled by a third party to ensure neutrality and provides a safe location for all involved (Alema, 2014).

As of September 2015 agreement has been reached on all five agenda items. The representatives pledged to reach a peace accord within six months. Within days of the big announcement, one of the elements of the program brought the process to a new impasse. Colombia's President Juan Manuel Santos promptly met with FARC rebel leader, Rodrigo Londono in Cuba to resolve the issue directly. In an interview Santos said, "I have learned to believe in the sincerity of what the FARC wants," adding that he believed that, "they want to lay down their arms and continue their struggle through peaceful means" (Neuman, 2015).

The negotiations between the FARC and the Colombian government illustrate how the application and employment of techniques for seeking agreements on multi-dimensional levels work on an international level. The integrative process using third party overseers is effective. While there has been significant progress, the final solution has yet to come.

References

- Alemlsa, A. (2014, November 18). Colombia peace talks fact sheet. Retrieved November 29, 2015, from <http://colombiareports.com/colombia-peace-talks-fact-sheet/>
- Alemlsa, A. (2014, November 18). Colombia peace talks fact sheet. Retrieved November 29, 2015, from <http://colombiareports.com/colombia-peace-talks-fact-sheet/>
- Bailey, Norman A. "La Violencia in Colombia." *Journal of Interamerican Studies* 9.4 (1967)
- Brittain, J. (2010). *Revolutionary social change in Colombia the origin and direction of the FARC-EP*. London: Pluto Press.
- Corman, S., Trethewey, A., & Justus, Z. (2008). *Self-Organization in the 2008 anti-FARC Marches: How a Facebook Page Self-Organized a Worldwide Protest Involving Millions*.
- Feder, E. (1971). *The Rape of the Peasantry: Latin America's Landholding System*. New York: Anchor. p. 244.
- Forero, J. (2015, September 15). Colombia, FARC Rebel Group Reach Breakthrough Agreement in Peace Talks. Retrieved November 29, 2015, from <http://www.wsj.com/>
- Human Rights Watch, *War Without Quarter: Colombia and International Humanitarian Law*, 1 October 1998, 187-7, available at: <http://www.refworld.org/docid/3ae6a7e30.html>
- Lewicki, R. (2014). *Negotiation: Readings, Exercises, and Cases: 7th Revised Edition* (p.426, 484,). New York, NY: MCGRAW HILL HIGHER EDUCATION.
- McDermott. (2011, November 1). Colombia's FARC rebels choose hardliner 'Timochenko' to lead. Retrieved November 29, 2015, from <http://www.csmonitor.com/World/Americas/Latin-America-Monitor/>
- Neuman, W. (2015, September 25). Colombia President Says Peace Talks Overcame Late Surprise. Retrieved November 18, 2015, from

http://www.nytimes.com/2015/09/26/world/americas/colombias-president-says-peace-talks-overcame-late-surprise.html?ref=topics&_r=0

Semple, K. (2001, June 3). The Kidnapping Economy in Colombia. Retrieved November 29, 2015, from <http://www.nytimes.com/2001/06/03/magazine/03KIDNAPPING.html>