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QUESTIONS AND ANSWERS WITH I. WILLIAM ZARTMAN ON THE OUTCOME OF THE COLOMBIAN REFERENDUM

“IT IS A CHEAP SHOT ON THE PART OF URIBE TO TURN A PERSONAL VENDETTA INTO A NATIONAL CATASTROPHE”

1) Now that a small majority of the Colombian voters have rejected the agreement – largely it seems on granting pardons not the FARC and no punishment – the question becomes whether the Colombian administration lost touch with their constituency and overstepped their mandate. Do you agree with that assessment?

The voter rejection (with a small turnout) of the Colombian peace plan is a catastrophe in the annals of peace processes. The agreement was the outcome of a serious, prolonged series of engagements, the sustained result of lessons learned from 30 years of previous failures, pursued with patience and determination down to the endgame earlier this year, and it was rejected by a nation split down the middle between hope and fear.

As always it was rolled into a prickly

bumble of national politics: inspired by an implacable hatred of his former ally, former president Uribe gave a voice and an organization to the voters who had their qualms about the lightened penalties for former FARC guerrillas (similar to those accorded by Uribe to the rightwing militias who fought them). President Santos worked hard to get the best deal possible. As any shopper knows, it is easy to say as one emerges from bargain hunting, “on second thought I bet I could have gotten a better deal”. This is a common ailment of the negotiation process. It is a cheap shot on the part of Uribe to turn a personal vendetta into a national catastrophe.

Santos tried to crystalize and lead his public into support. He made one mistake (which I and doubtless others signaled in Bogotá two years ago)--he didn't reach out early to convince the

people. Such negotiations need to be secret (which Uribe criticized), but they need to be sold to the public at the same time. The “anti” campaign, irresponsibly, did a better job, playing in fears with untruths.

2) What are the consequences of the rejection of the agreement by the Colombian people? Is the result to go back to the negotiation table and what can be done?

Now the game has changed. Before, there was no standard for judgment of an attainable outcome, just guesses. Now, the defeated agreement becomes the stalking horse for future negotiations. Can it be bettered, and how hard can the government push against how much greater punishment the FARC will accept in exchange for peace. Both sides say they will keep on searching, but Santos has to guess how much of an “improvement” it will take to

pass the public the next time. Uribe will try to dictate the conditions. As the spoiler, he will try to appear as the savior of peace and push Santos' face into it, and Santos will have to negotiate with Uribe over what it will take to call off opposition, then negotiate with the FARC to get that new package accepted.

3) How to proceed from here in Colombia?

Future, as past, negotiations, will be a race of hope against fear. Now that hope has been dashed, it's always easier to continue riding fear. Success will depend on the governments' ability to overcome the public's fear while keeping FARC's hopes alive. However, the rejection might also strengthen the government's hand in

re-negotiating with the FARC, testing the rebels' real desire for peace and participation, and showing them what they sacrifice they have to make to make a publicly acceptable agreement. Without any doubt the coming months will take careful bargaining from the Colombian government and a skilful public relations campaign to build public support.

QUESTIONS AND ANSWERS WITH VALERIE ROSOUX AND MARK ANSTEY ON PEACE, RECONCILIATION AND THE COLOMBIAN REFERENDUM

“THE DEAL WAS NOT ABOUT FORGIVENESS, BUT ABOUT MOVING FORWARD”

1) It seems that a small majority of the Colombian voters have rejected the agreement, largely because of questions of justice and reconciliation. Could you quickly describe how these issues were addressed in the peace agreement?

Under the agreement, rank-and-file fighters could be granted amnesty, while those suspected of being involved in war crimes, crimes against humanity and genocide will be judged in special tribunals. That means that no pardons will be granted for these crimes (taking of hostages, torture, forced displacement or disappearance, extrajudicial executions, or sexual violence). By contributing to truth-telling and admitting wrongdoing, defendants could get reduced sentences and alternative sentences such as community service work, like removing land mines planted by the FARC).

This transitional justice regime attempts to balance the rights

of victims to justice, truth and reparations with the government's obligation to prosecute and punish the crimes that were committed.

2) Issues of peace versus justice, of rewarding perpetrators and punishing victims, but also a focus on the crimes of only one side and not the other, typically need to be addressed in a peace process. Do you think these issues were addressed sufficiently in the Colombian process and what could have been done to avoid the current rejection?

The issues of peace versus justice were central during the whole negotiation process. Several experts consider that there is probably no other peace process in the world where victims have occupied such a central role. Thousands of victims presented proposals to the talks. Under the agreement, new transitional justice mechanisms give priority to truth-telling and repairing the damages inflicted on victims, without renouncing the need for justice. The rural regions in

Colombia, which have been the most affected by the conflict with the FARC, voted in majority in favour of the peace deal (such as Chocó, Vaupés, Cauca, Putumayo, Nariño and La Guajira), while the votes against the agreement were largely cast in the urban provinces. Mr. Uribe, the former president, had argued that the agreement was too indulgent on the rebels, who should be prosecuted as murderers. However, the parties could hardly have done more in order to balance all needs. A punitive approach offers leaders of the rebels no way back and locks the parties into further rounds of violent conflict.

The rejection of the agreement cannot only be understood as the symptom of a lack of consideration regarding the issues of peace versus justice. In the aftermath of a civil war that lasted more than 50 years, wounds are not only open, but also festering. Six million people were displaced, and 220,000 people were killed in the fighting. Therefore, the current distrust towards the FARC is not