A Framework for Unity: Building Peace in Colombia's Half-Century War

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Abstract

Colombia's civil war, the longest war in modern history, finds itself at an inflection point in which either peace can be slowly attained, or war can consume the country again. This paper lays out a plan for a peace deal between the Colombian government and the agrarian Marxist ELN, taking the 2016 peace deal between the government and the left-wing FARC-EP as a point of reference. Despite the traditionalist, hawkish administration currently in power, there are several tangible opportunities that make the foreseeable future ripe for peace. The election of Joe Biden, the COVID-19 pandemic, and the growing unpopularity of the current government's militarized approach can all facilitate the ELN coming to the negotiation table. This paper lays out an ELN peace deal focused on agrarianism, inclusiveness, illegal drugs, and victims' rights, and concludes with short-, mid-, and long-term goals to build peace.

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Keywords: Peacebuilding, Colombia, insurgency, agrarianism, peace deal

Résumé

La guerre civile en Colombie, la plus longue de l'histoire moderne, se trouve à un point d'inflexion où soit la paix peut être lentement atteinte, soit la guerre peut à nouveau consumer le pays. Cet article présente un plan pour un accord de paix entre le gouvernement colombien et l'ELN marxiste agraire, en prenant comme point de référence l'accord de paix de 2016 entre le gouvernement et les FARC-EP de gauche. Malgré l'administration traditionaliste et belliciste actuellement au pouvoir, il existe plusieurs opportunités tangibles qui rendent l'avenir prévisible mûr pour la paix. L'élection de Joe Biden, la pandémie de COVID-19 et l'impopularité croissante de l'approche militarisée du gouvernement actuel peuvent toutes faciliter la venue de l'ELN à la table des négociations. Cet article présente un accord de paix de l'ELN axé sur l'agraire, l'inclusion, les drogues illégales et les droits des victimes, et conclut avec des objectifs à court, moyen et long terme pour construire la paix.

Mots clés : Consolidation de la paix, Colombie, insurrection, agraire, accord de paix.

Introduction

The case of Colombia's long civil war is fascinating, frustrating, promising, and poisonous for experts in the field of conflict resolution. Practitioners are greeted with one of the field's great successes and one of its rudest awakenings when studying the recent history of the conflict. How could a brutal, multipolar war that had torn the country apart since 1964 finally reach a monumental peace deal in 2016, only to be rebuffed in a referendum a month later and steadily undermined by the subsequent administration (Guy & Pozzebon, 2020)? These events illustrate the murkier reality of conflict and legitimacy and challenge the definition of war as necessarily moving towards an ultimate victory or a tired peace. Understanding the often-violent nature of peace and the peaceful nature of war is key in turning the conflict between the government of Colombia (GoC) and the *Ejército de Liberación Nacional* (ELN) into a constructive process of de-escalation and reintegration. Though the conflict has recently fallen back into military maneuvers and combative rhetoric, there are signs that certain limited successes from the 2016 peace deal can be revitalized.

This paper advances a policy-oriented, linear plan of action to end this backsliding, salvage demobilization and renew development efforts in Colombia's rural communities. The paper begins with a background on the Colombian conflict and the recent peace process. It then lays out the strengths and shortcomings of the 2016 peace deal between the government and the ELN's rival rebel group, *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (FARC-EP). The paper consequently adjusts the peace deal to the ELN's circumstances, explains why this is a ripe moment for peace talks, and highlights what must be kept and what must be changed for the new deal to succeed. Finally, it presents goals to be achieved over various points in time, from tomorrow to a decade from now, understanding that "peace" is not a static state of affairs, but a continual process to be created and maintained.

It is important to note that this is neither a comparison of the FARC-EP and ELN organizations nor of their respective peace processes. Instead, it is an application of lessons learned from the former group for the latter. This paper aims to serve as a reference and addition to the search for a just and lasting peace with the ELN, presenting opportunities for greater innovation and inclusion in modern Colombia. There is no hypothesis to be proven, nor a timeless lesson to be taught—it is the hope of this author that these recommendations will no longer be relevant a decade from now. Colombia finds itself at a crossroads, and this paper tries to capture that moment and assist with an academic, analytical presentation of the possibilities.

The Conflict

The Colombian civil war has fractured the country since the mid-1960s, killing 220,000 people and displacing 7.7 million more (Segura & Mechoulan, 2017, p. 34). Colombia has 10,000 landmine victims, the second-highest number in the world, second only to Afghanistan (Salcedo, 2013). What began as a Cold War ideological struggle devolved throughout the 1980s and 1990s into a violent contest for spheres of influence (Stanford, 2019). Government forces, left-wing militants, right-wing paramilitaries, and criminal organizations all vied for control over communities and networks of patronage. A primary actor in this kaleidoscope of combatants is the ELN, which had mobilized from the beginning of the conflict to the present day, espousing agrarian Marxism Christian liberation.

The Insurgents

The ELN was formed in 1964 and initiated hostilities in 1965 in Santander province, led by brothers Fabio and Manuel Vásquez Castaño and fueled by left-wing students and Catholic dissidents (Stanford, 2019). Formed in the ashes of a decade-long civil war known as *La Violencia* in the 1950s and inspired by the goals and tactics of the Cuban Revolution, the ELN sought a more representative and responsive Colombian government (Stanford, 2019). Unusual in its reliance on Catholic priests for support and recruitment, the ELN developed along highly symbolic lines envisioning a higher justice and

an eventual paradise in Colombia (Celis, 2016, p. 73; Gallego, 2011, pp. 15-16). Within this "liberation theology," capitalism was argued to be antithetical to the redistributive teachings of Christ, and the duty of God's religious adherents was to take up arms on the side of Colombia's downtrodden (Celis, 2016, p. 73). This type of organizational appeal would resonate strongly with Latin America's highly Catholic population, especially marginalized communities on the periphery. But faith did not always translate into success, as later developments will demonstrate. Ardent cadres with hopes of sweeping societal change still had a highly militarized state targeting them, and these established institutions of coercion mobilized quickly.

The ELN was virtually decimated by a government offensive in 1973, killing the Castaño brothers and seeing an entirely new direction for the group under Father Manuel Pérez and Nicolás "Gabino" Bautista (Gallego, 2011, p. 96; Stanford, 2019).[26] The two opened the ELN to bank robbing, kidnapping, and extortion, key tactics which came to define the group over many of its ideological convictions (Stanford, 2019). These lucrative ventures reached a high point in the 1990s, when the Soviet Union collapsed and the ELN shifted towards targeting local oil companies for kidnapping and extortion (Stanford, 2019; Gallego, 2011, pp. 38, 42).[27] In the late 1990s, they also entered the drug trade out of their new headquarters in the northern Bolivar province (Stanford, 2019). Through these tactics, the ELN started to resemble FARC-EP more closely, engaging in a type of politics dubbed "narco-paramilitarism" by political scientist Carlos Medina Gallego (Gallego, 2008). While the ELN drifted away from its ideological aims and became a more practical rent-seeker and local powerbroker, liberation theology also dried up within broader Colombian society, a product of the Vatican's campaign against ordaining liberation theologians or including them within its networks (Celis, 2016, p. 74). Armed groups and activist organizations preaching liberation theology found themselves isolated and lacking

[26] While Pérez died of hepatitis in 1998, Gabino is still the ELN's Commander in Chief today, having fled to Havana in 2018 for medical treatment (Stanford, 2019; Alsema, 2018).

[27] ELN membership also peaked during the 1990s (Stanford, 2019).

institutional support, extending the conflict and tempering their expectations.

Denial by the Church of its ideological motivations stymied ELN efforts to build a broader popular constituency. With an estimated membership of 2,000 to 3,000 active insurgents, the ELN has had to fight a protracted, asymmetrical war in the countryside (Freeman Spogli Institute, 2019). Opting for the *foco* theory exemplified by Cuba's Fidel Castro and put into words by French intellectual Regis Debray, the ELN initially eschewed attempts at popular mobilization and instead focused on building a small, mobile paramilitary vanguard meant to stir the masses into a general revolt (Debray, 1967). Their need for quick, compact guerrilla squads harassing GoC troops over wide rural areas has led to a strongly horizontal coordination and decision-making structure (Johnson, 2016). Seven spread-out, autonomous regional fronts take cues from a five-person, consensus-based Central Command (COCE) (Freeman Spogli Institute, 2019). But these frontline troops are still able to interpret and vote on tactics, policies, and strategies at the local level, with each soldier ideally exercising an equal voice (Freeman Spogli Institute, 2019). Below the COCE is the 23-member National Directorate, acting as an intermediate to the fronts, loosely organizing and coordinating them per COCE directives (Freeman Spogli Institute, 2019). Of these seven autonomous war fronts, two "operate sporadically" and are confined to the urban and central parts of Colombia (Refworld, 2018).[28] The other five are split up from north to south and east to west, though most ELN forces are concentrated in northeastern rural regions (Refworld, 2018; Freeman Spogli Institute, 2019).[29] As of 2019, the ELN reportedly has a presence in nine of Colombia's 32 departments, claiming to govern those areas which have been forgotten by the GoC (Freeman Spogli Institute, 2019). Though the COCE and its five high-profile leaders are nominally in charge of operational planning for the ELN and are frequently the targets of public ire and governmental wrath, the real "power" of the ELN is far more segmented among the various fronts

[28] The Bogotá metropolitan area is in central Colombia.
[29] See Appendix A.

and their respective areas of control (Telesur, 2019; Refworld, 2018). The difficulty to reach a consensus or even coordinate between such geographically dispersed groups of rebels, each with their own strategies and their own investments in criminal enterprises, means the ELN is far from a singular actor and interlocutor for state negotiators.

The State

Though it lacks firm control over sizable portions of its national territory, Colombia has become a regional leader with a strong central government. The current iteration of the Colombian state stems from a 1991 constitution that solidified Colombia as a unitary, presidentialist system with some allocation for regional autonomy (Coward, et al, 2020, pp. 4-5). Known for its liberal focus on human rights, the document created an ombudsman for human rights and established a prosecutor general's office and a separate constitutional court (Fox, et al., 2010, p. 477). Unfortunately, the reality of the system since 1991 has been markedly different, especially under President Iván Duque, who has been widely criticized for his undermining of the 2016 peace deal, the excessive use of force on multiple recent protest movements, and seemingly corrupt ties to his divisive mentor, former President Alvaro Uribe (Foggin, 2020; Alsema, March 6, 2020). The government of Iván Duque, elected in August 2018, ran heavily on opposition to the 2016 FARC-EP peace deal and the nature of the peace process more generally (Leongómez, 2018, p. 23). Regardless of the controversies, the real negotiating and enforcement power of the GoC ultimately rests with the executive and his appointees—for example, the head of the Prosecutor General's Office investigating Duque and Uribe for corruption is also a longtime friend of Duque's (Alsema, March 6, 2020). President Duque has behind him the third largest military in the Western Hemisphere and benefits from a political tradition where civilian authority is preeminent over military power, a source of stability many Latin American countries cannot lay claim to (Dufort, 2017). Nevertheless, their preponderance of force in the half-century struggle against left-wing insurgents has understandably meant little when considering the nature of asymmetric warfare—an analyst can understand how undermanned, poorly equipped guerrillas

have kept themselves afloat this long and even come to control sizable regions.

The Road to Peace

Four Decades in the Making:

Colombia's civil war has dragged on for decades, as these persistent rebels entrenched themselves in the country's periphery and survived the government's purely militarized campaigns against them. Peace in Colombia has been a long time coming, with peace talks coming in several different forms since the 1980s (Segura & Mechoulan, 2017, p. 5). Though several smaller militant groups demobilized throughout the 1990s, there was little progress towards peace with FARC-EP or the ELN (Segura & Mechoulan, 2017, p. 5). The 1984 Uribe Agreement, wherein FARC-EP and the Communist Party tried to merge into the *Unión Patriótica* (UP) political party, was repudiated by business elite and the military, and 1,598 members of UP were systematically assassinated (Segura & Mechoulan, 2017, p. 5). The 1991 Tlaxcala and Caracas dialogues joined FARC-EP, the ELN, and another, smaller militant group under a single banner, calling themselves *Coordinadora Guerrillera Simón Bolívar* (Segura & Mechoulan, 2017, p. 5-6). But the government did not make a ceasefire a precondition for negotiation, allowing each party to continue military maneuvers during the dialogues (Segura & Mechoulan, 2017, pp. 5-6). The talks fizzled and the unified leftist banner disintegrated. A third attempt in the El Caguán river basin was initiated by the civil society group Citizens' Mandate for Peace, which collected more than ten million signatures calling for a renewed peace process (Segura & Mechoulan, 2017, p. 6). But FARC-EP, then at the peak of its military power, was not seriously committed to peace, proposing broad changes to Colombian society without addressing how it would demobilize (Segura & Mechoulan, 2017, pp. 6-7).

With three failed peace processes behind them, it took another decade until the government of Juan Manuel dos Santos would attempt peace talks with FARC-EP in Havana, Cuba. Throughout 2010 and 2011, Santos began contacting FARC-EP

leaders, while continuing military operations to pressure the militants and gain support from right-wingers within the government (Trujillo, 2018, pp. 81-82). Santos also opened the door to talks by unilaterally passing a victims' rights bill through Congress, which acknowledged the armed conflict and admitted government participation in human rights violations (Trujillo, 2018, p. 82).[30] Santos reestablished ties with President Rafael Correa in Ecuador and President Hugo Chávez in Venezuela, and gained support from his US military backers and newly elected President Obama in pursuing a peaceful resolution to the conflict (Trujillo, 2018, pp. 82-83).[31] FARC-EP, for its part, recognized that a military victory was no longer within reach, and so issued a new military strategy called *Plan Renacer,* that left room for negotiated settlement (Trujillo, 2018, p. 84). Their Cuban and Venezuelan backers had also tired of FARC-EP's methods and were ready to support a peace process (Trujillo, 2018, pp. 84-85). Two years of secret talks were followed by public negotiations from 2012 to 2016, with Cuba and Norway acting as guarantors and the UN providing technical support (Moser, 2020, pp. 39-40; Segura & Mechoulan, 2017, pp. 18-19). War fatigue on both sides, Santos' political momentum and coalition of support, and FARC-EP's ability to reign in its own members can all be seen as facilitators of the deal that was eventually reached, demobilizing FARC-EP and reintegrating it as a political party (Moser, 2020, pp. 71-72). While the largest insurgent group in this half-century long civil war began laying down its arms, a bitter, disappointing process of backsliding began, making little room for trust between the government and the ELN.

Discouraging Current Events:

Recent events have thrust the younger brother, the ELN, onto centre stage for both international observers and the GoC. The

[30] The most notorious example being the *falsos positivos* controversy, where upwards of 3,000 civilians were murdered and framed as terrorists to meet military quotas (Trujillo, 2018, p. 82).

[31] Presidents Rafael Correa and Hugo Chavez were widely seen as ideological and perhaps even material backers of the leftist insurgencies in Colombia (Trujillo, 2018, p. 82).

monumental 2016 peace deal, which won former President Juan Manuel Santos a Nobel Peace Prize, effectively took FARC-EP out of the picture as a unified military entity. This has left the ELN as the primary left-wing combatant in Colombia, continuing its Guevaran strategy of low-level asymmetric warfare in the countryside and strategic bombings against GoC targets. Of note was the high-profile ELN car bomb that killed 22 cadets at a police academy in the capital city of Bogotá back in January 2019 (Gonzalez & Kurmanaev, 2020). This car bombing reinvigorated government assaults on the ELN and hardened their stance against negotiations. The Colombian peace process has refocused from FARC-EP to the ELN, all despite the ELN's refusal to cease offensive operations, citing bad faith from the government (BBC, June 2020). An initially encouraging 100-day ceasefire between October 2017 and January 2018 became tense and counterproductive, with the ELN accusing police forces of murdering community leaders in their territory, a claim the GoC did not deny, saying it had the right "to fight crime anywhere in the country" (Wetherholt, 2019, pp. 61-62). However, the ELN has professed willingness to negotiate and demobilize; in fact, for years they have maintained their openness to peace talks if "trust" is established, and in early April 2020, they declared a unilateral ceasefire as a "humanitarian gesture" during the COVID-19 pandemic (Wetherholt, 2019, p. 56; BBC, March 2020). Though the ELN has continued signaling its desire for peace, there are far fewer indicators from the GoC.

The ELN itself has noted that its intransigence has not been unidirectional.[32] Unwilling to include former militants in peaceful political processes and balking at talk of amnesties and reintegration of guerrillas into society, Duque's administration has dealt several heavy blows to peace with both FARC-EP and the ELN (Daniels, 2018). His February 2019 Defense and Security Policy shifted towards a conventional counterinsurgency strategy and ruled out bilateral ceasefires with non-state actors, in part as a response to the Bogotá

[32] The car bomb and several notable kidnapping cases have been the most detrimental to peace.

police bombing (Muñoz, 2019; Emerald, 2019). He has also repeatedly called the ELN "terrorists" and stated that any peace process would focus solely on demobilization and would ignore political reforms, a hardline the ELN has said immediately precludes peace talks (Wetherholt, 2019, p. 63). Regardless, "peace" is still proceeding in some fashion with FARC-EP, giving the ELN a valuable illustration of good practice and potential pitfalls.

FARC-EP's Framework for Peace

The last few months of 2016 in Colombia were watched closely by world leaders, the public, the ELN and FARC. The almost 300-page *Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace in Colombia* was finally signed in the capital city of Bogotá on November 24th, 2016 (Santos, 2017). This agreement was the culmination of four years of formal talks and a particularly tense last few months of polarization and disappointments (Santos, 2017; Open Democracy, 2019). This second peace deal, between President Juan Manuel Santos and FARC-EP, had to be renegotiated after the first deal was rejected in a razor thin referendum in early October 2016 (Domonoske, 2016). The new deal was passed through Congress without another popular vote, damaging its legitimacy and creating partisan tensions that would later strike back against the peace process in the 2018 presidential elections (Arredondo, 2020). To appease those on the right, the second deal removed certain progressive language and toughened its stance on reintegrating guerrillas into society, but still ended up being seen as too lenient on former combatants (BBC News, 2016). The opposition in Congress staged a walkout to protest a provision in the deal that they believed allowed guerrillas accused of war crimes to dodge incarceration (Katkov, 2016). Despite this bitterly divided government, FARC-EP largely upheld their side of the deal, with about 11,200 FARC-EP militants handing over their weapons to the UN and FARC-EP leadership forming a political party to take part in 2018 elections (International Crisis Group, 2017; ReliefWeb, 2016, p. 10; Katkov, 2016). The deal was progressing shakily, but further developments would render it all but dead.

In recent years, echoes of past failures have plagued the peace process. The Democratic Centre, the primary critics of the peace deal, ultimately won the 2018 elections and inaugurated President Ivan Duque Marquez, a vociferous critic of the peace deal and primary acolyte of former President Alvaro Uribe. Uribe was Santos' predecessor who had aggressively and controversially prosecuted the war against FARC-EP (Janetsky, 2019; Piccone, 2019, p. 3). Since Duque's inauguration, the deal has suffered "a death by a thousand cuts" (Janetsky, 2019), due to inaction, underfunding, and a slow chipping away of its key provisions. To discuss the divisiveness and troubled implementation of the peace deal, observers must understand the provisions to be strengthened and reproduced elsewhere. The deal contains six items in the deal encompassing each aspect of the peace process over the next decade, establishing new institutions, programs, and projects. This paper will primarily highlight policies within Items 1, 2, 4, and 5 that ought to be reapplied to the ELN, and flaws within Items 2, 3, and 6 which tripped up the process and damaged implementation of the other items.

Strengths

Item 1: Agrarian Reform

The first policy item of concern is agrarian reform, an essential issue to the constituencies of FARC-EP (and the ELN) and the *raison d'etre* for much of Latin America's 20th century turmoil (Santos, 2017, p. 8; Berry, 2009, p. 2). In a highly segmented world of land barons and peasants, where 0.4% of landowners own 67.6% of productive land, peace in rural communities facing neo-feudalism, indigenous oppression, and endemic poverty is contingent on a broad and bold rural program of development and redistribution (Robustelli, 2018; Bilotta, 2018). Item 1 targets this perennial issue through a Land Fund of three million hectares to be provided to peasants without land or with insufficient land, and a process to formalize ownership of another seven million hectares (ReliefWeb, 2016, p. 6). Having access to land is the lifeblood of a rural community. But, if they are to escape

subsistence farming and come to participate in the broader Colombian economy, perhaps even more important is the availability of loans, technical assistance, and seed packages for said land (Food and Agriculture Organization, 2019, p. 9). Market access, infrastructure, healthcare, and standardized legal systems are also vital, second-frame investments needed to guarantee agricultural production and community prosperity (ReliefWeb, 2016, pp. 6-7). National Plans were established with all these methods in mind, with express goals of eradicating extreme poverty, formalizing economic activity, and reducing food insecurity (ReliefWeb, 2016, pp. 6-7). This all-encompassing development program struck at the central desires of the longtime insurgents, who must really be seen as long-unheard peasants first and only ideological Marxists second (Demir, 2018). Constant reductivism of many of Latin America's insurgencies as purely Marxist ideologues has significantly hampered adequate responses to their real-world grievances.

Item 2: Inclusive Governance

Policymakers seem to conveniently forget that their own political systems run on service provision and political participation, and that the communities supporting insurgents are asking for the same exact things. Item 2 contains language that ought to undergird any peace deal, with a focus on "the right to participation" for women, the need for "coexistence, tolerance, non-stigmatization," and "democratic mechanisms for citizen participation" in the peace process (Santos, 2017, pp. 30, 35). To back up these goals of protecting political opposition, eliminating discrimination in decision-making, and including civilians in consultative peacebuilding, a "Comprehensive Security System for the Exercise of Politics" was established by the federal government with mechanisms for regulation, prevention, protection, and evaluation (ReliefWeb, 2016, p. 10). Protection for community leaders and activists was particularly emphasized, as they are important facilitators and partners of peace efforts on the micro-level (ReliefWeb, 2016, p. 10; Piccone, 2019, p. 2). A National Council and several Territorial Councils for Reconciliation and Coexistence were also established to implement programs promoting tolerance, dissent, and diversity, as well as the participation of Local

Administrative Boards in crafting such programs (Santos, 2017, p. 40). Overall, Item 2 grasps the value of inclusive Habermasian discourse and decision-making systems in creating mutual understanding within communities (Bohman & Rehg, 2014). Another strength is its focus on the particular efficacy and vulnerability of those activists who speak out and try uplifting disadvantaged populations (Santos, 2017, p. 35). Item 2 echoes some of the broader liberal theory of conflict resolution but offers tangible plans that are essential to any peace deal.

Item 4: Narcotrafficking

This item targets a key enabler of violence and crime in Colombia: the trade in illicit narcotics, primarily coca crops. Without the immensely lucrative coca business, FARC-EP and the ELN could not have enjoyed the longevity that other insurgencies lacked (Offstein, 2003, p. 113). Coca production is a staple in over 80% of high-conflict zones around the country, from shipping points along the Pacific to the porous and largely lawless border with Venezuela (International Crisis Group, 2017). But through a national illicit crop substitution program, Item 4 directly targets the household-level calculus that pushes many people into growing coca leaves (Piccone, 2019, p. 17). As of 2019, almost 100,000 families have signed up for the program, and though one might expect a great deal of fraud to occur with these claims, 94% of families who received the initial financial benefits still voluntarily eradicated their coca crops as part of the program (Piccone, 2019, p. 17). This is an example of both a well-designed and well-implemented program, one which would be equally useful in supplanting incomes in ELN territories. Turning these communities towards the formal economy is key in taking away their reason for fighting, and successful programs are highly valuable when other portions of a peace deal threaten to derail the entire process.

Item 5: Historical Trauma

One of the most consistent and vexing issues faced by societies in transition is that of historical memory and reparation for historic traumatic violence. Any attempt at condemning the past actions of either side is bound to create controversy and indignation

and could potentially even sink a peace deal. Dealing with the legacy of the war itself, Item 5 created a "System for Truth, Justice, Reparation, and Non-Repetition," a broad government initiative consisting of a fact-finding commission, a missing persons task force, a reparation program, and, most controversially, a Special Jurisdiction for Peace (JEP) (Santos, 2017, p. 9; Open Democracy, 2019). The JEP is a special tribunal meant to rule on crimes committed during the conflict and offer pardons based on voluntary admissions, except in serious cases like those concerning war crimes, and has facilitated at least 104 statements from victims' organizations (Santos, 2017, pp. 123-125). As well as Item 5's statements promoting human rights and permanent disarmament, not much of the item would have to change for an ELN deal (aside from some efficiency issues concerning reparations) (Piccone, 2019, p. 16). Focusing on compensation and participation for victims is essential in making the peace process apply at the individual level, within a "universe of the victims" (Leongómez, 2012, pp. 142-143). Thus, there must be a revamped reparations distribution agency, a strong selling point for an ELN deal. But the sticking point in Item 5 is the JEP. The JEP, in its strength at convincing FARC-EP to demobilize, was also a double-edged sword.

Weaknesses

Item 5: The Special Jurisdiction for Peace

Despite its many strengths, the deal comes short in various ways. The JEP faced blowback from the right wing who viewed it as too easy on guerrillas and too tough on security forces, accusing it of partisanship and incompetence (Piccone, 2019, pp. 5-6). They were offended by its supposedly equivocal treatment of guerrillas and security forces, something which is not necessarily a shortcoming and should ideally be a standard in peace deals, especially when considering cases of war crimes (Piccone, 2019, pp. 5-6). Indeed, almost 10,000 guerrillas and 2,000 members of the armed forces have submitted themselves to JEP jurisdiction, demonstrating their trust in the institution, though perhaps an imbalance in who it may benefit (Piccone, 2019, p. 14). But the JEP's shortcoming that has since damaged the peace process is its weak punishment for war

crimes—extensive community service and parole—when the defendant admits to them (ReliefWeb, 2016, p. 30). Though it runs the risk of dissuading confessions, this provision must be remedied in an ELN deal, not only as a matter of justice, but also in denying the opposition a rallying cry of excessive leniency for "terrorists."

Item 6: Implementation

Much of the shortcomings that came after the deal was reached can be attributed to Item 6, which deals with implementation. Item 6 did not adequately provide governmental infrastructure and military assistance to help roll out relevant programs, and, to appease the right, had to impose a 10-year time limit on a peace process for this 50-year long war (BBC News, 2016; Piccone, 2019, p. 7). Though over a million victims have received financial compensation, less than one-in-twelve victims who applied for Land Restitution have received anything, and only six of the 634 groups identified for reparations have had any movement in their cases (Piccone, 2019, p. 16). The implementation of agrarian reforms was slow and even nonexistent in many communities, with isolated regions and their profitable coca crops simply changing hands to criminal organizations once FARC-EP demobilized (International Crisis Group, 2017). In fact, Colombian coca production hit historic highs in 2019 (Economist, 2019). As the government failed to assert itself in rural provinces, paramilitaries and insurgent breakaway factions battled for dominance (International Crisis Group, 2017). Additionally, little has been done to protect peasants and activists from "anti-restitution" *ranchero* bands who violently oppose land redistribution (Demir, 2018).[33] The issue of intransigent mid- and large-sized landowners is especially muddied by their effective lobbying and representation in Alvaro Uribe's Democratic Centre (Demir, 2018). Right-wing paramilitaries, easily the deadliest groups in Colombia, also receive significant cover from security forces and Uribe's political faction, having once worked closely with them in combatting FARC-EP and the ELN (Vieira, 2008;

[33] Much of the rancheros' land was stolen from the peasants in the first place (Demir, 2018).

Human Rights Watch, 2020).[34] Even before the Democratic Centre's 2018 electoral victory, violence against environmental activists and community organizers skyrocketed in former FARC-EP regions, as criminal gangs and entrenched interests faced little accountability from a government absent from these areas for over half a century (Moloney, 2019). Though the overall homicide rate fell to its lowest point in 40 years right after the peace deal was signed, the targeting of unionists, indigenous leaders, and agrarian activists left over 700 dead between 2016 and 2019 (Arredondo, 2020). These are clear failures in implementing the peace deal and will have to be addressed to remedy the sense of betrayal and insecurity that this violence instilled among civil society.

The Colombian Government

President Duque's administration has exacerbated all the peace deal's flaws in implementation and has launched its own attacks based on his party's interests (Arredondo, 2020). He has focused on large agribusiness over peasant agriculture and hesitated to fund development in rural communities, leaving the guerrillas' key constituencies feeling betrayed and hopeless (Piccone, 2019, p. 17; Arredondo, 2020). During and after the peace talks, his party was highly critical of the deal's transitional justice framework (Janetsky, 2019; Piccone, 2019, p. 4). He has since gone against the ruling of his own Constitutional Court and vetoed portions of the JEP on account of "inconvenience," instead proposing three constitutional reforms to strengthen sentencing and weaken amnesties for ex-guerillas (Piccone, 2019, pp. 14-15). He has also done little to protect activists or former guerrillas, with at least 224 ex-FARC-EP combatants murdered since his election (out of 13,000 pro-peace guerrillas) (Semana, 2020; Piccone, 2019, p. 16). Distrust of the government's commitment to peace and protection has caused several FARC-EP commanders and regional squads to redeploy and was a factor in at least 20 squads never submitting to the peace deal in the first place

[34] Uribe's own brother is currently on trial for murder and conspiracy in affiliation with "The 12 Apostles" paramilitary group (Human Rights Watch, 2020)

(Thomson, 2020; Janetsky, 2019). The GoC's backpedaling on the peace deal fundamentally changes any future peace deal. A premium is thus put on institutional mechanisms that will weather changes in administration and public opinion.

Items 2 & 3 : Democracy and Reintegration

The peace deal formulated institutional mechanisms for political inclusion and socioeconomic reintegration of FARC-EP communities but was unable to deliver on its aspirations. Perhaps the most contested aspects of the peace deal were parts of Items 2 and 3 which had to do with pluralism and the "reintegration of FARC-EP into civilian life" (Santos, 2017, p. 8). These are the more aspirational parts of the peace deal that concern the communities being brought back into society. Military hardliners and conservatives were almost guaranteed to object. As part of "democratic peacebuilding," Item 2 provided for the reformulation of FARC-EP into a political party, which was seen by many to normalize their radical ideology and allow murderous ideologues access to genuine political agency (Brodzinsky, 2016). On the day of the unsuccessful October referendum, opposition leader Uribe gave voice to this sentiment by calling for "political pluralism without it appearing to be a prize for criminals" (Brodzinsky, 2016). Promoters of the peace process were too ineffective in selling this point of the deal and allowed skeptics and militarists to dominate the narrative surrounding FARC-EP's reintegration (Altman, 2020). Santos did not adequately convince undecided voters or mobilize his own constituents, evident in a razor thin margin of defeat and a 37% turnout rate in the referendum (Brodzinsky, 2016). His team seemed to have glossed over a vital part of any peace process; the need to sell the deal to one's own citizens (Altman, 2020). In the same vein, despite the initial successes of Item 3's provisions demobilizing FARC-EP and ending violent engagements, its other sections on socioeconomic reintegration of former guerrillas faced credible commitment problems and criticism from opposition lawmakers (Piccone, 2019, p. 3; Thomson, 2020). Violence against the 3,000 ex-guerrillas in Colombia's 24 reintegration camps has led many to abandon peace mechanisms or even take up arms again (Florenz & Calderon, 2020). Though Duque could be blamed for his unwillingness

to protect them, one must also look to Item 3 itself (Medina, 2019). Item 3's Security and Protection Corps identified all ex-FARC-EP members as "high-risk" targets of violent retribution but then failed to follow and protect them once they returned to general society (Santos, 2017, pp. 78-79; ReliefWeb, 2016, pp. 18-23). Almost all killings of ex-guerrillas occurred *outside* of the former demobilization zones (ETCRs) (Colombia Peace, 2020). Insurgents around the globe commonly refuse to lay down arms out of fear of these exact issues; thus, successful demobilization is as much a responsibility of the government as it is of the rebels.

The ELN's Framework for Peace

A modern ELN peace process must be viewed as the (re)imposition of federal authority over territories controlled by militants largely concerned with profit, power, and survival, rather than a reconciliation of fundamentally ideologically opposed actors, as might have been the case in the 1960s and 70s (Gallego, 2011, p. 172). Indeed, according to researcher Kent Eaton, the dual FARC-EP/ELN peace processes can be seen as a recentralization of the Colombian state after decades of rogue provinces and inadequate local governments (Eaton, 2020). But one must also understand that the GoC is hardly uninvolved in the drug trade that sustains these provincial non-state actors. Right-wing paramilitaries, often directly or indirectly allied with the federal military (and responsible for 80% of civilian casualties since 1964), are in fact primarily fueled by their own participation in narcotrafficking (Vieira, 2008; Gallego, 2005, p. 78). Peace, a highly fragile goal, relies on more than just normative judgments, and must instead come from shifting incentives on both sides of the conflict – as well as fortuitous timing.

Negotiation Ripeness

One might wonder what a peace deal between the government and FARC-EP has to do with an ELN peace process. There certainly are demographic and strategic differences between the two insurgencies, but for the most part they have run parallel to one another in their ultimate goals and their tactics (Renwick &

Hanson, 2014). Many provisions from the peace deal could just as easily be applied to the rural communities, criminal enterprises, and Marxist guerrillas under the ELN's control. Much of the previous section's discussion on agrarianism, inclusiveness, illegal drugs, and victims' rights would be equally core parts of the ELN deal that is proposed here, which is why such a large part of this paper was dedicated to highlighting said policies. It is also important to note that the ELN peace process began just days after FARC-EP peace deal was voted on, and Santos' ideal plan was to keep the ball rolling through a ceasefire and an additional deal with the ELN (Sonneland, 2017). These talks stalled and ultimately ended under Duque, but the ELN has still made clear its desire to continue a dialogue, extending requests to the Senate's peace commission and declaring several unilateral ceasefires in 2019 and 2020 (Zulver, et al., 2019; Latino USA, 2020). The Santos/FARC-EP exchange left behind a framework and a societal momentum for peace with the ELN, despite the difficulties.

This stubborn escalation of tension and subsequent drifting away from negotiated settlement agreements marks a vital moment in the two parties' relationship, but not a definitive end to the peace process. A look at the literature on timing for peace negotiations offers a key concept; that of the Mutually Hurting Stalemate (MHS) (Zartman, 2001, p. 8). Though the GoC has been pressing on with military measures under Duque and has not exactly reached this point yet, the ELN has been tacitly signaling its own fatigue and lack of military options for several years now. But even the GoC may be closer to the MHS point than it appears. Fresh off the demonstrations of Fall 2020, mass protests against the Duque administration continued into 2021. Colombia is at a societal inflection point, one where popular dissatisfaction with a proposed healthcare bill turned into nationwide protests calling for police reform, greater social safety nets, and wealth redistribution on an unprecedented scale (Suarez, 2021). The police killing of dozens of protestors, alongside the government's reneging on a ceasefire agreement with the protestors' coordinating body, does not bode well for the Democratic Centre's 2022 election prospects, nor its hold over Colombian society more generally (Alsema, 2021). The

ELN may not be the one pushing the GoC towards the brink of exhaustion, but the breakdown in Duque's mandate and popular fatigue with the militarization of Colombian society can be conducive to MHS regardless (Zartman, 2001, p. 11). A purely militarized policy towards conflict can reach a stalemate not only when one opponent pressures the other, but also when one's own side no longer supports the war effort (Zartman, 2001, p. 11). The Democratic Centre may have a vested interest in the wealthy agribusiness and military industrial complex that is perpetually profiting from this war, but key allies within the government, civil society, and the business sector are not all similarly driven (Piccone, 2019, p. 17; Alsema, December 7, 2020).

Despite an administration averse to speaking with the ELN, there are other indicators that the next few months may be ripe for restarting negotiations. About 64% of Colombians have said they want to continue talks (Zulver, et al., 2019). The key interlocutor and moderate within the ELN's Central Committee, Pablo Beltran, stated that the new Biden administration could be an important third-party to help unfreeze the peace process (Sonneland, 2017; Acosta, 2020). Back in 2019, President Duque's veto of parts of the JEP was met with international outcry, and some of his military measures have prompted scolding from US legislators and the UN (Piccone, 2019, pp. 14-15; Human Rights Watch, 2020). Prime Minister Pedro Sanchez of Spain offered in 2018 to play the role of mediator and supporter should ELN talks restart (Murphy & Cobb, 2018). Thus, there has been a keen, sustained interest in the peace process from various third-party actors. The leverage of the American financiers over the GoC and the Cuban/Ecuadorian left-wing over the ELN lends hope for the ripeness not only of negotiations, but of third-party mediation; they might even push each respective party forward when the parties might prefer to drag their feet (Zartman, 2007, pp. 447-448). The ripeness of the moment may not be as clear cut as it was in 2015-2016, but the sheer number of factors working in favor of peace cannot, and should not, be ignored.

Better Implementation

To seize this opportunity, there must be a strengthening of the implementation and protection frameworks in a new ELN deal, and then a greater public relations campaign to create legitimacy and practical support. Slow rollout of peace programs through Item 6 allowed the opposition to weaponize certain measures within Items 2, 3, and 5 to frame the peace process as being too lenient on "terrorists" and "criminals." Item 3 on reintegration must be accompanied by a prolonged and broad-based advocacy campaign on behalf of the guerrillas who have no real voice within Colombian society now that they have laid down their arms (Medina, 2019). Altering public perceptions is key to keeping demobilized ELN fighters within the folds of society, rather than allowing them to be ostracized, targeted, and more likely to return to crime and armed conflict. The perennial question of root causes is essential to crafting peace with the ELN.

The ELN has publicly denounced FARC-EP's acquiescence, saying "the government made a fool of them," and that for real peace "[the GoC] must get rid of the reasons for which we exist" (Wetherholt, 2019, p. 62). Some level of redistributive ideological obsession and messianic self-image still appears to persist (Gruber & Pospisil, 2015). The ELN is clearly prepared to act as a spoiler to a broader peace in Colombia, unconvinced by the divided and at times contradictory, support for reconciliation by the Colombian public and the government's own hardline security measures and unwillingness to protect its interlocutors from retaliation. With its focus on those areas which are supposedly stateless, the ELN's political means and military aims overlap. Rather than hoping for conventional military victories and offensives, the ELN has more so resigned itself to the countryside, where it can rally up popular support and establish zones of control over passive and active supporters (Osorio, et al, 2019). The focus on popular political action as the ultimate, desired means to an equitable society is an important ideological tenet of the Marxist left, explaining the complete repudiation of any negotiated settlement which ignores the socioeconomic aspect of the struggle. It also makes even a favorable peace deal difficult to implement, as it has been with several stalwart FARC-EP dissidents; if certain squads in the ELN's immensely decentralized organizational structure do not see their

specific political needs addressed and would rather continue making money from lucrative criminal enterprise, then even a decommissioned ELN could leave behind hotspots of armed dissidents (Dittmar, 2020).

Though the ELN's origins within liberation theology makes it more ideological than FARC-EP, even the strictest of ideologies stem from material realities (Renwick & Hanson, 2014). Community development, representation, and protection provided by Items 1, 2, and 3, respectively, would fundamentally alter the position of the ELN's constituency within society. On the other end, the deal must be sold to the public and – even more challenging – to the entrenched interests of the Democratic Centre. Items 3 and 4 targeting coca and crime organizations must be strengthened and must contain short term, feasible goals of crop elimination and territorial reconquest which could be trumped up to garner public support among hardline anti-crime politicians and their followers. The reproduction of Item 5 cannot be seen as soft on serious offenses like war crimes or sexual violence, and the military must not feel as though its soldiers are being unfairly targeted by partisan judges; thus, the makeup of a JEP for the ELN must have a bipartisan split in appointees. Lastly, adapting to the decentralized structure of the ELN, the peace deal must contain individualized provisions regarding each of the ELN's regional commands (Ramsey & Bernal, 2017). By understanding which regions rely on which types of criminal enterprise, Item 4 can offer proper incentives to each ELN sub-group to demobilize and transition from illegal forms of income.

The Strategy for Peace

Short Term

Now that a theoretical peace deal has been reached, the practitioner must wade through the political challenges to begin negotiating and implementing it. In the short term, representatives in the ELN or moderates in the government must extend invitations to the EU, the UN, and the US (ReliefWeb, 2020; Liendo & Braithwaite, 2018, p. 633). Additionally, a promising but short unilateral ceasefire from the

ELN at the outset of the COVID-19 pandemic ought to be reinstated on both sides (Latino USA, 2020). The difficulty lies in reining in Duque's security forces; only recently they killed the ELN's key commander "Uriel" (News Wires, 2020). Substantive steps to reestablish trust and commitment should be taken, such as the government halting operations and the ELN releasing its hostages. Though each side has previously taken a hard line against such measures, third-party guarantors can help overcome the credible commitment issues behind these concerns (Zartman, 2007, p. 443). As both sides learn to trust each other and any third-party mediators, they can focus on shifting incentives away from violence.

Mid-Term

Fresh off the heels of short-term political mobilization and trust-building measures, institutions and programs must be fleshed out as negotiations begin. The Santos/FARC-EP peace negotiations took four years; the length of ELN peace talks could be even longer if hawks and stalwart right-wingers show up to the table authoritatively demanding sweeping prerequisite gestures from the ELN without giving much in return. Colombia's 2022 presidential elections are a crucial moment for peace. If a more moderate administration with the backing of Biden and Western Europe is at the table (likely hosted in Quito, Ecuador), more congenial, productive discourse and workshopping could take place, as with FARC-EP talks and the last round of ELN talks under Santos (International Crisis Group, 2017). But any wave of optimism about productive peace talks should not distract the parties from applying practical policies that address the failures of the FARC-EP deal, as presented in this paper.

How does one deal with the relative profitability of coca production and other illegal business ventures, and how can one combat the vacuum created by FARC-EP and now the ELN's grand departure from organized crime? How does one protect community leaders who are vital in implementing the peace deal? The government failed to answer these questions after 2016, undermining their own peace and leaving their allies dead in the water (Janetsky, 2019). Though a peace process may generally be thought of as a transition

from military avenues to civilian control, or at least a decrease in fighting, that does not have to be the case when other organized groups are just as easily stepping into regions with weak government infrastructure (International Crisis Group, 2017). The demobilization of FARC-EP and the ELN is in fact meant to leave the GoC as the sole sovereign, institutional arbiter of force in the vacated regions. Colombia's strong military, hardened by conflict in these very same areas, has the tools to overcome the challenges mentioned above, and must be mobilized to defend the programs and supporters of the peace process (Ioris & Ioris, 2018, p. 82; Dufort, 2017). Buy-in from this key spoiler to peace is essential, and there are tangible ways to work towards this cooperation.

Within two to three years, there ought to be some level of policy agreement on the infrastructure surrounding implementation and the military's role to play, as well as plans for demobilization, reparations, protection, and reintegration – significant inspiration can be taken from the 2016 deal, speeding up the policy process in the theoretical and legal spheres. Within four to six years, these structures must be in the process of practical implementation, supported by the Colombian military, who have their own vested interest in fighting criminal enterprise and reestablishing law and order. Involving Colombia's sprawling, influential military sector in such a way can help build support from a group that previously acted as a primary spoiler to various peace talks, including the 2016 accords. Flipping this important constituency would also deprive Uribe and Duque's hardline movement of much of its support structure.

The peace initiatives must also have a visible presence among ex-guerrillas, victims, and rural communities, as well as among ordinary constituents whose support lends the process further momentum. Between these time periods, the question arises of whether to have another referendum; thus, guaranteeing the peace deal greater legitimacy, but running the risk of defeat and further polarization. This paper has argued that a referendum is in the best interest of peace, but it must be accompanied by a vigorous public campaign by the government for the "Yes" vote. There must be greater inter-communal dialogue, bringing in transitional justice and mediation

experts who can help build an understanding of the "enemies" and the "others" who are now being reintegrated after decades outside of society (an understanding altogether lacking in 2016). Systematic dialogue and public information campaigns can simultaneously reduce the polarization plaguing Colombia today and increase the chances of a successful peace.

Long-Term

Finally, in the long-term, decreases in three key yardsticks must be used to measure success: homicide rates, violence against activists and ex-guerrillas, and coca cultivation levels. Like with FARC-EP, overall homicide rates should go down after demobilization, but true success will come when activists, ex-guerrillas, and community leaders are no longer targeted and threatened by criminal groups (Arredondo, 2020). A decrease in coca production would be a direct outcome of increased governmental presence and alternative opportunities in these long-forgotten rural communities (Piccone, 2019, p. 7). These metrics have long been targets of the state and its international partners, and tangible gains can be touted to demonstrate the success of peace and further increase support for it.

Long-term peace also relies on a new administration whose platform does not revolve around *ranchero* feudalism and military violence. If the Democratic Centre, currently beset by corruption investigations and mass protests, loses the presidency in 2022, it could be safe to say that peace will come more easily. Conversely, effective implementation of a peace deal would greatly assist a new administration in garnering sustained popular support (Alsema, 2020; Miller, et al., 2020). An ELN peace process would transform politics for years to come.

The People

A closing note concerns the short-, mid-, and long-term issue of public relations: i.e., the need to sell the deal to the Colombian people. Interestingly, Matanock & Garbiras-Diaz (2018) found that Colombian respondents were more supportive of the FARC-EP peace process *in general* over specific provisions of the plan. Though some

of this may be explained away as the desire for peace trumping a desire to wade through complex bureaucratic provisions, an important lesson must still be taken from their findings, especially considering the failed 2016 plebiscite (Matanock & Garbiras-Diaz, 2018, pp. 651-652). It is only by explaining the positive effects of peace, the specific logic and justice behind each provision, and the unique viewpoints of those deemed "enemies," can the Colombian people be truly mobilized within their own peace process. Facilitating such public engagement should borrow heavily from the valuable, emerging ideas of Gomez-Suarez (2017), who proposes a Peace Process Pedagogy to dismantle misinformation, to address emotional connotations, and to newfound understanding into action.

Some may express reservations about how effective the plan might be or may even find the entire process illegitimate. These arguments would be supported by the fact that the Democratic Centre and the military, powerful forces in Colombia, have a vested interest in continuing the war. Though this may be true, those pushing for peace must not forget that the Centre is still subject to elections, and the military, as explained earlier, has a strong tradition of acquiescing to rightful civilian rule (Dufort, 2017). Now, upcoming electoral prospects do not look good for those who would continue cracking down on protestors and sweeping the countryside in endless warfare (Miller, et al., 2020).

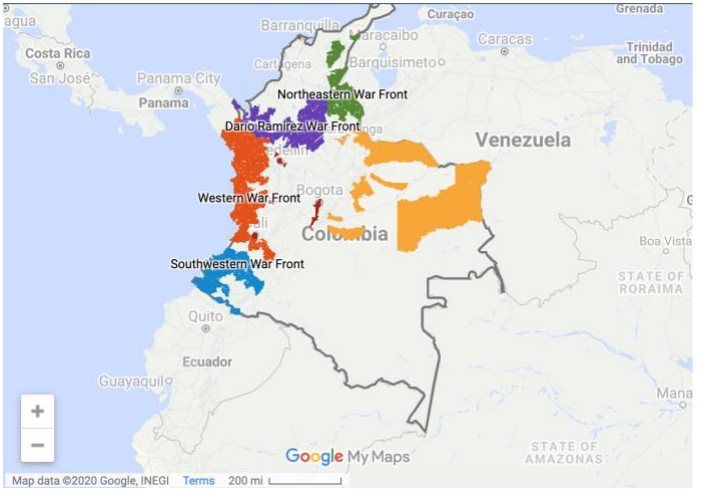
Conclusion

The strategy presented here is meant to provide reference and inspiration for those who would push Colombia in a constructive direction. Regardless of government rhetoric or militant doctrine, people continue to die in the crossfire and have their livelihoods threatened as armed entities vie for influence. That is why a passive acceptance of the present situation is unacceptable and concrete steps must be taken to protect communities, as have been outlined in this paper. Though the 2016 referendum loss and subsequent government policies may have discouraged many, this paper has sought to demonstrate why there are certain vital trends and events

which can be used to facilitate a dialogue to make the next few months and years a ripe moment for peace.

Appendix A

ELN War Fronts



This map delineates the ELN's war fronts and their geographic dispersal. The Eastern front (light orange) and Northeastern front (green) handle illicit enterprise along the Venezuelan border, a porous area with high migration and mobility rates. Several small Central fronts (dark red) cover the metropolitan areas of Bogota and Medellin, Colombia's two largest cities, but only operate sporadically. The Dario-Ramirez front (purple) and Western front (dark orange) cover much of the ELN's illegal mining operations, being located along Colombia's key mining regions. Lastly, the Southwestern front (blue) covers Colombia's border with Ecuador, an important political supporter of the ELN in the past.

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