

Colombian Peace Talks Breakthrough: A Possible End-Game?

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Negotiators reached a [breakthrough](#) in talks between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) just a day after Pope Francis left Cuba, following more than 40 rounds of discussions held in Havana since November 2012. On September 23, 2015, Colombian President Juan Manuel Santos, in a highly symbolic gesture, shook hands with the leader of the FARC, Ricardo Londoño (alias Timochenko), during a stop on his way to the U.N. General Assembly meeting in New York. The long-time foes, who some observers say were [prodded by the pontiff](#), announced a timetable to complete the peace talks, a framework for a transitional justice system for assisting victims, and a date for disarmament of the FARC.

According to Colombian government estimates, some 220,000 Colombians have died in the 51-year internal armed conflict, about 80% of them civilians. Additionally, 7 million people (15% of the population) have been registered as victims from forced displacement, land mine accidents, and related violence. The FARC is Latin America's oldest, largest, and best-financed guerilla insurgency. Colombia's second largest leftist group is the National Liberation Army (ELN) and it has been in preliminary negotiations with the Santos government since last year. Some analysts speculate that this development in the FARC-government negotiations may spur the start of [formal talks](#) with the ELN.

Three years of peace talks between the Colombian government and the FARC had stalled over issues of reparations for conflict victims and punishment for FARC leaders. While there had been progress—in disarmament discussions involving commanders from both sides, testimony before the negotiators from delegations of victims, and a commitment to launching a truth commission—only three parts of the six-part negotiating agenda had reached preliminary agreements. Those were land and rural development (May 2013); FARC's political participation after disarmament (November 2013); and illegal drug trafficking (May 2014), a scourge that fueled the conflict. The negotiations had proceeded without a bilateral ceasefire, and no deadlines had been jointly set.

What Was Announced in September 2015

Although previously all FARC-government negotiations had operated under the principle that nothing is final until a final agreement is signed, the agreements and time frames announced on September 23rd appear to supersede this original condition.

The September 2015 breakthrough, as [explained by the government](#), has many elements, but there are three major

components. Outstanding among them was an agreement on transitional justice—which entails an approach to prosecuting significant war crimes committed by conflict combatants that is deemed both just for victims and satisfactory enough to rebel leaders so that they will demobilize.

Special Jurisdiction for Peace—The two sides agreed to create a Tribunal of Peace and Justice Chambers to adjudicate crimes linked directly to the conflict (including serious war crimes, such as sexual violence, torture, and forced disappearances). This independent special court system would try guerrillas and state security force members who fully confess their crimes and commit to non-repetition and to pay reparations. These defendants would be eligible for five- to eight-year "alternative" sentences of restricted liberties. Amnesty would be extended for more distantly related (i.e., "connected") crimes, such as rebellion and even drug trafficking. The violations eligible for pardon would be determined by an amnesty law to be passed by Colombia's Congress.

Final peace accord to be concluded by March 23, 2016—Negotiators agreed to a six-month deadline. This follows several proposed targets set by President Santos that were never accepted by the FARC.

Disarmament will follow within 60 days—Within two months of signing a final agreement, the FARC would disarm.

Public Approval and Other Outstanding Issues

Many issues remain, and time is short to resolve them given the March 2016 deadline. President Santos has repeatedly asserted that the Colombian public will be able to approve or reject the final agreement, possibly in a referendum or some as yet-undefined forum. Colombian public opinion on the talks remains deeply [divided](#), despite reported progress toward a final accord greater than some believed possible.

Issues remaining at the negotiating table include the selection process for magistrates in the justice system outlined above and defining victims' reparations. The parties must resolve a host of [implementation challenges](#)—terms for a permanent bilateral ceasefire, disarmament of the rebels, and reintegration of FARC forces into Colombian society. The negotiators must also determine which authorities will oversee and monitor those sensitive and complex operations.

U.S. Policy Considerations

Colombia, after years of partnership, is one of the closest U.S. allies in Latin America. Congress has maintained a considerable degree of bipartisan support for Colombian policy (see CRS Report R43813, [Colombia: Background and U.S. Relations](#)) for more than a decade and a half. Through a program known as Plan Colombia (and its sequels) that received strategic assistance from the U.S. government, Colombia's approach to the civil conflict has evolved from defeating insurgents in combat and consolidating the government's gains with a "whole-of-government" approach to an incipient program to prepare for the post-conflict era.

If the negotiations conclude and are ultimately successful, U.S. policymakers may choose to consider such questions as:

- Will a transition to a post-conflict Colombia require new or increased U.S. assistance for such activities as the demobilization of the rebels, land mine clearance, aid to conflict victims, and land restitution to the millions who are displaced?
- What is needed to bring Plan Colombia's goals to fruition and diminish the human and economic costs of the five-decade conflict?
- How should policymakers balance demands for U.S. assistance with Colombia's capacity to undertake these reconstruction activities on its own—if they take place?
- What is the future of the [U.S.-Colombian extradition](#) relationship—a key component of the 15-year counternarcotics and counterterrorism partnership that managed to weaken the FARC and other illegal armed actors?
- What is the potential for future human rights abuses by former conflict combatants, and how should they be addressed?
- Finally, if the FARC demobilizes and eventually enters Colombia's political system, would it be in order to alter the U.S. listing of the FARC as a [foreign terrorist organization](#)?

For more background, see CRS Report R42982, [*Peace Talks in Colombia*](#).