

**COLOMBIA: THE PEACE ACCORD REFERENDUM,
A DILEMMA BETWEEN THE COST OF WAR
AND THE PRICE OF PEACE**

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On October 2, Colombians will vote in a national referendum whether to accept and support the peace accord reached by the government of President Juan Manuel Santos and the FARC guerrilla.

To recall, on August 24, the government and the FARC announced the signature of the final accord between the two parties, making the official text public. If the negotiation is now officially over, the peace building process would not start until the accord gets the strict approval of the population, through the national referendum.

The peace accord would put an end to 52 years of conflict in the country, which have caused the death of about 250 000- 300 000 people while 45 000 others are still reported as missing and more than 6 million were internally displaced.

In 2012, the government and the guerrilla initiated a new round of formal peace talks in Havana, Cuba, in an attempt to go beyond the failed negotiations under President Andres Pastrana (1998 – 2002).

The referendum vote is the ultimate stage of this new peace negotiation and the initial condition for the initiation of the transitional justice process and the disarmament of the guerrilla. It is an unprecedented move for a peace process, explained by the government as a way to validate the accord in a democratic way.

It is an important tool for President Santos, which would allow him to obtain the formal support of the population for the accord, but also to push the population into actively endorsing and accepting the peace building process ahead.

It is also a strong signal that, though the accord was negotiated by the government, it was designed for the population itself, the first victim of the war. The emphasis notably put on Truth and Reconciliation Process highlights such priority, as well as the strongly encouraged involvement of victims' associations into the formal talks in Cuba.

The accord found between the government and the FARC notably includes the creation of the Special Jurisdiction for Peace, an agrarian reform of the land as well as the transformation of the FARC into a political movement.

On October 2, millions of Colombians will have to cast their ballot in favour or against the deal reached by the government. The government has also confirmed that the result of the vote will be mandatory, on the condition that at least 13% of the voters (4,4 million people) express their support either to the “Yes” or to the “No”, otherwise it would only have a consultative power. Beyond this participation rate, **the government will have to respect the decision, whether it is in favour or not of the agreement.**

This means that the referendum is a compulsory step into the peace process, and its success is obligatory in order to advance towards the implementation of the agreement. Officials of the government have confirmed that the winning of the “No” would mean the end of the peace talks “without results”, meaning the possible, immediate return to warfare.

It is a risky decision for the government, as, while the peace accord is strongly supported internationally, including by the United Nations, Colombians remain puzzled by this upcoming vote.

Current opinion polls suggest that only 39% of voters are willing to cast their ballot in support of the deal, while the rest is either strongly opposed to it or remains undecided. A worrying figure ahead of such an important vote for the country.

Opposition to the accord is led by former President Alvaro Uribe, who promoted frontal military operations against the FARC throughout his presidency (2002-2010), strongly weakening the guerrilla. Uribe has always expressed strong opposition to the perspective of achieving peace through negotiation, promoting the need for a full defeat of the guerrilla on the ground and its sedition.

Beyond a strict opposition to a negotiated peace with the FARC, criticisms have targeted some of the most crucial and controversial parts of the agreement.

First, **the opposition argues that the transitional justice will lead for guerrilla fighters to elude judgement and not to pay for their crimes under the banner of the armed movement.** They consider that the Special Jurisdiction for Peace will mostly turn into a large-scale amnesty action, allowing the fighters to walk free without accounting for their crimes. The transitional justice system is thus perceived by some as a yielding from the government to the will of the FARC, rather than a negotiated decision. For them, the special court would be a mockery of justice created in order to absolve the FARC from their crimes.

Secondly, **the opposition denounces the planned integration of the FARC into the political life of the country.** The group will be allowed to create its own political party and to participate in the national elections due in 2018, with a small number of seats guaranteed at the House of Representatives and the Senate. In the meantime, the group will also have 3 non-voting representatives allowed in each chamber.

There is also fear, mostly among far-right voters, that the introduction of the FARC into the political life would lead to the creation of a “Castro-Chavist” State, aka the transformation of Colombia into a far-left populist regime, as neighbouring Venezuela. Though such fear remains exaggerated, it is though clear that the introduction of the communist Marxist movement into the political life will represent an important widening of the political scope that might lead to tensions. Furthermore, it is important to notice that current President Juan Manuel Santos was elected back in 2010 after he

was designated by Uribe as his successor. Since then, the former president has strongly distanced himself and criticized Santos for his position on FARC accord. Alvaro Uribe still affirms that the only peace acceptable must follow the complete, not-bound-to-conditions surrender of the guerrilla, rather than a compromising solution, an opinion shared by a certain part of the population.

The country is more and more marked by the rivalry between the two politicians, turning more and more the referendum into a political tool to measure their balance of influence. Such situation highlights **the danger for the referendum to turn into a vote of approval or opposition to the President, whose popularity is on decline due to other internal affairs, pushing the issue of peace into the background.**

Still, the main issue of the vote is whether or not to support the accord, and to agree to peace in the terms negotiated by the government. **It remains an unprecedented chance for the country to put an end to a half-a-century long conflict which has claims hundreds of thousands of lives.**

The cost of such war has been high on the population, especially in remote, poor, rural areas where the guerrilla regularly attacked, ransomed, extorted and bullied villagers. The group had also kidnapped hundreds of people, separating them from their families for sometimes as long as decades, as illustrated by the notorious case of Ingrid Betancourt.

It also planted thousands of IEDs across rural areas, making Colombia the second most mine-affected country in the world, killing 286 people in 2014. 11,000 people have said to have been either wounded or killed by those landmines since 1990.

The conflict also led to the displacement of an estimated 12 % of the population over the years, which is the second highest number in the world, right after Syria.

The peace accord found by the negotiators in Cuba remains probably imperfect. Still, beyond the very chance to finally provide security and stability and put an end to war, it does bring some key-responses to the challenges posed by peace itself: large-scale mining clearance operations, disarmament and reintegration processes, land reform (notably to redistribute the lands taken over by the group) and a transitional justice that will act in a similar objective as a Truth and Reconciliation Commission.

Though the extent to which some guerrilla fighters will be judged and jailed while others will benefit from reintegration processes remains to be determined by the special court of justice that will be formed, the government has made clear that perpetrators of major war crimes and massacres, including army members, will not benefit from any amnesty and will be accountable for their actions. In such context, the reintegration program might mostly be directed at FARC members implicated in drug trafficking, money laundering, land grabbing or extortion. A perspective still opposed by a part of the population.

Even if considered as unacceptable by some, **such accord is still the best chance the country ever had to be at peace with its oldest guerrilla, in conditions though not perfect, agreed by both parties, and in the interest of the population, the stability of the country and the security of its territory.**

Such imperfections will remain not as failures, but as the price that the nation must pay for peace. A cost still much more desirable than the one of war.

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