
Renegotiating Peace in Colombia



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The government failed to understand how much distrust toward the FARC remains.

Referendums are developing a reputation for producing undesirable results. Colombia's recent vote not to endorse a peace deal with the Revolutionary Armed Forces of Colombia (FARC) was widely compared to Britain's decision to leave the European Union (EU). In both cases, those who put the referendum to the public underestimated the strong emotions of their respective populaces.

The "No" vote in Colombia doesn't mean the end of the peace process. President Juan Manuel Santos just received the Nobel Peace Prize for his efforts.

From a negotiation point of view, Santos is clearly a competent dealmaker, capable of bringing a guerrilla organisation to the negotiation table with true intentions to find a deal and building a sizable (albeit not big enough) consensus for it. Now begins the negotiation most executives in my classroom point out as the most difficult; the internal one. This is where a deal done with a counterparty must now be brought home and justified to one's internal stakeholders. Santos must now negotiate with his fierce rival,

Álvaro Uribe and the public, which he clearly underestimated. It will be an uphill task.

Negotiating the way ahead

To take stock of the progress made and the challenge ahead, both sides need to come to an understanding on their differences and try to bridge them. First, let's look at the opposition. Uribe succeeded in turning the public against the deal, not on the basis of voting "No" for peace, but a "No" to the type of agreement on offer. Under the agreement Santos struck with the FARC, rebels would not do time in jail, but would face restrictions on their liberty and get 10 seats in congress. A significant budget was also to be allocated to redevelopment in rural areas, giving former rebels jobs in the reconstruction effort and even funding to start businesses. The framework follows similar amnesty deals in South Africa and Northern Ireland, where special tribunals would get to the bottom of atrocities and spare those who came clean from serious punishment in order to achieve peace. To the Colombian people, however, this deal went beyond leniency and into special treatment.

The challenge that Santos now faces is similar to that of many Hollywood plots, such as *Dances with Wolves*, *The Last Samurai* and more recently *Avatar*. In such movies, someone in a conflict crosses the line to the "other side" and goes native under the eyes of their now former allies. This phenomenon is bound to happen often within organisations, where an executive negotiating externally better understands and empathises with the counterparty, just to then be criticised internally for going soft or native on them. Thus, negotiators need to constantly balance the need to collaborate externally in ways that balance the needs of their constituents with helping the other side to get a deal.

Uribe, president for eight years before Santos, largely used force to reduce the FARC's activities and broadly succeeded in thinning its ranks. He feels a harder deal can be had, where those who confess to crimes should face confinement and leaders should be tried by Colombia's Supreme Court rather than a special tribunal. He is also against the FARC having any seats in congress. Thus, it is easy to see how Uribe would come across as a strong leader to his constituents, but let's remember that this same strategic choice for a more aggressive approach rendered him unable to negotiate any deals with the FARC either. Uribe's choice of strategy may have been appropriate

at his time as President of Colombia, but may not be the best one right now as conflicts and peace have different requirements.

When we turn to Santos and the “Yes” camp, we can understand why he seems so lenient on the FARC. Peace deals that push the losing party too hard achieve an early win but face major setbacks later, as we see in the resurgence of a downtrodden Germany after WW1. Resentment and ill treatment fuelled an ambition to regain lost status. While nobody wants to reward the FARC, punishing them too hard could have the same outcome.

The referendum was a disaster for Santos, but we should also remember that his popularity was flagging and the magnitude of the deal he was about to sign meant he needed a public mandate.

Finding agreement

So what next? Santos could arguably have pushed a peace agreement through without a referendum. The Constitutional Court had already upheld his right to negotiate and sign a deal on his own but that would not have done justice to the 200,000 killed in Latin America’s longest conflict. However, an “enriched” deal (that the FARC says it’s open to) will still need public support.

Santos’ choices fall into three buckets, which we use in negotiation theory in relation to major decisions. As the theory goes, a leader in any change management, stakeholder engagement or multiparty negotiation should consider whether to negotiate, inform or consult. The decision on which bucket to use rests on two criteria: how much power do my counterparties have and how much do they care about this issue? If the counterparties have a lot of power and don’t care about an issue or vice versa, then it is ok for a leader to just make a decision unilaterally and inform those involved or impacted. Conversely, if the counterparties have significant power and care a lot about a certain issue, the likelihood that they will resist a decision on said issue without being involved is quite likely. Thus it is advisable for a leader to consider either consulting or negotiating the decision. Thus in the referendum, Santos chose to negotiate, when he could have had either consulted or informed. Going forward, he will have to choose one of the following:

1. **Negotiate** with the public again in the form of another referendum leaving the decision again to the people.

2. **Inform** the public that he will renegotiate the deal and enact it when he is happy it meets their demands.

3. **Consult** with the public, drawing opinions from around the country, tweaking the deal in response and enacting it.

Another referendum is off the table for now, lest it try the public's patience. The people have already made their voices heard. The referendum was characterised by low turnout, at 38 percent, reflecting voter apathy and Santos' low popularity ratings. It wasn't helped by Hurricane Matthew, which depressed attendance on the Caribbean coast, which overwhelmingly backed the "Yes" campaign.

Santos probably does not have the political capital to unilaterally enact the deal straight after a "No" vote in the referendum, even though it was non-binding. He will destroy what little political credibility he has left and harm his approval ratings further.

The best way forward, therefore, is a more thorough public consultation. The challenge for Santos will be to move from an open "negotiator" position advocating for a "Yes" vote, where he attempted to influence the public's decision, to a "dialogue-facilitator and decider" position, shaping the debate beyond a yes/no conversation to a more nuanced and educational one, hearing out the public, but ultimately making the next decision on the peace process. This could take the form of public consultation sessions, taking large groups into account and giving people time to digest the terms as they improve.

Manage the emotions

Another reason the referendum failed to produce the desired result was that it failed to take emotions into account. Santos underestimated the distrust of the populace, who pointed to previous failed peace negotiations where the FARC took advantage of a lull in fighting to regroup and rearm.

The government in Britain made the same mistake in thinking it could win over a populace alienated about immigration policy with economic arguments. At the same time, Santos has to walk a tightrope between appeasing the public's want for outright punishment with a pragmatic solution to heal the whole country. While not punishing the FARC will seem less satisfying to many rightfully angry Colombians, previous peace

processes show that there is much more satisfaction and closure in working together than in punishing those seen as wrong.

One way or another, it is down to the FARC to accept the will of the people and to realise that the public is not entirely ready to forgive. It does not mean accepting punishment outright, but rather that it is ready to be part of a larger reconciliation and emotional closure process, in the same way that Santos considers not punishing them for their past activities so that together they can successfully reintegrate the FARC members into society. It could mean a longer process and the need for more creative solutions, a demonstration that this time, it is committed to peace and that it has a sense of social and civic responsibility to not just want to get away free. Its statement after the referendum that it will honour the deal is a good sign. However, it is also up to the Colombian Government and civil society as a whole to recognise the emotional scars that this conflict left in so many people and how a stronger attention to the emotional management of this massive transition needs to be part of any peace process. Failure to do so may stop the peace process in its current form.

Despite the enormous death toll of the war between the government and the FARC, the peace deal needs to stay open and a “win-win” strategy is still the most likely to succeed. Ultimately, the public also has to accept some form of amnesty for the FARC and not push to punish. Interestingly, this could be easier to achieve in the areas most affected by the conflict that voted overwhelmingly to accept the deal, since they may be more ready to understand the needs to just put this conflict in the past quickly and move on. Those in the in-land areas and cities were the ones who voted no, despite being less affected. It is in these areas that Santos must do battle to understand the voters there, most of whom seem to want a tougher deal, but the reasons for such demands are less clear. What will that bring? How is that going to be useful to Colombia and its people? How much tougher is enough? And what is the cost of not solving the conflict or returning to an armed conflict? Trying to rush the deal was understandable with peace so close. However, as Roger Fisher, my mentor, used to say, peace is built piece-by-piece, not in a stride, not in a push, but step-by-step, bringing everyone along, ensuring emotional closure and leaving the past behind. That’s the only way Colombia can again move forward towards its well-deserved peaceful future.

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