

Participation of civil society in the Colombian peace process¹

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■ Executive summary

One of the differentiating elements in the peace talks between the Colombian government and the Revolutionary Armed Forces of Colombia-People's Army is the participation of civil society. The Colombian population has traditionally not been an active agent in the peace process, but has played a key role by establishing a framework for the process and participating in the implementation of the agreements. In recent talks Colombian society has called for its voice to be heard in the peacebuilding process. This, however, is not an easy task, particularly in a society such as Colombia's, with its extreme polarisation and wide range of varied social and political expressions that are not always compatible.

Introduction

Participation by civil society is the subject of one of several sections of the General Agreement for an End to the Conflict and the Construction of a Stable and Long-lasting Peace signed in Cuba in August 2012 between the Colombian government and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP). The preamble underscores that "Peacebuilding concerns society as a whole and requires participation by all those involved, without distinctions, including other guerrilla organisations whom we invite to join in this effort".

Similarly, the sixth point of the agenda considers the participation of society in commissions formed for this purpose and mentions the presence of mechanisms to endorse agreements reached. It also sets a limit to the number of participants at each negotiating table, allows for expert consultation, establishes the mechanisms to periodically publicise the progress made in talks and specifically mentions that:

In order to ensure the widest possible participation a mechanism will be established to accept proposals submitted by citizens and organisations, either in person or through electronic means, regarding points of the agenda. By joint agreement and within given deadlines the table may conduct direct inquiries concerning the

said points, or delegate to third parties the organisation of areas for participation.

The ways for civil society to participate are already agreed on. Several mechanisms have been endorsed, such as regional tables organised by the Colombian Congress, a web page,² and several forums for debate involving a number of points of the agenda, such as agricultural policy, political participation by the FARC-EP and the rights of victims.

In spite of these mechanisms, the absence of civil society at the negotiating tables has been one of the differences between the parties from the outset of the talks and will probably continue to raise problems in defining the best possible mechanism to guarantee final agreements. The FARC-EP is the party that has most strongly supported the presence of civil society at the Havana negotiating table.

These talks are not held in abstract terms, nor do they take place on behalf of an indeterminate people. According to the rhetoric used by both parties, the ultimate purpose of the peace talks is specifically defined as being to advance the welfare of society, which therefore requires the participation of society. However, much more complex areas in the process include the definition of the terms "welfare" and "society" and the means of society's participation, more

¹ Translated from Spanish by Amaya Bravo.

² <<https://www.mesadeconversaciones.com.co/>>.

especially since the FARC-EP claims to “represent” the interests of several sectors of society. It must be borne in mind that the government is the legitimate representative of society as a whole.

The concept of civil society

Although the very concept of civil society is the subject of intense debate, the United Nations Development Programme (UNDP) defines it as:

The group of voluntary associations that are not part of the state but hold some form of social power: political parties, citizens’ movements, communications media, the private sector, guilds, trade unions, churches and NGOs are in general considered part of said society (UNDP, 2003: 447).

Colombian researcher Ana Bejarano (1992: 84) writes: “A strong civil society is made up of multiple plural and autonomous associations, capable of expressing their own interests independently of differing state interests.” According to Jesús Bejarano there is a very high degree of “semantic elasticity” in Colombia regarding what we may understand as civil society. In his opinion,

civil society is split into different semi-autonomous functional areas, partial systems that involve a particular and specific means of solving problems. This is an elastic notion in that it does away with the absolute comprehensiveness of the concept of national unity, of society as a totality, so that it becomes impossible to provide a formula capable of achieving a general consensus, but rather leads to reaching agreements that recognise the existence and autonomy of partial sectors of society (Bejarano, 1999: 7).

This concept of the organised heterogeneity of society, of plural consensus and of unity within diversity is possibly one of the more suitable elements brought to bear in defining the essence of a society such as that of Colombia, which looks to play a leading role in the transition from war to peace.

Civil society in peace processes

Analysts in this field believe that civil society begins to acquire a presence in the peaceful solution to domestic armed conflict during “second-generation” peace processes, i.e. those processes that were launched during the early 1990s. According to Vicenç Fisas (2010: 49),

with several exceptions, such as the cases of Guatemala or South Africa, where civil society was a protagonist, in the majority of peace processes the leading role was held by primary actors (governments

and armed groups) and potential companions who make up a facilitating group.

In Jesús Bejarano’s opinion (1999), negotiations have focused on political elites, while society’s experience was limited to condemning violence and managing education for peace. In some cases society acted as mediator, or played a good-will role (local) in support of negotiations, but was not called on to influence negotiating conditions nor to establish the terms of agreements.

Based on a comparative analysis of peace processes, Kristian Herbolzheimer (2010) proposes a classification of different negotiating models expressed as a function of the level of the population’s participation, as shown in Table 1.

In the case of Colombia,

there have been no representatives of civil society present at the negotiating table with decision-making authority, as was the case in Northern Ireland (1994-98), nor were there any means of achieving direct participation, as in Mali (1996). Various governments have appointed representatives of civil society to negotiating teams, either as negotiators or as companions and mentors of the process. As to the use of a consultative mechanism, it could be said that the tables for analysis and agreement in the process involving M-19 (1989-90) held that role, and public hearings and the National Issues Committee could have played a similar role if the peace process involving FARC-EP during the Pastrana administration had reached a peace agreement (García, 2011: 123).

The number of national, regional, and local peace actions and initiatives has increased during the last decade. In this sense Colombia is seen as an example of good actions, although at present no such initiative has resulted in a definitive solution to the armed conflict.³

Scenarios involving civil society participation

The participation of civil society in the peace process depends largely on the type of negotiation and on the ultimate concept held of an end to the conflict. Negotiation agendas focus on five issues: (1) integral agricultural development policies; (2) participation in political processes; (3) an end to the conflict; (4) a solution to the drugs problem; and (5) the victims. In response to the principle that “nothing is agreed until everything is agreed”, the end to the conflict would begin once an agreement to sign the final agreement (agenda point 3) was reached, i.e. once an agreement has been reached regarding the various points of the agenda. This in turn raises two scenarios.

³ For further discussion on peace initiatives in Colombia, see Rettberg (2006a; 2006b); Barbero (2006); Montaña (2010); García (2011).

Table 1: Negotiating models according to the level of participation of the population

<p>Elitist model</p>	<ul style="list-style-type: none"> • Classical model • Responds to the maxim that those who make war must be those who make peace • Assumes that legitimacy for political negotiations springs from the coercive power of weapons • Examples: Israel-Palestine, Sri Lanka, Angola, Colombia (United Self-defence Forces of Colombia)
<p>Consultative model</p>	<ul style="list-style-type: none"> • Attempts to envelop the negotiating process with a high level of social support in order to strengthen both the process itself and its potential outcomes • Occasionally the parties (often the insurgents) suggest consultation as a means of endorsing their political proposals through social support. Example: Colombia (FARC-EP in Caguán) • Certain insurgent groups also carry out consultations among their social bases so as to obtain their support in taking decisions that may be difficult or require a break with previous doctrine. Example: Philippines (Moro Islamic Liberation Front) • Civil society has the opportunity to express its opinions and submit recommendations. Example: Civil Society Assembly (Asamblea de la Sociedad Civil), Guatemala
<p>Representative model</p>	<ul style="list-style-type: none"> • Allows all political forces with a minimum amount of votes to participate in negotiations • Undoubtedly adds complexity, given the increase in the number of actors and the difficulty in reaching consensus, but also provides stronger guarantees for the final result • Example: South Africa, Northern Ireland
<p>Participative model (direct)</p>	<ul style="list-style-type: none"> • Mainly applied in specific geographic or political-cultural contexts • Cases when government and insurgents agree to respect the will of the various communities, so that decisions are taken collectively from the social bases and become a mandate for opposing parties • Most democratic of the several models and occasionally, such as in Puntland (Somalia), the only one to be successful • Example: inter-community meetings in Mali
<p>Unilateral model</p>	<ul style="list-style-type: none"> • Unilateral decision to give up the armed struggle with no political compensation as the means to foster social and political dialogue, agreeing to limits to violence as a strategy leading to political transformation • Examples: Colombia (M-19), Mexico (Zapatista National Liberation Army)

Source: Based on Herbolzheimer (2010: 167)

The *first scenario* is the concept of a negotiation limited to issues strictly referring to the armed struggle: military matters and political, judicial and security guarantees sufficient to facilitate the final abandonment of the use of weapons by the illegal armed group and support to its members' return to civil activity. Within this framework negotiations would only focus on areas that have a direct bearing on the parties involved in negotiations and would provide an outline for proposals or preliminary agreements on issues that concern Colombian society as a whole. These issues should be discussed at a later stage, *in the absence of armed conflict*, and include all of the country's political and social forces. Given this situation, Carlo Nassi (2010: 131) writes:

If civil society intends to make an efficient contribution to avoiding a failure of the peace process it must temporarily forgo the idea of profiting from agreements reached (although its claims may be fair). It must focus all its efforts towards laying the groundwork so that the government and the guerrillas reach partial agreements from the very early stages of the talks.

The *second scenario* presupposes a wider-ranging process of talks, which implies several political and economic transformations – deep structural changes – as a prerequi-

site to the insurgents' laying down their arms. In this case the participation of society would be greater. In Daniel Peña's opinion:

Regarding the weapons issue, there is no question that those who must negotiate are those who hold such weapons, i.e. the army, state and guerrillas. But concerning the issue under discussion, if what is being debated is a future model for the country, for the society we all wish to achieve, I believe that neither the government nor the guerrillas should be granted the role of representative of the entire nation (cited in Bernal, 2001: 236).

If negotiations imply a new definition of power relationships and democratic rules of engagement, it would appear logical that the resulting political structure cannot spring from an agreement reached exclusively between the government and the guerrillas without involving civil society and the remaining political forces in the consensus-building process.

Terms for participation by society

One of the alternative means of civil society's participation in the peace process is that of fostering a public opinion

that favours a peace process or agreement.⁴ Recent surveys indicate that support for the Havana talks is not very solid. There is clear evidence of high levels of a rift and volatility in Colombian public opinion, as well as a certain degree of incoherence concerning the implications of peace agreements.

Within this framework, while in September 2012 some 77% of the population surveyed supported President Santos's decision to advance negotiations with the guerrillas in order to achieve peace, in the more recent Colombia Opina poll the figure was no more than 63%. And, while in September 2012 some 54% defined themselves as optimistic regarding the possibility of talks leading to the signature of a peace agreement and the demobilisation of the FARC-EP, results in the more recent survey reached no more than 45%.

On the other hand, and in spite of the majority who support the process, there continues to be a high degree of opposition to making concessions to the FARC-EP, even if it decides to completely demobilise. Sixty-nine per cent of those surveyed agree with the idea that members of the guerrilla group should be imprisoned and 67% believe they should not be able to participate in the political process after demobilisation. This is one of the significant challenges facing the peace talks process.

Those who oppose a negotiated settlement argue that the armed forces should not lower their guard, that it is still possible to achieve a military defeat of the guerrillas, and that peace talks will result in granting political privileges to insurgents with full impunity. Some of these include politically ultraconservative sectors of society led by ex-President Álvaro Uribe, the Federation of Cattle Breeders (FEDEGAN) led by José Félix Lafaurie, and several communications or media groups sympathetic to these organisations.

At the same time, as elections approach, increasing numbers of Santos's critics charge him with riding on the coat-tails of the peace issue to ensure his re-election. The president of Polo Democrático Alternativo, Clara López, has stated:

Given the existing circumstances, we believe it is not convenient that members of the democratic opposition appear together in public with the president while he holds the mistaken position of taking advantage of Colombians' yearning for peace in order to underpin his re-election (*Revista Dinero*, 2013).

Another means of participating is by facilitating dialogue between the parties, especially at the grass-roots level. One of the main features of Colombia's civil society is its fragmented regional composition. Peace requires the

participation of the various regions, which explains the recurring launch of regional participation mechanisms whose main challenge is defining ways to establish synergies, ranging from the community and local levels up to the national and institutional levels.

A good example is the number of popular organisations – including those of farmers, indigenous peoples, Afro-Americans and women's associations – that have been involved in what they define as a “network of grass-roots peace initiatives” since 2011, whose purpose is to “not delegate in any of the armed actors, members of the insurgency, nor in the national government, in negotiating their interests, rights and agendas” (*Encuentro Nacional de Comunidades Campesinas, Indígenas y Afro Descendientes por la Tierra y la Paz*, 2011: 4). To this end they have proposed several methodologies to be used in building peace, such as creating local and regional spaces for dialogue among the various stakeholders, establishing multiple parallel tables, and underwriting partial agreements, which include monitoring and verification elements, among others.⁵ Three meetings have been held to date, in Barrancabermeja (August 2011), Cauca (November 2012) and San Vicente del Caguán (March 2013).

Civil society's participation in the peace talks may take place by means of consultative mechanisms, through representatives who are in contact with decision-making authorities present at the negotiating table, by means of social mobilisation to bring pressure to bear on negotiations or by direct participation. Many of these mechanisms are already in operation and it has been interesting to verify the ways in which they reflect the various tendencies found in society and the various views of the country model they look to.

There are many different actors in Colombia, more or less organised, with a large array of partial, fragmented interests that are not necessarily always shared. In Rettberg's (2006a: 53) opinion, it is

a poorly-consolidated civil society that has resisted, but is capable of adapting to, the dynamics of armed conflict and peace initiatives, but operates in an unfocused and unco-ordinated manner in a reactive and circumstantial way, far removed from political structures and even denying their legitimacy.

As an example, the forum on rural agricultural development included several agricultural organisations, farmers' movements and associations, NGOs and indigenous and Afro-Colombian groups, peace and development programmes from various regions, political parties, dioceses, and business organisations, which submitted a wide range of proposals. FEDEGAN was glaringly absent, because, as its president, José Félix Lafaurie, stated: “It is no use

4 For more information on alternative means of participation by civil society, see García (2011: 97-100).

5 For more information on this subject, see *Encuentro Nacional de Comunidades Campesinas, Indígenas y Afro Descendientes por la Tierra y la Paz* (2011).

participating in a forum composed of 1,200 members, each of whom holds a different opinion regarding rural development. That is a Pandora's box. It is impossible to predict an outcome" (*El Espectador*, 2012).

This experience made it possible to identify at least three positions. There is the group of large landowners and cattle breeders to whom, quite possibly, taking on the issue of land redistribution and agricultural reform as part of talks with the guerrillas is an economic threat. Secondly, achieving stronger growth and development in sectors such as industry, the financial system and tourism demands a peaceful Colombia, and members of these sectors therefore support the peace process. And then there are the peasants and small farmers, indigenous peoples and Afro-Colombians who claim the right to defend the land and their territory, and who in most cases oppose the first two groups.

From a political point of view, the left has been working towards uniting efforts and consolidating its position as a clear alternative to official institutions and traditional powers. It includes parties such as Polo Democrático Alternativo and the Communist Party; social and political movements, among which Marcha Patriótica and Congreso de los Pueblos play a leading role; and guilds, farmers' associations, indigenous and Afro-Colombian communities, women's associations, student and trade union organisations, and human rights NGOs. They all struggle (each in their own way) to uphold their rights and on behalf of a more just and equitable Colombia. In principle they oppose the neoliberal policies instituted by the government and advocate for the defence of national sovereignty, the unity of Latin America, the curbing of mining/energy development projects, the defence of the environment, and the introduction of profound changes in the country's economic and social structures.

Unfortunately, these movements are stigmatised by ultraconservative sectors who – believing that these organisations are a political instrument of Colombia's guerrillas – were a peace agreement to be reached, would become a beachhead for the participation of ex-combatants in the political process.

Official institutions and traditional parties defend the same development model based on growth, the internationalisation of the economy and foreign direct investment, but find themselves immersed in a power struggle and thus are manoeuvring to establish coalitions and alliances in advance of the elections to be held in 2014.

Finally, within the plurality of Colombian society there are also enemies of peace linked to the economies of war: *latifundio*, or great landed estate owners; drug traffickers; criminal gangs; corrupt politicians; and businessmen for whom political negotiation implies reducing profit and earnings, limiting their operations, and curtailing the benefits obtained from the armed conflict.

Participation in the peace process for such a society is a complex issue. In order to ensure that civil society will provide a contribution to the peace process, it is necessary that the actors involved come to a minimum level of agreement. There must be a widespread, majority recognition of the need to end the conflict by means of a negotiated settlement and to delegitimise the use of violence as a means to achieve political and social changes.

Participation should therefore be strategic. Peace talks must not become so excessively lengthy as to extend the process endlessly, but rather make progress to as early an agreement as possible so that the necessary institutional adjustments can be implemented, thus leading to addressing the structural issues that led to the conflict within an unarmed context.

Negotiation tables and society must act jointly. On the one hand, the government and guerrillas must interpret and incorporate society's various demands to the text of the agreements. They must publicise progress made, consult with experts, request contributions and study proposals. Society, in turn, must be a channel for information and act as a catalyst for specific, viable and possible proposals. It must also provide education regarding the peace process and the implications of the signing of the final agreement. It must monitor talks and verify whatever partial agreements are reached. And it must also promote networks for discussion and political analysis in order to generate collective proposals. Finally, society must submit its positions and proposals to the negotiation table.

At a later stage a democratic validation of agreements must be completed. The high commissioner for peace, Sergio Jaramillo, has pointed out that "the Colombian people will have the final say regarding the peace agreements The mechanism for endorsing those agreements that may be reached will provide the opportunity to express ideas" (*El Espectador*, 2013).

There have been many caveats rooted in the past concerning this issue. The guerrillas and a number of personalities on the national stage, such as the ex-presidential candidate for Polo Democrático Alternativo, Carlos Gaviria, or the ex-senator and spokesperson for Marcha Patriótica, Piedad Córdoba, have suggested the possibility of holding a national convention or a constituent assembly as a mechanism to endorse agreements. The government has, in turn, preferred to use mechanisms such as a referendum or a plebiscite in the belief that a constituent assembly could result in structural reforms and profound changes to the country's existing political and developmental model.

In any case, once the talks stage has been completed, the implementation of any agreements calls for a high level of participation. Society will be charged with ensuring the sustainability of peace and the stability of agreements, and will have to immediately promote spaces for the acceptance of and co-operation with demobilised combatants

during the reintegration process, as well as deliver resources and promote projects leading to peaceful coexistence. It is also probable that society will be one of the actors responsible for verifying compliance with the terms of the agreements and safeguarding victims' rights. At this point, therefore, Colombian society will play a leading role in building and consolidating peace.

Conclusion

There is no guarantee that the participation of society in the various phases of the peace process will be exempt from risk or problems. Firstly, expectations concerning the participation of society should not be too great. As Rettberg (2006b: 18) points out, "At the end of the day, those whose signatures are required and can thus effectively end the war are those holding the weapons, so that peace must thus necessarily meet their cost-benefit analysis".

Secondly, for diverse organisations to hold channels open for participation does not automatically lead to those involved in the negotiations making adequate use of such channels. Previous experiences indicate that participation has existed at various points in time, often in isolation and in response to the interest of a few specific (minority) sectors of the population. The weak representative nature of society as a whole has limited the full participation of the people of Colombia.

Thirdly, the parties in conflict may manipulate society. Some observers believe that society's participation is part of the strategic calculations of the parties and that the state and insurgents would attempt to involve society in their respective war logics (Rojas Rodríguez, 2004: 1).

The fact that the FARC-EP insurgents proclaim themselves to be "representatives of the people", a people whom they ultimately do not represent, is also a risk factor. Although they do hold some influence in a number of rural areas (chiefly in the southern region of Colombia) and have the sympathy of several peasant groups, this "representativeness" is neither true in urban areas nor widespread throughout the country. The insurgents' discourse of representativeness, buttressed (consciously or not) by a number of points of agreement with the political agendas of other social movements, may raise certain political expectations among the guerrillas. If they fail to achieve electoral success, there could be a risk of a return to armed conflict.

Fourthly, a high level of participation by society in talks could force the parties (the government and FARC-EP) to uphold the results of a social debate, to lapse into indefinite extensions to negotiations, to become embroiled in a general and dispersed discussion of issues leading to no consensus or agreement, or to stray from an agreed agenda in response to society's demands.

Finally, violence in Colombia goes beyond the activities of guerrilla groups such as the FARC-EP and the National Liberation Army, with whom some sort of political dialogue could conceivably be held. The presence of members of other illegal armed groups involved in drug trafficking, petty lawbreakers, members of criminal gangs and rearmed paramilitary groups, among others, continues to pose a threat to safety and security in Colombia. Many activists in civil society who currently defend victims; work on behalf of the defence of, promotion of, and respect for human rights; and struggle to build peace are threatened, persecuted and murdered. As UNDP (2003: 458) points out, "the most obvious limit to the efficiency of a citizens' movement towards peace is violence itself". If an agreement between the government and the FARC-EP is ever reached, major efforts will be required to deal with these other types of violence. A strengthened civil society working as a critic alongside the state, jointly with academia and the media, would doubtless play a major role.

Recommendations

The Colombian government should:

- ensure at all times that the various expressions of civil society have the right to take part in the peace process by promoting and stimulating channels and spaces for participation at the national, regional and local levels;
- promote the effective participation of groups particularly affected by the effects of armed conflict: victims, women, displaced populations, native peoples, and peasant leaders, among others;
- meet its obligation to protect and guarantee the security and safety of defenders of human rights, civil society activists and promoters of peace;
- within the framework of peace talks with the FARC-EP, bear in mind the demands and needs of society as a whole as part of its negotiating position;
- pursue a national peace policy that goes beyond the specific interests of the various sectors of society and guarantee the general welfare of the Colombian population; and
- if a final agreement were to be signed, approve a budget aimed at launching participative programmes to consolidate peace during the implementation phase of agreements.

The Havana peace talks should:

- incorporate the positions, aims and needs of Colombian society as a whole within the scope of debates and peace agreements; and
- reach peace agreements as early as possible that are viable, realistic and democratic so as to end the armed conflict and consolidate peace.

Colombian civil society should:

- make active use of all the available participation spaces and channels in order to become involved in the peace process;

- be steadfast in demanding the right to be heard and to participate in the peace process;
- establish a majority position towards a negotiated settlement to the conflict;
- reach “*de minimis*” agreements supporting the ending of the conflict and peacebuilding; and
- identify and lay the groundwork to launch specific projects and programmes for the consolidation of peace at the national, regional, and local levels.

The international community should:

- support peacebuilding in Colombia by means of international co-operation projects and programmes; and
- pay heed to the proposals made by Colombian civil society regarding an end to the conflict and the furthering of peacebuilding.

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