With the renewed focus on possible peace talks in Afghanistan, it is useful to look at what can be learned from processes in other countries. Although they cannot be treated as models, they can serve as examples of what is possible and provide inspiration, ideas and a shared language. In the first dispatch of a new series, Martine van Bijlert looks at the 2016 peace agreement between the Colombian government and the country’s largest guerrilla group, the FARC. She discusses the main choices – talks without ceasefire, meetings only outside the country, a limited but ambitious agenda and taking the time it needs – and notes how the case of Colombia shows both what is possible and what is difficult in trying to bring a complex conflict to an end.

1. The Colombian conflict; how is it similar and different to Afghanistan?

Afghanistan in search of a peace process

Afghanistan is in search of a peace process. The Afghan government has just unilaterally ‘launched’ a peace plan in the hope of regaining the initiative. The US is signalling it hopes to reach some kind of breakthrough – either in direct talks with the Taleban or with the Afghan government on board – before its president runs out of patience. The Taleban, in the meantime, have softened their public positions enough to make exploratory talks possible, but have not yet
articulated a clear commitment or wish for a negotiated peace. The three-way-relationship is complicated (even without taking the wider international and regional context into account) and does not yet add up to a process with direction or buy-in. It does provide opportunities.

However, in much of the talk about a possible process and in the wish to rush the process along, there is often little acknowledgement of how long negotiations tend to take, how difficult and winding they usually are, and how much determination, patience and skill is required to reach – and keep – agreements. The study of other peace processes can then bring necessary depth to the discussions and infuse them with both hope (that it is possible for parties who feel harmed, betrayed and distrustful to agree on a plan for peace) and realism (that these are long processes that often fail and that in the short term their outcomes rarely lead to the hoped-for stability).

This first dispatch looks at the case of Colombia. It does so with the necessary hesitation, as decades of studying Afghanistan have made it clear that conflicts tend to be more complicated and textured when analysed from within, than when viewed from the outside with a bird’s eye perspective. Nevertheless, in order to be able to ‘compare’ the two countries and to draw inspiration and lessons, this dispatch starts with some summary remarks on the Colombian conflict and its relevance for Afghanistan, after which it presents a more detailed discussion of the peace process and an overview of how this might be relevant for Afghanistan. (1)

The conflict in Colombia

Colombia’s conflict has its origins in the civil war between the country’s two main parties, the Conservatives and the Liberals, which started in 1948. After a decade of violence that left an estimated 200,000 people dead, the two sides agreed in 1958 to share power in a bipartisan system that excluded all other groups. When small farmers and land workers protested the dispossession of their lands in favour of industrial farming, the new government embarked on a US-backed, anti-communist campaign of repression that inspired to the emergence new insurgent groups with communist affiliations, including the FARC. The establishment of FARC – or Revolutionary Armed Forces of Colombia (2) – was in particular inspired by a large army assault in 1964 on a “self-defence community” in the south of the country.

Although over time FARC also established an urban presence, it remained an overwhelmingly rural movement. It was tightly organised: small tactical groups that made up larger fighting units, which were in turn organised into regional blocs (for more background see here and here).

The Colombian conflict, like Afghanistan’s, is complicated by the range of armed groups – state security forces, paramilitary groups, guerrillas – and their strong links to criminal gangs and drug trafficking cartels. There is also an international dimension. Over the decades, the Colombian government and security forces received extensive US support for their counterinsurgency and counter-narcotics policies; during the Cold War as part of the fight against communism and later as part of the regional war on drugs. The paramilitary groups that were set up to fight the guerrillas have now become problems in their own right. As a result, violence – including killings
and forced disappearances – and drug trafficking has persisted, even after the concluding of the peace agreement (more on this below; see also here).

During the five decades of conflict an estimated 267,000 people were killed; an average of over 5,000 deaths per year. The overwhelming majority of them – 82 per cent – were civilians. Most of them were killed through assassination, followed by combat and massacres (terrorist attacks and landmines featured at the bottom of causes of civilian death). Almost 100,000 of the civilians were killed by right-wing paramilitary groups; over 35,000 were killed by FARC, ELN and other guerrilla groups. (For comparison, according to UNAMA, Afghanistan suffered almost 3,500 civilian deaths in 2017, mainly due to IEDs, suicide attacks and combat.)

Colombia’s conflict led to massive internal displacement – more than seven million people on a total population of around 49 million – and filled whole areas with a constant threat of violence and gross human rights abuses. At least 46,000 people (and possibly up to 80,000) are estimated to have been forcibly ‘disappeared’ – the majority of them are believed to be dead – over 32,000 people were kidnapped by a wide variety of organised armed groups. (Quoted figures can be found here and here).

At its peak in 2002, the FARC was present in half of the country’s municipalities and was estimated to have had more than 20,000 active combatants. At the time of the peace agreement, Colombian security forces estimated FARC had around 6-7,000 active fighters left, with an estimated 8,500 civilians who actively supported the movement (for more details, see here and here).

Almost every Colombian government since the 1980s tried its hand at peace negotiations; including three earlier rounds of talks with FARC that each ushered in new escalations of the conflict after they broke down (for more details on earlier talks, see here). The ceasefire accord of the 1980s simply faded away as the two sides continued to hit each other hard (including the decimation of FARC’s new – unarmed – political wing, the Patriotic Union, by right-wing paramilitaries). Talks in the early 1990s broke down in the midst of killings, kidnappings and disagreements over the details of a ceasefire. A third round of talks, from 1999 to 2002, started in response to widespread popular mobilisation in support of peace. The talks involved a wide-ranging agenda that included state reforms. A demilitarised zone within the country provided neutral territory for dialogue, but also served as a strategic area where the FARC could regroup. After the talks broke down, Alvaro Uribe, who had campaigned on a promise to defeat the guerrillas, took over as president and embarked on a “Democratic Security” policy that weakened the FARC and was accompanied by serious human rights abuses, including the widespread extrajudicial killings of civilians.

In terms of regional relations, the FARC, together with Colombia’s second largest guerrilla group the National Liberation Army (ELN), benefited greatly from cross-border sanctuary in neighbouring Ecuador and Venezuela. But this also meant that these countries had influence which could potentially be leveraged for peace. In 2007, for instance, Uribe briefly asked Venezuela’s president Hugo Chávez to mediate between the Colombian army and the FARC in
the so-called Humanitarian Exchange of hostages against prisoners – although relations soon deteriorated again. In 2010, after a secret back channel to FARC had been opened, Uribe was quoted in a US diplomatic cable published by Wikileaks saying that FARC “would never negotiate as long as it enjoyed a safe haven in Venezuela coupled with a steady income from drug trafficking.” Later, after relations between the two countries improved, Venezuela did use its influence in support of the 2012-16 peace negotiations with FARC. (It was asked to play a similar role in the 2017 negotiations with ELN, but Colombia’s new president ended up first blocking Venezuela’s role and then suspending the talks altogether).

There are obvious similarities between Colombia and Afghanistan: an array of violent armed groups operating with little accountability under the banner of national security or revolt against the state; a pervasiveness of drug interests and other opportunities offered by a conflict economy; US support on one side and neighbouring sanctuaries on the other. There are also important differences. International and regional players were not as deeply enmeshed in the conflict in Colombia as they are in Afghanistan. Although the US supported Colombia’s counter-narcotic and counterinsurgency operations, it was not directly involved in combat. And the fault lines between the warring parties in Colombia seemed a lot clearer than in Afghanistan, the government more cohesive and less fragile, the insurgency more structured, and the positions with regard to possible peace negotiations more developed.

There have been a few public references to Colombia in the discussions around Afghanistan’s search for a peace process. At the end of May 2018, General John Nicholson, while still commander of the Resolute Support military mission in Afghanistan, alluded to Colombia when discussing levels of violence in the midst of increased talk of dialogue. Two weeks later, then Afghan Ambassador to the US, Hamdullah Mohib (now the National Security Adviser to the President), let it be known on Twitter that he was visiting Colombia “to meet with authorities on their experiences with peace and reconciliation.” While General Nicholson emphasised the fact that violence and progress can coexist, Mohib stressed the transitional justice component of the Colombian peace deal. (3)

The lessons that can be learned from Colombia relate most directly to the possibility of bilateral negotiations between the Taleban and the Afghan government. At the same time they can also inform other aspects of a possible process, including the direct exploratory talks between the US and the Taleban, the various track two engagements by non-governmental institutions or other countries, the possibility of a broader national process – with or without interim government – that is regularly suggested by political hopefuls, or a more incremental process, as discussed in this recent publication (for a brief AAN discussion of the ACCORD report, see here).

1. How was Colombia’s peace agreement with the FARC reached?

Run-up to the official talks: a letter, a delay, and 69 meetings (2009-12)

The peace talks with FARC that led to the 2016 agreement started in 2009 with a series of
letters from the government's peace commissioner, Frank Pearl, delivered to the FARC leadership by a local businessman. Progress from there was slow. A secret meeting in Brazil in the summer of 2010 was cancelled because of a fall-out between Colombia’s President Alvaro Uribe and Venezuela’s President Hugo Chavez (more background here). The backchannel was only revived after president Juan Manuel Santos took over in 2010.

By that time, both sides were more ready for talks than they had been in a long time. The FARC had been hit hard by the Colombian government’s military operations, which had resulted in the loss of key commanders and a significant level of defections. The movement had been weakened, but was slowly regaining military effectiveness. Still, neither side were in a position to win. There was also increasing pressure, both from international actors and the business community at home, to put an end to the violence and ensure stability. Venezuela, in particular, encouraged the group to enter into negotiations. President Chavez, according to a US analyst at the time, no longer considered FARC crucial to the regional role he had in mind for himself: “You have a president who wants to be seen as a peacemaker and wants to unite the region and cares about that,” Isacson said of Chavez. “Whatever advantage he saw in having a relationship with the FARC is probably now gone.”

A clandestine meeting on the border with Venezuela in spring 2011 was followed by an intense string of secret exploratory meetings in Havana, in the presence of Norway and Cuba who functioned as guarantors and informal facilitators. After 69 meetings in less than six months, the two sides agreed to embark on formal peace talks and signed a framework agreement that spelled out the goal, agenda and ground rules of the talks.

Former president Uribe, now a leading critic of the Santos administration, leaked the existence of talks to the press. The government initially denied the claim, but on 4 September 2012 President Santos announced that an agreement had been signed and formal talks would indeed take place. He stressed that “past mistakes would not be repeated,” saying there would be no demilitarised zones, no suspension of military operations and that talks would be held outside Colombia with international support.

_Shielding the peace talks from war and politics (2012-16)_

Early on, while he was still advising President Uribe, Colombia’s peace commissioner Frank Pearl had formulated four ‘tenets’ which he considered crucial for the success of any possible negotiations that would take place (see here). They were based on an analysis of why the previous Colombian peace talks had failed, and later formed the foundation of Colombia’s peace process with the FARC. These four tenants consisted of: (a) starting with a secret phase of talks to agree on an agenda; (b) having the actual conversations outside Colombia, away from the glare of the media and the public eye; (c) ensuring that the military were also at the negotiating table; and (d) ensuring buy-in from the region, particularly from the neighbouring countries Venezuela and Ecuador.

Formal negotiations started in October 2012, in Cuba, swiftly after they had been announced.
The delegations lived in Havana on a secluded compound near a lake, in three separate houses: one for the government’s delegation, one for the FARC and one for the Norwegian delegation, whose members acted as witnesses and informal facilitators. Both the isolation and the proximity meant that the delegations’ members could easily meet and mingle. The infrastructure of the talks was kept simple; delegations were relatively small: up to thirty people, with no more than ten at the table and no more than five actually speaking. There were no additional advisory units or support groups, although the teams did consult and fly in experts when needed (for more technical details on the process, see here).

The agenda consisted of a relatively limited list of six points: rural development and reform, political participation, an end to the conflict, a solution to the problem of illicit drugs, victims’ rights, and the implementation, verification and endorsement of the agreement. Talks followed a high-intensity schedule, but according to DagNylander, Norway’s main envoy, it soon became clear that the process would take much longer than anticipated. Both sides needed time to start understanding how the other side viewed the conflict, its roots and its possible solutions.

Discussions explicitly included the ‘difficult issues’ of transitional justice (4) and the fact that both sides were involved in drug networks and drug financing. It was also agreed that the six issues would be discussed sequentially, with the understanding that “nothing was agreed until everything was agreed.” The principle, borrowed from the Northern Irish negotiations of the 1998 Good Friday Agreement, stipulated that partial agreements could not be considered agreements on their own. This meant that, as the talks progressed and both sides increasingly had a stake in the outcome, it increasingly became in their interest to de-escalate, build trust, ensure buy-in from their impatient and suspicious constituencies and increase the irreversibility of the process (including through support for confidence-building measures, such as informal ceasefires, demining programs, the release of child combatants, the search for the dead and disappeared and the release of prisoners). For more detail on the substance of the negotiations, see here.

The parties further agreed to three important ground rules: there would be no demands for a ceasefire as precondition to the process; the overarching goal of the talks was an end to the conflict and the handing over of weapons by the FARC; and nothing that happened ‘on the outside’ would be allowed to influence or derail the discussions in the room. Particularly the last point proved both difficult to uphold and crucial to the success of the process. Over the years, there were a few instances where major attacks and losses, on both sides, angered the negotiating teams and threatened to upend the trust they had built. But the prior agreement to keep talking, no matter what happened – with the help and mediation of Norwegian and Cuban facilitators – kept the talks from being fatally derailed.

Civil society demands a seat at the table

The way the designers had envisaged the peace process was that there would first be a secret phase of preparations, then a secluded phase of talks and, only after the peace agreement had been concluded, a third phase of “conflict transformation” in which the wider society would be
involved. Recognising the risks of a process that was only minimally connected to other parts of society, the Colombian government did try to keep the population informed and to provide opportunities for consultation, mainly through gatherings and online platforms. But civil society, in particular the women’s networks, soon demanded greater and more direct representation – and with good reason.

For decades, Colombia’s women’s networks and civil society groups had worked for peace. They had lobbied for legislation, defended human rights, promoted public discourse in favour of peace, and had mediated and mitigated conflict in their own communities. They had helped prepare the ground for talks and helped keep support for peace alive. Many of them had suffered a great deal and were concerned about what a possible deal could look like.

In particular the women’s groups were dismayed by how little input they had. Both men and women were victims of Colombia’s violence; both men and women had non-violently fought for peace; and both men and women, in particular in the case of the FARC, had made up the fighting forces (although the FARC leadership still consisted mainly of men). Whereas in previous peace talks, some strides had been made in terms of having women at the table, when the talks started in Havana only one of the 20 delegates was a woman (on the side of FARC).

In October 2013, a National Summit of Women for Peace was called. Several hundred women activists from all over the country gathered and called for an inclusive peace process, asking the parties to stay at the table until an agreement was reached; to include women at the peace table and at every stage of the process; and to explicitly consider women’s needs, interests, and experiences of conflict during the talks.

As a result of a sustained this civil society lobby, several delegations of victims, women’s activists and indigenous minority groups travelled to Havana to meet with the negotiating teams and ensure that their views were heard. This was not a mere formality. The visits and discussions, for instance, led the FARC to start a process of acknowledgement, apology, and amends towards its victims. (For more on the role of women in Colombia’s peace process, see here and here).

Reaching an agreement – and almost losing it again (2016)

After a little over three and a half years of intensive talks, the text of the peace agreement was agreed in June 2016. It was formally signed on 26 September 2016, in the presence of UN Secretary General Ban Ki-Moon, US State Secretary John Kerry, Cuban President Raul Castro and many other dignitaries. Key points of the peace deal included: the disarmament and demobilisation of FARC in return for security guarantees for the demobilised fighters; the establishment of a Special Jurisdiction for Peace to try crimes committed during the conflict; the agreement to help stamp out drug production (by FARC) and help develop alternative sources of income (by the government); the provision of land, credit lines and basic services to impoverished rural communities; and the transformation of FARC into a political party with five guaranteed seats in each chamber of Congress (the agreement also included a
“comprehensive security system” that was supposed to protect, among others, the members of the new party).

The peace deal was put up for referendum on 2 October 2016, as had been agreed beforehand. Polls indicated it would be passed with an easy majority, but it was, instead, rejected by a slim margin: 50.2 against 49.8 per cent – a difference of fewer than 54,000 votes (turnout had been low, less than 38 per cent of the total number of voters). This was a considerable setback.

Most people in the No-camp did not appear to be against a peace deal per se (see here), but they felt that the FARC fighters, and particularly their commanders, were being treated far too leniently under the proposed transitional justice mechanism. (Guerillas who were convicted under this mechanism, would receive reduced sentences if they confessed and expressed remorse: they would be given “restriction of liberty” but not jail time, and would not be barred from political or electoral office.) There was also a political dimension. The No-vote was strongest in areas where the party of former president Uribe had most support, while the vote in favour of the agreement was highest in areas that had suffered most during the conflict. (Author Jacobo Grajales argued that the Yes-vote in these areas was not just a mobilisation of direct victims, but that it most of all represented a wish to see a redeployment of the state and of public services. For more background on the vote, see also here).

In response to the referendum, the government met with the leaders of the No-campaign to register their demands and then reopened negotiations in Havana with the FARC. After six weeks of talks they arrived at a revised agreement. Conditions and definitions of the transitional mechanism were significantly tightened, but the main sticking points – no jail time and no barring from political office – were maintained. FARC also kept the ten guaranteed parliamentary seats, at least for the first two terms. (A summary of key changes in the agreement can be found here.)

The revised agreement was not put up for referendum again, but instead presented to Congress where supporters of the deal held a majority. After opponents of the agreement boycotted the vote, the new text was ‘unanimously’ approved and was officially signed (again) on 24 November 2016.

III. What happened since the signing of Colombia’s revised peace agreement?

The elation that was felt after the conclusion of the agreement, at least internationally, did not carry over into its implementation. Most FARC units left their areas and disarmed – in June 2017 the UN announced it had completed weapons collection from 7,000 fighters – but their reintegration stalled and the release of jailed rebels was slowed by delays in passing the necessary laws for the special peace tribunals (more details here.) The first hearings took place on 13 July 2018 when FARC leader Rodrigo “Timochenko” Londoño, along with two other FARC bosses, gave testimony of his involvement in kidnappings.

FARC reformed itself into a communist-leaning political party and participated in the March 2018
parliamentary election, but it did not do very well. (5) All FARC candidates combined received less than 0.5 per cent of the vote, which means that without the seats guaranteed in the peace agreement they would have had no parliamentary representation at all. Days earlier, the FARC had already withdrawn its presidential candidate for reasons of ill health. Polls suggested he would have probably received less than one per cent of the vote.

The struggling peace process took another hit when the presidential election was won by Iván Duque, an Uribe protégé who had campaigned on a platform that criticised the deal (he defeated Bogotá’s former mayor Gustavo Petro, once a leftist rebel himself, in the second round of voting). In his inauguration speech on 7 August 2018, Duque said he intended to review the agreement with FARC, as well as the ongoing talks with ELN. (In September 2018 Duque did indeed suspend talks, in an attempt to force the ELN to abandon its armed struggle. The talks – which had been designed similarly to those with FARC: in Havana with Venezuela, Cuba, Chile, Brazil and Norway acting as guarantors – had already been complicated by deteriorating relations between Venezuela and Colombia).

Violence, which had initially decreased after the peace agreement with FARC, is increasingly on the rise again, in particular in areas vacated by rebels where the government failed to fill the vacuum. Competition over the control of coca cultivation has intensified and turned violent. Competing groups include the so-called paramilitary successor groups that have their roots in right-wing paramilitary units that were never properly demobilised (see for instance here), and the ‘ex-FARC mafia’ – which has become a gathering place for dissident FARC units, upcoming mafia bosses and disgruntled former fighters, and is estimated to comprise of around 2500 former FARC members. Dissident FARC units claimed they did not demobilise for ideological reasons, but at the same time made sure to safeguard their revenue streams from drugs, illegal mining and extortion. Other fighters said they remobilised once they realised how unprotected they were against targeting by paramilitary groups. But there are also those who simply walked away from the peace process without justification and are now seeking to take over as much of the cocaine supply chain as they can.

The increased violence has particularly targeted social activists, community leaders and human rights defenders. According to the office of the Colombian human rights ombudsman at least 311 leaders and human rights defenders were killed between January 2016 and June 2018; this NYT article quoted a figure of at least 190 community leaders killed in 2018 alone. A considerable number of those killed were directly involved in projects linked to the peace agreement (see this report). Observers consider the killings part of an attempt to close down political participation, keep out government development projects and undermine efforts to control the coca cultivation. Civil society activists fear that a government response could lead to a ‘militarisation of the peace,’ which would only further shrink the space for social organisations that had newly opened up after the peace agreement.

1. Key features that could be relevant for Afghanistan

A shared goal and shared commitment to the process
When General Nicholson alluded to the Colombian peace process, he suggested that its success had been based on the decision to talk and fight at the same time, and to keep the talks secret. And it was indeed crucial to their success that Colombia’s talks were not made public before both sides were ready and that they were not made conditional on a ceasefire agreement. The main lesson, however, may arguably be a different one: the importance of a publicly acknowledged, shared goal – to end the conflict and to keep talking, whatever happens. This helped decrease the risk (although it is never absent) of spoilers seeking to undermine talks by violating ceasefires, provoking escalations of violence, and manufacturing or exaggerating political crises.

But such a joint commitment is difficult, in every conflict situation. Parties do not trust each other and the population tends to be wary of the process. In Afghanistan the situation is further complicated by the lack of agreement on who should be making the peace. The Afghan government views itself as the convener of talks and the keeper of the moral high ground, while the Taleban do not even recognise them as the main party in the conflict and insist on negotiating with the Americans (who they view as an occupying force that unseated their legitimate government and is the main hurdle to them regaining power). Divisions within the government’s camp have further complicated the situation, (6) as has the fact that the Americans are also directly talking to the Taleban.

For talks to be useful, the different sides will need to acknowledge each other as valid partners in the search for peace. Where the Afghan government prefers to treat talks as a way to welcome insurgents back into the fold, the Taleban will need at least a public acknowledgement that the desired end goal is to live in a country without both conflict and foreign occupation.

The clear commitment to end the conflict, that helped the negotiating teams in Colombia to continue when things were difficult, stemmed from the realisation that neither side had much to win from a prolonged conflict. Afghanistan does not seem to have reached that point yet, even though it is obvious that neither side will win. (The Taleban may hope to ‘outwait’ the current government, in the hope that it implodes in the face of decreasing international support, but that scenario is unlikely to be much of a victory for anyone. With so many autonomous armed actors, and so many crosscutting fault lines, the risk of renewed factional war or general chaos in the wake of a government collapse is considerable).

The different parties to the conflict – most prominently the Afghan government, the Taleban and the US – are indicating that they will probably engage in some form of talks, but there is no sign yet of a shared determination or commitment to bring the war to an end. With all sides still holding out hope to militarily beat or weaken the other, peace – or at least an attempt to reach it together – has not yet convincingly become the best option. This does not mean that there are no reasons to talk, or that talks cannot help engender trust. It does mean that there is still a fairly long way to go.

In the case of Colombia, it took the parties almost four years to reach an agreement, and this was after they had determined that they would keep talking until they could end the conflict. It
took them this long, even though they had experience to build on from earlier peace negotiations, had the help of experienced facilitation, and followed a high-intensity schedule. The parties in Afghanistan have had much less practice and have, up till now, had no consistent facilitation and only sporadic meetings. And as discussed above, there is no consensus as yet on which parties should be at the table. The process can therefore be expected to take a while and to be preceded by a fairly long and tentative process of preparatory talks.

Whatever formula is finally chosen for the talks, it will need to acknowledge and accommodate the fact that this is not a purely Afghan conflict, given the participation of international troops in the war, the involvement donor countries in the running of the government, the longstanding safe havens in Pakistan, the large refugee populations in Iran and Pakistan, and the context of a global war on violent extremism and terror. (7)

**Limited – but consistent, flexible and crucial – outside help**

In Colombia, like in many other conflicts, even when all sides were convinced they needed to talk, the distrust of each other’s intentions remained immense. It was clear from the outset that it would be difficult to even agree on basic parameters without outside help to facilitate and legitimate the process in some way. At the same time, both parties also wanted to keep control and maintain responsibility over the peace process, which is why they chose a method of direct negotiation with only limited outside help.

Norway and Cuba, who had already witnessed and facilitated the exploratory talks, were asked to be part of the formal talks as “guarantors,” while Venezuela and Chile were sought out as “accompanying countries” (while it was clear early on that Venezuela needed to be involved in some way, Chile was asked to join by the Colombian government to somewhat balance President Chavez’ role). The specific roles of the supporting countries were not specified, other than that the guarantors would attend all plenary sessions but would not speak and the accompanying countries would be briefed at the end of each round of talks.

This lack of precision provided a lot of flexibility. In practice, Cuba and Norway monitored the parties’ compliance, acted as the repository of negotiated texts, announced agreements to the public when requested, and facilitated the participation of independent technical experts (for instance on transitional justice and international law). In times of crisis or fundamental differences, they proposed alternatives or enlisted additional substantive support.

It is difficult to envisage a thoughtful and sustained process in Afghanistan without some form of consistent, knowledgeable and neutral outside help. An outside party will not only help keep the parties at the table once talks have started, but can also in the run-up to the talks help determine who should be part of them, what should be discussed and at which stages. Such an involvement could have a very paired-down form, as was the case in Colombia, with the supporters functioning as observers, facilitators and ‘guardians of documents’, providing input and witnessing. This will obviously need to be done by countries and/or individuals without a direct stake and who are not in a hurry to declare success.
The delicate trade-off: a slow and controversial process, removed from both the war and the wider society

Colombia’s decision to hold both preliminary and formal talks outside the country, away from media, politics and the battlefield, allowed the negotiators to reach an agreement under difficult circumstances. It also provided the teams with an important opportunity to build trust. Frank Pearl, one of the government’s negotiators, recalled how tense those first meetings had been: “There were very mixed emotions, because we were sitting in front of people who had committed enormous atrocities. And they were facing representatives of a government they considered illegitimate and unjust.”

Nylander recalled that: “These negotiations took much longer than what we anticipated. But we understood this relatively soon when we entered into the talks. (...) The two first agenda items, land reform and political participation really go to the roots of the conflict. This is really why the FARC, back in the sixties, took to weapons. And these two issues of course being at the root of the conflict, it took some time for the parties to talk their way through the history to understand the perspective of the other.” In another interview, he remarked philosophically that "Any dialogue between human beings changes them."

To maintain the opportunity to build trust, it was crucial that all parties had agreed and, most importantly, adhered to rules of confidentiality and protocols for public engagement. Particularly during the early covert discussions, secrecy had protected the talks from being derailed. Although the track record in Afghanistan seems to be improving somewhat, past attempts to start talks with the Taleban have been often accompanied by leaks, premature public statements or the wish to portray the other side’s willingness to talk as evidence of weakness. Maintaining discretion has also been complicated by the many international diplomats and generals, as well as Afghan government officials, who often feel pressure or a desire to claim progress where there is none yet, or where it is better left to quietly mature.

The downside of a shielded process in a low-trust environment is, of course, that those who are not at the table do not know what is being discussed. They are afraid their interests will not be taken into account and they worry they may be harmed by whatever is agreed. This can be remedied, but only partially, by being clear and transparent about the goals and principles of possible talks, by a careful choice of negotiators and facilitators, and by regular, spin-free updates on where the talks stand. But the example of Colombia also illustrates that even a thoughtful, carefully negotiated peace agreement can be highly contentious, particularly in a polarised setting.

In the case of Afghanistan, concerns that need particular attention include fears that the current government is harbouring a Pashtun nationalist bias or agenda (which could be furthered by a peace deal with the Taleban); fears that the political culture of factionalism, power sharing and impunity would be further entrenched (by offering the Taleban leadership yet another piece of the pie without addressing the causes and consequences of the conflict); fears that the government and the international community may be willing to sacrifice the rights of women,
minorities and Afghans in general, as well as the country’s modest gains in terms of rule of law and freedoms and protections, in exchange for a nominal peace.

A process based on lessons from the past

The design of the Colombian peace process was based on lessons from other conflicts, as well as lessons learned by studying earlier rounds of talks. This was incorporated in the four ‘tenets’ that later undergirded the process: a secret phase to agree on an agenda; talks taking place outside Colombia; the military at the negotiating table; and buy-in from the region. In his recent peace plan, President Ghani also presented four “tenets.” Although the use of the word seems to be a reference to the Colombian process, his tenets seem to refer to a desired common ground (respect for the Constitution and rule of law, no political participation for groups with links to terrorism) rather than to principles for how to best structure the process.

Other decisions in Colombia’s peace process based on lessons from the past included the choice not to insist on a ceasefire. The fact that the FARC had been able to regroup during talks in the late 1990s made it politically difficult to defend an early ceasefire to those who were sceptical of the FARC’s commitment to the process. A ceasefire would have also increased chances of the talks breaking down, as had been the case in earlier rounds. On the other hand, the absence of a bilateral ceasefire did mean that the public received contradictory messages about the true intentions of both sides and that after instances of brutal violence people questioned why negotiations continued.

Afghanistan may well face a similar situation – talks without a ceasefire – as it seems unlikely that the various sides will be able to agree on the details and conditions, or that the agreement would hold. But even without a full ceasefire, there will need to be a marked decrease in violence, particularly against civilian crowds, and a clear condemnation of such attacks.

Another decision based on lessons learned from the past was to agree on a limited agenda for the actual talks. The last round of Colombian talks, before this one, had involved an agenda with 12 issues and 48 sub-issues, many of which were beyond the scope of what the negotiators could decide or, many people felt, the FARC was in a position to demand (including for instance a full revision of the country’s economic and social development model, reform of the justice system and reform of the state).

Afghanistan has not had several rounds of previous talks with the Taleban, but it can still learn from its past. It can first of all look at previous negotiation and peace processes, including the 1988 Geneva Accord, the 1993 Islamabad Accord (after which signatories went to Mecca to swear their allegiance to the agreement), the 2000/1 UNSMA mediations between the Taleban and the Northern Alliance, the 2001 Bonn process, the 2014 National Unity Government (NUG) agreement and the 2017 deal with Hezb-e Islami.

What is noticeable about Afghanistan’s most recent agreements – the Bonn Agreement, NUG Agreement and the Hezb deal – is that they have all been fairly rushed, fairly limited in scope,
and birthed with the help of international partners that had timelines of their own. There are some indications that this may be about to happen again. US envoy for Afghanistan Reconciliation Zalmay Khalilzad recently indicated that he was “in a hurry to end the Afghan tragedy” and that he – implausibly – hoped the Taleban and Afghans would use the upcoming election, currently scheduled for April 2019, as a deadline to achieve a peace agreement (when further pressed he dodged the questions and indicated he was both in a hurry and realistic). Members of the Afghan High Peace Council, said Khalilzad had been given six months to show his administration results in the talks between the US and the Taleban. This does not bode very well for a thoughtful process, particularly as the commitment to actual talks, by all sides, is still under question.

What should be on the agenda?

Because the Afghan government and the Taleban – as well as the Afghan government and the US – have had relatively little practice in terms of formal talks with each other, there is limited clarity on what the agenda and the various positions might be. On the surface, the positions are clear. The Afghan government has positioned itself as the defender of the constitution, while the Taleban present themselves as a national movement, fighting for an Islamic government and against a foreign occupier and the government it is backing. But within the movement there are diverging views that have not yet crystallised. (8) As a result it is not clear what the Taleban would articulate as their main concerns and demands.

It would be useful if a possible process would provide time, both within the government and Taleban ranks – as well as among the people who consider themselves ‘caught in the middle’ – to let new positions and insights emerge. For the Taleban this would involve articulating what they stand for (probably some form of a justice, anti-corruption and Islamic government agenda – which sounds very much like the more conservative campaign platforms of Afghan ‘regular’ politicians) and what that would look like in terms of possible demands for reform or changes in the current political system. They will need to explore what it might mean for their reputation to become part of the system. If their demands are too radical, they risk losing support, even within their own ranks. If their demands are too general, they risk losing their edge.

In practice, the reasons for fighters to join the movement, particularly at the local level, are rarely related to what is presumed to be high on the Taleban’s ideological agenda (limits to women’s education and employment, changes to the constitution) or what is – implausibly – considered attractive to the leadership (a handful of ministries, control over some provinces, participation in the elections). It is actually not that clear what the Taleban would need to receive, not just at the leadership level, to satisfy their ranks and supporters, in exchange for a commitment to lay down their arms.

A useful concept, once preliminary talks have started, could be that of the “principles for peace,” which was first used in the Northern Irelands talks. “Principles for peace” are principles that the majority of each side can agree to, providing a common framework transcending factional lines. (9) In essence, the shared commitment in the Colombian process to keep talking
until the two sides agreed how to end the conflict and demobilise FARC, can be seen as such a principle.

The role of women in the peace process

In Colombia, civil society and particularly women’s networks played an important role in support of peace (more background [here](#)). When the peace process, by design, kept the wider society at arms length, women (and almost everybody else) lost political access, both due to the seclusion of the talks and the decision to keep the negotiation teams intentionally – and for good reasons – small. But even small teams need diversity, through the inclusion of vocal and competent women and through input from women's caucuses. In the case of Colombia, the number of women in the negotiating teams and in the supporting committees did indeed increase over time. Mechanisms were also created to ensure that the negotiating teams received crucial outside input, particularly when discussing victims’ rights and reparations.

Inclusion of women’s rights and concerns in peace processes (as well as those of victims, minorities and vulnerable groups) is, however, a broader issue that goes beyond who gets a seat at the negotiating table. It also includes ensuring that those who have not suffered as much or do not risk to be vulnerable, do not overlook the needs and protections of those who do. In the case of Colombia, for instance, women combatants lost out in the peace process, as they were often not provided the disarmament and reintegration opportunities relevant to their roles as fighters, but were rather expected to return to domestic or other more traditional women’s roles. While women have played a less important role in the actual conflict in Afghanistan, they are affected by the demobilisation of fighters, particularly if many of them come home to a life of un- or underemployment, which raises the risk of domestic violence and greater limitations to their freedom of movement.

Where women in Colombia managed to mobilise and demand a greater role and a clearer voice, women in Afghanistan often fear they will not be able to do the same. Sippi Azerbaijani-Moghaddam [warns](#) Afghan women (pp 63-7) that they risk losing important opportunities to help set the agenda, by simply assuming their voices will not be heard: that the Taleban will be unwilling to budge, that their rights will be squandered and that men will be unwilling to support their cause or defend their gains. Instead, she notes, they could work on strategic alliance building and creating a “valid, coherent and representative message on peace.”

Afghan women activists, and their supporters, could thus focus their efforts on multiple fronts: ensuring that there are competent and articulate women at the negotiating table and that they are sufficiently supported in their jobs; ensuring that the negotiating teams and their supporting staff are regularly briefed and lobbied by knowledgeable experts and activists; mobilising communities in support of peace and advocating for their needs; and establishing women not just as a group in need of protections but as vocal advocates and activists for peace in their own right.

The role of the wider civil society
Civil society in Afghanistan is comprised of a wide range of organisations, initiatives and people. Some of it is fairly formalised and organised, for instance in umbrella organisations or networks that make it easier for donors and the Afghan government to consult or partner with them. Such networks include the independent electoral watchdogs FEFA and TEFA and various human rights, anti-corruption and women’s activists’ networks. As a result of these relations, civil society activists are often in competition over the few designated civil society seats in, for instance, key international conferences, government selection panels or the president’s various consultation rounds. On one hand this illustrates that the need for inclusion of a civil society voice, at least at a symbolic level, is often recognised. On the other hand, the actual impact in terms of raising issues or actually shaping the agenda tends to be limited.

The consolidation of civil society organisations as social and political partners has resulted in the creation of a new elite. But there are also other, possibly more grass-roots forms of civil society voice. These include the recent outspoken and issue-based movements, some of which can mobilise enormous crowds, such as the Enlightenment Movement, the Tabassum Movement and more recently the Peace March originating from Helmand (see here and here).

Apart from the formalised civil society groups and the very visible mobilisation of protests, marches and sit-ins, Afghanistan has also always teemed with local initiatives: teachers, doctors and local leaders who lobby both the government and the Taleban to keep schools and clinics in their area open and supplied; elders who mediate local ceasefires or defuse violent conflicts before they escalate. The role of women in such initiatives has often been overlooked, since any examples are usually treated as exceptions to the rule, but there are women doctors, teachers, heads of NGOs, MPs and provincial council members of great initiative and bravery. It is crucial that such people, who are at the forefront of every-day peace negotiations, feel that a possible peace process will also incorporate their concerns and realities.

Although it is not clear what possible talks would focus on and to what extent they would go beyond a simple exploration of what the Taleban would need to agree to stop fighting, between the lines discussions will always touch on the differing views that exist within Afghan society on modernisation, internationally agreed principles, economic models and the shape of the state. These are issues that clearly transcend a conversation between only the government and the Taleban.

The more transparent the process is, in terms of its modality, agenda and progress, the more the different constituencies will be able to articulate and develop their positions, including possibly a clear peace agenda. The various groups – political parties, women’s rights and human rights activists, tribal councils, groups representing minorities such as the Baloch or the Sikhs, media institutions, ulema councils, think tanks, business associations – can speak for themselves. But they can also engage in coalition-building and consultation. They can seek to ensure that the various angles to the war – including the different experiences of conflict-affected rural areas, cities hit by terrorist attacks, refugee and IDP populations and those who fear their rights and interests will be forgotten – are heard and listened to. This is not just a matter of fairness, but also to avoid new patterns of exclusion, marginalisation and disaffection.
The ‘difficult subjects’: transitional justice and crime

In the Colombian process, the discussions around how to deal with victims’ rights and the legacies of the conflict were among the most complex and contentious, and often held up the negotiations for months. Ana María Ibáñez, an academic and expert in the economic effects of internal conflict summarised the problem by saying, “The FARC were not willing to be prosecuted and a large percentage of Colombian society was not willing to forgive the crimes that the FARC had committed [during] more than 50 years.”

The mechanism that was finally negotiated was based on the particulars of the Colombian conflict and what the two parties could agree on. It was described as the first Latin American peace agreement that did not involve a blanket amnesty and that, according to the peace agreement, “placed special emphasis on restorative and reparative measures.” (10) The negotiating teams argued that the mechanism focused on victims’ rights, but opponents of the deal did not see it that way. Many of those who voted “No” in the national referendum opposed the idea that FARC fighters who had committed crimes would avoid jail time. Human Rights Watch criticised the fact that war criminals could escape meaningful punishment through a vague definition of “command responsibility.” Even President Santos told the BBC that he would have liked to see longer jail terms for the guerrilla commanders, but his instructions to the negotiators, he said, had been to “seek the maximum justice that will allow us peace.” In that respect he considered this a good deal.

The Colombian case illustrates how fragile a “good deal” can be and how important it is to ensure that those who are wary of a peace agreement are not only heard and represented, but also feel that their interests have been taken into account, their rights are secured and justice has been done. This includes the vocal political and civil society elites, but also the large number of victims’ who desire both peace and justice. In Afghanistan there are similar concerns: that a peace agreement with the Taleban, particularly a hasty one, would result in a crude power sharing deal that would further undermine the principles of rule of law, accountability and justice, and possibly not even bring peace.

With that in mind, one of Colombia’s important lessons is that whatever agreement is reached in Afghanistan, it needs to be negotiated with as much patience, determination and good faith as can be mustered. It is difficult to envisage such a process without some form of third-party involvement (or fourth-party involvement, given the three-way nature of the current exploratory talks).

(1) For further reading on the Colombian conflict and peace agreement: Institute for Integrated Transitions (IFIT), The Colombian Peace Talks. Practical Lessons for Negotiators Worldwide, September 2018; Renata Segura & Delphine Mechoulan, Made in Havana: How Colombia and

(2) FARC stands for the party’s Spanish initials. It is officially called the FARC-EP: *Fuerzas Armadas Revolucionarias de Colombia–Ejército del Pueblo*, or Revolutionary Armed Forces of Colombia – the People’s Army.

(3) General John Nicholson said, during this press conference: “I call this talking and fighting. As the SECDEF [Secretary of Defence] has said, violence and progress can coexist, and that’s what we’re seeing. We’ve seen this in other conflicts, such as Colombia, where the two sides were talking about peace at the same time that they were fighting each other on the battlefield (...) [this is] common to many--the stages of many conflicts. Colombia is the most recent example where, as the negotiating teams from each side were meeting—I should point out they met in secret, this is how they were able to advance the talks.”

(4) Transitional justice processes focus on how to deal with the legacies of past human rights violations and war crimes after conflict and tend to include – at least some of – the following mechanisms: documentation and truth-seeking; recognition of victims’ suffering; symbolic acts such as memorialisation; reparations; and accountability.

(5) In a process that sounds very familiar to those following Afghan politics, the Colombian peace agreement included the establishment of an Electoral Reform Commission to tackle electoral fraud and regulate the inclusion of former fighters in the electoral process. The agreement had, however, not clarified what electoral reform should look like. In the end, President Santos hired an independent Special Electoral Mission made up of international experts to ensure that a new electoral law was drafted in time for the elections (more details here).

(6) President Ghani has recently appointed a peace negotiation team and overhauled the leadership of the High Peace Council, in preparation for bilateral talks with the Taleban, but several political parties are questioning their mandate and ability to conduct the talks. Three parties that are formally part of the government but often act in opposition – Jamiat-e Islami, Junbesh-e Melli and Hezb-e Islami – have appointed their own seven-member negotiating team in response, they say, to the Taleban’s unwillingness to engage with the government. Jamiat has, moreover, proposed an alternative peace plan that involves five delegations – the government, the [old anti-communist] resistance, political parties, civil society organisations and the Taleban) – instead of bilateral talks.

(7) In a recent document called *Achieving Peace: The Next Chapter in the Afghan-Led Peace...*
President Ghani presented five announcements, alongside four tenets. One of the five “announcements” included a – presumably unilaterally designed – five phase plan that involved, sequentially: an intra-Afghan dialogue, discussions with the US and Pakistan, regional actors, the Arab-Islamic world and finally NATO and non-NATO countries – with presumably the Afghan government as the convener of all discussions. It was unclear from the released summary what the subject of the various concentric discussions would be and whether they would be before, after or during possible intra-Afghan peace talks (the term “dialogue” in this respect is unclear). For AAN’s earlier discussion of Ghani’s latest peace proposal, see here.

(8) The existence of diverging views within the Taleban movement is illustrated in the interviews with representatives of five different Taleban ‘caucuses’ described in this recent ACCORD report. The report notes:

[T]here are different voices within the Taleban. Those featured in the report may be critical of their own leadership, but, it should be noted, they are even more scathing about the Kabul government, complaining about corruption, the “criminals in power” and government forces who they allege sell their weapons to the insurgents and do not come to the aid of their comrades. These Taleban are not interested in surrender or coming over to Kabul, but they are interested in ending the conflict. It is also interesting that they talk about jobs, representation, power in Kabul and the districts, and the influence of Pakistan – all very normal concerns for Afghans generally.

(9) Principles for peace are usually formulated around a commitment to (aspire to) non-violent, democratic and peaceful means to resolve political issues. They were first used in Northern Ireland and are sometimes referred to as the Mitchell principles. For more details, see Colin Knox and Padraic Quirk, Peacebuilding in Northern Ireland, Israel and South Africa, London: Palgrave Macmillan,2000, p 39. For a brief discussion on what this could look like in Afghanistan see this 2017 ACCORD report by Anna Larson (Processing Peace in Afghanistan, p 19). Particularly relevant is the fact that such principles can help “shift discussions away from the idea of a trade-off and towards the achievement of human dignity and conflict transformation.”

(10) Under Colombia’s transitional justice mechanism, perpetrators who cooperated could expect alternative sentences, such as confinement to a community area to work as volunteers as a form of reparation to their victims. There were a few qualifying conditions for leniency: the fighters had to acknowledge their deeds and be willing to offer reparations; crimes perpetrated for “enrichment” were not eligible (this included those involved in the so-called “false positives” scandal where the army had executed up to 3,000 innocent citizens, claiming they were rebel fighters, as part of the government’s “cash-for-kills” policy; see for instance here). Drug crimes were to be viewed on case-by-case basis, to see whether they had been done for personal enrichment or to fund the cause.

The mechanism is overseen by a Special Jurisdiction for Peace (SJP), which consists of a main Peace Tribunal, three smaller chambers and an investigative unit. Cases of cooperating
defendants proceed through the three chambers: first the Truth and Reconciliation Chamber where they can confess to their victims, then the Amnesty and Pardon Chamber where the judges decide which of the crimes qualify for pardon and which are to be sentenced, and finally the Sentencing Chamber. If the defendant does not acknowledge his or her crimes, the case will be taken up by the court's Investigative Unit (more details here).

Defendants who admit their crimes will serve between five to eight years of an alternative sentence if the crime is serious, and between two to five years if the crime is not. Alternative sentences, possibly with reparations, are to be decided in agreement with the victims and can include house arrest and/or community service (such as the removal of mines and explosives; finding, identifying, and returning the remains of people who went missing during the conflict; judicial mechanisms to break apart criminal organizations; or the restitution of land titles). Defendants who are found guilty but who did not take responsibility for the crime face sentences of 15-20 years in a regular prison. Those guilty of political crimes (eg rebellion against the state) or illegal weapons possession, are eligible for a pardon.

The biggest group of defendants are former FARC guerrillas. The rebels turned in a list of 7000 names in December 2016 and in the summer of 2018 close to 5000 ex-fighters had submitted confessions to the court for review. Members of right-wing paramilitary groups can also be tried for crimes committed during the armed conflict, as can members of the armed forces. The Defence Ministry has turned in a list of almost 2000 names, 90 per cent of which were involved in “deaths presented illegitimately as combat deaths.” Civilians and public officials who benefitted from the conflict or cooperated with the guerrillas in some way can voluntarily submit themselves to the court, but cannot be indicted by the state.

The peace agreement provides for the court to be in operation for 15 years, with a possible five-year extension. The tribunal’s original executive estimated that the court would only be able to investigate 1,000 crimes. “Transitional justice, by definition, is modest,” he said in March 2018, “because we already know we can’t do everything.”