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Testing BATNA: Colombian government – FARC Peace Negotiations during Andrés Pastrana’s Administration

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**Testing BATNA: Colombian government – FARC Peace Negotiations
during Andrés Pastrana’s Administration**

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RESUMEN

El gobierno colombiano, liderado por el presidente Juan Manuel Santos, ha sostenido un proceso de paz con las FARC desde el 2012. Aparentemente, Colombia se dirige hacia la paz, y por ello, es más relevante que nunca analizar por qué los procesos de paz previos han fracasado. Este artículo utilizará el concepto del BATNA (Mejor Alternativa a un Acuerdo Negociado) como un marco teórico para analizar la configuración de poder en el proceso de paz que se llevó a cabo del 1998 al 2002 entre las FARC y el gobierno colombiano, liderado por Andrés Pastrana. En este sentido, el objetivo es analizar cómo el principio del BATNA, propuesto por Roger Fisher y William Ury, puede explicar los motivos por los cuales el proceso de paz fracasó. El artículo está dividido en cuatro secciones, la primera examina literatura sobre los éxitos y fracasos de procesos de paz. La segunda sección explica brevemente el contexto histórico del conflicto. La tercera describe los procesos de paz previos a 1998, y la cuarta detalla los eventos más importantes que ocurrieron en Colombia entre 1998 y 2002 durante el proceso de paz, aplicando el marco teórico del BATNA y explorando los motivos que explican el fracaso del proceso de paz. Finalmente, la conclusión sugiere que el principio del BATNA es una variable válida que debería ser usada para explicar otros procesos de paz, sin embargo, sugiero que existen otras variables contextuales igualmente relevantes que deben ser consideradas en cada proceso de paz.

Palabras clave: BATNA, FARC, Andrés Pastrana, Colombia, Negociación, Proceso de Paz

ABSTRACT

The Colombian government, led by President Juan Manuel Santos, has been engaged in a peace process with FARC since 2012. With the country now on an apparent path to peace, it is more relevant than ever to analyze why the previous peace processes failed and understand what mistakes were made. This article examines the peace talks between FARC and the Colombian government, led by President Andrés Pastrana, that took place between 1998 and 2002 using the concept of Best Alternative to a Negotiated Agreement (BATNA) as a theoretical framework to examine the power configuration at the negotiating table. The objective will be to analyze whether the concept of BATNA, proposed by Roger Fisher and William Ury, can explain why this peace process failed. For this purpose, the article will be divided in four sections, the first one examines literature about the success and failure of peace process. The second section describes the background of the conflict. The third section briefly explains the previous peace processes in Colombia, and the fourth section details the most important events that took place in Colombia between 1998 and 2002 applying the framework of BATNA's and focusing on the reasons why the peace process failed. Finally, the conclusion suggests that the BATNA can be used as a valid variable that researchers in the international field should use to explain the failure of more negotiation processes, however, there are other variables of context that should be considered in each case.

Key words: BATNA, FARC, Andrés Pastrana, Colombia, Negotiation, Peace Process, Fisher and Ury

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INTRODUCTION

Scholars in the field of Peace Studies and Conflict Resolution have been largely focused on finding a theory that explains why some peace processes fail while others move forward or succeed. Researchers¹ have also looked for explanations for the failure of peace processes between the Colombian government and FARC focusing on a wide array of elements such as negotiation strategies, credibility, international commitment, and others. However, none of them has focused on the Best Alternative to a Negotiated Agreement (BATNA), a concept proposed by Fisher and Ury, defined as the course of action taken by a party if no agreement is reached. A BATNA is not only an alternative to agreement, but it is also an indicator of the power balance in a negotiation. This means that the better the BATNA of one actor, the stronger their position relative to the others. Hence, a negotiated solution will be harder to reach if one or more of the parties has a stronger BATNA.

The concept of BATNA “became a gold standard for negotiation researchers”, and is now taught in negotiation and diplomacy classes around the world (Thompson and Leonardelli 2004, 115). In theory, the concept of BATNA was proposed as a negotiation strategy. In other words, it was thought to be a course of action that negotiators should undertake when trying to solve a conflict or agree on any issue. Over time, the concept of BATNA became more relevant and now it is not only used by practitioners, but also, studied by scholars when analyzing a bargaining position. Nevertheless, it has not yet been used as a theoretical framework to explain the failure of a negotiation. Keeping that in mind, this article will test the validity of Fisher and Ury’s proposal with a relevant case. I have chosen the peace process between FARC and the

¹ See texts by Antonio Bejarano, Marc Chernick, Jonathan Hartlyn, Camilo Leguizamo, Alfredo Rangel, Matthew Shugart

Colombian government led by Andrés Pastrana, because of the variety of social, political, economic and military elements that played out before and during this negotiation process. Furthermore, explaining the failure of previous peace processes is key, especially in a moment where another peace process is taking place in Colombia.

For this purpose, the article will be divided into four sections. Section I examines the literature concerning the success and failure of peace processes. This section also describes what BATNA means and discuss its theoretical implications. Section II presents a historical review of the conflict between the Colombian military and FARC until 1998. Accordingly, this section will explain the origins and growth of FARC as a belligerent group, and its relationship with the Colombian party system. Section III consists of a brief review of the previous attempts of peace, especially the ones led by the administrations of Belisario Betancur and César Gaviria. Section IV will describe the most important events, obstacles and achievements of the peace process led by president Andrés Pastrana and analyze them using BATNA's. This means identifying the BATNA of the Colombian government and FARC respectively, evaluating the power dynamics of the bargaining table throughout the peace process. The objective of this section is to compare the BATNA's of both actors, and determine whether this concept can be a valid explanation for why the peace process failed.

SECTION I

State of the Art

Peace and Conflict Resolution Studies originated in the United States in the late 1960s and early 1970s. As a response to the American involvement in the Vietnam War, many universities developed nonviolence studies programs to explore the origins of conflict and

theorize about negotiation techniques (Katz 1989, 15). Ever since, numerous theories have emerged regarding why peace processes fail or succeed. There are three main theoretical approaches that explain the reasons why peace processes fail or move forward: the rational choice approach, the conflict resolution techniques approach and finally a set of theories that combine both.

First, the “rational choice” approach argues that negotiation depends on the costs and benefits it may cause for the parties. In this sense, authors like Zartman, Shugart, Berdal, Mason and Fett, Collier, and others affirm that variables such as economic status, durability of the conflict, hurting stalemate and institutional reforms define whether the parties are ready to achieve a successful negotiation (Villacreces 2003, 7).

On the other hand, the “conflict resolution techniques” set of theories explains that the outcome of a peace process will be determined by the way the negotiation is managed. For example, authors like Rothchild and Walter assert that third party involvement and mediation are key to determine whether a negotiation takes a coercive or noncoercive path. This approach highlights the active role that third parties can have to create successful commitments between parties (Walter 2002 on Villacreces 2003, 7).

The third and last approach is not a unified set of theories, but comprises several approaches that analyze how internal and external constraints affect a negotiation process. As stated by Mac Ginty, “the success or failure of any emerging peace process depends on the interaction between a range of variable influences” (Darby and Mac Ginty 2000 on Villacreces 2003, 10). In this sense, authors like Mac Ginty, Hoglund, Pillar, and Darby affirm that institutions, external actors and economic conditions define the outcome of a negotiation.

These authors' contributions are relevant, yet, none of them offers a precise explanation of why the peace process failed. In other words, they focus in too many variables instead of a concrete one. Accordingly, I propose using the concept of BATNA proposed by Roger Fisher and William Ury. BATNA stands for Best Alternative to a Negotiated Agreement and it was first introduced by Roger Fisher and William Ury in the book *Getting to Yes*, oriented towards providing practitioners with the key steps for achieving a successful negotiation. Fisher and Ury picture the concept of BATNA as a useful one when the other side is more powerful. This means, the other party is either stronger, richer, or better connected. In this scenario, the authors affirm that it is necessary to come up with a tentative answer to the question of what to do if no agreement is reached, by analyzing the realistic options they have. As the authors affirm: "The better your BATNA, the greater your power. People think of negotiation power as being determined by resources like wealth, political connections, physical strength, friends, and military might. In fact, the relative negotiating power of two parties depends primarily upon how attractive to each is the option of not reaching an agreement" (Fisher and Ury 1983, 106).

As stated by Fisher "That was a word we just made up. It was a new concept. Nobody had ever talked about it before" (Fisher and Ury 2004, 107). *Getting to Yes* is now considered one of the most relevant books in Peace Studies and Conflict Resolution, and it has been labeled "a big bang" of negotiation theory because of the "sheer enormity of the book and the universality of the concepts" (Thompson and Leonardelli 2004, 113). Additionally, it has been included in academic texts about diplomacy² and it has been used in game theories as a value that expresses the potential power of each party³.

² See *International Negotiation in a Complex World* –Jonathan Wilkenfield, Bridget Starkey and Mark Boyer

³ See *Power Dynamics in Negotiation* – Peter H. Him, Robin L. Pinkley and Alison R. Fragale

As stated earlier, the objective of this article is to use the concept of BATNA as a qualitative variable to explain why the 1998 peace process between the Colombian government and FARC failed. Thus, it is crucial to understand that the better the BATNA of one party relative to the other, the more imbalanced the power configuration will be during a negotiation, and the harder it will be to create an agreement. In contrast, if both parties have a weak BATNA, they will not find major obstacles to reach an agreement. As can be noted, a BATNA can be an accurate representation of how the power is distributed between two or more actors in a negotiation.

SECTION II

Background of the conflict

The conflict in Colombia started in the 1960's, and is known as the longest ongoing armed conflict in Latin America. According to the National Administrative Department of Statistics (DANE), more than eight million people are considered direct victims of the war. More than seven million people have been internally displaced, and more than nine hundred thousand have been killed. Around one hundred and sixty thousand people are reported as disappeared, thirty-four thousand people have been kidnapped and almost eighteen thousand have been victims of sexual violence (Registro Único de Víctimas 2017).

The belligerent parties are the Colombian government (Army, Navy, Air Force, National Police), left wing guerillas (FARC, ELN, EPL, M19 and others), and right wing paramilitary groups (AUC, AAA, CONVIVIR, ACCU, Black Eagles and others) (Gillin 2015). FARC had always been the strongest guerilla group, since it was the largest in size, most militant, best-trained and best-armed. Therefore, the administration in office had always attempted to achieve

peace with this guerilla group (Kline 2007, 10). For practical reasons, this article will only explain the origins and conflict between FARC and the Colombian government.

The Armed Revolutionary Forces of Colombia are known as FARC because of its name in Spanish (*Fuerzas Armadas Revolucionarias de Colombia*). FARC emerged as a band of peasants who fled to the mountains to escape the violent period known as *La Violencia*⁴. The band started as a militia with no clear ideology that rarely clashed with the army. Gradually the group became part of an array of forces that helped the liberals in their clashes against conservatives.

In 1958, after *La Violencia*, the two major parties –Liberal and Conservative– signed an Agreement called National Front (*Frente Nacional*), where both decided to present only one candidate per election, virtually leaving many groups out of the electoral scenario. In other words, both parties agreed to rotate power for each presidential term. The liberals and conservatives would alternate electing each other's candidates every election cycle (4 years). Moreover, the coalition distributed parliament seats and state bureaucracy equally with the objective of ending the rivalry between liberal and conservatives and preventing any third party from taking power (Palacios 2012, 42). After the creation of the National Front, the liberals no longer required the assistance of FARC and other forces. While other irregular militias put down their arms, FARC continued fighting and started defining themselves as a communist guerrilla. Thus, it could be said that the Liberal party had a leading role in the creation of FARC.

⁴*La violencia*: Period between 1949 to 1959 where guerrillas, bands and armed groups of the Liberal and Conservative Party of Colombia constantly fought leaving an estimate of two hundred thousand casualties. *La violencia* erupted after the death of the Liberal presidential candidate Jorge Eliécer Gaitán in 1948. The populist dictatorship of Gustavo Rojas Pinilla (1953-1958) demobilized armed groups from 1953 to 1954, however, they reemerged shortly (Palacios 2012, 42).

The National Front was also a cause of frustration to many left-wing militants and peasants. Therefore, many moved their loyalties from the Liberal Party to the Communist party (PCC). The lack of incentives to participate in elections caused the formation of a peasant-based guerrilla branch with the objective of creating a revolutionary path for Colombia: FARC (Palacios 2012, 95-98). This explains how during the early and mid-sixties, the farmer band was transformed into a pro-soviet Marxist-Leninist, peasant oriented revolutionary guerrilla group. During the first decade, FARC were strongly linked to the PCC. In fact, there were many PCC members that were also part of FARC. However, following 1980, the Communist Party enforced a strict policy of expelling all the members that had parallel activities with FARC.

FARC define themselves as the “people’s army”. According to their statute, they are a military and political movement that developed their political, propagandistic, organizational, and armed action based on a struggle of the masses to achieve power for the people (Palacios 2012, 123). For almost two decades, FARC slowly expanded through the countryside of Colombia while being “just one of an alphabet soup of Colombian rebel groups” but in 1982 they started taxing drug producers and smugglers in the areas controlled by them (Otis 2014, 3). Their links to drug trafficking helped FARC raise more money for recruiting purposes. Since they started being a safe haven for smuggling, their membership significantly increased. For instance, from 1986 to 1996 they went from having 3600 to 7000 men (Ráangel Suárez 2005, 74).

FARC’s success in terms of recruiting did not mean they were unchallenged. After the breakup of the Cali and Medellin cartels, drug production in FARC-controlled territory increased. Nevertheless, right-wing paramilitary guerillas emerged and allied with some landowners and drug producers against FARC. The most prominent one is known as United Self-Defense Forces of Colombia (*Autodefensas Unidas de Colombia* or AUC) led by the

Castaño brothers. The AUC were created in 1997 with the objective of combating kidnappings and extortion from FARC and ELN. The United Nations High Commissioner for Human Rights has suggested that AUC had close and direct ties to some members of the military forces and certain political elites (BBC 2013).

Ultimately, FARC created a sub-state within a state, they settled in the Southern provinces of Colombia and hold until today control of some municipalities in the country. As stated by Kline, “FARC strongholds have tended to be frontier regions neglected by the national government and plagued by general lawlessness” (Kline 2007, 10). Moreover, FARC sustained their operations through drug trafficking, and infuse terror through kidnappings and extortion. In this context, FARC is certainly a sub-state actor that has territory, and even legitimacy in some of the areas in Colombia.

SECTION III

Previous Peace Processes: A brief review

No peace process can be understood in isolation of its background. Andrés Pastrana was not the first president to engage in negotiations with FARC, to analyze what happened during Pastrana’s Administration, it is necessary to bear in mind what happened to the preceding peace processes. The most prominent previous attempts were led by President Belisario Betancur (1982-1986) and President Cesar Gaviria (1990-1994).

The first one took place in the early 80’s during Belisario Betancur’s administration. Betancur proposed a political rather than a military response towards FARC and other guerrillas. In fact, one of Betancur’s campaign promises was to pursue peace talks with FARC, ELN and

the M-19 movement. When elected, he promoted an amnesty law to encourage demobilization. Nevertheless, amnesty did not require disarmament. Soon, Betancur started the process with FARC in 1982 by creating a peace commission. The commission signed the Uribe Accords, “a bilateral ceasefire, with a small demilitarized zone established in the municipality of La Uribe in the Meta department, long a FARC stronghold” (Beittel 2015, 14). The ceasefire was valid from 1984 to 1987, but disarmament was not achieved.

Furthermore, in 1985 FARC formed the political party *Unión Patriótica* (UP) with the purpose of having a political wing to run for elections and compete with the mainstream parties in Colombia. Nevertheless, FARC kept its arms as a guarantee. In the general elections of 1986, UP won seats in Congress and Senate. In the 1988 local elections, UP won some mayorships and hundreds of seats in city councils (Beittel 2015, 14). The party ran under a platform of agrarian reform, nationalization of natural resources, and an economy anti-global capitalism.

Betancur’s accomplishments were worthless after 2 presidential candidates, 21 congressmen, 70 councilmen, 11 mayors and 3500 militants approximately were assassinated by paramilitary groups, drug dealers and national police during the next administration led by Virgilio Barco (1986-1990). Of course, after these events, FARC and other groups decided to return to belligerent activities (Alzate and González 2016). After these failed peace processes, FARC had clearly strengthened its position. In fact, “By the 1990s, FARC had shown considerable growth since the 1970s, with 49 Fronts operating throughout the country and the ELN with 34. In the course of the decade FARC established its presence in an estimated 57% of all Colombian municipalities” (Randall 2016, 3).

The next attempt to achieve peace took place in Mexico and Venezuela during Cesar Gaviria’s administration. Gaviria gathered FARC, EPL and ELN in the same negotiating table.

Gaviria promised social reintegration and looked to achieve a ceasefire and a cease of attacks to civilians and the military (Randall 2016, 2). Anyway, the peace process failed after just over a year of negotiations because EPL kidnapped a former minister.

The next president of Colombia was Ernesto Samper (1994-1998) who did not engage in any formal negotiations with FARC. His administration was characterized by the expansion of paramilitary groups, the continuation of FARC kidnappings and killings, and displacement of people in the rural areas (Randall 2016, 3). Furthermore, Samper had a controversial presidency given that he was accused of receiving money from the Cali Cartel for his presidential campaign.

SECTION IV

Negotiation under Pastrana's Administration: Applying BATNA's

The next presidential elections were held in May 31st, 1998. The liberal candidate, Horacio Serpa, got 34,4% of the votes, conservative candidate Andrés Pastrana (*Gran Alianza por el Cambio*/Great Alliance for Change Party) got 34% and Noemí Sanín (*Sí Colombia*/Yes Colombia Party) got 26,4%⁵. Following the electoral rules in Colombia, Serpa and Pastrana had to go to a run-off. Serpa had gotten 33,729 votes over Pastrana and the political environment was extremely polarized, so both candidates had to focus on how to win the second round (El Tiempo 1998).

The idea of peace emerged in the conservative party the day after the first round of elections. Former conservative Mining Minister, Alvaro Leyva Durán, encouraged Pastrana to include a strong peace platform on his campaign and handed him a document that had previously been created by liberals, conservatives, the UN and FARC leaders. In mid-June, Pastrana

⁵There were other 10 candidates but neither got more than 2% of the popular vote.

appointed Victor G. Ricardo, a member of his campaign, to meet with FARC leaders. In the meeting, Ricardo and FARC members agreed that if Pastrana won the election they would begin a peace process where the government would grant FARC a demilitarized zone comprising five municipalities of Colombia (Valencia 2002, 34-35).

In 1998, conservative candidate Andrés Pastrana won the presidential elections with 51.9% of the popular vote against Serpa in a very close race. Some analysts suggest that one of the most important aspects that marked his victory was the meeting between Victor G. Ricardo and FARC leaders that took place prior to the election (Télliez, Montes and Lesmes 2002, 35). In this sense, Pastrana came into office with the explicit intentions to end the conflict with FARC and a clear commitment with the Colombian people. However, before 1998, Pastrana was not characterized by being an activist for peace. He had not worked in any of the peace commissions of the previous governments or written anything favoring peace. He had not campaigned for a peace process in his 1994 presidential elections against Ernesto Samper. However, in what was perhaps a coincidence, Pastrana ended up as the most important advocate for a peace process in his campaign against liberals (Valencia 2002, 35-36). Perhaps this explains in part why FARC was a stronger bargainer than the Colombian government. Pastrana had no real experience with peace processes and this made FARC a more powerful actor.

Once Pastrana was elected, he took the first step and appointed Victor G. Ricardo as High Commissioner for Peace. The president also established a demilitarized zone (*zona de despeje*) in October 1998. The zone was located between the departments of Meta and Caquetá, it had 42138 square kilometers (approximately the size of Switzerland) and around 90,000 inhabitants. The demilitarized zone was initially supposed to last for 90 days, but it ended up lasting 3 years and being one of FARC's most important bargaining tools (Kline 2007, 50). Following the creation

of the demilitarized zone, opposition to the peace process emerged from the Liberal Party and factions of the military.

In fact, the first impasse happened when the government kept the Cazadores Battalion composed by 130 unarmed soldiers within the demilitarized zone. FARC demanded Pastrana that this troops be withdrawn. In mid-December 1998, after disagreements between some generals and the president, Pastrana ordered the Battalion to leave the area (El Tiempo 1998).

By the end of 1998 two FARC positions were known. The first was that a cease-fire was something to be negotiated later, rather than earlier, in the process. That was in direct conflict with the position of the government and was to cause difficulties later, as we will see. The second had to do with the ten points (the FARC Decalogue) that the insurgent group wanted to negotiate (Kline 2007, 56).

As shown above, the first obstacle to the peace process occurred before the peace process started. FARC proved that they were a strong actor since Pastrana's first months in office and this tendency would remain for the next four years.

FARC and the government started officially negotiating on January 7th, 1999, Manuel Marulanda did not show up to the inauguration ceremony, originating discomfort and speculation apropos of the peace process. he showed up the next day alleging that there was an assassination attempt against him from paramilitary groups. The firsts week of negotiations went by while both parties debated about procedural matters and the agenda to be set for discussion. Both FARC and the Pastrana government proposed different ten point agendas to be considered. It is noteworthy that while the government proposed a ceasefire, FARC negotiators stated that the ceasefire will only come when at least 90% of the issues were solved (Kline 2007, 60).

Furthermore, FARC held a firm position regarding the exchange of prisoners, they wanted Congress to pass a law guaranteeing permanent exchange of prisoners during the peace process. Marulanda announced that otherwise, they would start kidnapping politicians⁶ (Télez, Montes and Lesmes 2002, 106). During the first weeks, FARC also talked about the need of civil society involvement in the talks. They emphasized that students, workers, indigenous and afro-Colombian groups have a say in the peace process.

The first period of negotiations was marked by the absence of Marulanda on the first day of talks and the firm bargaining position that FARC held. As stated by Randall, this sent a clear message to the government “FARC would negotiate from a position of strength” (2016, 3). For instance, the issue of ceasefire, although a priority for the government, was ruled out by FARC from the start.

At this point, it is important to analyze the BATNA’s of the government and FARC. As stated by Fisher and Ury, “the reason you negotiate is to produce something better than the results you can obtain without negotiating” (Fisher and Ury, *Getting to Yes: Negotiating Agreement without giving in* 1983). In this sense, negotiation is supposed to be the way out of a conflict, however, if negotiation does not work, the actors will potentially opt out and recur to their BATNA (Best Alternative to a Negotiated Agreement). A BATNA can either mean to keep the status quo, or to find another solution, less optimal than the negotiation outcome.

Considering the historical background of the conflict, it is evident that the BATNA of FARC is always to keep the conflict going and to refuse to open to negotiations with the government in the near future. They also tend to continue guerrilla activities, kidnappings and trying to seize more territory. As a response, the BATNA of the government has also historically

⁶ FARC did not recognize the term “kidnappings”, but political retentions.

been to return to the status quo, which would imply increasing military presence in the region and escalating the conflict once again. One could argue that the BATNA of both actors was the same, since they both had to remain in conflict. However, there was a power imbalance between both actors. The government had a weaker BATNA because it made the search for peace the most important task of the administration. In fact, 1300 days of the 1460 were dedicated in some way to handle the peace process (Valencia 2002, 37). On the other hand, FARC was at the peak of its military power, having gained a lot from drug trafficking and recruitment. In this sense, it could be argued that there was a power asymmetry in the BATNA's of both actors, even though they both had the same alternative if no agreement was reached.

The first freezing of the talks took place on January 19, 1999. FARC announced the temporary suspension of negotiations after the violent acts carried out by coordination between paramilitary and military groups, where around 130 Colombians were killed (Kline 2007, 62). By these means, FARC requested the government to take actions against paramilitary groups. The government attempted to unfreeze the negotiations with a meeting, but they were unsuccessful. Moreover, on February 5th they unilaterally extended the demilitarized zone without any concessions from FARC. Three months went by and FARC had not unfrozen the talks yet (Kline 2007, 67).

In March, the peace process faced another scandal. FARC abducted and then murdered three American indigenous rights leaders, Ingrid Washinawatok, Lahe'ena'e Gay and Terence Freitas. The three activists had traveled to Arauca, Colombia invited by the U'wa people to help them reform the educational system. All of them were kidnapped by FARC on February 25 while driving to the airport and were found a couple of days later "blindfolded, and riddled with bullets" (Environmental Research Foundation 1999). The first two obstacles to the process

showed that FARC was willing to carry its principle of negotiating amidst war. There were no intentions of ceasefire, and most importantly, FARC was established as the strongest actor in the table. FARC had proven that they had a “walk away point”, that they would remain negotiating only if the government fulfilled its demands.

On April 18th, the government threatened to end the zone if negotiations did not restart. FARC agreed to resume talks two days later. After a few days of negotiating, both parties decided that they would form three commissions to carry on the process. One would solve procedural matters and manage civil society involvement, another one would discuss the issues in the agenda, and the third one would focus on substitution for illicit crops (Ramírez 1999). Furthermore, FARC and the government made progress regarding the creation of a common agenda to negotiate.

In early May Pastrana traveled to Caquetá where him and Marulanda met and subscribed an agreement in which FARC committed to accept international overseeing for the process. Only when this agreement was signed, the unfreezing of the dialogues was made public. This decision was not well received by the military elites (Téllez, Montes and Lesmes 2002, 149). May 6th marked the day when FARC and the government finally reached a common agenda for topics to be discussed, including: human rights, agrarian reform, the conservation of natural resources, the justice system, corruption, drug production and trafficking, military reform, taxing, and others. This was clearly a triumph for the government. They established a strong bargaining position, demanding FARC commitment and got to some consensus on the agenda to be used. However, the power was not reversed.

The next crisis in the process did not occur between FARC and the government but within the government, when Minister of Defense, Rodrigo Lloreda, resigned. On May 21st, the

High Commissioner for Peace, Victor G. Ricardo, was interviewed by *Diario El Espectador*, where he expressed that the demilitarized zone might be extended indefinitely. As stated above, this was a very controversial issue for the military elites. As a consequence, Lloreda called for a press conference and publicly announced his resignation on May 26th, while President Pastrana was hosting an Andean Community summit. Lloreda cited disagreements with the president regarding the peace process, and specifically, the extension of the demilitarized zone as the main reasons for his resignation. According to some analysts, after he resigned, “the worst military crisis in the modern history of Colombia’s military began” (Téllez, Montes and Lesmes 2002, 159). In this way, Lloreda became a symbol of military opposition to the peace process. After this situation, Victor G. Ricardo announced the extension of the demilitarized zone for six months (Kline 2007, 75).

The resignation of Lloreda and the military crisis proved that the BATNA of the government was weak, and that members of the administration were aware of it. Furthermore, the fragmentation within the government depicted a weaker position in the negotiating table. As the military was going through an internal crisis, the BATNA of the government was weakened, going back to conflict was more risky and costly for the government than for FARC. As stated by Spangler, “Having a good BATNA increases your negotiating power. If you know you have a good alternative, you do not need to concede as much, because you don't care as much if you get a deal” (Spangler 2012). Accordingly, at this point of the peace process FARC didn't seem to be as committed. This was shown especially by the kidnapping of the American activists and the first freezing. In any case, the agreements reached in Caquetania did represent a first step towards peace, even though the agreements were mostly procedural.

The second freezing happened from July 18th to October 24th 1999. Paradoxically, the reason was the lack of consensus on the agreement they had already signed regarding the verifying commission. FARC cited lack of clarity about the installment of the commission and thus, refused to resume talks for a long time (Téllez, Montes and Lesmes 2002, 193). It is noteworthy that the verifying commission was supposed to investigate crimes committed by FARC around and within the demilitarized zone, including “the use of unconventional weapons against civilians” (Kline 2007, 75). In spite of the government’s attempts to resume talks, FARC did not collaborate. For example, when Pastrana proposed a humanitarian agreement for the demilitarized zone, FARC replied that the country is still at war, and as such, FARC could not follow humanitarian law and would continue the kidnapping (El Tiempo 1999). In any case, FARC blamed the government for this freezing. Meanwhile, opposition increased from different factions of the elites, including the Congress, the Liberal Party and some members of Congress.

The second freezing was solved when FARC and the government agreed that even though there would not be a verifying commission, FARC would consider the option of ceasefire. In this way, one of the concessions made on the first agreement was broken. In addition, FARC would recognize the authority of mayors in the demilitarized area. Negotiations were resumed while there were still tensions between the government and the military elites. Despite the fact that the new Minister of Defense, Luis Ramírez, tried to ease tensions with the High Commissioner for Peace, the military elites had gathered proof of the irregularities that were happening within the demilitarized zone. After a couple of days, President Pastrana announced changes in the military leaders, assigning some of the generals that criticized the peace process to new positions abroad (Téllez, Montes and Lesmes 2002, 198-202).

Once again, FARC was still positioned as the strongest bargainer at the table, through breaking the Caquetania agreement. The government's internal structure was still fragmented, and that weakened the government's position. It is noteworthy BATNAs are also defined in terms of perceptions. "If a disputant thinks that he or she has a better option, she will, very often, pursue that option, even if it is not as good as she thinks it is" (Spangler 2012). The second freezing gave FARC the perception that the government was willing to let go some agreements to keep the peace process in place. Perhaps this can explain what happened later.

The negotiations resumed on October 24th, 1999. Soon, both parties started discussing the involvement of the civil society in the peace process through the creation of a National Thematic Committee. FARC and the government agreed that the committee would compile recommendations made by actors in the civil society on how the process should be carried, but it would not have an authority over the decisions taken. Accordingly, the committee's role was to host public hearings from certain groups and transmit them to the negotiating table. Towards the end of 1999, FARC and the government prepared a document the progress made since the talks started, listing the development of peaceful dialogue, the creation of a common agenda, the constitution of the National Thematic Committee, and the agreement on how the negotiations would be carried in the future (Kline 2007, 79).

On December 21st, 1999, FARC announced a short ceasefire that would last until January 15th, 2000. This announcement represented one of the few accomplishments that the government had made since the beginning of negotiations and it showed FARC's willingness to continue with the process. On the same day, FARC leaders handed in letters made by war prisoners (soldiers, policemen) to their mothers. Only a few days earlier these mothers had met with FARC leaders and they mentioned the importance of pressuring the government on a prisoner exchange

agreement (Télliez, Montes and Lesmes 2002, 203-207). The ceasefire represented one of the peaks of negotiation, especially for the government since they attained what they were expecting for a long time. In this sense, the bargaining power of both parties was similar, no party had a clear advantage over the other. However, this does not mean that the power structure and BATNA of the parties changed.

By that time, the government of Pastrana had developed *Plan Colombia* with the sponsorship of the United States. The fact that FARC had kidnapped and murdered the three American activists not only destroyed all U.S. contact with the guerillas but also eroded U.S. support for the peace process in general. This was influenced by the fact that Republicans in Congress accused the Clinton administration for “blurring the longstanding U.S. policy of not dealing with terrorists” and drug-traffickers (Gilman 1999). As time went by, the Clinton administration was bound to devote more attention to drug issues in Colombia. In fact, Republican leaders argued that Colombia had turned into a narco-state that threatened the U.S. security. While Republicans in Congress pushed for a drug-trafficking dominated agenda, the State Department advocated for a multifaceted approach that would include “alternative development, justice reform, human rights protection, and economic recovery” (Albright 1999). The issue became a topic of heated discussion in U.S. Congress. At the same time, Pastrana’s administration was seeking economic support from the U.S. to fund his plan called *Cambio para construir la paz*, which aimed to strengthen the economy and the democratic system.

As a result, the U.S government sent Secretary of State Thomas Pickering and a delegation to Bogota. Their role was to analyze the threats to democratic governance in the country. The final result was *Plan Colombia* (Plan for Peace, Prosperity, and the Strengthening of the State), a document –including an assistance package– drafted in the United States that

covered the areas of economic recovery, counter-narcotics, justice sector reform, democratization and social development, and the peace process (Arnson 2000, 16). *Plan Colombia* is now widely regarded as a unilateral, military, counter-drugs effort that disregarded the social and economic motives behind the appearance of guerillas. All European countries but Norway and Spain refused to support the plan because of its military focus, while FARC accepted the social aspects of the plan, but rejected its military clauses.

As stated above, this plan started being implemented in 2000, while the negotiations were taking place. According to Kline, Plan Colombia provided more troops, weapons, and training than ever before. In this sense, “the Colombian military was going through one of its most profound changes in history” (Kline 2007, 174). The fact that the military was strengthening its capabilities strengthened the position of the government at the bargaining table, but it also eroded FARC’s commitment to the peace process, as we will see later.

The talks resumed on January 20, 2000 with the presence of Manuel Marulanda. Both parties gathered to start discussing about substantial matters, however, they could not agree over what topic should be the first one to discuss between human rights and social issues. Only two days later, another scandal took place. A famous journalist known as La Chiva Cortés (Guillermo Cortés) was kidnapped by FARC. Cortés had a lot of credibility in the Colombian media, therefore, his kidnapping received a lot of coverage. In the middle of this crisis, FARC and government negotiators reached a three-block agenda: economic and social, human rights, and international policy, that would be addressed in that order. Another ceasefire would be discussed only after all these issues were tackled (Kline 2007, 80).

A few days later, FARC and government negotiators were invited to Norway and Sweden to attend a series of conferences and meetings with international authorities. The tour was

arranged by the United Nations Secretary-General's Special Adviser on Colombia, Jan Egeland, and it soon extended to France, Norway, Italy, Spain, and the Vatican. This trip allowed both sides of the conflict to build confidence and to realize the amount of international support that the peace process had (Téllez, Montes and Lesmes 2002, 215-227). At this point, it seemed like the peace process was going to move forward even though the parties were not negotiating during the tour. The power structure had not necessarily changed, but for example, FARC recognized the importance of humanitarian law after talks with the heads of the Red Cross.

Some controversies surrounded the peace process for the following months. First, FARC formed a political party created by FARC called *Movimiento Bolivariano por la Nueva Colombia*. Second, they established a tax for people that had more than 1 million dollars to prevent them and their families from being kidnapped. This tax was called “Law 002” or tax for peace. Moreover, on the government’s side, the High Commissioner for Peace Victor G. Ricardo resigned in March citing that the peace process was not being successful enough. It has also been said that he received death threats by paramilitary groups. Pastrana accepted Ricardo’s resignation in May, and appointed Camilo Gómez to take Ricardo’s position. Gómez was Pastrana’s private secretary and he had also been part of the negotiating team. (Téllez, Montes and Lesmes 2002, 228-238). The lack of continuity of the team was also an obstacle for the talks to be successful. In fact, Pastrana named four different teams throughout the peace process, adding on more uncertainty to the conversations (Kline 2007, 52). It was difficult for FARC to deal with the changes, especially after Ricardo’s resignation. This might have led them to choose to pursue their BATNA instead of working harder for an agreement.

The third freezing took place in May 16th, 2000, and it was the first and only one put forth by the government. It happened when the government learned that FARC allegedly

launched a necklace bomb attack against the peasant, Elvira Cortes, and effectively killed her and two policemen that were trying to deactivate the bomb. The talks were frozen for less than a month, as it became clear that FARC was not responsible for *La Chiva Cortes'* death. In June, the talks resumed when FARC and the government handed in ceasefire proposals to each other (Kline 2007, 84). It is important to highlight that FARC's ceasefire proposal was very critical of Plan Colombia and requested the government to review it. As can be noted, Plan Colombia was a deal breaker for FARC to reach a substantial peace agreement. This means FARC preferred to remain at war (follow their BATNA) than to give up power in such a critical point.

In the following months, public hearings continued being held, but the government was busy organizing Bill Clinton's visit to Colombia in August, so there was no real progress in negotiations. During July and August, *La Chiva Cortés* and other kidnapped people were rescued by the military.

The next obstacles emerged in early September, when FARC member Arnobio Ramos hijacked a plane that was heading to Florencia in the Caquetá department. Ramos forced the airplane to land in the demilitarized zone. According to FARC, this event was not centrally coordinated, but an individual action taken by Ramos. This event shows that FARC leaders did not have control over every action taken by their own guerrillas. However, they refused to turn him over to the government (Téllez, Montes and Lesmes 2002, 260). The scenario deteriorated when FARC announced a strike in Putumayo, showing again that Plan Colombia represented a motivation for FARC to follow their BATNA in the middle of negotiations. Kline explains it as follows: "Demanding an end to the Plan Colombia's military component, the guerrillas prohibited all vehicle traffic on the roads, resulting in isolated towns and hamlets suffering

severe shortages of food, gasoline, and drinking water. The strike lasted until early December, when the FARC unilaterally lifted it” (2007, 87).

The negotiations froze once again on November 15th, 2000. FARC used the same argument as the first freezing, they stated that the government was not doing enough to control paramilitary groups. In spite of the freezing, the government decided to extend the demilitarized zone until the end of January 2001. During December, two impasses occurred. First, the Army chief Commander Jorge Mora announced that the armed forces had everything ready to retake the demilitarized zone when the president may require it. Furthermore, FARC assassinated Senator Diego Turbay, “while it seems clear that it was done by a FARC group, that is not to say that it had been approved by higher ups” (Kline 2007, 88). Once again, this shows that FARC leaders not necessarily controlled all the actions taking place amongst their combatants.

These events affected the negotiations since they showed Colombian people and the government that FARC wasn't willing to negotiate and they rather preferred to continue the violent fight against government officials and civilians. On the other hand, the government had invested too much effort in the talks, so they could not afford to walk out without an effective agreement. Achieving peace had become the most urgent task of Pastrana's administration. In other words, the place of Andrés Pastrana in history would be determined by his peace efforts—perhaps a noble sentiment but one that was to weaken his bargaining power, as shown below (Kline 2007, 52). In terms of BATNA, it meant that the government did not have a real best alternative, it had invested too much political capital into the peace process. On the other hand, FARC were already pursuing their BATNA when the government was acting aggressively with FARC -Plan Colombia- or not doing enough against paramilitary groups. For FARC, it was not

costly to reject the agreement because they did not pursue a ceasefire. In this way, the power dynamics between both parties were clearly unequal.

Certainly, the scenario before the end of the year was complicated. Nevertheless, 2001 started with both parties showing willingness to continue working for peace. Dialogues were still frozen, and the president announced that the government would not renew the demilitarized zone if FARC did not accept to restart negotiations. In this context, Marulanda agreed to resume the talks and met with the President on February 8th, 2001. After the meeting, they signed the Agreement of *Los Pozos* which stated that negotiations would begin again and that a new commission would be created to formulate recommendations to the negotiating table. It was called Commission of Notables (*Comisión de los Notables*), since it would be composed of important personalities from Colombia. Additionally, the Agreement of *Los Pozos* created internal committees to address the causes of interruptions and to report what happened in the demilitarized zone, it also imposed a humanitarian agreement that would enable ill soldiers to be freed. Both parties also invited the international community and national organizations to information sessions about the peace process. Marulanda and Pastrana also held a press conference that day where they clarified the content of the agreement (Kline 2007, 92-93).

During the next three months, FARC and the government continued negotiating on the possibility of a ceasefire. The parties also explored ways to foster economic growth and tackle unemployment. Furthermore, they carried a meeting with foreign governments of the so-called friendly governments to the peace process⁷, and created an international commission to facilitate the peace process⁸ (Kline 2007, 94). Discussions about a humanitarian exchange were held at the

⁷ Germany, Austria, Belgium, Brazil, Italy, Japan, Mexico, Norway, Holland, the United Kingdom, Sweden, Switzerland, Venezuela and the Vatican

⁸Canada, Cuba, Spain, France, Italy, Mexico, Norway, Sweden, Switzerland, and Venezuela

negotiating table, however, both parties were hesitant to signed substantial agreements on this issue. Furthermore, the tasks of the Commission of Notables were clarified and its members of the were appointed⁹ (Téllez, Montes and Lesmes 2002, 316).

Only in June could FARC and the government sign a humanitarian exchange agreement. This was clearly the first substantial agreement after more than two years of negotiations. Just a few days later, soldiers and policemen were liberated and sent to the cities, while the government also liberated FARC soldiers and transferred them to the demilitarized zone. Liberations continued throughout the month, but Jorge Briceño, one of FARC leaders, threatened to increase kidnappings. By the end of the month, high-profile kidnappings had risen, and the ceasefire agreement had not progressed (Kline 2007, 96-97).

The peak of the negotiations clearly had lost momentum by the end of the month. On July, in an interview with the daily journal *El Espectador*, FARC leader Raúl Reyes, mentioned that after the peace process a coalition government should be established and therefore, Pastrana should be removed from his position. Reyes mentioned: “What we want is to govern; the struggle of FARC is to be the government, to make a new state that guarantees the rights of people” (Castrillón and Gutiérrez 2001). Furthermore, the president and the peace commissioner fired the negotiating team stating that the government will take a more direct approach to the peace talks. Once again, a change in the team weakened the government’s position, while FARC still did not show enough commitment.

July and August were marked by many discouraging events. In mid-July, FARC kidnapped Alan Jara, former governor of meta, and three German experts on drug crop eradication that were offering advisory in the Cauca department (Téllez, Montes and Lesmes

⁹Carlos Lozano, Alberto Pinzón, Ana Mercedes Gómez, Vladimiro Naranjo

2002, 324-325). Later that month, FARC leaked its ceasefire proposal, forcing the government to do the same. Both proposals had barely any points in common, showing lack of consensus on this issue between both parties. For instance, FARC requested the government to end extradition for drug dealers and to end neoliberal policies. On the other hand, the government's proposal stated that a condition for ceasefire would be that FARC release kidnapped persons, stop kidnappings and end extortion practices (Kline 2007, 98-99). On top of everything IRA (Irish Republican Army) troops were found in the demilitarized zone in mid-August. These events show the environment of the peace process was jeopardized after the humanitarian exchange signed in June. Events like these affected public opinion on the peace process. As stated by Villacreces, "Public opinion saw guerilla attacks and violence as a cynical behavior of FARC toward the negotiation talks"(2003, 16)

The Commission of Notables that had been formed through the Agreement of *Los Pozos* gained importance in the following months. The document released by the commission established an outline on how the negotiations shall proceed. The draft included recommendations like ceasefire and a bilateral truce until the end of negotiations. Furthermore, it suggested the creation of a Constitutional Assembly elected by popular vote to issue constitutional reforms. Afterwards, FARC would disarm and the military would adjust to the new conditions of the country. Regarding paramilitarism, the commission proposed the government to increase its anti-paramilitary operations and expel all the policemen and military members who had ties to these organizations. Likewise, the commission suggested that people with ties to paramilitarism be subject to ordinary justice (Kline 2007, 100-103). The recommendations made by this Commission were never effectively implemented. Additionally, when the file was being drafted, commissioner Ana Mercedes Gómez resigned citing

disagreements with other members. The Commission now had only one representative from the government, the other two were sympathetic to FARC. In this sense, the Commission of Notables also had an unequal power structure.

The situation did not improve in September, in fact, two events jeopardized the peace process. First, Consuelo Araújo Noguera (former Minister of Culture) was killed one week after she had been kidnapped by FARC. FARC placed the blame on the Caribbean block of the army rejecting their responsibility in the event (Kline 2007, 105). Second, the liberal presidential candidate, Horacio Serpa organized a march to campaign in the demilitarized zone. He encountered FARC soldiers blocking him to go further: “Doctor Serpa, if you do not stop this march, we will have no other option but to detonate the car bombs we have ahead, and if you cross, we shoot. This is FARC territory and you cannot campaign here at our expenses” said one of FARC guerrillas (Télez, Montes and Lesmes 2002, 333).

Through these incidents, Pastrana realized that FARC had complete control over the demilitarized zone and even decided who could go in and who could not. As stated by Beittel, “the FARC demonstrated its lack of commitment to the peace process by using the demilitarized zone to regroup militarily, launch violent attacks, grow coca on a large scale, and hold hostages” (2015, 15). The guerrilla group were applying the BATNA even before reaching a negotiated agreement, they were negotiating amidst war in a territory that the government had practically granted them. However, it is clear that at this point the government knew that the stakes were too high to keep conceding without getting anything in return.

In this context, the government had to prove that they were getting something in return of the demilitarized zone. In October, both parties signed the *Acuerdo San Francisco de la Sombra*. The most important achievement of the agreement was that FARC committed themselves to stop

carrying out kidnappings at national highways. The agreement also established that the recommendations submitted by the Commission of Notables would be examined, that citizens' participation would increase in the peace process, and that FARC would respect the power of authorities of the municipalities in the demilitarized zone (Kline 2007, 105-106). *San Francisco de la Sombra* was considered the most successful bargaining moment of the Pastrana administration. Although the commitment to stop kidnappings wasn't honored by FARC, it is evident that at this precise moment of the negotiation, it was crucial for FARC to give up kidnappings so the government would stop receiving as much critics from the military and from public opinion.

In early October, the president announced that controls around the demilitarized zone would increase. The military would have more presence in border areas and would fly over the zone constantly. Additionally, presence of foreigners around the zone would be more strictly controlled. Clearly, Marulanda and other FARC leaders were not satisfied with these decisions. Marulanda sent a letter to government negotiators stating that FARC negotiators would not return to the table if these measures were not lifted. Later, FARC sent out two additional letters expressing similar concerns. By the end of 2001, the peace process was in a critical situation, both parties were considering ending the talks and FARC even threatened to do so. FARC even rejected an offer made by the UN to act as a mediator in this situation (Kline 2007, 107-110).

On January 9th, 2002, the government and FARC sat once again at the negotiating table. However, they could not agree on some of the most important points to carry on with the peace process: ceasefire and military controls of the demilitarized zone. Given that the parties could not agree on any substantial issues, Camilo Gómez, high commissioner for peace, announced that the peace process had ended and that FARC had 48 hours to leave the demilitarized zone. For the

first time the government seriously considered applying their BATNA instead of keeping up the pursuit of peace. The next day, FARC requested the UN to mediate the process and James LeMoyne, UN Special Advisor for the Peace Process met with the president and travelled to the demilitarized zone to meet with FARC. On January 13th, after LeMoyne's mediation and the intervention of some ambassadors of the friendly nations, the peace process was back on track (Télez, Montes and Lesmes 2002, 359-369). This shows that in the face of a threat, FARC put more effort into continuing with the peace process.

January 20th marked the first day when FARC and the government agreed on a chronogram of activities for the peace process to continue. The highlights of the document released on this meeting include the beginning of discussion about a ceasefire and the cessation of kidnappings. Moreover, both parties agreed to invite presidential candidates to contribute to the peace process, to set up an international commission to mediate the process when difficulties take place, and to resume public hearings. For the first time, the parties set up a deadline to sign the ceasefire, that would have been April 7th, 2002. However, the agreements established on this document were not followed, and FARC issued a new agenda in February, very different from the common agenda that had been set by both parties, since it excluded the issue of a ceasefire. The government did the same thing in response, establishing the ceasefire as the priority (Kline 2007, 114-118). By analyzing these events it is apparent that even after the threat placed by the government on January 9th, no changes were made by FARC. They still wanted to negotiate from a position of power, without making concessions or following the established agreements. The lack of implicit outcomes made the peace process unsustainable.

On February 29th, the government unilaterally decided to end negotiations with FARC. The progress made since the last agreement was not enough to guarantee ceasefire, both parties

had still very different views on how to get there. Furthermore, members of FARC hijacked a plane and kidnapped Senator Jorge Grechem. Despite FARC leaders announced that they knew nothing about it, President Pastrana proceeded to end talks: “First, he asked the Juridical Secretary of the Presidency to prepare the resolution to end the demilitarized zone; secondly, he ended the political status of the FARC negotiators; and third he asked the national prosecutors office to reactivate the arrest warrants for the FARC leaders” (Kline 2007, 120).

Pastrana announced that the peace process was over and that the military forces would take over the demilitarized zone starting at midnight. Three days later, FARC kidnapped former presidential candidate Ingrid Betancourt as she was travelling to the demilitarized zone.

Betancourt was kidnapped on February 23rd, only three months before the next presidential elections. In this way,

that Pastrana focused on the peace process for almost four years, without getting enough in return from the guerilla group. In fact, “Pastrana’s government tried to keep the talks going at any price, even of fulfilling almost all guerilla demands without achieving some accord” (Villacreces 2003, 16). In this sense, the negotiation process was clearly asymmetrical in terms of power. The BATNA of both parties was to keep the status quo of being in constant war, however, it was more costly for the government in political and military terms. The demilitarized zone helped FARC get stronger and provided a safe haven for illicit activities. FARC could launch violent attacks, continue producing and trafficking drugs, and kidnapping Colombians without being held accountable for their actions in that area.

After the events described above, public opinion in general turned against the possibility of negotiation. Beittel briefly describes the consequences of the failed peace process in the

following terms: “The failed negotiations severely disillusioned the Colombian public and generated widespread support for adopting a hardline approach to security embodied in the presidential campaign of Álvaro Uribe, who took office in August 2002” (2015, 15). The figure of Alvaro Uribe remains, until today, one of a man that strongly opposes talks with FARC and other guerilla groups.

CONCLUSION

Peace processes are certainly complex and heterogeneous, especially in cases like Colombia, where the conflict has been ongoing for decades, and there is a wide array of issues to tackle in order to achieve peace. Analyzing what happened during a peace process is no easy task either, one should carefully study what happened and examine different theories that may suit the case. Through analyzing the peace process led by Pastrana, one could argue that the concept of BATNA, proposed by Fisher and Ury, works as an effective theoretical framework to explain why the peace process between the Colombian government and FARC failed. As can be seen, BATNA's are an accurate expression of the power configuration of a negotiating table. In this case, the BATNA's of the actors depicted a scenario that favored FARC. This means, FARC was more likely to get what they wanted during the peace process.

FARC not only had a better BATNA, but they had a walk away point and they used paramilitarism and Plan Colombia as strategies to freeze the negotiations without ending them. On the other hand, the government had only one strong bargaining tool, the demilitarized zone. The government rarely threatened FARC to end the demilitarized zone, and instead, it conceded extensions without demanding anything in return. In this regard, one can argue that in the case of Colombia and FARC, BATNA's are important representations of how the power was unequally

distributed between actors in a negotiation. However, BATNA's not only show the asymmetrical power distribution between the actors, they are also an important explicative variable of the failure of the peace process.

As stated by Buelens and Van Poucke in an article concerning negotiation and psychology, the position of a negotiator is as powerful as its BATNA (Buelens and Van Poucke 2004, 24). For this reason, the concept of Best Alternative to a Negotiated Agreement is an effective unidimensional variable to explain the complexity of why the peace process led by Pastrana failed. To put it in simple terms, Pastrana invested all his political capital in the ideal of peace, perhaps he expected to be remembered as the president who achieved peace, or perhaps he genuinely wanted to accomplish it. For these reasons, Pastrana's government and the negotiating team did all that was possible to remain in conversations for almost four years. On the other hand, the message from FARC was clear, they "would negotiate from a position of strength", and they would participate in peace talks in the midst of war (Randall 2016, 3). The power asymmetries show that perhaps the moment was not ripe to achieve peace, as FARC had control of a significant portion of Colombian territory, while the government was going through internal struggles about the peace process.

BATNA's are important, however, the article suggests that the complexity of the peace process required to look for more explanations. In this sense, Section IV presents important insights about other key variables that could complement the explanation proposed by Fisher and Ury. For example, the lack of continuity in the negotiating table also created instability, and lack of centralized command in FARC eroded the peace process. Moreover, public opinion played an important role in leading the government to end the peace process, especially towards the end.

In brief, the analysis presented in this article shows that BATNA's should start being used not only as a practical concept for negotiators, but also, as a theoretical framework for researchers. However, it will not be effective if used as an isolated explanation, and it has to be combined with elements from the context of each peace process.

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