

Civil Society Organizations and Peace Negotiations

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Abstract

This thesis aims to shed light on the participation of local civil society organizations (CSO) in peace negotiations, and asks how CSOs can participate in such negotiations and whether the level of CSO participation makes a difference. The study is designed as a qualitative case study focusing on the Colombian peace negotiations 2012-2016, with a special focus on the issue of victims. Interviews with Colombian CSO representatives and experts are the main source of information and the level of CSO participation is measured on a gradual scale depending on how close the organizations got to the negotiation table. The findings in this study indicate that the level of CSO participation does matter, and that organizations that were closer to the negotiators were able to include more of their agenda, as well as more substantial proposals. In addition, the type of proposals mattered for their inclusion or exclusion in the Final agreement. Proposals that fell outside what were provided by international and national laws, as well as proposals that were not contemplated in the negotiation agenda agreed by the parties, resulted more difficult to include in the peace agreement, especially when the CSOs had a lower level of participation.

Resumen

Esta tesis busca ser un aporte para entender la participación de organizaciones de la sociedad civil en negociaciones de paz y se pregunta si el nivel de participación de estas organizaciones resulta relevante en tales negociaciones. La investigación se diseñó como un estudio cualitativo enfocado en las negociaciones de paz en Colombia 2012 a 2016, con especial énfasis en las negociaciones sobre víctimas. Como principal fuente de información se utilizó entrevistas con representantes de organizaciones de la sociedad civil colombiana y expertos en la materia, explorando múltiples formas de participación. Los resultados de este estudio indican que el nivel de participación de las organizaciones de la sociedad civil sí importó en las negociaciones de paz y, además, que las organizaciones que lograron trabajar más cerca de los negociadores en la Habana fueron capaces de incluir mayor número de propuestas en el acuerdo y de carácter más substancial. Adicionalmente, el tipo de propuestas resulta relevante para su inclusión en el acuerdo. Las propuestas fuera del alcance de las leyes nacionales e internacionales y aquellas que no figuraban en la agenda original de negociación, resultaron más difíciles de incluir en las negociaciones, especialmente cuando la organización tuvo un menor nivel de participación.

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List of abbreviations

ACORE	The National Association for Retired Military Officers
ANDES	The National Association for Students in Secondary Schooling
ASC	Civil Society Assembly in Guatemala
CdIP	The People's Congress
CODHES	Consultants for Human Rights and Displacement
CONPA	The Afro-Colombian Peace Platform
CPC	Centre for the Promotion of Culture
CSO	Civil Society Organizations
EPL	The Peoples Liberation Army
FARC	Revolutionary Armed Forces of Colombia
FENSUAGRO	The National Association of Agricultural Workers
Final agreement	The Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace
FOKUS	Forum for Women and Development
IACHR	Inter-American Court of Human Rights
ICC	International Criminal Court
IHL	International Humanitarian Law
JEP	The Special Jurisdiction for Peace
MOVICE	The Movement for Victims of State Violations
MTP	The Permanent Working Table
ONIC	The National Organization for Indigenous People
PCN	Process of Afro-Colombian Communities
PDET	Programs for Territorial Development
SIVJRNR	The Integral System for Truth, Justice, Reparations and Non-recurrence
UBPD	The Special Unit for the Location of Missing Persons
UNAL	The Colombian National University
UNDP	The United Nations Development Program

1 Introduction

1.1 Presentation of topic

The aim of this study is to shed light on the role of local civil society organizations (CSO) in peace negotiations. This is done by looking at how representatives from CSOs assess their organizations participation in such negotiations. Modern democratic norms advocate that citizens and their organizations should participate in peace processes, but peace negotiations, both in practice and theory have long been secretive and exclusive, limited to the armed parties in the conflict and leading statesmen. A challenge is to think about how peace negotiations can be democratized, how citizens could potentially participate, and what happens when such exclusionary activities open to third parties. Including civil society in peace negotiations is one way of thinking about citizen participation. Over the last decade many academics and policymakers have considered how and why CSOs could and should participate in peace negotiations, concluding that civil society has the potential to play an important role in such negotiations (Bercovitch, Kremenyuk, and Zartman 2009; Garcia 2009; Paffenholz 2014). Two large N-studies by Nilsson (2012) and Wanis St.-John and Kew (2008) identify a link between the inclusion of CSOs in peace negotiations and the sustainability of peace agreements. This master thesis seeks to look closer at questions that arise from this previous work. The studies indicate that something happens when CSOs get included in peace negotiations resulting in more sustainable peace agreements. A first question concerns what this might be? Secondly, does it really matter how civil society participate in peace negotiations, or is the symbolic value of having participated the most important?

1.2 Research question and limitations

My research question will be the following:

How do CSOs participate in peace negotiations, and does the level of participation make a difference?

Four sub-questions will help me answer this main research question

- 1) In what ways do CSOs participate in peace negotiations?
- 2) What are the priorities and agenda of CSOs in peace negotiations?
- 3) Do CSO proposals get included in the negotiation text?

- 4) How do CSO representatives explain that some proposals get included while others get excluded in peace agreements?

It is important to note some premises framing the research question. Firstly, the thesis does not aim to explain all factors affecting peace negotiations. Peace negotiations are complex affairs, and it is likely that many other factors beyond the participation of CSOs might affect them. This thesis, while risking omitting both important and interesting information about other factors, focuses solely on the issue of CSO participation. Secondly, to shed light on the research question, this thesis uses the Colombian peace negotiations 2012-2016 between the government and the Revolutionary Armed Forces of Colombia (FARC) as a case. Thirdly, this thesis focuses on CSO representatives own understanding and interpretations of their organizations' participation in peace negotiations. It does not aim to describe an objective truth about how such organizations participate. With these premises in mind, the hope is that this study provides us with a better understanding of the theoretical and practical puzzle concerning the contribution and participation of CSOs in peace negotiations.

1.3 Research design

This thesis is designed as a qualitative case study, where the focus is on within case evidence from CSO participation in the Colombian peace negotiations. Due to time limits, I chose to focus exclusively on one part of the Colombian peace agreement, agreement number five on Victim's rights. I applied a nine+1-step model to measure different levels of CSO participation in the peace negotiations. The model provided a gradual scale of participation, where the CSOs were considered to have a high level of participation if they were closer to the negotiation table and the decisions taken there, and a lower level of participation if they were further from the negotiation table. By using this model, I sought to demonstrate how peace process do not only open to one type of participation, but presents a myriad of different organizations with different degrees of participation. An in-depth study, such as the one in this thesis, can consider this complexity, focusing on the structures and mechanisms that operate within the web of civil society during the specific peace process. The data material for the study was collected through a qualitative field work in Colombia 22nd of November to 22nd of December 2016. The main source of data was semi-structured interviews with ten CSO representatives and five Colombian experts, supplemented with the Final peace agreement and written material such as articles and communiques from the CSOs in the sample. The analysis of the data was conducted in two parts. The chapter on *findings*

describes what the main proposals of the civil society to the peace negotiations were (sub-question one), what level participation the different CSOs had (sub-question two) and to what degree the proposals of these organizations were included in the text of the Final agreement (sub-question three). A second chapter called *analysis* uses CSO representatives' own explanations of why some proposals got included and other excluded (sub-question four) to shed further light on the main research question. The chapter provides a three-level analysis, and starts by looking at how international and national laws, together with the political will of the state set the framework for and limited CSO actions. Then, it looks at how the level of CSO participation and the nature of the issue advocated might affect the inclusion of civil society proposals in the peace agreement.

The next section gives a brief introduction to the context of the Colombian armed conflict, former peace negotiations, the participation of CSOs and the Colombian experience with transitional justice.

1.4 Understanding a complex conflict

In 2014, as part of the negotiations in Havana, the Colombian government and the guerrilla group FARC appointed a historic commission to look at the origins of the armed conflict, the reasons for its persistence and the consequences for the civil population (Government of Colombia and FARC, 2014). In his summary of the commission's report, Eduardo Leongómez (2015, 45), explained the Colombian conflict to have five important characteristics: prolonged, complex, regional differences, extremely violent and political roots. The Colombian armed conflict is *prolonged* because it is one of the oldest continuous armed conflicts in the world. According to Leongómez (2015, 49) there have been two phases in the current armed conflict. The first includes the years between 1964-1980. In these years, the conflict had a very low intensity, and the guerrillas from the so called first generation were founded. The FARC was one of these, and emerged from rural self-defence groups influenced by the Colombian Communist Party in 1967 (González 2004, 13). The second phase includes the years 1980-to the present, when the appearance of paramilitary groups and new means of financing the warfare, such as drug trafficking, extortion and kidnapping, made the conflict both more complex and more violent. During the 1980s and 1990s there was an exponential increase in violence, the murder rate rose drastically and Colombia became one of the most violent countries in the world. Further the conflict is very *complex*. On the one hand, there are several guerrilla groups with different goals and ideological roots, and on the other there is a diverse spectre of private armies, criminal gangs or paramilitary groups. Finally, there is a Colombian state that does not operate as a unitary actor, but rather with different institutions and governance levels

that often work contrary to each other. The Colombian conflict is also characterized by *regional differences*, this is on the one hand due to the great geographical variation in the Colombian territory, and further because of differing local patterns of population, land use and relations between the population and political authorities. This has resulted in an armed conflict that has affected the different parts of Colombia very unevenly. While urban areas have mostly been spared from the violence, rural areas have been especially hard hit, and the violence has been concentrated in certain regions. Antioquia, a region in the north west of the country, houses 20 percent of the victim population in the country (Leongómez 2015, 75). Further the armed conflict has been *extremely violent*, and as in many internal conflicts the civilian population has suffered the most. The historic commission calculated that the ratio of soldier to civilian battle deaths in the years between 1985 and 2000 were one to 80. This number increased to one to 380 in the years after 2000 as violence surged (Leongómez 2015, 45). About eight percent of the Colombian population, 6,8 million, are either direct victims or immediate family of victims in the conflict (Leongómez 2015, 71-2). The victimization has taken many forms, but internal displacement has been suffered by 88 per cent of the victimized population, and is the most common violation. Lastly, the armed conflict has *political roots*. This means that the first-generation guerrilla groups that emerged in the 1960 fought for political and ideological aims, but with the financing from drug trafficking and the appearance of paramilitary groups and organized crime, the armed conflict has evolved into something different.

Fernán González (2004, 11) stresses that the complexity of the armed conflict has made it difficult for Colombian society to reach a consensus on its origins, and that this is one of the obstacles for the solution of the conflict. On the one hand, he explains, some argue that it is the objective and structural factors, such as political exclusion and socio-economic inequality, that sparked the armed conflict. Others find that individuals and their motivations and choices are more important. Leongómez (2015, 51) finds that it is the combination of the objective and subjective factors that create the origin of the conflict. This is because the structural factors facilitate the recruitment of soldiers to the armed groups, while certain ideas, such as political ideologies that justify social change by using arms and the influence of the revolutions in Cuba and Nicaragua, gave origin to, consolidation and spread of armed groups.

1.4.1 Former peace processes and the participation of civil society

The current government of Juan Manuel Santos started formal negotiations with the FARC guerrilla in 2012, and signed a final peace agreement in November 2016. Still, the current peace process is not the

first time the Colombian government has sought a negotiated solution to the armed conflict. The years between 1982 to 2002 were marked by several partial and failed attempts to solve the conflict through negotiations with different armed groups (García 2009, 41). Most of the agreements reached in these years had a humanitarian character, and focused on cease fires or demobilizations through amnesties. The Álvaro Uribe government, 2002-2010 marked a departure from the former attempts at a negotiated solution, and sought, and failed, to solve the conflict by military means. Though the Uribe government shut the door for negotiations with the guerrilla groups, the government negotiated a demobilization process with the country's paramilitary groups (García 2009, 39). This process later got the name the Justice and Peace process, and is highly disputed in Colombia - both supported and criticised. On the one hand the three-year process led to the demobilization of 31.671 combatants, where 2716 of these were processed by the law's justice mechanism (García-Godos and Lid 2010, 504, 508, 513). On the other hand, though the law has showed a great deal of progress in the creation of mechanisms and procedures supporting victims' rights, the mechanisms for reparations have been widely criticised by many human rights and victims' organizations. The Justice and Peace process has also been criticised because of the continuation of crimes like assassinations and threats of victims and witnesses, as well as the continuation of paramilitary structures in new criminal gangs (Bello et. al. 2013, 10-1). Despite the critiques of the law, García-Godos (2013, 248) argues that it has been important in the articulation of victims' rights as these are now explicitly provided for in the law. The rights and benefits given by the law has resulted in the creation of many organizations claiming victims' rights in Colombia.

1.4.2 The Colombian experience with transitional justice

Transitional justice is a term that describes a set of practices to deal with widespread and/or systematic crimes in processes of transition from authoritative regimes to democracy or from war to peace (ICTJ 2009). These practices seek to confront impunity, ensure reparations and prevent recurrence of past crimes (see 2.4). The Colombian peace processes in the years 1982 to 2002 all have in common that they, too different degrees, provided general amnesties and failed to take victim's rights into account (Bello et. al. 2013, 2). A turning point for the recognition of victim's rights was the Justice and Peace Law in 2005, following the negotiations between the Uribe government and the paramilitary groups. This law provided a transitional justice framework that combined reparations for victims with a justice process with reduced punishments for the paramilitaries that confessed their crimes. The Justice and Peace process thus made a clear link between the demobilization of illegal armed groups and the rights of victims (García-Godos and Lid 2010, 496). Unlike earlier processes that had stressed the need to reach

agreements with armed actors to secure peace, the new law explicitly considered the rights of the individual persons that had had their rights violated. In this way, the Justice and Peace law marked a new turn in the discussion concerning the prioritising of peace versus victims' rights in Colombia.

Though the Justice and Peace process was a major step for the recognition of victim's rights in Colombia, the law's mechanisms for reparation have been widely criticised. The Victims law of 2011, was promoted to better fulfil national and international obligations to secure victim's rights to truth, justice, reparation and non-recurrence (Bello et. al. 2013, 15). The Victim's Law has been criticised because the administrative reparations it provides are seen as precarious, the number of attended victims is low and it has been unable to redress the historic exclusion that has impeded the citizens from exercising their rights in the first place (Bello et. al. 2013, 32). Together the experiences from the 2005 Justice and Peace process, the 2011 Victim's Law provided the backdrop for the discussions on transitional justice and victim's rights in the negotiations between the Colombian government and FARC.

1.5 Structure of the thesis

This *introduction* chapter started by presenting the topic and research question guiding this master thesis. Then it continued to describe the research design used to answer the research question, before a short background was given presenting the origins of the Colombian armed conflict, the former attempts at peace negotiations, civil society's participation and the experience with transitional justice. Chapter two, *theory*, describes the academic work concerned with CSO participation in peace negotiations and identifies a research gap that this thesis seeks to fill. Then it discusses three key concepts used in this thesis: civil society, peacebuilding and transitional justice, before it presents the model and theoretical framework used in the analysis. Chapter three, *method*, describes the research design, the reasoning behind the choice of cases and how the data was collected. Then it continues to describe how the data was analysed, before it discusses issues related to the reliability and validity of the data and the analysis. Finally, it looks at how the methodological choices of the study give certain limitations. Chapter four, *findings*, seeks to describe the main proposals from the CSOs in the negotiations, their level of participation in these and the resulting inclusion or exclusion of proposals. Chapter five, *analysis*, uses the information described in chapter four to see how CSO representatives explain the inclusion or exclusion of proposals, and whether and how the level of CSO participation matter. I use three levels of analysis: the international and national legal framework, the political will of the state and CSO

participation. The analysis argues that both the level of CSO participation, as well as the type of issues raised are important. Chapter six, *conclusion*, summarises the findings and conclusions from the thesis, discusses the implications and limitations of these findings, and proposes further research.

2 Theoretical framework

This chapter provides a theoretical framework for the analysis of civil society participation in peace negotiations. Firstly, it discusses traditional literature on peace negotiations, then the literature on civil society's role in peacebuilding, and finally literature discussing civil society role in peace negotiations. This is done to identify a research gap, which this study seeks to fill. Further, the chapter clarifies concepts relevant for this thesis: civil society, peace negotiations and transitional justice. Lastly, the chapter describes and briefly discusses the theoretical model used in this specific study.

2.1 A literature review

Theoretical discussions on peace negotiations tend to focus on traditional state actors, and it has been widely accepted that including more parties complicates negotiations unnecessarily (see Cunningham 2006; Hopman 1996; Sebenius 1983; Watkins 2003). Mediators and diplomats have also tended to focus on the armed parties, excluding other non-armed actors (Wanis-St. John and Kew 2008, 12). Terrence Hopman (1996, 246) discussing multilateral negotiation between state actors, asserts that including more parties makes the negotiations more complex, and makes it less likely to reach satisfactory results. With each party and issue added, the negotiation's complexity increases and the bargaining space tends to shrink (Hopman 1996, 249). There is therefore a trade-off between effectiveness and inclusion, where you either reach an agreement faster, or you use more time to make sure all participants feel that their views have been considered. James Sebenius (1983, 314) points to the resulting complexity when more parties and issues are added to a negotiation agenda, and suggests that a strategic manipulation of such factors might be used to reach agreements. Michael Watkins (2003, 153-4) argues that the complexity of negotiations with many actors and issues involved overwhelms the human ability to process information, and therefore confuses participants and undermines the negotiations.

Though few traditional works contemplate the participation of civil society in peace negotiations, there is an abundant literature on the wider issue of peacebuilding, claiming that civil society plays a key role in such processes. Catherine Barnes (2009, 133) argues that governments alone lack the ability to end violent conflicts, and that governments are dependent on the support of the wider population to reach a durable and positive peace. In this way CSOs can be a key supporter in this process according to Barnes. In an extensive study of eleven country cases looking at civil society functions in peacebuilding, Thania

Paffenholz (2010, 425) concludes that civil society can play an important role in peacebuilding, if they operate effectively. Paffenholz (2010, 381) argues that civil society actors can support the conflict parties and regional actors to reduce violence, reach a negotiated agreement, securing the sustainability of the agreement and treating conflicts constructively. Maria Erlingsson (2013, 49-50) studies how Colombian CSOs work with peacebuilding and concludes that their efforts add to the work of other actors to secure international peacebuilding objectives in the country. Erlingsson stresses the regional dynamics and the polarization and distrust between civil society and the state, and claims that this hampers the efforts to build peace. Peacebuilding activities must therefore also focus on local realities and be conducted by both the state and civil society.

When it comes to international negotiations, it has taken academics some time to realize that non-armed non-state actors have become very important (Wanis-St. John and Kew 2008, 12). As a response to this a body of academic work on why and how civil society actors should be included has come forth (see Wanis-St. John and Kew 2008; Barnes 2009; Nilsson 2012; Paffenholz 2014). Though there is a growing sense of the importance of the inclusion of civil society actors in negotiations, and not only in peacebuilding, most studies focus on civil society's informal participation in negotiations. In peace negotiations theory, many authors use the concept of track one and track two actors. Track one includes the formal negotiators present at the negotiation table, while track two refers to the informal actors supporting the peace negotiations but without a direct presence at the negotiation table. Many authors have thought of track one as the natural domain of the main armed parties, while civil society is thought of as an important actor at track two (Fisher and Keashley 1991; Saunders 1999; Liberfeld 2002). Jonathan Zartman (2008, 55) argues that the exclusion of non-armed non-state groups from negotiations often leads agreements to fail during the implementation phase, and that track two diplomacy can help avoid such outcomes by including the relevant interest groups and parties. In this way, civil society representatives can overcome formal exclusion and sustain a channel of dialogue between formal negotiators and the general public (Zartman 2008, 71). There are few studies on civil society having a formal role in negotiations, but there are some studies of non-governmental organizations working as mediators (Bercovitch, Kremenyuk and Zartman 2009; Shea 2016).

In later years, some studies have looked at the effect of civil society participation and how this participation might look like. In her statistical study on the formal inclusion of civil society actors in peace agreements Desirée Nilsson (2012, 256) concludes that roughly one third of the peace agreements in the post-Cold War period have included civil society actors, and that the inclusion of such actors have

had a positive effect on the durability of the peace. Nilsson argues that the inclusion of different actors in society secures a durable peace and legitimacy for the peace process, in this way adding more parties to the negotiations is positive. Wanis-St. John and Kew (2008, 27) look at the inclusion of civil society in 20 peace negotiations, and find a high correlation between direct inclusion of civil society at the negotiation table and sustained peace. In peace negotiations where civil society actors were present at the negotiation table the main armed parties have not retaken hostilities and implementation has progressed in the post agreement period. Excluding civil society actors to smoothen negotiations may be fatal, Wanis-St. John and Kew warn, because people do not have stakes in the agreement, something that weakens the state's ability to obtain sustainable peace. Where civil society only had a moderate influence in negotiations, meaning that the organizations did not have a seat at the table but had influence with the negotiation parties, the country needs to be democratic to stabilize peace in the post-agreement period (Wanis-St. John and Kew 2008, 28). Catherine Barnes (2002 6, 11) underlines the inherent transformative possibilities of peace processes, and argues that such processes have the possibility to address underlying issues causing the conflict. Especially, they offer an opportunity for previously marginalized groups to have a voice and secure future participation in society. In this way, civil society participation is important for building sustainable peace according to Barnes. Similarly, Adele Dumbravan (2012, 1) argues that civil society participation in peace negotiations is important because such negotiations open for structural changes on several levels in society. Dumbravan (2012, 36-7) divides the relevant factors of civil society effectiveness in internal and external issues. Internal factors include the structure of the organization, the strategy used, the issues addressed, the activities conducted and relations developed with other actors. For any of these factors to be effective they must be clearly defined and focused on specific objectives (Dumbravan, 2012, 52). External factors that affect civil society effectiveness in peace negotiations are: the behaviour of the state, the level of violence, crime and insecurity, the media, external political actors and the dependence on donors (Dumbravan, 2010, 45).

2.1.1 The research gap

As one can see from the discussion above the attention in peace and negotiation theory is slowly moving from a state centred focus to a more complex understanding of which actors should be included in peace negotiations. The discussion has widened the imagined ways in which civil society can support such processes, from a view that civil society can help support the wider process of peacebuilding to thinking more specific about how and why they should participate in peace negotiations. Nilsson (2012) and Wanis-St John and Kew (2008) studies are interesting because they look at the causal links between civil

society participation in peace negotiations and the sustainability of the peace following such agreements. A problem is that their studies, as a natural consequence of their statistical and large case study methods, simplifies this link to a binary variable, where one either participates, or one does not. Clearly in real world cases it is not as clear cut, and there must certainly be more than two ways to participate. This raises the question of whether it makes a difference if organizations are very involved in peace processes or less involved. Is it enough just to be included, or must the organizations be present at the negotiating table?

Some of these questions are discussed by Dumbravan (2012) in her case study of CSOs and their participation in six peace negotiations: Northern Ireland (1998), Liberia (1994, 2003), Israel/Palestine (2011) Guatemala (1996) and Colombia (1998). Dumbravan presents a good analytical framework and to a certain degree solves the binary problem by including five levels of participation: consultative, representative, direct, nominal and exclusion. What Dumbravan forgets though, and this is likely related to her focus on several cases instead of an in-depth study, is that different organizations work in diverse ways within the same process. A peace process does not only open to one type of participation, but presents a myriad of different organizations with different degrees of participation. An in-depth study can consider these deeper structures and mechanisms that operate within the web of civil society during the specific peace process. What I intend to do in this thesis is therefore to fill some of the gaps in the literature that I have discussed above. More specifically I wish to:

- focus specifically on civil society in peace negotiations, as opposed to civil society in the wider faculty of peacebuilding.
- apply a framework that allows for a fine grained and disaggregated way of looking at civil society participation in peace negotiations, as opposed to a binary, exclusion or inclusion, analysis.
- take an in-depth look at how the different CSOs operate and what they contribute with within the same peace process.

Before continuing it is important to clarify some concepts which this thesis rests upon: civil society, the distinction between peacebuilding and peace negotiations, and transitional justice.

2.2 A conceptualization of civil society

Civil society is a contested concept, and a precise definition is therefore needed to clarify how the concept is understood and used in this thesis. Such a precise definition will be useful in comparing the results from this thesis with former and future studies on the issue of civil society in peace negotiations.

Civil society can be understood as the web of organizations that operate in the political space between the state and individual citizens (Wanis-St. John and Kew 2008, 15). Such organization can be community organizations, religious institutions, trade unions, non-governmental organizations, business organizations and professional organizations. In their classic work, *Civil Society and Political Theory*, Jean Cohen and Andrew Arato (1992, ix) suggest a three-part model where civil society is differentiated from the economy on one end, and the state on the other, and works as a room for social interaction between the two spheres. According to the authors the civil society sphere is constituted by the intimate sphere (family), the association sphere, social movements and forms of public communication. Civil society is neither part of state institutions, such as bureaucracy or the judiciary system, nor political institutions such as political parties and legislature. However, civil society representatives work closely with such entities to advocate their interests and issues, and this makes the distinction between the spheres blurred (Spurk 2010, 7). Civil society actions are not purely driven by profit but rather by other aspirations, and they use pacific rather than military means to promote their goals (Wanis-St. John and Kew 2008, 15), and this separates them from both the economic sphere, and exclude armed actors from civil society.

Civil society can promote the interests of a sector in society, and CSOs in this way support public participation through enabling individuals to voice specific issues to state representatives. Christoph Spurk (2010, 3) argues that civil society enables sustained citizen participation that go beyond voting in national and local elections. Wanis-St. John and Kew (2008, 16) underline that context matters. For instance, civil society actors have different functions depending on whether the state they operate in is democratic or not. State actors that are hostile towards civil society can restrict the operations of such organizations. In democratic states, CSOs provide structures to organize public interests and advocate to government, at the same time as they provide a voice for individuals when the government oversteps. In this manner state and civil society become interdependent because the state presents the structures where civil society can direct their work and the state's ability to respond to this work can be used to increase legitimacy, support and accountability in political processes. War on the other hand limits the space for

CSOs (Spurk 2010,18). Firstly, war often weakens state structures, and this weakens CSO work as many such organizations promote their interests by interacting with state structures. In times of war general security drops, impunity rises and respect for basic human rights is challenged, and this makes civil society work more dangerous, and often central persons in civil society go into exile. In addition, free media might be restricted, something that complicates CSO work as the media is the organizations' main channel of communication to other organizations, the state and the public.

2.2.1 Contextual considerations

Luciana Ballestrin and Crisiana Losekann (2013, 206) argue that many academics in the global south tend to use theoretical models constructed in, and based on experiences from the global north, and that it is important to adapt these theoretical frameworks to the empirical experiences of the global south. According to the authors there are some problems with the Euro-centrist three actor model of civil society¹ when applied to Latin America (Ballestrin and Losekann 2013, 193). Firstly, it does not consider the lack of rigid divisions between the state and civil society, and secondly it excludes social groups that do not fit into the modern idea of civilization. According to the authors Latin American societies are marked by authoritarianism, there is not clear separation between the public and the private, and there is a merging of the market and the political sphere. In Latin-America both state institutions and civil society are heterogeneous. These are marked by different political projects: neoliberal, authoritarian and participatory tendencies. In this way, the tree actor model of civil society is too simplistic for understanding the function of civil society in Latin America (Ballenstrin and Losekann 2013, 194). For instance, some movements mix advocacy for the redistribution of economic resources with actual execution of alternative modes of production and food distribution, such as the landless peasant movement MST in Brazil (Balletrín and Losekann 2013, 198-9). In addition, many movements have close relations with the political left. The Bolivian constitution from 2009 for instance opens the possibility for representatives from social movements and organizations to hold political elected positions². In this way, the Bolivian constitution blurs the lines between civil society and the state sphere by removing the political parties' monopoly on providing elected representatives for the states' political organs. Fernando Sarmiento (2004, 51-52) reflects on the overlapping relations between local and

¹The three actors in the model are: the state, which has a monopoly on violence, the market and the civil society that influences these two sectors through communication (Ballenstrin and Losekann 2013, 191).

² Article 209 of the Bolivian constitution (2009) states that "The candidates for public elected posts ... shall be proposed by the organizations of the nations and rural native indigenous peoples, citizen associations and political parties, in equal conditions and pursuant to the law."

regional political officeholders and civil society. He finds that local governments work increasingly closer with civil society, at the same time as many of these officeholders originate from civil society mobilization itself. The relation is reciprocal because civil society uses local politicians to materialize their organizations goals, at the same time as local politicians strengthen their position by showing that they are aware of social concerns voiced by civil society. Sarmiento (2008, 33) considers that the social mobilization for peace in Colombia is characterized by being: 1) political, and 2) non-violent. The mobilizations are inherently political because they seek to transform the structural conditions that support continued violence in the country, and in the way that civil society works to generate political space for these transformations. The non-violence is used as a method to meet the political violence, with the goal of promoting human dignity in this process. In the Colombian context, it is impossible to talk of politics without talking about the generalized and historic violence in the country. In a report from 2013 the Colombian Centro Nacional de Memoria Histórica (32, 35-36) concluded that leaders have been the target of both state forces, paramilitaries and guerrillas in the armed conflict. In the late 80s for instance paramilitary groups used massacres to punish social mobilization and the political left. According to the report this violence is characterized by being almost invisible at the national level, but being recurrent against important persons in local communities, especially in rural areas. Despite the constant and generalized violence Colombia has a vibrant and active civil society working for peace in the country.

2.2.2 Defining civil society

The considerations above have led me to believe that the following definition of civil society by Paffenholz (2014, 70) suits the analysis in this thesis. Civil society consists of “organizations that take voluntary collective action around shared interests, purposes, and values that are distinct from those of the state, family and the market”. The definition is useful for the study because it is clear cut in its distinction of civil society from other spheres such as those of the state (politics), the family (the individual), the market (the economic) and the armed parties (violence), and gives civil society the function of working as link between these. On the other hand, it is flexible enough to accept the unclear boundaries between the different spheres, such as the close relationship with the political sphere and civil society discussed above. There is a high degree of politicization of civil society in Colombia, and this politicization is sometimes due to organizational links between political parties and CSOs, and sometime individual links. An example of the first can be found in one of the organizations I interviewed, FENSUAGRO. This organization has very close links to the Marcha Patriótica movement, and even though this movement is still not a political party it seems to be moving in that direction. The Marcha

Patriótica is closely attached to the FARC, and this could be perceived during the interview I made, as the informants seemed to be far less willing to be critical to the negotiation process than other informants. It is illustrating that the interview was conducted during FENSUAGRO's national congress, where representatives from FARC attended to inform about the progress in the implementation of the agreement. Another interview I made makes an example of individual links between a CSO and a political party. The leader of the student organization ANDES, Deisy Aparicio, also holds a position in the Colombian Communist Party. It is of course important to be aware of these links between the social and political spheres, and how this makes the boundaries between them less clear. Also, answering to Ballestrine and Losekann's criticism, the definition chosen does not exclude social groups that do not fit into the western understanding of civilization because it looks at "shared interests, purposes and values". In my analysis for instance I included the afro-Colombian organization PCN, which operates with an organization and specific understanding of identity closely related to their ancestral territories.

In sum the use of a clear definition of civil society both helps me in the selection of units to study, and makes the comparison of the results from this thesis with other studies more fruitful. In the next section, I clarify the conceptual difference between peacebuilding and peace negotiations. This is necessary to situate this study within the wider framework of peace studies and clarify one of the intentions of this thesis.

2.3 Peacebuilding and peace negotiations

The influential thinker Johan Galtung was the first to use the concept of peacebuilding (Paffenholz 2010, 49). In his work, he conceptualized how different solutions to war contribute to various levels of societal transformations in the post-conflict phase. Galtung (1976, 103-4) presented three ways of engaging peace: peacekeeping, peace-making and peacebuilding, where peacekeeping was a military solution and the least transformative. According to Galtung (1976, 110) the conception of peacemaking tended to be narrow and focused on elites, because there was a general acceptance that a conflict was resolved when two opposing parties have negotiated an agreement that both parties are willing to sign. This was not a sufficiently stable base for peace in a long-term perspective, and Galtung (1976, 111-2) proposed the concept peacebuilding as a more comprehensive framework for securing sustainable peace. Peacebuilding seeks to remove the causes of war at the same time as it offers alternative and constructive ways to solve future conflicts with the aim to avoid violent conflict in the future. Peacebuilding has a transformative purpose and aims to create what Galtung called a structure of peace. In such a structure

of peace relations between individuals in the society are characterized by equity, inclusion of all sectors in society and a high level of interdependence between these different sectors, a broad scope of interactions on different issues and many actors included in each of these interactions.

Peace negotiations in the traditional sense falls under the concept of peacemaking. Galtung (1976, 108) argued that the resolution of a conflict could be more, or less respective to the status quo, depending on how radical the agreement reached was. The discussion in 2.1 showed that peace negotiations tend to focus on state actors and armed parties. What this master thesis and other similar studies seek to shed light upon is what happens when the scope of negotiations start to move away from its traditional narrow elite-focus, and opens to third parties such as CSOs. Some, like Barnes (2009, 145) believe in civil society's ability to build peace into peace agreements. In her words, they can “make a contribution to the underlying transformation of conflict and building peace”. In this way, this thesis operates with a wider understanding of what a peace negotiation is, what it can do and which actors could contribute in this process. Peace negotiations do not have to be decided with the hand-shake between a president and a guerrilla leader, rather they are more accurately described as complex processes where a myriad of actors with different agendas operate, and CSOs are one of these actors. In a context where the way you negotiate affect the peace you get, CSOs might be actors pushing for substantial changes in societal relations, seeking something more than the absence of war.

2.4 Transitional justice

It is useful to look the proposals from the Colombian CSOs within the framework of transitional justice, as it is widely referred to by both the CSOs and the peace agreement. Transitional justice describes a set of practices to deal with widespread and/or systematic crimes in processes of transition from authoritative regimes to democracy or from war to peace (ICTJ 2009). Mechanisms in transitional justice generally seek to confront impunity, ensure reparations and prevent recurrence of past crimes. Practice from transitioning countries have created what the ICTJ (2009) calls basic approaches to transitional justice. While criminal prosecutions tend to focus on the persons most responsible for the worst crimes, truth commissions investigate and report on a wide range of crimes and give recommendations to prevent their recurrence. Reparations programmes seek to repair both material and moral damage caused by past crimes and often include financial compensation and/ or official apologies. Further a gender justice challenge impunity for sexual and gender-based violence and seek to secure that women gain access to

mechanisms of redress. Security system reform seeks to reform military, police and judicial institutions to suit public service in a new context, while memorialization efforts like museums and memorials seek to include violations in the historic memory to ensure non-recurrence. The basic approaches to transitional justice can be summarized in the rights to truth, justice, reparations and non-recurrence. All four are considered as forms of victims' reparations by the UN (General Assembly Resolution 60-147, paragraph 22-23), and as of the 2011 Victims' Law, they also became part of Colombian legislation. Further these victims' rights have fundament in the interpretation and practice of both the International Criminal Court (ICC) and Inter American Human Rights Court (IAHRC) (ICTJ 2009).

The field of transitional justice is relatively new and has its origins in political transitions in Latin-America and Eastern Europe in the post-Cold War period. In the first years, academics discussed whether compromises were necessary to secure peace in the transitioning countries, or whether it was more important to punish the perpetrators (Anders and Zenker 2014, 399). The truth commissions in Chile and Argentina's transitions from dictatorship to democracy were examples of the first. These commissions were seen as a compromise between total amnesty and criminal prosecutions, a way of securing accountability for the abuses, while avoiding prosecutions that might destabilize the new democracies. The debate concerning whether or not to punish perpetrators was known as the peace versus justice debate. García-Godos (2016, 350) argues that the debate in the 1990s focused on societal needs like the urgency of building peace, rather than the needs of individual victims. Since the mid-2000s however, the transitional justice debate experienced a victim turn, which increased the attention given to individuals and groups victims of human rights violations. Uprimny et. al. (2014, 12, 14) consider that four conditions characterize transitional processes today: 1) there is a consensus that the aim of obtaining peace must be balanced with the satisfaction of victims' rights, 2) there is greater international supervision of peace negotiations, 3) CSOs have resonance for their demands for truth, justice, reparation and non-impunity in international and national laws, and 4) today legal discourse has a significant impact on political negotiations. The authors argue that any peace agreement that does not take international laws into consideration is inviable legally, and risks being invalidated by international courts.

The next section presents the model used in this study to measure the level of CSO participation in peace negotiations.

2.5 A model for civil society participation in peace negotiations.

In her article Paffenholz (2014, 69) looks at CSO participation in peace negotiation, and argues that it is possible to broaden participation without decreasing the negotiation effectiveness. The author presents a nine-step model for the inclusion of civil society in peace negotiations, based on negotiation literature, case study research, group discussions and interviews with diplomats and mediators (Paffenholz 2014, 71). The model allows for a framework with a disaggregated perspective of civil society participation in peace negotiations that goes beyond the dichotomy of inclusion of exclusion of civil society. As such, it provides a conceptualization of the many ways in which civil society can participate. The categories are not mutually exclusive, meaning that more than one of the modes can be present in a peace process. This is useful because it demonstrates the complexity of such processes and the different civil society actors involved. In the illustration under the modes are arranged from most to least direct form of participation.

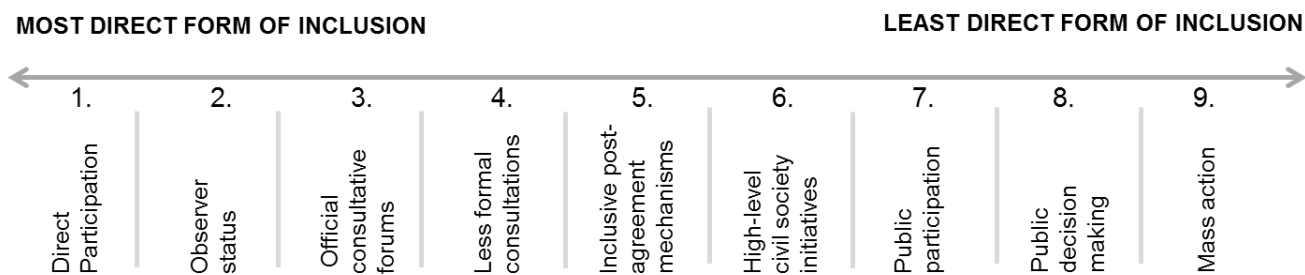


Figure 1 Modes of CSO participation in peace negotiations

The most direct form of participation, mode 1, involves *direct participation* of civil society groups at the negotiation table (Paffenholz 2014, 77). Civil society is represented either through their own delegations, or as members of another official delegation. The objective is to increase legitimacy and representativeness of the negotiations. At the negotiation table the CSOs can raise issues or propose provisions for the agreement. Additionally, the participation of civil society supports sustainability with encouraging different parts of society to support the agreement and its implementation.

Mode 2 gives civil society an *observer status* in the negotiations (Paffenholz 2014, 79). As observers, civil society representatives do not have an official role, but are present during the negotiations. An objective is to strengthen the effectiveness and sustainability of the agreement. With direct presence at the negotiation table civil society becomes well informed on what is on the negotiation agenda, and before and during the negotiations they can function as a back-channel for talks between the armed

parties. Further they can give advice to the parties and keep up the pressure to reach an agreement. In the implementation phase, civil society can take a monitoring role.

Mode 3 gives civil society a role in *official consultative forums* than run parallel to the negotiations (Paffenholz 2014, 80-81). These forums are supported by both the mediators and the negotiators, and are included as consultants in the negotiation process. The objective is to democratize the negotiations, increase effectiveness and the sustainability of the agreement. Such an arrangement avoids the problem of too many actors present at the negotiation table, while still giving a wide spectre of groups a voice. This gives legitimacy to the negotiations. The forums give civil society a position to push for an agreement, as well as advocating for the inclusion of specific issues. The forums can provide back-channel facilitation, where difficult issues and alternative solutions might be discussed. Finally, the consultative forums can function as a monitoring device during the negotiations.

Mode 4, *less formal consultations*, are consultations that take place without official backing of the negotiating parties (Paffenholz 2014, 82). Their objective is to make the negotiations more effective and to mobilize civil society to push for an agreement. The consultations make sure different voices and opinions in the country are presented, and they can inform negotiators on conflict dynamics, actors that should be involved and people's needs and opinions. These consultations can also work as monitors of the negotiations.

Mode 5, *inclusive post-agreement mechanisms*, focus on including civil society in the implementation phase after the peace agreement has been signed (Paffenholz 2014, 83). It aims at democratizing the agreement and securing its sustainability. Giving civil society an active role in the post-agreement period enables civil society to advocate for and monitor the implementation, and inform the general population about the agreement and its implementation. For monitoring to be effective the agreement must include details on implementation and monitoring provisions.

Mode 6, *high-level civil society initiatives*, involves non-official track two initiatives (Paffenholz 2014, 84). This can include problem solving facilitation initiatives, implemented before official negotiations have started or parallel to such negotiations. The objective of this model is to strengthen effectiveness and facilitate negotiations. These initiatives give room for civil society to advocate for specific issues, offer space for open discussions where the parties do not feel pressured, so that they can explore alternatives and draft initial agreements or position papers that can lead to further track one negotiations.

Mode 7 is *public participation* and seeks to involve the public in track one negotiations through public hearings, opinions polls, "town hall" meetings or signature campaigns that are generally binding (Paffenholz 2014, 85-86). The objective is to democratize and legitimize the negotiating process, as well as to create public buy-in. Civil society can mobilize the general population and help create a dialogue

between the negotiators and the public. An active public participation put pressure on the negotiating parties and help push for an agreement. Further, the participation gives input to the negotiation agenda by helping to inform the mediators and negotiators about public opinions and needs.

Mode 8, *public decision-making*, includes referendums and other forms of political decisions that are bound by public vote. The objective is to increase legitimacy and ensure public support to the peace negotiations, the public support is also thought to provide sustainability to the agreement. If the vote is favourable to the peace process it gives decision-makers a mandate to keep up the work with the process, and downplays the influence of hard-liners in the society critical to the peace process. And obvious problem of this approach is the risk of receiving a negative vote.

Mode 9, *mass action*, is the least inclusive model of civil society in peace negotiations (Paffenholz 2014, 87). Mass action can mobilize significant parts of the public and includes campaigns, demonstrations, protests and street action. Such actions can provide both support and challenge to the peace process. On the one hand the campaigns can provide advocacy for including certain issues in the agreement, and on the other they can focus on providing a general sentiment to support or oppose the agreement. It is hard for the negotiators to control mass mobilization, even when such initiatives are crucial for the outcome of the negotiations.

2.5.1 Adapting the theory

Before applying Paffenholz's model in my analysis there are some issues that must be considered. Firstly, I wish to include a 10th mode: *exclusion*. This last mode refers to cases where CSOs wished to be included in the peace negotiations, but failed to participate in any of the other modes. Mode 10 is included because it adds the dimension of exclusion to the model, opening the analysis to negative cases. Negative cases will enrich the insight from the other modes clarifying the consequences of a CSO being totally excluded from a negotiation process. In this thesis, I propose to examine CSO participation in Colombian using a modified model illustrated bellow.

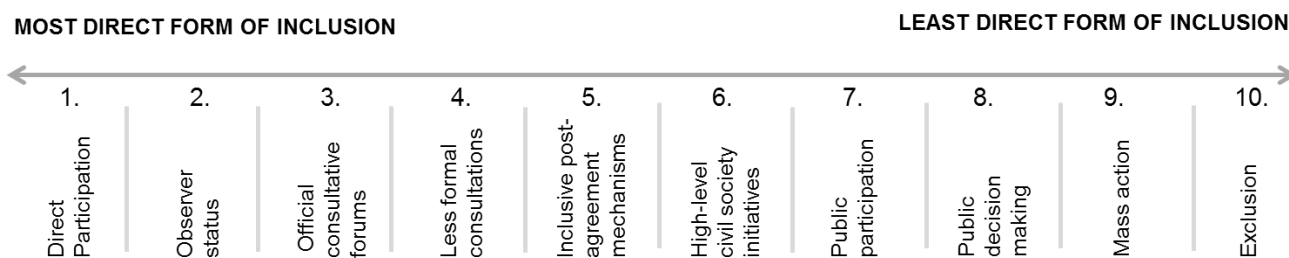


Figure 2 An adapted version of CSO participation in peace negotiations

In the following section I explain how Paffenholz' modified model of CSO participation was operationalised for the Colombian case. The CSOs studied were chosen, among other criteria, because they worked differently with the peace negotiations. Most of the organizations worked with a combination of the different modes of participation. The organizations were considered to have *directly participated* (mode 1) if they advocated and negotiated with the negotiators at the negotiation table in Havana. CSOs working as mediators would also be included in this category. The organizations were not obligated to participate during the whole negotiations, and CSOs that participated over a short time-period were also considered included in this mode. CSOs were considered to have *observer status* (mode 2) if they were present at the negotiation table over a longer time-period, without having the faculty to negotiate. If a forum or meeting was enhanced and requested by the negotiators, and the conclusions from these forums were used to inform the negotiation this qualifies as an *official consultative forum* (mode 3). Such forums would have to discuss issues on the agenda of the official negotiations. Mode 4, *less formal consultations*, on the other hand were meetings and forums with civil society that were not enhanced or requested by the negotiators. In such meetings, civil society made the initiative to discuss issues related to the official peace negotiations. Further, *inclusive post-agreement mechanisms* (mode 5) include provisions in the agreement text that explicitly give CSOs a role in the implementation of the agreement. The role would be considered as explicit if the name of the CSO was mentioned or the group of CSOs was sufficiently specific so that it is clear who will complete the provision. Vague references to civil society as a whole were not considered as part of mode 5. *High-level civil society initiatives* (mode 6) include non-official talks between the negotiators and CSOs predating or parallel to official talks. This could be problem solving workshops or other facilitation to help the parties understand each other's negotiation stance and alternative solutions. Further, *public participation* (mode 7), included CSOs that participated in or had organized either public hearings, opinion polls, town hall-meetings or signature campaigns related to the peace negotiations. All types of participation in activities that were decided by public vote would be considered as *public decision-making* (mode 8). Such activities could be participating in campaigns leading up to national referendums on issues related to the peace negotiations. *Mass action* (mode 9) included activities that mobilized many people for a common issue, such as demonstrations, protests or other type of mass street actions. Lastly, a CSO was *excluded* (mode 10), if the organization had voiced a clear intention to participate in the peace negotiation, but did not manage to participate in any of the other modes. Concerning all the modes mentioned above, CSOs were only considered to participate if their members participated as representatives of those organizations. The selection of CSOs and the methodological framework for this thesis will be discussed in more detail in the next chapter.

3 Method

This chapter describes the design of the study conducted in this thesis. The first section explains the qualitative case study conducted with within-case evidence of CSO participation in the Colombian peace negotiations 2012-2016. In the second section the choice of case(s) is discussed, thereafter how the data is collected and then how the data is analysed. Lastly the chapter focuses on issues related to reliability and validity, and the resulting limitations to this study.

3.1 Research design

This study is designed as a qualitative case study. Gerring (2006, 20) defines a case study as “the intensive study of a single case where the purpose of that study is – at least in part- to shed light on a larger class of cases (a population)”. A case study can include one, two or several cases, but the essence of such a study is the researcher’s ability to study each case intensively. At the point where the number of cases inhibits such an intensive study, the research is no longer considered a case study. According to Gerring (2006, 21) a case study typically focuses on within-case variation, while giving secondary importance to cross-case evidence, meaning comparison with evidence from other cases. As explained in the theory chapter, this study aims to understand what happens when CSOs participate in peace negotiations. In this way, the study seeks to look further into the “black box” of causality that has been argued by some large-N studies on CSO participation and peace negotiations (see Wanis St. John and Kew 2008; Nilsson 2012). Gerring (2006, 45) argues that case studies are especially useful in studies of behaviours that seek to understand the intentions, reasoning and how information is processed by actors in a specific setting. These studies give a depth of analysis that offers details and richness for the study (Gerring 2006, 48).

3.2 Choice of case and sample

Because cases are few in case studies, these cases cannot be chosen randomly (Gerring 2009, 87-8). The researcher must use a purposive (non-random) sampling process. Further, as the case study seeks to shed light upon a larger population of cases, the researcher must be aware of how the case(s) chosen relates to the universe of cases. The choice of cases for this study may be considered on two levels: the country level and within case level.

Firstly, the Colombian peace negotiations was chosen as a case for this study because of the novelty of the case. In fact, the peace negotiations were still ongoing when I arrived Colombia to conduct my field work. Consequently, few researchers have had the opportunity to study this particular case, making my contribution more valuable. Further, as the negotiation is recent, the case would be better suited for data collection through interviewing, as these events would be better remembered by the potential interview objects. If the Colombian peace negotiation was to be placed within a universe of cases, it would be a typical case of CSO participation in peace negotiations. Nilsson (2012, 255) identifies 83 peace agreements in the years 1989-2004, where 1/3 included some level of CSO participation -meaning that the normal were the total exclusion of CSOs from negotiations. Still, Wanis-St. John and Kew (2008, 26-7) in their study of 20 cases of CSO participation find that when CSOs participate, it is indirectly through influencing the negotiation parties. More unusual are the cases where the CSOs have a direct seat at the negotiating table. The Colombian case was expected to fall into the moderate category of indirect civil society participation. In this sense, the Colombian case would constitute a typical case for CSO participation in peace negotiations.

On a second level, the within-case level, I sought to ensure that the selection sample of Colombian CSOs was as unbiased as possible. I therefore created a four-step selection process, where the process took the following into consideration:

- 1) The organization would have to fall within the definition of a local CSO used in this thesis, meaning that CSOs are “organizations that take voluntary collective actions around shared interests, purposes and values that are distinct from those of the state, family and the market” (Paffenholz 2010, 70).
- 2) The organizations chosen would have to represent a weighted sample of the main political alliances in Colombia. This means that I intended to include both organizations that were on a) the political left and positively inclined towards FARC, b) on the political left, but less supportive of FARC, c) organizations with less clear political alliances, and d) organizations with sympathies on the political right.
- 3) Next I wished to choose organizations that had participated in different ways using Paffenholz’ nine +1-step model (direct participation, observer status, official consultative forums, less formal consultations, high-level civil society initiatives, inclusive post-agreement mechanisms, public participation, public decision-making and mass action and exclusion).
- 4) Lastly, the organization would have had to express a wish to contribute to the peace process, specifically on the issue of victims.

There is no complete list over CSOs in Colombia, so I first started mapping the CSOs relevant for my study. I did this by asking academics and CSO representatives in Norway, working with Colombia, to mention the organizations that play a significant role in Colombian civil society and the peace negotiations³. Most of the academics and CSO representatives seemed to share my understanding of what a CSO was. In the cases where they mentioned organizations that deviated from my definition, such as political parties, these were excluded before I continued to the next step in the selection process. The academics and CSO representatives were then asked to locate the organizations according to main issue of concern (indigenous rights, farmer's rights, victims' rights etc.) and political alliance. In addition, I also asked the experts to mention important institutions and experts in Colombia that might shed light on the issue of interest. The answers were relatively coherent concerning the most important organizations, their main concerns and political alliances.

Next I proceed to match the CSOs named by the Norwegian CSO representatives and academics with Paffenholz' modified nine +1-step model. I did this by researching the CSOs webpages to identify how they had worked with the issue of victims and the peace negotiation. I was aware that the research of the webpages was superficial and limited. The content I found would be limited according to how developed the webpages of each organizations were. Thus, I was prepared for the possibility that the information on activities was not complete, and for the organizations that did not have or had less developed webpages, I opted to include extra questions about activities conducted during the interviews. In this way, I sought not to exclude organizations based on the information found online, as I suspected that this would favour professionalized NGOs and exclude more activist and locally focused organizations.

Considering the information obtained I chose to contact nine Colombian CSOs for my study. An overview and description of the organizations can be found in appendix 1. Two organizations were added to this sample while I did the field work. Congreso de los pueblos, or the People's Congress⁴, (CdIP) was added because the sample seemed to lack an organization on the political left that was critical to FARC. Centro de Promoción de la Cultura, or the Centre for the Promotion of Culture, (CPC) was included in the sample because of the organizations' focus on local grassroots work related to the peace negotiations, something that seemed to be lacking in the original sample.

³The academics and CSO representatives consulted were: Carolina Maira Johanssen (FOKUS), David Bergan and Mona Wærnes (Norsk Folkehjelp), Diego Marin (Fred i Colombia), Jemima García-Godos (UiO), Nina Luhr (Latin-Amerikagruppene i Norge) and Roy Krøvel (HiOA).

⁴ All translations of names, documents and quotes from the interviews are mine. If not so, they are marked with a reference.

3.2.1 Thematic scope of the study.

The Final agreement in the Colombian peace process consists of 310 pages and is divided into six chapters: Rural reform, political participation, cease fire and demobilization, the drug problem, victims and implementation. Due to the limitations in time and space for this master project I found it both necessary and useful to delimit my study to one of the chapters in the Colombian peace agreement. CSOs have been active during the negotiations in all the six partial agreements, but considering each of the issues closer led me to believe that some issues provided a better fit for my study than others. Three of the chapters were of a technical nature: cease fire, the drug problem and implementation. This did by no means make them less important, but possibly less interesting to discuss from a CSO perspective. Cease fire was a highly military issue, that depended very much on the two armed parties will to commit, while demobilization pointed directly at FARC soldiers rather than CSO actors. The drug problem on the other hand was closely related to the issue of land use and the rural economy. In Colombia, it is hard to talk of rural development without considering the drug problem, so a study would necessarily have had to include both rural reform and the drug problem. Lastly, implementation was something that could not be studied within the time frame of this thesis, as the parties were still negotiating the Final agreement during my field work period. The last three chapters in the “Final agreement” were of a more substantial nature. Political participation was naturally of interest as the exclusion from political life has been pointed to as one of the underlying causes of the armed conflict (see González 2004, 11; Leongómez 2015, 51). Still, as it concentrated on how FARC will transform into a political party, and how to strengthen the political participation for people in vulnerable areas, this chapter could be understood as the natural domain for the political parties in Colombia, and not so much for CSOs. The issue of rural reform has already been partly discussed. This issue concerned the injustice related to access to land and lacking development in rural areas, this is also frequently argued to be one of the root causes for the conflict (see González 2004, 11; Leongómez 2015, 51). Looking at the Rural Reform would provide good basis for cross-case comparisons, since land issues also were central to other Latin American peace processes, as well as former peace negotiations in Colombia. The problem with this issue, as already mentioned, would be its close relation to the issue of the drug problem, so that it would be difficult to look at one without looking at the other. The last issue was victims. The inclusion of a chapter exclusively dedicated to victims was something totally new in the Colombian peace process. The fact that it marked something new made the focus on victims’ rights a very interesting point of study. As something fundamentally new it would be interesting to look at the origins of the concept, the evolving understanding of victims’ rights during the negotiation process and civil society’s role in this. Considering the discussion above, I chose

to look specifically at the issue of victims in the peace agreement.

3.3 Data collection

I used semi-structured interviews together with document analysis to collect information. Berg (2009, 101) argues that interviewing is a conversation with a purpose. Interviewing can roughly be categorized into structured interviews, semi-structured interviews and unstructured interviews, where I find that semi-structured interviews balance the trade-offs from the two other types. While the structured interviews have rigid wording, the semi-structured interview is flexible so that language might be adjusted to the person interviewed (Berg 2009, 107). This proved especially useful in this study as the interview objects had a varied background. Interviewing a grassroots, activist farmer demanded a different language than interviewing a university professor or a lawyer. An advantage with the standardised interview on the other hand, is that the same stimulus is offered to all the respondents so that the answers are more comparable. The semi-structured interview maintains some of this because it has a set of standard questions that the interview centres around, and as such it is less easy to compare the answers than from a standardised interview, but still more than the unstandardized interview. According to Berg (2009, 110) interviewing is especially effective for research questions that centre around understanding the perceptions of informants and learning the meaning that participants attach to issues of interest. When I constructed the interview guide I sought the questions to be as little leading as possible. This means that my main questions were open so that the interview objects could use their own words and frames of understanding when answering the questions. During the interviews the informants were then asked to elaborate on what they understood with each of the concepts they mentioned. This often related to their understanding of truth, justice, reparation and non-recurrence. The interviews were semi-structured and I had prepared probes that were specific to each interview object, thus the focus of the follow up questions depended on the interview object, and on the information, I had gathered on beforehand. The interview guide is added as appendix 2.

In addition, the face to face situation of an interview allow for social interpretations that can help the researcher (Berg 2009, 133). Non-verbal communication like body gestures and facial grimaces can also transfer additional information to the wording used by the respondent, indicating if a respondent lies or avoids responding the question. Sometimes during the field work I experienced that the interview objects were not answering my questions. Being able to read their body language helped me understand the

reasoning behind this, whether it was because they did not know the answer, did not wish to answer or if they had misunderstood the question I had asked. For instance, during one interview I asked a follow up question to understand whether and how the proposals gathered during a forum in Cali had been presented to the negotiating parties in Havana, and instead of answering my question the informant angrily started to explain that FARC victims had not been excluded from the forum. I was surprised with the answer, but deduced that the informant had understood my question as accusing the organizers of the forum to have an unbalanced focus on state victims. I rephrased the question, and got an answer to my question.

The information obtained from the semi-structured interviews with CSO representatives was cross checked and supplemented with interviews conducted with representatives from important social institutions in Colombia and written material such as news articles, booklets, letters, together with the final peace agreement from November 2016. A comparison was made between the Final agreements from August and November, and with the agreement draft on Victims from 2015, but few changes, and none of them significant, could be found in the three agreement texts. If not specifically mentioned the Final agreement in this thesis therefore refers to the Final agreement from November 2016.

In addition to the interviews with CSO representatives I also decided to interview some experts in Colombia to include perspectives of the CSOs outside this sector. Especially I was interested in such perspectives when it came to looking at the link between the proposals expressed by CSOs and the issues included in the peace agreement. I found it would be interesting to include the perspective of an outsider still very close to the CSOs itself. The experts and their institutions or organizations are listed in appendix 3. These experts were asked to elaborate specifically on why the specific issues were included in the agreement or not. The idea was to ask CSOs about the same, but I supposed their answers to be coloured by the organizations own interests and to be more subjective, than an outsider's opinion.

3.3.1 Establishing contact with informants

Since I had a clear idea of which organizations and institutions I wanted to interview before I went to Colombia, the first challenge I had in the data collection was deciding who to interview and to get in touch with those persons. The academics and CSO representatives I talked to in Norway provided me with some contact information and indications on who to talk with in the organizations. Most of this contact information was emails. Upon arrival in Colombia few of my e-mails had been answered so I rapidly concluded that I had to contact the organizations by other means. Through my own contacts in

Colombia and during the interview process I gradually obtained the phone numbers of key persons in the organizations I wanted to talk to, and this provided to be a much more efficient way to contact them. I even conducted a few extra interviews to obtain the contact information needed.⁵ In total I conducted 18 interviews in Bogotá during my field work period 22nd of November to 22nd of December 2016. Each interview lasted approximately one hour. All interviews, except the one with Sheila Gruner were conducted in Spanish. I speak fluent Spanish, and did therefore not need the help of a translator. Conducting the interview in the informants' native language helped set a more relaxed atmosphere, and explaining how I had learned the language proved to be a good small talk point that created good rapport for the remainder of the interview. Most of the interviews were conducted with one representative, often the leader of the organization, or a relevant subcommittee. Four of the interviews were conducted with two representatives on the initiative of the organizations themselves. These were the student association ANDES, the grassroots network CdLP, the farmers' organization FENSUAGRO and the UN institution UNDP. The persons in all these interviews came from different sections of their organizations. This positively affected the interviews because the informants could provide different perspectives from the organizations, and speaking in front of another representative of the organization probably made them less inclined to let private opinions colour the answers.

I conducted interviews with all the organizations I wished to speak to, except for The National Organization for Indigenous People (ONIC) and The Process of Black Communities (PCN). Both organizations were busy working with the renegotiation of the Final agreement and the implementation issues of this agreement. In the end, I met professor Gruner, a visiting professor at the Observatory for Ethnic Territories at the Javeriana University in Bogotá. I interviewed professor Gruner who had worked with PCN over the last two decades. It was the administrative staff at the PCN headquarters who advised me to talk to professor Gruner, and they also provided me with a book that she had recently edited on the ethnic organizations and their work with the peace negotiations. Even though I did not interview any representative from PCN, I wished to include the ethnic perspective on victims in this thesis. I found this issue to be crucial for understanding the plurality among the Colombian CSOs. Even though Gruner was not a representative of PCN, she was recommended by PCN representatives and after working closely with the organization over several years she would have a good understanding of PCN. The interview

⁵This was the case with Jaime Álvarez, Special Delegate for Victims' Rights at the Ombudsman Office; Magnolia Agudelo from Mujeres para la paz, or Women for Peace, and representative for women's issues in the Colombian Communist Party; and Ricardo Herrera from the farmers' network Coordinadora Nacional Agraria or The National Peasant Coordination (CNA).

and book by Gruner was supplemented with written communiques from PCN, the Afro-Colombian Peace Network (CONPA) and later the Ethnic Commission, both platforms where PCN played a key role during the negotiations. In the end, I found I had enough information to include PCN in the study, even without interviewing a representative from this organization. Due to the lack of information I decided to leave ONIC out of the analysis.

3.3.2 Ethical considerations

There are some ethical considerations to be considered. Firstly, the personal security of the persons interviewed is important, as it is very dangerous to be involved in human rights, political or social work in Colombia. Many activists get singled out and targeted by violence, and I therefore sought to make it clear to the informants how the information collected would be used, before conducting the interviews. All the participants were sent a short introductory letter explaining the project where they were informed on their right to be anonymous and their right to withdraw from the study if they wished to do so. This information was repeated before each interview, and the participants then agreed to the conditions for participation. Related to the issue of security most of the participants found it wiser to be visible than not, and felt that spreading their organizations work would have a positive effect on both their personal security and the organizations work. All the participants agreed to their full names being used in the study. Two informants wished to confirm the information used from their interviews before publication.

Another issue that I was concerned about before conducting the field work was the culture of male chauvinism, or *machismo* in Spanish, that is prominent in Colombian society. Because I am a young, European girl I sought to dress appropriately and keep the conversation relaxed but strictly professional during the interviews. In the end, this turned out not to be an issue, as all my informants were respectful and professional in their behaviour during the interviews. In fact, it seemed that most of them had a positive view of Norway, both because many of the informants had worked with Norwegian NGOs, had been in contact with the Norwegian Embassy in Colombia or because the Norwegian facilitation efforts in the negotiation were well looked upon. In this way, being Norwegian helped me, because the informants were more inclined to participate in the interviews, give me contacts to other CSO representatives and give full length answers to my interview questions.

Lastly all the interviews were recorded. This was done to secure that the information used in the analysis was correct. Listening to the recordings helped me go back into the interview situation and pay notice to

details I had not noticed during the interview itself. Also, listening to the tone of voice in each interview helped me remember the body language of the informants and other details that would have been difficult to remember if I had only taken notes. In addition, recording the interviews helped me free more energy to focus on all the elements of the interview situation, and I only took rough notes that would help me formulate probes and follow up questions to the informants. Since the interviews had to be translated, the recordings helped me by providing the exact words of the informant assuring that my translation would be as accurate as possible.

3.4 The analysis of data

After the interviews had been conducted they were transcribed. This helped facilitate the analytical process, as it helped me get a better overview of the information and how it could be categorized. Thereafter the material was organized according to the four sub-questions of the main research question, according to what the CSO representatives:

- a) regarded as key issues to be included in the agreement on “Victims”,
- b) how and when the CSOs had worked to include these proposals,
- c) whether the proposals had been included in the Final agreement or not, and
- d) how the CSO representatives explained the inclusion or non-inclusions of their proposals.

The issue c) was supplemented and cross-checked with the agreement text in the Final agreement. On d) the experts’ opinions were weighted in. The interviews with the experts focused specifically on this question.

A third step in the analysis process was to organize the information on each of the sub-questions into sub-categories. Following the ideas most commonly expressed during the interviews issue a), regarding main CSO issues, was organized in to four sub-categories:

- i. truth,
- ii. justice,
- iii. reparation, and
- iv. non-recurrence

The sub-categories on b), concerning how the CSOs had worked to include the issues, were organized according to Paffenholz’ nine +1 model for CSO participation in peace negotiations. The categories were:

- i. Direct participation (mode 1)
- ii. Observer status (mode 2)
- iii. Official consultative forums (mode 3)
- iv. Less formal consultations (mode 4)
- v. Inclusive post-agreement mechanisms (mode 5)
- vi. High-level civil society initiatives (mode 6)
- vii. Public participation (mode 7)
- viii. Public decision-making (mode 8)
- ix. Mass action (mode 9)
- x. Exclusion (mode 10)

Sub-question c), concerning the inclusion or exclusion of proposals, organized the proposals in to three categories. Proposals were either considered:

- i. included,
- ii. not included or
- iii. partly included.

The last issue d), CSO representatives' explanations for inclusion/exclusion, was organized according to the explanations most mentioned by the informants. This part of the analysis had two levels. Firstly, the limitations and context of CSO participation in peace negotiations were explored. This context included:

- i. the international and national legal framework and
- ii. state political will.

Finally, the analysis considered how different levels of CSO participation and the nature of the issue promoted could be linked to the inclusion of proposals in the agreement text.

3.5 Reliability and validity

King, Keohane and Verba (1994, 151) argue that all measurement in social science is imprecise. What is important is to be honest with the uncertainty of the results. Reliability concerns whether we can trust a measurement of the same phenomenon to provide similar results each time. In this way, many think of reliability in qualitative studies to be about replicability (Smith, 2004). The researcher, must therefore provide a detailed description of what has been done, so that other researchers can replicate the study

with similar results. Tove Thagaard (2013, 202) is critical to the application of such criteria in qualitative research. According to Thagaard understanding reliability as replicability is a positivist understanding of science, where the ideal is a neutrality, meaning that the results of the research is independent from the researcher's relation to the issue studied. Thagaard argues for a constructivist ideal of qualitative science where the data is developed in cooperation between the scientist and the persons in the field. In this way, replicability becomes irrelevant, and rather the scientist must argue for how the data has been developed during the research process and how good the data is. A good and specific report on how the data has been collected and analysed makes the research process more transparent and is a better measurement of the reliability of the qualitative research according to Thagaard.

I find that the use of semi-structured interviews makes replicability more difficult, but strengthens the reliability in the constructivist understanding of the concept. This is because some of the questions asked during the interviews, and therefore some of the information provided, surged as probes and follow-up questions during the interviews, and are not accounted for in the interview guide. In this way, each interview was different, and it would be hard for another researcher to replicate the study. Following Thagaard's understanding of the concept, on the other hand, I find that the follow-up questions strengthened the reliability of the results, because they made me able to gather in-depth information on the respondents understanding of the meaning of key issues. In addition, the flexibility and setting of the semi-structured interviews helped me create a closer and more open relationship with the informants, something that made the participants more interested in providing the information I needed for the study.

Two issues might challenge the reliability of the results: How representative the person interviewed was for his/her organization, and the informants' subjectivity and memory. Generally, only one person from each organization was interviewed. The representability of that persons' meanings relative to that of the organization was therefore important to verify, and the information was complimented with communiques, letters and news articles. In the case where no additional information was available, such as ANDES and CPC, the lead coordinator of the organization was interviewed. For PCN no member of the organization was interviewed, but rather an academic talking about the organization. In this case, the information in the interview was confirmed by a special focus on the written sources. Further the issue of memory is important, because the informants could forget central issues or obtain a new understanding of the issues over time. Many informants for instance expressed that "Wow, that was a long time ago, I do not know if I remember accurately" when asked specifically about events from 2014 and before. The timing of the

field-work was interesting in this aspect, and it was clear that current events coloured how the respondents understood issues. The interviews conducted before the Final agreement was signed in late November, tended to focus on how the CSOs had worked with the plebiscite and how the result of this plebiscite had affected the peace process. After the new agreement was signed the focus changed somewhat, and the informants focused more on the implementation aspect of the process.

The virtue of the case study, according to Gerring (2009, 43) is the internal validity. This concerns how sure we can be about the causal inferences made in the study, and whether the researcher has measured what she was trying to measure (King, Keohane and Verba 1994, 150-1). Regarding qualitative research Thagaard (2013, 204) suggests that validity should be understood as whether the results from the research represent the reality that has been studied. In this way, the validity can be strengthened by explicitly showing how the analysis provides the basis for the conclusions of the study. The semi-structured interviews provided detailed information on CSO proposals and work, why and how proposals got included, and provided clarifications on the respondents' understandings of important concepts. The variety of CSO representatives interviewed provided a thorough representation of the Colombian case, while the expert interviews provided a more objective layer of understanding. As a researcher, I only had superficial knowledge about CSOs in Colombia and their work regarding the peace negotiations. This helped me keep a certain professional distance from the organizations and any sympathies that could have affected the selection of certain organizations over others, or the weighing of certain organization's work in my analysis. At the start of this research project I did however have a thorough knowledge about Latin-American culture and language, and I had some contacts both in Norwegian and Colombian CSOs. This helped me in the research process, and especially before and during the field work in Colombia, because it helped me understand the context the informants were speaking within and how they reasoned. From my position as a researcher I tried to be open and receptive to new theories and other people's understandings and perceptions from the beginning of the project, so that my own experiences would not come in the way of new and alternative understandings.

External validity concerns the case studied and its ability to shed light on the larger population of cases (Gerring 2006, 43). This is one of the case study's inherent weaknesses, because of the small number of cases. Larger cross-case studies are always more representative of the population than the case study. Thagaard (2013, 210-1) suggests an alternative concept of external validity, transferability⁶, for

⁶ This is my translation of the Norwegian term "overførbarhet".

qualitative studies. The transferability of a study concerns how the understanding developed within one study can be valid in other contexts. For instance, the author argues, one study can help develop a more general theoretical understanding of social phenomena, and this understanding can support further research on the issue. This is called theoretical generalization. How cases or samples are selected affects the transferability. For this thesis, the within-case sampling of the Colombian CSOs and how this sample can inform us about the whole universe of Colombian CSOs is relevant. There are uncertainties about selection bias in the sample. It is possible that the Norwegian academics and CSO representatives consulted preferred to mention some organizations over others. I tried to correct for this by including a question about other relevant CSO actors during the interviews in Colombia. I also tried to correct for this in the selection of the organizations by using criteria that took ideological alliances and interest group into account. Regarding the transferability of the results in this study to other cases of CSO participation in peace negotiations, the results from this study should be both relevant and give ground for further research. The analysis in this thesis (see chapter five) argues that context is important for CSO participation in peace negotiations. As both international laws and state openness are found frame the participation of CSO this must be considered when looking at the transferability of the results. It is for instance, quite different to study CSO participation in peace processes now and processes twenty years ago, since the international legal framework has been developed considerably during these years. Also, considering whether the state in question is authoritative or democratic would be relevant to assess. Further, this analysis focuses on CSO representatives understanding of events, this is another issue that must be considered when looking at the transferability of the results.

3.6 Limitations

This thesis does not look for a causal link between the level of CSO participation and the proposals included in the Final agreement, but rather focuses on CSO representatives own understanding such of participation and the inclusion of proposals. A single case study is chosen because of this research focus. While the single case study lower the abilities to generalize the findings on one hand, it boosts the internal validity on the other. Such studies and the data collection method give the possibility to conduct an intense study of CSO participation and their representatives understanding and reasoning about this participation and its results. The detailed information collected and the thorough selection of the Colombian CSOs sample provides a depth to the analysis that underbuilds the internal validity.

The informants are mostly CSO representatives, supplemented with interviews with one intergovernmental organization (UNDP), one university institution (Centro de pensamiento UNAL) and one INGO (FOKUS). This could be both a strength and a limitation for the study. On the one hand this makes the results of the thesis more adequate to inform us on how local CSOs interpret the link between participation and the proposals included in the final agreement. On the other hand, this information is limited to CSO representatives own understanding of the process, and can hardly be considered objective. Still, the focus on local CSOs was a conscious decision from the start of the research. Although there are many factors likely to affect the outcome of a peace negotiation, the aim of this study was to shed light on CSO participation in peace negotiations. I therefore decided neither to interview participants from the two negotiations delegations in Havana nor government representatives, even though this might have provided a more objective view. This was a question of priorities. The focus in this study was on CSOs, and as I only had one month to complete the field work, and a limited number of interviews, I decided to interview the CSOs with the risk of omitting other potentially interesting factors. Many factors were not controlled for in this study, and it does not pretend to present the objective truth about CSO participation in peace negotiations. Rather it seeks to give one perspective of such participation based on CSO representatives own understanding from the Colombian case.

Even though this thesis focused on CSO representatives in the data collection phase, this does not mean that all other factors were ignored in the analysis. Some of the informants mentioned factors like the role of international institutions and organizations, the progress in international transitional justice legislation and the negotiations parties' openness to receive and include CSO proposals. These are explanations that might help explain why some proposals found their way into the agreement, while others did not. Explicit questions related to these issues were not asked during the interviews. Because they often figured among the answers in the open questions, these interpretations were considered and included in the analysis of the data material.

4 Findings

This chapter seeks to shed light on CSO participation in peace negotiations through studying the Colombian peace negotiations 2012-2016. The chapter starts by identifying how the CSOs participated (sub-question one), then it looks at the priorities and agenda of the CSOs (sub-question two), before describing the resulting inclusion of proposals in the Final agreement (sub-question three). At the end of the chapter there is a brief description of additional effects of CSO participation noted by the informants. Sub-question four, looking at how CSO representatives explain the inclusion of proposals, will be discussed in chapter five.

4.1 Level and timing of civil society participation

This section describes how the CSOs participated in the peace negotiation. The categories used to describe the level of participation are the nine+1 modes of participation (from direct participation to exclusion). The most mentioned forms of participation in the interviews were: the civil society forums requested by the negotiation table (mode 3), the victims' delegations that went to Havana (mode 1), and meetings that the organizations had directly with the negotiators⁷ or related committees (mode 1). In the following sections, all the modes of participation are described, from the most to least mentioned in the interviews.

4.1.1 Mode 3: Official consultative forums

The negotiators in Havana commissioned six civil society forums, one on each of the six agenda points. These were organized by the United Nations Program for Development (UNDP) and Universidad nacional de Colombia (UNAL). Four forums were organized on the issue of victims, one national forum and three regional forums. Due to the amounts of information available, I focused on the national forum. The national forum for victims was held 3rd to 5th of August 2014 in Cali, where 1637 victims participated (UNDP 2014). Most informants first mentioned the civil society forums when they were asked about their organization's participation in the peace process. Seven of the ten organizations interviewed were directly present at one or several of the forums⁸ and one, CPC, was indirectly represented through a

⁷ This thesis differentiates between the terms negotiation parties and negotiators. Negotiation parties refer to the Colombian government and FARC, while negotiators refer to the persons representing the parties directly at the negotiation table in Havana.

⁸ ACORE, CdIP, FENSUAGRO, Humanas, MOVICE, País Libre and PCN

platform. One organization, ANDES, did not participate in the forum.

Many found that the forums had been an interesting space for victims to meet, but most of the informants coincided that methodological weaknesses of the forums made effective collection and communication of proposals to Havana difficult. Some, such as Olimpo Cárdenas and Marylen Serna⁹ from CdIP and Diana Gómez¹⁰ from MOVICE, doubted whether the negotiators had been able to process the amount of proposals resulting from the forums. “In the forums, they gave us a pen and a paper, told us to write down our proposals and that the proposals would arrive as such to Havana. So, they sent boxes with thousands of proposals” explained Cárdenas and Serna from the grassroots network CdIP. Marco Romero¹¹ from Centro de pensamiento UNAL, who participated in the organization of the forums, dismissed this scepticism explaining that the 30 boxes of proposals handed to the negotiators, were accompanied by a systematized report from UNDP and UNAL.

Andrea Benjumea¹² from the women’s organization Humanas explained how many victims used their three minutes to talk about their experiences rather than making clear proposals. Both Benjumea and Gómez, member of the victims’ movement MOVICE, found that the forums had been deliberative rather than creating a real impact. ACORE and País Libre, on the other hand, found that the forum was unbalanced, that it favoured state victims and did not offer victims of FARC enough visibility. In ACORE's (2014) own report from the forum they point to the “obvious absence of representatives of victims in the public force” and that “the FARC victims felt excluded”. During his interview, Duarte¹³ from Centro de pensamiento UNAL underlined that the UNDP and UNAL had focused on being neutral in the planning and execution of the forums. This meant representing all types of victims, both those caused by the state, paramilitary and the FARC. The idea was that no one should be excluded, Duarte explained.

4.1.2 Mode 1: Direct participation

I have identified three activities as direct participation in the Colombian peace negotiations: the victims’ delegations, the work of the Ethnic Commission and other direct meetings between CSO representatives

⁹ CdIP. Interview Bogotá 29.11.2016. All references to Cárdenas and Serna in this thesis refer to this interview.

¹⁰ MOVICE. Interview Bogotá 07.12.2016. All references to Gómez in this thesis refer to this interview.

¹¹ Centro de Pensamiento UNAL. Interview Bogotá 15.12.2016. All references to Romero in this thesis refer to this interview.

¹² Humanas. Interview Bogotá 015.12.2016. All references to Benjumea in this thesis refer to this interview.

¹³ Centro de Pensamiento UNAL. Interview Bogotá 02.12.2016. All references to Duarte in this thesis refer to this interview.

and the negotiators. All were limited in time, providing direct talks with the negotiators for days or a few hours only.

A total of 60 victims in five delegations travelled to Havana to meet with the negotiators in the period between August and December 2014. The participants were selected by the UNDP, UNAL and the Episcopal Conference based on offender, type of violation and geographical location (Facio 2014). Most of the informants highlighted the victims' delegations as an important mechanism for participation. The officials from UNDP, Julia Antía and Mario Ruíz¹⁴, gave these delegations two functions: 1) a space for the victims to present proposals to the negotiators, and 2) providing a direct dialogue between victims and offenders. Benjumea from the women's organization Humanas, disagreed with this, and argued that the humanitarian aspects of reconciliation and visualization of the victims were in focus, rather than presenting proposals. Gómez member of the victims' network MOVICE agreed that the delegations helped visualizing the situation of the victims. While the representative from the Catholic organization Pastoral Social, Hector Fabio¹⁵ on the other hand argued that the victims travelled with the aim to be identified and included in the negotiation text.

Some of the interviewed, such as Gómez from MOVICE, criticised that the victims in the delegations travelled as individuals, rather than as representatives of organizations. Both the functionaries from UNDP, Antía and Ruíz, and the functionary interviewed from Centro de pensamiento UNAL, Duarte, underlined that the delegations did not seek to be representative, but rather to show diversity, as people were invited as a function of being part of a certain group. Fabio from Pastoral Social explained:

Many victims' organizations feel that they were not represented and that they should have had representation in the victims' delegations. But there are eight million victims and we were supposed to choose 60. It was very difficult. So, we decided to choose very symbolic and moving cases, cases that were meaningful and important, but individual cases.

Two of the organizations interviewed mentioned that they had had direct conversations with the parties in Havana. This was the women's organization Humanas and the afro-Colombian organization PCN. Benjumea from Humanas, represented the organization in the platform 5 claves, and was invited as an

¹⁴ UNDP. Interview Bogotá 29.11.2016. All references to Antía and Ruíz in this thesis refer to this interview.

¹⁵ Pastoral Social. Interview Bogotá 06.12.2016. All references to Fabio in this thesis refer to this interview.

expert to talk about the methodology for inclusion of sexual violence in a session with the Gender sub-commission in August 2015. Benjumea explains that Humanas developed a good relationship with advisors from both the government and FARC delegation during the negotiations. The afro-Colombian organization PCN worked for several years to make the ethnic issue visible. With letters to the lead negotiators in Havana, advocacy and support of institutions such as the UN and civil society in North America and Europe, they underlined the importance for an ethnic and territorial perspective to be included in the process (Gruner, 2016, 30). In May 2015, the afro-Colombian peace platform CONPA, where PCN was one of the founding members, sent a letter to Havana where they argued for the creation of an ethnic commission, with participants from indigenous, afro-Colombian and other ethnic groups (Córdoba 2015). Towards the end of the negotiations CONPA first had one meeting with chief negotiator from the government Humberto de la Calle in November 2015, discussing the ethnic participation in the peace process (Córdoba, 2015). Then, as part of the Ethnic Commission, PCN representatives had two audiences with the negotiators in Havana in June and August 2016, where they managed to include an ethnic chapter guiding the interpretation and implementation of the agreement.

4.1.3 Mode 5: Inclusive post-agreement mechanisms.

Many of the representatives interviewed underlined challenges related to the implementation of the agreement. They argued that CSO participation in the implementation phase would be important due to: 1) the gap between laws and practice in Colombia, and 2) the possibility of using the agreement as a platform to promote rights and transformations in Colombia. There seemed to be a consensus on the conclusion that implementing laws in Colombia is a challenge. Both the representatives from the farmers' organization FENSUAGRO, García and Moreno¹⁶, and Cárdenas and Serna from CdIP argued that mass mobilization would be the way to secure implementation. In this way CSOs could pressure the government to keep its word. The representatives from ANDES, Deisy Aparicio and Kevin Gonzalez¹⁷ explained that the organization, in cooperation with other students, plans to use the provisions for observation committees to monitor the implementation of the agreement. The afro-Colombian organization PCN had a specific focus on how the Final agreement would be implemented in their territories and specifically how this would affect the ethnic people(s) (Córdoba, 2015, 42). Sheila Gruner¹⁸ from Javeriana University explained that this was important to them since most of the areas

¹⁶ FENSUAFFEO. Interview Bogota 05.12.2016. All references to García and Moreno in this thesis refer to this interview.

¹⁷ ANDES. Interview Bogotá 07.12.2016. All references to Aparicio and Gonzalez in this thesis refer to this interview

¹⁸ Visiting professor at Javeriana University. Interview Bogotá 08.12.2016. All references to Gruner in this thesis refer to this interview.

where the FARC would demobilise, would be within or near ethnic territories, creating serious political implications for the territorial rights of the ethnic communities. Avendaño¹⁹ from the women's organization CPC explained how they had focused on their neighbourhood, and how to prepare for the implementation in their specific context. “We say that the problem was not reaching an agreement in Havana, the real challenge starts now - all these things that we worked so hard for, we now have to make sure they become reality in our neighbourhood”, Avendaño concluded.

Other organizations focused on how the implementation phase could be used to include proposals that had not been included in the Final agreement. Gómez member of the victims’ network MOVICE argued that the agreement was a first step, but that it needed to be filled with content. The representatives from the farmers’ organization FENSUAGRO agreed to this, saying that the implementation phase gives the possibility to work with issues that did not get included in the Final agreement.

4.1.4 Mode 8: Public decision-making

Despite the overwhelming civil society support for the peace agreement CSOs lacked visibility during the campaigning up to the October 2016 plebiscite, where the first agreement of August 2016 was put to popular referendum. According to Antía and Ruíz from UNDP the visibility was on individuals rather than on organizations, and it was the political parties that took the lead. The organizations that did participate in the Yes-campaigns did public information meetings to explain the agreements, either in parks such as CPC (Avendaño) or in schools and universities such as MOVICE (Gómez).

4.1.5 Mode 4: Less formal consultations

According to Jaime Ruíz²⁰ from the military association ACORE, the permanent working table (MTP), has been an important platform for military and police during the last three years. The focus of the MTP has been on the judicial security for members of the public force. The MTP seems to have had good relations with the negotiators, and in 2016 it was visited by the Colombian president Juan Manuel Santos, Oscar Naranjo, representative of the police force in Havana, Jorge Mora, representative for the military in Havana and representatives from the High Commissioner for Peace (ACORE, 2016). “General Mora has done good work in Havana, and we feel well represented” Ruíz concluded.

¹⁹ CPC. Interview Bogotá 14.12.2016. All references to Avendaño in this thesis refer to this interview.

²⁰ ACORE. Interview Bogotá 06.12.2016. All references to Ruíz in this thesis refer to this interview.

4.1.6 Mode 7 and 9: Public participation and mass mobilization

The CSO participation provides a few initiatives that fall under public participation, while few of the organizations mentioned mass mobilization as being important. The women's organization CPC, focusing on the local level, developed a peace agenda for Bogotá in cooperation with 28 other CSOs and the secretary for women in Bogotá. The agenda included local Bogotá women's concerns with daily experiences in the armed conflict. I found three of the agendas six points to be related to the victims' issue: violence against women, a peace culture and the demilitarization of daily life. The agenda was sent to Havana, but the focus was always on developing the agenda locally.

The Ethnic commission did an extensive work with a two-level focus, doing both advocacy with the negotiators in Havana, and an extensive dialogue with the ethnic communities it represented. This continued dialogue functioned both to inform the base of advances in Havana and to receive feed-back and proposals on its work. According to Gruner from Javeriana University, the Ethnic Commission would not have been legitimate if the base did not know what it was doing. The Ethnic Commission (2016b, 389) confirmed this two-level focus underlining that its function is "to bring proposals, that are consulted and made consensus on, from the level of organizations to different places of advocacy both nationally and internationally."

Few of the informants talked about mass mobilization as a form of participation, only Cárdenas and Serna from CdLP explicitly named this as one of their strategies. They mention that they had participated in all the mobilizations on the national day of victims, 9th of April, but admitted that mass mobilization was limited in its ability to communicate proposals.

4.1.7 Mode 10: Exclusion

One organization, the student organization ANDES seem to have been excluded in the peace negotiations. This organization demonstrated its ambition to participate in the negotiations by sending proposals through written correspondence to the negotiators. For instance, they argued for the reformulation of the recruitment law to avoid recruitment of minors, but according to Aparicio and Gonzalez they did not get any satisfactory answers. ANDES was the only organization in the sample that did not participate in the civil society forums on victims. Though the organization was active in mass mobilization and especially after the October 2016 plebiscite, the demands put forward were not related specifically to victims' rights or students as a collective group of victims, but rather embodied a demand to reach a new agreement.

4.2 Main proposals from civil society

Most of the proposals mentioned by the CSO representatives in the interviews and written material focus on four aspects: truth, justice, reparation and non-recurrence. These can be understood within the framework of transitional justice as the four pillars of victims' rights, acknowledged by international laws, and are, as of the 2011 Victims Law, part of Colombian legislation²¹. The following section looks at each of them in turn. Table 1 summarizes the CSO proposals, and which are categorized according to the four key issues. The information is further organized into sub-categories that highlight the issues most often raised in the four main categories. For each of the proposals it is marked which organization made the proposal. Lastly, in the column to the right it is indicated whether the proposal was included or in the Final agreement or not.

Even though truth, justice, reparation and non-recurrence are described in different sections, they are intimately linked. The understanding and demands related to one of these categories affect the understandings and demands of the others. In the Colombian case the issue of truth is closely linked with demands for justice and reparations. The afro-Colombian organization PCN found that accessing truth and justice are part of the reparation (Rosero 2014, 107). Therefore, as part of the collective reparations the afro-Colombians have the right to know the truth about the systematic violations they experienced as part of the armed conflict. Gómez member of the victims' network MOVICE, along the same lines, argued for a closer link between truth and justice, demanding that the humanitarian character of the search for disappeared people should be linked to the judicial processes of the peace agreement. Aparicio and Gonzalez from the students' organization ANDES explained how symbolic reparations could be made through the offender acknowledging the truth, and how the state should acknowledge its responsibility for systematic violations against the social movements and its responsibility for paramilitary actions, as part of the reparations.

²¹ Article one reads: "The present law seeks to establish judicial, administrative, social, economic, individual and collective mechanisms that will benefit victims (...) within the framework of transitional justice, that secures the satisfaction of their rights to truth, justice and reparation, with a guarantee of non-recurrence (...).

Table 1 Civil society proposals for the Colombian peace negotiations

Type of proposal	Organization	Proposal	Inclusion or not in the Final agreement
Truth			
Acknowledgement of responsibility	MOVICE/ FENSUAGRO	The state must acknowledge its responsibility for systematic violence	Partly (Final agreement 2016, 128, 134)
	Humanas	The government should acknowledge responsibility for sexual crimes	Partly (Final agreement 2016, 151)
	País Libre /CdIP/ FENSUAGRO	The truth is the most important issue	Yes (Final Agreement 2016, 125, 127, 133, 139, 145.)
Intellectual responsibility	CdIP	Knowing the truth about who ordered and who benefited from the crimes	Partly (Final agreement 2016, 128, 134.)
	FENSUAGRO	Knowing the truth about who ordered and who benefited from the crime: declassification of police, military and intelligence archives to support the promotion of the truth	Partly (Final agreement 2016, 128, 134).
Truth commission	MOVICE	Both national and international participants, representatives for state victims and social movements, and a duration of five years	Partly (Final agreement 2016, 138)
	Humanas	A transversal focus on women and girls' rights, parity in the commission's composition, participation of women in its work	Yes (Final agreement 2016, 133, 136)
	Humanas	An official historical truth commission on sexual violence with focus on all armed actors	No
	PCN	Recognition of the historic truth must go beyond the 1981 limit established by the Victims' law from 2011	Yes (Final agreement 2016, 135, 138)
	PCN	A special commission must be created to analyse the effect on the afro-Colombians caused by the armed conflict	No
Other issues	País Libre	The special unit for the location of missing persons (UBPD) should have participation of victims, as well as a capacitation of functionaries to give better service and humanize treatment of victims	Yes (Final agreement 2016, 139-40)
	ANDES	Include new information in school syllabus about the conflict based on the truth resulting from the peace process	Yes (Final agreement 2016, 190)
	Humanas, CPC and PCN	A gender and ethnic focus in the whole agreement	Yes (Final agreement 2016, 128, 205, 206)
	PCN	Representative from Ethnic Commission in Gender sub-commission	No

Justice			
Retributive or alternative punishment	ACORE	More custodial punishment and more limitations on alternative justice mechanisms and amnesty	No (Final agreement 2016, 128, 144,147,151)
	Humanas	No amnesty, and prison time for sexual violence	Yes (Final agreement 2016, 151)
The military and justice	MOVICE	Eliminate police and military jurisdiction for crimes such as grave violations of human rights, crimes against humanity, genocide and crimes of war	No (Final agreement 2016, 166)
	Humanas	A differential treatment of state security forces proportional to the state's international obligations, with stricter penalties for such actors	Partly (Final agreement 2016, 166)
	ACORE	The militaries and police should be judged by their own jurisdiction	Yes (Final agreement 2016, 166)
	Humanas	Both direct perpetrators and leaders and commanders that by deed or omission are responsible should be investigated	No (Final agreement 2016, 152)
	ACORE	Those maximum responsible are not always those of superior rank, there must be an effective control over the subordinated	Yes (Final agreement 2016, 152)
	MOVICE	Those responsible for giving the orders, and everybody that participated in the crimes must be identified	Partly (Final agreement 2016, 152)
	ACORE	There must be no bias in the selection of judges to the peace tribunal	No (Final agreement 2016, 167)
	ACORE	Amnesty for crimes done by public forces	No (Final agreement 2016, 166)
	ACORE	Reducing penalties for state forces following specific conditions	No (Final agreement 2016, 166)
Reparations			
Formal apologies	MOVICE	Apology for grave violations of human rights to victims, their families and the Colombian society	Yes (Final agreement 2016, 136, 179, 181)
	MOVICE	Apology to indigenous and afro-Colombian groups, labour unions, political parties' victims of persecution and political extermination by the state	Yes (Final agreement 2016, 136, 179, 181)
	Humanas	State forces, FARC and paramilitaries must give a formal apology to victims of sexual violence	No (Final agreement 2016, 136, 179, 181)
Collective reparations	MOVICE	Collective reparations to ethnic groups and political movements, organizations and parties	Yes (Final agreement 2016, 179, 181)
	FEUNSUGRO	There should be collective reparations to the organizations helping them to be present in areas where they were eradicated.	Yes (Final agreement 2016, 134-5)
	FENSUAGRO	The state should acknowledge the work of the organizations as important, promoting interesting proposals	Yes (Final agreement 2016, 181)
	PCN	A historical, territorial and collective focus on the reparation	Yes (Final agreement 2016, 131)
	ANDES	Acknowledgement of students as collective victims	No

Integral reparations Other issues	Pais Libre	Integral reparations should include: health, education, housing and work opportunities	Yes (Final agreement 2016, 182-3)
	Humanas	A special program for women and victims of sexual violence with rehabilitation focusing on integral care, psychological health and supporting female empowerment	Yes (Final agreement 2016, 181)
	PCN	The reparations should be integral so that all the civil, political, economic, social, cultural and collective rights that were affected should be attended to	Yes (Final agreement 2016, 172, 179, 182-3)
	PCN	The reparations should be transformative in their character seeking to empower the afro-Colombian population	No
	CdIP	People should decide what their own reparations will be	Partly (Final agreement 2016, 172)
	ACORE	Victims of the public force should be included in programs for victims	Yes (Final agreement 2016, 185)
	ACORE	Victims from the public force should participate equally in the negotiations in Havana	Yes (Facio, 2014)
	ACORE	There should be an equal participation of FARC victims and victims of other illegal organizations in Havana	Yes (Facio 2014)
Non-recurrence			
Reforms to state institutions	MOVICE	Reforms to police and military institutions.	No
	MOVICE	A revision of practices resulting in grave violations	No
	CdIP	Reforms to military and intelligence service	No
	CdIP	A discussion of national defence and security doctrine	No
	CPC	A cleaning of military and intelligence archives	No
	Humanas	Reforms to justice, security and educational sector to secure the inclusion of women and girls.	No
Para-military groups	CPC	Minimizing the presence of armed actors in daily life (state actors and paramilitary groups).	Partly (Final agreement 2016, 127)
	MOVICE	Dismantling of paramilitary structures through a constitutional reform.	Partly (Final agreement 2016, 127)
Other issues	MOVICE	A commission of non-recurrence	No
	CPC	Ending violence towards women as a first step towards them claiming citizens' rights.	No
	CPC	A peace culture so that the traditional poor, the victims in the armed conflict and the demobilized fighters can live together in the same territory.	Yes (Final agreement 2016, 180)
	Humanas	A joint statement from the government and FARC to eradicate sexual violence.	No

4.2.1 The right to knowing the truth

Many of the organizations found that knowing the truth was the most important issue, and prioritized this over the others. Some of the organizations explained that the truth is the first step towards satisfying the victims needs for justice, reparations and non-recurrence. María Jauregui²² underlined that the victims her organization, País Libre, had worked with always insisted on knowing the truth. She repeated this several times during the interview. According to Jauregui some of the victims were even willing to sacrifice some justice to access the truth. The rurally based organizations, FENSUAGRO and CdLP, seemed to agree with this. Cárdenas and Serna from CdLP explained that for them the truth is the central issue, and that the priority is not to impose death penalties or other severe punishments, but to know the truth. Further several representatives, such as García and Moreno from the farmers' organization FENSUAGRO and Gómez member of the victims' network MOVICE, insisted that the state should acknowledge systematic and structural violations of peoples' rights. This included acknowledging that the state was responsible for assassinating political and social leaders through its public force and institutions. Gómez from MOVICE and Aparicio and Gonzalez from the students' organization ANDES agreed that that the militaries would have to take responsibility for creating paramilitary groups and the corresponding paramilitary violence.

PCN argued that their people had suffered historic violations, dating back to the enslavement during the colonial period and, as a continuation of this, a disproportionate violence within their territories during the armed conflict. An acknowledgement of this would be a first step towards changing their subaltern position in society (Córdoba 2015). Humanas also focused on the transformative abilities of the peace process, but looked at it from the position of women in society, and had a special focus on sexual violence.

4.2.2 The right to justice

The organizations interviewed in general had less focus on the issue of justice, and as mentioned above, some organizations interpreted knowing the truth as satisfying the need for justice. Two issues were identified as important: 1) the discussion on how to best achieve justice, either through retributive justice (retribution, punishment, prison time) and restorative justice

²² País Libre. Interview Bogotá 02.12.2016. All references to Jauregui in this thesis refer to this interview.

(restoration of rights and/ or reparations)²³, and 2) how violations committed by public forces should be dealt with in the agreement.

Gómez member of the victims' network MOVICE explained how the victims of state crimes had started out with a more traditional understanding of justice, demanding that those responsible for crimes should go to prison. Over time, they understood that they would have to give concessions. The need to stop the war and avoid further violations, had led them to open to restorative justice. General Ruiz from the association for retired military officials, ACORE, on the other hand criticised the concept of restorative justice:

The special jurisdiction for peace (JEP) has something new to it that few understand and few accept, the restorative justice, [...] so there will be no jail time for the terrorist organizations. The restorative justice use restorative punishments. These are sanctions that are not acceptable for many.

As opposed to the other organizations interviewed, ACORE mainly focused on justice, and especially the judicial security for military personnel. ACORE argued for military jurisdiction for military personnel and a differential treatment of the public force in the JEP. While ACORE was worried about the militaries receiving an unjust treatment in the judicial system, other organizations were worried about the militaries getting away with systematic crimes. MOVICE focused on identifying not only those who committed the crime, but also those who were responsible for giving the orders, and all those who participated in the crimes, either by action or omission (MOVICE 2013, 19). In contrast to ACORE Humanas argued that state security forces should be differentially treated proportional to the state's international obligations, and therefore more severely punished (Bedoya et. al. 2016, 11). In Colombia, political crimes, meaning crimes that facilitate for example rebellion, can receive amnesty. Humanas argued that sexual violence is not such a crime, and that none of the actors involved in the conflict should receive amnesty for sexual violence (Bedoya et. al. 2016, 9).

²³ While a retributive justice focus on prosecuting and punish the offender through for example court proceedings and jail time, restorative justice has a different focus. Restorative justice seeks to address the needs of victims, at the same time as it aims at repairing social relations (García-Godos 2008, 119-20).

4.2.3 The right to reparations

The issue of reparations is closely linked with the truth. Most of the organizations interviewed demanded an acknowledgement of responsibility for crimes committed, as well as a formal apology to the victims. The apologies included crimes such as: 1) grave violations of human rights, 2) political persecution and extermination of political parties and organizations (MOVICE 2013, 35, 37) or 3) sexual violations (Bedoya et. al. 2016, 13).

Many of the organizations focused on collective reparations to groups and organizations as opposed to individual reparations. The victims' network MOVICE (2013, 35, 37) suggested a collective reparation to ethnic groups, political movements and organizations victims of political persecution. García and Moreno from the farmers' organization FENSUAGRO, focused on how the state could repair the organizations through supporting their presence in certain areas where persecution had eliminated them, for instance by acknowledging the importance of their work.

Several of the organizations focused on integral reparations, in many cases meaning that the reparations should include more than monetary payments. Some, like Jauregui from the victims' organization País Libre, explained that victims' reparations should include basic services such as health, education, housing and work opportunities, while others such as Benjumea from Humanas, focused on rehabilitation and psychological health services. Humanas also included female empowerment as part of the integral reparations.

As most of the registered victims in Colombia suffer from internal displacement (Leongómez 2015, 71-2, El Tiempo 2016), many organizations focused on reparations related to land and returning of displaced people. Gruner from Javeriana University explained that the afro-Colombian perspective to reparation is closely related to the territory and their collective processes of being in those territories. As there have been a collective victimization of the afro-Colombians in their territories the reparation would have to reflect this. Also their time frame for reparations is different, because the afro-Colombian population has suffered discrimination effecting several generations, predating the current armed conflict (Rosero 2014). A collective reparation would thus be a step towards equal rights for ethnic people(s) and proportional political mechanisms levelling the playing ground (Ethnic Commission 2016a).

4.2.4 Guarantees of non-recurrence

The issue of non-recurrence was the issue less discussed by the CSOs interviewed, but many organizations mentioned how securing the rights to truth, justice and reparation were steps toward securing non-recurrence. García and Moreno from FENSUAGRO, considered that knowing the truth was the best guarantee to non-recurrence, while Humanas related justice to non-recurrence, indicating that the best way to secure non-recurrence is avoiding impunity for sexual violence (Bedoya et. al. 2016, 13). The afro-Colombian organization PCN, saw both justice and reparations as ways to secure non-recurrence. For instance, PCN considered that collective reparations should seek to combat racial discrimination and empower the afro-Colombians, and that this would lower the risk of recurrence (Rosero 2014, 108). A central issue was clarifying how the interpretation and implementation of the agreement would affect the ethnic groups (Córdoba 2015, 42). In addition, PCN demanded direct participation in Havana through the formation of a sub-commission on ethnic issues.

Other organizations had a focus on reform and the dismantling of paramilitary structures to secure non-recurrence. The victims' organization MOVICE (2013, 39, 42-3) suggested a thorough review and reform of state institutions and practices responsible for grave violations, especially the police and military. Humanas suggested reforms to secure the inclusion of women and girls in state institutions (Bedoya 2016, 13). In addition to military reform, CdLP (2016) suggested a cleaning of intelligence and military archives, and a national discussion on the defence doctrine. Several of the organizations also mentioned the dismantling of paramilitary structures as an important for avoiding recurrence. MOVICE (2013, 42) suggested to forbid the creation, fomentation and financing of paramilitary groups, and to create a permanent mechanism for supervision within the public force.

Lastly, the only organization interviewed that did not explicitly categorize their proposals into truth, justice, reparation and non-recurrence, was the women's organization CPC. Even though the CPC representative Marisol Avendaño did not explicitly think about their proposals as fomenting non-recurrence, I feel that several of their proposals fall under this issue. For instance, Avendaño argued for a demilitarization of daily life, meaning that the police and military should stop random checks of people in the street, and dismantling paramilitary control over territories. Also, CPC argued that ending violence against women would be the first step towards them claiming their rights as citizens, enabling them to demand reparations or to

participate politically. This issue is closely related to demilitarization. Avendaño explained that the female body cannot be controlled or contested by military actors, neither through physical, sexual, psychological nor economic violence. Lastly, Avendaño explained the need for constructing a peace culture, creating meeting points and dialogue between the traditional poor, the victims of the armed conflict and the demobilized fighters. Such a culture would help them resolve tensions arising in peripheral territories, without the use of arms and violence.

4.3 The inclusion and exclusion of proposals

This section looks at whether the CSO proposals identified in section 4.2 were included in the agreement on Victims. Firstly, some general priorities in the agreement are explained, before describing the inclusion or exclusion of specific proposals related to truth, justice, reparations and non-recurrence.

4.3.1 General priorities in the Final agreement

The Final agreement (2016, 128) has a clear gender focus and aiming at “a differential, territorial and gender focus, with special attention on women and children that are victims in the conflict”. Both the Truth Commission and the JEP have a focus on persons suffering conditions of discrimination and vulnerability, naming female victims especially (Final agreement 2016, 133, 168). In addition, a working group on gender shall support the work of the Truth Commission with investigation, preparation of audiences and coordination with women and LGBTI organizations (Final agreement 2016, 136). The peace tribunal will also have a special investigation group for sexual violence (Final agreement 2016, 168).

The agreement further has an ethnic perspective. The clearest evidence of this ethnic perspective is the Ethnic chapter. The ethnic focus, as opposed to the gender perspective, is not introduced systematically in each of the six agenda chapters, but rather in chapter six on “Mechanisms for implementation and verification”. Still, the Ethnic chapter states that there will be a transversal focus on ethnicity, gender, women, family and generation (Final agreement 2016, 206). The chapter demands an implementation respecting the principles of autonomy, self-government, participation, consultation and prior consent, the identity and social, economic and cultural integrity, rights to land, territory and resources, recognition of ancestral territories, protection and judicial safeguards to ancestral lands (Final agreement 2016, 205). The Truth

Commission is mandated to consider how the conflict has reproduced historic mechanisms of discrimination and how it has affected specific groups in different manners (Final agreement 2016, 131). Also, the JEP shall have an ethnic and cultural perspective in the construction of the judicial and extrajudicial mechanisms, and coordinate with both the indigenous justice system and the afro-Colombian ancestral authorities (Final agreement 2016, 207).

4.3.2 Truth

The agreement prioritizes unveiling the truth. The integral system for truth, justice, reparation and non-recurrence (SIVJNR) has four components: A Truth Commission, a Special Unit for the Location of Missing Persons (UBPD), a Special Jurisdiction for Peace (JEP) and reparations (Final agreement 2016, 125, 127). The components are constructed in such a way that people are incentivised to telling the truth. Both the Truth Commission and the UBPD are extrajudicial, and their activities cannot implicate criminal accusations for those that cooperate with them (Final agreement 2016, 133, 139). The JEP also prioritizes the truth by giving differential treatment and special discounts in punishments to those who tell the truth (Final agreement 2016, 145).

Acknowledgement of responsibility is identified as important in the Final agreement (2016, 128). The Truth Commission has a special mandate to look at the responsibility of the state, the FARC, paramilitaries and other groups, focusing on grave violations to human rights, international humanitarian law (IHL) and conducts that reflect patterns or have a massive character (Final agreement 2016, 134). The Truth Commission mainly focuses on the armed conflict, but the agreement opens for the possibility to consider historical events before the 1960s (Final agreement 2016, 135).

UBPD aims to speed up the processes of locating human remains, to have a strong participation of victims, to promote inter-institutional coordination to secure a better psycho-social service and to secure families a final report at the end of the process (Final agreement 2016 139-40). In addition, there shall be a special cooperation between the government and victims' organizations, such as País Libre and MOVICE, to gather the necessary information to locate missing persons (Final agreement 2016, 142).

4.3.3 Justice

The Final agreement (2016, 128) focuses on alternative punishments, and to provide justice the SIVJNR uses restorative mechanisms and reparation, rather than retributive justice. While perpetrators of lesser crimes are given amnesty in return for confessions, the judicial processes focus on grave violations to IHL, human rights, crimes against humanity, genocide, sexual violence and other severe crimes (Final agreement 2016 144, 147, 151).

The agreement text is explicit on perpetrators guarantees for due process in the SIVJNR (Final agreement 2016, 128, 143, 146). In addition, this is one of the seven goals of the victims' agreement. The agreement further promises independence and impartiality of the magistrates, and that witnesses receiving any incentives, such as procedural benefits or punitive reactions to his/her testimony, will not count as valid evidence (Final agreement 2016, 145). Lastly, the agreement states that the peace tribunal in the JEP will consist of national magistrates, with the exceptional integration of international magistrates that are only allowed to participate in discussions (Final agreement 2016, 167).

The JEP has a preferential treatment for state agents²⁴, providing “[...] a simultaneous, balanced and equative treatment based on IHL” (Final agreement 2016, 150). State agents willing to support the promotion of truth, reparation and non-recurrence within the SIVJNR are offered better conditions. State agents under investigation for lesser crimes can obtain a secession of legal persecution, while those condemned for such crimes can receive conditioned liberty under the demands from the JEP (Final agreement 2016, 303, 306). For serious international crimes, like war crimes and crimes against humanity, imprisonment is the option. Those responsible for such crimes can be transference to military or police units to finish the sentence, conditioned on a contribution to truth, reparation and non-repetition. The sanction for state agents will be related to their respective jurisdiction, civilian or military, though the sanctions decided by the state should respect the priorities established in the JEP in relation to alternative and normal sanctions (Final agreement 2016, 166). The agreement text also states that the responsibility for subalterns' actions cannot be exclusively founded in the hierarchy (Final agreement 2016, 152). The preferential treatment of state agents does not include the proposals for restorative punishment for state forces and reductions in jail sentences proposed by ACORE.

²⁴ The Final agreement (2016, 149) defines state agents as members of state corporations, state services and state employees, including those in decentralised structures.

4.3.4 Reparations

The agreement links truth and reparations, providing acknowledgement of responsibility as an important symbolic reparation. The Truth Commission is mandated to facilitate public discussions and ceremonies where offenders can acknowledge their responsibility, apologize for their actions and explain what happened (Final agreement 2016, 136). In addition, the agreement focuses on different types of reparations, including collective reparations from state entities and collective reparations to labour unions, political parties and women's organizations (Final agreement 2016, 179, 181). The aim of the reparation is to reconstruct the identity, organizational potential and capacity for the development of local and national policies.

The sanctions in the SIVJNR are designed to support the implementation of the other partial agreements, such as “Rural Reform” (1), “Political Participation” (2) and “A Solution to the Drug Problem” (4) (Final agreement 2016, 172). In this way, collective reparations are also closely related to territory and land. The Final agreement (2016, 179, 182-3) states that the land restitution and Programs for Territorial Development (PDET), from the agreement on Rural Reform, shall be used to repair communities especially hard hit during the conflict. There is also a focus on psycho-social support for victims, and victims of sexual violence especially (Final agreement 2016, 181, 185).

4.3.5 Non-recurrence:

There is no separate chapter for non-recurrence, and rather the agreement argues that non-recurrence will be secured by implementing the SIVJNR, together with agenda point 3, “End of the Conflict” (Final agreement 2016, 128). In this way, the SIVJNR aims to prevent non-recurrence of both violations and the conflict itself. The agreement states that three issues are important for non-recurrence: acknowledging victims as citizens who had their rights violated, acknowledging the truth about what happened, and combating impunity (Final agreement 2016, 186-7). An institutional mechanism for non-recurrence, such as a commission on non-recurrence, is not included. On the issue of paramilitary groups, point 3.4 in the agreement includes a special investigation unit dedicated to the dismantling of criminal groups, such as paramilitaries and their support networks (Final agreement 2016, 127). This unit will operate outside the JEP.

4.4 Other effects of CSO participation noted by the informants

Some of the CSO representatives and several of the experts I interviewed mentioned a change in the negotiators' perceptions about victims and their rights. This is an effect of the CSO participation that cannot be found in the agreement text, but might very well be extremely important for the dedication and decisiveness of the implementation of the agreement.

The informants that mentioned this issue, seemed to agree that there had been a significant change in FARC's discourse. At the beginning of the negotiations FARC did not admit responsibility for victims. Then towards the end of the negotiations they changed discourse, acknowledged their errors and asking for forgiveness on several occasions. Many informants mentioned the apologies for the massacre in Bojayá and the officials from Valle. Duarte from Centro de Pensamiento UNAL also mentioned FARC leader Rodrigo Lodoño's public apology to the victims during the signing of the first peace agreement in Cartagena in August 2016²⁵.

There seems to be some discussion on the change of government discourse concerning the victims. Fabio from the Catholic organization Pastoral Social found that the state became more dedicated to the victims during the process, and that this would be important in the years needed to compensate them. Duarte from Centro de pensamiento UNAL, found that the government on several occasions had acknowledged responsibility for violations, and that the focus on links between state and para-state institutions and resulting violations was an interesting effect of the negotiations. The former discourse was that paramilitary groups did not exist, and that the violence was caused by criminal gangs. When the state accepted responsibility for these crimes, it marked a change in discourse, Duarte concluded. Gómez from MOVICE was more critical, and argued that even though each of the parties made important acknowledgements about the existence of victims, the state discourse did not change much. The state still does not accept responsibility for structural and systematic crimes, and the argument is that violations by state actors are due to "rotten apples", concluded Gómez.

²⁵ "In the name of FARC I apologize to all the victims in the armed conflict" (RCN noticias 2016).

5 Analysis

This chapter explores how the level of CSO participation in a peace negotiation makes a difference. The CSO representatives and experts interviewed often explained the inclusion or exclusion of CSO proposals by applying three levels of analysis. These were the international and national legal framework, the political will of the state and the CSOs' ability to visualise and promote proposals in the negotiations. The analysis in this chapter use these three levels of analysis. The international and national legal framework, and the state's political will are jointly discussed in 5.1, as they constitute contextual factors framing and limiting the CSO participation. Section 5.2 include the third level of analysis, looking closer at the links between the level of CSO participation and the inclusion of CSO proposals in the Final agreement. Finally, the chapter explores the relevance of the proposals' nature and how this is linked to the level of participation.

5.1 Considering the context

The informants in this study found that the CSO's ability to act were limited by several contextual factors, where the international and national legal framework, as well as the political will of the state were identified as most important.

5.1.1 The international and national legal framework

Since the CSOs were not in the driving seat of the negotiations, the CSOs' ability to act depended on the context. Romero from Centro de pensamiento UNAL, pointed to the change in international norms and instruments of protection, and how these have been adopted by Colombian law. Colombia, he explained, is part of the ICC and Inter-American human rights system, something that limits how the agreement can tackle the issue of victims. A document from Centro de pensamiento UNAL considering the victims' role in the peace negotiations, concludes that: "There are a series of rights that are given to the victims in the Colombian conflict through national and international laws. These rights are not negotiable. The offenders, including the state, must provide the victims with truth, justice and reparation" (Bello et. al. 2013, 30). Gómez member of the victims' network MOVICE supported this claim, arguing that the inclusion of CSO proposals depended on several factors. It was not only due to CSO participation, but also international standards that bound the government and the guerrilla. The

international community would not have accepted an agreement that did not include the victims, Gómez concluded.

According to Uprimny et. al. (2014, 12-3) the amnesties in the 1980s and 1990s showed that the Colombian governments sacrificed victims' rights in to obtain peace. The new constitution in 1991 changed this prioritization and gave Colombians both the right to peace²⁶, at the same time as it incorporated the obligation to investigate and sanction serious violations of human rights (Uprimny et. al. 2014, 18-9). The politicians and government in Colombia accepted that any new peace agreement would have to be designed carefully, so that it did not violate national or international laws. Any agreement that violated such laws risked being challenged by the courts. The question then became how exactly to balance the aim of obtaining peace with the obligation to satisfy victim's rights. A total amnesty, as practised in former demobilising processes in Colombia, would make reaching an agreement with rebellion forces easier, but this total amnesty would seriously violate victims' rights. Providing a total judicialization on the other hand (in theory) would provide a full elimination of impunity, but this would surely make negotiations impossible. The guerrilla movements would not be likely to accept an agreement where they risked spending the rest of their lives in prison. In addition, the ordinary justice system would not be able to process the cases within an acceptable time frame (Uprimny et. al. 2014, 101). Within the legal framework, it is not clear how this balance should be provided²⁷, and an important role for the CSOs could therefore be to provide proposals for this balance between obtaining peace and securing victims' rights. Relevant issues for discussion could be:

- how much amnesty is necessary to secure a negotiated solution to the conflict without violating victims' rights, and which actors should be included by this amnesty?
- which actors and what crimes should pass through a judicial process, what kind of sanction would be needed and are punitive or alternative methods most suitable?
- how to secure truth, reparations and non-recurrence for victims, and how to weigh between them?

²⁶ Article 22 reads: "Peace is a fundamental right and an obligation", see <http://www.corteconstitucional.gov.co/?bTy>

²⁷ See 1.4.1-2 for a discussion of how these dilemmas were weighted within the framework of the Justice and Peace Law.

5.1.2 The political will of the state

The CSO representatives and experts interviewed all agreed that the negotiations in Havana primarily were between the government and the FARC. According to Romero from Centro de pensamiento UNAL, the process was not constructed so that everybody could participate in the negotiations in Havana. Because the negotiations were conducted in this manner, it depended on the two negotiating parties what got included in the negotiations and what did not. Gómez member of the victims' network MOVICE, argued that the CSO participation was not decisive, because the CSOs could present their proposals, but in the end the government and the FARC decided what got included and what did not. The women's organization Humanas, presented many proposals concerning the issue of sexual violence, and how it should be handled in the victims' agreement. In the Final agreement, some of these proposals were included, while others were not. Benjumea from Humanas, found that some of these proposals were included because it was convenient for the parties. At the same time, other proposals were excluded because the negotiators deemed it not to be in their interest to include them. Benjumea explained that the government had long had a strategy to visualize sexual violence committed by the FARC, including sexual violence in the agreement therefore served the state's interests. Showing sexual crimes committed by the other party, delegitimised the opponent. Because of this, the commanders were reluctant to acknowledge responsibility for such actions within their own ranks.

Some found that the negotiations had been open to CSO participation. The UNPD functionaries Antía and Ruíz pointed to the openness of the negotiators, the Colombian High Commissioner for Peace and the president as an important factor providing the inclusion of CSOs. "They understood that constructing peace means that everybody has a right to participate, to be heard, and to the degree that it is viable, have their proposals included in the agreement. Inclusion, participation and diversity is in the spirit of the agreement" the functionaries concluded. Romero from Centro de pensamiento UNAL explained that both the government and the FARC had an interest in including victims' rights in the peace agreement. Romero argued that the president might have a personal dedication to reach a peace agreement, but it was also a political move to resolve the land issue so that Colombia could attract international investment. FARC on the other hand, was presented with a dilemma because their supporting communities had suffered severe state and paramilitary violence during the armed conflict. If FARC was to ask for a high level of impunity for themselves, this would mean the same level of impunity for

state forces. Such impunity would mean a violation of victims' rights for many people living in communities supporting FARC. The question for FARC then became how much victims' rights had to be provided to suffice the demands from their supporting communities, and how much amnesty they were willing to cede.

Lastly, for state victims the role the state it is willing to give state actors within the transitional justice is especially relevant. Such state actors might include military and police directly involved in violations of IHL or human rights, as well as public servants and politicians indirectly involved in such violations, for instance by involvement with paramilitary structures. As transitional justice processes are designed to deal with massive violations of human rights, including state actors in such processes imply acknowledging that structural factors in the state have made massive violations possible (Uprimny et. al. 2014, 26). In the Colombian case these might include the military courts, the coexistence and/ or coordination between state military and paramilitary forces, military manuals and incentives in battle. In this way, there is a contradiction when state functionaries, such as the military, on the one hand demands to participate in the transitional justice process, and on the other claim that violations by state actors were isolated and perpetrated by a few "rotten apples" (Uprimny et-al. 2014, 150). If the violations were not systematic or massive a transitional justice process would not be needed, as such violations could be handled by the ordinary justice procedures, such as military courts.

This first section of the analysis has looked at how international and national laws together with state political will framed the CSO participation. International and national laws set the frames for the negotiations because they favoured the victims with certain rights that were not negotiable. Any peace agreement that did not provide the victims with the right to truth, justice, reparations and non-recurrence, would risk being challenged in the constitutional or international courts. Further, the negotiations were between two actors, the government and the FARC, and they decided what got included in the agreement. Two challenges resulted from the CSOs' indirect participation: 1) making sure the negotiators heard their proposals, and 2) convincing the negotiators that it would be in their interest to include these proposals.

5.2 Looking at the link between level of participation and inclusion of proposals.

The context discussed above is important, but CSOs work have an important role within this framework. In this section I explore the third level of analysis: the CSOs' own work. Several of the experts interviewed for this study, like Romero and Fabio, emphasized the capacity of the Colombian victims' organizations to make their situation and agenda visible. "The victims became the centre of the negotiation not because they were defined to do so, but because they were very important before the process started", Fabio explained. In this part of the analysis I will argue that the successful inclusion of a CSO proposal, depends on a combination of level of participation and the nature of the issue advocated. Firstly, the level of participation will be discussed, then I will look at why the type of issue is relevant.

5.2.1 The level of civil society participation matters.

Table 2 summarizes the level of participation for the CSOs in this study, and the inclusion of their proposals in the Final agreement.

Table 2 CSO participation and inclusion of proposals

Organization	Level of participation	Proposals			
		Included	Partially included	Not included	Substantial
PCN	Mode 1 (+3+5+7)	4		3	Yes
Humanas	Mode 1 (+3)	4	2	5	Yes
ACORE	Mode 3 (+4)	5		3	No
MOVICE	Mode 3 (+5+8)	4	4	4	No
País Libre	Mode 3 (+5)	3			No
CdIP	Mode 3 (+7+8)	1	2	2	No
FENSUAGRO	Mode 3	3	2	1	No
CPC	Mode 7 (8+9)	2	1	2	No
ANDES	Mode 10	1	1	1	No

The information in table 2 is based on the results presented in chapter 4, findings, where table 1 summarizes the CSO proposals identified in the interviews and written material. Table 2 simplifies this information to give the reader a better overview. The level of participation shows

each of the organizations' highest level of participation, with lower modes of participation in parenthesis. The organizations are organized from highest to lowest level of participation. Further the table divides the proposals from the organizations into three categories: included, partially included and not included. To define which proposals would fall into each of these categories, the original proposal from the CSOs were compared with the agreement text in the Final agreement²⁸.

To clarify and illustrate the logic behind the categorization I will briefly explain how three proposals from Humanas was categorized. Humanas proposed that there should be a transversal focus on women and girl's rights in the Truth Commission's work, and that there be parity in its composition and female participation. This proposal was found to be *included* in the agreement text, because the agreement text states that there will be a transversal gender focus in the Commission's work, a gender working group and equal participation for men and women in the commission (Final agreement 2016, 137). One of Humans' proposals that did not get included concerned reforms to justice, security and educational sector to secure the inclusion of women and girls. The proposal was *not included* because the agreement mentions no such reforms. Such reforms would be considered as measures of non-recurrence, and the agreement rather considers other mechanisms, such as securing truth, justice and reparations (Final agreement 2016, 186). The category *partially included* was used to indicate that the proposals were neither fully included or nor fully excluded, and was applied in the cases where only some elements of the original proposal were included. This is the case for Humanas' proposal that the government must acknowledge responsibility for sexual crimes. On the one hand the agreement states that women have suffered sexual violence and that this is a serious crime violating international laws, thereby acknowledging its existence (Final agreement 2016, 151). The agreement also has a special gender focus, and explicitly excludes the right to amnesty for sexual crimes (Final agreement 2016, 181, 193). Even though the agreement does take sexual violence seriously, neither the state nor the FARC acknowledge responsibility for such acts in the Final agreement. Still, they might make this acknowledgement depending on the work of the Truth Commission (Final agreement 2016, 138). Following this discussion, Humanas' proposal was judged to be partially included in the agreement. A last dilemma in the categorization of the proposals was to decide which proposals were *substantial* and which were not. The category of substantiality was introduced in the table to complement the simplicity of

²⁸ See table 1 chapter four for the wording of the CSO proposals and references to the Final agreement.

the numbers. Each number in the table represents one proposal, but the content of each proposal have a different reach, something that cannot easily be represented by the numbers. The word substantial is here used with the intention to show that a proposal had both a considerable reach and lasting effect. An example of a non-substantial proposal, was Humanas proposal concerning the focus on women and girls in the Truth Commission. This proposal was specifically aimed at the Commission's work and did not aim to affect larger parts of the agreement. Another proposal from Humanas, the proposal for a gender focus in the whole agreement, did however aim at affecting the whole Final agreement. This meant that the Truth Commission, Peace Tribunal, reparations programs and all the other mechanisms in the Victims agreement, as well as the other partial agreement, such as Rural Reform and Political Participation would have to take female experiences into account in both their composition and work.

Using binary categories in qualitative research is a challenge, because it is not entirely clear where the limit goes between one category and another. One proposal that illustrates this dilemma is the proposal that victims should be at the centre of the agreement. On the one hand, the proposal was substantial because the concern for victims would guide the construction of several mechanisms in the agreement, and especially the agreement on victims' rights. But on the other hand, it was not substantial because it aimed specifically at this agreement and this armed conflict. This meant that the transformative aim was not as wide-reaching as for example the demand for a gender perspective, that aimed at changing women's role in society, not only a restitution of rights, but also empowerment.

Having discussed the categorization process of table 2, the next section looks closer at the information in the table to discuss whether the level of participation makes a difference for securing the inclusion of proposals. The discussion is presented according to the highest level of participation found for the CSOs.

5.2.1.1 Mode 1: direct participation

In my sample the two CSOs with the highest level of participation were the afro-Colombian organization PCN and the women's organization Humanas. These two were also the two that managed to include the most substantial changes to the agreement. The point here is not to argue that it was the work of PCN and Humanas alone that secured the inclusion of their proposals. Rather many ethnic and women's organizations had direct access to the negotiations

in Havana, and many of these organizations had similar demands. The ethnic organizations accessed direct participation through the negotiations in Havana with the Ethnic Commission, while the women's organizations gained access to the negotiations through the Gender sub-commission. The Gender sub-commission was composed of negotiators representing the government and the FARC in Havana, and received several delegations from the women's organizations. The direct access of ethnic and women's organizations to the peace negotiations was especially interesting because neither of these issues were contemplated in the original negotiation agenda.

Even though this study intentionally used a gradual scale with nine+1 levels of CSO participation, the CSO representatives interviewed seemed to have a binary understanding of CSO participation. Among the CSOs the discussion centred on whether the peace process had been an inclusive or exclusive affair. One group of organizations found that only direct participation could qualify as being inclusive, while participation through indirect mechanisms meant it had been an exclusive process. Another group felt that indirect mechanisms also meant it had been an inclusive process. As most of the CSO representatives and experts interviewed agreed that the negotiations were designed to be a negotiation between two parties: the government and FARC, the conclusion on whether it had been an inclusive or exclusive process depended on whether the CSO belonged to the first or the second group.

When the design of the negotiations opened for some mechanisms for CSO participation, many found these to be very limited (Benjumea from the women's organization Humanas, Cárdenas and Serna from the grassroots network CdIP, and Fabio from the Catholic organization, Pastoral Social are examples). Gómez member of MOVICE underlined that this indirect participation was mainly deliberative in its character. The organizations could present their proposals, but it was the government and the FARC that decided what got to be included or not. The representatives from CdIP, Cárdenas and Serna, argued that direct civil society participation would be the only legitimate alternative in the negotiations, and since 2013 they had therefore developed their own alternative in the negotiations called the Civil Society's Alternative Negotiation Table²⁹. Interestingly, the farmer's organization FENSUAGRO, who had participated in the same participation mechanisms as CdIP, did feel both heard and represented in the negotiations. This might be due to FENSUAGRO's close bonds to the Marcha Patriótica

²⁹ Mesa social para la paz in Spanish.

movement and the FARC. Something that might have made them felt more represented at the negotiations table, and less inclined to ask critical questions towards the negotiations in general, and FARC's participation in particular.

In the end, only two groups, the women's and ethnic organizations, represented in this study by Humanas and PCN, gained a direct participation (mode 1). Both PCN and Humanas participated in platforms that had direct participation for women and ethnic groups as a strategy. PCN worked with the CONPA network and later the Ethnic Commission, while Humanas worked with Women for Peace and Women's Congress-platforms to secure direct participation. The ethnic and women's participation is an interesting case point showing how the three levels used in this analysis converge. On the one hand the direct participation of any societal group other than the government and the FARC was not contemplated for the negotiations. However, the negotiators showed an inclusive spirit, exemplified by the civil society forums that were organized for each of the six agenda points³⁰. The ethnic and women's organizations used this openness to pressure for a more direct participation than the one originally contemplated. The coordination among the organizations and the sheer number of mobilized persons put heavy pressure on both the government and the FARC. Further, framing claims within a human rights discourse can support CSO work by both compelling the state to redress certain conditions, while at the same time giving actors a legitimate platform to lobby for proposals (Laplante 2008, 331). According to García-Godos (2013, 245) victims' rights are a powerful tool to frame demands and acknowledgement of different types of victimhood. In the Colombian negotiations, both the ethnic and women's organizations successfully used international laws and norms to put extra weight and legitimacy behind their demands.

Another strategy that made the ethnic and women organizations effective was their ability to combine lower and higher levels of participation, where the lower levels were used to raise general mass support for the more specific issues negotiated through higher levels of participation. For PCN and the ethnic groups the consultations with the base communities made the Ethnic Commission legitimate to the people and communities it represented, as well as it could argue a plausible threat to the negotiators when it told them there would be no implementation of the agreement in ethnic territories without an ethnic focus in the agreement.

³⁰ The Office for the High Commissioner of Peace (2017) stated that: "The government emphasizes a broad and plural participation through proposals that can enrich the discussions on the six agenda points in Havana".

In this way, the ethnic organizations used their rights to consultation in ethnic territories secured both by international laws and the 1991 constitution, and effectively used these rights as a tool in the negotiations. The case was different for the women's organizations. At the beginning of the negotiations, mass mobilizations were organized through the platform Women for peace and the Women's Congress. The mass mobilizations aimed to press for women's participation in the peace negotiations. These mobilizations pushed the negotiating parties to constitute the Gender sub-commission, which later improved access to the negotiators for women's organizations. Humanas, a professionalized NGO focused on advocacy work, capitalized on the women's movement's mass mobilizations through taking effective use of the Gender sub-commission once it was established. As opposed to the ethnic organizations, who coordinated efforts on a grassroots and elite level, the women's organizations operated more autonomously. In the women's movement some organizations focused on mass mobilizations, while others, such as Humanas, did the advocacy work. Romero from Centro de pensamiento UNAL found it was this combination of efforts that failed the women's organizations in the period after the plebiscite, when the August agreement was renegotiated. The result of this renegotiations was a watered-out version of the gender focus in the Final agreement of November 2016. According to Romero the women's organizations became too focused on advocacy so that they did not mobilize. This taught the women that if you do not bring your demands to the street, the rights you have obtained might disappear.

The relations PCN and Humanas built with other actors in the negotiations, both with other CSOs and the negotiators in Havana, also seem to be important. Both organizations used platforms and alliances with other CSOs to push for a direct participation. As discussed above, for the ethnic organizations, the constitution of the Ethnic Commission was especially important. Gruner argues that this gave their proposals a lot more force. In the end, combining indigenous and afro-Colombian organizations in one commission, rather than being two groups that cooperated, turned out to be quite a significant difference. In the case of Humanas, the organization first focused on building relations on a general level, pushing for women's participation in the negotiations. Then later, as part of the platform 5 claves, Humanas worked together with two other organizations advocating for the inclusion of sexual violence in the agreement. Benjumea from Humanas explains that they managed a good working relationship with the functionaries of the negotiating parties, and that the relationships build with the members of the Gender sub-commission helped them become more visible to the negotiators

in Havana. According to González³¹ from the international women's organization FOKUS, the Gender sub-commission was valuable for CSO participation, because it was open to listen to the women's movement. Benjumea from the women's organization Humanas explained, that the sub-commission made it easier to construct relationships of trust between the CSO representatives and the commission members. In addition, it made the CSOs more visible:

“Iván Marquez [lead FARC negotiator] has no idea who Humanas is, but Victoria Sandino [lead FARC representative in the Gender sub-commission] knows who we are. Pablo Catatumbo [FARC negotiator] has no idea who we are, but Maria Paulina Riveras who was negotiating on behalf of the government knows Humanas very well.”

5.2.1.2 Mode 3 participation: Official consultative forums

Five organizations had mode 3 as the highest level of participation: the association for military officers ACORE, the victims' organizations MOVICE and País Libre, the grassroots organization CdIP and the farmer organization FENSUAGRO. These organizations have in common that they all have a lower inclusion of proposals than PCN and Humanas. Many of these organizations opted for a direct participation, and mentions the victims' delegations as an important mechanism for participation in the negotiations. The negotiators invited five delegations of totally 60 victims to Havana, to speak directly to the negotiators. As discussed in chapter four, the victims' delegations were composed of individuals as opposed to representatives from CSOs. On the one hand this humanitarian focus and symbolic representation closed the opportunity to communicate CSO proposals directly to the negotiators. This was because the individuals in the delegations only represented themselves, and could neither talk on behalf of an organization nor present any of its demands. Still it was found that meeting the individual victims face to face might have made the negotiating parties more aware and dedicated to the victims' situation in general. Though this might not affect the inclusion of CSO proposals in the peace agreement text, it might prove very important in the implementation process given the Colombian history of non-compliance with its own laws.

In chapter 4, it was noted that the organizations did not find the civil society forums effective to promote proposals from the CSO participants. Some of the issues the CSOs pointed to were

³¹FOKUS. Interview Bogotá 01.12.2016. All references to González in this chapter refers to this interview.

the limited amount of time for the forum (three days) and the limited speaking time for each participant (three minutes), the huge amount of proposals, the way the proposals were communicated to the negotiators, and the deliberative and not determinative focus of the forum. These limitations might provide some of the explanation for why the organizations in this group had lower levels of inclusion of proposals. A more efficient participation mechanism for CSOs might have given better results, for example through widening the time perspective to the whole period while the victim's agreement was negotiated. In this way, the CSOs could have discussed and given recommendations to the different parts of the agreement. This might have given more manageable amounts of proposals, provided a better understanding and bridged divides among the different organizations, as well as providing more authority behind each proposal, as they would represent a larger fraction of CSOs, instead of each organization presenting their own proposals in three minutes.

ACORE and País Libre had one important thing in common, their capacity to create relations with the negotiation parties. The ability to sit down with actors such as the negotiators, the High Commissioner for Peace and the president, was pointed to as important for an effective CSO participation by Antía and Ruíz from the UN agency UNPD. ACORE had this type of indirect contact through the military's representative at the negotiation table, general Mora. These relations are coined as indirect participation because the organizations were not present at the negotiation table in Havana, but rather had talks with negotiators outside this setting. It must be mentioned that ACORE had a rather special position among the organizations in this study. ACORE represent retired officers from the military, and this gave them stronger links to the state than the other CSOs interviewed. Still it is important to stress that the military's representative, general Mora, was not a representative for the organization ACORE, but for the whole military sector. There seems though to have been a close contact between ACORE and general Mora, especially through the military and police platform MTP. As discussed in chapter four, Mora participated in several meetings with the MTP where he informed on the progress in the negotiations and received feedback from ACORE and the other organizations. This helped the organization be better informed on what was being discussed in Havana, and the close relations might explain why ACORE managed to include proposals related to justice, while this seem to have been difficult for other CSOs (see 6.2.2). País Libre worked close with the High Commission for Peace in Colombia. As the High Commissioner, Sergio Jaramillo, was a leading profile in the government's negotiation delegation, this gave País Libre an

indirect contact with the negotiators in Havana. Jauregui from País Libre found this relationship to be very useful. It must be noted that all the proposals from País Libre, identified in this study, were all included in the Final agreement.

It is interesting to note a contrast between País Libre and ACORE, as the international and national legal framework supported the work by the victims' organization País Libre, while it limited the proposals from ACORE. Ruíz from ACORE expressed that there had been violations committed by militaries, but that these were not systematic. At the same time Ruíz explained that the military wanted to receive reduced sentences through the restorative mechanisms in the agreement. As discussed in section 6.1 an implementation of transitional justice for the military can be interpreted as implicitly acknowledging systematic violations of victims' rights on part of the state and its structures. País Libre on the other hand defended victims' rights, which have a strong position in both international and national laws, as they are designed to avoid impunity for offenders, in this case both the FARC, the state (the military and police) and the paramilitary groups. The proposals from País Libre would thus have been supported by the existing legislation.

One important proposal from MOVICE was for the state to acknowledge systematic violations of victims' rights, and including such an acknowledgement in the agreement would be of huge importance for state victims. However, the agreement is not crystal clear on this point. On the one hand state victims are taken seriously because the agreement consequently mentions victims of both the state, FARC and paramilitary groups. There is however no acknowledgement from the state on being responsible for systematic violations. Further, while the Final agreement is clear on the proceedings of FARC members, it is not equally clear on what will happen to state actors responsible for committing serious crimes. In a way state agents are both within the JEP, and outside it at the same time (see discussion in 4.3.3). For MOVICE, the special treatment of state agents raised some dilemmas. On the one hand, state actors could not receive amnesty, because their activities are presumed legal, and because the state has an obligation to secure the rights of its citizens. On the other hand, the secession of legal persecution and conditioned liberty for state agents do sound very much like an amnesty. Further using retributive mechanisms such as imprisonment for state actors responsible for serious crimes might provide stricter punishment than the restorative justice, but also lack the inherent abilities of the restorative justice to secure the right to reparations and non-recurrence.

This is because the FARC members found guilty for serious crimes actively must provide reparations and non-recurrence in the communities where they serve their sentence. Regarding this, it is important to mention that the agreement explicitly states that receiving an amnesty or special treatment does not release the person in question from his/her obligation to provide truth and reparations (Final agreement 2016, 290). In light of this discussion it is not obvious that victims of state crimes will have weaker guarantees of truth and reparations, but as the agreement does not clearly explain how state agents will support such processes it depends on how the agreement is interpreted.

The issue of guarantees of non-recurrence for state victims also deserves to be mentioned. The state's initial limitations to the negotiation, saying that no matters of military would be discussed³², limited the guarantee of non-recurrence for state victims. This is because none of the reforms in the security sector, military, police and intelligence, demanded by the CSOs were included in the agreement. The non-inclusion of these institutional reforms was likely related to the state's unwillingness to negotiate such issues with a guerrilla group. In any case, it weakens state victims' guarantees of non-recurrence. The case is different for victims of paramilitary actors however. The agreement acknowledges the importance of paramilitary violence and the need to clarify the truth of such activities, avoid impunity and dismantle such structures (Final agreement 2016, 171). These mark incredibly important steps for non-recurrence. The Historic Commission, for instance, emphasized the role of paramilitary groups in the exponential rise of violence in the 1980s, and identifies the paramilitaries as one of the factors contributing to the persistence of the conflict (Leongómez 2015, 33, 44). The policies for the deconstruction of paramilitary structures therefore mark a major step to guarantee non-recurrence. This issue is also relevant to state victims, as shedding light on paramilitary activities might uncover links to state agents, pointed to by many of the CSOs.

The last two CSOs with mode 3 as the highest level of participation were the rurally based organizations CdIP and FENSUAGRO. Even though the organizations seemed to have had a similar level of participation, FENSUAGRO had more proposals included in the agreement. This might help explain why FENSUAGRO felt represented at the negotiation table, while CdIP did not. CdIP sought direct participation but failed, and there might be many explanations for

³² See Gómez (2012) for Humberto de la Calle's, chief government negotiator, comments on this issue after the installation of the official peace negotiation in Hurdal, 2012.

this. CdLP seemed to operate with both a different definition of the conflict and an understanding of victims that differed from both the state's perception and international laws. CdLP considered the armed conflict to be a symptom of a deeper social conflict that would have to be solved before a sustainable peace could be reached. Following a similar logic, a report from Centro de pensamiento UNAL (2013, 6-7), argued that Colombia struggles with problems related to social justice and welfare, issues that have been aggravated by the armed conflict. By not discussing neither the economic model nor generalized access to public goods, Colombia would be wasting a historic opportunity to debate a new understanding of social justice for victims, including a new approach to deal with poverty, the report concludes.

CdLP considered distributive justice to be important for the transitional justice mechanisms. Distributive justice can be understood as socioeconomic and political forms of distribution and access to power and resources (García-Godos and Lid 2010, 263). Including distributive justice in transitional processes challenges a traditional understanding of victims' rights in the international legal framework. Guzmán-Rodríguez and Uprimny-Yepes (2010, 245) explain how the weakness of institutions and economic shortcomings in many transitioning societies demand that difficult priorities must be made. Governments in such societies are presented with the dilemma to provide redress for all victims, rich and poor, or providing social services for the poor population, both for victims and those not victimized. Guzmán-Rodríguez and Uprimny-Yepes (2010, 246) argue that there is a relation between poverty, discrimination and victimization, and that reparation mechanisms must take distributive justice into account, so that victims do not risk being "repaired back" into a situation of poverty and discrimination. García-Godos and Lid (2010, 286) look at the Colombian attempts at land distribution up to 2010 and conclude that in highly unequal societies land restitution through reparations can complement, but not substitute land tenure reform. With the 2011 Victims' law, through the restitution of land, distributive issues were included in the Colombian transitional justice framework (García-Godos 2013, 250). Paul Gready and Simon Robins (2014, 344) argue that transitional processes must consider distributive justice if they aim to change the future rather than returning to the past, as dealing with distributive problems tackles the structures underpinning violations. The Final agreement (2016, 182-3) include rural development and restitution of land as essential for sustainable peace. Distributive justice was central for CdLP, as they were seeking an alternative to the neoliberal economic model for Colombia (Cárdenas and Serna). The restitution of land and other mechanisms in the Final agreement did not provide

a shift in the country's economic model, and as such the structural violence identified by CdIP would continue to create more victims. Many authors (García-Godos 2013; Gready and Robins 2014; Laplante 2008) consider that claims for distributive justice in transitional processes gain strength and effectiveness if they are framed as victims' rights to social, economic and cultural rights. Laplante (2008, 339) argues that using a rights-based analysis on socioeconomic root-causes of conflict makes reform and redress a political imperative, while it generates a national awareness of marginalization, as well as being a powerful lobbying tool for national organizations to challenge state policies. CdIP did not succeed to frame its demands for distributive justice within such a rights-based analysis, something that might have provided the organization with the moral support and legitimacy of the legal framework for victims' rights.

5.2.1.3 Mode 7 and 10: Public participation and exclusion

The two organizations in the sample that showed the lowest levels of participation were the women's organization CPC and the students association ANDES. Both had a low level of inclusion of proposals in the final agreement, and none of the organizations managed to include a substantive proposal. In the case of CPC this could be explained partly by the organizations strategy focusing on preparing the implementation of a peace agreement, rather than working towards including certain proposals in the agreement text (see 5.2.2). ANDES on the other hand opted for a more direct participation and wished to have their proposals included in the Final agreement. They did not manage to do this, and ANDES was the only organization in my sample that I consider to be excluded from the negotiation process on victims' rights. Though children and youth are mentioned consistently through the agreement text, the students are not considered as a collective victim group, the paramilitary groups are treated as a problem separated from the state forces and the state takes no responsibility for the harassment and persecution of politically organized students. The difference between CPC and ANDES is that the women's organization participated in platforms, both through the local agenda for peace in Bogotá and Women for Peace. ANDES on the other hand, had not been part of such clear platforms on the issue of victims', and the organization had not been able to build or take part in platforms that actively promoted the student's organizations view on the issue of victims. Antía and Ruíz from the UN agency UNDP found that the fault of student participation was due to this lack of intergroup organization. The functionaries explained that the students do not have any large organizations with significant clout. It was this, rather than the fault of political will that was the problem. According to Antía and Ruíz, especially the FARC focuses on youth

participation, as they argue that the youth is the key to change the culture of violence in Colombia. Aparicio and González from the student association ANDES agreed on the lack of impact, but unlike Antía and Ruíz they argue that this was due to a lack of political will. This was especially on behalf of the state, and the representatives from ANDES explained that FARC had been more receptive to the students' requests. Due to the rural focus of the agreement, Aparicio and González argued, urban challenges like the persecution of the student movement by paramilitary groups had been overlooked. A consequence of this was that the student movement was not recognized as a collective victim in the conflict. As discussed above, the participation was mainly indirect, and two issues therefore became important for the CSOs: 1) being heard by the negotiators - making sure that they understood the CSOs' demand, and 2) convincing the negotiators that it was in their interest to include the demand in the agreement. Mobilization and common platforms therefore became crucial. The ethnic and women's movement managed to do both, while the student movement had trouble with both. On the one hand, this made it difficult to be heard and provide a clear message to the negotiators. Further, the lack of visible common platforms made it difficult to argue that there was a considerable force behind the demands. In the case of the ethnic and women's organizations the mobilization and coordination of demands pressed the negotiation parties to create structures where the organizations could gain direct contact with the negotiators. This was something that gave them a greater impact in the negotiations. Neither the students as a group, nor ANDES as an organization managed to pressure the negotiators to create such structures for student or youth participation. Thus, ANDES was forced to write letters to the negotiators, something that did not provide any satisfactory answers. Though the students' organizations did unite to create pressure after the October plebiscite, this was to demand a new agreement, it did not include any specific proposals from the student movement specifically on the issue of victims.

5.2.2 The type of issue matters

This section of the analysis looks closer at how the nature of the proposal could affect its inclusion in an agreement. A quick tabulation of the CS proposals included in the Final agreement related to the type of issue indicates that in addition to the level of participation, the type of issue concerned in the proposal is also relevant. See table 3 for an overview. In the table the type of issue is categorized according to the issues most mentioned by the CSO representatives during the interviews: truth, justice, reparations and non-recurrence. The categorization of proposals into the four categories build on the CSO representatives own

identification of the proposals. The numbers of proposals are taken from table 1 in chapter four. The categorization of included, partly included and not included follows the same procedure as table 2.

Table 3 Number of proposals included according to issue.

Issue	Proposal		
	Included	Partly included	Not included
Truth	10 (Yes)	6 (partly)	3 (no)
Justice	3 (Yes)	2 (partly)	5 (no)
Reparation	12 (Yes)	1 (partly)	3 (no)
Non-recurrence	1 (Yes)	2 (partly)	9 (no)

From the table, we can see that most demands related to truth and reparations were fully included in the agreement, while the issue of non-recurrence shows the highest level of exclusion of proposals. Justice on the other hand shows an intermediate number of inclusion and a relative high number of exclusions. This might indicate a link between the different issues and their inclusion. On the one hand, this can be linked to the first two levels of analysis discussed in 5.1. Firstly, both truth, justice and reparations have an important support in both international and national laws, and the issues that could be argued with a base in such laws could more easily be included in the agreement. Secondly, proposals that meant deep reaching reforms would be more difficult to include because the state had set clear limits to what could be negotiated related to the military, police and the economic model. The next two sections look closer at the importance of issue type, from the third level of analysis, the CSOs' own work.

5.2.2.1 Prioritizing: victims' rights or peace?

Colombia has a long history of peace and demobilization processes, and a dilemma in these processes have been whether peace could be obtained by sacrificing victims' rights (see 1.4.2). Looking at one of these processes, the Justice and Peace process, Antía and Ruíz from the UN agency UNDP, argued that this demobilization process had rendered the victim's with very little truth and reparation. This could explain why the 2016 agreement had a deeper focus on truth and reparation and restorative justice. Romero from Centro de pensamiento UNAL argued that people now focus on truth and reparations, because the link between punitive punishment and victims' rights is not convincing. He used a comparison between two former demobilisation

processes as an example of this point. In the 1990s the guerrilla groups M-19 and the Peoples liberation army (EPL) received amnesties without serving jail time, and today many of the ex-guerrilla fighters participate in political life instead of armed rebellion. On the opposite side the demobilization with the paramilitary forces in the Justice and Peace process focused on judicialization and punitive punishments, today many paramilitaries take up arms again after serving their eight years in prison. Other CSO representatives also argued that the Justice and Peace process rendered many unsolved issues related to truth, reparations and non-recurrence. The representatives from the students' association ANDES, Aparicio and González, explained how paramilitary groups continued to threat and harass students and student leaders, while Avendaño from the women's organization CPC argued that demobilized paramilitaries, after serving their years in prison, were now responsible for the militarization of territories through intra-Colombian drug traffic, and increasing levels of assassinations, prostitution and common criminal activities. Cárdenas and Serna from CdLP further argued that the years served in prison by the paramilitaries did not compensate for the damaged caused by their actions. Jauregui from the victim's organization País Libre argued that the Peace and Justice Law was more concerned with guaranteeing the rights of the offenders, than those of the victims:

[...] of the 104 cases, there were only confessions in five, these where the only cases in which something was acknowledged or where some information came out. For them [the victims] there were no reparations. They [the paramilitaries] are now leaving the prisons without repairing no one. This agreement [the Final agreement] with all its problems puts the victims at the centre, while the other was more concerned with the offenders.

Concerning this experience, the CSOs were aware of the importance to balance the rights to truth, justice, reparations and no recurrence, with the aim of securing peace. The continuing violence against CSO leaders made many organizations support the Final agreement. Gómez member of the victims' network MOVICE, explained that even though the organization was not fully satisfied with the Final agreement they supported it because it was a step towards securing the right to peace, and stopping the violence against CSO leaders. In this way, the CSOs had to be strategic concerning which proposals they would work to include in the agreement, and deciding when further proposals could be included in the next phase of the negotiations, the implementation phase.

5.2.2.2 The negotiation parties set the frames of understanding

The CSO participation was mostly indirect, something that limited their ability to affect the peace negotiations, because the issues negotiated were limited by the negotiating parties' frames of understanding. The negotiators left little room for direct negotiations and they were always the ones taking the final decisions. Transformative proposals for solving the social, economic and political conflict underpinning the armed conflict, as proposed by CdIP, or sector reforms of military, police and intelligence, as proposed by many of the organizations, were therefore difficult to include in the agreement. Cárdenas and Serna from CdIP expressed a completely different view of how participation should be. This understanding went beyond the one contemplated by the negotiating parties. CdIP's proposal for CSO participation, the Civil Society's Alternative Negotiation Table, involved including civil society as a third party in the negotiations, with a permanent seat at the negotiation table in Havana. In addition, CdIP's understanding of what social and economic transformations needed to be done to resolve conflict also went far beyond what the government was willing to negotiate. The organization ended up alienated from the negotiations and had few of their proposals included in the agreement. Fabio from Pastoral Social, explained that the government had already decided on these limitations before the negotiations began. Thus, even though many CSOs wished to include discussions of distributive injustice in the negotiations, this was very difficult. It also resulted difficult to include proposals that fell outside the negotiation parties' understanding of issues. For the ethnic groups, this was a challenge, because they have a world view and understanding of life that were not fully understood by neither the conflict parties nor the Colombian society in general. For instance, PCN had a historic perspective on reparations, referring to the time of colonialism and slavery (Rosero 2014, 107). Any collective reparation would have to "bridge the power gap that the past has breached between the afro-Colombians and the rest of Colombian society" including civil, political, economic, social, cultural and collective rights (Rosero 2014, 108). Gruner from Javeriana University, explained that ethnic communities have a different notion of being in a territory, and that the conflict between these communities and the negotiation parties often come back to control over territories and forms of development. Both the afro-Colombians and the indigenous groups consider the collective territory and mother earth as a victim (Rosero 2014, 14; Ethnic Commission 2016a), and the Ethnic Commission (2016b) therefore emphasized the right to consultation and autonomy in ethnic territories. Gruner explained that the areas where indigenous and afro-Colombian communities live represent the new frontiers of development, and that the communities defend

a collective and non-aggressive extractive development, that would enable them to continue collective processes of being, different modes of production and a recognition of their view of life. In this way, historic reparations would focus on the recognition of territories and community councils and the strengthening of such councils.

6 Conclusions

This concluding chapter begins by summarizing the research design and main findings of this thesis, before it continues to describe the conclusions drawn. The chapter then looks at the implications of this research and its limitations, before it gives some indications for future research.

6.1 Summary

This thesis has sought to shed light on local CSO participation in peace negotiations. My research question surfaced from other studies indicating that something happens when CSOs get included in peace negotiations resulting in more sustainable peace agreements. This led me to look at the different ways in which CSOs can participate in peace negotiations, and whether the level of participation makes a difference for the peace agreement. To answer the research question, this study was designed as a qualitative case study focusing on the Colombian peace negotiations 2012-2016. The data was collected during a month-long field work in Colombia in November and December 2016. The main source of data for the study was interviews with Colombian CSO representatives and experts. To measure the level of CSO participation a model with nine+1 categories were used. This model identified a gradual scale of participation depending on how close the CSOs got to the negotiation table. A high level of participation indicated that the CSO had been close to the negotiation table, while a low level of participation indicated that the CSO had been far from the negotiation table. The categories used were: direct participation, observer status, official consultative forums, less formal consultations, inclusive post-agreement mechanisms, high-level civil society initiatives, public participation, public decision-making, mass action and exclusion.

This study indicates that the level of CSO participation in peace negotiations does make a difference for peace negotiations, and that organizations closer to the negotiation parties were able include more of their agenda, and more substantial proposals. In addition, the type of proposals mattered for the inclusion of the CSO agenda. Proposals that fell outside what was provided by international and national laws, as well as proposals that were not in the original negotiation agenda agreed by the negotiation parties, resulted more difficult to include, especially if the CSO had a lower level of participation. Also, issues that fell outside the

negotiation parties' understanding of the what the conflict is about or what a victim is, were found to make inclusion more difficult.

This study focused on the inclusion of CSO proposals in the written agreement between the two negotiation parties, but the informants in this study pointed to one interesting finding: the change in perceptions about victims and their rights from both negotiating parties. This is a subtler and less concrete effect of CSO participation. While the thesis was designed to look for the effect of CSO participation in the written text of the peace agreement, the interview questions were sufficiently open to pick up on this issue. Many of the informants pointed to the victim's delegations as important for this change of perceptions. They found that there was a significant difference in FARC's discourse. While the guerrilla group did not admit to having caused victims in 2012, towards the end of the negotiations they started to acknowledge their responsibility. Indeed, they approached victims on several occasions, and asked for forgiveness for the harm they had caused. The informants were not unison regarding whether the government had changed its perception of the victims. The most important shifts seemed to have been in relation to paramilitary groups and the states responsibility for these. The state did not, however, admit to being responsible for systematic crimes.

6.1.1 Limitations

Some limitations in the design of this thesis are important to mention. Firstly, this thesis has looked at CSO representatives own understanding and interpretations of their organization's participation in peace negotiations. This means that there are many omitted factors that might explain why some issues were included in the agreement text, while others were excluded. The aim of this study however, is not to describe an objective truth about CSO participation, nor identify any causal links between such participation and the inclusion of proposals. Further, with the risk of omitting important and interesting information, this thesis focuses solely on the issue of CSO participation in peace negotiations. Peace negotiations are complex processes and it could certainly be relevant to look at other actors, such as state institutions, negotiators, international organizations, private enterprises or the media, but this thesis limits its focus to the role of CSOs only. The study is further limited by looking specifically at the Colombian peace negotiations and the CSOs' work related to the agreement on Victims. While the aim is ultimately to shed some light on the issue of CSO participation in peace negotiations in general, the choice of case(s) might have limited the external validity of the results. Still, these

limitations made it possible to conduct a thorough research with a variety of Colombian CSOs that strengthened the internal validity of the study.

6.2 Why and how CSO participation in peace negotiations is important

This thesis sought to answer the following research question: *How do CSOs participate in peace negotiations, and does the level of participation make a difference?* The main research question and the four sub-questions were answered with a descriptive chapter, Findings (chapter 4), and an analytical chapter, Analysis (chapter 5). Chapter 4 looked at sub-questions one, two and three. The chapter found that the priorities and agenda of the CSOs in Colombia centred around four important mechanisms for transitional justice: truth, justice, reparations and non-recurrence. These four were intimately linked, and many organizations prioritized the right to truth because they found it to be the first step to securing the other three. Some of the CSO representatives indeed argued that the truth should be prioritised over the others - some justice could be sacrificed to access the truth. Demands of reparations were closely linked to knowing the truth, and many organizations demanded public acknowledgement and apology from the offenders as part of the reparations. Reparations, it was stressed, should go further than monetary reparations. Issues related to justice and non-recurrence were less mentioned. The discussion on justice focused on whether justice should be provided by retributive or restorative measures, and how to deal with state agents responsible for violations. Non-recurrence was the least mentioned by the CSO representatives. Some organizations demanded reforms of state institutions, and especially the military and intelligence sector, and the dismantling of paramilitary structures.

Further, chapter 4 described the level of CSO participation and inclusion of proposals in the final peace agreement. The levels of participation emphasized by the CSOs were: the civil society forums (official consultative forums, or mode 3), the victim's delegations (direct participation, or mode 1) and direct meetings between CSOs and the negotiators (direct participation, or mode 1). It was concluded that the first two participation mechanisms were important, but that their design inhibited an effective collection and communication of CSO proposals to the negotiators in Havana. While the victims' delegations failed to be a channel for direct CSO participation, they did seem to contribute to a change in the negotiators

perceptions that might have strengthened their commitment to the victims and their rights. The direct meetings between CSOs and the negotiators were judged to be the most important level of participation. Only two of the organizations in this study had such meetings, the women's organization Humanas, through the Gender sub-commission, and the afro-Colombian organization PCN, through the Ethnic Commission. The final agreement was found to contain several of the issues demanded from the CSOs: the links and complementarity between the mechanisms for truth, justice, reparation and non-recurrence, the priority on unveiling the truth and a differential focus on gender and ethnic issues.

6.2.1 The level of participation matters

Chapter 5, Analysis, looked at sub-question four: How do CSO representatives explain that some proposals get included while others result excluded in peace agreements? A three-level analysis identified by the informants was applied to analyse the data: the international and national legal framework, the political will of the state and CSO participation itself. International and national laws, together with the state's political will set the frames of the negotiations, and limited the room for CSO participation. Regarding the legal framework, some issues related to victim's rights were already set and not negotiable, while others were open to interpretation. The issues that could be discussed included the weighting between victim's rights and the extension of amnesty, the extension of judicial processes and type of punishment, and how to balance the rights to truth, reparations and non-recurrence.

Though international and national laws and state political will were important, CSO's work played a key role within this framework. I argue that the successful inclusion of CSO proposals depended on a combination of level of participation and the nature of the issue advocated. If a CSO was closer to the negotiation table, it resulted easier to include more proposals and more substantive proposals. Combining a higher level of participation with lower levels of participation also supported the inclusion of proposals. Only two of the organizations in this study managed a direct participation. These were the afro-Colombian organization PCN and the women's organization Humanas. These organizations also managed the highest level of inclusion of proposals, and the most substantive proposals. While neither the issue of a gender nor an ethnic focus were contemplated in the original negotiation agenda, both resulted included in the Final agreement. Another strategy that made PCN and Humanas more efficient was their ability to combine lower and higher levels of participation, where lower levels were used to

raise general mass support for the more specific issues negotiated through higher levels of participation. Another group had mode 3, official consultative forums, as the highest mode of participation, and these organizations seemed to have a lower inclusion of proposals compared to the two described above. These organizations failed to introduce substantial proposals, and managed to include fewer proposals. Introducing substantive issues or issues not on the original negotiation agenda proved difficult for these organizations. The civil society forums were judged by the CSOs to be limited in their capability to communicate proposals, and constructed in a different way they might have provided a better channel for CSO participation. Lastly, the CSOs that participated at the lowest levels showed the lowest levels of inclusion of proposals, and none of these organizations managed to include a substantive proposal.

6.2.2 The type of issue matters

The analysis found that some proposals tended to be included to a higher degree compared to other types of proposals. Most of the CSO proposals related to truth and reparations were fully included in the final agreement, while proposals related to justice showed an intermediate number of inclusion and a high number of excluded proposals. Non-recurrence was the issue that showed the highest level of exclusion of proposals. The analysis discussed what might be the reason for this. Both truth, justice and reparations have an important support in both international and Colombian laws. The issues that were argued to have support in such laws could be more easily included in the agreement. Further, the state set limits for what could be discussed in the negotiations. Because the CSO participation was mostly indirect, the organizations had to abide by the rules set by the negotiation parties. This meant that proposals seeking deep reaching reforms of state institutions were more difficult to include. Reforms to the economic model or the military are examples. Including proposals also resulted more difficult if they rested on understandings of the origins of the conflict or what a victim was, different of that of the state (or the FARC).

6.3 Implications

6.3.1 Implications for the study of CSO participation

This thesis has some interesting theoretical implications for CSO participation in peace negotiations. The study found that it is not only whether CSO participate or not that is important,

but how they participate in combination with the type of issue proposed. As a point of departure, the thesis used Paffenholz' model of CSO participation in peace negotiations, and the results from this investigation support and nuance her claims. According to Paffenholz (2014, 88-9) the CSOs themselves take initiatives to be included in peace negotiations. This study confirms Paffenholz' argument that initiatives from the CSOs themselves are important, together with contextual factors, such as the legal framework and political will.

Further Paffenholz argues that it is possible to broaden CSO participation, without lowering efficiency of the negotiations, and that both negotiation parties, mediators and civil society must discuss and consider new options for inclusion. Widening the conceptual understanding of participation from a binary focus of inclusion or exclusion, to thinking about multiple ways of participation, indeed provides a new way of including CSOs in peace negotiations. This study, however, uncovers that a binary conceptualization of CSO participation is common among the Colombian CSOs. A challenge for the CSOs in Colombia will therefore be to think more creatively and strategic about their own participation in future negotiations. In this process, such CSOs would have to consider both the importance of direct participation that has been discussed in this thesis, but also concerning how the organizations can use lower levels of participation and relations with other actors to have more impact.

Paffenholz argues that by widening the conceptual options for participation, it becomes possible to include third parties such as CSOs without jeopardizing the effectiveness of the negotiations. Still, the findings in this thesis show that high levels of CSO participation, and especially direct participation, are important if the CSO aim at including substantial proposals to the peace agreement. Still this participation does not need to be sustained over long time periods, and in this way both negotiators and CSOs can consider how direct participation can be facilitated for different representative groups to democratize the negotiations.

Paffenholz' model is interesting because it demonstrates the complexity of peace negotiations and how different CSO actors can operate differently within the same process. Still, the modes are only rough categories. The findings of this study points to how the design of a participation mechanism, affect the impact of participation. Mode 3, official consultative forums, for instance, was built on the Guatemalan experience with the Civil Society Assembly (ASC) constructed within the framework of the 1987-1996 peace negotiations (Paffenholz 2014, 81).

This assembly was constituted by a wide range of sectors in the Guatemalan society and gave recommendations on the substantial issues of the negotiation agenda. While the ASC was considered highly effective in introducing issues to the negotiation agenda, the Colombian civil society forums were not considered effective by the CSO representatives interviewed. These representatives argued that this was due to the organization of the forums. This shows the importance of the design of participation mechanisms. Further, this issue introduces a concern with the comparability of the different modes in cross-country studies. It will prove a challenge to use the model effectively in any large-N studies without specifying the categories further.

6.3.2 Implications for measuring the impact of CSO participation

One issue is measuring the level of CSO participation, another is measuring the impact of such participation. Peace negotiations are complex processes, that include a multitude of actors and often last several years. Measuring the impact from one type of actors, the CSOs, is therefore naturally a challenge. Many studies, including this one, measure the impact of CSO participation by looking at the agreement text, while others do this by looking at whether or not warfare is resumed after an agreement is signed. The clarity and accessibility of the agreement text might make the first option tempting, but findings in this thesis indicate that this might not be the best way to measure CSO impact. This study indicates that CSO participation in general, and victims in special, might have a subtler impact on the negotiators, increasing their dedication to the peace agreement and its implementation. Such an impact would be challenging to measure, but would be important for the implementation of agreements. Such dedication would be especially relevant in negotiations where CSOs have an indirect role, such as in the Colombian negotiations.

Other studies (Nilsson 2012; Wanis St-John and Kew 2008) use a binary variable to look at the sustainability of peace, finding that peace has been sustainable if hostilities have not been retaken among the signatories of the peace agreement³³. Thinking about the sustainability of peace in binary categories introduces the same type of challenges that thinking about CSO participation in binary categories. Galtung (1976, 111-2) underlines the importance of thinking of peace, as something more than the absence of war. Understanding peace in this way, means that the absence of hostilities will say little about the peace that has been created, and might not

³³ Wanis St-John and Kew (2008, 28) also take the progress of implementation into consideration.

accurately measure of the sustainability of peace. Earlier in this thesis I speculated on whether the opening of peace-making to third parties such as CSOs can be a contribution to the underlying transformation of conflict and building of peace³⁴. Both Barnes (2002, 6) and Dumbravan (2012,1) points to this inherent transformative possibility of peace processes, and the opportunity they give to address underlying issues causing the conflict. Based on the findings in this study, the ability of CSOs to build peace within agreements depends on several factors. The CSO's transformative power, and thus peacebuilding power, points to their ability to introduce substantive proposals to the agreement that creates changes not only to the wartime social relations, but also pre-war social relations that might have laid the foundations for the armed conflict in the first place. Opening peace-making processes, such as peace negotiations, to third parties can contribute to the underlying transformation of conflict and building of peace, but it depends on how the participation is constructed, how close to the negotiation table the CSOs get, and how they work to promote their proposals on other levels. Also, it depends on the CSO's own agenda. Different CSOs have different goals, which can be more or less transformative depending on how satisfied they are with the status quo.

In conclusion, some authors have pointed to the link between CSO participation and sustainable peace, but the path between the two is long, and there are many intervening factors that might explain this correlation. If there is a link between the two variables, this path must be explored thoroughly. The study in this thesis is a contribution to this work. By looking at how different levels of CSO participation influence their impact in a peace negotiation, I hope to have shed some light on this link, but further research is obviously needed.

6.3.3 Implications for CSOs and policy-makers

This study reminds both CSOs and policy-makers that several critical issues must be kept in mind when thinking about CSO participation in peace negotiations. It is important to stress that peace negotiations are political processes, where both the content and process itself are contested. This means that participation mechanisms are not set in stone and that CSOs do not have to wait for participation to be given, but rather take charge and push for higher levels of

³⁴ Remember that Galtung introduced the concept of peacebuilding to explain processes that aimed at removing the causes of war and constructing new ways of solving conflicts without weapons, *transforming* the violent structure in society to a peaceful one, marked with equity, inclusion and interdependence. This process, he argued, could be more or less respective to the status quo.

participation if this is deemed necessary. Such initiatives can be successful if the CSOs construct them strategically. CSOs must be aware that there are many forms of participation, that the different types of participation can be combined strategically and that the participation must be adapted according to the proposals (substantial or not, on the original negotiation agenda or not, provided for in the legal framework or not, the availability of political alliances).

For policy-makers it is important to acknowledge peace negotiations as complex processes where many actors with differing agendas operate. CSO participation must therefore be well-constructed using the full range of CSO participation mechanisms. Being aware of the multiple possibilities of CSO participation makes it less threatening to the armed parties, who often have negotiated peace agreements alone, because it is possible to include CSOs without giving them a permanent seat at the table. Further, it is important how participation mechanisms are constructed. The symbolic value of having created mechanisms is not enough, if they are not constructed in a way so that CSOs can effectively promote their proposals. In the Colombian case this could be CSO forums working in parallel to the negotiations in Havana, looking at each sub-point in the Victims agreement and giving joint recommendations. This would have clarified the expectations and demands from the CSOs and laid the ground for reconciliation among the victims across traditional dividing lines.

6.4 Suggestions for further research

This study provides several paths for further research on the issue of CSO participation in peace negotiations. Firstly, as this is a single case study, it would be interesting to conduct a large comparative study with several cases or a statistical study using a more fine-grained measurement of CSO participation. Such a study could test the generalizability of the conclusions from this study and look for global patterns. Secondly, as this study indicates that CSO participation might have effects that are not visible in the agreement text, it would be interesting to conduct a study that looks at how CSO participation affects negotiations parties' commitment to the implementation of peace agreements. Conducting such a study would mean including variables that are not easily measurable, but if done well, such a study could provide extremely interesting results. If CSO participation can secure deeper commitment to the implementation of peace agreement, such findings would have important practical implications both for negotiators, CSOs themselves and international actors supporting such processes. This

would be especially important in countries such as Colombia, where the gap between agreements, the law and everyday practice have tended to be wide.

List of references

ACORE (2014). Relatoría foro nacional de víctimas 3,4 y 5 Cali. Unpublished.

ACORE (2016). Informe final mesa de trabajo permanente 2016. Unpublished.

Anders, Gerhard and Zenker, Olaf (2014). Transition and justice: an introduction. *Development and Change* [Online], vol. 45 (3), pp. 395-414. Available from DOI: 10.1111/dech.12096 [Downloaded 31.03.2017]

Antía, Juliana and Ruíz, Mario. Section for Peace, Development and Reconciliation, and Section for Governability, United Nations Program for Development (UNDP). Interview 28.11.2016, Bogotá.

Aparicio, Deisy and González, Kevin. President of National Association for Students in Secondary Schooling (ANDES) and member of national secretary. Interview 07.12, 2016, Bogotá.

Arato, Andrew and Cohen, Jean (1992). *Civil Society and Political Theory*. Cambridge, MIT Press.

Avendaño, Marisol. Secretary general of Centre for the Promotion of Culture. (CPC). Interview 14.12, 2016, Bogotá.

Ballestrin, Luciana and Losekann, Cristiana (2013). A abertura do conceito de sociedade civil: desencaixes, diálogos e contribuições teóricas a partir do Sul Global. *Colombia Internacional* [online], vol. 78, pp. 181-210. Available from DOI: <http://dx.doi.org/10.7440/colombiaint78.2013.07> [Downloaded 09.01.2017]

Barnes, Catherine (2009). Civil Society and Peacebuilding: Mapping Functions in Working for Peace. *The international spectator* [online], vol. 44(1), pp. 131-147. Available from DOI: 10.1080/03932720802693036 [30.09.2016]

Barnes, Catherine (2002). Democratizing Peacemaking Processes: Strategies and Dilemmas for Public Participation. In: Catherine Barnes ed. *Owning the Process: Public Participation in Peacemaking*. London, Conciliation Resources, pp. 6-12.

Bedoya, Jineth; Benjumea, Adriana; Cabrera, Linda; Mejía, Claudia and Quintero, Beatriz (2016). *5 claves para un tratamiento diferencial de la violencia sexual en el punto sobre víctimas en el proceso de paz*. Bogota, 5 Claves.

Bello, Martha Nubia; Mosquera, Claudia; Ortégón, Jairo; Quispe, Rafael Camilo and Sepúlveda, Erika (2013). *Debates en torno a las víctimas del conflicto armado interno dentro del actual proceso de negociación de finalización del conflicto*. Bogota, Centro de pensamiento y seguimiento al diálogo de paz: Documentos de políticas públicas.

Benjumea, Adriana. Director of Humanas. Interview 05.12, 2016, Bogotá.

Bercovitch, Jacob, Kremenjuk, Victor and Zartman, William (2009). NGOs and Conflict Resolution. In: Andrea Bartolo ed. *The SAGE Handbook of Conflict Resolution*. London, SAGE Publications.

Berg, Bruce (2009). *Qualitative Research Methods for the Social Sciences*. Boston, Pearson Education.

Bolivia (Plurinational State of) Constitution 2009 [online]. Available from:
https://www.constituteproject.org/constitution/Bolivia_2009.pdf

Cárdenas, Olimpo and Serna, Marylen. Member of peace group and national spokesperson for The People's Congress (CdIP). Interview 29.11, 2016, Bogotá.

Centro Nacional de Memoria Histórica (2013) *¡Basta Ya! Colombia: Memorias de Guerra y Dignidad*. [online]. Bogotá: Centro nacional de memoria histórica. Available from:
<http://www.centrodememoriahistorica.gov.co/micrositios/informeGeneral/descargas.html>
[Downloaded 27.03.2017]

Congreso de los pueblos (CdLP) (2016). *Rutas para continuar los caminos de la participación decisoria de la sociedad en la construcción de la paz. II seminario político y metodológico*. Bogota, Mesa social para la paz.

Constitución política de Colombia de 1991.

Córdoba, Marino (2015). *Otro proceso de paz sin afrocolombianos. CONPA: Incidencia política 2014-2015* [online]. Available from: <http://www.verdadabierta.com/documentos/procesos-de-paz/proceso-de-paz-2012/1288-acciones-afrodescendientes-en-el-procesode-paz-2014-2015-colombia-conpa> [Downloaded 19.01.2017]

Cunningham, David (2006). Veto Players and Civil War Duration. *American Journal of Political Science* [online], vol. 50(4), pp. 875-892. Available from DOI: 10.1111/j.1540-5907.2006.00221.x [Downloaded 30.08.2016]

Duarte, Boris. Academic coordinator at Centro de pensamiento y seguimiento al diálogo de paz, Universidad Nacional de Colombia (Centro de pensamiento UNAL). Interview 02.12, 2016 Bogotá.

Dumbravan, Adele (2012). *People Negotiating Peace*. Mater thesis, University of Gothenburg, Roehampton University and University of Tromsø.

El Tiempo (2016). Víctimas del conflicto en Colombia ya son ocho millones. El Tiempo [Online] Available from: <http://www.eltiempo.com/politica/justicia/cifras-de-las-victimas-del-conflicto-armado-en-colombia/16565045> [Downloaded 30.01.2017]

Erlingsson, Maria (2013). *Civil Society and Peacebuilding in Colombia*. Master thesis, Linnæus University.

Ethnic Commission (2016a). Comunicado a la opinion pública N. 002. In: Sheila Gruner ed. *Desdibujando el paisaje. Aportes para la paz con los pueblos afrodescendientes e indígenas*. Medellín, Ediciones poder negro.

Ethnic Commission (2016b). Declaración. In: Sheila Gruner ed. *Desdibujando el paisaje. Aportes para la paz con los pueblos afrodescendientes e indígenas*. Medellín, Ediciones poder negro.

Fabio, Hector. Director of Pastoral Social Colombia. Interview 06.12, 2016 Bogotá.

Facio Lince, Lina (2014). *Delegaciones de víctimas participantes en el proceso de paz en la Habana*. Centro de pensamiento y seguimiento al Dialogo de paz, Universidad Nacional de Colombia. Unpublished.

Fisher, Ronald and Keashely, Loreleigh (1991). The Potential Complementarity of Mediation and Consultation with Contingency Model of Third Party Intervention. *Journal of Peace Research*, vol. 28 (1), pp. 29-42.

Galtung, Johan (1976). Three Realistic Approaches to Peace: Peacekeeping, Peacemaking, Peacebuilding. *Impact of Science on Society*, vol. 26(1/2), pp. 103-113.

García, Alirio and Moreno, Aidé. Secretary for solidarity and human rights and member of National Federation for Agricultural Workers (FENSUAGRO) executive committee. Interview 05.12, 2016 Bogotá.

García Durán, Mauricio (2009). Participación de la sociedad civil en los procesos de paz en Colombia: lecciones y retos para el futuro. In: García Durán, Mauricio, Sarmiento, Santander eds. *Tendencias de paz en Colombia* [online]. Available from: https://issuu.com/cinepppp/docs/tendencias_de_la_paz_en_colombia_cap_tulo_1_compil

García-Godos, Jemima (2008). Victim Reparations in Transitional Justice – What is at Stake and Why. *Nordisk tidsskrift for menneskerettigheter* [online], vol. 26(2), pp. 111-130. Available from DOI: 10.1093/ijtj/ijv038 [Downloaded 14.04.2017]

García-Godos, Jemima and Lid, O. Andreas (2010). Transitional Justice and Victim's Rights before the End of a Conflict: The Unusual Case of Colombia. *Journal of Latin American*

Studies [online], vol. 42, pp. 487-516. Available from DOI: 10.1017/S0022216X10000891 [Downloaded 13.04.2017]

García-Godos, Jemima (2013). Victims' Rights and Distributive Justice: In Search of Actors. *Human Rights Review* [online], vol. 14, pp. 241-255. Available from DOI: 10.1007/s12142-013-0272-4 [Downloaded 13.04.2017]

García-Godos, Jemima (2016). Victims in Focus. *International Journal of Transitional Justice* [online], vol. 10(2), pp. 350-358. Available from DOI: 10.1093/ijtj/ijv038 [Downloaded 14.04.2017]

General Assembly Resolution 60-147, Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims, A/60/509/Add.1 (21 of March 2006) [online]. Available from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

Gerring, John (2006). *Case Study Research. Principles and Practices*. Cambridge, Cambridge University Press.

Gómez, Diana. Member of The Movement for Victims of State (MOVICE) and Hijos e hijas por la memoria y contra la impunidad. Interview 07.12, 2016, Bogotá.

Gómez Giraldo, Marisol (2012). En la cita de Oslo, el gobierno y las FARC marcan sus diferencias. *El Tiempo* [online]. Available from: <http://www.eltiempo.com/archivo/documento/CMS-12315982>

González, Fernán E. (2004), The Colombian Conflict in a Historical Perspective. In: Mauricio Garía Durán ed. *Alternatives to War: Colombia's Peace Processes*. London, Conciliation Resources and CINEP.

Government of Colombia and FARC (2014). Comunicado conjunto 05.08.2014 [online]. Available from: <https://www.mesadeconversaciones.com.co/comunicados/comunicado-conjunto-la-habana-05-de-agosto-de-2014> [Downloaded 06.03.2017]

Government of Colombia and FARC (2016). Acuerdo final para la terminación del conflicto y la construcción de una paz estable y duradera [online]. Available from: [Downloaded 10.04.2017]

Gready, Paul and Robins, Simon (2014). From Transitional to Transformative Justice: A New Agenda for Practice. *International Journal Transitional Justice* [online], vol. 8 (3), pp. 339-361. Available from DOI: 10.1093/ijtj/iju013

Gruner, Sheila. Visiting professor at Universidad Javeriana, Observatory for Ethnic and Peasant Territories. Interview 08.12, 2016, Bogotá.

Gruner, Sheila ed. (2016). *Desdibujando el paisaje. Aportes para la paz con los pueblos afrodescendientes e indígenas*. Medellín, Ediciones poder negro.

Guzmán-Rodríguez, Esther and Umpriny-Yepes, Rodrigo (2010). En búsqueda de un concepto transformador y participativo para las reparaciones en contextos transicionales. *Revista colombiana de derecho internacional* [online], vol. 17, pp. 231-286. Available from: <https://www.dejusticia.org/publication/en-busqueda-de-un-concepto-transformador-y-participativo-para-las-reparaciones-en-contextos-transicionales/>

Hopman, Terrence (1996). *The Negotiation Process and the Resolution of International Conflicts*. Columbia, University of South Carolina Press.

International Centre for Transitional Justice (ICTJ) (2009). *What is Transitional Justice?* [online] Available from: <https://www.ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf> [Downloaded 31.03.2017]

Jauregui, María. Director of País Libre. Interview 02.12, 2016, Bogotá.

King, Gary, Keohane, Robert and Verba, Sidney (1994). *Designing Social Inquiry. Scientific Inference in Qualitative Research*. New Jersey, Princeton University Press.

Laplante, Lisa (2008). Transitional Justice and Peace Building: Diagnosing and Addressing the Socioeconomic Roots of Violence through a Human Rights Framework. *International Journal of Transitional Justice* [online], vol. 2 (3), pp. 331-355. Available from DOI: 10.1093/ijtj/ijn031

Leongómez Pizarro, Eduardo (2015), Una lectura múltiple y pluralista de la historia. In: *Informe de la Comisión histórica del conflicto y sus víctimas* [online]. Available from: <https://www.mesadeconversaciones.com.co/comunicados/informe-comisio%CC%81n-histo%CC%81rica-del-conflicto-y-sus-vi%CC%81ctimas-la-habana-febrero-de-2015> [Downloaded 27.02.2017]

Ley de víctimas. Ley 1448 de 2011 Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones.

Liberfeld, Daniel (2002). Evaluating the Contribution of Track Two Diplomacy to Conflict Termination in South Africa 1984-1990. *Journal of Peace Research*, vol. 39 (3), pp. 355-372.

MOVICE (2013). *Propuestas mínimas sobre verdad, justicia, reparación y no repetición* [online]. Available from: <http://www.movimientodevictimas.org/versionantigua/images/archivos2/MOVICE6MZO2013.pdf> [Downloaded 11.11.2016]

Nilsson, Desirée (2012). Anchoring the Peace: Civil Society Actors in Peace Accords and Durable Peace. *International Interactions* [online], vol. 38(2), pp. 243-266. Available from DOI: 10.1080/03050629.2012.659139 [Downloaded 09.02.2017]

Office for the High Commissioner for Peace. Mecanismo de participación (2017) [online]. Available from: <http://www.altocomisionadoparalapaz.gov.co/procesos-y-conversaciones/mecanismos-de-participacion/Paginas/Mecanismo-de-participacion.aspx> [Downloaded 15.04.2017]

Paffenholz, Thania (2014). Civil Society and Peace Negotiations: Beyond the Inclusion-Exclusion Dichotomy. *Negotiations Journal* [online], vol. 30 (1), pp. 69-91. Available from

DOI: 10.1111/nej.12046 [Downloaded 11.01.2017]

Paffenholz, Thania ed. (2010). *Civil Society and Peacebuilding. A Critical Assessment*. London: Lynne Rienner.

RCN noticias (2016). “Timochenko”: En nombre de la FARC-EP ofrezco perdón a todas las víctimas del conflicto. RCN noticias [online]. Available from: <http://www.noticiasrcn.com/nacional-dialogos-paz/timochenko-nombre-las-farc-ep-ofrezco-perdon-todas-las-victimas-del-conflicto> [Downloaded 09.04.2017]

Romero, Marco. Professor at Centro de pensamiento y seguimiento al diálogo de paz, Universidad Nacional de Colombia (Centro de Pensamiento UNAL) and director of Consultants for Human Rights and Displacement. (CODHES). Interview 15.12. 2016, Bogotá.

Rosero, Carlos (2014) La reparación. Visión del Proceso de Comunidades Negras en Colombia PCN. In: *Propuestas de la ciudadanía. Relatorías y ponencias, Foro nacional sobre víctimas Cali. Tomo 7*. UNAL and UNDP. Unpublished.

Ruíz, Jaime. President of the Association for Retired Military Officers (ACORE). Interview 06.12, 2016, Bogotá.

Sarmiento Santander, Fernando (2008). Movilización por la paz en Colombia: Alternativas sociales al conflicto. In: Caraballo Acuña, Vladimir; García Durán, Mauricio and Sarmiento Santander, Fernando (2010). *Tendencias de la paz en Colombia: retos, discursos y territorios* [Online]. Available from: http://issuu.com/cinepppp/docs/tendencias_de_la_paz_en_colombia_cap_tulo_2_compil [Downloaded 03.03.2017]

Sarmiento Santander, Fernando (2004). Dinámica de la movilización por la paz en Colombia: La riqueza de las iniciativas locales y regionales. In: Caraballo Acuña, Vladimir; García Durán, Mauricio and Sarmiento Santander (2010). *Tendencias de la paz en Colombia: retos, discursos y territorios* [online]. Bogotá: CINEP Available from: http://issuu.com/cinepppp/docs/tendencias_de_la_paz_en_colombia_cap_tulo_2_compil

[Downloaded 03.03.2017]

Saunders, Harold (1999). *A Public Peace Process*. New York: St. Martin's Press.

Sebenius, James (1983). Negotiation Arithmetic: Adding and Subtracting Issues and Parties. *International Organization* [online], vol. 37 (2): 281-316. Available from DOI: 10.1017/S002081830003438X [Downloaded 10.09.2016]

Shea, Nathan (2016). Nongovernment Organizations as Mediators: Making Peace in Aceh, Indonesia. *Global Change, Peace and Security* [online]. Vol. 28 (2), pp. 177-196. Available from DOI: 10.1080/14781158.2016.1162778 [Downloaded 10.09.2016]

Smith, John (2004). Reliability and Validity in Qualitative Research. In: Alan Bryman, Michael Lewis Beck and Tim Futing Liao eds. *Sage Encyclopaedia of Social Science Research and Methods*. Thousand Oaks, Sage Publications.

Spurk, Christoph (2010) Understanding Civil Society. In: Thania Paffenholz ed. *Civil Society and Peacebuilding. A Critical Assessment*. London, Lynne Rienner.

Thagaard, Tove (2013). *Systematikk og innlevelse. En innføring i kvalitativ metode*. Bergen, Fagbokforlaget.

United National Development Program (UNDP) (2014). *Foro nacional sobre victimas en Cali, clave para definir modelo de justicia transicional* [online]. Available from: <http://www.co.undp.org/content/colombia/es/home/presscenter/articles/2014/08/04/foro-nacional-sobre-v-ctimas-en-cali-clave-para-definir-modelo-de-la-justicia-transicional.html> [Downloaded 31.02.2017]

Uprimny, Rodrigo Yepes, Sánchez, Luz María Duque and Sánchez, Nelson Camilo León (2014). *Justicia para la paz. Crímenes atroces, derecho a la justicia y paz negociada*. Bogota, Colección Dejustici

Wanis St.John, Anthony and Kew, Darren (2008). Civil Society and Peace Negotiations: Confronting Exclusion. *International Negotiations* [online], vol. 13, pp. 11-36. Available from DOI: 10.1163/138234008X297896 [Downloaded 30.09.2016]

Watkins, Michael (2003). Strategic Simplification: Toward a Theory of Modular Design in Negotiation. *International Negotiation* [online], vol. 8, pp. 149-167. Available from DOI: 10.1163/138234003769590695 [Downloaded 09.09.2016]

Zartman, Jonathan (2008). Negotiation, Exclusion and Durable Peace: Dialogue and Peacebuilding in Tajikistan. *International Negotiation* [online], vol. 13, pp. 55-72. Available from DOI: 10.1163/138234008X297931 [Downloaded 30.09.2016]

Appendix

Appendix 1 CSOs and representatives interviewed

Name	Short description	Political alliances	Expected level of participation ³⁵	Interviewed
PCN	Process of Afro-Colombian communities. A specific focus on territorial rights and ancestral identity.	Critical to both government and FARC	Exclusion	Sheila Gruner ³⁶
MOVICE	The Movement for Victims of State Violations. The country's largest network for organizations of state victims.	Left. Positively inclined towards FARC.	Less formal consultations Mass mobilization	Diana Gómez
País Libre	A NGO that focuses on victims of kidnapping and disappearance. A special focus on FARC victims.	Right	Inclusive-post agreement mechanisms	Maria Consuelo Jauregui
ACORE	The National Association of Retired Military Officials. Interest organizations for officers from the army, air force and navy.	Right	Official forums Mass mobilization Less formal consultations	Jaime Ruíz
FENSUAGRO	National Federation of Agricultural Workers. Closely related to the National Workers' Union (CUT).	Left. Positively inclined towards FARC.	Public participation Public decision-making	Aidé Moreno and Alirio García
ANDES	National Association for Students in Secondary Schooling.	Left. Positively inclined towards FARC	Mass mobilization Exclusion?	Deisy Aparicio and Kevin Gonzalez
HUMANAS	NGO working with women's issues. A special focus on the UN resolution 1325 on Women, Peace and Security.	Critical to both government and FARC	Official forums Less formal consultations Mass mobilization	Adriana Benjumea
CdIP	The Peoples' Congress. A movement on the political left that include: farmers, religious organizations, etc.	Left. Critical to FARC.	Official consultative forums, public participation	Marylen Serna and Olimpo Cárdenas
CPC	Centre for the Promotion of Culture. A women's organization based in the poor periphery of Bogotá.	Critical to both government and FARC	Public participation.	Marisol Avendaño

³⁵ During the field work I discovered that several of the organizations had a different level of participation than I had anticipated. PCN for example managed a direct participation, MOVICE participated in the official consultative forums, while Humanas managed a direct participation.

³⁶ All the informants agreed to be published with their full names in this thesis, see 3.2.2.

Appendix 2 Interview guide

Introduction questions:

1. Please state your name and the civil society organization you work with?
2. What is your position in the organization?
3. What has been to focus of your work in the organization the last five years?

Essential questions:

In peace negotiations people who have different goals and ideas for how to make peace meet and discuss these ideas. Different actors have different ideas, so first in this interview I want to talk about the different proposals and issues that were proposed for the agreement on “Victims”.

4. Which issues did your organization find especially important to include in the agreement on “Victims”?

Follow-up questions:

- a) Why did your organization find these issues important to include?
- b) How did your organization work to include them (direct participation, observer status, official consultation forums, less formal consultations, inclusive post-agreement mechanisms, high-level civil society initiatives, public participation, public decision-making, mass mobilization, exclusion)?
- c) When did your organization work to include them?
- d) When did your organization first get actively involved in the peace process?

A peace agreement is often a compromise between the negotiating parties where some issues are included, some are not included and some are partly included. In this next phase of the interview I want to talk about the specific issues that were included in the final agreement.

5. Did some of the issues your organization worked to include in the agreement get included?

Follow-up questions:

- a) If yes, which was/were included?
- b) Why do you think these proposals were included?

c) Did the delegations from the government or FARC, or both change their perceptions on issues your organization worked with?

d) If so, do you feel that your organization helped them change perceptions?

As I mentioned above some issues get included in an agreement, while others do not. The next question seeks to identify the latter.

6. Did some of the issues your organization worked to include in the agreement not get included?

Follow-up questions:

a) If so, which proposal was/were this/ these?

b) Why do you think they were not included?

Concluding questions (throw away questions).

7. How do you look at the future of the peace process?

8. Overall are you content with the inclusion of civil society in the peace process?

Appendix 3 Overview over experts interviewed in Colombia

Organization	Person interviewed	Relevance of institution
United Nations Programme for Development (UNDP)	Juliana Antía and Mario Ruíz	UNDP and Centro de pensamiento UNAL organized the national Victims' forum in Cali in 2014 on behalf of the negotiating table in Havana.
Centro de pensamiento at the Colombian National University (UNAL) and Consultants for Human Rights and Displacement (CODHES)	Marco Romero	
Centro de pensamiento UNAL	Boris Duarte	Centro de pensamiento is an observatory that was created to follow the peace process and propose pertinent public policy.
Pastoral Social, member of the Episcopal Conference.	Hector Fabio	The Colombian Episcopal Conference, UNDP and Centro de pensamiento UNAL organized and selected the participants for the five victims' delegations that travelled to Havana.
Forum for Women and Development (FOKUS Colombia)	Ana Milena González	Works with local Colombian CSOs concerned with the UN 1325 resolution on Women, Peace and Security