

## 3. Peace negotiations in America

- Three negotiating processes took place in the Americas: two in Colombia and one in Venezuela, accounting for an 8% of the negotiations held in 2021.
- All the negotiating processes in the Americas had third-party support.
- In Venezuela, the government and the opposition resumed negotiations in Mexico, facilitated by Norway.
- The Colombian government announced that it had made indirect contact with the ELN through the Catholic Church and the United Nations, but ruled out resuming direct dialogue with the guerrilla group.
- Five years have passed since the peace agreement was signed between the Colombian government and the FARC and its implementation remains uneven.
- Despite the difficulties and delays, the implementation of the gender approach included in the peace agreement in Colombia continued, although at a much slower rate than the application of the agreement as a whole.

This chapter provides an analysis of the main peace processes and negotiations in the Americas in 2021, both the general characteristics and trends of the negotiations and the development of each case on both continents throughout the year, including references to the gender, peace and security agenda. In addition, at the beginning of the chapter there is a map identifying the countries in the Americas that hosted peace negotiations during 2021.

Table 3.1. Summary of peace processes and negotiations in America in 2021

Peace processes and negotiations	Negotiating actors	Third parties
Colombia (FARC)	Government, FARC	UN Verification Mission in Colombia, International Verification Component (Technical Secretariat of the Notables, University of Notre Dame's Kroc Institute)
Colombia (ELN)	Government, ELN	Catholic Church, United Nations, OAS
Venezuela	Government, political and social opposition	Norway, Russia, The Netherlands, International Contact Group

### 3.1 Negotiations in 2021: regional trends

In 2021, the Americas were the scene of three negotiating processes, one less than in 2020 and two less than in 2019. Of the three processes analysed, two took place in Colombia and one in Venezuela, while the process in Haiti was considered to have broken down. The fifth anniversary since the peace agreement was signed between the Colombian government and the FARC was celebrated and an assessment of its implementation over the previous five years included verification of its progress, as well as the continuity of several of the institutions it had established, such as the Truth Commission and the Special Jurisdiction for Peace, though many obstacles remained in a year marked by social protests in the country. Though the negotiating process between the Colombian government and the guerrilla group ELN was not officially resumed, the government revealed that contact had been made with the ELN in Cuba through the United Nations, the Catholic Church and the OAS. In Venezuela, talks were resumed between the government and the opposition in a highly political process aimed at resolving the socio-political crisis.

The **parties** directly involved in the different negotiating processes all included the national government, except for the Colombian government, which did not negotiate directly with the ELN, since it stuck to its position of rejecting any formal negotiating process until the ELN accepts its conditions. The ELN was the only active armed group in the Americas to demand talks to resolve the conflict. The main parties involved in the process to implement the agreement with the FARC included the Colombian government and the political party that emerged from the FARC-EP demobilisation process set out in the peace agreement. The most notable development in Venezuela was the resumption of talks between the government and the opposition. A large part of these talks were held in Mexico in a process that was mediated by Norway and accompanied by Russia and the Netherlands.

The three active negotiating processes in the Americas were mediated or facilitated by **third parties**, which accompanied the talks between the parties in different formats. In the process to implement the peace

Map 3.1. Peace negotiations in America in 2021



■ Countries with peace processes and negotiations in America in 2021

agreement between the government of Colombia and the FARC, the accompaniment format established in the agreement was maintained. Thus, the international actors involved in the process of verifying implementation of the agreement were the UN Verification Mission in Colombia, headed by Carlos Ruiz Massieu as the UN Secretary-General's special representative and head of mission, and the International Component of Verification, formed by the University of Notre Dame's Kroc Institute and the Technical Secretariat of the Notables, which was executed by the Colombian organisations CINEP and CERAC. In accordance with the mission's mandate, it was in charge of verifying the points of the agreement related to the economic, social and political reintegration of the FARC into civilian life, security guarantees and the fight against criminal organisations and conduct. The Kroc Institute and the Notables presented their follow-up reports on the implementation of the agreement.

After the previous facilitation scheme in the negotiating process between the government of Colombia and the ELN broke down, in which different facilitation roles were played by Brazil, Norway, Cuba and Chile as guarantors and by Germany, Switzerland, Sweden, the Netherlands and Italy as companions, it emerged during the year that Bogotá had requested support to resume the talks from the Apostolic Nuncio, Monsignor

***The three negotiating processes in the Americas were mediated or facilitated by third parties, which accompanied the talks between the parties in different formats***

Montemayor, the UN Secretary-General's special representative in the country, Carlos Ruiz Massieu, and the head of the OAS verification mission, Roberto Menendez. Thus, several meetings were reportedly held at the headquarters of the apostolic nunciature and in Havana between Father Darío Echeverri, as a representative of the Vatican, the lawyer Carlos Ruiz, who had previously been a legal advisor in the peace negotiations between the ELN and the government of Juan Manuel Santos, and the representative of the UN

Secretary-General. Although it was later announced that the process had once again failed, the ELN acknowledged that indirect contacts were being maintained through the Vatican and the United Nations. In Venezuela, a new negotiating process was also begun with a new format of third-party accompaniment. The negotiating process took place in Mexico as the host country, where several rounds were held, and was facilitated by Norway and accompanied

by Russia and the Netherlands. Thus, all the active negotiating processes received external international support, both from intergovernmental organisations such as the UN and the OAS and from governments, such as Norway, Russia and the Netherlands, and other actors such as the Catholic Church. A notable diversity of tasks and roles were performed, from the facilitation of indirect and exploratory contacts between the Colombian government and the ELN, to the facilitation of direct talks between the parties in Venezuela and the

verification of agreements already signed between the Colombia government and the FARC.

The **negotiating agendas** reflected the particular aspects of each context and process, although, as in previous years, they were all linked in one way or another to the governance of the respective countries and the political, economic and social transformations underlying the different conflicts. In Colombia, the discussions focused on aspects related to implementation of the different points of the peace agreement and the functioning of the institutions it established, again in a context of great insecurity and threats against former FARC combatants, social leaders and human rights defenders. Although the specific content of the exploratory contacts with the ELN were not made public, Bogotá repeated that it was sticking to its demands as a condition for official talks to start: a halt to kidnapping and the release of all kidnapped people and an end to all criminal acts such as recruiting minors, planting antipersonnel mines, kidnapping and attacking energy infrastructure. Another issue that came up was the construction of architecture for potential future talks. The ELN maintained its position that any talks should begin without preconditions. In the memorandum of understanding that led to the start of formal talks in Venezuela between the government and the opposition, an agenda was established with the following points: political rights for all, electoral guarantees for all and an election timetable for observable elections, the lifting of sanctions and restoration of the right to assets, respect for the constitutional state of law, political and social coexistence, the renunciation of violence, reparations for victims of violence, protection of the national economy and social protection measures for the Venezuelan people and guarantees of implementation, monitoring and verification of what was agreed.

**Developments** in the negotiating processes in the Americas were more positive than in previous years, since new avenues of dialogue were explored in some of the contexts in which the talks had stalled in previous stages. However, all the processes encountered multiple obstacles, including mistrust between the parties and the lack of agreement on central aspects of the agenda. The announcement of indirect exploratory contacts revitalised the process with the ELN after it was suspended in 2019. However, at the end of the year the main actors publicly voiced opposing views regarding the continuity of the negotiations and the government denied that they were still active. In Venezuela, the dialogue resumed with a new format and setting, but it was also interrupted in October and its continuity was not clear going into 2022.

The **gender, peace and security** agenda was not discussed in any of the various negotiating processes, except for the implementation of the peace agreement between the FARC and the Colombian government.

Despite the difficulties and delays, the gender approach included in the peace agreement continued to be implemented, although at a much slower rate than the application of the agreement as a whole. Women's civil society organisations continued their work of supervising implementation of the gender approach. Although the gender, peace and security agenda did not inform the content of the talks in Venezuela, several women participated in the negotiating delegations of both the Venezuelan government and the opposition.<sup>1</sup>

## 3.2 Case study analysis

### South America

Colombia (FARC)	
<b>Negotiating actors</b>	Government, FARC
<b>Third parties</b>	UN Verification Mission in Colombia, International Verification Component (Technical Secretariat of the Notables, University of Notre Dame's Kroc Institute)
<b>Relevant agreements</b>	The Havana peace agreement (2016)
<b>Summary:</b> Since the founding of the first guerrilla groups in 1964 there have been several negotiation attempts. In the early 1990s several small groups were demobilized, but not the FARC and the ELN, which are the two most important. In 1998, President Pastrana authorized the demilitarization of a large region of Colombia, around the area of San Vicente del Caguán, in order to conduct negotiations with the FARC, which lasted until 2002 and were unsuccessful. In 2012, and after several months of secret negotiations in Cuba, new talks began with the FARC in Cuba based on a specific agenda and including citizen participation mechanisms. After four years of negotiations, a historic peace agreement for the Colombian people was signed in late 2016.	

**The implementation of the peace agreement between the Colombian government and the FARC continued in 2016, although difficulties persisted in achieving full compliance with the agreement.** On the fifth anniversary of the peace agreements, there were many assessments of the progress made in the application of the agreement and of the pending challenges. The Kroc Institute, which has a mandate to verify the status of implementation of the peace agreement, pointed out that five years after it was signed, only 30% of the 578 provisions contained in the agreement had been fully implemented and an intermediate degree of implementation had been achieved for 18% of those provisions. In addition, 37% had been implemented at a minimal level and application of 15% of the provisions of the agreement had not yet begun. The Kroc Institute also analysed the ethnic and gender approaches, stating that 13% of the provisions of the ethnic approach had been fully implemented and the same number intermediately, while implementation of 12% of the provisions with a

1. See the list of signatories of the *Agreement for the ratification and defence of the sovereignty of Venezuela over Guayana Esequiba*. 6 September 2021.

gender approach was complete, compared to 15% to an intermediate degree. The points of the agreement that had achieved a greater degree of implementation were related to the end of the conflict and the mechanisms of implementation, verification and non-repetition, while the points related to solving the problem of illicit drugs and the victims of the conflict were already in an intermediate stage of implementation. The Kroc Institute reported that implementation of the points on comprehensive rural reform and political participation had barely begun, since most of the provisions had not yet started or were in a minimal state of implementation. Specific achievements in 2021 include final approval of the Special Transitory Districts for Peace, provided for in the peace agreement so that the areas most affected by the armed conflict could enjoy greater political representation. For two election cycles, these constituencies will allow the election of MPs from among people recognised by the Single Victim Registry encompassing 170 municipalities in candidacies that can only be registered by victims' organisations, peasant organisations and social organisations.

**The work of the different transitional justice institutions also continued. The mandate of the Truth Commission was extended for nine months since it was scheduled to end in November and the final report had not been completed.** The Special Jurisdiction for Peace continued its work, which was especially focused on seven macro-cases: the taking of hostages and other serious deprivations of liberty committed by the FARC-EP; the territorial situation of Ricaurte, Tumaco and Barbacoas (Nariño); killings and forced disappearances presented as combat fatalities by government agents; the territorial situation of the Urabá region; the territorial situation in the region of northern Cauca and southern Valle del Cauca; the victimisation of members of the Patriotic Union; and the recruitment and use of girls and boys in armed conflict. Significant progress was made in the macro-case related to false positives, as 21 soldiers admitted their responsibility for the murder of civilians who were accused of being guerrilla fighters. This acknowledgment was part of the macro-case investigating these murders, specifically the killing and forced disappearance of 120 people in El Catatumbo and 127 on the Caribbean coast. The highest-ranking military officer to acknowledge his involvement in these false positives was General Paulino Coronado. The JEP had previously indicated that at least 6,400 civilians presented as "combat casualties" died between 2002 and 2008 under President Álvaro Uribe's administration as a result of the action of government military forces. Other high-ranking military officers such as Colonel Publio Hernán Mejía and Colonel Juan Carlos Figueroa denied having any responsibility for what happened.

***As part of the Special Jurisdiction for Peace, 21 Colombian soldiers acknowledged responsibility for the murder of civilians in cases known as false positives***

They could face prison sentences of up to 20 years if convicted and were referred to the Investigation and Accusation Unit of the JEP. Those who did recognise their responsibility will participate in a restorative process that will include a hearing to acknowledge the truth and take responsibility. The JEP ordered the government to adopt precautionary measures to protect ex-combatants and their families from violence due to the homicides, threats and displacement suffered since the peace agreement was signed. In addition, the Office of the Prosecutor of the International Criminal Court announced it was closing the investigation into the crimes committed during the armed conflict in the country, delegating this task to the national courts, including the Special Jurisdiction for Peace. However, the Colombian judicial authorities must inform the ICC about the progress made on transitional justice in the country.

## **Gender, peace and security**

The implementation of the specific gender measures contained in the agreement continued, as did the work of the mechanisms established to monitor the gender approach, such as the Special Instance of Women to Help to Guarantee the Gender Approach in the Implementation of the Final Peace Agreement, which presented its follow-up report on the first four years of implementation. In addition, various women's civil society organisations analysed the status of implementation of the specific measures with a gender focus in the agreement. The women's organisations said that in keeping with the same trend since the peace agreement was signed, the gender approach was being implemented at a slower rate than the agreement as a whole, given Bogotá's lack of commitment not only to the agreement in general, but specifically to this approach. The GPAZ working group, which brought together several women's organisations, presented its implementation follow-up report, which stated that 26% of the 109 measures analysed had not advanced or had made minimal progress, especially those related to rural reform and political participation, confirming the downtrend in implementation observed since 2018. Slightly more than half (54%) of the measures analysed had experienced partial progress and 20% had made adequate progress in their implementation. Thus, for example, the GPAZ said that changes aimed at reducing inequality between men and women in access to land ownership were not taking place, as established in the peace agreement on comprehensive rural reform. Victims' organisations continued to demand that the JEP open a specific macro-case on sexual violence committed during the armed conflict.

Colombia (ELN)	
<b>Negotiating actors</b>	Government, ELN
<b>Third parties</b>	Catholic Church, United Nations, OAS
<b>Relevant agreements</b>	"Heaven's Door" Agreement (1988)

#### Summary:

Since the ELN emerged in 1964, various negotiating processes have tried to bring peace to the country. The first negotiations between the Colombian government and the ELN date from 1991 (Caracas and Tlaxcala). In 1998, both parties signed a peace agreement in Madrid that envisaged holding a national convention. That same year, the "Puerta del Cielo" agreement between the ELN and civil society activists was signed in Mainz, Germany, focused on humanitarian aspects. In 1999, the Colombian government and the ELN resumed meetings in Cuba, which ended in June 2000. The government of Álvaro Uribe resumed peace negotiations with the ELN in Cuba between 2005 and 2007, though no results were achieved. At the end of 2012, the ELN showed its willingness to open new negotiations with President Juan Manuel Santos, appointing a negotiating commission, and exploratory meetings were held. Formal peace negotiations began in 2017, which broke off in 2019 after a serious attack by the ELN in Bogotá.

#### In May, the Colombian government acknowledged engaging in indirect contacts with ELN guerrilla group, even though the formal talks have been suspended since 2019.

High Commissioner for Peace Miguel Ceballos issued a statement on 9 May indicating that an indirect space for rapprochement and exploration with the ELN" had been established. Ceballos said that he had the support of both the Holy See and the United Nations, although he affirmed that the indirect meetings did not imply that a direct dialogue had been initiated between the guerrillas and the government. Ceballos acknowledged that in the previous 17 months, four trips had been made to Cuba and 28 meetings had been held. Twenty-two of the meetings had taken place at the Apostolic Nunciature in Bogotá and six at the Palace of Nariño, the seat of the presidency of the Colombian government, with the president attending them. Ceballos added that the government had requested support from the Apostolic Nuncio, Monsignor Montemayor, the UN Secretary-General's special representative in the country, Carlos Ruiz Massieu, and the head of the OAS verification mission, Roberto Menéndez. The trips and meetings in Havana were carried out by Father Darío Echeverri, representing the Vatican, the lawyer Carlos Ruiz, a legal advisor in the peace negotiations held between the ELN and the government of Juan Manuel Santos, and the UN Secretary-General's special representative. The government held firm to its conditions for the beginning of direct talks: a halt to kidnapping, the release of all kidnapped persons and an end to criminal acts such as recruiting minors, planting antipersonnel mines, kidnapping and attacking energy infrastructure. He also said that the construction of architecture for possible negotiations had been explored if the conditions were accepted. However, the statement also said that the ELN had not yet responded.

The government later appointed Tulio Gilberto Astudillo Victoria, alias "Cuéllar" as a peace manager to facilitate dialogue with the ELN. A member of the ELN national leadership, Cuéllar had already played the role of peace manager on several previous occasions. In response to the High Commissioner's statement, the ELN stated that the group is willing to negotiate, but that it did not accept any conditions or impositions. However, Ceballos resigned as High Commissioner for Peace in late May, claiming that former President Álvaro Uribe had been in contact with the ELN in Havana without having informed him or consulted with him. The new High Commissioner for Peace, Juan Camilo Restrepo Gómez, took office in June. Pablo Beltrán, a member of the ELN's national leadership and a spokesman for the armed group, said in November that indirect contact with the government was ongoing through the Catholic Church and the UN. Coinciding with the anniversary of the signing of the peace agreements with the FARC, former President Juan Manuel Santos indicated that he understood that Iván Duque's government was exploring ways to resume talks with the ELN and voiced support for possible negotiations. However, the president of the Colombian government denied this. In December, Restrepo claimed that the ELN had no intention of engaging in dialogue and that the government would not back down.

Venezuela	
<b>Negotiating actors</b>	Government, political and social opposition
<b>Third parties</b>	Norway, Russia, The Netherlands, International Contact Group
<b>Relevant agreements</b>	--

#### Summary:

Faced with the worsening political and social crisis that Venezuela experienced after the death in 2013 of President Hugo Chávez, the leader of the so-called Bolivarian Revolution, his successor Nicolás Maduro's narrow victory in the presidential election of April 2013 and the protests staged in the early months of 2014, which caused the death of around 40 people, in March 2014 the government said it was willing to accept talks with the opposition facilitated by UNASUR or the Vatican, but categorically rejected any mediation by the OAS. Shortly after Pope Francis called for dialogue and a group of UNASUR foreign ministers visited Venezuela and held many meetings, preliminary talks began between Caracas and the opposition Democratic Unity Roundtable (MUD) in April 2014, to which the Secretary of State of the Vatican, the former Apostolic Nuncio to Venezuela, as well as the foreign ministers of Brazil, Colombia and Ecuador, were invited as witnesses in good faith. Although the talks were interrupted in May 2014 due to developments in the political situation, both UNASUR and the Vatican continued to facilitate through Apostolic Nuncio Aldo Giordano. In May 2016, shortly after a visit to Venezuela by the former leaders of Spain (Jose Luis Rodríguez Zapatero), Panama (Martín Torrijos) and the Dominican Republic (Leonel Fernández) at the request of UNASUR, the Venezuelan government and opposition met in the Dominican Republic with the three aforementioned ex-leaders and UNASUR representatives. After a meeting

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between Maduro and Pope Francis in October, both parties met again in Venezuela under the auspices of the Pope's new special envoy, Emil Paul Tscherrig. In late 2017, both sides decided to resume the talks in the Dominican Republic starting in December, accompanied by several countries chosen by both parties (Chile, Mexico and Paraguay by the opposition and Nicaragua, Bolivia and San Vicente and the Grenadines by the government). Although some agreements were reached during the several rounds of negotiations that took place between December 2017 and February 2018, Maduro's unilateral call for a presidential election for 2018 brought them to a standstill and caused the withdrawal of several of the accompanying countries designated by the opposition to facilitate them.

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**In August, the government and a large part of the opposition began a new negotiating process in Mexico, with the mediation of Norway and the accompaniment of Russia and the Netherlands.** Despite the completion of the negotiations in Barbados and Oslo in 2019, the government of Nicolás Maduro repeatedly declared its willingness to resume dialogue since the start of the year, while in February and March, a Norwegian government delegation travelled to Venezuela to explore the willingness of both parties to enter negotiations. Finally, the negotiations were formally established on 13 August at the National Museum of Anthropology in Mexico City, shortly after both parties signed an agreement on their guiding principles and substantive agenda in the presence of the Mexican foreign minister. This agreement established seven points of negotiation: political rights, an electoral schedule with guarantees, respect for the rule of law, the lifting of sanctions, the renunciation of violence, social protection measures and guarantees of implementation of what is agreed upon. The head of the Norwegian facilitation team, Dag Nylander, said that the results of the negotiations would be irreversible, while the government indicated that the dialogue in Mexico would be supreme, with international support, but without pressure or extortion of any kind. The government delegation was headed by the president of the National Assembly, Jorge Rodríguez, and composed of the son of President Maduro and others, while Gerardo Blyde led the delegation of the Unitary Platform of Venezuela, which represents different opposition groups and includes people close to Juan Guaidó (recognised as the interim president of Venezuela by dozens of countries) and Henrique Capriles, a presidential candidate on several occasions. In early September, the International Contact Group, made up of Chile, Costa Rica, the Dominican Republic, Ecuador, France, Italy, Germany, the Netherlands, Panama, Portugal, Spain, Sweden, Uruguay and the EU, hailed and supported the resumption of the dialogue and thanked Norway for its role in facilitating the negotiations.

**Several agreements were reached during the three rounds of negotiations that took place during the year (13-15 August, 3-6 September and 25-27 September),** such as the claim and defence of Venezuelan sovereignty over the Guyana Esequiba region, which Caracas has

disputed with Guyana for 180 years, and the need to rescue and recover frozen assets abroad, inaccessible to the government since 2019, to use them for the country's economic recovery and the fight against the pandemic (equipment and rehabilitation of hospitals, purchase of COVID-19 vaccines, etc.). Regarding this last point, it was agreed to create a Social Assistance Board made up equally by the government and the opposition to launch child nutrition, transplant and vaccination programmes. The start of the third round of negotiations was postponed for one day after the Norwegian foreign minister criticised the human rights situation in Venezuela at the UN General Assembly, although Caracas finally decided to resume negotiations after accepting public explanations from Oslo, as well as its commitment to neutrality in facilitating the dialogue.

**However, the day before the start of the fourth round of negotiations, scheduled for mid-October, the Venezuelan government withdrew from the negotiations after the extradition to the United States of Alex Saab, a Colombian businessman who was a close collaborator with the government.** Some see him as a key figure for eluding US economic sanctions and supplying Venezuela with basic necessities in times of scarcity and some media outlets accuse him of being a figurehead for President Maduro. Saab was arrested in Cape Verde in June 2020 and was extradited to the United States in October 2021 to stand trial for money laundering. Two days before his extradition, the Venezuelan government proposed that Saab join the government delegation in Mexico, but the opposition was strongly against it. Nevertheless, in early November, Venezuelan Foreign Minister Félix Plasencia declared that the negotiations had not broken down and that they would resume at some point, but a few weeks later, President Maduro indicated that the conditions for the resuming the dialogue had not been met and once again criticised Saab's extradition and defended his right to take part in the negotiations in Mexico. In late November, opposition leader Juan Guaidó said that the Unitary Platform was willing to resume the talks and that the negotiating agenda must include the Supreme Court of Justice's cancellation of the opposition candidate's victory in the state of Barinas in the regional and local elections held on 21 November. During the first half of the year, there were negotiations between the government and part of the opposition led by Henrique Capriles to form a more inclusive National Electoral Council. Finally, the National Assembly appointed a new five-member council (four men and one woman), two of which were close to the opposition. Although the appointments were rejected by parts of the opposition linked to Juan Guaidó, it was a decisive step for a large part of the opposition to decide to participate in an electoral process for the first time since 2017. The regional and local elections, in which the ruling party won a large majority, had a low turnout (41.8%) and some irregularities, according to the head of the electoral mission of the EU and the US government.