

EDITORIAL

IN THE KINGDOM OF ABSURDISTÁN

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This article was written on November the 1st. From that day and until its publishing many things may happen, given all the events which have to do with the final peace accord, the no given to the plebiscite and the later moves from both the government, the opposition, the Farc and the people that are being vertiginously developed.

In Cuba, where illogical and irrational events take place every day regarding social life due to its political and economic structure, citizens frequently use the phrase “do not forget that we are in the land of Absurdistan”, playing with the word “absurd” and the suffix “stan” which means “land of” in many Central Asia nations. In those distant places we have the countries of Kazajastan, Kirgizstan, Tajikistan, Turkmenistan, Uzbekistan, Pakistan and Afghanistan. What is curious and makes that Cuban word game be even more meaningful is that in many of those “stan” ending countries communism once was brought down and – with the exception of Pakistan and Afghanistan they all belonged to the Soviet Union – they started a bizarre political and social path in which the most absurd and demented events have and continue taking place. Former soviet military personnel and bureaucrats seized power in those nations and formed despotic dictatorships and regimes where the eccentric and the absurd became the norm. Presidents that by constitutional right declared themselves as life-lasting rulers, or when dying they have as their successor whoever served them for many years as their personal driver. In Turkmenistan for instance, there is only one legal political party, which is Turkmenistan’s Democratic Party. Its president, Gurbanguli Berdimujamedov, decided to change the name of the month April to that of his mother. Another example is Emomali Rahmon, president of Tajikistan

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who obtained for himself and his family life-long immunity, in other words, a patent to commit criminal acts as long as they live. The last of these tyrants to be mentioned in the international press was Islam Karimov, president of Uzbekistan, who died over a month ago and was recognized by the most ruthless rigor when punishing all those who opposed his decisions and whims.

Well then, nowadays we should call ourselves Kolombiastan. And by the state of things in our country we could ask for admittance of the Community of Central Asian States, something of a sort of OEA in those strange countries.

We have suffered a war for half a century, we try to solve it by negotiation for thirty years, and just when we achieve an agreement that was dreamed for decades, when it is possible to rip a very big portion of the violence we have lived, then it turns out that we no longer want it, and we say “no thanks, maybe later”.

The plebiscite of the past second of October revealed the existence of a society minutely split in in two. One half who fervently wanted to put an end to the war with the Farc through the “Final Agreement for the ending of the conflict and the construction of a stable and lasting peace”; And the other half who distrusted the agreement, who were filled with fears and in their chest revived that rage and hatred that millions of Colombians have for the FARC, feelings more than understandable for such a long time of violence and barbarism exercised by this organization. But as voters who supported the “no” had a few more votes, then the rules of democracy gave them the triumph, whose practical effect on the legal aspect is the impossibility for the President of the Republic to develop the final agreement as it was planned.

One minute after the definitive no advantage was confirmed, the country entered a situation worthy of any of the Central Asian Absurdistans: most voted to stop the peace agreement, but no one wanted to return to war, or at least, that is what all the supporter of the “no” have said. It was said that they wanted to improve the agreement, but without having a clear north on the subject.

Why did the “no” win? Basically because history weighed heavily. The history of violence and destruction in which the FARC were the star protagonists. The “no” appeared in every voter of this tendency from that part of the body where strong emotions rest. But it had a great help, a very powerful motor that energized this reprobation: the ex- president Uribe, who played his best hands to frustrate the peace agreement. Two objections raised the ex-president to invite citizens to deny approval of the final peace agreement: what he saw as impunity, mainly for the leaders of the guerrilla, regarding the most serious crimes committed during the conflict. And the possibility that those who were responsible for these crimes could hold positions of political representation, such as heading to Congress. These concerns undoubtedly echoed the deep concerns of many citizens, but somehow they had a response in the final agreement and its provisions, and in the context of a peace negotiation between a state and an insurgent force. However, this feeling of reprobation in millions of voters, that long history, could be more than the hand of the enormous force of conviction that former President Uribe still maintains. Not to mention that the campaign was not riddled with messages made to frighten the ordinary citizen, but without real support in the final agreement signed by Government and FARC. Also contributing, and in what way, a reckless campaign driven from the pulpits of many Christian churches, he announced to the parishioners a sinful country that could arise if the peace agreement was approved.

And here we stand: a blocked agreement, a comatose state that could lead us back to war. And at the same time no one, at least that they say so, with the will to see this peace process culminated.

In these circumstances, there are three fundamental actors sitting at the table in this moment – the government, Uribe and Farc-, each with an idea of how to recompose the agreement to solve this apparent dead end. Uribe is accompanied in the opposition by former President Pastrana, former general attorney Ordoñez and former minister Marta Lucía Ramírez. The Christian churches have raised their voices as well. Even now, a citizen movement wants to push the actors mentioned above to not to spoil the

country's peace opportunity, and to act promptly, they have manifested themselves since October 2, and if it manages to consolidate itself and grow more, it can significantly influence these decisions.

There are three possibilities: renegotiate, enforce the agreement through alternative legal procedures or go back to war.

Renegotiating the agreements is quite a complex terrain to move on, since it requires three sets of will in order to get safely to common ground. The "no" campaign, as it was mentioned before, had two main issues in their opposition to the approval of the agreement in the plebiscite: first, what they called impunity, based on their appreciation on one of the three sanctions which were agreed by transitional justice, specifically in the event that would occur when the highest perpetrators of serious crimes—those which the Roman Statute calls war crimes and crimes against humanity—go before the Truth Recognition Room, manifest all their responsibilities in this type of crime omitting nothing. The punishment set for this case is 5 to 8 years of execution of remedial actions, along with a restriction of freedom for the duration of the sanction imposed. And while no prison sentence applies, the restriction of freedom dictated by the Jurisdiction for Peace is considered as something serious. In addition, those punished would be required to tell the full truth about the offenses in which they participated, as well as other obligations designed to bring relief to the victims. Second, its refusal to allow those who were punished for serious crimes, those mentioned above, could occupy positions of political representation, such as reaching congress. These two oppositions served as the banner for the "no" campaign, alongside an intention to exacerbate the hatred accumulated towards the Farc, which by subtle psychological mechanism was transferred to President Santos and the Government.

In order to reach an agreement in these two points, both parties must yield in their positions: on the one hand the Farc would have to accept a somewhat more severe sanction with respect to what was described in the previous paragraph, and former president Uribe and his followers, conciliate for a less severe sanction than the one they raised, which is a prison sentence of 5 to 8 years. It is good to remember that the agreement on justice does contemplate jail sentences, and with severity, in cases

where the person does not report on his own initiative his participation in serious crimes, being able to reach 20 years in prison. As for the objection that the leaders of the guerrilla can do politics from positions of representation, it is necessary to say that it is of the essence of this type of negotiations that the insurgents pass from insurgency to politics. That is what they have always been asked for. However, in the interests of rearranging the agreement, a consensus could also be reached which implies a limitation in this regard, such as that during an initial period of several years the guerrilla chiefs responsible for serious crimes may not hold public office, and that cannot reach the presidency.

If the road is to renegotiate the agreement, it is imperative to arrive at new solutions that are acceptable to all parties, which involve moving from their starting positions. But it is necessary to say that this wrist fighting will be very hard and nothing guarantees that an agreement will be reached.

But at this point, the objections noted are only two among many, more than four hundred in all. All opponents have been quick to present extensive and complex requests. The most severe reforms have been requested by Uribe, who once the first bridges for dialogue between the Government and the opposition were established, took out from the magician's hat dozens of objections that demanded to be renegotiated, so many and so hard that to persist in that position would have made impossible to salvage the agreement from the perspective of a Government-Farc-Opposition consensus. It would seem that, before the plebiscite, there was a much wider hidden agenda to disrupt the agreement, to remove its essence, for example in the agrarian and justice issues.

But we cannot forget something: to save the agreement through a number of adjustments and reforms, and bring it back to a plebiscite, which would drive all political forces, including the Democratic Center, also has to rely on the position of the Farc.

From its side, the Government, in a scenario like this, would be a good fixer who seeks to bring both parties closer, the worst of the trades after its work during the last four years as a front-line actor and helmsman of the process.

The second scenario is based on the legal possibility that although President Santos cannot promote the peace agreement for having lost the plebiscite—based on the ruling of the Constitutional Court that allowed this instrument of consultation—nor use the tools that the legislative act for peace would have given him, other ways can be explored, for example, that congress does all the work so that the final agreement acquires the juridical weight it requires. The Constitutional Court, in turn, could validate this path once this matter arrives for its study. But it has a great giant “but”: ignoring the popular will expressed in that vote. A constituent assembly that brings together all sectors has also been mentioned as an alternative, however, a peace treaty would not come out of it properly, and it would rather be a torn patchwork quilt that would prolong the pugnacity already institutionalized: an ungrateful box of Pandora.

The third scenario is simple: no solution is reached. The Farc do not agree to substantial reforms of the agreement, Uribe is committed to its severe pretensions and the Government is unable to persuade neither of them. Nor are there clear and viable legal solutions. Over time the ceasefire is worn down and little by little war returns. It seems that no one wants this outcome, but there is no glimmer of clarity at this time, there are still no alternatives to return to the peace train or a negotiated agreement based on what has already been done and signed by the Government and the Farc this last 26 of September.

Despite all of the above, there is a possibility that brings a faint light of hope and that if it is strengthened it could move the three actors mentioned above, Government, Uribe and Farc, to reach a pact that will save the peaceful departure of the armed conflict, including the Eln who entered the negotiating scene recently. This possibility is the strengthening of the citizen movement, mainly a young one, that is making presence in the streets and that calls for peace right now. If it grows, if it invades all public and political spaces, the media and social networks, if it is a movement of

millions, it may move those who have to make these decisions, so that by reaching a council of all parties, with sacrifices for all of them, we can end this war today, and not in a thousand years.

Let us hope we find the way out of this tremendous crossroads, of this apparent lack of closure, and thus leave the ground of the absurd. Otherwise, when a college student anywhere in the world looks for us on the map, they would start by looking at the Central Asian region, with the purpose of finding Kolombiastan.