

COLOMBIA:
PRESIDENTIAL POLITICS AND PEACE PROSPECTS

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TABLE OF CONTENTS

EXECUTIVE SUMMARY AND RECOMMENDATIONS.....	i
I. INTRODUCTION	1
II. A RISKY RE-ELECTION STRATEGY.....	2
A. LEGAL UNCERTAINTY AND POLITICAL COSTS.....	3
B. POLITICAL ALLIANCES.....	6
1. The Liberal Party	6
2. Opposition prospects	8
III. THE FARC.....	9
A. THE MILITARY OUTLOOK	10
B. WHAT THE FARC STANDS FOR TODAY	12
C. THE FARC INTERNATIONALLY.....	14
IV. THE AUC	17
A. DEMOBILISATION.....	19
B. THE JUSTICE AND PEACE LAW	19
C. WHAT IF THE PROCESS COLLAPSES?	21
D. POTENTIAL CONSEQUENCES.....	22
V. DIPLOMATIC EFFORTS WITH THE INSURGENTS.....	24
A. THE FARC AND A HUMANITARIAN EXCHANGE	24
B. ANOTHER FAILED ATTEMPT AT ELN TALKS.....	27
VI. CONCLUSION	28
 APPENDICES	
A. MAP OF COLOMBIA	29
B. FARC ATTACKS IN 2005.....	30
C. ABOUT THE INTERNATIONAL CRISIS GROUP	31
D. CRISIS GROUP REPORTS AND BRIEFINGS ON LATIN AMERICA/CARIBBEAN	32
E. CRISIS GROUP BOARD OF TRUSTEES	33

COLOMBIA: PRESIDENTIAL POLITICS AND PEACE PROSPECTS

EXECUTIVE SUMMARY AND RECOMMENDATIONS

President Álvaro Uribe's quest for re-election in 2006 by amending the constitution so a sitting president can run is a risky endeavour that could weaken democratic institutions. In the face of unabated armed conflict with two insurgent groups, pending demobilisation of thousands of paramilitary fighters, and a flourishing narcotics industry, Colombia must sustain its military and police defences beyond the forthcoming election. However, it must also consolidate the rule of law by ending impunity and make strong headway in rural development and in protecting especially vulnerable groups in order to engage the insurgents on political grounds.

Over the next four years, Colombia needs to secure a monopoly of legitimate force across its territory, expand substantially its public services in previously abandoned or conflict-affected rural areas, and construct a better strategy to conduct serious peace negotiations. Uribe is both the country's strongest political figure and its most controversial. His real accomplishments, especially on security, have been diminished by serious blemishes, including the questionable decisions to seek constitutional amendment to permit his own re-election and to defend a highly contentious bill aimed at demobilising and reintegrating into society the extreme right paramilitary, the United Self-Defence Forces of Colombia (AUC).

While maintaining an emphasis on strengthening the Colombian state's military and security capacity is undoubtedly necessary, the military option by itself is insufficient to end the armed conflict. Without greater balance to the government's near stand-alone military approach toward the largest insurgent organisation, the Revolutionary Armed Forces of Colombia (FARC), a second Uribe term could once more miss opportunities essential to bringing Colombia closer to peace.

AUC demobilisation is a parallel challenge which hinges on congressional adoption of the still weak draft Justice and Peace Law. It presumably would benefit the incumbent but Uribe must be careful not to submit to

political blackmail from the AUC. There is a danger that a partial demobilisation could occur in a way that fails to dismantle fully the paramilitary structures, clashes with strong domestic demands for justice and avoids international human rights obligations, particularly with respect to victims' rights to truth, justice and reparation. Despite agreeing to a ceasefire in December 2002, the AUC has subsequently killed more than 2,000 people, and its share of the country's recent kidnappings has increased compared to that of the ELN and FARC. Deeply troubling, the paramilitaries are growing stronger, politically and economically.

Since early 2005, the FARC has again increased the frequency and viciousness of attacks on military as well as civilian targets. It can be expected to do everything in its power to undermine Uribe's re-election by demonstrating that his "democratic security policy" has not deprived it of the ability to strike widely around the country. The FARC also appears to be exercising greater influence over the National Liberation Army (ELN), which partly explains the government's repeated failures to move forward on negotiations with that much smaller insurgent group.

Hopes to succeed both in counter-insurgency and counter-drug efforts, to end the conflict and strengthen democracy must not be tied exclusively to the re-election of Uribe, regardless of whether or not the constitutional court eventually authorises his candidacy. In anticipation that the president will be permitted to run, his administration should seek now to strengthen the country's democratic institutions to ensure a fair playing field for opposition candidates and political party reforms. If the court rules against him, Uribe should press for a consensus among major parties to continue a strong security policy, though one matched by more attention to rural living conditions and negotiations with the insurgents.

It is vital for the government to complement its overwhelmingly military strategy toward the FARC and ELN with a political pillar that addresses longstanding structural inequities in rural Colombia that, in turn, benefit the insurgencies, the paramilitaries and the

drug traffickers. The core elements of that pillar include strengthening the rule of law, rural public infrastructure and rural economic and social development. A national rural strategy can be implemented only where secure space has been won but not having the approach nationally known, funded and ready to go is a debilitating factor both politically and militarily.

As part of the political strategy the government should accept the utility of talks to achieve a prisoners/hostages swap with the FARC as a first step toward peace negotiations; and should press ahead seriously with the resumption of a rapprochement with the ELN (that with Mexican facilitation had looked promising until recently) with the ultimate aim of demobilising and reinserting its members into society.

The FARC has suffered enough military blows in the last several years to know it has no chance to achieve power through armed force. Engaging it politically now while keeping up military pressure is more promising than putting all efforts into massive offensives whose effectiveness and sustainability are open to serious question -- especially as the FARC retains the resources to conduct a guerrilla war for the foreseeable future.

Simple continuity in the present security policy will lead Colombia into a political dead end regardless of who becomes the next president.

RECOMMENDATIONS

To the Government of Colombia:

1. Implement the provisions in the statute on the political opposition in a full and timely manner so as to guarantee fair presidential and congressional elections in 2006.
2. Announce now that the constitutional court's decision on whether a sitting president can stand for re-election will be fully accepted regardless of its content.
3. Address the weaknesses of the political party system and undertake reforms that strengthen the parties' representation across the country, public financing, transparent auditing, and commitment to responsible security and rural development policies.
4. Support a final version of the legislative framework for demobilisation of armed groups (the Justice and Peace Law) that fully respects international human rights norms, promotes an end to impunity and has the strongest possible

protections for victims' rights to truth, justice and reparation, and in particular ensures that:

- (a) any reductions of jail terms for demobilised combatants are dependent on complete and truthful confessions, including full disclosure of past engagement in illegal armed activity and illegal drug trafficking, structures of the groups in which they were part, the assets the groups use, and the location of bodies of the disappeared;
 - (b) those guilty of crimes against humanity and other atrocities must serve significant time in jail;
 - (c) priority is given to collective demobilisation of units, and leaders' benefits are revoked if their units engage in ceasefire violations or new criminal acts;
 - (d) adequate time periods (well beyond the proposed 30 days) are available to investigate the criminal past of those seeking benefits or who refuse to confess and, where appropriate, to begin prosecutions;
 - (e) in the absence of special courts, local district courts can independently investigate demobilised combatants, penalise promptly any interference in the judicial process, including by withdrawing benefits, and instigate rigorous law enforcement measures against such interference; and
 - (f) illegally acquired lands and assets are forfeited and available for victim reparation measures undertaken through the National Commission of Reparation and Reconciliation.
5. Implement the Justice and Peace Law, once it is passed, promptly and rigorously, paying special attention to guaranteeing victims' rights to truth, justice and reparation to a maximum degree.
 6. Take increased law enforcement and judicial measures against AUC members who violate the ceasefire, are not seriously engaged in demobilisation negotiations, and/or traffic in drugs.
 7. Investigate notifications from the OAS mission in Colombia on AUC ceasefire violations and report publicly on actions taken by the armed forces and law enforcement agencies.
 8. Complement strong military pressure on the FARC and ELN by designing and implementing a political strategy, including:
 - (a) seriously engaging the FARC in a prisoners/hostages swap as a first step

- toward negotiations on peace and demobilisation;
- (b) seriously going forward with attempts at establishing direct peace and demobilisation negotiations with the ELN, with international facilitation; and
 - (c) a nationwide rural development strategy, including public infrastructure and social services and alternative development programs in coca and poppy growing regions, to be implemented regionally as soon as security permits.
9. Protect vulnerable populations, including women, indigenous groups and Afro-Colombian communities, more effectively against FARC, ELN and AUC attacks, including by seeking arrangements that would respect their demilitarised zones if they agree to reveal violations by the FARC, ELN or AUC and international verification of the absence of armed groups in their community is available.
10. Improve reintegration programs for demobilised ex-combatants by increasing support to communities and municipalities, including support for women-led initiatives, so as to guarantee the effectiveness of such measures, the severing of ties between the ex-combatants and their armed groups, and the protection of civilian populations in regions where AUC or other contingents have been demobilised.

To the United States and the European Union and its Member States:

11. Condition disbursement of financial aid for the demobilisation and reintegration of the AUC and other armed groups upon full and prompt implementation of a Justice and Peace Law which is in accord with international human rights standards.
12. Give particular consideration to monitoring government funding of the Victims Reparations Fund from assets seized from the AUC, drug traffickers and other illegal groups.

To the Political Parties:

13. Establish single party lists for the 2006 congressional elections as stipulated by the political reform of 2003.
14. Implement appropriate democratic mechanisms to achieve internal party unity, including in the selection of presidential candidates, so as to build and enhance solid programmatic bases for the 2006 elections; and develop transparent

mechanisms that demonstrate the absence of ties to armed groups and provide for audit of any private campaign financing.

15. Adopt electoral programs that combine a strong security policy with a political policy that encompasses rule of law, national rural development and negotiations with armed groups.

To the FARC, ELN and AUC:

16. Abide by international humanitarian law and in particular cease targeting of civilians, kidnappings, blockades and sieges of civilian communities and use of land mines.
17. In the case of FARC, respond promptly and positively to a new government initiative for negotiating a prisoners/hostages swap and refrain from interfering in any new government/ELN rapprochement.
18. In the case of ELN, respond promptly and positively to a new government initiative to establish peace negotiations with international facilitation and immediately release kidnapping hostages and halt kidnapping as a sign of good will once the government has issued its proposal.
19. In the case of AUC, irrespective of possible prosecution of some members of its negotiating team, press ahead with planned demobilisations, comply with the ceasefire and cooperate fully with the authorities in implementing a Justice and Peace Law or face the withdrawal of benefits contemplated in the law.

To the OAS:

20. Notify the government promptly of AUC ceasefire violations, request it to take appropriate action and report to the Permanent Council on the adequacy of its responses.

Quito/Brussels, 16 June 2005

COLOMBIA: PRESIDENTIAL POLITICS AND PEACE PROSPECTS

I. INTRODUCTION

After almost three years of President Alvaro Uribe's term in office, Colombia must decide how best to move toward peace, avoid prolonging the decades-old internal conflict and ensure that its choice does not weaken democratic institutions.

Which path it will follow is closely related to President Uribe's quest for re-election, the state of play of the military struggle against the insurgent Revolutionary Armed Forces of Colombia (FARC) and the demobilisation of the paramilitary United Self-Defence Forces of Colombia (AUC). A further, though less important factor is the prospect for peace negotiations with the smaller, leftist National Liberation Army (ELN), which have failed twice in three years.

The amendment of the constitution to allow re-election of a sitting president is pending before the constitutional court. Uribe's supporters argue that the continuation of his administration's core "democratic security policy" depends on a second four-year term. Because of significant military achievements, Uribe has enjoyed unprecedented approval ratings. Another mandate, they assert, would provide the necessary time to consolidate the security policy, expand state presence across the national territory, and bring the FARC to a point where it is obligated to negotiate its demobilisation and reinsertion into society.

Considering the erratic nature of policy changes after past elections, there is certainly some merit in an argument for policy continuity. However, this should not be tied to the person of Uribe or come at the expense of political parties, the rule of law, or judicial independence. It also should not obscure key complementary paths to peace.

Seeking policy continuity through presidential re-election is risky. Success is not guaranteed and could be rendered all the more elusive because of the potential weakening of Colombia's democratic institutions. By the same token, alternative paths to peace with the FARC and ELN could be blocked because the continuity of security policy is understood as maintaining and where possible increasing pressure on the insurgents without

giving consideration to complementary political action. The demobilisation negotiations with the paramilitaries and the Justice and Peace bill, in turn, shed an unfavourable light on the administration, which appears to be flexible and lenient toward the AUC, not least perhaps because the paramilitaries would be expected to support Uribe's re-election.

In public Uribe has kept a prudent distance from the constitutional amendment debate, which has been promoted by his supporters in Congress and was passed in December 2004. However, his preparations to run have politicised central state institutions, such as the constitutional court, deepened divisions within the parties, particularly the Liberal Party, and has taken up much time at the expense of important legislative projects. A year from the 2006 congressional and presidential elections, and until the constitutional court rules, the parties, again particularly the Liberals, are in limbo about candidates and platforms.

However, even if Uribe cannot run, most parties will adopt a strong security plank. Even the Left, while promoting negotiations, will insist on its intention to maintain a strong defence against all armed groups.

The FARC has increased its attacks since the beginning of 2005, and there are strong indications it will seek to undermine the public perception that the security situation has substantially improved. While FARC military capability undoubtedly has been weakened, there are well-founded concerns about the sustainability of the government's aggressive security strategy and questions on the results of the largest military operation in recent Colombian history -- Plan Patriota, which is being implemented in the FARC's heartland southern jungle regions.

A military victory is by no means guaranteed, even if Uribe were to govern for another four years, because of the FARC's organisational and financial strength. Indeed, the FARC and the government are alike in assigning absolute priority to the armed struggle. The lack of a political complement is fundamentally detrimental to the chances of success for Uribe's military strategy. Exploiting the FARC's political weakness by engaging it seriously in a prisoners/hostages swap and

not focusing solely on the armed struggle arguably would move Colombia closer to peace. It would help dissipate the existing concerns of many inside and outside the country about the government's demobilisation negotiations with the paramilitaries and the flaws in the Justice and Peace bill.¹ And it could increase the chances for a peace agreement with the ELN, which is largely unable to move politically because of FARC influence.

The second omission is a comprehensive rural development strategy. Although the countryside is the insurgency's sanctuary and the locale for drug cultivation and most conflict, the government only recently and then just barely has attempted to put a positive face on the state presence in areas it has cleared. That missing element also undercuts its outreach to European donors and the wider international community.

II. A RISKY RE-ELECTION STRATEGY

In December 2004, the Congress passed Law No. 2 (2004) amending Article 197 of the 1991 Constitution by introducing the possibility of electing a sitting president to a second term.² It was then submitted to the constitutional court to resolve more than a dozen challenges brought by parliamentarians, a former public prosecutor and a Colombian human rights organisation, among others.³ The court is required to decide by November 2005 at the latest.

There are three scenarios for the year leading to congressional and presidential elections in March and May 2006, respectively: that the court approves the amendment; that it strikes it down; or that it approves re-election but not for consecutive terms. The last two scenarios would put Uribe's policies into doubt because no single party fully supports them, and he lacks a disciple likely to be able to duplicate his success at winning in 2002 as a "Liberal dissident". The Liberals, however, would have an incentive to unify in order to win the presidency. An electoral alliance of centre-left parties, including Polo Democrático Independiente (PDI) and Alianza Democrática (AD), would perhaps be more problematic because without Uribe in the field, unity would be less needed to force a second round.

If President Uribe were to run and win in May 2006, the political and institutional landscape would witness profound change. The central questions are whether re-election could further politicise and undermine democratic institutions, including the constitutional court, Congress and the political party system; or whether it would contribute to achieving the goals of the Uribe administration and move the country decisively toward peace. Policy continuity per se is undoubtedly desirable but not at the expense of weakening democratic and institutional foundations or foreclosing policy alternatives important for ending the armed conflict.

Uribe's effort to overturn the consensus against re-election that was forged in the constituent assembly of

¹ See José Miguel Vivanco and Maria McFarland Sánchez-Moreno, "A Bad Plan in Colombia", *The International Herald Tribune*, May 2005.

² Article 197 of Colombia's constitution prohibits re-election of a president, regardless of whether it is for consecutive terms.

³ Crisis Group interview, Bogotá, 22 March 2005; *El Espectador*, 19 May 2005.

1990-1991 has played an important role in government decisions during the past year and a half. The fact that a sitting president is engaged in pushing through a fundamental constitutional change has already politicised central state institutions and exacerbated divisions and organisational weaknesses within the parties.⁴

In his first 30 months in office, Uribe and his followers have neither formed a new party nor institutionalised a relationship with the traditional Liberal and Conservative Parties or the small, new and supportive groups such as Cambio Radical and Patria Nueva, which broke away from the Liberals.⁵ An attempt at forming an "Uribista" party in May 2005 failed because key former Uribe supporters such as Senators German Vargas Lleras and Rafael Pardo did not go along.⁶ Because Uribe has relied on unprecedented approval ratings rather than solid party backing for a political program, his re-election strategy has risks.

His campaign could be in trouble if those approval ratings were to drop well below the 70 per cent at which they have hovered since he came to office,⁷ due to difficulties in the military campaign against the FARC and ELN or a breakdown in the effort to demobilise and

reintegrate the AUC. A survey in mid-May 2005 showed declining support for his re-election.⁸

The very possibility of a second Uribe term dominates congressional debate and party politics. The Conservative and Liberal Parties, which over the last decade or so have seen their once predominant positions decline, are struggling with internal fissures which reduce their capability for modernisation, programmatic renewal and manoeuvre. The newer centre-left parties, Polo Democratico Independiente (PDI) and Alternativa Democratica (AD), still see their roles as largely confined to that of opposition, without a real chance to win the presidency, though they are preparing to challenge Uribe in the first round in 2006.

Another difficult question, posed by a former president among others, is whether the Uribe government has already been compelled to make concessions to the paramilitaries at the Santa Fe de Ralito talks and in the debate on the Justice and Peace bill in Congress in order to conclude their demobilisation before the election and to secure their support in that contest.⁹ Finally, the constitutional amendment issue has taken so much legislative time that the government has put important social and economic initiatives on the back burner.¹⁰

A. LEGAL UNCERTAINTY AND POLITICAL COSTS

Article 241 of the constitution stipulates that the constitutional court can only strike down a law amending that document on procedural grounds.¹¹ However, many assume that the nine-member court is divided along political lines over the fundamental question of whether re-election should be allowed.¹² Uribe cannot count on a

⁴ Crisis Group interview, Bogotá, 11 May 2005.

⁵ Cambio Radical was established in 1998 and is led by Senator German Vargas Lleras, the grandson of Liberal president Carlos Lleras Restrepo (1966-1970). It has nine senators and fifteen representatives. Vargas Lleras has said that if the re-election law is struck down by the constitutional court, he will run for president, *El Espectador* 12 February 2005. "Movimiento de Unidad Nacional Patria Nueva" ("Patria Nueva") was created by former Liberal President Julio Cesar Turbay (1978-1982) and 40 former ministers in August 2004 as a spin-off of the Liberal Party to support President Uribe's re-election. Turbay was strongly criticised by the Liberal Party, not least because five months earlier he had openly opposed re-election.

⁶ Pardo announced he would attend the Liberal Party convention in June 2005, signalling clearly his distancing from Uribe. The head of Cambio Radical, Vargas Lleras, rejected a single list under the new party for the congressional elections. *El Tiempo*, 9 and 12 May 2005.

⁷ In a four-city May 2005 Invaer-Gallup poll, Uribe's approval rating dropped from 74 to 69 per cent, *El Tiempo*, 16 May 2005. In September 2004, Uribe's rating was 67 per cent but it bounced back to 77 per cent in December 2004. His highest approval rating was 78 per cent in December 2003, *Cambio*, 11-18 October 2004.

⁸ 57 per cent were said to be in favour of re-election, 40 per cent opposed. In January 2005, the figures were 61.5 and 29 per cent respectively, *Cambio*, 23-30 May 2005, pp. 28-29.

⁹ In a speech in Bogotá on 23 February 2005, ex-President Andres Pastrana said paramilitary political and economic strength could tip the balance in Uribe's favour and suggested Uribe was deliberately seeking this through the talks with the AUC, *El Tiempo*, 24 February 2005.

¹⁰ See Markus Schultze-Kraft, "El año de las definiciones políticas", *El Espectador*, 27 March - 3 April 2005, p. 6A; "Del dicho al hecho", editorial in *El Tiempo*, 1 May 2005.

¹¹ Constitución Política de Colombia, Article 241, paragraph 1.

¹² "Ellos deciden", *Semana*, 14 Feb 2005. Most analysts consulted in the article predicted a 5-4 vote split. Then constitutional court president Jaime Araújo has made it clear he does not favour re-election (a pronouncement for which he was criticised by his eight colleagues). He drew further

favourable decision, though a decision to strike the law down could lead to a constitutional crisis.¹³

A bar to Uribe's re-election would not only split his backers, a number of whom have their own ambitions to pick up his legacy, but would also give potential Liberal Party candidates, such as Horacio Serpa, good chances.¹⁴ If the court authorises re-election but not to consecutive terms, Uribe would be out in 2006 but former President Cesar Gaviria (1990-1994) could run (though he says he would not). If Uribe himself is not in the race, the fate of his various policies would be very much up in the air.

The constitutional court has already drawn Uribe's wrath for striking down the anti-terror law in August 2004, and he has threatened to restructure the body and increase executive control in the nomination of magistrates generally. The court is almost certain to be very cautious, citing the narrowest possible grounds, if it finds against Uribe.¹⁵ In all probability, however, a decision to reject the amendment in whole or part would not be unanimous and so would become a matter of sharp legal and political debate.

The court had to wait until May to consider the tapes of congressional discussions for procedural irregularities,¹⁶ and it is not expected to rule before August at the earliest. There are then likely to be delays until the end of the year before the final court decision on electoral rules -- too close for comfort to the May 2006 election date.

If Uribe can run, he will have distinct advantages. As one commentator put it, "Alvaro Uribe [would] win a race for the presidency today without putting up one poster or attending one political rally".¹⁷ The legitimacy of such a victory, however, would depend importantly

on the government ensuring that all candidates were on an equal footing and that the recently adopted opposition statute¹⁸ was applied rigorously. Early in the debates on that statute, in May 2005, the PDI and the Liberals accused the government of steamrolling through an inadequate bill in the same way it had forced through the re-election amendment.¹⁹ The Liberal Party subsequently withdrew from the debates, arguing there could be no real guarantees for the opposition if Uribe was able to run in 2006, while Representative Gustavo Petro and Senator and presidential candidate Antonio Navarro of the PDI cut a deal with the government and the Conservatives.²⁰

Uribe has been criticised for spending precious time on the re-election law. Already in mid-2004, an economic analyst described re-election as "Uribe's Achilles heel" and little has been done about the economy since. Pressing tax reforms have been put off and social programs and employment issues downplayed. Opinion polls indicate that lack of action on the last two issues in particular cause voters most concern and have cost the president some popularity.

The administration failed to deal with fiscal problems when economic growth was promising in mid-2004. Tax reforms announced that year failed to achieve a consensus, and in December the government pulled the plug on them -- the first time such a package has failed to pass in 30 years. When asked about trying again in 2005, Uribe discarded the possibility and said efforts would be made to ensure that more people pay their taxes and to crack down on evasion.²¹ That failure, combined with slow growth in the third quarter of 2004 (2.5 per cent compared with 4.6 per cent in June 2004) and questions about whether unemployment was going

criticism from them for giving an interview to *El Tiempo* after the court had unanimously decided that its hearings on the law would not be public. In a subsequent interview, another magistrate, Manuel Cepeda, who was elected its president in June 2005, called it a myth that the court always divides 5-4. He was careful not to hint at the decision. *El Espectador*, 27 February-5 March 2005, p. 2A; *Semana*, 30 May 2005, pp. 40-41.

¹³ Crisis Group interview, Western ambassador, Bogotá, 9 March 2005.

¹⁴ Serpa has not declared his candidacy.

¹⁵ Crisis Group interview, Bogotá, 1 April 2005.

¹⁶ The tapes had been handed over a month earlier but were returned because they contained 900 unedited hours instead of just the relevant recordings. *El Espectador*, 19 May 2005.

¹⁷ *El Tiempo*, 16 April 2005.

¹⁸ Ley estatutaria de reglamentación de la reelección y de garantías a la oposición or "estatuto de la oposición". Article 112 of the constitution provides for the adoption of a law regulating opposition parties. In the fourteen years since the constitution was adopted in 1991, no such law had been passed.

¹⁹ Uribistas have said that this is an opposition tactic to "falsely create an environment where there supposedly is a lack of guarantees in order to make the debates look less legitimate". Given Uribe's strong standing, it would seem foolish if the Uribistas attempted to push through an opposition statute that did not provide strong electoral guarantees. *El Tiempo*, 1 May 2005.

²⁰ This produced a fissure within the PDI. Senator Samuel Moreno, who had aspired to become the party's presidential candidate, and other party members left the senate debate in indignation. *El Tiempo*, 24 May and 8 June 2005.

²¹ *El Tiempo*, 10 March 2005.

down as the government claimed, cast doubts on expectations of higher than 4 per cent growth in 2005.²² Many blame slow economic growth on the government's lack of long-term vision and of engagement with issues such as extreme poverty, corruption and wealth distribution.²³

The Uribe administration cannot afford to ignore the fact that the benefits of growth have not trickled down to the poor majority²⁴ but it seems clear it will not focus on the economy in what is already an election year. If Uribe ignores polls that indicate increasing preoccupation with such issues as unemployment,²⁵ however, Colombians may express their frustrations by voting against him, as they did in August 2003 when only one of fifteen questions he put to them in a referendum was approved.²⁶

One of Uribe's electoral promises was to favour meritocracy in his administration and put an end to "political chicanery". In his bid for a second term, he has been heavily criticised for rewarding those who supported constitutional change with government posts. Some blatant pay-offs are alleged, such as projects for the regions of two parliamentarians in exchange for their votes on the re-election law.²⁷

²² www.banrep.gov.co/prensa/com2005.htm., *Cambio*, 11-18 April 2005; *Semana*, 6 December 2004; *Cambio*, 21-28 February 2005.

²³ "La ausencia de consenso", *El Tiempo*, 8 April 2005.

²⁴ According to the World Bank's latest estimates, 64 per cent of the population lived below the poverty line (\$ 2 per day) in 2004, and 8 per cent had less than \$1 a day. See http://www.worldbank.org/cgi-bin/sendoff.cgi?page=%2Fdata%2Fcountrydata%2Faag%2Fcol_aag.pdf and World Development Indicators Database 2004.

²⁵ In a May 2005 opinion poll, 60 per cent of those polled (1,000 people) disapproved of Uribe's handling of unemployment and the cost of living, *El Tiempo*, 16 May 2005. In a March 2005 poll, 33 per cent said unemployment was the country's biggest problem and 59 per cent disapproved of Uribe's handling of the issue. 61 per cent disapproved of his management of the cost of living, *El Tiempo*, 17 March 2005.

²⁶ Although the referendum failed due to low turn out (just short of the 6.3 million votes -- 25 per cent -- required), a majority of votes cast favoured the proposed changes. Uribe was reported to have been devastated by the results and to have said to a close supporter: "it is the first time that I lose an election", *Le Figaro*, 1 November 2003.

²⁷ The two in question allegedly are Yidis Medina, who changed her vote at the last minute to support the law, and Teodolindo Avedaño. The supreme court subsequently stopped short of processing Medina's case on criminal

Uribe has gathered around himself a great many political heavyweights.²⁸ This is not surprising since many politicians want to link their fate to a popular leader. It also reflects the sort of power structure that Uribe comes from in Antioquia, one based on family-like structures involving mutual pledges of loyalty. Requests for political appointments have increased in view of the possible re-election campaign.

Conservatives were the first to be won over with the promise of ambassadorships for relatives and government posts such as prosecutor general. The public scuffles which took place over the appointment of sons of politically influential persons to the UN Mission in New York blew the lid off the practice.²⁹ Others who have sought to ride the wave of Uribe's popularity include political old-timers from both the Conservative and Liberal Parties. All this is seen by some as the president "rubbing out with his elbow the expectations of change that came with his election".³⁰

The draft Justice and Peace Law -- the legal framework for demobilisation of armed groups -- has been the main political issue dividing Uribe supporters. His popularity is not enough to keep them in line, and many are increasingly driven by their own interests. For example, once staunch Uribe supporters, Senators Pardo and Vargas Lleras, as well as Representative Gina Parody, distanced themselves from the government over the draft Peace and Justice Law, which they considered too soft on the paramilitaries, though they have made it clear they will stick with Uribe if he can run again.³¹ The failure to reach consensus over that law even within the cabinet was exacerbated by critical, "personal" pronouncements by High Commissioner for Peace Luis Carlos Restrepo, Interior Minister Sabas Pretelt and Vice President Francisco Santos. Their quarrel over negotiations with the paramilitaries has exposed deep fissures within the

grounds but issued a stiff warning that it was unacceptable for a member of government to offer favours to a parliamentarian in exchange for votes, *El Tiempo*, 9 March 2005.

²⁸ "El costo de la reelección", *Semana*, 14 March 2004.

²⁹ Ambassador Holguín, a long-time Uribe supporter, handed in her resignation but Uribe persuaded her to stay on and has since announced that children or relatives of congressmen will no longer be nominated for diplomatic positions, *El Tiempo*, 17 March 2005. Over 50 per cent of the nominees to the diplomatic service are political appointees.

³⁰ "El costo de la reelección", op. cit.

³¹ It is no coincidence that Rafael Pardo's distancing from Uribe coincides with the return of his former "political godfather", Cesar Gaviria, Crisis Group interview, Bogotá, 19 April 2005.

government. The president has on more than one occasion since the beginning of 2005 had to step in to rally members of his ministers around a unified position.

B. POLITICAL ALLIANCES

The traditional parties are at a low ebb.³² Uribe dominates virtually all policy discussions. Positions are defined as "pro-Uribe" or "anti-Uribe", for or against re-election, with pressure on all parties to join a pro or anti-Uribe bloc. The majority of the Conservative Party currently is behind Uribe (a small minority identifies with former President Pastrana), while the Liberal Party, of which the Uribistas are a spin-off, have lost many supporters to the president.

In the run-up to their party convention on 9-10 June 2005, the Liberals were trying to increase their profile and recover lost ground. However, the traditional parties are unlikely to return to centre stage this year unless Uribe is unable to run. Even if this happens, there would be a battle for his support. Centre-left parties are already forging alliances. The electoral reform of 2003, which requires a party (there are over 70) to obtain at least 2 per cent of the vote in the congressional election to keep its registration, plays a large part in the rush to form alliances.³³ The reforms Uribe brought in that year were aimed at strengthening parties as part of a wider commitment to end political chicanery but he has subsequently shown next to no interest in following up.

1. The Liberal Party

The Liberal party's presidential candidate was not decided at the June convention but will, as things stand at the moment, be chosen in a popular consultation either in late 2005 or in March 2006 as part of the congressional elections.

Contenders have emerged, though no one who comes close to Uribe in terms of voter preference, according to a recent survey. In March 2005, 44 per cent of those interviewed said they would vote for Uribe. Next best with 7 per cent was Horacio Serpa.³⁴ Even if Uribe is

barred from running again, it is questionable whether any potential Liberal could achieve comparable popularity. Some names mentioned to go up against Uribe are Secretary General of the Organisation of American States (OAS) Cesar Gaviria, a former president (1990-94), who was elected chief of the party at the June convention;³⁵ Serpa, a two-time candidate; former mayor of Bogotá Enrique Peñalosa (1998-2001), who has been described as "the least anti-Uribe of all of them";³⁶ Senator and ex-Minister of Defence Rafael Pardo; and former Prosecutor General Alfonso Gómez Mendez, who led the abstention campaign, along with Senator Piedad Córdoba, for the 2003 referendum.³⁷ Liberal Senator Rodrigo Rivera launched his candidacy in May 2005.

In the 2002 campaign, the most critical event for the Liberal Party was the defection of Uribe,³⁸ who announced in September 2001 that he would run as an independent against the official candidate, Serpa. As Uribe looked like a winner, candidates for the prior congressional elections sought to avoid association with traditional parties and registered lists under new names. All those thus elected as independents presented themselves as potential coalition partners for Uribe.³⁹ Candidates endorsed by the two traditional parties polled only 40 per cent -- their worst showing ever in a congressional election. When Uribe won the presidency and took office in August, he had a substantial though

³⁵ Gaviria says he is not interested in becoming the presidential candidate of the Liberals.

³⁶ "Se prendió la fiesta", *Cambio*, 25-2 May 2005. Enrique Peñalosa, once considered Uribe's natural successor, lost ground when Uribe decided to run for a second term. His credibility fell further when he accused the president of seeking to pay off supreme court judges as he had done with certain congressmen, in an article on 24 January 2005 in *El Nuevo Siglo*. Possible reasons for such attacks could be that he is trying to rally those who are dissatisfied with Uribe, or he is preparing to run either for president in 2010 or for the office of mayor of Bogotá (for a second time) in 2007. *Cambio*, 31 January-7 February 2005.

³⁷ Former mayor of Bogotá Antanas Mockus could also aim at the presidency but has not linked up with any political party yet. He says he is "not anti-Uribe but post-Uribe", "El llanero solitario", *Semana*, 18 April 2005.

³⁸ See Crisis Group Latin America Briefing N°2, *The Stakes in the Presidential Elections in Colombia*, 22 May 2002.

³⁹ See Crisis Group Latin America Briefing N° 1, *The 10 March 2002 Parliamentary Elections in Colombia*, 17 April 2002 and Mathew Robert Shugart, Erika Moreno, and Luis E. Fajardo, "Deepening Democracy by Renovating Political Practices: the struggle for electoral reform in Colombia", forthcoming in Christopher Welna and Gustavo Gallón (eds.), *Peace, Democracy and Human Rights in Colombia* (Notre Dame, 2005).

³² "Dinosaurios persistentes", *El Espectador*, 20 March 2005.

³³ It was estimated that only nine of the 66 parties in the 2002 parliamentary elections would have obtained 2 per cent of the votes, *Semana*, 20 December 2004.

³⁴ A March 2005 poll found support for Uribe at 44.6 per cent, Serpa 7 per cent, Peñalosa 5.8 per cent, Luis Eduardo Garzon 5.5 per cent, Enrique Peñalosa 5.4 per cent and Noemí Sanín 5.2 per cent. *El Tiempo*, 13 March 2005.

minority bloc. After the election, twelve of 28 Liberal Senators and eighteen of 47 Liberal deputies left the party to join his "Uribista" coalition.⁴⁰

For his re-election bid, Uribe has not only gained support of the Conservatives but also won over some "oficialista" Liberals. In both the chamber of representatives and the senate, he has a strong majority.⁴¹ For the first time in history the Liberal party executive (Dirección Nacional Liberal) imposed sanctions on the ten members of Congress who went against the party and voted in favour of the re-election law.⁴² When former Liberal President Julio Cesar Turbay, with the support of 44 ex-ministers, announced formation of a new group, "Patria Nueva",⁴³ Senator Piedada Córdoba asked for him to be expelled from the party.

Following the Liberals June convention, which adopted a social-democratic program and declared opposition to him, it is clear that the party will not rally around Uribe.⁴⁴ Ex-President Alfonso López Michelsen, a pillar of the party, in early April called upon all sectors "that respect the constitution" to join in order to force Uribe to a second round and warned that paramilitaries would play a fundamental role in his campaign, "threatening people". Michelsen termed "monstrous" a suggestion by the president's cousin, Senator Mario Uribe, that citizens vote for Uribe even if the court strikes down the re-election law.⁴⁵

⁴⁰ Shugart, Moreno and Fajardo, op. cit.

⁴¹ In May 2004, he had 60 Uribistas plus 48 conservatives out of 166 on his side in the lower house; the official Liberals had 49. Out of 102 senators, Uribe counted on support from 55, between Uribistas, independent Uribistas and Conservatives, "El Nuevo mapa", *Cambio*, 3-10 May 2004.

⁴² The group was sanctioned in March 2005 for disrespecting the Liberal party order not to vote in favour of re-election, *El Espectador*, 17 March 2005. Ten received suspensions for ten months, which prevented them from attending the party convention in June.

⁴³ Former Presidents Turbay Ayala and Lopez Michelson, both Liberals, have also had their differences over the re-election issue. Turbay is an open Uribe supporter and founder of Patria Nueva. Michelsen has expressed doubts about the legality of the bill approving re-election. He declined an invitation to Patria Nueva saying that it could be misinterpreted as acquiescence to re-election. His subtext was taken to mean that Turbay Ayala had, by supporting re-election, excluded himself from the official Liberal party.

⁴⁴ *El Tiempo*, 12 June 2005.

⁴⁵ *El Tiempo*, 3 April 2005. Michelsen had been opposed to re-election on legal grounds but in this interview was at his most vocal. His tone and that of Turbay's riposte were

Debate is ongoing about the presidential candidate, and much will depend on when the popular consultation is held. If the court endorses the re-election law, former President Gaviria is most likely to rally the mainstream party members, particularly those who do not support Uribe. He was initially seen as supporting Uribe, since as OAS head he pledged that organisation's support to the paramilitary demobilisation process. He has gradually shifted from cautioning the president's foes to moderate their tone to decidedly anti-Uribe, going in the process from moderator to a "catalyst of discontent".⁴⁶ He is particularly critical of the failure of the referendum, the "unfortunate fiscal policy of the government", and Uribe's disdain for parties.⁴⁷ Gaviria's election as Liberal party leader means that 38 members of Congress such as Senator Pardo will probably return to the fold, mainly out of allegiance to him.⁴⁸

However, the attempt to unify a party that has been reduced to "a sum of ideological divisions" has come up against political reality. Only 26 per cent of Colombians identify with a traditional party.⁴⁹ In the run-up to the June convention, Gaviria said that it would focus on "approving a social-democrat line of thinking", which happened and suggests an effort for an alliance with centre-left parties such as the PDI. However, the public perceives the Liberals as much more to the centre than the PDI, and the party will have considerable work to convince both its own supporters and the PDI.

In addition, while Gaviria was chosen to lead the party, the contest between him and Serpa will continue until party consensus has been established on the date of the popular consultation to select the presidential candidate. Surprising many, prior to the party convention Serpa suggested that the candidate be chosen solely by party members, not popular consultation. This is difficult to understand, because Serpa is the only candidate who can expect support in trade union and leftist circles, and for this, he needs to distance himself somewhat from the core of the party.⁵⁰ It hinted, however, at disagreement over the plan of the party executive to make Gaviria the head of party and then choose the candidate by popular consultation. Nevertheless, Gaviria and Serpa need each other. In the consultation, Serpa should benefit from Gaviria's contacts among political elites. Gaviria would

criticized in an *El Tiempo* editorial on 4 April 2005 which called on them to "lower the tone, moderate the discussion".

⁴⁶ "Todo en veremos", *Semana*, 18 April, 2005.

⁴⁷ *Cambio*, 7-14 February 2005.

⁴⁸ *El Tiempo*, 16 April 2005.

⁴⁹ "Partidos sí, ¿pero estos?", *El Tiempo*, 16 March 2005.

⁵⁰ "La serpamorfosis", *Semana*, 2 May 2005.

need Serpa's contacts especially outside the party should he run for the presidency.⁵¹

However, Uribe is not about to give up the political capital he has accumulated and is attempting to unify the "Uribista" factions. For this, he has appointed former Minister of Finance Juan Manuel Santos to bring them together under one or two lists for the parliamentary elections, a task Uribe himself cannot assume without being accused of playing re-election politics. By having Santos, a Liberal, on-board, Uribe is seeking to shield his Uribistas from the party's enticements and prevent Gaviria from sweeping any more into his net.

The appointment was criticised by some Uribistas, partly because they claim they were not consulted and partly because Santos is a traditional Liberal.⁵² Bringing all the pro-Uribe tendencies together on "one or maximum two lists", as the president seeks, is made harder by the failure to have launched a true party. Crisis Group was told in March there were as many as six "Uribista" lists in Congress,⁵³ though reportedly these have now been cut to four.⁵⁴

Few politicians have announced willingness to try to replace the "messianic" Uribe, should that be necessary.⁵⁵ There are several prospects but the only one who has publicly expressed presidential intentions is Senator Vargas Lleras, who heads the pro-Uribe Cambio Radical Party.⁵⁶

If Uribe can run, the question becomes whether the Liberals and the Left are capable of denying him a first round victory. If re-election is permitted but not for a sitting president, Gaviria and Serpa are likely to contest the Liberal nomination. If the entire law is struck down, Serpa will stand a better chance to win the nomination, because he could find himself competing with Pardo, who lacks comparable weight within party structures. In

both cases, the contest will be a major test for the continuity of Uribe's democratic security policy.⁵⁷ Serpa could be expected to move away from that policy, while Gaviria and Pardo would likely be nearly as tough on security issues as Uribe but make far more demands on the paramilitaries before giving them any benefits and perhaps -- though this far from certain -- be more open to negotiations with the insurgents.

2. Opposition prospects

The centre-left parties -- PDI, AD, Movimiento Obrero Independiente y Revolucionario (MOIR) and Frente Social y Política -- have gradually been consolidating as a joint force in Congress, seeking a unified political platform and organisation, and a single presidential candidate and list for the congressional elections. In the run-up to the PDI's 3 June 2005 convention, prospective PDI presidential candidates Antonio Navarro, Samuel Moreno and Guillermo Jaramillo were testing whether a consensus behind one of them would be possible.⁵⁸ Other options were to select the candidate in party primaries or an open contest with non-member participation.⁵⁹ A day before the convention began party leaders decided delegates would choose the candidate but deep fissures emerged between the camps of Navarro, Moreno and Gustavo Petro. Navarro said he would not accept being the candidate of only a fraction of the PDI, which he called "suicide".⁶⁰ In the end, he was chosen to be the PDI's presidential candidate⁶¹ but the above-mentioned differences over the opposition statute do not bode well for unity. Given these divisions, the chances for fusion of the centre-left parties are slim.

In 2004, the horizon broadened for parties of the left, with the election of Luis Eduardo Garzon as mayor of Bogotá and Angelino Garzon as governor of Valle department. These successes showed that the Left is an acceptable political choice for an electorate which is mature enough to discern between responsible leftist parties and

⁵¹ "El Torpedo", *Semana*, 25 April 2005.

⁵² Formerly staunch Uribe supporters, such as Senator Rafael Pardo, Senator Andres Gonzalez and Representative Sandra Ceballos have voiced their disapproval over his appointment.

⁵³ Crisis Group interview, Bogotá, 31 March 2005.

⁵⁴ *El Tiempo*, 11 May 2005.

⁵⁵ Interview in *El Espectador* with Juan Camilo Restrepo, a Conservative former finance minister, 21 March 2005.

⁵⁶ Other names mentioned are Senator Andrés Gonzalez, Senator Oscar Ivan Zuluaga and Ambassador Noemí Sanín (currently ambassador to Spain) even though Noemí Sanín left the Conservative party to support Uribe. There have also been rumours she might become the "visible figure" the Conservative party is lacking, see *El Espectador*, 21 March 2005.

⁵⁷ Horacio Serpa might be considered tainted for visiting, together with other presidential candidates including Ingrid Betancourt, the FARC in the demilitarised zone just prior to the rupture of the talks. Serpa also campaigned on a platform that emphasised social issues and resumption of peace negotiations, something the electorate at the time punished. A question is whether he can balance that record with a new tougher line on security.

⁵⁸ Crisis Group was told that the choice will be between Carlos Gaviria and Antonio Navarro. Crisis Group interview, Bogotá, 28 March 2005.

⁵⁹ *El Tiempo*, 5 May 2005.

⁶⁰ *El Tiempo*, 2 June 2005.

⁶¹ *Semana*, 6 June 2005, pp. 50-51.

irresponsible leftist insurgents. The Left is now confident it will be able to put together a strong electoral list for the congressional elections. Its presidential strategy is to prevent Uribe from obtaining a majority in the first round and so force him into a runoff. Centre-left parties could benefit from the 2003 political reform, which encourages small parties to seek alliances.⁶²

In September 2004, the PDI called for a "Todos Contra Uribe" (Everyone Against Uribe) coalition of all left to centre-left parties to "get together and choose a candidate who will be a counter-weight to Uribe".⁶³ Navarro Wolf, a former M-19 guerrilla now PDI senator, has alluded to the alliance being broad and deep enough to last beyond the 2006 elections. It will seek to bring together the social organisations which protested in October 2004 against the government, the Social Indigenous Alliance (Alianza Social Indígena), as well as regional organisations which supported Anequino Garzon's election, and the movements led by Parmenio Cuellar, former governor of Nariño department, and Floro Tunubalá, former governor of Cauca department.⁶⁴ This was echoed recently by the potential Liberal candidate, Horacio Serpa, who stressed the importance of building a "large alliance" within the Left in order to challenge Uribe.⁶⁵ However, while the constitutional court has not ruled on the Uribe candidacy and the reshuffling within the Liberal Party continues, the first movement to that end will likely involve the PDI and AD.

The AD has proposed to join the PDI in a coalition. After the PDI convention, this is still to be formalised.⁶⁶ Differences exist between the AD favourite, Carlos Gaviria, and Navarro as to when a possible single candidate should be chosen.⁶⁷ There is already talk that the basis for an AD/PDI coalition will be opposition to Uribe's "clientelism" and "political chicanery", defence of the 1991 Constitution's prohibition on re-election of a president and criticism of the administration's failure to deliver on the social front. However, the challenge for the opposition is to come up with a positive alternative. Aside from a candidate for the presidency, the Left also needs popular and visible figures to put up for Congress.

⁶² Crisis Group interview, Bogotá, 28 March 2005.

⁶³ *Semana*, 13 September 2004, p. 52.

⁶⁴ "Adiós al pasado", *Cambio*, 7 - 14 March 2005, p. 27.

⁶⁵ *El Tiempo*, 5 May 2005.

⁶⁶ "Hacia un Nuevo polo", *Semana*, 7 March 2005; *El Tiempo*, 8 June 2005.

⁶⁷ Navarro wants a single candidate chosen as part of the congressional elections in March 2006; Carlos Gaviria is in favour of an earlier selection in order to start the campaign as soon as possible. *El Tiempo*, 8 June 2005.

III. THE FARC

Everything seems to indicate that in the run-up to the May 2006 presidential election, especially if Uribe stands, FARC attacks will continue and wherever possible be increased against both military targets and villages with police stations. The insurgents will also seek to wear down government troops conducting Plan Patriota with massive use of anti-personnel mines. Their aim is to make a clear statement that the Uribe security strategy is failing.

As discussed above, the effort to allow Uribe to run for a second term is substantially justified by its supporters as a guarantee of continuing current counter-insurgency policies, especially the "democratic security policy".⁶⁸ From the viewpoint of the executive, that flagship policy, epitomised by Plan Patriota, is a success.⁶⁹ Government sources speak of a 20 to 30 per cent reduction in FARC fighters since 2002.⁷⁰ There have been substantial security improvements across the country, including decreases in homicides, kidnappings and attacks against villages and towns.⁷¹ However, not all can be attributed to the government's security policy. While homicide rates have been steadily decreasing since 2002, major decreases in larger cities such as Bogotá and Medellín -- which in 2004 had 15 per cent of the homicides in the country -- have a disproportionate impact on overall figures.⁷² Homicides have actually increased in areas where Plan Patriota

⁶⁸ Crisis Group interviews, Bogotá, 8, 28 and 31 March 2005.

⁶⁹ "Preguntas al patriota", editorial in *El Tiempo*, 3 May 2005.

⁷⁰ Crisis Group interview, Bogotá, 9 March 2005. According to the government, over 5,000 combatants have given up their arms since Uribe came to office. <http://www.derechoshumanos.gov.co/descargas/boletin6-desmovilizados1.pdf>.

⁷¹ According to the government, between 2003 and 2004, homicides decreased by 15 per cent, massacres by 52 per cent, kidnappings by 35 per cent and forced displacements by over 37 per cent. "Palabras del Vicepresidente de la República de Colombia, Francisco Santos Calderón en la LXI período de sesiones de la Comisión de Derechos Humanos de la ONU", Geneva 16 March 2005, www.derechoshumanos.gov.co. The NGO Fondelibertad's kidnapping figures for 2004 and 2005 (until March) indicate that 128 cases are attributable to the AUC and 488 to the FARC and the ELN.

⁷² Special security police (SIJIN) figures in "Hechos del Callejón", United Nations Development Program (UNDP), Bogotá, April 2005.

operates, such as Caquetá.⁷³ Further, selected groups, such as political officials, were targeted with increased frequency in 2004.⁷⁴ Other types of violations, such as disappearances, are simply not registered by state entities.⁷⁵

Recognising the FARC's structural strength, the Uribe administration does not deny more time is needed to consolidate the state's reach across the country and pressure the insurgents militarily to the point where they "see their will to continue fighting seriously affected" and accept government-conditioned demobilisation talks.⁷⁶ The Justice and Peace bill,⁷⁷ which is being debated now in Congress, is meant to serve as the legal framework for the demobilisation and reintegration of all the armed groups. As one senator put it to Crisis Group, "the law will not be amended and made less tough for the FARC, which has more powerful enemies in Colombian society than the paramilitaries".⁷⁸

While the government's analysis of FARC strengths is correct, more time and policy continuity are not sufficient in themselves to move Colombia decisively toward peace. The government's narrow view of the FARC as "narco-terrorists" without ideology and popular support obscures reality and limits the effectiveness of its policies. The conflict is more complex and ending it requires a more differentiated analysis.⁷⁹

⁷³ Ibid.

⁷⁴ "Situación de derechos humanos en Colombia: algunos indicadores de dos años de gobierno", Boletín Estadístico del Programa Presidencial de Derechos Humanos y DIH, No. 4, August 2004 and "Colombia: Balance de seguridad 2001-2004", Fundación Seguridad y Democracia, Bogotá, January 2005. See also U.S. State Department, "Country Reports on Human Rights Practices, Colombia", <http://www.state.gov/g/drl/rls/hrrpt/2004/41754.htm> and "Report of the High Commissioner for Human Rights on the situation of human rights in Colombia", OHCHR, 28 February 2005, E/CN.4/2005/10.

⁷⁵ Police records do not trace forced disappearances, "Hechos del Callejón", op. cit. In 2004, there were 279 new cases of disappearances according to the International Committee of the Red Cross's Annual Report for Colombia 2004.

⁷⁶ Crisis Group interviews, senior government officials, Bogotá, February and March 2005.

⁷⁷ See Section IV B below.

⁷⁸ Crisis Group interview, Bogotá, 28 March 2005.

⁷⁹ On the FARC's participation in drug trafficking, see Crisis Group Latin America Report N°12, *War and Drugs in Colombia*, 27 January 2005.

A. THE MILITARY OUTLOOK

In spite of the substantially expanded government offensive, considerable U.S. aid, and strong efforts to cut the insurgents' supply and drug trafficking routes, destroy their infrastructure, disrupt their communications and induce desertion, there are no clear indications that the FARC's capacity to recruit and to attack selected military and civilian targets outside major cities has been significantly weakened.⁸⁰ Some Colombian observers speak of an "undefined military situation", highlighting the serious problems Plan Patriota has run into in the south, where some 18,000 troops are trying to chase the FARC from the jungle.

Undoubtedly, the government has had military successes but questions remain about the sustainability of Plan Patriota, which is a massive operation over some 300,000 square kilometres.⁸¹ The armed forces have "possibly reached the limit of their operational capacity", and the FARC has reverted again to state-of-the-art guerrilla warfare, in which territory is not defended.⁸² Previous drives, such as operation "Libertad Uno" in 2003 in Cundinamarca department, actually regained control of some territory for the state but it is far from clear this will be feasible in the southern jungles, where the FARC has been the de facto authority for decades. The state has never had a sustained presence there and recently antagonised the local population by restricting access to food and gasoline.⁸³

⁸⁰ "Colombia: Balance de seguridad 2001-2004", op. cit. and *El Tiempo*, 15 April 2005, p. 1-3.

⁸¹ Operations such as Plan Patriota have involved a restructuring of the armed forces which aims to place all branches of the army under joint regional command structures. Four senior generals openly opposed to such restructuring were dismissed by Uribe on 27 April 2005.

⁸² "Colombia: Balance de seguridad 2001-2004", op. cit. In addition to the still potent FARC forces, other factors are also taking a toll on government forces. According to one source, the government has lost over 3,000 troops since the offensive was launched in mid-2003, mostly to tropical illnesses and anti-personnel mines. Crisis Group interview, Bogotá, 22 March 2005 and *El Tiempo*, 2 May 2005. See also "Colombia: Balance de seguridad 2001-2004", op. cit. The figures on Plan Patriota are notoriously unreliable. For example, army casualties vary between 74 dead according to army sources and 749 dead according to the FARC. *El Tiempo*, 2 May 2005.

⁸³ Editorial in *El Tiempo*, 3 May 2005, op. cit.

The failure to capture a member of the FARC's secretariat is a clear indication of the insurgents' ability to elude government troops. Meanwhile, instead of defending territory, the FARC has evidenced continued military capability by increasing activities in other parts of the country since the beginning of 2005. That it was able to strike from Urabá to Nariño shows it can still take tactical initiatives.⁸⁴ The commander of the armed forces, General Ospina, says, "we have always said that the FARC is being defeated, but it still has a lot of power".⁸⁵

In the wake of these attacks, analysts speak of the "beginning of the end of the FARC's tactical withdrawal".⁸⁶ While its strategy had focused on mobile targets such as army patrols, recent attacks on the Iscuandé naval base and the police station in the village of Toribío (Cauca) show it is capable of larger and more sustained actions which make use of surprise and exploit weaknesses in the government's position by infiltrating peasant soldiers or taking advantage of the absence of government troops.⁸⁷

In early 2005, the FARC announced it was moving into a new offensive phase, "Plan Resistencia" (final offensive).⁸⁸ In an e-mail to the news program Noticias Uno in mid-February, spokesperson Raul Reyes said that month's attacks were "only the beginning of what is coming against the regime of Alvaro Uribe. Our most expert warriors, positioned in every corner of the country...will put an end to his democratic security policy".⁸⁹ The FARC called the two-week siege of Toribío "part of the Colombian people's answer [to] the Colombian state's war".⁹⁰

These comments on Toribío reflect total and cynical disregard for civilian casualties. Not only did the FARC distribute a video to the press on how it planned the attack, but fighters gave interviews and agreed to be photographed at roadblocks they had set

up in the process of occupying the village.⁹¹ The FARC has been rightfully criticised for attacking a village.⁹² Once the army regained control (after more than two weeks of intermittent fighting), indigenous leaders asked for it and the police to be withdrawn. Uribe refused, stating that "the presence of the armed forces is not...to be given up or debated".⁹³ However, the indigenous community has constitutionally sanctioned powers over the reservation in which Toribío is located. The question is whether some form of demilitarised area, free from the FARC, AUC or armed forces, is possible under current circumstances, perhaps via the community informing the government of any violation of its territory and employing international verification that no illegal groups have come in.

The offensive in Cauca contrast with the low FARC profile where Plan Patriota is concentrated, in the departments of Meta, Guaviare, Caquetá and Putumayo. The FARC appears to want to exhaust army troops but not confront them directly, while saving its energy for offensives in areas left unattended.⁹⁴ A recent study concluded that although there was fighting in the Plan Patriota areas, there was a notable decrease of combat in the rest of the country. Leaving so much space open to the FARC is particularly critical in the context of AUC demobilisation.⁹⁵

There are a number of possible explanations for the FARC's new tactics. First, it hopes to cut into Uribe's popularity as the electoral season begins by torpedoing his security strategy. Secondly, so long as government troops continue to carry out Plan Patriota in the FARC heartland of Caquetá, Putumayo and Guaviare departments, it will counter-attack elsewhere, such as in the neighbouring departments of Nariño and Cauca, in order to take some pressure off their heartland.⁹⁶ Thirdly, the FARC may simply wish to show it still has a military response capacity so as to counter government

⁸⁴ Appendix B, a non-exhaustive list of FARC attacks since the beginning of 2005, documents an intact ability to exercise tactical initiative country-wide.

⁸⁵ *El Tiempo*, 13 February 2005.

⁸⁶ "¿Termina el repliegue de las FARC?", *El Tiempo*, 3 February 2005, and "Lluvia de plomo", *El Tiempo*, 12 February 2005.

⁸⁷ "Nuevo golpe de las FARC", *El Tiempo*, 4 February 2005.

⁸⁸ *El Tiempo*, 3 May 2005.

⁸⁹ Reuters, 21 February 2005.

⁹⁰ Interview with Raul Reyes, 18 April 2005, www.anncol.org/side/1289.

⁹¹ *El Tiempo*, 23 April 2004. See interview in *Semana*, April 25 2005, p. 62.

⁹² "Crímenes de guerra", *El Tiempo*, 19 April 2005; "Triunfo militar, derrota política", *El Espectador*, 25 April 2005.

⁹³ *El Espectador*, 2 May 2005.

⁹⁴ "La fricción y el plan patriota", *El Tiempo*, 4 June 2005.

⁹⁵ "Coyuntura de Seguridad Enero-Marzo 2005", Fundación Seguridad y Democracia, Bogotá, May 2005.

⁹⁶ One theory has it that the FARC is actually seeking to build up a "triangle" of influence in the south-western corner of Colombia, encompassing the departments of Nariño, Cauca and Putumayo, which would allow it access to the Pacific and control of the border with Ecuador. See "Toribío y el Plan Patriota", *El Tiempo*, 22 April 2005.

assertions. A study carried out since Plan Patriota began shows that the FARC has maintained a relatively steady number of attacks -- indeed more than in the four Pastrana years.⁹⁷

Ahead of elections, what matters most for Uribe is public opinion. According to a Colombian security analyst, the "excessive triumphalism" over Plan Patriota has created the ideal conditions for public opinion to interpret recent FARC attacks as an Uribe defeat.⁹⁸ The FARC can be expected to press these attacks at least as long as there is the prospect of four more years for Uribe. Restraint could bolster the president's claim that the government is winning. However, the increased attacks also risk helping Uribe by showing there is a need for a president with a firm commitment to security.

The armed forces cannot afford to let their guard down. It is estimated that the war effort has cost Colombia \$16.5 billion in the past five years.⁹⁹ The claims of victories have potential to mislead Colombians into thinking that the bulk of the war effort is past. However, a prominent security analyst suggests the war is far from over, though the armed forces have reached the peak of their operational capacities.¹⁰⁰ To shift the balance decisively against the FARC, the number of active duty soldiers would need to be increased from 200,000 to at least 300,000, and even then there would be no guarantees.¹⁰¹ Figures suggest the military may actually be winding down operations. In 2002 and 2003 there were 1,534 and 2,414 combat incidents respectively but in 2004 decreased to 1,957.¹⁰²

According to an analysis carried out in 2004, a more offensive strategy would require military spending -- 5 per cent of GDP in the past three years, prior to which it was 2 per cent -- to be doubled.¹⁰³ In addition to more police and soldiers, at least twice the number of helicopters (currently 90) and six new spy planes

would be necessary.¹⁰⁴ This would require sacrifices in other fields (or substantial tax increases), a prospect which an individual close to the government acknowledged to Crisis Group was needed if the FARC were to be defeated.¹⁰⁵

U.S. aid in the fight against the FARC and drugs bolsters the government.¹⁰⁶ Funding requested for 2006 under various programs including the Andean Counterdrug Initiative (ACI) amounts to \$741 million. A significant portion of this aid is used to keep the military afloat, and if Uribe wins a second term, Washington is not likely to abandon him, despite the serious concerns about the Justice and Peace bill recently voiced by U.S. Senators.¹⁰⁷ How long it will maintain that level of funding is less clear.

B. WHAT THE FARC STANDS FOR TODAY

During the past three years both the FARC and the government have increased their military capabilities while relegating political action to a secondary level. Undoubtedly, the Uribe government is the toughest opponent the FARC has had in a long time. This is reflected in an all-time high defence budget,¹⁰⁸ more troops (200,000) and police (160,000),¹⁰⁹ the introduction of some 600 squadrons of peasant soldiers and more modern hardware, in particular helicopters and small, fast vessels deployed to patrol rivers.

The insurgents, in turn, have built up a formidable military structure, financed in large part by drug proceeds but also extortion and kidnapping. According to a recent government study on FARC income and spending, the insurgents can survive mainly from their involvement in the drug business -- 45 per cent of their income.¹¹⁰ Since its separation from the Colombian

⁹⁷ "Colombia: balance de seguridad 2001-2004", op. cit.

⁹⁸ "La seguridad democrática 2005", *El Tiempo*, 10 February 2005.

⁹⁹ *El Tiempo*, 7 February 2005. Figures denoted in dollars (\$) are in U.S. dollars.

¹⁰⁰ "Colombia: Balance de seguridad 2001-2004", op. cit.

¹⁰¹ "El Gasto en Seguridad y Defensa en Colombia: De la Contención a la Ofensiva", Andrés P. Villamizar and Germán B. Espejo, Fundación Seguridad y Democracia, Bogotá, 2004.

¹⁰² "Opciones frente a las FARC", *El Tiempo*, 11 March 2005.

¹⁰³ "El Gasto en Seguridad y Defensa en Colombia: De la Contención a la Ofensiva", op. cit., quoted in *El Tiempo*, 19 November 2004.

¹⁰⁴ Ibid.

¹⁰⁵ Crisis Group interview, Bogotá, 28 March 2005.

¹⁰⁶ Proposed funding for FY 2006 for Colombia has not decreased. In a visit to Colombia, Secretary of State Condoleezza Rice pledged continued support. *El Tiempo*, 28 April 2005.

¹⁰⁷ See section IV below.

¹⁰⁸ 4.9 per cent of GDP in 2004, *El Tiempo*, 19 November 2004.

¹⁰⁹ Crisis Group interview, Bogotá, 8 March 2005.

¹¹⁰ The FARC's expenses are also related to the drugs business, as some 38.5 per cent of revenues are spent on chemical precursors; see "Estimación de los ingresos y egresos de las FARC durante 2003 basados en información de inteligencia recolectada por las agencias del estado", Bogotá, 24 February 2005. For more on the FARC's

Communist Party and the extermination of the Union Patriótica (UP) in the late 1980s and early 1990s by the paramilitaries,¹¹¹ the FARC has prioritised safeguarding its organisational structure and the military struggle.¹¹² A recent study points out that this on many occasions "has meant sacrificing political goals in order to preserve military strength, which would mean that the ultimate political aim (the socialist revolution) has been subordinated to safeguarding the existence of the armed group".¹¹³

Paradoxically perhaps, financial autonomy and "political solitude" shielded the FARC against disintegration after the end of the Cold War and the demise of the socialist regimes of the Soviet Union and Eastern Europe. Its organisational strength has helped to reduce vulnerability from its participation in drug trafficking and other criminal activity. In contrast to the AUC, it has not suffered from vendettas or internal feuding over money and influence.¹¹⁴ The FARC leadership, epitomised by Manuel Marulanda, continues to proclaim the effectiveness and righteousness of the "prolonged campesino's war".¹¹⁵ Simultaneously, a 40-year history imbues the organisation with a kind of timelessness, transforming the armed struggle into an end in itself. This is reflected in an interview given by FARC commander Simon Trinidad shortly before his extradition to the U.S. on 31 December 2004:

The FARC is not a horde, nor a man, nor a chieftain. The FARC is an organization with an organic structure and a hierarchy with political and military plans....My struggle is part of a social struggle in which thousands participate and millions will take power.¹¹⁶

involvement with the illegal drug business see Crisis Group Report, *War and Drugs in Colombia*, op. cit.

¹¹¹ A faction of the Communist Party created by the FARC in 1985, the Union Patriótica (UP), was subjected to a systematic extermination campaign. It had more than 3,000 of its members killed, including two presidential candidates, eight senators, 40 councillors and deputies and fifteen mayors. In 1988, Jaime Pardo Leal, the party's leader and candidate in the 1986 presidential election, was murdered by right-wing death squads.

¹¹² Crisis Group interview, Bogotá, 19 March 2005.

¹¹³ Juan Ferro and Graciela Uribe, *El orden de la guerra. Las FARC-EP: Entre la organización y la política*, (Bogotá, 2003).

¹¹⁴ See Crisis Group Report, *War and Drugs in Colombia*, op. cit.

¹¹⁵ Crisis Group interview, Bogotá, 19 March 2005.

¹¹⁶ Interview with Simon Trinidad, in *El Tiempo*, 12 January 2005.

A large gap exists between political discourse and actions, in particular the claim to be fighting for the poor and social justice¹¹⁷ while engaging in criminal activities and committing atrocities such as the shelling of Toribío. Even sympathisers acknowledge this.¹¹⁸ However, the FARC asserts that the crimes are "in response to the conflict" and will cease as soon as the conflict ends. The war has become "dirtier", but the insurgents hold the government, its armed forces and the paramilitaries responsible.¹¹⁹ In a nutshell, the FARC argues that its armed struggle is legitimate because the "reality of poverty and exclusion has not changed in Colombia"; the armed struggle is necessary to keep the organisation united and will continue until the government recognises the FARC as a belligerent party and agrees to negotiate on an agenda it puts forward.¹²⁰

The FARC maintains that it has its own interpretation of international humanitarian law, specifically regarding kidnap victims but also child soldiers, land mines and protection of the civilian population generally. These views have been condemned by the International Committee of the Red Cross as well as the Office of the UN High Commissioner for Human Rights (OHCHR). It calls kidnap victims "prisoners of war" under the Geneva Conventions,¹²¹ a claim consistent with its demand for belligerent status. However, its treatment of those victims is not consistent with its legal assertions. In March 2005 FARC spokesperson Raul Reyes announced that until the government ended Plan Patriota, it would not give family members evidence that kidnap victims were alive -- a violation of the rights afforded prisoners under the Geneva Conventions such as medical visits from the ICRC and opportunity to communicate with family.¹²² The FARC claims its own regulations prevent it from recruiting children under

¹¹⁷ See, for example, the declarations of the FARC commander Simon Trinidad in an interview he gave a few days before being extradited to the U.S. in early January 2005. *El Tiempo*, 12 January 2005.

¹¹⁸ Crisis Group interview, Bogotá, 12 April 2005.

¹¹⁹ Ibid.

¹²⁰ Ibid. One of the FARC's most recent communiqués makes it clear that future dialogue with the government will have to be preceded by recognition of its status as an "armed political revolutionary organisation." "Comunicado de las FARC", Secretariado del Estado Mayor Central, Montañas de Colombia, 25 February 2005.

¹²¹ See interview with "Simon Trinidad", *El Tiempo*, 12 January 2005. Under the Geneva Conventions, prisoner of war status is reserved for armed conflicts of an international nature, not internal armed conflicts such as Colombia's.

¹²² *El Colombiano*, 21 March 2005.

fifteen¹²³ but a Human Rights Watch study estimated that 7,400 of the 11,000 child soldiers in Colombia are with the FARC, 20 to 30 per cent of its manpower.¹²⁴

The Uribe administration's security policy aims at destroying the FARC's ability to continue the armed struggle. The conflict will likely continue to escalate, therefore, because the insurgents will do everything in their power to retain this capacity.¹²⁵ Only a devastating military blow, such as the loss of an entire FARC front, might have sufficient impact on morale to call into question the will to continue the fight, according to a former member of the organisation.¹²⁶ The same might be true if one or more members of the secretariat were captured or killed.

Among FARC weaknesses that could become important are underestimation of the government's growing military strength, the loss of an effective urban militia base, and the very limited resonance of its political discourse, including difficulties in expanding its Bolivarian Movement, especially in urban centres.¹²⁷ In the effort to overcome its political isolation, it cannot count on the smaller ELN, which is more aware that time is against it, and so has sought to associate with the legal and democratic Left. For the FARC this is a non-issue, because "of its organisational solidity, it seeks to achieve that the circumstances adapt to the organisation, without

concerning itself with adapting to the way in which circumstances evolve".¹²⁸

The ELN's political aspirations are closely linked to the pressure it is under from the FARC and its military losses.¹²⁹ It expresses interest in the changing political map and strengthening of the leftist parties but does not have the means to build a party of its own. It publicly supported the election of left-wing candidates Angelino Garzón (governor of Valle department) and Sergio Fajardo (mayor of Medellin), for example, while the FARC kept silent.¹³⁰ In an interview with Spanish journalists, ELN commander "Milton Hernandez", offered to join the left-wing parties and jointly put forward a single presidential candidate. The response was that the ELN was welcome if it laid down its arms. The ELN has not answered but Crisis Group was told that a special commission of left-wing party representatives was further examining the proposal.¹³¹

The FARC has made clear it does not agree with the ELN's talks with the government and aims instead to unify the insurgency. Militarily, FARC-ELN relations are less clear in certain parts of the country. There are indications they have joined forces in some areas. For example, on 18 March 2005, FARC and ELN members were arrested in San Martín, Meta department, where the ELN was not known to be present.¹³² However there are reports from elsewhere of fighting between them.¹³³

C. THE FARC INTERNATIONALLY

The FARC is more isolated abroad than four years ago, not only because the EU declared it a terrorist organisation in 2002 (the U.S. did this in 1997), but also because it has failed to show awareness of the changing international context. The massacre of sixteen civilians in Arauca department on 31 December 2004 and the recent attack on Toribío show that the insurgents either have not fully grasped the legal and political implications of their

¹²³ When asked for the FARC's response to the accusations of war crimes and recruitment of child soldiers, detained FARC member "Rodrigo Granda", responded: "We do not commit war crimes and in our statutes we recognize principles that go further than international humanitarian law. We have always respected the lives of those that surrender in combat, we treat war prisoners with dignity, and we try to mitigate their loss of freedom. It is absolutely false that we recruit minors; norms of recruitment prohibit [such practices], no child under the age of fifteen can be in our ranks". A political officer in charge of the FARC's international relations, he is colloquially referred to as its "foreign minister". He was arrested in Venezuela in December 2004. Interview with Ricardo Gonzalez, "Rodrigo Granda", www.rebellion.org, 13 December 2004.

¹²⁴ More than a third of those interviewed by Human Rights Watch joined the FARC when they were fourteen or younger, and most were recruited after the FARC's internal rules were adopted in 1999. Human Rights Watch, "You'll learn not to cry: Child Combatants in Colombia", New York, September 2003.

¹²⁵ This reading of the situation was shared by many Crisis Group interviewees, from government to the Communist Party.

¹²⁶ Crisis Group interview, Bogotá, 19 March 2005.

¹²⁷ On the Bolivarian movement, see section III C below. Crisis Group interviews, Bogotá, 10 and 22 March 2005.

¹²⁸ Ferro and Uribe, *El orden de la guerra*, op. cit., p. 170.

¹²⁹ Crisis Group interview, Bogotá, 8 March 2005.

¹³⁰ "Triunfo militar, derrota política", *El Espectador*, 24 April 2005.

¹³¹ Crisis Group interview, Bogotá, 28 March 2005.

¹³² *El Tiempo*, 18 March 2005.

¹³³ Fighting has taken place on the Venezuelan border, reportedly at least twice in 2005, over who controls roads which are vital for their illicit activities, such as cattle theft, gasoline smuggling, kidnapping and coca production. *El Tiempo*, 28 March 2005.

methods, or, more probably, consider the damage to their reputation of secondary importance.

The captures of "Rodrigo Granda" in Caracas in December 2004 and of "Simon Trinidad" and a group of fighters recovering from war wounds in Quito in January 2004 and February 2005 respectively, have heightened FARC concerns of being too exposed when outside Colombia.¹³⁴ According to Crisis Group sources, the arrest of "Sonia" in Cartagena del Chairá in February 2004 prompted the organisation to reconsider allowing senior members to stay in cities and towns.¹³⁵ Members of the secretariat are all hiding in remote areas of Colombia and have not relocated abroad because of the danger of detention.¹³⁶

Nevertheless, senior commanders continue to cite good relations with "Brazilian revolutionaries", "Bolivarian Venezuelans" and the Cuban Communist Party.¹³⁷ The FARC clearly states support for Venezuela's "Bolivarian revolution" and admiration for President Hugo Chavez, an "anti-imperialist, a patriot and a revolutionary".¹³⁸ Ideological affinities can be inferred from statements made by senior Venezuelan military officers that Washington's Plan Colombia aims to destabilise the region economically, socially, politically and militarily so as to make Venezuela ungovernable by Chavez.¹³⁹ However, recent Chavez statements indicate he is distancing himself from the FARC.¹⁴⁰ Venezuela deported FARC member "El Chigüiro" to Colombia in May 2005.¹⁴¹

The FARC was long believed to use Ecuador, like Venezuela, as a safe haven. Until the capture of "Simon

Trinidad" in January 2004, Ecuadorian authorities had turned a blind eye. A year later, FARC declarations prompted by the arrest of seven combatants brought to light a purported verbal agreement with former President Lucio Gutierrez.¹⁴² In a communiqué released less than two weeks after the arrest and deportation of the fighters, the FARC accused Ecuador's government of breaking an "agreement" and criticized its "servility" to the U.S. and Colombia.¹⁴³ "Rodrigo Granda" reportedly said that:

In Ecuador, even before the arrival of Lucio Gutierrez, I had various interviews with him, and he committed to not attacking the FARC in his territory. In Venezuela, I carried out the same activities with the difference that I was never able to speak with Hugo Chavez.¹⁴⁴

Recent reports suggest the FARC is making increased use of the border with Ecuador to smuggle chemical precursors and arms, buy basic supplies, and evacuate wounded fighters.¹⁴⁵ The FARC is also reported to have extended control into Ecuador to include certain border municipalities, where the local population says it sets curfews and helps settle disputes.¹⁴⁶ In May 2005, the Ecuadorian army spotted a column of FARC fighters marching through a twenty kilometre stretch in Carchi province, bordering on Nariño department.¹⁴⁷

FARC contacts in Paraguay became a matter of public discussion when the daughter of former President Raul Cubas, who was kidnapped by Patria Nueva, a revolutionary movement with which the FARC was revealed to have contacts, was found dead. Colombian authorities linked "Rodrigo Granda", through whom contacts with the Paraguayan movement were made, to

¹³⁴ Crisis Group interview, Bogotá, 19 March 2005.

¹³⁵ Ibid.

¹³⁶ Crisis Group interviews, Bogotá, 19 and 22 March 2005.

¹³⁷ Interview with Raul Reyes, www.rebellion.org/noticia.php?id=12041, 1 March 2005.

¹³⁸ Interview with Rodrigo Granda, www.rebellion.org, 13 December 2004. See also interview with Raul Reyes, op. cit.

¹³⁹ "Aux frontieres du plan Colombie", *Le Monde*, February 2005.

¹⁴⁰ At a summit between Brazil's Lula da Silva, Uribe, Spain's Jose Luis Rodriguez Zapatero and Chavez, on 29 March 2005, the Venezuelan president said, "the moment that the guerrilla steps on Venezuelan soil, it will be considered Venezuela's enemy". It is unlikely that Chávez did not know about the plans for arresting "Rodrigo Granda" in Caracas in December 2004. That incident led to a diplomatic clash with Bogotá in January 2005, when Chávez came under pressure from hard-line elements within his government. Crisis Group interview, Bogotá, 22 March 2005.

¹⁴¹ *El Tiempo*, 17 May 2005.

¹⁴² Gutierrez denied these allegations but did not dismiss the possibility that he might have come into contact with Granda and other FARC members before he became president. However, he made ambiguous statements about having met with the FARC. *El Comercio*, 11 March 2005.

¹⁴³ "Al hermano pueblo del Ecuador", Comisión Internacional de las FARC-EP, Montañas de Colombia, 6 March 2005.

¹⁴⁴ *Vistazo*, 15 April 2005, p. 34.

¹⁴⁵ The Ecuadorian military reported ten new illegal border crossings used by FARC 48 Front elements operating in Putumayo. A FARC arms smuggling cell was recently uncovered in an upper class district in Quito. *El Comercio*, 17 May 2005.

¹⁴⁶ The small rural communities of Santa Rosa, Santa Elena, Pacayacu and General Farfán. Ibid.

¹⁴⁷ The provincial governor reported that the military "observed" the incursion and successfully "avoided confrontation". *El Comercio*, 19 May 2005.

the kidnapping. Whether the FARC had any part in it is unclear since, as the FARC has pointed out, "having contacts with revolutionary movements does not imply that they should be held responsible for everything [the movements] do".¹⁴⁸

The FARC's Bolivarian movement (*Movimiento Bolivariano para la Nueva Colombia*) was launched in April 2000 during the peace talks with the Pastrana administration.¹⁴⁹ Headed by Alfonso Cano, the secretariat member viewed as the most "political" of the seven commanders, it is the political organisation the insurgents had been planning since 1993 and the decimation of the UP. The project aims at "creating a political option that is different from traditional parties".¹⁵⁰

At the time, the emergence of the Bolivarian Movement was welcomed by both members of the Liberal Party and centre-left political forces, such as the Frente Social y Politico, which saw in it the possibility of FARC incorporation into democratic politics. However, an early interest in participating in the October 2000 municipal elections did not materialise, and the Bolivarian Movement has operated clandestinely.¹⁵¹ A close observer of the FARC told Crisis Group that although there are many Bolivarian Movement political cadres in cities, the "spectre of the Union Patriótica is still alive", making higher profile political activity difficult.¹⁵² Perhaps more importantly, the FARC sees political work as only one element of the "combined forms of struggle". In reaction to the Uribe administration's hard-line approach, the military struggle has priority. This is

reflected in Cano's relatively low standing in the leadership, Crisis Group was told.¹⁵³

It must be asked to what degree the Bolivarian Movement was influenced by Hugo Chavez's rise to power in Venezuela, and whether it is any part of a plan to expand his Bolivarian revolution across the Andean region. However, it would be unwise to assume without proof any direct causal relationship. A Bolivarian Congress is held annually in Caracas, which is widely attended by leftist parties from across Latin America, including FARC observers. Recently members of the Partido de los Trabajadores de Brazil of President Lula tried to ban FARC participation. The proposal was not accepted, reflecting continued support for the FARC from some parts of the Latin American Left.¹⁵⁴

The FARC's Bolivarian movement has not extended significantly beyond Colombia. The insurgency has traditionally had links with communist parties in Europe, which openly supported Latin American guerrilla groups in the 1960s and 1970s. However, circumstances have changed and very few groups openly support the FARC now, in part because of its ties with drug trafficking. When a Danish NGO, Rebellion, donated \$8,500 in October 2004, eighteen European NGOs and 125 Colombian social organisations distanced themselves from it, stating they categorically rejected the financing of guerrilla organisations.¹⁵⁵

The FARC gets less and less of a hearing in Europe, particularly after the failed talks with the Pastrana government,¹⁵⁶ but it does carry out a sort of "indirect diplomacy" through former Union Patriótica members now in exile who attend seminars and move in academic circles. In 2002, Mexican authorities closed the FARC office in Mexico City.

Nonetheless, diplomacy remains important for the FARC. From statements of the spokesman, Reyes, it can be inferred that the arrest of "Rodrigo Granda"

¹⁴⁸ Interview with Raul Reyes, op. cit.

¹⁴⁹ It was named the Bolivarian Movement after the South American independence hero, Simon Bolivar. Cronología de la resistencia http://www.farcep.org/resistencia/internacional/?issue=current§ion=1&article=contenido22&article_id=21.

¹⁵⁰ Ponencia del lanzamiento del movimiento bolivariano, 19 April 2000, <http://www.ciponline.org/colombia/00011bolivariano.htm>.

¹⁵¹ The FARC argues this is necessary to avoid the kind of attacks suffered by the Union Patriótica in the 1990s.

¹⁵² Crisis Group interview, Bogotá, 22 March 2005. Bolivarian Movement cadres are basically political sympathisers, to be distinguished from the urban militias, who are trained to fight, such as the Red Urbana Antonio Nariño (RUAN). However, Cano indicates they are an "organic" part of the FARC structure, i.e. of a military structure.

¹⁵³ Crisis Group interview, Bogotá, 19 March 2005.

¹⁵⁴ "¿Quiénes son los bolivarianos?", *Semana*, 17 January 2005.

¹⁵⁵ *Semana*, 1 November 2004. Danish police initiated an investigation into Rebellion. As of 8 January 2005, they had found no proof the money was handed over to the FARC but the investigation was continuing, http://sigob.presidencia.gov.co/snol/noticia_anterior.asp?ID=115833.

¹⁵⁶ While those talks were in progress, a joint FARC/government delegation visited several European countries.

was a serious loss.¹⁵⁷ The head of Colombia's secret police (Departamento Administrativo de Seguridad, DAS) claims this was mainly because "today they mix the political with the criminal",¹⁵⁸ and there is some truth to the argument that the FARC assigns more importance to maintaining an international network to sell cocaine and buy weapons and ammunition.¹⁵⁹

There are clear indications that some FARC fronts have international connections.¹⁶⁰ For example, when "Sonia" was captured, her laptop contained information about links to Panama.¹⁶¹ In Honduras in March 2005, two people with suspected FARC ties were arrested for drugs and arms trafficking.¹⁶² According to police, they are linked to Honduran drug trafficker Pedro García Montes, who was killed in Colombia in 2004 and was considered the FARC contact in Honduras. In May 2005, the Colombian army seized eighteen assault rifles from a FARC unit allegedly belonging to the Nicaraguan military.¹⁶³

IV. THE AUC

Crisis Group warned in 2002 of the threat to Colombian democracy posed by the "political institutionalisation" of the paramilitaries,¹⁶⁴ and they have never been as strong as they are today.¹⁶⁵ In October 2004, well into the negotiations with the government, the AUC was reported to have 49 fronts in 382 of the country's 1,098 municipalities and 26 of its 32 departments. In June 2004, the second in command of the Northern Bloc, "Jorge 40", said "the AUC control[s] the guerrillas' strategic corridors, not the armed forces".¹⁶⁶ AUC control over the Northern Atlantic coastal departments and the departments of Magdalena Medio is undisputed. It continues to recruit fighters, purchase arms, threaten and kill those considered allied with the insurgents and extort local businesses and land owners.¹⁶⁷ There are also numerous allegations of continued collaboration between the AUC and the army.¹⁶⁸

The paramilitaries are also said to be gaining strength politically. Former AUC head Salvatore Mancuso said they control 30 per cent of Congress, a statement which legislators have repeated to Crisis Group.¹⁶⁹ Some dispute the percentage but virtually no one doubts many members are sympathetic. Mancuso has said, "my activities today will inevitably lead to some sort of political position".¹⁷⁰ Political campaigning is said to have started, with a representative from Antioquia, Rocio Arias, attending meetings accompanied by paramilitary leader Ramiro "Cuco" Vanoy and

¹⁶⁴ Crisis Group Briefing, *The 10 March 2002 Parliamentary Elections in Colombia*, op. cit.

¹⁶⁵ For more on the AUC see Crisis Group Latin America Report N°8, *Demobilizing the Paramilitaries in Colombia: An Achievable Goal?*, 5 August 2004.

¹⁶⁶ *El Tiempo*, 26 September 2004.

¹⁶⁷ Many landowners, farmers, ranchers, businesses and commercial associations see the AUC as avengers of the abuses committed by the left-wing insurgents and contribute voluntarily to the AUC. See Carlos Medina Gallego, "La economía de guerra paramilitar: una aproximación de sus fuentes de financiación", *Análisis Político* No. 53, Bogotá, enero-marzo, 2005, pp. 77-87.

¹⁶⁸ See OHCHR 2004 report, op. cit. In a letter to president Uribe, three bishops from the dioceses of Chocó department and 47 NGOs denounced continued collaboration between the paramilitaries and the armed forces. *El Tiempo*, 3 May 2005.

¹⁶⁹ Crisis Group interviews, Bogotá, 28 March -- 4 April 2005.

¹⁷⁰ Interview with Salvatore Mancuso, *Semana*, 17 April 2005.

¹⁵⁷ Interview with Raul Reyes, op. cit.

¹⁵⁸ *El Espectador*, 2 May 2005.

¹⁵⁹ It should be noted that there is still not a great deal of evidence that the FARC is involved in the trafficking, shipping and overseas sales aspects of the drug business. Crisis Group Report, *War and Drugs in Colombia*, op. cit.

¹⁶⁰ *Ibid.*

¹⁶¹ *El Tiempo*, 4 April 2004, 10 March 2004.

¹⁶² *El Espectador*, 21 March 2005.

¹⁶³ *El Tiempo*, 5 May 2005.

members of the Cacique Nutibara Bloc (BCN). They hand out school notebooks with pictures of Diego Murillo aka "Don Berna" (or "Adolfo Paz"), a member of the AUC negotiating team in Santa Fe de Ralito and AUC inspector general.¹⁷¹ Don Berna has recently been arrested in connection with the killing of Orlando Benitez, a Córdoba department deputy and two others.¹⁷²

Alleged links between ex-legislators, mayors and councillors in Sucre and a group of paramilitaries commanded by Antonio Mercado Pelufo alias "Cadena" have been exposed by Gustavo Petro, the left-wing congressman.¹⁷³ The mayors of Rioacha and Cucuta were investigated in 2004 for alleged links with the paramilitaries. In Medellín, the demobilized BCN paramilitaries obtained some 30 seats in the April 2004 neighbourhood council elections,¹⁷⁴ and Giovanni Marin, a former BCN member is reported to be running for Congress.¹⁷⁵ The AUC is alleged to have obtained cash from senate candidates in exchange for guaranteeing they would have no opposition, and some senators are reported to return the favour by turning a blind eye to illicit AUC activities.¹⁷⁶

The AUC secures its presence by intimidating all who do not agree with its methods through tactics ranging from slander campaigns to executions. Human rights activists, union leaders, journalists and politicians have all been the victims. Most recently the representative of Caldas department, Oscar Gonzalez, was assassinated, the ninth congressman to be killed since 1998. "Armed clientelism" is how AUC tactics to gain a

foothold in regional politics have been described, taking over from land-owners and politicians.¹⁷⁷

The High Commissioner for Human Rights and the Inter American Commission on Human Rights have said the government is not making the necessary efforts to clarify paramilitary crimes and have warned that if it does not, the international judicial system might.¹⁷⁸ The AUC has killed more than 2,000 people since agreeing to a ceasefire in December 2002,¹⁷⁹ and its share of kidnapping has increased from 8 to 11 per cent (more than the ELN and the FARC).¹⁸⁰ The OAS verification mission has not spoken out loudly enough against AUC ceasefire violations. It also has not requested that the authorities follow up the violations, since it claims not to have sufficient resources to do so itself.¹⁸¹

In March 2005, the prosecutor of the International Criminal Court (ICC) requested information from the government on the peace process with the AUC,¹⁸² an interest welcomed by critics of the draft Justice and Peace Law.¹⁸³ Adding international justice to the equation makes AUC leaders who could be charged with crimes against humanity nervous.¹⁸⁴ In recordings of conversations between the High Commissioner for Peace and paramilitary leaders in Ralito in November 2004 which were leaked to the

¹⁷¹ *El Tiempo*, 27 April 2005.

¹⁷² A warrant for Don Berna's arrest was issued on 24 May 2005 by special order of President Uribe. It lifted the immunity he held as a member of the AUC negotiating team in Santa Fe de Ralito. 72 hours after the arrest was ordered and a massive force of 800 police and eleven helicopters was deployed, threatening to destabilise the peace talks with the AUC, Don Berna handed himself over to the High Commissioner for Peace and agreed to demobilise and to ensure the demobilisation of the AUC blocs he commands. Following his arrest, Don Berna was taken to a ranch in the department of Córdoba, where he is in custody but continues to participate in the demobilisation talks. *El Espectador*, 30 May 2005.

¹⁷³ "Los tentáculos 'paras' en el Sucre", *El Espectador*, 14 March 2005 and *El Tiempo*, 19 May 2005.

¹⁷⁴ *El Tiempo*, 26 September 2004.

¹⁷⁵ *El Tiempo*, 27 April 2005.

¹⁷⁶ "Los tentáculos de las AUC", *Semana*, 25 April 2005.

¹⁷⁷ *Ibid.*

¹⁷⁸ *El Tiempo*, 18 February 2005; *El Tiempo*, 15 May 2005. It is estimated that between 1988 and 2003, paramilitaries were responsible for the execution and forced disappearance of 14,476 people. Banco de Derechos Humanos, CINEP, www.cinep.org.co. Since 1998, only 2,137 cases have been opened by the Attorney General's office against the AUC, and there are believed to be a further 5,000 awaiting action. *El Colombiano*, 17 April 2005.

¹⁷⁹ Crisis Group interview, Bogotá, 29 March 2005.

¹⁸⁰ OHCHR report on Colombia, op. cit.

¹⁸¹ Crisis Group interview, Bogotá, 11 May 2005.

¹⁸² Article 15 of the Rome Statute of the International Criminal Court allows the prosecutor to "initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the court". Colombia has ratified the Rome Statute and accepted the Court's jurisdiction over crimes against humanity (though not war crimes). The Court is unlikely to rush into an investigation in Colombia, however, not least because its resources are stretched by its responsibilities in the Congo (DRC), Uganda, and Sudan (Darfur). As discussed below, however, the mere possibility is one that is uncomfortable for AUC leaders to contemplate.

¹⁸³ Crisis Group interviews, 28 March to 4 April 2005.

¹⁸⁴ The AUC said in April 2005 it would call a national referendum to show it had popular support in fighting any ICC indictment. *El Tiempo*, 5 April 2005.

press, the former tried to allay concerns over ICC jurisdiction by stating, "the fact that the government offers a legal framework, which provides a prison sentence, is important because it blocks the possibility of international jurisdiction".¹⁸⁵

A. DEMOBILISATION

The demobilisations carried out so far have not affected paramilitary strength. Most of the 4,820 members of eleven blocs¹⁸⁶ were common fighters from areas in which paramilitary presence is well entrenched.¹⁸⁷ The head of the OAS peace mission, Sergio Caramagna, has warned that demobilised paramilitaries are being recruited by gangs of common criminals.¹⁸⁸ Crisis Group has been told that the government has done very little in the way of setting up programs to reintegrate them into society.¹⁸⁹

Rural populations in areas formerly dominated by the AUC fear rather than welcome the consequences of demobilisation. In the Catatumbo region in Norte Santander department and the Urabá antioqueno for example, many local families have chosen to leave for fear the FARC would return.¹⁹⁰ The question of who will take over the thriving drug trade has also preoccupied residents.

Popular reaction to AUC presence has been one of passive acceptance of a new regional order, not active support. This is in large part due to the violent tactics used by the AUC to gain control over entire sections of cities and absorb criminal networks in order to secure a power base that will eventually enable them to influence national issues such as extradition.¹⁹¹

The fortunes amassed by the AUC have been used to buy land and extend control over the rural sector. Additionally, it is estimated that some 4 million hectares have been taken over by force (leading to massive displacement of civilians).¹⁹²

It is crucial to ensure that assets acquired through the drug trade are not laundered during demobilisation.¹⁹³ Accusations that paramilitaries involved in drug-trafficking are white-washing illegally gained assets this way and that prominent drug traffickers who were never paramilitaries have crept into the process as purported paramilitary leaders have not been fully clarified.¹⁹⁴

B. THE JUSTICE AND PEACE LAW

Close to a year elapsed between the start of talks in Santa Fe de Ralito and the submission to Congress in April 2005 of a demobilisation framework (the Justice and Peace bill).¹⁹⁵ In the face of AUC ceasefire violations and concerns about growing paramilitary strength across the country, the subsequent debate has crystallised dissent. Uribe supporters headed by Senator Pardo¹⁹⁶ challenged the draft with their own proposal, one emphasising the dismantling of illegal organisations as opposed to "solving the legal problems faced by members of armed groups". This was the first setback for the otherwise cosy and somewhat secretive negotiations with the paramilitary

¹⁸⁵ *Semana*, 25 September 2004 (online).

¹⁸⁶ Available at http://www.altocomisionadoparalopez.gov.co/desmovilizaciones/2004/index_resumen.htm. As regards individual demobilisations see <http://www.presidencia.gov.co/sne/2004/agosto/20/01202004.htm>.

¹⁸⁷ Crisis Group, interview, Bogotá, 19 April 2005.

¹⁸⁸ *El Tiempo*, 5 April 2005. According to the OAS, 27 demobilised individuals have been arrested between December 2004 and February 2005, and 22 have been the victims of homicides. See "Fourth Quarterly Report on the Mission to Support the Peace Process in Colombia", OEA/Ser.G/CP/doc.3989/05, 11 March 2005, p. 3.

¹⁸⁹ Crisis Group interview, Bogotá, 19 April 2005.

¹⁹⁰ *El Tiempo*, 6 November 2004 and OAS Quarterly Report, op. cit.

¹⁹¹ "Urbanización del paramilitarismo", *El Colombiano*, 6 May 2005.

¹⁹² That is why Colombian author Mauricio Romero refers to the paramilitaries as "entrepreneurs of coercion" (*empresarios de la coercion*) in his book *Paramilitares y autodefensas 1982-2003* (Bogotá, 2003). Laws 793 and 785 of 2002 dealing with asset forfeiture have returned only some 7,000 hectares of land to displaced families. *El Tiempo*, 6 April 2005. See also, "Punto sobre las íes", *Cambio*, 20-27 September 2004, p. 38.

¹⁹³ See Crisis Group Report, *War and Drugs in Colombia*, op. cit. See also "Los señores de las tierras", *Semana*, 28 May 2004.

¹⁹⁴ This is suspected to be the case with Miguel Angel and Victor Manuel Mejía, known as "the twins" (*los Mellizos*). Miguel Angel was reportedly re-baptised as "Commander Pablo Arauca" of the Bloque Vencedores de Arauca. See "La jugada de Don Diego", *Semana* 24 January 2005, p. 18.

¹⁹⁵ The government had submitted two previous drafts of a legal framework to Congress both of which were withdrawn: the "alternative sentencing law" in 2003 and the "truth, justice and reparation law" in 2004.

¹⁹⁶ *El Espectador*, 13 September 2004. Pardo, described as "the least Uribista of the Uribistas" has distanced himself from the president, as described above.

commanders in Ralito,¹⁹⁷ as well as the first serious split in the Uribe camp.

The effort to reach a consensus on the draft demobilisation law has centred mostly on the differences between Senator Pardo's version, which has support from the international community and human rights NGOs, and the government's. The Pardo proposal takes a stricter view on confessions, forfeit of illegally obtained assets, mandatory jail time, and participation of victims. The High Commissioner for Peace wants a law more acceptable to paramilitary leaders, who were induced to negotiate on the understanding they would receive some degree of clemency.¹⁹⁸

There appears to be a sense the government will push through a compromise that it hopes will satisfy donors sufficiently to obtain much needed funding for demobilisation while nevertheless sticking close to the "pragmatic" view it prefers.¹⁹⁹ It put such a third version forward after Uribe summoned his congressional supporters to two weeks of extraordinary drafting sessions in the presidential palace.²⁰⁰

The debates that ensued when congressional committees began their examination revealed the deep concern of many lawmakers about the links between paramilitaries and drug trafficking. The proposed back-door bar to extradition attracted particular interest.²⁰¹ The key article

(64) was defeated in committee but after the government modified the draft on 1 June 2005 to include a reference to the insurgents ("grupos guerrilleros"), is to be considered again in plenary.²⁰²

Even staunch government supporters, such as Senator Vargas Lleras, spoke against aspects of the draft that appeared too lenient with respect to drug connections and profits from trafficking.²⁰³ Crisis Group has consistently recommended that the government use the demobilisation process to obtain a commitment from AUC leaders to disclose fully and sever their links with drug trafficking with the knowledge that any government benefits would be forfeited should these links be renewed.²⁰⁴

Although the government improved its draft by accepting some suggestions, including from Pardo, many key provisions in the various alternatives were significantly watered down.²⁰⁵ For example, the draft does not require full confessions, or state that benefits would be withdrawn if the confession turned out to be incomplete.²⁰⁶ Paramilitaries would be required to hand over unlawfully obtained assets, but benefits flowing from surrendering such assets would not be

¹⁹⁷ Other supporters of the Pardo draft are Wilson Borja, Luis Fernando Velasco and Gina Parody. The proposal states that its central objective is not only to "solve the legal problems of members of [armed groups willing to demobilise] or to set adequate punishment for their crimes. Neither is the objective to replace private security with state security, in rural areas...All of this is fundamental but insufficient to obtain the effective dismantling of criminal organisations that show willingness to lay down their arms". Proyecto verdad justicia y reparación, antecedentes, www.rafaelpardo.com/verdad/9712537.

¹⁹⁸ One AUC commander sitting at the negotiating table in Santa Fe de Ralito, Ernesto Baez, was quoted as saying they "would not go to jail for one single day". *El Tiempo*, 16 May 2004.

¹⁹⁹ See declarations by the High Commissioner for Peace and the vice president, defined as "personal" views. "Nos jugamos el futuro", *El Tiempo*, 13 February 2005. This version is actually close to the controversial original alternative sentencing law the government first tabled in mid-2003.

²⁰⁰ In total, nine draft laws were presented for debate in Congress.

²⁰¹ Article 64 would grant armed groups political status, classifying their crimes as "sedition", with the same penalties as "rebellion", the charge applied to members of left-wing

insurgent groups. This should be read with Article 20, which provides that all offences, including drug trafficking, be processed simultaneously (because considered "connected"). This would, in effect, bar extradition of AUC members for drug trafficking because all their crimes would be considered political, and the constitution does not allow extradition for political crimes. *El Tiempo*, 9 March 2005, "Cuidado con la liebre", *El Tiempo*, 10 March 2005.

²⁰² *El Tiempo*, 18 May 2005. The previous version of Article 64 only referred to paramilitaries ("grupos de autodefensas"), a clear indication the intent was to grant political status and associated legal benefits only to the AUC. The new draft also makes reference to other armed groups.

²⁰³ Congress did not accept a proposal by Vargas Lleras to include a provision in Article 10 requiring the government to make a determination that an armed group had not organised for the purpose of trafficking in drugs before it would be deemed eligible for collective demobilisation. It did accept this principle, however, with respect to the demobilisation of individuals (Article 11). *El Espectador*, 7 April 2005.

²⁰⁴ Crisis Group Report, *War and Drugs in Colombia*, op. cit. and Crisis Group Report, *Demobilising the Paramilitaries*, op. cit.

²⁰⁵ Some provisions concerning victims' rights and reparation were drawn from the Pardo version, Crisis Group interview, Bogotá, 28 March 2005.

²⁰⁶ It provides that an individual "may" give a statement (Article 17). If the confession leaves some things out that are later attributed to its author, all that is required is a new confession.

revoked if it later was discovered that some had been held back (Article 10.2). The provisions on return of property "where possible" are not strong enough to provide redress for the victims of paramilitary land grabs.²⁰⁷ Paramilitary leaders who demobilise "individually" would be eligible for sentence reductions even if the group continued to engage in criminal activities.²⁰⁸ Prison sentences of five to eight years (Article 30) could be reduced to 22 months by including time in the concentration zone (Article 33) as well as work and study time.

The government's draft also presents procedural problems. The prosecution would have had only 30 days to investigate a person who refused to confess though, as Pardo said, "in 30 days you can't do what hasn't been done in 10 years".²⁰⁹ In the second week of June 2005, however, Congresswoman Gina Parody, who is close to Pardo, discussed modifications with Minister of the Interior Sabas Pretelt, including extending the period of investigation to 60 days. These are expected to be submitted to the plenaries in the Senate and House before 20 June.²¹⁰ Responsibility for the cases would still rest with local district courts, however, which, congressional critics have warned, would be vulnerable to intimidation from armed groups.²¹¹

The version of the law that has been provisionally approved after two rounds of debate has been described to Crisis Group as "cut-back" and only "half-way" to creating a suitable legal framework.²¹² As one editorial put it, despite having gone through three different drafts, the result is "bland and confusing".²¹³ The government,

however, considers the law "a minimum", "not a solution to all problems in the country".²¹⁴

C. WHAT IF THE PROCESS COLLAPSES?

Negotiations with the paramilitaries are inextricably linked with the draft Justice and Peace Law and are hanging in the balance pending final congressional action on that bill, expected by the end of July 2005.²¹⁵

Negotiations appeared to have reached breaking point when the High Commissioner for Peace offered to resign in the last week of February, as internal divisions in the Uribe camp were at their most critical.²¹⁶ The AUC leaders issued a communiqué on 23 February indicating "that if the long peace negotiations in Santa Fe de Ralito end in Congress with a humiliating submission to justice, we will choose to stay in the mountains confronting war and death".²¹⁷ The government responded that if so, they had five days to leave the Zone of Location and face legal prosecution. A day later, the paramilitaries lowered their tone in a second communiqué clarifying that their request to see the draft demobilisation law should not be viewed as "blackmail, pressure or threats".²¹⁸

Throughout the debates on the bill, however, the paramilitary leaders in Ralito have manifested their disapproval.²¹⁹ Both their suggestion for

²⁰⁷ The demobilisation of the Catatumbo Bloc on 10 December 2004, the largest AUC Bloc to demobilise, included the promise, as an AUC goodwill gesture, to return ill-gotten lands to their rightful owners. However, four months later, 105 farms and 58 other properties had still not been taken over by their owners due to processing delays by the prosecutor's office. *El Tiempo*, 10 March 2005.

²⁰⁸ The draft law draws no distinction between leaders and "members of armed groups", who can receive the same benefits by demobilising individually (Article 11) regardless of whether the group demobilises (Article 10).

²⁰⁹ Interview with Senator Rafael Pardo, *El Tiempo*, 9 April 2005.

²¹⁰ *El Tiempo*, 13 June 2005.

²¹¹ Many of the more than 233 killings of judges, prosecutors and investigators in the past fifteen years are attributable to the AUC. *Semana* 11 April 2005.

²¹² Crisis Group interview, Bogotá, 1 April 2005.

²¹³ *El Tiempo*, 11 April 2005.

²¹⁴ Crisis Group interviews, Bogotá, 28 and 31 March 2005.

²¹⁵ Crisis Group was told by a person close to the paramilitary leaders in Ralito that "we will see what happens on 15 July 2005", Crisis Group interview, Bogotá, 29 March 2005.

²¹⁶ The failure to reach a consensus on the draft sparked an uncharacteristic off the cuff attack by the High Commissioner for Peace on Pardo and his co-sponsor, Gina Parody, calling them "traitors" for refusing to reach a consensus, and referring to an alleged international plot to frustrate peace efforts. He alluded to two critical editorials appearing the same day Pardo's differences with the government proposal were made public. Vice President Santos, added further fuel to the fire a few days later, declaring the government project "a mistake". The government side appeared in disarray when the High Commissioner handed in his resignation, which Uribe refused to accept.

²¹⁷ "Nuestra verdad ante el país y el mundo", Santa Fe de Ralito, 23 February 2005.

²¹⁸ Comunicado Publico, Santa Fe de Ralito, 24 February 2005.

²¹⁹ A Senator who met with the leaders in Ralito in early March 2005 reported them unhappy with the High

postponement and their request to be invited back to express views to Congress a second time were rejected.²²⁰ An AUC communiqué on 15 March 2005 called the proposed law "too precarious an instrument to allow in the near future for the disappearance of paramilitarism in Colombia" adding that, as it then stood, "no combatant in Colombia will feel motivated to return to the bosom of society when what is being proposed to him is jail, economic ruin, denial of all guarantees that the legal order provides for any accused in Colombia".²²¹

The AUC leaders also complained to the High Commissioner that they were not being sufficiently consulted.²²² But their threats to "return to the mountains" and take up arms again have been dismissed by those who believe they are happy with the draft law, and their expressions of disapproval are a tactic to help get it through Congress as quickly as possible. Even though the AUC is "speaking with one voice in Ralito", Crisis Group was told that it may split into those willing to accept the law and those who are not.²²³ The worst case scenario is a resumption of armed struggle by some elements, but the AUC has said little to suggest this would be a viable option.²²⁴

Extradition to the U.S. for drug trafficking is a major concern of the AUC leaders in Ralito, at least two of whom have extradition charges pending against them.²²⁵ Their requests for a written commitment to non-extradition, repeated recently by AUC leader Vicente Castaño, have not been heeded.²²⁶ Uribe has said publicly in defence of the Justice and Peace Law that the government has never balked at extradition, and he has signed orders in 260 cases.²²⁷ The U.S.

regularly reminds the government that it hopes the final bill will "reinforce our very successful bilateral cooperation regarding extradition of drug traffickers".²²⁸

D. POTENTIAL CONSEQUENCES

Former Presidents Pastrana and López Michelsen have both accused Uribe of seeking peace with the paramilitaries in order to obtain support for his re-election.²²⁹ The electoral consequences of the peace process with the AUC need to be assessed in terms both of votes in areas where paramilitary control is strong, and thus potentially could be manipulated in favour of Uribe, and of the effect on public opinion of successful demobilisation. If Uribe can pull off the demobilisation process by the end of 2005, as planned, he will demonstrate to voters that he can keep his promises. He could also use this to balance the likely more limited results with the FARC.

More fundamentally, if Uribe gets the Peace and Justice Law through Congress, it would mean his government has essentially managed the paramilitary phenomenon by putting it into a legal framework that purports to punish individuals for their crimes without leaving them behind bars for too long. This would allow the government to concentrate, as it wishes, fully on the FARC problem and more credibly paint the entire armed conflict as a duel between "state authority" and "terrorist threat".²³⁰

If Uribe deals with the paramilitaries in this manner, however, he will have missed a historic opportunity to clarify the links between the movement and the government and distance the government from the paramilitaries once and for all. An individual close to

Commissioner for Peace and unwilling to submit to the law in its current form, *El Colombiano*, 14 March 2005.

²²⁰ Their first visit was in July 2004. Crisis Group Report, *Demobilizing the Paramilitaries*, op. cit.

²²¹ Declarations by Ernesto Baez, member of AUC negotiating team, Santa Fe de Ralito, March 15 2005.

²²² *El Tiempo*, 5 April 2005.

²²³ Crisis Group interviews, 28 and 29 March 2005.

²²⁴ "La ley de justicia y paz: no maduros para el perdón", *El Tiempo*, 8 April 2005.

²²⁵ Ramiro "Cuco" Vanoy and "Jorge 40". Salvatore Mancuso, former head of the negotiating team and the only paramilitary commander to have demobilised, is also wanted by the U.S. for drug trafficking. The case is suspended while negotiations are underway.

²²⁶ Interview with Vicente Castaño in *Semana*, 6 June, pp. 28-37.

²²⁷ *El Espectador*, 11 March 2005. He also cited Juan Carlos Sierra, commander of AUC Heroes de Granada Bloc, who

he asked to be removed from the negotiations and extradited. Newspaper sources say he has not yet been detained, see *El Tiempo*, 11 March 2005.

²²⁸ Statement of U.S. Ambassador William Wood, *El Tiempo*, 6 April 2005.

²²⁹ *El Tiempo*, 25 February 2005. After Pastrana made the declarations, the Conservative party again distanced itself from its former leader and officially declared support for Uribe's security policy.

²³⁰ The Uribe administration argument that there is no armed conflict, only a "terrorist threat", is threefold. First, Colombia is a democracy, not an oppressive regime so there is no legitimate reason to take up arms. Secondly, guerrillas have lost their ideological basis since the fall of the Berlin Wall and operate more as organised mafias than revolutionaries. Thirdly, they target mainly civilians and do not respect humanitarian norms.

the government told Crisis Group: "There is a limit to how much truth one can handle all at once....perhaps in five or six years we will be ready to hear the whole truth".²³¹

Another term would enable Uribe to see the demobilisation process through to the end. Crisis Group was told that the government will seek to dismantle paramilitary structures in the second phase of that process.²³² Given that the paramilitary phenomenon has been allowed to blossom virtually unchecked by the government for fifteen years, however, it is unclear how it plans to carry this out in the next four years.

Although, on the face of it, the draft Justice and Peace Law is applicable to all armed groups, it has been drafted primarily with the AUC in mind. Negotiations with the paramilitaries and adoption of a legal framework will not open doors to negotiations with either the ELN or FARC. Few aside from staunch government supporters expect either would ever agree to the terms of the new law.²³³ Both have scorned the peace process with the AUC. The FARC has called the draft law "grotesque", a proposal to "meet the demands of bands of narco-paramilitaries with their huge fortunes gathered by blood and fire while covering with immunity their crimes against humanity and the responsibility of the state".²³⁴ The ELN says there can be no peace process between government and paramilitaries "because there has never been a conflict between them". It sees that process rather as "a better adjustment of the roles that each fulfils".²³⁵

For the AUC, another four years of Uribe would ensure it some continuity in the demobilisation process as well as time and space to deepen its hold on local politics and both licit and illicit economic structures. Pardo points out that the anticipated new law would permit "the consolidation of criminal structures"²³⁶ and not dismantle the paramilitary phenomenon.

For the Uribe administration there is also the pressing issue of the technical challenges and huge costs

associated with demobilisation. Uribe told a donor meeting in February 2005 that a legal framework would be ready by June 2005. However, if the framework is not in line with international standards on truth, justice and reparation, there is a risk that financial support from Europe will not be forthcoming. A shortfall would only precipitate the slide from demobilisation to common criminality which can already be observed among demobilised combatants.²³⁷ Crisis Group was told by a source close to the government that failed paramilitary reintegration could prove the government's biggest challenge.²³⁸

Donor scepticism regarding demobilisation stems mainly from concerns over the Justice and Peace Law, in particular the short prison sentences, expedited investigation and sentencing procedures, allocation of benefits without full confessions and not fully adequate provisions for victims.²³⁹ In May and June 2005, two groups of U.S. Senators sent letters to President Uribe requesting that international standards on truth, justice and reparation be respected. This strong criticism of the Justice and Peace bill sent shock waves through the government, which announced that Foreign Minister Carolina Barco and peace Commissioner Restrepo would "soon" travel to Washington to explain the law.²⁴⁰

The present draft provides for victim participation to be "monitored" by a National Reconciliation Commission. Victims rights such as the right to be heard and to assistance during trials are included, but it is not clear at what stage in the process victim participation is envisaged.²⁴¹ Reparations would go into a special

²³¹ Crisis Group interview, Bogotá, 31 March 2005.

²³² Crisis Group interview, Bogotá, 28 March 2005.

²³³ Crisis Group interviews, Bogotá, 28-31 March and 19 April 2005.

²³⁴ "Comunicado de las FARC", Secretariado del Estado Mayor Central, Montañas de Colombia, 25 February 2005.

²³⁵ Interview with Antonio García, member of the Comando Central of the ELN, 1 April 2005, www.eln-voces.com.

²³⁶ *El Tiempo*, 6 April 2005.

²³⁷ There have been thirteen arrests of demobilised fighters in Cali and fifteen in Cúcuta on charges ranging from possession of an illegal weapon to homicide. *El Tiempo*, 5 April 2005. As of March 2005, 49 demobilised paramilitaries had been killed. *El Colombiano*, 14 March 2005.

²³⁸ Crisis Group interview, Bogotá, 28 March 2005.

²³⁹ Crisis Group interview, Bogotá, 28 March 2005. See also critical reactions in editorials in *The New York Times* and the *Chicago Tribune* on 2 February 2005 to government handling of demobilisation. A letter sent by U.S. Senators and Representatives to Uribe criticising the government approach and asking that assistance for demobilisation be conditioned on adoption of a legal framework which dismantles the structure and sources of financing of "narcoterrorists" more or less mirrors the differences between the Pardo and government versions.

²⁴⁰ *El Tiempo*, 6 June 2005.

²⁴¹ One National Commission function is to guarantee victim participation in the legal clarification process; Article 53, draft Justice and Peace law.

fund.²⁴² While such provisions are crucial, it remains to be seen how rigorously they would be implemented.

Donor aid reportedly is on hold pending a decision on the legal framework.²⁴³ A first instalment of \$1.75 million has been approved by the U.S., whose support could reach \$80 million once its concerns are addressed²⁴⁴ but demobilisation funding from elsewhere is problematic, however, in the face of criticism from Colombian lawmakers, NGOs, and OHCHR.²⁴⁵

V. DIPLOMATIC EFFORTS WITH THE INSURGENTS

A. THE FARC AND A HUMANITARIAN EXCHANGE

Since the FARC's announcement in February 2004 of a "diplomatic offensive" aimed at obtaining the release of hundreds of imprisoned fighters in exchange for 59 "political" hostages, nothing has moved on the humanitarian exchange front.²⁴⁶ The FARC requested that the swap be negotiated directly with the government and that two southern departments, Putumayo and Caquetá, be demilitarised for the purpose. Peace Commissioner Restrepo called the demands "collective blackmail" and said the government expected the insurgents to liberate all civilians and soldiers unconditionally. Only then would it take concrete steps to release FARC prisoners provided they would not return to their units.

In hindsight, it has become clearer that despite the insistent demands for an accord from relatives of the victims and civil society,²⁴⁷ neither the government nor the FARC were interested in designing a serious negotiating strategy that could have produced results. The main issues were and continue to be Plan Patriota and paramilitary demobilisation. It is inconceivable that the government would have given in to the FARC's demilitarisation request because, among other reasons, Plan Patriota was about to be implemented precisely in those regions. Further, the talks with the AUC clearly restricted the administration's room for manoeuvre. Paramilitary commanders and their supporters in Congress and society at large would have charged that Uribe was repeating the mistake of the demilitarised zone under the Pastrana government, and he would have lost popular support -- a major FARC objective.

Nevertheless, on 18 August 2004, Restrepo surprisingly announced the government was prepared to free 50 FARC prisoners in exchange for the release of all "political" prisoners held by the FARC.²⁴⁸ It later came

²⁴² Article 56, Justice and Peace law.

²⁴³ Crisis Group interview, Quito, 27 April 2005.

²⁴⁴ "Colombia poses dilemma for U.S. war on terrorism", Reuters, 14 April 2005.

²⁴⁵ The High Commissioner for Human Rights, Louise Arbour, said recently in Bogotá that the Justice and Peace law needed strengthening, *El Espectador*, 16 May 2005. The OHCHR delegate in Bogotá earlier said 30 days to investigate war crimes was insufficient; the law should contain an express prohibition on demobilised fighters holding public office and entering the armed forces; and allowing credit for jail time to be accrued during the negotiations created discriminatory differences between members of armed groups. *El Tiempo*, 8 and 14 April 2005.

²⁴⁶ See Crisis Group Latin America Briefing N°4, *Hostages for Prisoners: A Way to Peace in Colombia?*, 8 March 2004.

²⁴⁷ Crisis Group interviews, Bogotá, 28 and 30 March 2005.

²⁴⁸ The government sent the FARC its proposal on 23 July 2004. The Peace Commissioner unexpectedly made it public on 18 August. Until then the negotiations had been confidential. The government may have been sensitive to its reputation for inflexibility and lack of empathy for families of kidnap victims. Another reason might have been the

out that he had delivered this proposal to the FARC in July. The FARC rejected the offer two days after it became public as devoid of "realism and seriousness", because "it denies the guerrillas any say in defining which and how many prisoners would be released and precludes any discussion on the conditions and the circumstances in which the prisoners will be freed".²⁴⁹

Nonetheless, the government underlined its interest in a humanitarian exchange by announcing on 28 October that it would release prisoners not accused of grave crimes if the FARC would release fifteen hostages. Following this, it would meet with the FARC in any embassy in Bogotá to discuss a wider humanitarian exchange.²⁵⁰ In turn, the FARC reduced its proposal for a demilitarised area to the municipalities of Pradera and Florida (Valle del Cauca)²⁵¹ but on 7 November rejected the prisoner release offer, while reiterating its request for the two demilitarised municipalities.²⁵²

Reportedly, the Church made some headway in bringing the FARC to accept that demilitarisation of two departments was out of the question.²⁵³ It also suggested secure talks could be held in a church. It would act as facilitator and "guarantor", escorting the FARC (with ICRC logistical support) to and from meetings. However, the FARC rejected this because, it said, the necessary security guarantees were missing.²⁵⁴

On 2 December 2004, the government announced the unilateral release of 23 prisoners, but it is not clear

whether they were FARC members. It was alleged that some could have been either ELN members or common criminals.²⁵⁵ The FARC called this a "media show" and continued to insist on an exchange in a demilitarised area in Pradera and Florida.²⁵⁶

Most recently, the government offered to refrain from extraditing FARC commander Simon Trinidad if the insurgents agreed to free all "political" hostages. The offer came ten days before his set extradition date - 31 December 2004. Following protests of relatives against the short time frame, Restrepo endorsed the above-mentioned Church proposal, apparently without consulting its authors, announcing that the government was willing to meet with FARC representatives in "any church in the country" to negotiate the release of hostages.²⁵⁷ The FARC did not answer and Trinidad was extradited to the U.S.²⁵⁸ The government appeared not to expect a positive response given the tight deadline it set and to be interested mainly in pressuring the FARC into a concession. The consequence may have been to make the Church proposal less viable. Maintaining its hard-line stance, the FARC, in turn, insisted on 25 February 2005 that Trinidad and "Sonia" be included in any future humanitarian exchange.²⁵⁹

The trading of unrealistic humanitarian exchange proposals in 2004 showed that the FARC and the government remain entrenched in their respective

President's recognition of polls indicating that 60 per cent of Colombians want a negotiated solution to the conflict.

²⁴⁹ Comunicado Secretariado del Estado Mayor Central de las FARC, Montañas de Colombia, agosto 20 de 2004. The proposal had made the government look good until the FARC's response. The government was then unable to reduce its demands lest it appear too soft on exchanges to the military, while maintaining a tough line risked losing at least some of what it gained with public opinion from having made the offer in the first place.

²⁵⁰ The proposal apparently was drawn from a number of earlier Church and government proposals, *El Espectador*, 31 October, p. 7A.

²⁵¹ This followed an earlier suggestion by the FARC to reduce the demilitarised area to two other municipalities, Cartagena del Chairá and San Vicente del Caguán, instead of Putumayo and Caquetá departments. The FARC proposed that its negotiators meet with government negotiators. The government refused but said proposals could be exchanged over the internet, *El Tiempo*, 15 September 2004.

²⁵² *El Tiempo*, 8 November 2004.

²⁵³ RCN Radio, 21 October 2004.

²⁵⁴ Crisis Group interview, Bogotá, 22 March 2005; *IPS News*, 6 March 2005.

²⁵⁵ Crisis Group interview, Bogotá, 22 March 2005.

²⁵⁶ In a communiqué dated 28 November 2004 – before the releases took place – and published on 2 December, the FARC reiterated its request that these two municipalities be demilitarised, editorial in *El Tiempo*, 3 December 2004.

²⁵⁷ BBC Mundo (online), 21 December 2004.

Meeting the FARC in a church continues to be the government's position, see High Commissioner for Peace's address to the senate, 12 April 2005, http://www.altocomisionadoparalapaz.gov.co/noticias/2005/abril/abr_12_05a.html.

²⁵⁸ A Colombian security analyst has argued that unlike the paramilitaries, the FARC is not threatened by extradition as it is motivated by ideology rather than money. "Los límites de la extradición", *El Tiempo*, 31 December 2004. This may be so in relative terms but FARC commanders who may face the same prospect as Trinidad are unlikely to be indifferent to the risk of trial on drug charges and lengthy prison sentences in the U.S., regardless of the motivations for their actions.

²⁵⁹ Crisis Group was told that this seemingly unrealistic demand serves both to keep the stakes high and show FARC troops that their comrades will not be abandoned. Crisis Group interview, Bogotá, 19 April 2005.

positions.²⁶⁰ On 28 March 2005, the FARC shifted targets, proposing revival of the "Group of Friends", a body active during the failed peace talks under President Pastrana, when it included Canada, Cuba, Spain, France, Italy, Mexico, Norway, Sweden, Switzerland and Venezuela.²⁶¹ The FARC suggested inclusion of Brazil²⁶² and also renewed its proposal to establish a constituent assembly.²⁶³ This move confirmed that the insurgents are not presently prepared either to put new ideas on the table or to recognise that Uribe's position on the old ones cannot be changed. Nonetheless, it appears the FARC still has some interest in a humanitarian exchange, or at least in using the concept to keep pressure on the government. Since July 2004, it has liberated unilaterally and unconditionally a number of kidnap victims, including three police conscripts.²⁶⁴

In a separate, confidential exercise, the FARC and the French government are reportedly discussing release of Ingrid Betancourt, a prominent dual French-Colombian national, who was kidnapped three years ago while campaigning for the presidential office Uribe eventually won. French representatives have met the FARC several times in southern Colombia, reportedly once directly with the group's spokesperson, Raul Reyes.²⁶⁵ The Colombian government said it never authorised contacts to liberate Betancourt or other kidnap victims,

something which the French deny.²⁶⁶ The French Ambassador in Venezuela is reported to have met with now imprisoned FARC "foreign minister", "Rodrigo Granda" at the French embassy in Caracas in April 2004. Swiss representatives are also said to have been due to meet him in Caracas on a proposal to exchange sick FARC prisoners for a group of female kidnap victims, including Betancourt.²⁶⁷

Betancourt's family has accused the Uribe government of deliberately trying to frustrate attempts to negotiate for her release.²⁶⁸ Regardless of the truth of the charge, it gains some plausibility from the unrealistic proposals the government itself has made over the past year that suggest the humanitarian exchange issue has been seen more as a political tactic than a realistic objective. During what is already an election year, the Uribe administration is likely to play it safe and approach any serious engagement with the FARC on a humanitarian exchange with great caution.

²⁶⁰ Crisis Group interviews, Bogotá, 28 March 2005.

²⁶¹ Referred to as the "Group of Facilitating Countries", see Crisis Group Latin America Report N°1, *Colombia's Elusive Quest for Peace*, 26 March 2002.

²⁶² In an email to the *Jornal de Brazil*, FARC spokesperson Raul Reyes mentioned the need for an audience with the UN "in order to present our opinion on the conflict and our concrete proposals for a solution". *El Tiempo*, 28 March 2005.

²⁶³ During the negotiations with the Pastrana administration, the FARC sought establishment of a constituent assembly (Asamblea Nacional Constituyente) as a forum in which accords struck between the government and the insurgents could be debated and a new constitution could be drafted. Crisis Group interview, Bogotá, 19 April 2005; FARC, *El país que proponemos construir*, Bogotá, 2001, p. 26.

²⁶⁴ On 13 July 2004, the FARC freed the sons of two senators who had been held captive for three years. On 24 December 2004, it freed one of eight holiday goers it kidnapped in San Rafael (Antioquia); on 14 January 2005 it freed three police conscripts in Sipí (Chocó) who had been held for two weeks; and on 10 April 2005, it released eight members of a human rights group who had been held for nine days.

²⁶⁵ Crisis Group interview, Quito, 31 January 2005; *El Tiempo*, 25 February 2005.

²⁶⁶ *El Tiempo*, 22 February 2005. The Uribe administration had apparently been toying with a number of options concerning hostages since September 2002. In July 2002, the FARC wrote to UN Secretary General Kofi Annan asking for an opportunity to present its views. During the next year, Annan's special envoy to Colombia, James Lemoyne, sought to arrange a meeting with the FARC, and one was agreed in Brazil for July 2003 with the FARC spokesperson, Raul Reyes. According to Reyes, it was cancelled because there were inadequate security guarantees for him. The French government at one point sent a plane to Brazil to collect Betancourt but she never turned up. While President Uribe remained publicly firm regarding a humanitarian exchange, French Foreign Minister Dominique de Villepin, in a November 2002 interview with Colombian press during his visit to the country, alluded to government acquiescence to meeting with the FARC. Inside Colombia, the Church persevered in efforts to bring the FARC and the government closer. There were two meetings, in October and December 2003 and a Swiss government negotiator became involved. The involvement of the Swiss negotiator was later rejected by the FARC, Agence France-Presse, 19 October 2004.

²⁶⁷ *El Universal*, 2 March 2005.

²⁶⁸ According to Betancourt's former husband, Jean Charles Lecompte, the Colombian government deliberately sought to frustrate a planned meeting between "Rodrigo Granda" and Swiss officials to negotiate her liberation, *El Universal*, 2 March 2005. Her mother, Yolanda Pulencio, has said the same, IPS news service, 23 February 2005.

B. ANOTHER FAILED ATTEMPT AT ELN TALKS

The limited progress made toward talks between government and the ELN with the help of Mexican facilitator Andrés Valencia since June 2004²⁶⁹ collapsed when the ELN suspended its participation in April 2005. The rupture was produced by the ELN's unwillingness to accept the government's pre-conditions for talks: a halt to hostilities and, in particular, an end to kidnapping. The ELN accused the government of interfering in its contacts with Valencia by insisting on prior cessation of hostilities.

On 14 March 2005, the ELN communicated to Uribe that it would suspend hostilities against government armed forces and the oil infrastructure in return for a direct meeting in Mexico. It then wrote to the presidents of Venezuela and Brazil and the Spanish prime minister, who were attending a Latin America summit in Venezuela on 29 March, asking for support in peace negotiations with the government. During the summit, Uribe, apparently unaware that he was being broadcast live, urged his colleagues to press the ELN to cease all hostilities: "If I accept that they go to Mexico without a prior cessation of hostilities then I will be accused of giving them permission to kidnap". The ELN subsequently accused him of breaking confidentiality and being "inflexible".²⁷⁰

Shortly before the April breakdown of Valencia's efforts, ELN commander Antonio García reiterated the group's line since 2002 that negotiations would be difficult to establish because of the Uribe government's "war strategy". He repeated that the ELN wanted broad civil society participation in talks, which could only begin if there was not "any kind of condition".²⁷¹ In a 17 April communiqué, the ELN Central Command (COCE) stated that Mexico's vote at the UN to sanction Cuba for human rights abuses made clear it could not

continue as a facilitator.²⁷² Instead it urged return to the "Group of Friends" for this task.²⁷³

In May, a senior official said the government was willing to resume contacts with the ELN and stressed that headway had been made in dealing with issues such as destroying anti-personnel mines, the liberation of kidnap victims and ELN prisoners, and creation of a national convention -- a long-time request of the insurgents. He said the rebels could retain their weapons during the talks, and the only condition was an end to "violent actions", which would be reciprocated by restraint on the part of the military. According to the official, the ELN withdrew from the preliminary talks because it feared that stopping kidnapping would "rip apart the organisation". Also, the government was not prepared to discuss "substantive issues regarding the nation", he said, and it did not react to the ELN suggestion to include a FARC delegate in the planned first round of talks in Mexico.²⁷⁴

The last point is important because it indicates that the FARC exercises considerable influence over the ELN, perhaps even a veto over fundamental decisions regarding peace talks. That relationship and a second failed rapprochement despite Mexican facilitation²⁷⁵ bodes poorly for an agreement should Uribe be re-elected. Progress with the ELN may be dependent upon the government's search for an elusive military breakthrough against the FARC.

In early June 2005, however, after 29 members of the ELN front "Heroes de Anorí" gave themselves up to the authorities, Uribe immediately put another negotiation proposal to the insurgents, stressing that the government did not expect them to hand in their weapons but only cease hostilities, which would be reciprocated by the army.²⁷⁶ The ELN has not reacted directly to the government proposal but reportedly called the incident a "charade" and accused the unit commander of treason.²⁷⁷

²⁶⁹ See Crisis Group Report, *Demobilizing the paramilitaries in Colombia*, op. cit.

²⁷⁰ *El País*, 22 April 2005. Interview with ELN commander Antonio García, member of the Central Command of the ELN (COCE), sistema informativo Patria Libre, 1 April 2005. www.eln-voce.com; *El Tiempo*, 30 March 2005.

²⁷¹ Interview with Antonio García, *El Espectador*, 17-23 April 2005, p. 8 A.

²⁷² ELN communiqué, "El ELN ratifica al Grupo de Países Amigos", 17 April 2005.

²⁷³ Invocation of the Group of Friends seems to indicate that the ELN seeks to broaden the scope of international facilitation again while keeping Cuba in the picture.

²⁷⁴ Crisis Group interview with a senior government official, Bogotá, May 2005.

²⁷⁵ The first attempt at establishing talks took place immediately after Uribe entered office in 2002. It failed essentially for the same reasons as the second attempt. See Crisis Group Latin America Briefing N°3, *Colombia: Will Uribe's Honeymoon Last?*, 19 December 2002.

²⁷⁶ *El Tiempo*, 9 June 2005.

²⁷⁷ Latin American Weekly Report, 14 June 2005, p. 5.

VI. CONCLUSION

There is a risk that Colombia's central state institutions could be weakened if the constitutional court approves the amendment that would allow President Uribe to stand in 2006 for a second four-year term, and political reforms are not undertaken. More worrying, however, is the prospect that the president will continue to pursue his democratic security policy toward the insurgents without a complementary political strategy in a second term. That security policy is unlikely to bring peace.

The constitutional court has not yet handed down its decision but some damage has already been done by the fact that a sitting president has secured a law which changes the constitution to his advantage. If he does run again, his government must at the least contribute to a level playing field for opposition parties by rigorously implementing the new law that provides guarantees of fairness.

The re-election issue has exacerbated organisational weaknesses of the political parties. The failed attempt to create an Uribista party has shown that support for the president in Congress is driven by individual interests, not commitment to a political program. The Liberal Party, which despite the election of former President Cesar Gaviria as its new leader, is still divided, must urgently choose a presidential candidate and elaborate on its platform if it is to challenge Uribe meaningfully.

Re-election would allow Uribe to continue his strategy against the FARC but little indicates a military victory would be as easy as the government has suggested. Both government and insurgents have increasingly concentrated on the military side of their struggle, but the sustainability of such large government offensives as Plan Patriota is questionable, and the FARC has shown it retains the capacity to retaliate.

The only demobilisation initiative that has progressed under Uribe is with the AUC, whose disarming and reintegration into society would help clear the decks for a more straightforward conflict focused on the FARC that the government believes it can ultimately win. In exchange, the government is pushing through Congress a legal framework (the Justice and Peace bill) that does not meet international standards on truth, justice and reparations or dismantle the still expanding paramilitary control over political and economic structures. The Uribe administration must commit to combating the country's growing "paramilitarisation", particularly in view of its

perceived closeness to the phenomenon. It should seek to amend the draft Justice and Peace law and then implement it, but in a form that better respects victims' rights, has more transparency on crimes committed and assets acquired, and provides only a minimum of impunity for paramilitaries or others who have committed grave crimes.

The government's erratic handling of efforts to reach a humanitarian accord with the FARC and to talk with the ELN suggests the absence of a real negotiating strategy toward the insurgents. Should Uribe be re-elected, his government would be well advised, without lessening military pressure, to reconsider its approach to the humanitarian accord as a first step towards a deal with the insurgents. Otherwise, Colombia is unlikely to have any real prospect for peace before 2010.

Quito/Brussels, 16 June 2005

APPENDIX B

FARC ATTACKS IN 2005

Date	Department	Type of action	Casualties
18 January	Ortega (Tolima)	Ambush	8 soldiers killed
1 February	Iscuandé (Nariño)	Attack against military base ²⁷⁸	16 killed, 25 injured
2 February	Santa Ana near Puerto Asis (Putumayo)	Ambush	8 soldiers, 1 civilian killed
3 February	Vista Hermosa (Meta)	Combat	5 soldiers, 11 FARC killed
9 February	Mutatá, Urabá Antioqueno near the Panamanian border	Combat	17 soldiers, 11 FARC killed
26 February	Meta	Bomb	3 soldiers, 2 civilians killed, 11 civilians injured
23 March	Between Puerto Leguizamo and La Tagua (Putumayo)	Ambush	10 soldiers killed
6 April	Arauca	Ambush	18 soldiers killed
8 April	La línea, La Chiquita near Calarcá	Ambush	1 policeman killed, 1 civilian injured
14 April	Guachavez, Samaniego and Ricaurte (Nariño)	Attack	1 policeman, 2 civilians killed
14 April -- 30 April	Toribío and Tacueyó (Cauca)	Attack	1 civilian, 3 police, 5 soldiers, 10 FARC killed and 29 civilians injured
29 April	Arauquita (Cauca)	Bomb	2 soldiers, 3 civilians injured
2 May	La Línea, between Cajamarca, (Tolima) and	Ambush	3 police, 1 civilian killed
5 May	Caldoso, Cauca	Road-block	1 civilian injured, 1 truck set on fire and an ambulance shot at
19 May	Tadó (Chocó) and San Miguel (Putumayo)	Ambush	10 police killed, 3 injured; 3 police killed, 2 injured

²⁷⁸ *Semana*, 7 March 2005, "Historia de una traición". In the morning of 1 February 2005, more than 100 FARC 49 fighters, assisted by the ELN Columna Comuneros del Sur, attacked a base housing 58 marines. Three marines suborned by the FARC are being held as responsible for allowing the attack to take place. A number of the marines were "peasant soldiers" who do not receive the extensive training of regular recruits. The Council of State subsequently ordered the military and the police not to send such new trainees to "red zones" as they lack the necessary experience.

APPENDIX C

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