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Colombia's Peace Processes: Multiple Negotiations, Multiple Actors

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INTRODUCTION

by Cynthia J. Arnson¹

Efforts to bring Colombia's long-running internal armed conflict to an end through political negotiations continued to face major obstacles in 2006. In August, the government of President Álvaro Uribe Vélez succeeded in demobilizing the last contingent of fighters of the United Self-Defense Forces of Colombia (AUC), the principal paramilitary coalition. That brought to a total of 31,671 the number of men and women demobilized as a result of the peace talks with the government that began in July 2003.² This singular accomplishment was diminished throughout the year, however, by disputes with paramilitary leaders over the terms of their demobilization and by scandals highlighting the AUC's continued involvement in assassinations, drug-trafficking, and infiltration of government institutions, including the security and intelligence apparatus and the legislature.

Meanwhile, hopes that a modest rapprochement with the largest guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), would lead to an exchange of hostages held by the FARC for prisoners held by the government were dashed in late October; President Uribe suspended the conversations after blaming the FARC for a car-bombing at the war college in Bogotá that injured close to two dozen people. At the same

time, government negotiators and guerrilla commanders of the smaller National Liberation Army (ELN) continued to meet in Havana, Cuba. Despite an atmosphere of goodwill and high expectations, the two sides appeared to remain far apart on the actual content of the negotiating agenda as well as whether or not the opening of formal talks would be conditioned on a cease-fire.

THE AUC PROCESS

Even before the eruption of a new political scandal in late 2006 regarding paramilitary infiltration of the Colombian Congress, and as detailed in previous publications,³ the Uribe government's peace talks with the AUC remained mired in controversy. In July 2005, and after extensive domestic and international debate, the Colombian Congress had approved a Justice and Peace Law to serve as the framework for paramilitary demobilization. Almost a year later, however, new tensions erupted over the law's interpretation. At issue was a May 2006 ruling by Colombia's Constitutional Court, the institution charged with ensuring that the country's laws and executive decrees are consistent with constitutional guarantees, which struck down several aspects of the Justice and Peace law: the Court took issue with a number



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2. Alto Comisionado para la Paz, "Proceso de Paz con las Autodefensas," <http://www.altocomisionadopalapaz.gov.co>

3. See Cynthia J. Arnson, ed., *The Peace Process in Colombia with the Autodefensas Unidas de Colombia—AUC*, Woodrow Wilson Center Reports on the Americas, No. 13, 2005, pp. 1–15.

of provisions deemed too lenient toward the paramilitaries and too compromising of the principle of justice in the midst of the search for peace. For example, the Court tightened the penalties and consequences for lying to prosecutors about past involvement in atrocities and other crimes, extended the amount of time for government prosecutors to carry out investigations of paramilitary leaders, and ruled that, in addition to returning illegally-obtained assets, paramilitaries could be required to pay reparations to victims out of legally-acquired wealth.⁴ AUC leaders denounced the Court's ruling—which was not made public until July—as a “mortal blow to the peace process,” implicitly threatening to withdraw from the process if the Court's more stringent interpretation of the Justice and Peace Law held.⁵

In an attempt to keep the AUC demobilization moving forward, the government tried, on the one hand, to accommodate AUC leaders' protests while, on the other, not appearing overly sympathetic to their demands. As an example of the former, a leaked government draft of a decree to implement the Justice and Peace Law reportedly proposed that paramilitary commanders be permitted to serve as

much of two-thirds of any jail sentences on their farms, rather than in prison.⁶ The U.S. Embassy in Colombia was also reported to have objected to an early draft, saying that it would amount to a “legal pardon” for paramilitaries involved in narco-trafficking.⁷ As an example of the tougher strategy, and to bolster the credibility of the process in the eyes of Colombian and international public opinion, President Uribe in August 2006 ordered the detention of senior paramilitary commanders and once again raised the specter that those who failed to comply with the terms of demobilization would face extradition to the United States.⁸ Fifty-nine commanders who were detained or who had turned themselves in were transferred to a prison outside Medellín late in the year. One paramilitary leader—Vicente Castaño, accused of the murder of his brother, long-time AUC leader Carlos Castaño—remained at large as of this writing.

Throughout 2006, persistent doubts were raised about the re-armament of demobilized paramilitaries, their involvement in organized crime, and the penetration by paramilitary groups of government institutions and the legal economy. Reports of

4. See Human Rights Watch, “Court Fixes Flaws in Demobilization Law,” May 19, 2006.

5. Iván Roberto Duque, aka “Ernesto Báez,” quoted in Hernando Salazar, “Colombia: proceso de paz en duda,” BBCMundo.com, May 18, 2006.

6. Hugh Bronstein, “Colombia arrests right-wing paramilitary leaders,” Reuters, August 16, 2006.

7. “Crime and (maybe) punishment,” *The Economist*, August 24, 2006. One U.S. investigator went so far as to call the peace talks “a farce,” arguing that leading drug traffickers had infiltrated the paramilitaries in order to obtain the benefits of demobilization and avoid extradition to the United States. See Gerardo Reyes and Steven Dudley, “Traffickers-turned-‘paras’ find way to foil extradition,” *Miami Herald*, September 8, 2006.

8. For a detailed list of paramilitary leaders indicted in the United States and/or appearing on the U.S. Treasury Department's list of drug trafficking kingpins, see Arnsion, *The Peace Process in Colombia*, pp. 9–10.

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the Organization of American States' Mission to Support the Peace Process (MAPP-OEA) issued in March and August 2006 pointed to the re-grouping of demobilized paramilitaries in criminal bands, as well as the appearance of new armed actors or the strengthening of existing ones in zones of previous paramilitary activity. In March 2006 the Mission identified three principal concerns:

1. *the regrouping of demobilized combatants into criminal gangs that control specific communities and illegal economic activities;*
2. *holdouts who have not demobilized; [and]*
3. *the emergence of new armed players and/or the strengthening of those that already existed in areas abandoned by demobilized groups.⁹*

The OAS expressed similar concern in its August report, pointing to the reappearance of armed groups presenting themselves as a “new generation of paramilitarism”¹⁰ Meanwhile, Colombia's Office of the People's Defender (*Defensoría del Pueblo*) concluded in an unpublished report that hundreds of paramilitaries had formed at least ten new gangs since the beginning of 2006, calling themselves such names as the “Red Eagles” and the “Black Eagles,” and engaging in drug trafficking and other forms of criminal activity.¹¹

Some of the most damning evidence of paramilitary duplicity in the peace process emerged from a seized laptop computer belonging to paramilitary leader Rodrigo Tovar (alias “Jorge 40”). According to police reports leaked to the press, the computer

detailed cocaine smuggling routes; the names of sympathetic members of the Congress, the military, and the police; and Tovar's involvement in ordering the murder of 558 trade unionists, shopkeepers, and suspected guerrilla sympathizers in northern Colombia. The computer also contained e-mail messages written by Tovar in which he instructed his troops to recruit peasants to pose as demobilizing fighters, thereby feigning compliance with the peace process without disarming his actual fighters.¹²

These disclosures were preceded by equally damning accusations that members of Colombia's domestic intelligence service known as the Department of Administrative Security (DAS) had collaborated with paramilitary and organized crime groups, tipping them off about ongoing police or military investigations, providing them with information about targets for intimidation or assassination, and interfering in congressional and presidential elections.¹³ In October 2005, Uribe had accepted the resignation of DAS director Jorge Noguera, who had served as regional coordinator for Uribe's presidential campaign on the Atlantic coast in 2002, in light of allegations of paramilitary infiltration of the intelligence service.¹⁴ Colombia's *Procuraduría General* (Inspector General) filed disciplinary charges against Noguera in November 2006, accusing him of sharing intelligence information with paramilitary leaders and of diverting public funds for personal enrichment.¹⁵ Noguera was also accused by a former associate of organizing massive vote fraud on Uribe's behalf during the 2002 presidential elections.¹⁶

In what appeared to be a burgeoning scandal, judicial authorities acted in November 2006 on evidence gathered by Colombia's Supreme Court

9. OAS, “Sixth Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia (MAPP-OEA), March 1, 2006, p. 6.

10. OEA, “Séptimo informe trimestral del Secretario General al Consejo Permanente sobre la Misión de Apoyo al Proceso de Paz en Colombia (MAPP-OEA), 30 de agosto de 2006, p. 6.

11. Reuters, “Ex-Paramilitaries Form Crime Gangs in Colombia,” *NYTimes.com*, July 31, 2006. See also, “Las ‘Águilas negras’, grupo conformado por desmovilizados de las autodefensas, ya azotan 5 regiones,” *El Tiempo*, October 31, 2006; and International Crisis Group, *Uribe's Re-Election: Can the EU Help Colombia Develop a More Balanced Peace Strategy?* Latin American Report No. 17, June 8, 2006, pp. 4–8.

12. Colombia's leading daily *El Tiempo* published the first leaks of an investigative report regarding the files on Tovar's computer. See also, Hugh Bronstein, “Colombian warlord incriminated by his own laptop,” Reuters, October 13, 2006.

13. See, for example, “Uribe dice que no hubo fraude en su campaña,” and “Qué hacer con el DAS?” *Semana*, April 4, 2006 and April 22, 2006, respectively, <http://www.semana.com>. In 2005, *Semana* columnist Claudia López demonstrated that in three departments with a strong paramilitary presence (Cesar, Magdalena, and Bolívar), congressional candidates supported by the paramilitaries received from 80 to 90 percent of the total vote.

14. After being removed from the DAS, Noguera was named Consul in Milan.

15. “Cargos a ex jefe policial colombiano,” *BBCMundo.com*, November 16, 2006.

16. The accusations were made by former DAS Information Chief Rafael García, convicted and sentenced in late 2006 on a number of corruption and other charges relating to his tampering with DAS files on several narco-traffickers.



regarding paramilitary infiltration of the Congress. Two senators and one deputy, all of them members of parties forming part of President Uribe's coalition, were arrested on charges of conspiring with paramilitary groups; one of the senators, Álvaro García Romero, was charged additionally with "organizing, promoting, arming, and financing" paramilitary groups in the department of Sucre.¹⁷ Some of the evidence against all three reportedly had been obtained from "Jorge 40's" seized computer. Six other pro-Uribe lawmakers were called for questioning by the Supreme Court in December.

The investigations and charges reflected, on the one hand, an invigorated effort by the office of Colombia's attorney general and the Supreme Court to prosecute members of the political elite for collaborating with paramilitary groups. On the other hand, the charges appeared to confirm what has long been alleged but few have documented: that paramilitarism in Colombia is a phenomenon far deeper than its military apparatus, penetrating Colombia's political, economic, and institutional life. How close, if at all, the scandal will come to President Uribe himself remains to be seen. But senior officials, notably Attorney General Mario Iguarán, have not shied from comparing the current crisis to the *Proceso 8000*, the investigation of former President Ernesto Samper for having accepted campaign funds from the Cali drug trafficking cartel in 1994. The controversy dogged Samper during most of his presidency and led the United States to revoke his visa. The paramilitary scandal, according to Iguarán, is worse.¹⁸

TALKS WITH THE FARC

A softening of positions by the Uribe government and the FARC regarding the possibility of negotiating a "humanitarian exchange" led to guarded optimism that talks between the government and the guerrillas might resume and bear limited fruit. For its part, the government agreed to accept a proposal advanced in December 2005 by the governments of

France, Spain, and Switzerland for a small demilitarized zone in Valle del Cauca, to be verified by the international community, in which 62 hostages held by the FARC could be exchanged for some number of FARC prisoners in Colombian or U.S. government jails. The FARC, meanwhile, modified its position of refusing any dialogue with the Uribe government, and, after staging attacks to disrupt the March 2006 legislative elections, did not attempt to violently disrupt the May 2006 presidential elections, calling instead for people to vote against Uribe. While the FARC continued to insist on pre-conditions for talks that were unacceptable to the Uribe government—the demilitarization of the departments of Caquetá and Putumayo, for example—the mere fact that it modified its categorical rejection of dialogue was interpreted by some analysts and government officials as a sign of hope (and by others as a sign of the FARC's military and political weakness).¹⁹

The success of earlier hostage-for-prisoner exchanges with the FARC, most notably in 1997 and 2001 during the governments of Ernesto Samper and Andrés Pastrana, respectively, raised expectations that an additional humanitarian accord might be possible. Speculation about an exchange focused most heavily on several high-profile hostages held by the FARC—former presidential candidate Ingrid Betancourt, three U.S. defense contractors, and 33 members of the army and police—in exchange for hundreds of FARC prisoners, including two guerrilla leaders extradited to the United States on charges of cocaine-trafficking.

Despite the optimism expressed by intermediaries, however, it was never clear that either the Uribe government or the FARC was prepared to meet each other's terms for actually carrying out an exchange. Uribe ordered an abrupt end to the contacts with the FARC following an October 2006 car-bomb attack inside the military war college (*Escuela Superior de Guerra*) in Bogotá. Uribe blamed the attack on the guerrillas²⁰ and called for a military effort to rescue the hostages. Uribe appeared to back

17. "Ordenan arresto de congresistas," BBCMundo.com, November 10, 2006, http://news.bbc.co.uk/go/pr/fr/-/hi/spanish/latin_america.

See also, Chris Kraul, "Colombia seeks to arrest lawmakers," *Los Angeles Times*, November 17, 2006.

18. Cited in Juan Forero, "Colombian Government Shaken by Lawmakers' Paramilitary Ties," *Washington Post*, November 18, 2006, p. A17.

19. See Indira A. R. Lakshmanan, "In strategic shift, guerrilla group tells Colombians to vote," *Boston Globe*, May 17, 2006.

20. In early October 2006, prosecutors began a formal investigation of three colonels, a major, and two army captains for carrying out a series of bombings in Bogotá during the previous summer. General Mario Montoya, head of the army, said that the attacks had been carried out by soldiers posing as guerrillas, not the FARC. "Prospects for peace shattered by bomb attack," *Latin American Weekly Report*, October 24, 2006.

down on the question of a rescue mission in the face of congressional and public protest, including from the families of the hostages. But he asked the guerrillas for a concrete demonstration of good faith, not just a declaration posted on its website, that it was interested in a humanitarian exchange. At the time of this writing in late 2006, future movement appeared uncertain.

PEACE TALKS WITH THE ELN²¹

Direct talks between government negotiators and military commanders of the ELN showed signs of greater promise. The Uribe administration appeared especially eager to demonstrate flexibility in the talks, in part, it seemed, to offset criticism of the peace process with the AUC. The ELN, meanwhile, significantly weakened militarily, seemed keen on preserving political space, including by calling for a broad electoral alliance with the Liberal Party and the left alliance known as the *Polo Democrático* (Democratic Pole) in advance of Colombia's March 2006 legislative and municipal elections.

Four rounds of preliminary meetings in Havana, Cuba, between December 2005 and October 2006—some of which were witnessed by members of the international community and by Colombia's Civilian Facilitating Commission²²—appeared to produce significant advances in terms of confidence-building but fewer gains in terms of actual substance. ELN commanders made clear, for example, that the goal of peace talks was more than demobilization and disarmament, the formula offered to the AUC as well as to Colombian guerrilla movements in years past, but rather, a broader set of political and socio-economic transformations. And while the Uribe government agreed to sit down for preliminary talks with the military leadership of the ELN in the absence of a cease-fire, High Commissioner for Peace Luis Carlos Restrepo made clear that any eventual opening of formal negotiations would be contingent on the declaration of a cessation of hostilities.²³ The fourth round of talks concluded in Havana in late October 2006 with

an agreement between the two sides to meet again, but with no concrete advances on questions such as forced displacement, amnesty for imprisoned ELN combatants, or a cease-fire.

Substantive progress was made, however, on the question of removing land-mines from conflictive areas in order to reduce civilian casualties. Following a meeting with members of Colombia's National Civilian Facilitating Commission, and apparently without consulting with government peace negotiators, ELN commanders announced their willingness to cooperate in a de-mining initiative in the town of Samaniego, Nariño, near the Ecuadorean border. Such an initiative had been promoted by a European non-governmental organization funded by the Swiss government and the European Union, as well as through the efforts of Colombia's National Reconciliation and Reparations Commission. According to the NGO *Llamado de Ginebra* (Call of Geneva), some 1,150 Colombians were killed or wounded by anti-personnel mines in 2005, almost 40 percent of them civilians.²⁴

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The status of peace talks with all three of Colombia's irregular armed groups—the AUC, the FARC, and the ELN—was the subject of a forum held at the Woodrow Wilson Center on March 27, 2006, just days after Colombia's municipal and legislative elections. The participants included distinguished Colombian analysts as well as representatives of the Colombian and U.S. governments: *Alfredo Rangel*, president of the Fundación Seguridad y Democracia; *León Valencia* of the Fundación Nuevo Arco Iris, columnist for *El Tiempo* and a demobilized ELN combatant; *Padre Darío Echeverri*, secretary-general of the National Conciliation Commission (CCN) and member of the Peace Commission of the Catholic Church; *Jaime Bermúdez*, Office of the Presidency, Government of Colombia; and *David Heniffin*, deputy director for Andean Affairs, U.S. Department of State. Their revised statements appear below.

21. See also Andrés Valencia Benavides, "The Peace Process in Colombia with the ELN: The Role of Mexico," Cynthia J. Arnson, ed., *Latin American Program Special Report*, March 2006.

22. The countries included Norway, Switzerland, and Spain. Members of the facilitating commission with the ELN included senior representatives of the Catholic Church and former foreign ministers Augusto Ramírez Ocampo and María Emma Mejía.

23. "Gobierno y Eln seguirán en diálogos, pero aún no avanzan hacia una negociación," *El Tiempo*, October 26, 2006.

24. Patricia Grogg, "One Embattled Municipality to Become Mine-Free," Interpress Service, October 31, 2006; "Eln se compromete a desminar varias veredas del municipio de Samaniego (Nariño)," *El Tiempo*, October 30, 2006.

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This analysis examines the peace process in Colombia over the last few years. Specifically, it focuses on the demobilization of paramilitary groups, the current talks with the National Liberation Army (ELN), and the situation with the Revolutionary Armed Forces of Colombia (FARC).

The last three years have seen the demobilization of nearly 30,000 combatants and auxiliary members of paramilitary and self-defense forces in Colombia. While this process has been highly controversial and has been debated extensively both in Colombia and internationally, the demobilization has, I believe, advanced the country significantly closer to peace. Over the last three years, the number of homicides has dropped by at least 20,000, according to independent studies, with nearly half of that reduction attributable to the demobilization of paramilitary forces. This means that some 10,000 killings were prevented as a result of the negotiations with the armed groups. Kidnappings also dropped significantly during these years as a consequence of the demobilization, and the decrease in forced displacements can also, perhaps, be linked to these developments. In all, hundreds of kidnappings and the forced displacement of tens of thousands of people were prevented as a result of the (frequently violated) cease-fire established through talks between paramilitary groups and the national government, which led ultimately to the demobilization of these illegal armed groups.

There has been criticism of the demobilization process from various quarters. Much of this criticism is unfair and fails to take account of the circumstances surrounding the process. Any reasonable assessment of the Colombian situation must begin with a recognition of the precariousness of the state's enforcement capabilities and judicial system. Moreover, it should be borne in mind that at the time negotiations began, the paramilitary groups were by no means been defeated. Quite the contrary, they were—militarily, economically, and

politically—in their strongest position ever. The government succeeded, nevertheless, in imposing conditions for demobilization which, while reaffirming the government's sovereignty, took account of pragmatic realities. It should be noted that these conditions—which became more and more stringent over the course of the negotiation process—were not *negotiated* with the paramilitary groups but were dictated by the government.

One of the main criticisms of the process has concerned the sentences imposed on hardened, brutal paramilitary criminals. These sentences range from five to eight years, whereas many would have been subject to sentences of at least 40 years under ordinary criminal law. However, had the state proposed sentences of 20 to 30 years, the peace process and demobilization effort would, in my opinion, likely have failed. The paramilitary's decision to demobilize was not the result of military pressure—pressure that, had the state possessed the military wherewithal, would have rendered the paramilitary forces impotent and perhaps led to their annihilation. The fact is that the state lacked the military capacity to accomplish this, just as it has been unable to isolate the FARC, Colombia's main guerrilla group, by military means. The reality on the ground at the time was one of parity between the state and the irregular groups.

The Colombian state's endorsement of the Justice and Peace Law, and its ability to enforce it vis-à-vis the paramilitary forces, was a significant achievement. The law compels members of the paramilitary to acknowledge at least some of their crimes, serve sentences of five to eight years in prison, and provide certain reparations to their victims. In terms of demobilizing irregular groups that are still militarily viable, this law is, I believe, among the best in the world. It has achieved a demanding and balanced mix of truth, justice, and reparations. The Justice and Peace Law that formed the legal framework for demobilizing the paramilitaries is far more exacting than previous legal

frameworks for peace agreements in Colombia. By way of comparison, peace agreements leading to the demobilization of five guerrilla groups some 15 years ago entailed total amnesty for their members; participants were not required to acknowledge their prior actions; nor did they serve prison sentences or make reparations to those victimized by their violence.²⁵ It has been argued that the situation was different then and could never be repeated in today's context, given that the international community is more demanding now than it was at the time. This argument does not stand up, however, in light of other demobilization processes occurring elsewhere in the world. In Northern Ireland, for instance, where Irish Republican Army (IRA) terrorists and members of at least three paramilitary groups are being demobilized, the British state is imposing no requirement that they confess to their crimes, serve prison time, or provide reparations to their victims. Similarly, it is highly unlikely that the Spanish state, in demobilizing the Basque group ETA, will impose conditions as severe as those in the Colombian Justice and Peace Law.

There are, of course, numerous uncertainties regarding the future of the AUC demobilization. Paramilitary activity in Colombia is a highly complex phenomenon. Although 90 percent of their military infrastructure has been demobilized, these paramilitary forces represent more than simply an irregular army. They have a mafia-type organization, exert political power in the region, have an apparatus for carrying out assassinations, and make use of logistical structures, chains of informants, etc. In many parts of Colombia, paramilitaries represent a significant social and political force. Though the dismantling of most of its military apparatus constitutes a major advance, the great challenge facing the state—particularly the judicial system—is to eradicate the organized-crime structures still in place. This is a significant challenge for the judicial system, which is still weak and precarious. Nevertheless, demobilizing the paramilitary groups and bringing them within the purview of the judicial system, where individuals can be held accountable for any violations of the commitments

they have made, represents important progress. From this point onward, the problem of the paramilitary will not be one of confronting irregular armies (as was the case prior to the demobilization), but rather one of grappling with a mafia-style organization.

Not all former members of the paramilitary are likely to fully acknowledge their actions, and it is quite possible that some crimes will go unpunished. This element of less than full accountability is the price paid in any peace process, and occurs even in agreements between nations following the conclusion of “regular” wars. Clearly, Colombia, both now and in the past, is no exception. Compared, however, to previous Colombian peace processes and to similar undertakings in other parts of the world, the demobilization of the paramilitary contains a reasonable balance of truth, justice and reparations, established on the basis of the state's sovereignty, derived through a transparent, independent legislative process, and complemented by equally transparent executive-branch decision-making; this exercise has garnered broad acceptance throughout the nation. The international community should be more forthcoming in embracing decisions made by sovereign democratic governments and supported by a majority of a nation's population.

Also worthy of mention are the rather intriguing talks the government is conducting with the ELN, a guerrilla group which, increasingly over the last few years, has been showing unmistakable signs of weakening. Though its status has at times been more precarious than is presently the case, and despite the fact that it has frequently insisted that it would not negotiate with the government, it has now decided to engage in discussions with the Uribe government.

The government, for its part, has become more flexible in setting conditions for dialogue. At the outset, it stated that an unconditional cease-fire would be an absolute prerequisite for any talks with irregular groups; the paramilitary groups accepted this condition. By contrast, the government did not demand a prior cease-fire in the case of the ELN, and has established direct contact with

25. The groups to demobilize in the late 1980s and the early 1990s were: the April 19th Movement (M-19), the Quintín Lame Armed Movement (MAQL), the Popular Liberation Army (EPL), the Socialist Renovation Current (CRS), and the Revolutionary Workers' Party (PRT). [Ed.]



the group in Havana, Cuba. The very fact of having engaged in discussions on various occasions, with neither party abandoning ship—as well as determining an objective and a willingness to agree on a negotiating agenda—is itself a major advance.

The ELN's statements prior to the March 2006 elections should be seen as significant, given that the group has historically abstained from participation in the electoral process, viewing the legal and electoral system, almost as a matter of principle, as an absolute enemy. Combative abstentionism has been the group's *modus operandi* throughout its history. Nevertheless, in early 2006, it called on Colombians to participate in the elections and select the best choices for Colombia's parliament. It also decreed a unilateral, unconditional cease-fire during the election period. At the same time, the ELN called for a coalition between the *Polo Democrático*, a left-leaning party, and the Liberal Party, one of the country's main political parties. This move, in practical terms, made the ELN a participant in electoral politics. The gesture would seem to signal an intention to move forward with peace talks, and indicates that the ELN is regaining some of the autonomy it lost over the last few years vis-à-vis FARC, which criticized the ELN's statements as gratuitously favoring the Uribe government.

In many parts of the country, the ELN's economic, political, and military weakening has forced it to seek protection from the FARC, Colombia's largest irregular group. This has entailed a major sacrifice of political autonomy. The ELN's statements in early 2006 reflect a noticeable recouping of political and strategic independence, indicating that a significant segment of the ELN is determined to negotiate a peace agreement. The great uncertainty, of course, is what will happen when the time comes to define the negotiating agenda. For the moment, the government seems to be prepared to negotiate a broader agenda than was in play with the paramilitary, where the discussions were limited to legal and security issues associated with demobilization. Clearly, the agenda will have to be much broader with the ELN, covering issues beyond demobilization and reinsertion.

To what extent is the government willing to include in the negotiating agenda other issues important to the ELN, such as that of natural resources? Is the government prepared to discuss

issues of economic, social and political reform? The government, I believe, is open to expanding the agenda for talks with the guerrilla groups. By way of illustration, consider the situation of the FARC. Last year, the Colombian government announced that it would call a National Constituent Assembly upon the conclusion of any negotiations with the FARC. This announcement, which has not received the attention it deserves by domestic and international analysts, represents a major historic event. It reflects significant flexibility in the government's peace policy, and shows a radical shift from the position it held during its first term, when it limited negotiations to conditions for demobilization and reintegration into civilian life. In this case, the government is making a major, and strategically significant, political wager, signaling the possible granting of political status to the guerrillas and the inclusion of political issues on the negotiating agenda.

As is well known, however, the FARC has rejected the idea of peace talks with the Uribe government. It rejected the strict demands the government previously set out as preconditions for negotiation, including the requirement that, as a demonstration of their seriousness, the guerrillas commit to a unilateral, unconditional cease-fire, agree that there be no safe haven (*despeje*) within the nation's territory, and agree to accept a United Nations presence. At the time, the government's position was simply to negotiate the conditions under which demobilization would take place.

The current stance of the government is more flexible. As in the case of the ELN, the government is no longer demanding a unilateral cease-fire as a prerequisite to talks. Moreover, the government has shown a willingness to agree, in the interest of peace, to a *despeje* and to the demilitarization of part of the country. The government, for example, accepted a proposal by Switzerland, Spain, and France to demilitarize a portion of the national territory in order to pave the way for preliminary talks on humanitarian exchanges. The government agreed to the idea of demilitarizing an area for a defined period of time, with an international presence—a circumstance that would have been unthinkable until recently. The government is clearly willing to demilitarize under certain conditions that ensure control, security, and

good faith, preventing what could be termed the “Caguán syndrome.”²⁶

The “Caguán syndrome” is seen by many segments of the Colombian populace as a legitimate concern. The concept emerged out of the negotiating process between the government of President Andrés Pastrana and the FARC, in which the demilitarized region—42,000 square kilometers, an area nearly the size of Switzerland—suffered abuses at the hands of the FARC, which used the areas for military training and coca growing, as a place to hide kidnap victims while negotiations for their release were in progress, and as a base for preparing military attacks on contiguous regions of the country. Obviously, it is important to prevent a repetition of this phenomenon. Based on developments in recent months, it appears that the government would be willing to demilitarize areas under conditions that provide certain guarantees and controls that were not in place in the Caguán during the Pastrana years. Moreover, the government appears to be open to dialogue with the guerrilla group, provided that the group itself is willing to negotiate. Negotiating the conditions for peace talks is an indispensable element if further progress is to be achieved.

The FARC's refusal to engage in any form of political negotiation with the Uribe government in early 2006 was primarily an electoral maneuver. What would be the FARC's objective in making such a declaration? No doubt it was intended as a message to the public not to vote for Uribe, backed by the threat that, instead of peace talks, there would be four more years of war. The FARC believed that this type of statement would erode Uribe's electoral support. My own view is that the FARC's statements had no impact on the decisions of Colombian voters. Despite weekly announcements reiterating the FARC's refusal to negotiate with the current president, the government continued to enjoy support among 70 percent of the population.²⁷ Following the May 2006 presidential election, the FARC will most likely change its position, gradually opening up the possibility of

initiating talks with the government. Through offensives, as well as by escalating violence in various parts of the country, the FARC has attempted to change the perception that the government's democratic security policy has been successful, and to erode support for the national government, creating an environment of uncertainty and anxiety. The escalation of armed hostilities targets the government's Achilles' heel—security—attempting to create the impression that the government's security policy has been a failure.

What occurred in the first half of 2006 was that these acts of violence by the guerrillas strengthened, rather than eroded, support for President Uribe. As attacks took place, support for the president grew—or rather, grew as a consequence of the attacks. In the post-election period, it would not be surprising for the FARC to begin a major escalation, to set the scene for dictating their negotiating conditions with the next government.

It is reasonable to assume that in his second term President Uribe will, in all likelihood, hold peace talks with FARC, though it is also probable that neither the government's current conditions nor those being demanded by the guerrillas will prevail, and that instead some intermediate arrangement will be negotiated. The FARC has demanded that two of the country's departments be declared zones of *despeje*, representing an area practically three times that of the Caguán. Moreover, one of the departments in question borders Ecuador. This has serious implications for national security, as the guerrillas would, in practice, become the border force. The FARC does not appear prepared to negotiate terms that relinquish these demands. Given that the need for a government peace policy has received so much attention in Colombia, the FARC will most likely propose a return to the agenda agreed upon during the previous talks involving not only the Pastrana government but the Colombian state as well. That agenda, however, is overly expansive, with nearly 12 headings and over 40 sub-headings involving economic, political, social, institutional, and even

26. The Caguán refers to the area demilitarized during talks between the FARC and the Pastrana government, 1998–2002. There was no international verification of the zone, and the guerrillas were widely accused of using the area to train recruits, stash weapons, and hide kidnap victims. When the talks collapsed in early 2002, the Caguán came to be seen as a symbol of the government's leniency toward the FARC and thus, a symbol for the failure of the negotiations. [Ed.]

27. Indeed, Álvaro Uribe achieved a first-round victory in the election held on May 28, 2006, with over 60 percent of the vote. [Ed.]



military reforms. The future of peace talks with FARC thus remains highly uncertain.

The possibility of a resumption of peace talks at some point during President Uribe's second term should not be dismissed. It remains to be seen under what conditions this will occur and what the negotiating agenda will be. But it is safe to assume that the development and specifics of this agenda will be determined by the political and military initiatives that the parties can be expected to pursue aggressively over the next few months. Once the demobilization of paramilitary forces has come to an end, there should be better prospects for progress in talks between the state and the country's guerrillas than was true in the past. A far more flexible peace policy on the part of the government during President Uribe's second term will undoubtedly contribute to a thawing of tensions. Fortunately, the government has signaled a willingness to enter into serious, constructive peace talks with the insurgents.

The guerrillas seem to have received—and be processing—President Uribe's recent offers, which together represent not only a more flexible but a more pragmatic peace policy toward the guerrillas than the government espoused until very recently. The new policy includes the offer of political recognition, the convening of a Constituent Assembly [as a result of peace talks], a cease-fire with negotiable terms, a demilitarized zone for talks, and a new demobilization law distinct from the one applying

to paramilitary groups. These constitute significant developments and a major peace offer. Presumably the guerrillas are assessing its true dimensions.

It also seems clear that the guerrillas require the political oxygen that inevitably accompanies talks with the government. After four years of military retreat and absence from the political scene, they need to reestablish a national presence. Despite the fact that their rhythm is different from, and much slower than, that of the state, it is evident that they cannot, at this point, afford the luxury of wandering in the political and military desert for another four years. They, too, are under time pressure.

Last but not least, the recent strengthening of the Colombian state, though not yet at a level sufficient to defeat the guerrillas militarily, must certainly have altered the guerrillas' perception of the military dynamics of the conflict: a military victory by the insurgents has now become extremely improbable, making political negotiations the only escape from the conflict. Major shifts in perception such as this do not occur quickly.

This set of circumstances goes a long way toward explaining the gradual thaw occurring in relations between the state and the guerrillas. Nevertheless, given the high level of distrust and hostility, it can hardly be expected that political negotiations will develop overnight, though they are on the horizon. Best that progress be deliberate but sure. Or, to invoke a popular admonition: slow and steady wins the race.

León Valencia, Corporación Nuevo Arco Iris

I will focus on the negotiations with the National Liberation Army (ELN), as well as other aspects of the peace process.

The fact that the ELN sought a rapprochement with the government on foreign soil was a surprise, particularly since the government had pointedly attempted to defeat the guerrillas, unleashing the largest military offensive of the last 15 years. For this initiative to have occurred during the March 2006 electoral campaign—one in which the reelection of the government was at stake—was an added surprise.

The ELN explained that it wished to shift the focus of the campaign; while debate during the previous campaign had emphasized a military solution to the conflict, the ELN wanted the concept of a negotiated solution to play a role. This could only happen if the group entered into—or made a commitment to enter into—dialogue with President Uribe, thus inevitably making negotiations a campaign issue.

Members of the ELN also explained their initiative as a reaction to changes in Latin America, in which leftist forces have gained influence in many of the region's governments. This, they said, represented an opportunity for political action and participation in the strengthening of alternative processes.

Another of the ELN's explanations was that the left in Colombia had made political advances on the local level, including electoral success for the governorship of El Valle and in the mayoralties of Bogotá and also Medellín, where Sergio Fajardo, though not a leftist per se, does not have links to Colombia's traditional political parties.

The ELN's initiative was also advantageous to the government in that it diminished the prominence of the increasingly complex confrontation with the FARC. In addition, it sent a message to the interna-

tional community that the government is not only extending an olive branch to the rightist paramilitary groups, but is also prepared to negotiate with the left. President Uribe, I believe, needed this decision by the ELN, especially during the campaign.

Both the government and the ELN have benefited from the dialogue thus far. Let me mention merely one detail. The FARC launched a *paro armado*, an "armed strike," in the midst of the March 2006 parliamentary campaign. Though the press did not pay much attention, election statistics indicate that rates of electoral abstention rose 12 percent in departments affected by the FARC action, where abstention rates (as measured in previous elections) were already high. In Caquetá, for example, a center of FARC activity, about 75 percent of the electorate did not vote. The ELN, on the other hand, called on people to vote: in Arauca, where the ELN is highly influential, the abstention rate went down 12 percent, despite the presence of the FARC.

The negotiations between the ELN and the government are far from easy, as the two parties approach the issue from very different perspectives. The ELN believes in and proposes a two-phase process of negotiation. The first would include humanitarian agreements, an effort to reach an accord on the cessation of hostilities or a bilateral truce financed by the international community, and such political mechanisms as the proposed National Convention.²⁸ The second phase would address substantive issues of concern to the ELN; despite a military situation that is currently disadvantageous, the ELN guerrillas have for 40 years fought militarily and politically. And they retain major ambitions in terms of political reforms and social change to form part of the negotiations. The government, however, desires rapid negotiations, aimed first and foremost

28. Long sought by the ELN, the National Convention would serve as a broad convocation of actors from throughout civil society to debate national issues, problems, and proposed solutions. [Ed.]



at putting an end to hostilities and moving quickly toward demobilization, providing guarantees for political action, and promoting integration in civilian life for ELN forces. The government's proposal does not include political and social reforms, institutional changes, or negotiations on these issues. What President Uribe has highlighted from the start are guarantees of political involvement following demobilization. It is unlikely that the government will negotiate significant reforms with the ELN.

Thus, a vast divide separates the two parties. Certain factors, however, favor the negotiations. The ELN has not been deeply involved in drug trafficking. While some ELN fronts have been accused of such activity, the ELN as a whole has not participated decisively. For the international community, and particularly the United States, this puts the negotiations on a different footing. The military situation in which the ELN finds itself also favors negotiations.

Negotiations between the ELN and the government appear to have something of a "guardian angel." Each time there is an attempt to negotiate, despite the number of past failures and the resulting distrust and disappointment, countries interested in supporting the process always appear, along with figures such as [renowned Colombian novelist] Gabriel García Márquez. So many seem to want to be involved in and support the negotiations; it seems strange, but it is true. Territories and guarantees are constantly being offered to the ELN, giving the process added strength. Undoubtedly, however, the negotiation process will face a number of bottlenecks in terms of the specifics, due to the important differences separating the parties.

Currently, the disagreement centers on the cessation of hostilities. The ELN will surely do what it can to delay the resolution of this issue, not because it has much realistic chance of military victory or is staking its future on that course, but because an end to hostilities symbolizes and represents a point of no return. The ELN wants to extract political advantages from any cease-fire agreement it makes, including the possibility of playing a political and social role in the regions in which it has influence.

I believe that the ELN has taken a cue from the procedural and substantive negotiations between the *Frente Farabundo Martí para la Liberación Nacional* (FMLN) and the Salvadoran government, which began with humanitarian agreements. I am fairly optimistic about the possibility for negotiations with the ELN. I think it is quite possible that talks will be successful if the ELN moves forward with the realism it has demonstrated to date, and if the government is bold in its proposals.

Next, let me lay out my own view of the drug trafficking aspects of the Colombian conflict, as I differ with Alfredo Rangel.

The 1990s saw a radical change in the Colombian conflict. In the late 1980s, a group of twelve political scientists from the National University wrote a book commissioned by then-Minister of Government Dr. Fernando Cepeda, which analyzed the violence in Colombia. The book was entitled *Colombia: Violence, Democracy and Human Rights*²⁹ and distinguished three types of violence in the country: common crime, violence associated with drug trafficking, and political violence related to the confrontation with the guerrillas. The three types overlapped somewhat, but were essentially distinct. The book's recommendations to then-President Virgilio Barco were based on distinct approaches to the different types of violence; to address common crime, it recommended a very interesting national citizen security project that was later carried out largely by Rafael Pardo;³⁰ in the case of drug trafficking, the study recommended bringing those involved to justice; and in the case of the guerrillas, the study recommended political negotiations.

What, then, changed during the 1990s? The three types of violence merged and became an instrument of war. This was a fundamental shift, and most analysts and the country as a whole were caught off-guard. Drug trafficking began to be used not only by the guerrillas, but also by the paramilitary groups. War became functional, built around these armies. Any illegal business activity requires protection that is also illegal, but in Colombia, the illegal protection comes not from ordinary gangs but from armies built for this purpose. The FARC

29. Estanislao Zuleta, *Colombia: violencia, democracia y derechos humanos* (Bogotá: Altimir, 1991). [Ed.]

30. Pardo served as Barco's High Commissioner for Peace. He was minister of defense during the government of President César Gaviria. He is currently a member of the Colombian Senate. [Ed.]

is a very large and strong army. Indeed, during the Caguán negotiations of the Pastrana administration, then-chief of the armed forces, General Fernando Tapias, described the FARC as larger than any army in Central America. And he was correct. This guerrilla force had between 20,000 and 25,000 men at the time, and was indeed structured as an army. The paramilitary, numbering more than 30,000, also had structures resembling an army.

Other forms of common violence have also become tools of the war. Criminal gangs carry out kidnappings and sell the victims to the FARC. Urban gangs subordinate themselves to the paramilitary structure.

This, then, is the change we are experiencing. The challenge is to undo this fusion of drug trafficking and political violence. Solutions to drug trafficking in recent Latin American history have been found when the trafficking exists on its own, and solutions to guerrilla uprisings have been found when they are not fed by drug trafficking. What has not been found is a solution to a war in which the two are joined together.

This is not a simple problem. Drug trafficking means not only large-scale international financing, but something even more important: a social base for both the guerrillas and the paramilitary. Between 400,000 and 500,000 coca-growing families in Colombia—nearly two million individuals—provide support for the conflict. The potential for violence is enormous. The guerrillas, who had lost their social base in the cities and who were without links to the social forces of the 1980s—labor unions, nongovernmental organizations (NGOs), and students—found allies that otherwise may not have had much chance of exerting major political impact. However, these families do represent a great potential for violence, and they are prepared to unite their cause with that of the guerrillas, as well as with drug trafficking and paramilitary groups.

This was the backdrop at the time President Álvaro Uribe assumed office and put forth his intelligent, rational, and well thought-out strategy. It may be criticized, and indeed I am one of the most critical writers on the subject, but it does constitute a plan. The president's idea was to pacify the northern part of the country by negotiating with the paramilitary. With the help of the United States and by increasing investment in the war and

in the armed forces, he aimed to defeat the guerrillas, especially the FARC, in the south. On paper, the proposal was coherent and made sense.

He had a plan for negotiating with the paramilitaries. I find it surprising that Alfredo Rangel did not mention that President Uribe and the Colombian government had a plan that specifically involved two phases of negotiation.

I was present during the initial discussions with Luis Carlos Restrepo, the High Commissioner for Peace, regarding how to approach the negotiations with the paramilitaries. The notion was, in the first phase of the process, to demobilize and disarm the visible armed paramilitary apparatus. However, the government and even the president recognized that the paramilitary phenomenon extended beyond this military apparatus, which, indeed, constituted but a minor part of the paramilitary phenomenon as a whole. The paramilitary phenomenon involves drug trafficking rings, political alliances designed to capture local power, and increasing power in key sectors of the economy, notably agriculture. The social costs of this phenomenon in various parts of the country are very high. Dismantling the paramilitary structure would require a second phase in which other facets of the paramilitary phenomenon would be dismantled and the institutions within the affected regions rebuilt.

Over a period of eighteen months and with the support of the Swedish government, my institution, the *Corporación Nuevo Arco Iris* (New Rainbow Corporation), carried out a study involving researchers in eight different regions of the country. This research demonstrated that there are eleven departments in which the political map has been changed by the paramilitary. We also found considerable truth in the claim by paramilitary leader Salvatore Mancuso, to the effect that the paramilitary controlled 35 percent of the Congress. Our research documented that 29 senators had agreements with or commitments to the paramilitary. We publicized this documentation in numerous venues well before the 2006 electoral debate began. In the final stages of the electoral campaign, these links between members of Congress and paramilitary groups finally became a subject of debate.

We correlated the military expansion of the paramilitary forces with the creation or strengthening of new political parties and groups, and with the alter-



ing of voter rolls. We found instances of completely atypical voting in eleven departments and 180 municipalities, cases in which a single Senate ticket received over 70 percent of the vote; there were even municipalities where a single ticket for the two chambers garnered 97 percent of the votes.

There is one publicly known case involving Eleonora Pineda, a hairstylist in the *corregimiento* (town) of El Caramelo, in the municipality of Tierra Alta, Córdoba. The municipality had between 30,000 and 35,000 inhabitants. Ms. Pineda received 700 votes in the 1999 Municipal Council elections. When she was a candidate for the lower house of Congress in 2002, she received over 12,000 votes in a town that had 13,000–14,000 registered voters. This, I believe, was the highest percentage of votes relative to registered voters in any congressional race in the entire nation. I cite this example to demonstrate that what is involved is a very powerful political, economic, and social structure.

It was very difficult to disagree with the High Commissioner for Peace regarding the need for a two-phase negotiation. As I told the Commissioner, there was a danger that the paramilitaries would use the first phase to strengthen themselves and prevent the second phase—the dismantling of paramilitarism—from taking place.

However, Restrepo put forth a strong argument, telling me that neither the international community nor the country would tolerate long negotiations over the entire paramilitary phenomenon; what was needed instead was to show a succession of demobilizations of its armed military apparatus. The only way of achieving the minimum support is if people see the visible structures of these groups being demobilized. This was a powerful argument indeed, and Restrepo held fast to it. I told him that it was important to approach negotiations as if one were discussing a free trade agreement: sit down with five or six teams of negotiators, one to focus on undoing political alliances, another to focus on dismantling the drug trafficking networks, and yet another to negotiate territorial issues. Deputy Inspector General Luis Bernardo Flores did this last year when the Inspector General's Office published an investigative report showing that 4.5 million hectares, representing 50 percent of the country's best land, were in the hands of drug traffickers and paramilitary groups.

Commissioner Restrepo's argument, however, was strong. If, when he began to negotiate, groups were not quickly disarmed and demobilized and the violence reduced, neither the international community nor the country would support the process and the negotiations would fail.

What we have now is the demobilization of visible groups, but with 80 percent of the paramilitary forces untouched—not the 20 percent that Rangel refers to. My friends and I have supported the negotiations; I believe that we must, even though there are other options and ways of approaching the negotiating process. It is especially important now to support the second phase being undertaken by President Uribe, the international community, and the United States, to see whether we are capable of confronting the issue. The same amount of cocaine is still reaching the United States. The question is where it comes from and why has the flow not diminished. Of the most important drug trafficking networks, one remains in the hands of the paramilitaries. In the March 2006 elections, there were clearly some electoral defeats of visible figures; but three of the ten parties elected to Congress are those in which the majority of those elected have connections to the paramilitary.

With respect to the war in the south of the country, President Uribe has made a significant wager. There has been a major offensive and enormous investment. President Pastrana had already increased the country's defense spending from 1.8 percent of GDP to 3.6 percent. President Uribe has increased that figure to approximately 5 percent. Aid from the United States averages \$700 million per year. The U.S. Embassy in Colombia had a staff of 400 during the Pastrana government and now has 2,300. Nevertheless, results are not as great as the investments that have been made. The FARC is intact. After four years of confrontation, its leaders and basic organizational structure remain in place and it maintains a strong rearguard. It has suffered major setbacks only in the department of Cundinamarca, in Medellín's *Comuna 13*, and in the capture of a handful of leaders.

It is true that there has been a decline in the number of homicides and kidnappings, a fact attributable in large part to President Uribe's important citizen security policy. Although he has not managed to resolve the conflict, the President can point to achievements in citizen security and protection.

This is an entrenched war that is linked to the problem of drug-related instability in the entire Andean region. Something of a paradox is involved here. The way to seek and achieve either a negotiated or a military solution to this fusion of different types of violence in Colombia has not been found. However—and here, I believe, is the paradox—the entity that has come closest to proposing viable solutions is the U.S. Council on Foreign Relations with its *Andes 2020* report. This document has, in my opinion, gone farther than any other in analyzing the problem as a whole, and it has sounded an alarm. There is great concern in Washington and at the Council on Foreign Relations, which I believe is not particularly left-leaning or critical. According to the report, the Andean states are in danger of collapsing (a word that has not been heard for some time), signaling that Washington needs a different strategy to address the conflict in the area and specifically in Colombia, which is the central focus

of the conflict and the major link in the drug-trafficking chain. This study has come closer than any other, I think, to capturing reality. But its position is not discernable among analysts devoted to studying the Colombian situation. The Council on Foreign Relations report suggests a more comprehensive approach, one that, instead of emphasizing military solutions or the eradication of drugs, proposes an international plan aimed at the inclusion of coca growers, alternatives for economic development, and negotiations, including in each particular area, as a means of achieving democratic pacification in Colombia.

This brief description of the conflict suggests that negotiations with the ELN may well end in success, but that even then we will be far from peace in Colombia. A grand project of national reconciliation is needed, along with a comprehensive approach to ending the war.



Father Darío Echeverri, National Conciliation Commission (CCN)

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First let me acknowledge the nuns, priests, bishops and other colleagues who, both on the border and in the area where the conflict is playing itself out, have been helping to build the trust and reliability now associated with Colombia. Let me also make clear that I am expressing my personal opinion and that my statement in no way formally represent the Catholic Church.

In dealing with Colombia's humanitarian crisis, the Church is not in a position to lend its good offices as a negotiator. Only in exceptional situations have some members of the Church emerged as negotiators—for example, during the release of individuals kidnapped by the National Liberation Army (ELN) in the Sierra Nevada de Santa Marta. Generally, our role with regard to the parties to the conflict has been that of facilitator.

The Church's commitment to the reconstruction of a reconciled and peaceful Colombia is expressed in numerous ways. The entire Colombian Church, without exception, is committed to achieving this ideal. Led by Monsignor Luis Augusto Castro Quiroga, Cardinal Pedro Rubiano Sáenz, Papal Nuncio Benniamino Stella, bishops, priests, nuns, lay workers and members of the National Conciliation Commission (CCN), the Church—in a quiet, persistent, determined, and disinterested manner—is supporting the effort to establish criteria and principles for the positions taken regarding the conflict, its various manifestations, and its root causes.

The work of the Church's Peace Commission, composed of some fourteen bishops, is directed particularly at areas of the country in which the parties to the conflict have the strongest presence. At the request of the Episcopal Conference of Colombia, the Church's Peace Commission is accompanying the peace processes with the self-defense or paramilitary groups and with the ELN, and is attempting to achieve a rapprochement with the Revolutionary Armed Forces of Colombia

(FARC). Five bishops are involved with the self-defense or paramilitary group process, five with the ELN process, and another two with the FARC. The National Conciliation Commission, an autonomous entity created by the Episcopal Conference, has worked in support of a negotiated settlement since August 4, 1995.

RELATIONS WITH THE ELN

What are the expectations of the ELN, in terms of the potential benefits the Church might provide at this stage of "exploratory dialogue?" What does the ELN expect from the Church? What has the Church done, and what is the Church determined to do? What does the Church demand of the ELN, and what are the expectations that surround the current dialogue?

First, certain circles within the Church hierarchy have made it known that the ELN may expect support and collaboration from the Church in the form of pastoral dialogue, to convince the social and military bases of the insurgency that it is advisable and beneficial to negotiate at this moment. Notwithstanding the decisions of the sixth plenary session of the ELN, the members of its base are not convinced that this is the time to negotiate, nor that it would be beneficial to do so. Second, the ELN is hoping that, through the Church's Peace Commission and the bishops accompanying the ELN process, there will be support for the members of the Central Command, and that morale and trust will be enhanced, given the widespread distrust that currently exists. Third, the ELN has asked the Colombian Church, through the Papal Nuncio, to seek the help of the Vatican in overcoming the difficulties emanating from the group's classification as one of the world's terrorist organizations.

The Church's Peace Commission was one of the many sectors of civil society that participated in the Casa de Paz. The October 20, 2005, meet-

ing at the Recinto Quirama, in Rionegro, began with a recognition by the ELN and the *Grupo de Garantías* [a group charged with ensuring compliance with commitments made] of the Church's important role in fostering processes of reconciliation and peace among Colombians. This was the reason for affording the Church a special place on the agenda. On this occasion, Mr. Francisco Galán³¹ presented to the Church, on behalf of the Central Command and the ELN, an official request for pardon, acknowledging the organization's responsibility for the assassination of Monsignor Jaramillo, Bishop of Arauca, the kidnapping of Monsignor Misael Vacca, Bishop of Tibú, and the assassination of the priests of the Diocese of Ocaña, as well as the takeover of the Church of María in Cali.

The Church accepted the request for pardon, but on the condition that a pardon would signify a commitment to support the aspirations for peace shared by all Colombians. In addition, it was made clear that this request for pardon must also encompass other faiths and denominations, as well as those who, in one form or another, have been victims of ELN actions.

At this meeting, the bishops described to the ELN the nature of the Church's social thinking, pointing out the profound differences between it and the guerrillas' choice of political-military action, a choice that has shown no capacity to evolve or change over time. The bishops drew attention to the general climate of mistrust and to the scant credibility of the peace process among Colombians—a product of the numerous and resounding past failures. They reminded ELN members of the commitment shown by the innumerable men and women of the Church who have worked tirelessly for a negotiated political solution, and who have always been willing to listen to the demands of the ELN and other illegal armed organizations. The bishops' comments were aimed at encouraging the ELN to support this new process and not to abandon it in midstream.

The bishops pointed out that the ELN is currently at a crossroads in terms of how it is perceived by Colombian society, and that this cross-

roads leaves no room for half-hearted positions. Either the ELN can stake everything on peace and make significant contributions to resolving the nation's crisis. Or it could continue to wage war, thereby losing the significance that all its years of struggle could have for the Colombian people, passing vaingloriously into the dustbin of history. The bishops told the ELN members that the Church was prepared to suggest and support immediate and powerful symbolic actions that would demonstrate to the Colombian people that the ELN is taking important steps and is ready to face the risks involved in the peace process.

The bishops at the Casa de Paz meeting suggested that the ELN work for structural change in ways other than armed conflict. They argued that in order to achieve structural change in society, dialogue with the government—which the insurgents view as their enemy—is indispensable, and that without such dialogue, all efforts, even with national or international mediation or facilitation, are doomed.

The bishops expressed appreciation for the importance the ELN ascribes to the Colombian people, civil society organizations, and *campesinos*, while making it clear that respecting the people also means respecting their decisions. Thus, when the people select a president to represent them, that choice must also be respected. The representatives of the Church emphasized that the Colombian people will not be satisfied until there is dialogue with its president, whether this be President Uribe or someone else. The Church, through the bishops who participated in this meeting, demanded from the ELN specific gestures of goodwill and acts of peace. It was made clear that the process must be irreversible, and that this hinged ultimately on the ELN's desire for peace; that the ELN must make its own decision—one that cannot be made by the Church, the international community, or civil society.

The Central Command invited the Church to attend the first meeting between the ELN and the government, to be held in Cuba. The Church, however, did not attend, given the government's apparent preference that it not participate. The

31. Francisco Galán is a senior political representative of the ELN, and a prisoner at Itagüí Prison near Medellín. The government has frequently permitted him to leave jail to participate in peace dialogues. [Ed.]



Church nevertheless made it clear that it was prepared at any time to offer its good offices.

As a gesture of generosity and in support of the process, the Episcopal Conference offered its facilities to host the Casa de Paz from January 23 to 25, 2006, with Francisco Galán attending the meeting as a guest. During this visit, Mr. Galán had constant contact with various representatives of civil society. He met with the ambassadors of countries accompanying the peace process, as well as with the head of the Episcopal Conference, the Church's Peace Commission, the National Conciliation Commission, the Communist Party, members of the former M-19 guerrilla group, union representatives, university students, and representatives of other civil society organizations.

At the close of this visit to the Episcopal Conference and as a guest of the Casa de Paz, Francisco Galán acknowledged that the Church, which had always received harsh treatment at the hands of the ELN, had responded not just with talk of peace but rather, with gestures of genuine reconciliation. Mr. Galán emphasized that he hoped these gestures would have historical meaning and consequences and would find acceptance and recognition in civil society. He stated that his organization needed the Church's support—particularly in the form of pastoral dialogue with the social and military base of the organization—through the Nunciature, the Peace Commission and, especially, from the bishops accompanying the process with the ELN and its Central Command.

The Peace Commission pointed out that the ELN's willingness to have the Church host the meeting at its facilities constituted a genuine gesture of reconciliation toward the country and the government. The Commission also emphasized its ongoing commitment to achieving peace, stating that it believes that starting off with the humanitarian agenda could keep the doors to the international community open, while helping to overcome the obstacles to peaceful elections and giving impulse to the search for a negotiated political solution.

After consulting with the national government through the office of the High Commissioner for Peace, the Episcopal Conference of Colombia and the National Conciliation Commission accepted the invitation of the ELN Central Command, and representatives of the Church subsequently trav-

eled to Havana for the second round of negotiations with the ELN.

The bishops' group involved in the ELN process also met with representatives of the organization on February 13, 2006, when Monsignor Leonardo Gómez Serna, Bishop of Magangue, Monsignor Jaime Prieto, Monsignor Julio Prado, Monsignor Ricardo Tobón and this author met with an ELN delegation comprised of its commander, Antonio García, and Messrs. Francisco Galán, "Moisés" and "Evaristo."

At the meeting, Antonio García underscored the work that the Church has carried out throughout Colombia, citing the meetings of a number of bishops with certain ELN members, as well as the process of pastoral dialogue. Mr. García highlighted the need to formally define an official, organized, ongoing, uninterrupted strategy for communicating with the Church's Peace Commission. The bishops made it clear that they were not at the Cuba meeting in a personal capacity or because they shared the ELN's ideology, but rather as a result of the backing of the Colombian Catholic Church and the Episcopal Conference. They also made it clear that the Church's commitment, and its rationale for working with all of the armed groups, was to seek a negotiated political solution to the conflict.

Antonio García explained his expectations with respect to the Church's work. The commander stated that he hoped that the Church would continue to further the peace process, concern itself with the suffering of Colombia's poor, provide the spiritual security necessary to move toward a peaceful solution, advocate for peace, and persist in its determination that peace is possible despite the numerous obstacles.

There was also a meeting of the various facilitating commissions. The purpose of that meeting was to "study jointly, and in depth, the different elements needed to carry out a process of dialogue and negotiation between the national government and the ELN, with the full involvement of Colombian society, and with the various peace initiatives playing a constructive role."

The National Conciliation Commission made clear its belief in the need to continue along the humanitarian line that had guided its work. The bishops have insisted on the need to go beyond

abstract principles to practical results. Thus, certain demands have remained constant, including a respect for victims, an end to kidnapping, a ban on the use of antipersonnel mines, and support for the humanitarian agenda. In consonance with the bishops' position, the National Conciliation Commission should associate itself with the bishops' emphasis on the humanitarian agenda. That notwithstanding, the Commission will continue to support the other commissions in whatever ways it considers appropriate, provided that there is clarity of purpose and coordination among them.

All told, and given that this is not the first time that peace talks with the ELN have made apparent progress, uncertainty and mistrust inevitable exist regarding the parties' real political will to enter into concrete agreements. Moreover, there is concern about a lack of unity not only within the Central Command, but between it and the various fronts; additional questions concern whether the expectations of ELN members are in line with those of the organization's spokesman, Francisco Galán.

In spite of all these obstacles, however, the Colombian Church—through the Peace Commission, the bishops' group accompanying the process with the ELN, and the National Conciliation Commission—remains committed to working for a negotiated political solution to Colombia's internal conflict, and to keeping alive all efforts undertaken by the Colombian government to negotiate with any of the illegal armed groups, thus supporting hopes that peace in Colombia is achievable.

RELATIONS WITH THE FARC

I would like to address briefly the situation with the FARC, commenting on the relations between the Colombian government and the FARC, the Church's relations with this insurgent group, and the humanitarian agreement that is being sought. It is important to remember that the FARC-EP (*Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo*, or Revolutionary Armed Forces of Colombia—People's Army) holds hostages, prisoners of war and kidnap victims—selected as targets less for what they are than for what they represent in the context of the armed conflict. These include civilians, commissioned and non-commissioned officers

of the Colombian army and police, American citizens and, in one case, a German citizen.

The position of the national government has evolved. In a televised speech, President Álvaro Uribe embraced the proposal of the international community presented on December 13, 2005. He also offered to extend the benefits of the Justice and Peace Law [approved as part of the peace process with the AUC] to FARC members willing to demobilize.

The FARC, for its part, issued communiqués protesting the Uribe government's refusal to demilitarize the towns of Pradera and Florida in order to reach an agreement on the humanitarian exchange of prisoners. In addition, the FARC does not believe that the government is willing to withdraw its troops from the departments of Caquetá and Putumayo as part of the scenario for new peace talks. It insists that dialogue with the current government is impossible as long as the government persists in its media strategy of characterizing the insurgency as narco-terrorist, and as long as it continues to criminalize popular protest and disagreements with the government. The FARC did acknowledge, however, that talks about a humanitarian exchange could revive with the new government inaugurated on August 7, 2006.

What, then, are the Church's objectives and goals in this situation? The Church wants a humanitarian exchange of prisoners and a humanitarian agreement, within the framework of international treaties and international human rights law, which call for respecting the civilian population in times of conflict. The Church also wants dialogues over peace and reconciliation to be established and maintained. The Church's greatest concern is the passage of time, which is destructive on all fronts, and the death of the kidnap victims. It considers the risk to the lives of the kidnap victims a grave issue, and believes that all of these individuals, without exception, deserve every possible effort to facilitate their return to their loved ones and to freedom. There is fear that many of the victims may already be dead.

A sense of despair is not uncommon among the families of the kidnap victims. In the United States, it has been suggested that U.S. citizens who have been kidnapped are no longer alive; this, at least, is the fear. Campaign agendas included references to



the pain experienced by families of those who have been kidnapped, and to their sense of powerlessness in not being able to bring their loved ones home. The Church notes that more than fourteen facilitation processes are ongoing; but the problem is that individual agendas are at work in some of them. A sufficient convergence of political will is lacking. Also of concern are the existence of a social and armed conflict, the humanitarian crisis, and the ever-greater regionalization of the conflict, since in one way or another, neighboring countries are becoming involved.

What, then, are the Church's commitments? The Church will be the last to abandon the cause, whatever the difficulties, and is therefore sometimes described as naïve. At times, there is a desire to exclude the Church from the process or it is asked to play less of a role; but subsequently, it is called upon to act once again. In fulfillment of its commitments, the Church will not forget its principles or goals, and will persist until peace and reconciliation have been achieved in Colombia. The Church promises to continue making available its good offices as a facilitator.

The actions of the Church as a facilitating institution in relations with FARC are clearly visible in a chronology of events since late 2005:

- On November 2, 2005, Monsignor Luis Augusto Castro Quiroga wrote a letter to the FARC Secretariat urging it to observe humanitarian principles. He also took the opportunity to once again extend an invitation to dialogue on the subjects of reconciliation, peace and humanitarian exchange. The Church has created, and continues working toward, two agendas for humanitarian exchange—one long-term and one short-term. The long-term agenda has been provided to the Episcopal Conference of the United States, the Group of Friends of the peace process, and other governments, so as to organize joint efforts. Contacts continue to be sought as well to further the short-term agenda.
- This author, Father Darío Echeverri, traveled to Switzerland, Holland, and Spain, to meet with government officials responsible for those countries' policies toward Colombia, in an attempt to promote policies favorable to a solution to the armed conflict. Cardinal Rubiano, Monsignor Luis Augusto Castro, and Father Darío Echeverri met with U.S. Ambassador to Colombia William Wood and the embassy's political attaché, Mr. Jeff DeLaurentis. When Mr. Charles Shapiro, Deputy Assistant Secretary of State for Latin American Affairs and Mr. David French, Andean Affairs Officer, visited Colombia, they solicited the Church's views on the humanitarian crisis and armed conflict. They were given full cooperation.
- On January 26, 2006, the French Minister of Foreign Affairs, Philippe Douste-Blazy visited the country. On this occasion, the French Embassy invited to a working breakfast former president Alfonso López Michelsen, [former foreign minister] Dr. María Emma Mejía, [former defense minister] Dr. Marta Lucía Ramírez, Dr. Carlos Lozano, and Father Darío Echeverri. Following the meeting, the French Minister of Foreign Affairs asked the Church to convey some special messages to the FARC.
- On January 30, 2006, in response to the request of France's Minister of Foreign Affairs, Father Darío Echeverri traveled to the mountains of Colombia to speak with FARC contacts and personally present them with the proposal of the French government, designed to lay the groundwork for a humanitarian agreement. As of April 2006, no response had been received.
- On January 1, 2006, a meeting was held at the Spanish Embassy with Ambassador Carlos Gómez Mújica.
- From January 6 to 10, 2006, at the General Assembly of the Colombian bishops, the peace issue was addressed by the plenary, which expressed a commitment to reconciliation and peace. The bishops' document "reaffirms the commitment of the Church to the country's peace. It is important to reiterate that our vision of peace—the Church's vision—is not one simply of cease-fire and an end to hostilities. That is one important part of peace, but it is only that, a part. If we reduce peace to only one of its components we would be missing the truth of peace."
- On February 8, 2006, Father Darío Echeverri received a communication referencing the pro-

posal put forward by Switzerland, France, and Spain regarding a humanitarian exchange. The communication envisaged the possibility of a discreet exploratory mission to be organized jointly by Switzerland and the Church. This proposal had been rejected by the Colombian government. The authors of this message requested that it be communicated not only to the Nuncio, but also to the president of the Episcopal Conference, Monsignor Luis Augusto Castro Quiroga. Upon receiving a copy of this note, both expressed surprise at the development.

- On March 2, 2006, the National Conciliation Commission issued a communiqué in which it again called on the illegal groups to respect the principles and norms protecting the Colombian people's rights and freedoms.
- On March 8, 2006, Monsignor Castro and Father Darío Echeverri met at the headquarters of the Episcopal Conference with the Swiss Attaché for Peace Affairs, Dr. Didier Pfirter; the Swiss government official responsible for Colombian affairs, Mr. Remy Friedmann; and the Swiss Ambassador to Colombia, Mr. Thomas Kupfer. At the meeting, Dr. Pfirter reiterated his government's desire to cooperate and to coordinate its efforts with the peace work being carried out by the Colombian Church. The group discussed the obstacles encountered by the proposal, "Security Systems for a Humanitarian Encounter in the Central Mountains," a document produced by the Technical Exploratory Mission between November 28 and December 2, 2005. On December 13, 2005, this document was presented formally, simultaneously, and in person to the representative of the Colombian government and the representative of the FARC.
- The National Conciliation Commission met with the High Commissioner for Peace, who was

questioned directly by the president of the Episcopal Conference about the government's expectations regarding the Church's readiness to work on the humanitarian exchange issue. The Commissioner responded that the Colombian government needed and certainly hoped for the Church's continued efforts to find a solution regarding humanitarian exchange as well as to create opportunities for dialogue toward reconciliation and peace.

- On March 15, 2006, the FARC announced the release of Eder Luis Almaza Patrón and Carlos Alberto Legarda in El Afilador, municipality of La Dorada, Putumayo. The release took place on March 25.
- The FARC has repeatedly stated that a humanitarian exchange—involving the release of currently held politicians and members of the military and police in return for the release of imprisoned guerrillas—will take place under a new government that will take office on August 7.³²

The Church's position is that although governments and officials change, neither the Church's commitment to the suffering of victims and their families, nor its overall concern for the poor and defenseless, will change, for these concerns are defining elements of the Church's mission. Church representatives will continue to facilitate relations with the ELN. The Church will also continue to urge acceptance of a proposal that would bring about a direct meeting between a representative of the government and spokespersons of the FARC. The aim would be to reach an agreement to allow persons unjustly deprived of their freedom to return home, opening the door to talks on implementing the principles of international humanitarian law and making peace and reconciliation a reality in Colombia.

32. The FARC appeared to assume that President Uribe would not be re-elected. [Ed.]



Jaime Bermúdez, Office of the Presidency, Colombia

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This presentation focuses on four elements. First it examines the overall situation at the time the government of President Álvaro Uribe Vélez assumed power. Second, it sets forth guiding principles for peace and security. Third are some comments on the scenarios outlined by the other panelists. Last is a consideration of the challenges that lie ahead.

Having been born in the late 1960s, a period that witnessed a resurgence of guerrilla groups in Colombia, I grew up, attended school, and, later, university, at a time of burgeoning narco-terrorism. The first major political crimes took place as I was completing high school; the most heinous assassinations by drug traffickers took place while I was at the university. In 1989, four presidential candidates were assassinated—not only Luis Carlos Galán of the Liberal Party, who might be considered a representative of the “establishment,” but also leftist candidates with alternative political agendas.

From the 1990s onward, there was an unprecedented proliferation and expansion of guerrillas and self-defense groups—financed, of course, by drug trafficking. It is worth underscoring this point, as it is easy to lose sight of the magnitude of the phenomenon. By way of comparison, groups such as Northern Ireland’s IRA and the Basque group ETA have had perhaps a thousand armed fighters. The IRA during its most violent years killed approximately 29 people, while ETA has been responsible for some 850 deaths over the course of its history. The activities of these groups and the scale of their atrocities have captured worldwide attention.

In Colombia, by contrast, the situation has been far worse. In the early 1990s, terrorist groups, including self-defense and guerrilla groups, were said to comprise some 15,000 members. By 2002, some estimated that there were approximately 50,000 in the various armed groups, if one counted the militias. In 2000–01, there were some 170,000 hectares of coca in cultivation. And narco-trafficking is fundamentally what fuels these armed

groups; they wield tremendous power and are unique among such groups worldwide. In addition, Colombia’s homicide rate was at the level of some 30,000 to 40,000 per year, along with 5,000 kidnappings annually, 90 massacres, etc.

The state itself also suffered serious problems. It was not only weak, but suffered from a number of complexes. The state did not physically inhabit its own territory, and did not provide—and still in many areas does not provide—the justice, health, education, and other services guaranteed in the Constitution. Moreover, officials of the state were afraid to speak out about the need to regain authority and reestablish institutional legitimacy among the citizenry. Above all, the issue of national security and its relationship to military dictatorship in Latin America made the debate and dialogue over the need for a strong state, a strong police force, a sizeable army, and a police presence in every city a forbidden theme. Under President Andrés Pastrana (1998–2002) and with the launching of *Plan Colombia*, the capabilities of the military and the police were strengthened. The newly-strengthened public forces became more active in confronting the terrorist groups and those who had taken up arms. The implementation of *Plan Colombia* took place simultaneously alongside a negotiation process between the government and the FARC, in which the government granted to the FARC a so-called *zona de despeje*, a demilitarized zone of some 40,000 square kilometers.

It should also be noted that the end of the 1990s saw one of the worst years in Colombia’s economic history. There was 9 percent negative growth in 1999, a level unknown since perhaps the 1930s. Unemployment rose to a staggering 20 percent, with many of the existing jobs of poor or mediocre quality. This helps round out a sketch of the overall situation at the time.

President Uribe and his government began with a clear policy of defining the parameters within which security policy and any potential peace

process were to unfold. These parameters can be summarized as follows:

First, the country needed to rebuild its confidence, a confidence based on security for all citizens—“democratic security,” as the President termed it. Security is for everyone, for supporters as well as opponents of the government—for all people regardless of their origin and circumstances. Rebuilding confidence would pave the way for increased investment, stimulating, in turn, economic growth and improved working conditions.

Within this security framework, President Uribe laid out the state's determination to vigorously combat the terrorists, while at the same time showing magnanimity to those who opted for immediate reintegration in society. From the outset, the President adopted a hard-line approach to terrorism. He stated explicitly and demonstrated that former terrorists who showed a clear and convincing desire to abandon terrorism would be embraced under schemes aimed at strengthening democracy and the Colombian state.

In terms of peace negotiations, President Uribe also stated at the outset that the starting point must be a cessation of hostilities. Neither demobilization nor the laying down of weapons was made an indispensable condition for negotiation: the sole prerequisite was that hostilities be halted, an approach similar to that adopted in Northern Ireland. The President stated that demobilization and disarmament, rather than being a condition demanded by the state as a prerequisite to the start of negotiations, should instead be a result of the negotiating process, with the cessation of terrorist acts and acts of violence being the one *sine qua non*.

With respect to the question of humanitarian exchanges, President Uribe initially stated that these could only take place in the context of peace negotiations, and must therefore be accompanied by a cessation of hostilities. On this point, Uribe has altered his position, and has now stated publicly that there are only two conditions for a humanitarian exchange. The first of these is that the areas in which exchanges occur are not to be demilitarized or made a safe haven or *despeje*. The second is that members of terrorist groups—whether of the

Revolutionary Armed Forces of Colombia (FARC) or the National Liberation Army (ELN)—are only to be released from prison on the condition that they not return to their organizations or commit new crimes. The reason for this is simple. Without enforcement of such a provision, members could return to the FARC or to the ELN and continue to carry out kidnappings. Indeed, there have been cases, such as the assassination of the governor of Antioquia and of ex-Minister Gilberto Echeverri,³³ that were perpetrated by someone who had been “exchanged” some years before.

Failure to insist on these two conditions would feed a recurring spiral of guerrilla kidnappings and extortion. President Uribe has suggested various ways of preventing this cycle. The first would be for those released from prison to leave Colombia or be taken in by a foreign country—as, for example, France has offered to do. The second option, should the prisoner prefer not to leave Colombia, would be to demobilize and be reintegrated into society. This would mean accepting the government's reinsertion program and providing guarantees that the individual released would not return to a guerrilla organization.

Ultimately, in order for negotiations to be successful, armed groups must believe that the state has military superiority and the potential for defeating them. In other words, they must feel military pressure and thus view negotiations as the only way out of their situation. Without this military capacity, the possibility for negotiating will be weakened and the chances of achieving a resolution fatally compromised from the outset. If, however, groups demonstrate serious and credible steps towards peace, the government is ready, with generosity, to bring them into the democratic process.

The foregoing lays out the framework for the government's proposals. The government is committed to marshalling all its powers to fight the FARC and other terrorist groups, while being generous, within the democratic rules of the game, towards those who decide to demobilize. It is often asserted—and this view is increasingly prevalent in the international arena—that one must not negotiate with terrorists. How, then, can Colombia recog-

33. Former Defense Minister Gilberto Echeverri and the governor of Antioquia, Guillermo Gaviria, were kidnapped by the FARC in April 2003 while attending a peace rally. Several weeks later, they and eight other hostages were murdered by the FARC during an armed forces' military operation to free them. [Ed.]



nize these terrorists as negotiating partners? The answer is simple: they are terrorists as long as they commit terrorist acts. When they cease these activities, they cease to be terrorists, at which point the government has full latitude—and is perfectly willing—to treat them as citizens prepared to reintegrate into society.

I will turn now to the peace talks with the United Self-Defense Forces of Colombia (AUC). The AUC has been a drug-trafficking terrorist group that has operated for years without being confronted in any significant way by the government. The same thing occurred with respect to the northern Cali drug-trafficking cartels: everyone knew that they existed, everyone spoke of them in private, but no one attempted to combat them. Between August 2002 and March 2006, however, 1,300 paramilitaries were killed by forces of the Uribe government. This is unprecedented. There have been concrete results [of the government's policies with respect to the AUC]. Figures show that from 2002 to 2005, there was a 72 percent reduction in homicides and mass killings attributable to paramilitary groups. Tangible efforts are being made to reduce the paramilitary's capacity to carry out assassinations, killings, and extortion. As of mid-2006, some 28,000 members of paramilitary groups had demobilized. These 28,000 people must be followed not only in terms of the application of justice [under the Justice and Peace Law] but also in terms of finding alternative livelihoods within the framework of the law.

Critics have frequently alleged that the paramilitaries have not given up all their weapons. The actual data are as follows: of the 28,000 individuals demobilized by March of 2006, 16,000 weapons had been turned over. When the M-19 guerrilla movement was demobilized [in 1989], it comprised 950 individuals and turned over 250 weapons. The ratio of weapons to individuals was 1 to 4. The Popular Liberation Army (EPL) demobilized approximately 2,500 combatants [in 1990] and some 800 weapons were handed over, representing a 1 to 3 ratio. In the current situation, the ratio of weapons to combatants is 1 to 2.

Regarding allegations of the AUC's ability to manipulate Congress, there are risks in exaggerat-

ing, as well as in underestimating, the group's capacity for intimidation and control.

For example, two people with direct symbolic links to the paramilitary—Eleonora Pineda and Rocío Arias—were defeated in the March 2006 legislative and municipal elections. Meanwhile, Gustavo Petro of the *Polo Democrático* garnered the majority of votes in the Atlantic region of Sucre, a department reputed to be under strong paramilitary influence. Petro also made a good showing in Guajira, on the Atlantic coast, and in Bolívar. Some other candidates alleged to have relationships with the paramilitary (I cannot prove this, but there is most likely evidence in each case to make valid arguments), though elected, obtained far fewer votes than four years ago. Other cases show a similar trend.³⁴

Regarding the ELN, I would like to mention a case that occurred in March 2006, in which the ELN decided to turn over a kidnapped policeman. This occurred without any demand for a safe haven or *despeje*, without any reporting by the media, and with a high degree of discretion and cooperation on the part of the International Committee of the Red Cross (ICRC) and the international community, with, of course, the support of the Colombian government.

In March 2006 the FARC also handed over two kidnapped policemen (albeit later and under very different conditions than originally planned). As in the case of the ELN, this took place discreetly, with the help and cooperation of the ICRC, and with a guarantee by the government to allow the ICRC to participate in the release and handing over of these individuals. These kinds of exchanges had not been seen for a very long time.

With respect to demobilization, one must not underestimate the significance of certain events. For example, 23 imprisoned members of the FARC have declared themselves willing to submit to the provisions of Law 782 governing demobilization. The government granted them pardons, after which they were freed in a unilateral, humanitarian gesture by the government. There are signs of genuine interest in demobilization within the FARC, despite pressure from its secretariat. What can be anticipated in this area, I believe, is a split

34. Bermúdez's comments were made well before the November 2006 arrests of members of the Colombian Congress for alleged links to the paramilitaries. [Ed.]

within the FARC. Many of the organization's members are in prison and are prepared to submit to the Justice and Peace Law on the condition that they collaborate in demobilizing other FARC members. President Uribe conveyed this message publicly in March 2006, indicating that these individuals could be processed under the Justice and Peace Law if they demobilized in prison and assisted in demobilizing other FARC members outside of prison. The President indicated that, should there be any legal doubt about whether the Justice and Peace law applies to these individuals, the government would provide clarification and even modify the existing law to smooth the way for its application to imprisoned members of the FARC.

A few additional aspects of the Justice and Peace Law deserve comment. The law defines how and by whom those who demobilize are to be judged, how the reconciliation and reparations commission is to function, what role the prosecutor and judges will have, and what conditions must be met by an individual in order to fall within the law's provisions. The government no longer has leeway in dealing with the paramilitary groups, since the terms under which it can engage in negotiations have been specified in the law.

Once the demobilization is completed, the next stage is to implement the Justice and Peace Law. A question remains as to what will happen if the organizational structure is not dismantled. Two issues, however, should be borne in mind. First, the law does not permit atrocities to be concealed. Thus, anyone found to have failed to confess to an atrocity or whose acts of atrocity were not known at the time, will not fall within the purview of the legislation. Indeed, by failing to cooperate, a person becomes subject to ordinary criminal law and to a potential prison sentence of 40 years. Second, the conditions for benefiting from the law's provisions include making reparations to victims and returning property.³⁵ Thus, the law establishes clear conditions by which a failure to disengage from the old structures will preclude one from the benefits of the law.

The current government has extradited approximately 360 individuals to the United States to face drug trafficking charges. Extradition orders for such paramilitary leaders as "Don Berna" and Salvatore Mancuso have been suspended.

However, if these individuals fail to comply with the conditions under which extradition was suspended—dismantling their groups, cooperating with authorities, and committing no further crimes—extradition proceedings will immediately resume. Why, one might ask, has the government not extradited these individuals; why was their extradition suspended? The answer lies in their potential leadership role in demobilizing other members of their groups. Extradition would mean abandoning efforts to demobilize thousands of other members of the AUC.

In the case of the ELN, as León Valencia has discussed, one critical issue is the cessation of hostilities, including kidnapping, prior to peace talks. The FARC, too, has been guilty of many such offenses. In dealing with the issue of kidnappings, the government believes that the most attractive—or most feasible—proposal for a humanitarian exchange proposal presented is the one advanced by France, Spain and Switzerland. The proposal includes precise terms for an exchange, including a defined 180-square-kilometer area [a demilitarized zone] in the municipality of El Retiro, the presence of 40 international observers, and no guerrilla presence. It is because of these conditions that the government has embraced the proposal. For the government, it is a fundamental issue of national sovereignty that there not be guerrillas in the area in which the humanitarian exchange occurs. Under the proposed formula, the absence of guerrilla forces is guaranteed by the presence of the 40 observers charged with ensuring that neither guerrillas nor government forces are present. There is an additional reason for the government's acceptance. The original objection to a demilitarized zone is offset by the fact that international observers will oversee the entire operation and that guerrilla forces will not be present during the time of any humanitarian exchange.

Important challenges remain. The first and greatest is that of establishing a police presence in areas currently not covered by the nation's police—areas that could experience an influx of people once the paramilitary groups are demobilized, or that may see an increased presence of paramilitary or guerrilla groups immediately after a given demobilization. The second major challenge

35. Both of these provisions were strengthened by the Constitutional Court in its May 2006 ruling (see Introduction, above). [Ed.]



is that of reintegrating those who have been demobilized. I am reluctant, for two reasons, to speak of the “post-conflict period.” First, the confrontation has not ended; second, the phrase conveys the impression that a new phase has been ushered in. While a number of hurdles have been successfully cleared—it is certainly preferable to have [the AUC] demobilized and disarmed—the confrontation is, in many respects, ongoing. Decisions about the post-conflict period remain far in the future, and a number of different scenarios are possible. For now, the most important issue is for the reintegration process to go forward successfully.

Colombia is, I believe, at a turning point, a time of breaking with the past. Tangible benefits and results can be seen already in terms of pacification, reduced homicides, mass killings and other crimes, the demobilization of terrorist groups, the containment of armed attacks, and the reduction over the last five years in the amount of land used for drug production—from 170,000 to 80,000 hectares, etc. Nevertheless, international aid continues to be crucial. Despite the progress achieved, the new phase of *Plan Colombia* will require no less—and perhaps greater—resources for reintegration and demobilization efforts, as well as for expanding the capacity of the police to provide coverage for still-vulnerable areas.

Clearly, this is not the time to suspend or reduce aid. Not only should aid continue, we must also devise new formulas for obtaining increased assistance—from Europe, as well as from the United

States. Regional considerations have a bearing on this issue. In Peru, Ollanta Humala made a strong showing in the presidential elections. There are the ongoing situations in Bolivia, Venezuela, and Ecuador. United States policy must not allow for the consolidation of polarizing forces or permit the new governments being established to monopolize public discourse over social policies based on the battle-cry of social cohesion and regional solidarity. The current situation in the region, Colombia included, requires new proposals in which the social component plays a fundamental role. Imagine a scenario over the next few years in which the Colombian government is no longer able to draw on the support currently provided through *Plan Colombia* or by the European nations, or a situation in which aid is provided exclusively for security purposes. Imagine what could happen in Colombia over the next four to eight years in the current context, both regional and national. The current situation requires bold and creative policymaking aimed at building consensus around social programs in the region.

I was born in the late 1960s. In March 2006, my daughter María was seven months old. Twenty or thirty years from now, perhaps she will be working in the government or in some organization. I would like to imagine her coming to Washington and telling of the peaceful times during her childhood and student days and of the peace scenarios that Colombia has been able to export to others throughout the region.

David E. Henifin, U.S. Department of State

The peace process in Colombia is an important, complex issue that merits our attention. From the perspective of the U.S. State Department, there are three themes to emphasize: 1) Colombia is a country in transformation; 2) the peace process is a key element of that transformation; and 3) no peace process is perfect. I would also like to discuss U.S. policy as it relates to the peace process in Colombia.

COLOMBIA IN TRANSFORMATION

Colombia today is not the same country that President Uribe faced when he took office. This is important in considering the overall context for the peace process. According to figures from the Colombian National Police, the 2005 homicide rate is the lowest in 18 years. Kidnappings are down 44 percent, forced displacements down 27 percent, and acts of terrorism down 16 percent since 2004. By the end of March 2006, over 28,000 paramilitaries had demobilized in blocs, along with an additional 9,000 individual deserters from all three armed groups (the AUC, FARC and ELN), for a total of more than 37,000 militants.³⁶ The government's presence is gradually extending and strengthening throughout Colombia, but this remains a challenge.

Law enforcement and the battle against narcotics have shown improvements. Eradication of coca reached a record 140,000 hectares in 2005. Cocaine seizures, heroin poppy eradication, and heroin seizures also set records. In November 2005, the White House Office of National Drug Control Policy (ONDCP) announced that the price of coca and heroin had increased and the

purity decreased in selected U.S. cities. I would argue that joint U.S.-Colombian efforts to interdict and eradicate drugs, combat money laundering, and bring traffickers to justice contributed significantly to this "supply and demand" effect.

Extraditions to the United States during the Uribe administration reached 335 by the end of March, and the total is likely to rise.³⁷ This is all the more impressive given that Colombia is simultaneously converting to an oral accusatory system of justice, which is making the entire judicial system more efficient and transparent. This is not the Colombia many of us knew in the past.

Respect for human rights is also improving. Nonetheless, the governments of Colombia and the United States recognize that more needs to be done, including to help the victims of violence, such as internally displaced persons.

The economy is improving. Economic growth was over five percent in the last two quarters of 2005 and unemployment was down slightly from 2004. We are pleased to have concluded negotiations over a Free Trade Agreement with Colombia in February 2006. In sum, when we look south from Washington, what we see is not a failed state, as some have alleged. Colombia faces tremendous challenges, but there has also been a significant amount of progress.

THE PEACE PROCESS AS A KEY ELEMENT OF TRANSFORMATION

Colombia's peace process constitutes a key element in the country's transformation. It is easy to lose sight of the fact that Colombia is confronting the longest-running insurgency in the hemi-

36. As of April 30, 2006, when the last group demobilization took place, over 30,000 paramilitaries had demobilized in blocs, leaving only three small groups—not part of the AUC negotiations with the government—still formally active. As of June 28, 2006, over 40,000 members of the AUC, ELN and FARC had demobilized in blocs or individually.

37. As of June 28, 2006, 345 Colombians had been extradited to the United States during the Uribe administration (that is, since August 7, 2002).



sphere: amidst 40–50 years of violence involving the FARC and violence by two other historically dangerous groups, the AUC and ELN, Colombia has maintained a vigorous democracy. There is nothing else in the hemisphere that compares with this record.

Colombia faces multiple terrorist organizations on multiple levels in multiple locations. To fight such groups, the Uribe government, in our view, has developed a very complex, holistic, ambitious, and high-risk program involving all three U.S.-designated Foreign Terrorist Organizations, the FARC, the ELN and the AUC. Government troops are fighting the FARC, keeping the pressure on it through the *Plan Patriota* campaign. The FARC, as a result, has been pushed out of urban areas and further into the jungle. Although still active militarily (demonstrating what the U.S. ambassador in Bogotá likes to call “proof of life,” to show that they’re still able to inflict damage and casualties) the FARC’s influence is not what it was.

At the same time, Colombia is holding exploratory talks with the ELN. Discussions resumed in December 2005 and continued in February 2006, with later rounds planned for the spring.³⁸ With help from the Catholic Church and other organizations, the dialogue is ongoing.

However, the most complex, controversial, and potentially creative process involves Colombia’s efforts to demobilize the AUC; this demobilization is taking place while the conflict with the guerrillas is still going on. Where else in the world has that been attempted? Moreover, demobilization does not come with a blanket amnesty; violators of human rights will spend time in jail.

The AUC process is complicated and unprecedented in many ways. It could serve as a template for future demobilizations of other groups in Colombia. The Colombian government’s approach to AUC demobilization has been radical, which makes it controversial. Whether or not it succeeds has a direct bearing on the success of the transformational process underway in Colombia.

NO PEACE PROCESS IS PERFECT

Is the AUC peace process perfect? Of course not, in the same way that no peace process is. The

process has its weaknesses and strengths, ups and downs. But Colombians are well aware of what is at stake. Above all, Colombians are most interested in seeing a successful and durable peace process involving all three groups, if possible. With the ELN, talks are ‘on again, off again’ and may not bear fruit. Nevertheless, this group is perhaps the best placed of all three—from Washington’s perspective—to some day become a political instead of a terrorist organization. Militarily, the ELN is the smallest and weakest of the three armed groups.

The FARC is still on the battlefield, although it is not the national threat it once was. To those who maintain that the United States confuses issues by mixing drugs and terrorism, I would reply that it was the FARC and the AUC that made that choice. Drugs fuel both of these terrorist organizations. Thus, we have to fight them in a counter-narcotic sense and in a counter-terrorism sense, as the government of Colombia is doing. There have been intermittent talks with the FARC about humanitarian issues and the exchange of hostages held by the FARC for FARC prisoners held by the government. Some of these negotiations have raised, once again, the issue of a *despeje*, a demilitarized zone so that the talks could go forward, but the negotiations have not borne fruit.

The FARC, from our perspective, has lost its ideological edge. Not necessarily at the level of the top leadership, but among the younger generations. In many ways, the FARC is more a criminal enterprise now, largely subsisting on revenues from drug trafficking, kidnapping, and extortion. One can describe them, as the U.S. Attorney General did in a March 2006 indictment of fifty top FARC leaders, as a complex criminal organization. Maybe the FARC didn’t start out that way, and maybe the terms can be debated, but that is how the FARC has been behaving lately, more often than not.

The process with the AUC is the most controversial. Why? Like the FARC, the AUC has also been deeply involved in drug trafficking and criminal activities. What the government can or cannot do vis-à-vis the AUC lies at the heart of the balance between justice and peace. From abroad, it is very easy to call for a little more justice, a little less peace, a different blend of the two. There

38. The third round of GOC-ELN talks took place in April 2006. A fourth round was scheduled for August.

are differing views on this very difficult question, in Colombia's peace process and in any peace process. Key NGOs, the U.S. government, and the government of Colombia worked together to improve the Justice and Peace Law (No. 975), the framework that governs demobilization and reintegration. Is the law workable? Yes, we think so. Is it perfect? No. Colombia's Constitutional Court, for example, has reportedly ruled some aspects of the law unconstitutional, and some AUC leaders continue threats to withdraw from the demobilization process.³⁹ The key challenge for the Colombian government remains vigorous, even aggressive implementation of the law. The U.S. government has made this consistently clear. The government of Colombia knows this.

The U.S. government has a number of concerns about the AUC process. As the OAS Mission in Colombia reported in March 2006, there has been some backsliding, including the appearance of new *para* groups, the continuation of criminal activities and violence carried out by the paramilitaries, and human rights violations perpetrated by the demobilized even while part of the process. These are concerns not only to the U.S. government but also to the Colombian government. We are trying collaboratively to find the best way to deal with all these issues.⁴⁰

I would encourage all of us engaged with the Colombians on peace issues—whether in government or out—not to overlook the imperfections in the Colombian peace process, but not to overemphasize them, either. I would encourage all of Colombia's partners to look ahead, to share the Uribe government's vision for a peaceful, prosperous, even drug free Colombia. That may not be possible tomorrow or in five or ten years. But from the U.S. government's perspective, it is more possible now than it has ever been, and we would like to support that undertaking. Is the peace process ambitious? Absolutely. Is it imperfect? Inevitably. It is run by people, and it is a political operation. It is essential? Quintessentially so, for Colombia's future.

AN OVERVIEW OF U.S. POLICY

What, then, is the U.S. government's view of Colombia's peace processes? An effective, durable peace is in Colombia's interest, in the region's interest, and therefore in the U.S. interest. As the National Security Strategy released in March 2006 stated: "Colombia is a democratic ally fighting the persistent assaults of Marxist terrorists and drug-traffickers." Some might quibble with wording, but Colombia is most definitely an ally facing challenges from terrorists and traffickers. As noted previously, all three of Colombia's armed groups have been designated by the United States as Foreign Terrorist Organizations (FTOs), and the European Union has similarly designated all three groups. Drug trafficking and terrorism threaten democracy in Colombia and the region, directly threaten U.S. personnel, and therefore directly affect U.S. interests.

As a member of the U.S. government, I cannot comment on the FARC without mentioning the U.S. hostages held in Colombia for well over three years, since February 2003. Their names are Keith Stansell, Marc Gonsalves and Thomas Howes. We hold the FARC responsible for their safety and welfare. The government of Colombia knows that. President Uribe has reiterated his commitment to support the safe recovery of our citizens. His government is joining us in pursuing all means to that end.

The United States has a direct stake in the outcome in Colombia. The U.S. government is supporting Colombia's military and police capability to go after the drug networks that sustain the FARC, and overall, Colombians are carrying the fight to the FARC. The U.S. is supplying assistance, equipment, and training. The March 2006 indictment of 50 key FARC leaders is a key component of our fight.

The U.S. government therefore, logically, supports the peace process in all its permutations. At times we have differences over viewpoints and tactics, but the strategy makes sense to us, to the

39. As of June 28, 2006, the Constitutional Court had issued two press releases about its decision, but not the actual ruling itself. Meanwhile, as of May 11, 2006, the Office of the High Commissioner for Peace provided three lists with the names of over 2,100 former AUC "paras" to be processed under the terms of the Justice and Peace Law, including 24 former AUC leaders ("*miembros representantes*") who participated in the negotiations.

40. One way to help is by supporting the OAS Mission itself. The March 2006 report singled out the Netherlands, Sweden, and Ireland, among others, for their support. In May 2006, the U.S. Congress approved \$1.5 million in additional U.S. assistance for the OAS Mission.



European Union, and to individual European countries. Perhaps the Europeans have been more involved in negotiations with the ELN and FARC, especially on the issue of the return of hostages, but they have also been involved with AUC demobilization. The Netherlands, Ireland, EU, Japan, and Canada have contributed to demobilization and reintegration-related programs.

The United States would like to be involved in support of the AUC demobilization. For some time, we have been negotiating with the U.S. Congress on the right formula by which to support the Colombia process.⁴¹ We need a comprehensive formula that would address the AUC demobilization as well as any other groups that might demobilize in the future. The process has many facets: demobilization, monitoring (including by international groups such as the OAS, which we have supported financially and would like to continue to support), and identification to verify who is demobilized, for which databases are instrumental.⁴² The United States is also prepared to help bolster Colombia's capability to investigate and prosecute cases under the Justice and Peace Law, verify that paramilitary structures have been dismantled, ensure that victims receive appropriate reparations, and reintegrate former paramilitary members into society provided that we can continue to work out the details with the U.S. Congress.

On questions of reparations, reintegration, and the like, U.S. and other international expertise and assistance can help. The U.S. government will continue working with the U.S. Congress on the details of a contribution, which could total \$48 million over the next three years.

The United States has not simply been a spectator watching developments in Colombia unfold. The U.S. Embassy and our government suggested some changes to the Justice and Peace Law; we have given a small amount to the demobilization (about \$1.75 million in Fiscal Year 2004 funds and another \$1.5 million in Fiscal Year 2005), and we would like to do more. We would counsel against waiting for a perfect system to be in place before any U.S. or international assistance flowed. Although advocated

by credible critics, this approach risks having the AUC demobilization process—a possible template for the ELN and perhaps the FARC—never get off the ground. Can we improve the process? Yes. Should we set an impossibly high standard by expecting it to be perfect before we start? No.

Improved human rights protections are essential to the demobilization process and to the overall peace process and have become a core issue in the U.S.–Colombia bilateral relationship. We have a regular, on-going, high-level dialogue on human rights with the government of Colombia. Secretary Rice and Under-Secretary Nicholas Burns raised human rights issues with President Uribe when he visited Washington in February 2006. In August 2005, when the two presidents met in Crawford, Texas, the issue of human rights was on the agenda.⁴³ As the State Department's annual Human Rights Report shows, there has been improvement in many aspects of human rights in Colombia. But more needs to be done.

More work is necessary to support peace in Colombia. We do not see the peace process ending. We're trying to find the best way to make it work; the best way to improve it, to strengthen it, and to fund it. We expect that overall U.S. assistance, not limited to the demobilization process in Colombia, will more or less continue at current levels for the next several years. We expect Colombians to take on an increased share of the responsibility (and cost), as U.S. assistance is likely to decline in the future. The United States has many other needs and priorities, which do not need elaboration here, but are mostly concentrated in South Asia and the Middle East.

Colombia remains our largest aid recipient in the Western hemisphere. It has the largest embassy in Latin America, to manage that aid program. But there is a reason: Colombia is facing the largest, most complicated security challenges in the region. Colombia needs our help, and we are working with the Colombians to achieve our shared objectives. What unites us here today is a desire to better understand the significance and importance of the peace process and to dialogue with each other on how we can work with Colombians to improve it.

41. In May 2006, the U.S. Congress approved \$15.5 million in FY 2005 U.S. assistance for Colombia's demobilizations programs.

42. Then-Colombian Ambassador to the United States Andrés Pastrana mentioned this aspect in mid-February 2006, during President Uribe's visit to Washington.

43. Human rights were again included in the agenda when Presidents Bush and Uribe met in Washington in June 2006.

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